Workshop on Managing the NEPA Process for Complex Projects

January 22, 2006

TRB Annual Meeting
Welcome

- Role of the AASHTO Center
- Purpose of this Workshop
- Session Format
- Introductions
- Agenda
Agenda

- Welcome
- Overview Presentation
- Roundtable Discussions
  - # 1 Preparing for NEPA
  - # 2 Section 6002 Process
  -- LUNCH --
  - # 3 NEPA Document Quality Task Force
  - # 4 Tools for Practitioners
Managing the NEPA Process for Complex Projects

Overview Presentation

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Topics

- NEPA Trends
- Recent & Upcoming Developments
- Intro to Discussion Sessions
NEPA Trends
NEPA Trends

- **Rising Expectations**
  - More is expected on every front
  - More public involvement
  - More agency coordination
  - More detail
NEPA Trends

- **Greater Reliance on Technical Tools**
  - Computer models to predict traffic, air quality, land use, economic impacts
  - GIS mapping to assess environmental impacts
NEPA Trends

- Increased Agency Coordination and Public Involvement
  - Continuous, active
  - Multiple forums
  - Tailored, targeted
  - Formalized – e.g., agency partnering agreements
NEPA Trends

Agenda-Driven Stakeholders

- Well-organized
- Well-funded
- Knowledgeable
- Focused on broader policy goals – e.g., fighting sprawl
- Skilled at blending legal, political strategies
NEPA Trends

- **Bigger Teams, More Specialization**
  - Project manager as "general contractor"
  - Multiple specialists
  - Huge coordination challenges
NEPA Trends

- More Detail, Bigger Documents
  - EISs routinely over 1000 pages
  - Technical reports many more
  - Documents still faulted for “not enough” detail
NEPA Trends

- *Innovative Formats*
  - Graphics
  - Page layout
  - Q&As
  - Condensed FEIS
  - Technical info on CDs
  - Web-based publication
NEPA Trends

- Agency-Specific Streamlining Laws
  - Forests
  - Airports
  - Energy projects
  - Military facilities
  - Highways/transit

- Overlaid on NEPA, CEQ regulations
Recent and Upcoming Developments
## Planning Process

<table>
<thead>
<tr>
<th>2005</th>
<th>Expected in 2006</th>
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<tr>
<td>■ FHWA-FTA guidance on planning-NEPA linkage</td>
<td>■ Statewide/metro planning rulemaking begins</td>
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<td>■ FHWA-FTA guidance on fiscal constraint</td>
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<td>■ SAFETEA-LU § 6001</td>
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NEPA Process

2003-2004
- CEQ/DOT guidance on P&N
- FHWA guidance on NEPA for toll roads

2005
- SAFETEA-LU § 6002
- SAFETEA-LU § 6004-05
- FHWA guidance on statute of limitations

Expected 2006
- Comprehensive guidance on Section 6002 of SAFETEA-LU
- Additional guidance on statute of limitations
- Guidance/rules on delegation
Section 4(f)/Section 106

2005
- New Section 4(f) Policy Paper
- Section 106 Exemption for Interstate System
- “Net Benefit” 4(f) Programmatic
- Section 4(f) De Minimis Guidance

Expected in 2006
- Rulemaking on Section 4(f)
  - De Minimis
  - Prudence
  - Least-harm analysis
Air Quality

2005
- Nonattainment areas designated for PM2.5
- Settlement in US-95 air toxics case
- SAFETEA-LU changes to conformity requirements

Expected in 2006
- FHWA guidance on air toxics analysis
- EPA final rule on PM2.5 hotspots (prior to 4/5/06)
- Conformity rulemaking begins
Intro to Discussion
Sessions
Session # 1

Preparing for NEPA

- *What steps should be taken before the NEPA process even begins?*
  - Legislative/policy support
  - Planning studies
  - Agreements on process and methodology
  - Data gathering
  - Model development
Section 6002 Process

- How will the Section 6002 process in SAFETEA-LU affect your project?
  - New procedures
  - New terminology
  - New challenges and opportunities
Session # 3

**NEPA Document Quality**

- Reports by FHWA/AASHTO/ACEC Task Force on NEPA Document Quality
  - #1 - Quality and Readability
  - #2 - Legal Sufficiency
  - #3 - Education and Training
Session # 4
Tools for Practitioners

What tools are available to help practitioners stay ahead of the curve?

- AASHTO Center for Environmental Excellence
  - Workshops
  - Practitioner’s Guides (new)
  - Other Resources
- TRB 25-25 Research
- FHWA Initiatives