



FEDERAL TRANSIT ADMINISTRATION

National Environmental Policy Act May 14, 2015

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2015 Southeastern Regional Transit Conference
**BUILDING LADDERS
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Agenda

- Introduction
- The Intent of NEPA
- The 3 NEPA questions
- Map 21 and NEPA
- Classes of Action
- Entering PD for New Starts
- Subject Areas
- Responsibilities
- Section 106
- Tribal Consultation
- Resources

Important stuff we have to say

- The National Environmental Policy Act (NEPA) of 1969 (1970) is a **procedural law** requiring that federal agencies consider the effects of their actions on the environment.
- There are other laws.
 - Endangered Species Act (1973)
 - Rivers and Harbors Act (1899)
 - Clean Water Act (1972)
 - National Historic Preservation Act (1966)
 - Department of Transportation Act (1966)

The Intent of NEPA

- The essential intent of NEPA is to provide federal agencies with **sufficient** documentation and analysis to make the best environmental decisions through a reasoned study of the existing environment and the likely impacts of the proposed project.
- NEPA is **not** intended to stop or delay projects. NEPA **is** intended to provide information to Federal decision-makers.

NEPA is essentially three questions . . .

1. What is the **current** environment in the project area?
2. Will the project **significantly** impact the existing environment?
3. If there is a significant impact, can the impact be **mitigated**?

Actively Help NEPA Diet its Way to an Appropriate Size

Help NEPA on its diet by discouraging over-analysis.
NEPA wants to lose its reputation for being bloated.

If the project calls for this much analysis



Do not provide this much analysis



NEPA Classes of Action

Class of Action Type	What it Does	Amount of Time to Complete
Listed CE	Demonstrates that a project fits a category established by FTA through examination of previous NEPA analysis.	1 month
Documented CE	Documents that a project meets requirements for a listed CE but is not actually on the list.	1-9 months
EA	Determines whether a project requires an EIS or if it has no significant impact.	12-18 months
EIS	Documents the impacts of a project on the environment.	36+ months

These timelines are just an estimate

Strategically Entering PD

- For projects anticipating the use of a Capital Improvement Grant under New Starts:
 - MAP-21 requires completed NEPA determinations to progress from PD to Engineering
 - Sponsors have 24 months to complete all PD requirements after entry (including NEPA) or risk being removed from PD
- Therefore, **choosing when to enter PD hinges upon NEPA completion estimates.**

What do we look at?

Natural environment

- Air Quality
- Water/Land
- Bugs/Bunnies



Human environment

- Transportation
- Socioeconomics
- Visual/Aesthetics

Other weird stuff





NEPA Umbrella

- Native American Graves Protection and Repatriation Act
- Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970
- Americans with Disabilities Act
- Executive Order 12898 (Environmental Justice)
- Executive Order 13045 (Protection of Children)
- Section 4(f) of the DOT Act (49 USC 303)
- Clean Air Act
- Clean Water Act
- Safe Drinking Water Act
- Farmland Protection Policy Act
- Endangered Species Act of 1973
- Fish and Wildlife Coordination Act
- Comprehensive Environmental Response, Compensation, and Liability Act
- Resource Conservation and Recovery Act of 1976
- National Historic Preservation Act of 1966
- Archaeological and Historic Preservation Act
- Archaeological Resources Protection Act
- American Antiquities Act
- American Indian Religious Freedom Act
- Land and Water Conservation Fund Act
- Water Bank Act
- Executive Order 11988 (floodplains)
- Executive Order 11990 (wetlands)
- Executive Order 13514 (federal leadership in Environmental, Energy, and Economic Performance)
- Executive Order 13112 (Invasive Species)

Region 4 NEPA Responsibilities

- FTA will ask the grantee for a **project description**
- FTA will determine the **class of action** (COA) based on the project description
- FTA will review **environmental documents** for technical and legal sufficiency
- FTA will initiate **consultation** to satisfy Section 106 of the National Historic Preservation Act
- FTA will be the Federal **decision maker** for NEPA

Grantee Responsibilities

- ▶ The Grantee will provide a **clear and accurate** project description to FTA
- ▶ The Grantee will **complete** the required NEPA documentation either in-house or through a contractor
- ▶ The Grantee will **provide** FTA with complete documents for review
- ▶ The Grantee will **notify** FTA of any changes to the proposed project

Project Description

- Description of existing property with map
- Description of complete project with site plan
- List of steps to get from first to second bullet
- Street address
- Photos of buildings on property
- Photos of buildings as seen from property
- List of any public involvement done for the project, to date, if any

Section 106

- Federal agencies are required to consider the impact of their undertakings on cultural resources per the National Historic Preservation Act and 36 CFR Part 800
- FTA will always initiate Section 106 consultation with the State Historic Preservation Office(r) and Federally recognized Native American Tribes



Section 106 (con't)

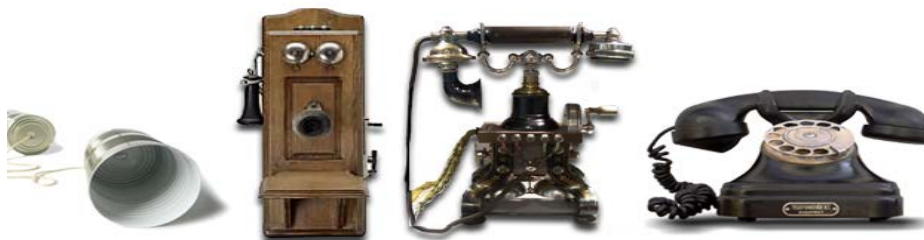
- SHPOs, Federally recognized Native American Tribes and other parties chosen by FTA may be signatories to agreement documents
- Interested parties, who are not potential signatories to agreement documents, include the interested public, local civic organizations and other parties designated by FTA

Tribal Consultation

- Federally recognized tribes with an interest in the project location will be contacted by FTA to ask if they would like to consult. This is **required** under 36 CFR Part 800
- Due to the government-to-government nature of consultation with Federally recognized tribes, FTA will conduct all such consultation and will **never** delegate this to a grantee

Communication in NEPA

FTA Region 4 is dedicated to erasing single points of failure within the environmental group. To that end, we ask that grantees copy the environmental group when corresponding with the planner and vice versa. This will enable our office to fully coordinate our customer service efforts for our grantees.



