SAFETEA-LU
Environmental Provisions: 6001 & 6002

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Relevant 6001 Provisions

- Environment planning factors
- Consideration of environmental mitigation
- Consultation with resource agencies, including consideration of resource maps and inventories
- Participation Plans for input, including visualization techniques

Applies to all plans and programs adopted after June 30, 2007
Environment Planning Factors

- Applies to statewide and metropolitan planning
- Plans are to:
  - “protect and enhance the environment, promote energy conservation, and improve quality of life”
  - “promote consistency between transportation improvements and State and local planned growth and economic development patterns”
Environmental Mitigation

• Applies to metropolitan and statewide long-range plans
• Requires discussion of
  - Types of potential environmental mitigation activities and potential areas to carry out activities
  - “…including activities that may have the greatest potential to restore and maintain the environmental functions affected by the plan”
• To be developed in consultation with Federal, State, and tribal wildlife, land management, and regulatory agencies
Consultation

- Applies to metropolitan, statewide planning
- Directs agencies to “consult, as appropriate, with State and local agencies* responsible for land use management, natural resources, environmental protection, conservation, and historic preservation”
- Requires consultations to, as appropriate:
  - Compare transportation plans with State conservation plans or maps
  - Compare transportation plans to inventories of natural or historic resources

*for statewide planning, add “tribal agencies”
Participation Plans

• Applies to statewide planning, metropolitan planning, metro TIP development
• To be developed in consultation with all interested parties (includes a list)
• Reasonable opportunities to comment on contents of transportation plan
• Methods, to maximum extent practicable:
  - Accessible public meetings
  - Visualization techniques
  - Information electronically accessible, such as World Wide Web
6001 Environmental Provisions: Some methods...

- Inter-Agency Consultation, Coordination
- Data and Analysis Tools
- Decision Process Opportunities
Inter-Agency Consultation and Coordination

- Environmental resources agencies often see the value of participating in transportation planning
- Agencies currently set up for project reviews
- Solutions needed to overcome barriers for involvement
- Potential solutions
  - Staff funding
  - Standing inter-agency meetings
  - Formal agreements to specify consultation, coordination procedures and responsibilities (MOA, MOU)
Data and Analysis Tools

- Create data sharing agreements
  - State and Federal resource agencies
  - Land use and land management agencies
- What is to be done with the data?
  - Comparing, sharing, analysis, mapping
- Issues:
  - Don’t necessarily need GIS to compare inventories, although helpful
  - Some information cannot be shared with the public
  - Continual updating of data by ‘experts’ or ‘owners’
Decision Process Opportunities

- Is the current environmental work in planning helping with downstream decisions (NEPA)?
- Is the work documented clearly?
- Can some environmental analysis be conducted, decisions be made in planning?
  - NEPA principles used in analysis
  - ‘Hand-Off’ products
  - Design guidelines developed
  - Potential mitigation activities and areas considered
How does 6001 fit?

- Bring 6001 environmental provisions into the context of planning activities, NEPA, and environmental review
Transportation Resource Agency

System-level Planning

Integrated Planning, Consultation

Linking Planning and NEPA

Project-level Decision

Integrated Planning, Consultation

Impact Analysis, Review

Project-level Decision

System-level Planning

6001

2005 Guidance

6002
SAFETEA-LU 6002

- Defines an “Environmental Review Process”
- Lead agencies must invite all agencies with interest in project to be “participating agencies”
- Establishes timeframes for reviews
- Participating agencies and the public be involved early in the process
- Makes funding available for resource agencies to contribute to process improvements (includes planning)
- Establishes statute of limitations (180 days)

**Goal:** Better decision-making, process predictability
6002 Guidance

- FHWA/FTA proposed guidance in FR in June
- Final is now being drafted
- Should be released soon
Linking Planning and NEPA: Connecting SAFETEA-LU Sections

**Section 6001**
- Coordination with land and resource agencies, others
- Consideration of land use, resource concerns in the planning process

**Linking Planning and NEPA**
- Mechanisms and tools for coordination
- Planning products for use in NEPA

**Section 6002**
- Early coordination with resource agencies, other stakeholders for process improvement and higher predictability
2005 Linking Planning and NEPA Guidance

- Supports Congressional Intent
  - Elimination of MIS
  - Planning should be foundation for project development
- Voluntary
- Planning varies across the country
- Does not NEPA-ize Planning
- Extensive coordination with national stakeholder groups and agencies
- Based on legal opinion
Planning Products Used in NEPA

- Development and/or refinement of purpose and need statements
- System or corridor-level analysis of
  - the affected environment
  - environmental impacts
  - indirect and cumulative impacts.
- Corridor or subarea studies help screen, evaluate or eliminate alternatives
- Exploration of potential mitigation opportunities
Using Planning-Level evaluation in NEPA

- Must document the planning-level evaluation
- Show that planning satisfied NEPA principles
- Early involvement of resource agencies and the public
Companion Legal Guidance

- Environment and Planning Linkage Processes Legal Guidance
- Released February 22, 2005
- Provides legal background for LP&E Guidance

http://www.fhwa.dot.gov/hep/plannepalegal050222.htm
SAFETEA-LU, Planning NPRM and LP&N

- Transportation Planning NPRM closed September 7, 2006 for comment
- Contained statutory language for S-LU 6001 regarding consultation and mitigation
- Included permissive language regarding LP&N
- Modified 2005 LP&N Guidance included as an appendix to proposed rule
- Currently, final rule being drafted
Related Efforts: Executive Order 13274

• Established Work Groups to focus on:
  - Purpose and Need
  - Indirect and Cumulative
  - Integrated Planning

• All baseline reports and findings reference planning level consideration/links as good/best practice

http://www.fhwa.dot.gov/stewardship/eo/workgroups.htm
Related Efforts: Eco-Logical

- Eco-Logical encourages flexibility in regulatory processes
- Lays conceptual groundwork for integrating plans across agency boundaries
- Endorses ecosystem-based planning and mitigation
Related Efforts: Eco-Logical (cont)

Signatory Agencies:

- BLM, EPA, FHWA, NOAA Fisheries Service, NPS, USACE, USFS, USFWS
Eco-Logical: Meaningful Mitigation

Habitat Island
Some FHWA Activities

- Linking Planning and NEPA workshops
  - Becoming more customized tech assist
- Linking Conservation and Transportation Planning
  - Focuses on data tools, sharing, building relationships
- Possible research funding for demonstration projects for implementing
  - Eco-logical, 6001, Integrated Planning
  - Cost-share, partnering
More resources...

• Planning and Environment Linkages Website
  - One-stop shop for LP&N, int. planning, etc...


- Contains links and references to guidance, key reports, related efforts
Thank You

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