

MAP-21 FACT SHEET

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SUBJECT: MAP-21: Accelerated Decisionmaking

PROBLEM STATEMENT:

MAP-21 updates the SAFETEA-LU language on "Issue Resolution" previously located in 23 U.S.C. 139(h)(4) to accelerate interim decision-making prior to the issuance of a record of decision, to revise issue resolution and referral process, and to prescribe penalties to federal agencies for not making decisions within prescribed timelines.

RECOMMENDATION:

It is recommended that Caltrans continue using the issue resolution process, as necessary. Since SAFETEA-LU was enacted, this process has not been invoked by Caltrans. Caltrans should continue to work through AASHTO and the Department's Office of Legislative Affairs to comment on any proposed Federal guidance.

BACKGROUND:

SAFETEA_LU Section 6002 established this requirement and MAP-21 modified the existing process. Because there is already a coordination process in place, there will be minor changes. Additionally, Caltrans coordinates regularly with federal permitting agencies to ensure that project schedules and milestones are met. Conflict resolution provisions with the federal permitting agencies are in effect as part of the programmatic efforts that Caltrans has established with federal permitting agencies (NEPA/404 MOU, Section 106 Programmatic Agreement, Section 7 auto-elevation). No California Statute is impacted or required.

ALTERNATIVES:

Alternative 1: Use the existing process as needed. Notify federal permitting agencies during regularly scheduled coordination meetings of these new changes.

Pros: Minimizes Caltrans effort and avoids duplication by utilizing existing processes to meet MAP-21 requirements.

Cons: May not satisfy all stakeholders.

Alternative 2: Wait for FHWA to issue guidance on these processes.

Pros: Eliminates "guesswork" as to what FHWA requires.

Cons: A new process may create additional workload for staff without realized benefit.

PROPOSED IMPLEMENTATION SCHEDULE:

Caltrans will comment on any proposed guidance as it comes from US DOT.

The Standard Environmental Reference will be updated by November 15, 2012 with the revised provisions.