



SAFETEA-LU
Environmental Provisions:
6001 & 6002

AMPO Annual Conference
November 2, 2006



Michael Culp and John Humeston
FHWA
Office of Environment and Planning



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



System-level
Planning

Transportation

Resource Agency

System-level
Planning

Integrated
Planning,
Consultation

6001

Linking
Planning and
NEPA

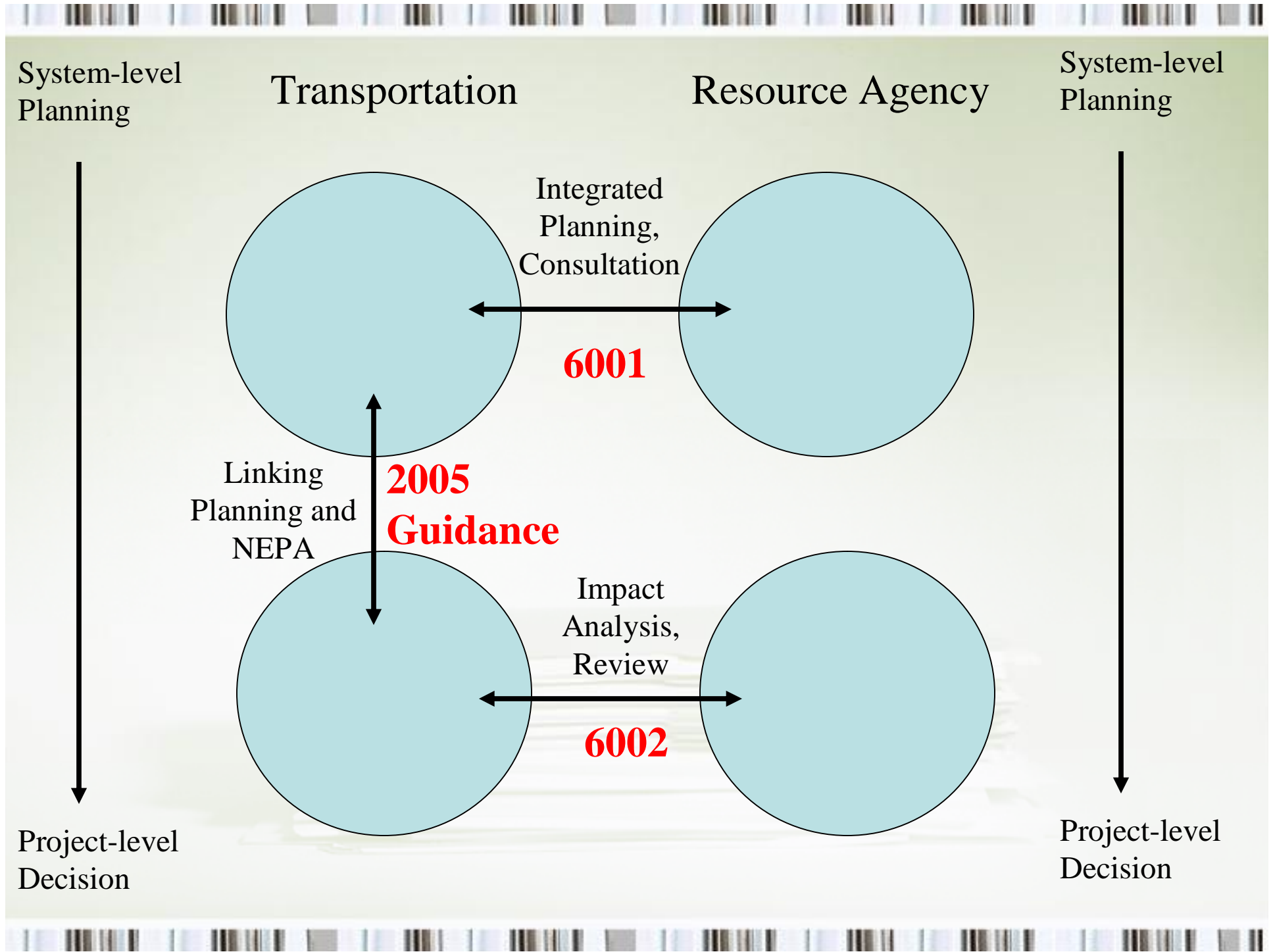
**2005
Guidance**

Impact
Analysis,
Review

6002

Project-level
Decision

Project-level
Decision



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&N 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

