



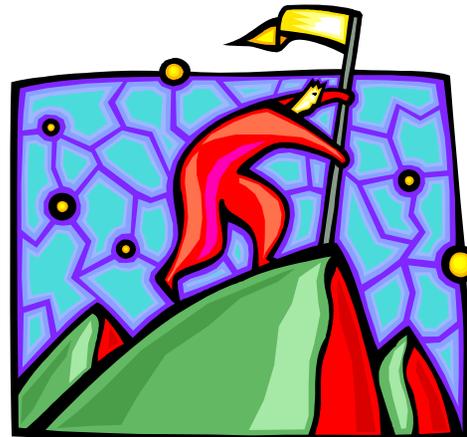
Authorization: Environmental Issues



“A Better Outcome in Half the Time”

Goals of Authorization of the Transportation Bill

- **Cut Project Delivery Time in Half**
 - Reduce congestion, increase safety
 - Save costs attributable to inflation
- **Improve Environmental AND Transportation Outcomes**
 - Stewards to create the “Win-Win”





Issue Area #1

State Assumption of Federal Authority

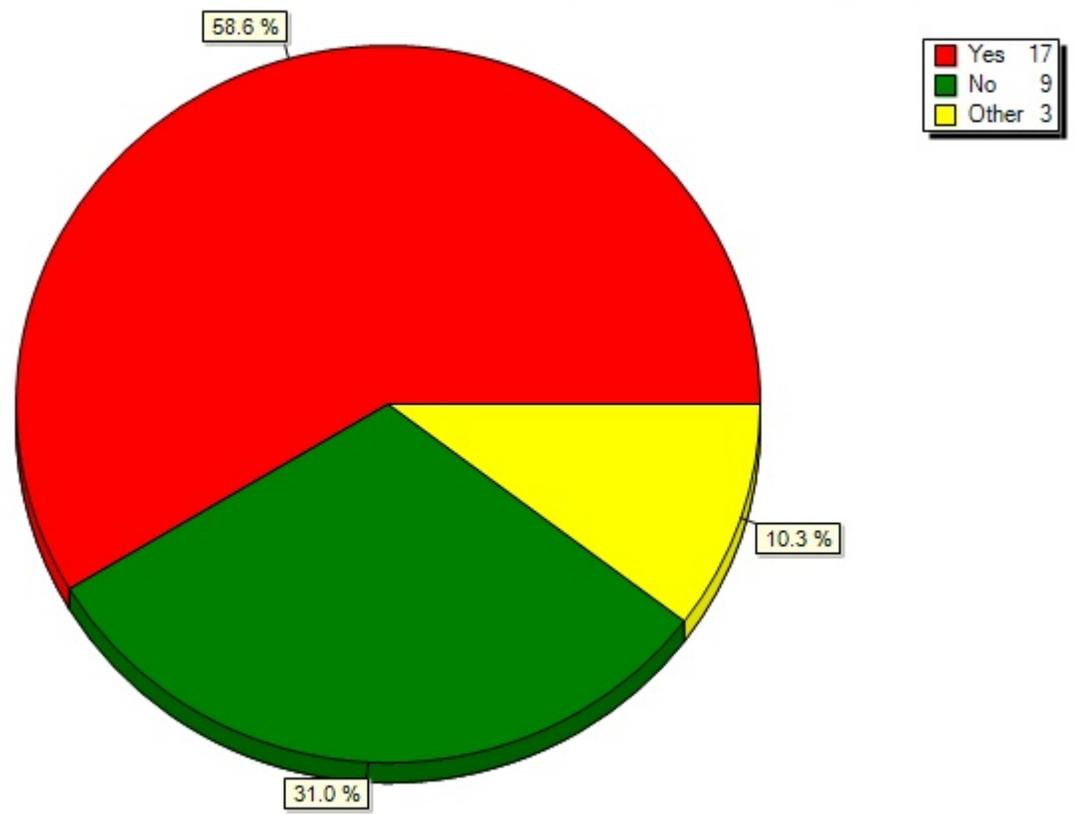
- Allow all States the opportunity to assume all or part of FHWA environmental responsibilities without having to waive sovereign immunity while maintaining the current flexibility to acquire right-of-way and perform design work with state funds prior to the completion of NEPA.

