

AASHTO PRACTITIONER'S HANDBOOK

10

February 2008

USING THE TRANSPORTATION PLANNING PROCESS TO SUPPORT THE NEPA PROCESS

This Handbook is intended to help transportation planners and National Environmental Policy Act (NEPA) practitioners improve linkages between the planning and NEPA processes, while also complying with recent legislative changes that require increased consideration of environmental issues in the planning process.

Issues covered in this Handbook include:

- Establishing Organizational Linkages
- Establishing a Vision for the State or Region's Transportation System
- Defining Corridor-Level Goals and/or the Purpose and Need
- Eliminating Alternatives
- Identifying the Affected Environment and Potential Environmental Impacts
- Considering Environmental Mitigation Activities

The Practitioner's Handbooks are produced by the AASHTO Center for Environmental Excellence. The Handbooks provide practical advice on a range of environmental issues that arise during the planning, development, and operation of transportation projects.

The Handbooks are primarily intended for use by project managers and others who are responsible for coordinating compliance with a wide range of regulatory requirements. With their needs in mind, each Handbook includes

- key issues to consider;
- a background briefing;
- practical tips for achieving compliance.

In addition, key regulations, guidance materials, and sample documents for each Handbook are posted on the Center's web site at <http://environment.transportation.org>.



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Documents

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This material is based upon work supported by the Federal Highway Administration under Cooperative Agreement No. DTFH61-07-H-00019. Any opinions, findings, and conclusions or recommendations expressed in this publication are those of the Author(s) and do not necessarily reflect the view of the Federal Highway Administration.



Overview



This Practitioner's Handbook is intended to help transportation planners and National Environmental Policy Act (NEPA) practitioners improve linkages between the planning and NEPA processes, while also complying with recent legislative changes that require increased consideration of environmental issues in the planning process.

Thoughtful consideration of environmental needs during the planning process can shorten the environmental review process. Moreover, it can lead to better program and project decisions, for both transportation and the environment, meeting the public's desire for improving both transportation and the environment.

The Background section summarizes key requirements related to the linkage of transportation planning and the NEPA process, including recent changes to federal legislation (23 U.S.C. 134 and 135) and recent changes to the statewide and metropolitan planning regulations (23 C.F.R. 450). It also summarizes key points from guidance issued by the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) regarding planning-NEPA linkage.

The Practical Tips section reviews a range of possible approaches to linking the planning and NEPA processes, starting with organizational linkages and including opportunities to define broad goals; define corridor-level goals and a project-specific purpose and need; eliminate unreasonable alternatives; identify affected resources and potential impacts; and consider potential environmental mitigation activities.

Key Issues to Consider

Establishing Organizational Linkages

- How will state DOTs and MPOs work together to ensure SAFETEA-LU environmental requirements in planning are met and to take advantage of opportunities to use planning decisions and information in the NEPA process?
- How will the State and MPOs engage environmental resource and regulatory agencies and (where applicable) Federal land management agencies and Tribes in the planning process, for planning decisions and analyses that the State and/or MPO intends to incorporate into NEPA?
- Within state DOTs, are organizational changes needed to ensure that planning and environmental units are working hand in hand?

Defining a Transportation Vision for a State or Region

- Does the existing long-range plan define goals for the transportation system that are specific enough to be useful in defining the purpose and need for individual transportation projects?
- Are there important policy goals that could be more clearly articulated in the plan, to serve as a better foundation for purpose and need and alternatives?
- Are there performance measures that could be used to assess progress in achieving the goals identified in the transportation plan?
- Have Federal, state, and local environmental agencies been engaged in the development of a transportation vision, policy goals, and performance measures? Has the public been adequately engaged? Where applicable, have Federal land management agencies and Tribes been engaged?



Defining Corridor-Level Goals and/or the Purpose and Need

- Will a corridor or subarea study be prepared, as permitted in the FHWA/FTA planning regulations? If so, what will be the scope of the study? What is the anticipated product?
- Will the corridor study be used to generate corridor-level goals that can serve as a clear foundation for writing purpose and need. Or will it be used to generate an initial purpose and need statement for a specific project?
- How will Federal, state, and local environmental agencies be engaged in the corridor study, especially in establishing goals or purpose and need? Where relevant, have Federal land management agencies and tribes been engaged? The public? How will you ensure that public, Tribal, and agency comments are addressed?
- If there has been a long time lag between the planning process and the initiation of NEPA, what will be done to re-assess goals (or purpose and need) as defined in the planning process to make sure they remain valid?
- What documentation is needed for establishing goals and objectives or defining purpose and need for use in the NEPA?

Eliminating Alternatives

- What type of alternatives (modes, locations, design features) will be considered at the planning stage? What information will be needed to make planning-level decisions on these types of alternatives?
- If alternatives are being eliminated during the planning process, how will these decisions be documented? Did those analyses take into account the legal standards that need to be met in the NEPA process when screening alternatives? Is the factual information underlying those analyses adequate for decision-making?
- During area or corridor planning, how will environmental agencies and the public be engaged in identifying, evaluating, and potentially eliminating alternatives? Where applicable, how will Federal land management agencies be engaged?