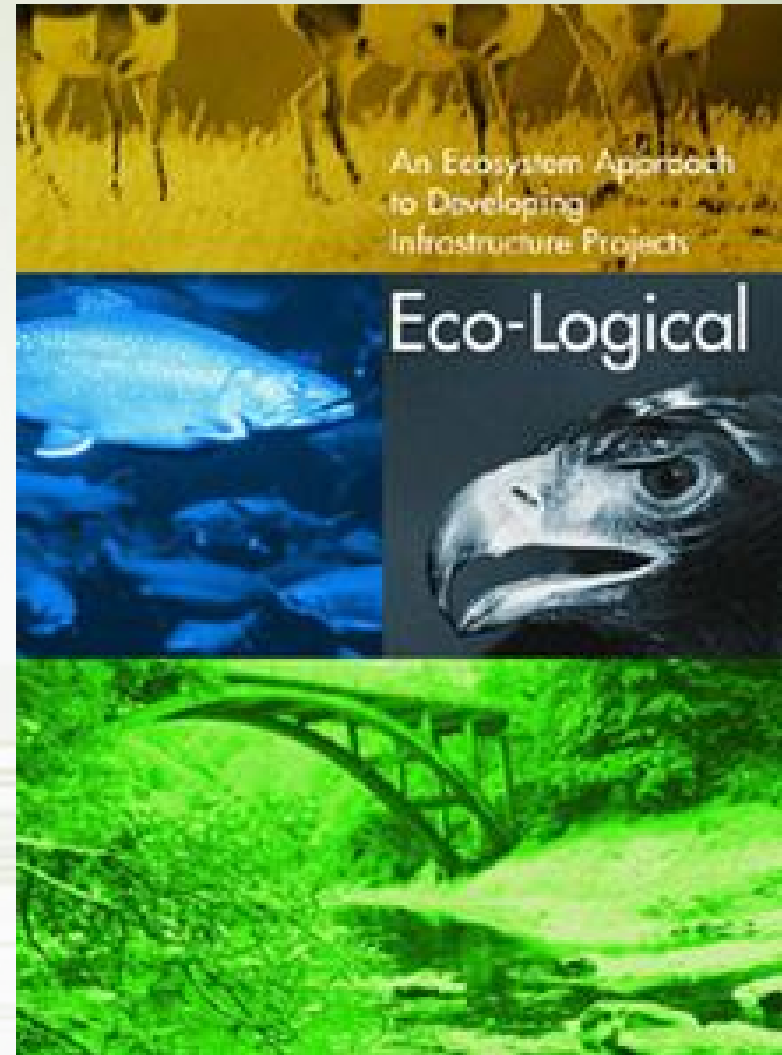
Related Efforts: Executive Order 13274

- 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/stewardshipeo/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


Dale Bosworth, Chief of Forest Service
Forest Service
U.S. Department of Agriculture



Fran Mainella, Director
National Park Service
U.S. Department of the Interior



J. Richard Capka, 12/19/05
Acting Administrator
Federal Highway Administration


Anne Miller, Director
Office of Federal Activities
U.S. Environmental Protection Agency


Kathleen Clarke, Director
Bureau of Land Management
U.S. Department of the Interior

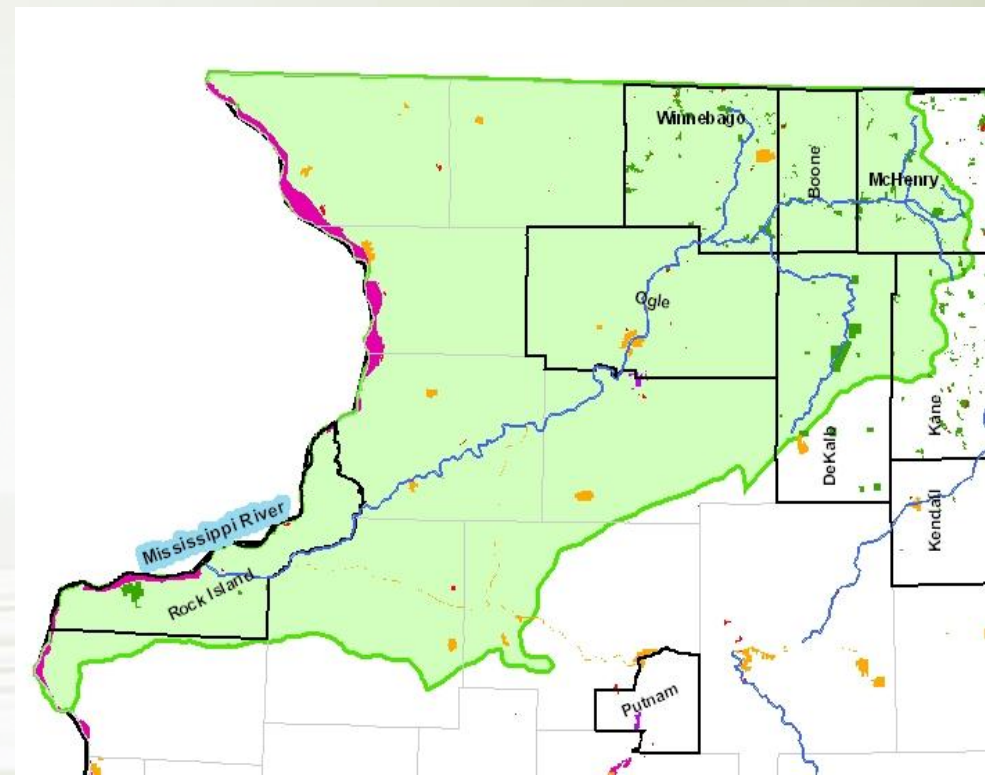

Diane Regas, Director
Office of Wetlands, Oceans, and Watersheds
U.S. Environmental Protection Agency


George S. Dunlop, Principal Deputy Assistant
Secretary
Department of the Army


James R. Walpole, 12-11-05
General Counsel
National Marine Fisheries Service
National Oceanic and Atmospheric Administration


H. Dale Hall, Director
U.S. Fish and Wildlife Service
U.S. Department of Interior

Eco-Logical: Meaningful Mitigation



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...

<http://www.environment.fhwa.dot.gov/integ/index.asp>

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

Thank You

John Humeston and Michael Culp

FHWA – Office of Environment and
Planning

John.Humeston@dot.gov

Michael.culp@dot.gov