Issue Area #1

State Assumption of Federal Authority

■ Delegation without strings:

If states could assume FHWA NEPA responsibilities without waiving sovereign immunity, and giving up the ab





Issue Area #1

State Assumption of Federal Authority

- Allow State DOT's the option to perform legal sufficiency reviews of NEPA documents rather than FHWA. (50% yes-40% no)
- Continue to explore opportunities to expand delegation beyond environmental provisions to allow FHWA to delegate all or part of programs such as CMAC, Bridges, Safety and Enhancements to state DOTs.



Issue Area #1

State Assumption of Federal Authority

- Revise SAFETEA-LU language in 6004/6005 to clarify that project-level conformity determinations can be delegated.
- Strongly endorse efforts to maintain and expand programs under which state transportation and environmental agencies can assume federal responsibilities.



Issue Area #2

Streamline the Environmental Review Process

- Address technical fixes to Section 6002 of SAFETEA-LU to encourage expediting the overall process:
 - Review 6002 requirements for “Methodology”, “Initiation Letter” and various other element to ensure there is a benefit of this work vs. the cost.
 - Update 6002 to encourage programmatic approaches for meeting 6002 requirements.



Issue Area #2

Streamline the Environmental Review Process

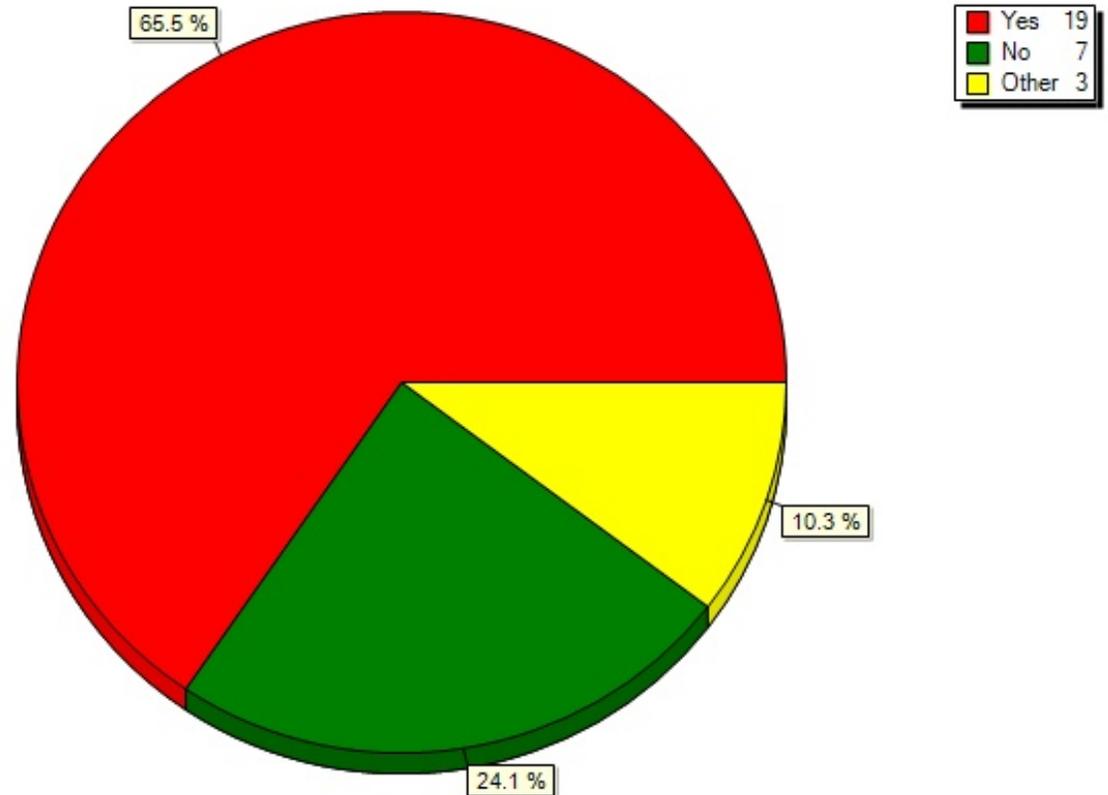
- For projects prepared under 6002, allow a single EIS to meet NEPA requirements, instead of requiring a DEIS followed by an FEIS.
 - A Single EIS (preferred alternative is identified in EIS) and ROD- similar to EA/FONSI.
 - When preferred alternative is not identified or when the traditional process is used, encourage the use of “condensed” FEIS format to reduce the amount of detail necessary in a FEIS.