Identifying Affected Resources and Potential Impacts

- How will the state and/or MPO involve resource agencies, Federal land management agencies, and the public in identifying key environmental issues to be considered in statewide, metropolitan, or corridor planning?
- Which environmental issues can be effectively evaluated at the planning stage? For example, is the project located in a watershed that is under stress from rapid development activity? Are there other broad regional issues that are best addressed in a planning-level study?
- Are there several ongoing or anticipated transportation projects in the same geographic area? If so, what environmental information will be needed for all of those projects? Would it be efficient to gather that information in a single study at the planning stage, thereby reducing duplication of effort in the NEPA process?
- Are existing data sources and inventories adequate to provide a basis for considering environmental impacts at the planning level? If additional information is needed, how will it be obtained?

Identifying Potential Environmental Mitigation Activities

- How will the state and/or MPO consult with Federal, state, and tribal agencies on potential environmental mitigation opportunities at the plan level?
- Will there be an opportunity to integrate the transportation planning process with other planning activities, such as land use or resource management plans? If so, can this integrated planning effort be used to develop a more strategic approach to environmental mitigation measures?
- What types of environmental mitigation are expected to be necessary for the projects included in the long-range plan?

- What areas, or types of areas, may be appropriate for environmental mitigation activities?
- In addition to mitigation for the natural environment, is mitigation being considered for impacts to the human environment? If so, how is this type of mitigation being developed and documented?

Background Briefing

In early 2005, FHWA and FTA issued joint guidance encouraging stronger linkages between the transportation planning and NEPA processes. The guidance did not impose new requirements, and it emphasized that implementation was optional. But the guidance also expressed concern that “the environmental analyses produced to meet the requirements [NEPA] have often been conducted de novo, disconnected from the analyses used to develop long-range transportation plans.” The guidance stated that its purpose was to “change this culture, by supporting congressional intent that statewide and metropolitan transportation planning should be the foundation for highway and transit project decisions.”

In Section 6001 of the Safe, Accountable, Flexible, Efficient Transportation Efficiency Act: A Legacy for Users (SAFETEA-LU), which was enacted in August 2005, Congress revised the transportation planning laws (23 U.S.C. §§ 134 and 135) to require increased consideration of environment in both statewide and metropolitan planning. The key changes were (1) a requirement to consider environmental mitigation activities in state and metropolitan long-range plans and (2) a requirement to consult with resource and land management agencies, and to consider, as part of that consultation, any available conservation plans, maps, or resource inventories. In addition, Section 6002 of SAFETEA-LU (23 U.S.C. 139) specifically recognized that the purpose and need for a project can include carrying out a goal defined in a transportation plan.

In February 2007, the FHWA and FTA issued final transportation planning regulations implementing the changes in SAFETEA-LU. See 23 C.F.R. Part 450. The regulations included new provisions (not required by SAFETEA-LU) that specifically addressed the integration of transportation planning and the NEPA processes. In addition, the regulations included an Appendix A to 23 C.F.R Part 450. Appendix A contained an updated version of the February 2005 guidance on linking planning and NEPA.

Together, all of these changes have underscored the need for greater coordination of planning and environmental functions.

FHWA/FTA Guidance on Linking Planning and NEPA. The guidance on linking planning and NEPA, in Appendix A to the planning regulations, seeks to clarify the circumstances under which planning decisions and information can be relied on in the NEPA process. Key points in this guidance include:

- *States and MPOs are not required to change their existing planning practices.* Implementation of the guidance is optional. Each state and MPO can decide whether to modify its planning practices in order to provide a stronger basis for incorporating planning-level analyses and decisions into the NEPA process for individual projects.
- *There are several different types of analyses and decisions that can be incorporated from planning studies into the NEPA process.* The planning process can be used to support development of the purpose and need, the range of alternatives, impact analyses, and mitigation. This list is not exhaustive; it provides examples of what can be carried forward into the NEPA process.
- *FHWA and FTA will not assure, in advance, that all planning decisions can be adopted in the NEPA process for all projects.* The FHWA/FTA guidance defines factors that will be considered in deciding whether to carry planning analyses and/or decisions into the NEPA process, but emphasizes that “there are no guarantees.” The guidance also provides a framework for building a common understanding of what needs to be done in the planning process in order for planning-level analyses and decisions to be adopted in the NEPA process.
- *The decision about what level of work to perform in the planning process is a state/MPO decision; the decision about what to incorporate into a NEPA study is a Federal agency decision.* The planning process is the responsibility of a state or MPO, subject to periodic Federal review. states and MPOs have the authority to decide what work will be done in the planning process. But NEPA is a Federal process. Federal agencies responsible for NEPA compliance will decide which, if any, of the products of the planning process can or will be used in the NEPA process.