Early communication is truly appreciated!

Resources

- Council on Environmental Quality (NEPA) regulations – 40 CFR 1500 et seq., http://energy.gov/sites/prod/files/NEPA-40CFR1500_1508.pdf
- FTA/FHWA regulations implementing NEPA – 23 CFR 771 et seq., <https://www.law.cornell.edu/cfr/text/23/part-771>
 - “Listed CEs” – 23 CFR 771.118(c)
 - “Documented CEs” – 23 CFR 771.118(d)
- 36 CFR Part 800, <http://www.achp.gov/regs-rev04.pdf>
- National Historic Preservation Act, <http://www.achp.gov/docs/NHPA%20in%20Title%2054%20and%20Conversion%20Table.pdf>

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Don't Forget the Survey!

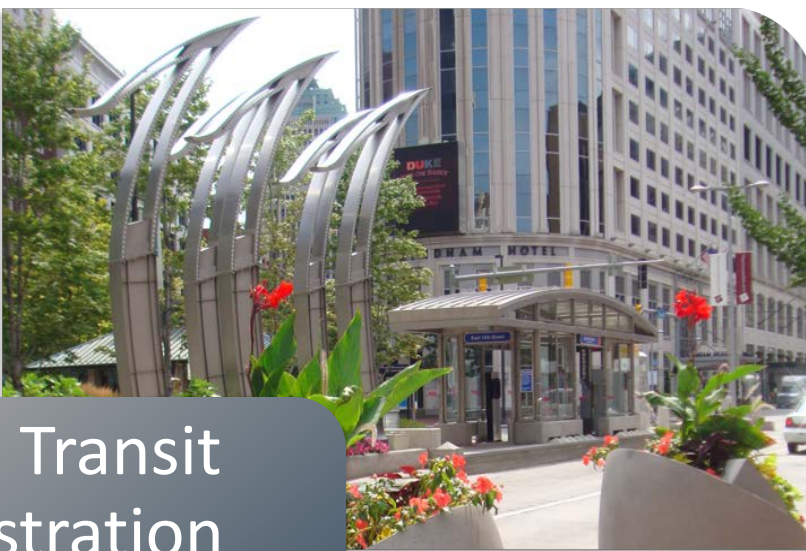
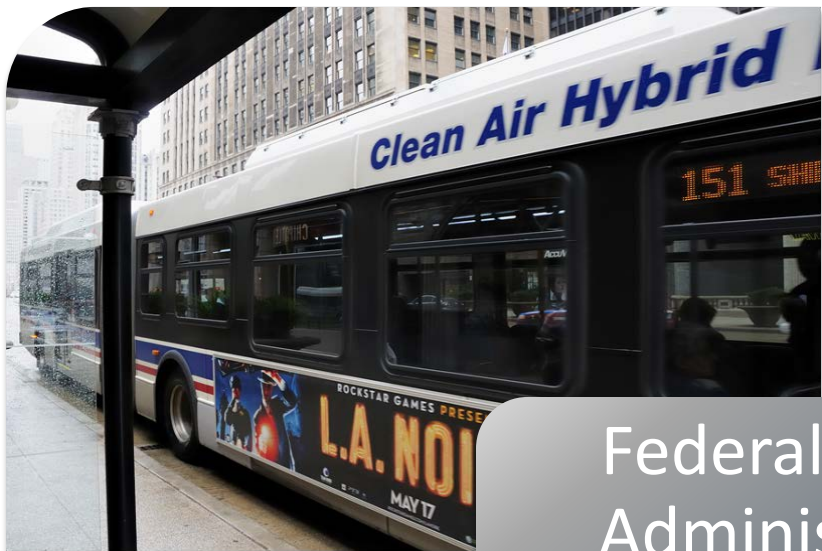
Please remember to complete the survey for this session by visiting the Guidebook App or

<http://goo.gl/forms/hhOzdnpmKK>

- Choose “Thurs., 11:00 a.m. - National Environmental Policy Act (NEPA)” from the dropdown list

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The logo for HNTB, featuring the letters "HNTB" in a bold, dark blue sans-serif font. The letter "H" has a small orange square on its left vertical bar.The logo for wendel, featuring a stylized graphic of three overlapping squares in blue, green, and dark blue, followed by the word "wendel" in a dark blue sans-serif font.The logo for HDR, featuring the letters "HDR" in a bold, dark grey sans-serif font.The logo for National RTAP, featuring the text "National RTAP" in a green sans-serif font, with "RTAP" being larger and bolder. To the right is a circular logo with a blue upper half and a green lower half. Below the text is "Rural Transit Assistance Program" in a smaller green font.The logo for RouteMatch Software, featuring a stylized graphic of three interlocking cubes in blue and yellow, followed by the text "RouteMatch" in a blue sans-serif font and "Software" in a smaller, italicized blue font.



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