Issue Area #2

Streamline the Environmental Review Process

- Single EIS to address NEPA.

Eliminate DEIS Requirement: Would you like to amend Section 6002 to provide that a single EIS - rather than





Issue Area #2

Streamline the Environmental Review Process

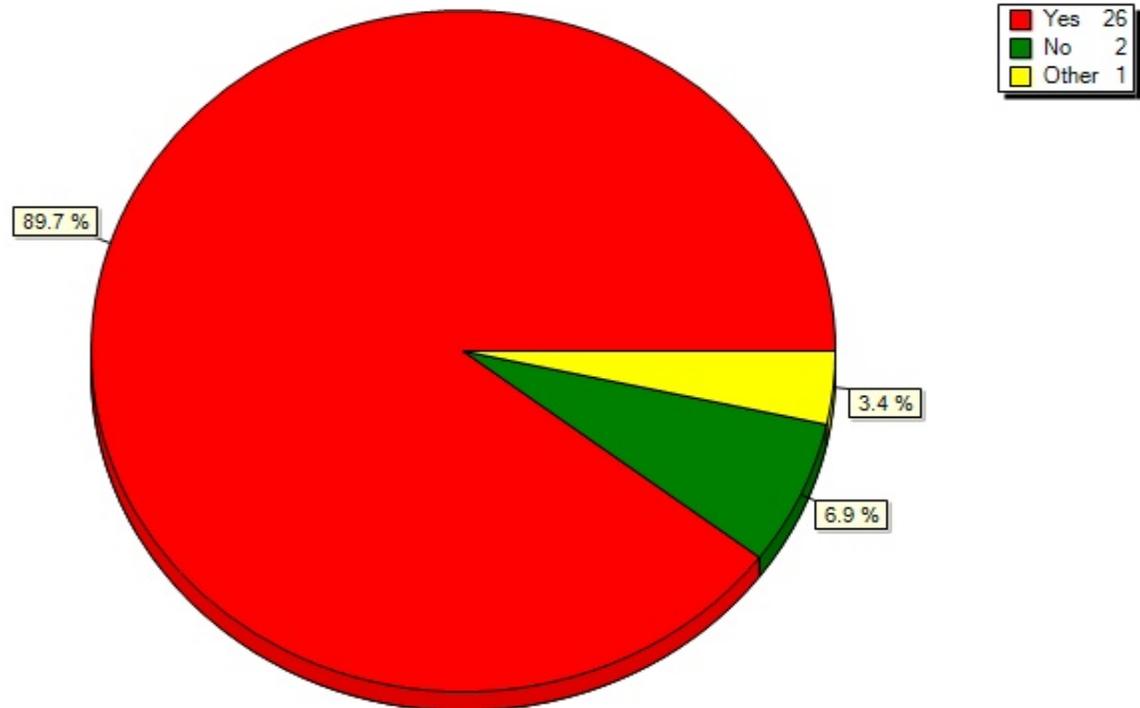
- In order to ensure the safe and efficient maintenance of our Nation's highways, amend the Clean Water Act to deem the following structures non jurisdictional: upland roadside ditches, gutters, swales, and facilities constructed to meet stormwater requirements.

