

# Linking Planning and NEPA

Joint FHWA/FDOT  
Planning Regulations Workshop  
May 21-22, 2007



# Sources of Information

- Appendix A to Part 450 of Statewide Transportation Planning; Metropolitan Transportation Planning; Final Rule Feb 14, 2007
- Integration of Planning and NEPA Processes; FHWA/FTA Memorandum Feb 22, 2005

# Appendix A

- Provides information to explain the linkage between the transportation planning and project development/National Environmental Policy Act (NEPA) processes
- It's non-binding

# Appendix A Purpose

- Support congressional intent that statewide and metropolitan transportation planning should be the foundation for highway and transit decisions
- Provide details on how information, analyses and products from transportation planning can be incorporated into – and relied upon - in the NEPA documents under existing laws

# Appendix A Emphasis

- Presents Environmental review as:
  - A **continuum** of sequential study, refinement and expansion performed in transportation planning and project development/NEPA
  - With information developed and conclusions drawn in early states utilized in subsequent (more detailed) review stages

# Appendix A Does Not

- Extend NEPA requirements to transportation plans and programs

# Precursor to Appendix A

- 2005 Guidance memo from FHWA Chief Counsel and FTA Acting Chief Counsel regarding:
  - Extent to which transportation planning process can be used in and relied upon in NEPA

# Guidance

- Outlined current law
- Described transportation planning products that can be used in NEPA and under what conditions
- Explained roles of Federal agencies and public in reviewing transportation planning products used in NEPA

# § 450.212 & 318: Transportation planning studies and project development - voluntary

- Fulfills Congressional Requirement (§ 1308, TEA-21)
- Results or decisions in corridor or sub-area studies may be used in NEPA
  - Purpose and need
  - General travel corridor, mode, definition
  - Preliminary screening of alternatives (& elimination of unreasonable alternatives)
  - Basic description of the environmental setting
  - Preliminary identification of environmental impacts and environmental mitigation

*[see 23 CFR 450.212, 450.318]*

# Shaping the Purpose and Need for the Project

- The Purpose and Need statement in a NEPA document is where the planning process and the NEPA process most clearly intersect
- The transportation planning process should shape the Purpose and Need and, thereby, the range of reasonable alternatives
- With proper documentation and public involvement a Purpose and Need derived from the planning process can legitimately narrow the alternatives analyzed in the NEPA process.

# Utilizing Planning to Develop Purpose and Need

Transportation Planning process can be utilized to develop purpose and need in following ways:

- a) Goals and objectives from the transportation planning process may be incorporated;
- b) If the selection of a general travel corridor or general mode has resulted from planning analyses, the rationale for this selection may be part of a project's purpose and need statement;
- c) If the financial plan for an MPO's LRTP indicates that funding for a specific project will require special funding sources (e.g., tolls or public-private financing), such information may be included; or
- d) The results of analyses from management systems (e.g., congestion, pavement, bridge, and/or safety) may shape the purpose and need statement.

The use of these planning-level goals and choices must be appropriately explained in the NEPA document.

# Alternatives (continued)

For example:

- Network connectivity across geographic barriers such as a river may dictate
  - A particular mode
  - A general alignment
- Identification of specific areas where locality wants housing, commercial development, agriculture, might drive need for transportation improvements in particular corridors.

# Alternatives (continued)

A suburban or corridor study could be conducted to “zoom in” on a particular area

- Study would evaluate:
  - Alternative investment strategies
  - Engineering constraints
  - Fiscal constraints
  - Environmental consideration and constraints
- Study would narrow range of possible alternatives to those that meet goals and objectives of broader long range transportation plan in that particular sub-area or corridor.

# Alternatives (continued)

- Remaining alternatives at conclusion of study might simply consist of a single corridor or mode choice with location and design options

# Alternatives (continued)

## IMPORTANT:

- When conducting sub-area or corridor screening studies during the planning process, State and Local agencies should:
  - Keep in mind the principles of NEPA
  - Be sure to document their procedures and rationales
  - Be sure to include early and continuous resource agency and public involvement

# Alternatives (continued)

- Alternatives passed over during the transportation planning process because they are either:
  - Infeasible
  - Do not meet the purpose and need

Can be omitted from detailed analysis of alternatives in NEPA so long as the rationale for omitting them is documented in the NEPA document.

# Alternatives (continued)

## IMPORTANT:

- Alternatives that remain “reasonable” after the planning-level analysis must be addressed in the EIS, even when they are not the preferred alternative

# Documenting Alternatives

- Section of the Environmental Document that discusses alternatives considered, but eliminated from the detailed consideration should:
  - Identify any alternative eliminated during the transportation planning process
  - Briefly summarize reasons for eliminating
  - Include summary of analysis process that supports the elimination

# Documenting Alternatives

## IMPORTANT:

- Any planning study being relied upon as the basis for eliminating alternatives from detailed study should be identified during the NEPA scoping process and available for public review

# Affected Environment and Environmental Consequences

Planning level assessments may include:

- Developing and utilizing GIS overlays of area
- Providing information on air and water sheds
- With respect to alternatives, identifying location of environmental resources
- Conducting environmental “scans” of area of impact
- Utilizing demographic trends and forecasts developed for the area
- Discussion of development growth and consistency with local land use, growth management and development plans.

Any relevant parts of such transportation planning process analysis...can be incorporated by reference and relied upon in the NEPA analysis and documentation. May be particularly helpful in assessing cumulative and indirect impacts.

# Summary

- FHWA/FTA will give deference to decisions resulting from transportation planning if:
  - Planning process consistent with 3C planning principles.
  - Planning study process, alternatives considered and resulting decisions have a rational basis that is:
    - Thoroughly documentable
    - Vetted through applicable public involvement process
  - Interested State, Local, Tribal and Federal Agencies were included in the planning processes and given reasonable opportunity to comment, provide input.

# Summary (continued)

- FHWA/FTA will give deference to decisions resulting from transportation planning if:
  - Work from planning process documented and available for public review during planning process.
  - NEPA scoping clearly explains to Federal, State Environmental, Regulatory and Resource Agencies and Public
    - Information and analyses utilized to develop planning products
    - How purpose and need was developed and refined.
    - How design concept and scope were determined (basis for goals, choices, decisions)