Issue Area #2

Streamline the Environmental Review Process

- Improvements to the Clean Water Act to meet stormwater

Clean Water Act: would you like to develop language to deem the following structures non jurisdictional: u





Issue Area #2

Streamline the Environmental Review Process



Conformity Improvements

- FHWA, FTA and EPA commission independent national academies study.
 - Evaluate the effectiveness of conformity requirements related to transportation planning and meeting the goals of the CAA.
 - Provide recommendations for conformity policy, legislative and regulatory changes related to transportation planning and meeting the goals of the CAA.
- 
- 

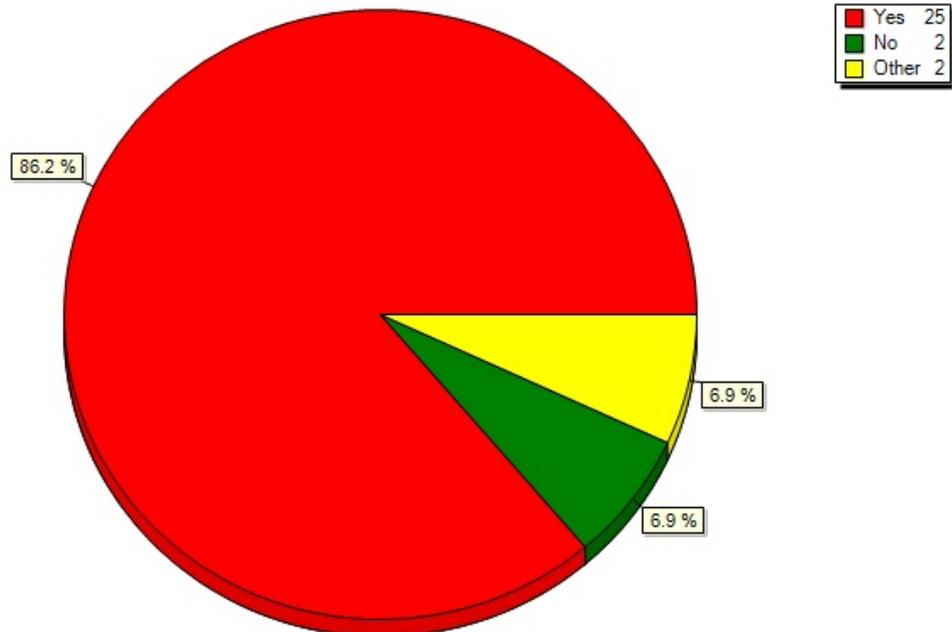
Issue Area #2

Streamline the Environmental Review Process

Conformity Improvements

- FHWA, FTA and EPA commission independent study.

Clean Air Act: would you like for USDOT and EPA to participate in an objective study to be conducted by na



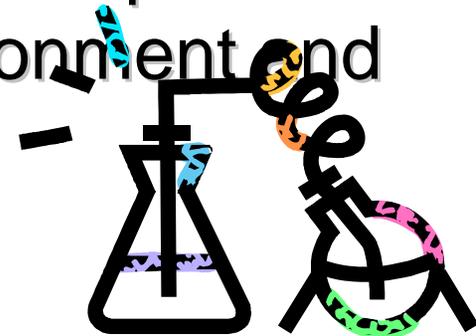


Issue Area #2

Streamline the Environmental Review Process

■ Integrated-Planning Pilot Program (IPPP)

- Authorize an “Integrated Planning Pilot Program” (IPPP) to evaluate alternative approaches that apply the principles of integrated planning to reduce environmental review times and to better protect and enhance the environment and communities.

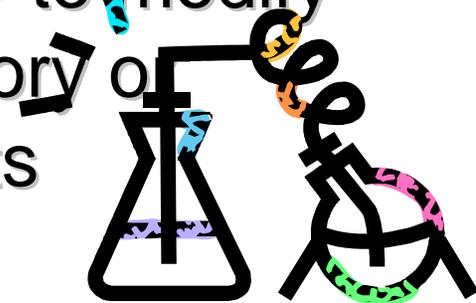




Issue Area #2

Streamline the Environmental Review Process

- **Integrated-Planning Pilot Program (IPPP)**
- Key elements would include:
 - Pre-approval from FHWA, EPA, and any federal agency whose approval is needed for the project
 - Each federal agency would have the legislative authority to modify or waive its own statutory regulatory requirements

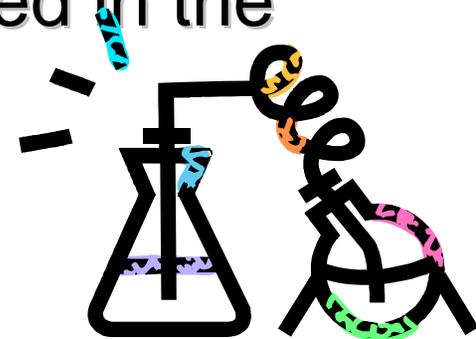




Issue Area #2

Streamline the Environmental Review Process

- **Integrated-Planning Pilot Program (IPPP)**
- Key elements would include:
 - The purpose of this program would be to serve as an incubator for integrated planning integrated, large-scale approaches, such as the approaches reflected in the "Eco-Logical" report.





Issue Area #2

Streamline the Environmental Review Process

■ IPPP Goals:

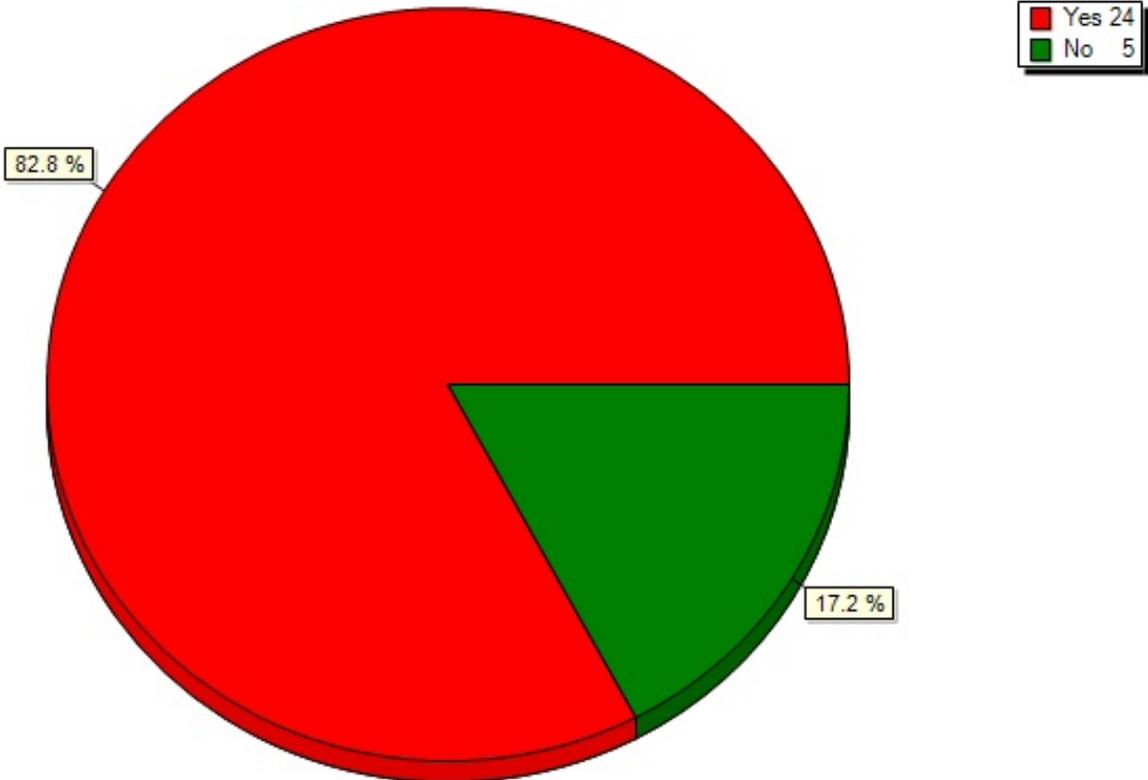
- Provide for better expenditures of time and money.
- Encourage decision-making at the lowest possible levels (State and Federal)
- Encourage compliance on a program level as opposed to project by project reviews or individual permits
- Encourage flexibility
- Focus on outcomes rather than process
- Develop an incentive based program,
- Create “win-win” solutions

Issue Area #2

Streamline the Environmental Review Process

■ IPPP:

Would you like "Special Environmental Experimental Projects" which would provide FHWA and federal resource





Issue Area #3

Promote Integrated Planning and Programmatic Approaches

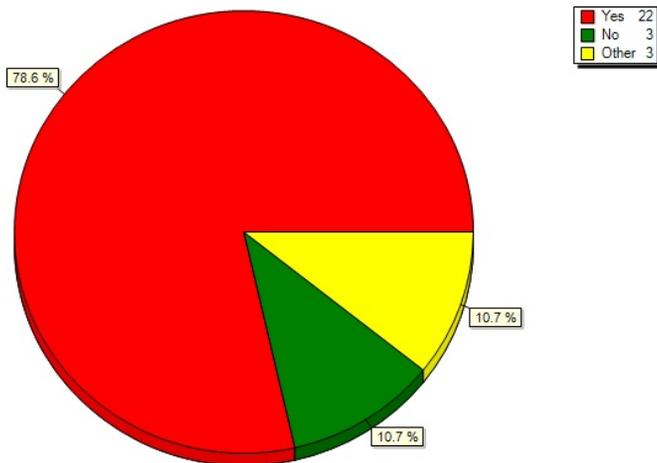
- 
- Direct resource agencies to focus their participation in the planning process on establishing environmental goals and priorities that enable programmatic approaches.
 - Provide clear statutory authorization and encouragement for programmatic approaches and strategies that focus on integrated planning, ecological banking, and flexibility in mitigation.
- 
- 

Issue Area #3

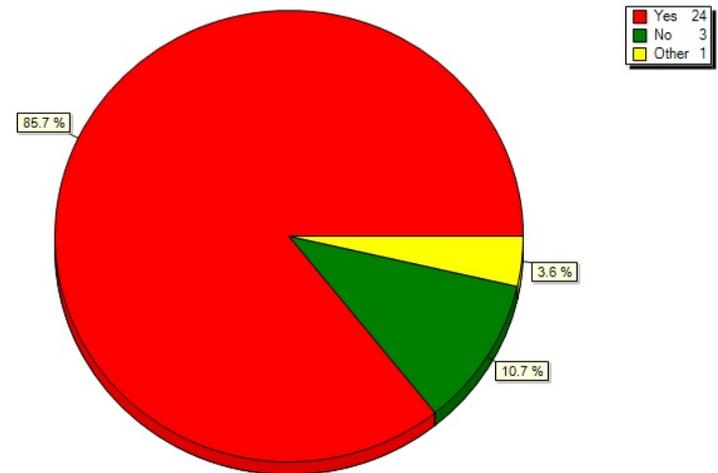
Promote Integrated Planning and Programmatic Approaches

- Establish strict response time requirements for resource agencies at the planning and NEPA stages.
- Establish a Cabinet-level appeal process to seek redress for adverse decisions.

Would you like legislative language to encourage resource agencies to focus their participation in the pla



Would you like clear statutory authorization and encouragement incentives for strategies that focus o





Issue Area #3

Promote Integrated Planning and Programmatic Approaches



■ Support Early Mitigation

- Encourage use of advance mitigation through a statutory language supporting mitigation decisions on watershed/ecosystem plans.



■ Mitigation Funding

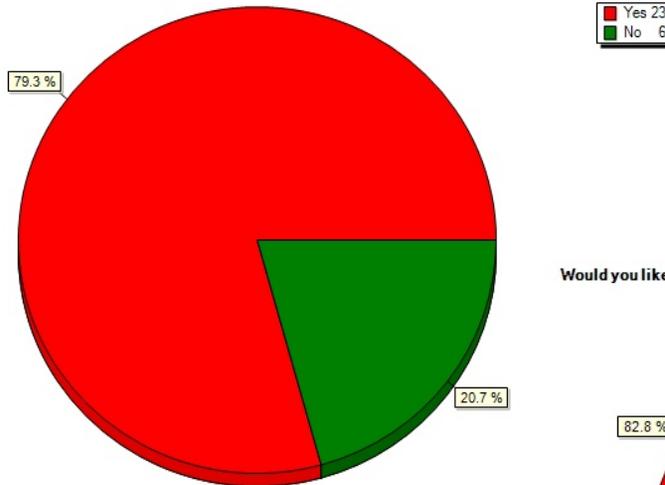
- Provide clear legislative authority allowing federal funds to be used for advance mitigation, if it is based on watershed/ecosystem planning.
- 

Issue Area #3

Promote Integrated Planning and Programmatic Approaches

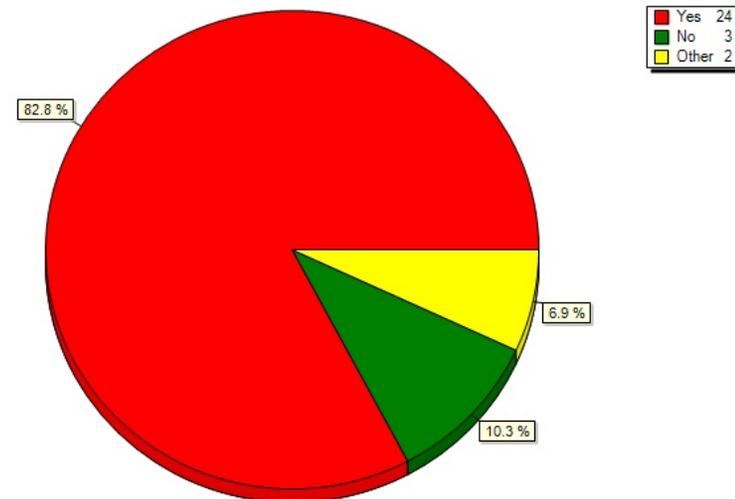
Support Early Mitigation

Would you like legislative language to encourage the use of advance mitigation through supporting mitigation



Mitigation Funding

Would you like clear legislative language allowing federal funds to be used for advance mitigation, if it





Issue Area #3

Promote Integrated Planning and Programmatic Approaches

■ More Flexibility to Perform Design Work Prior to NEPA

- Allow States to use both federal and non-federal funds for detailed design prior to NEPA approval as long as the State is willing to pay back the federal funds if a different route is chosen, and agrees that the design work will not be allowed to influence the decision in the NEPA process.



Issue Area #3

Promote Integrated Planning and Programmatic Approaches

■ More Flexibility to Perform ROW Work Prior to NEPA

- Allow States to use both federal and non-federal funds for advance ROW acquisition prior to completion of the NEPA process. If this is not possible for new-location projects, at least allow advance ROW acquisition along existing roads.



Accelerate Design and Corridor Preservation

■ More Flexibility to Preserve Corridors

- Specify that entire corridors do not need to be part of a fiscally constrained LRP in order for federal funds to be used for corridor preservation.

■ Create ROW Revolving Fund

- Create a federal revolving fund to support advanced ROW acquisition.



Accelerate Design and Corridor Preservation

- **Allow ROW for Future Needs**
 - Allow acquisition of ROW for 50-to-100 year needs, in order to allow for future expansion. Need to ensure that sufficient legal authority exists to make these acquisitions.





Accelerate Design and Corridor Preservation

- **Allow States to Follow State ROW Process in Lieu of Uniform Relocation Act**
 - Amend Uniform Relocation Act to allow States (with FHWA certification) to acquire land in compliance with State procedures, without also being required to follow the Uniform Act.



Authorization: Environmental Issues



“A Better Outcome in Half the Time”