Planning and programming: set of projects for region; MPO responsibility
Project development: details of specific projects; implementing agency responsibility

**Process:** Planning – Project Development – Design – Right-of-Way – Construction

**Environmental Review**

National Environmental Policy Act (NEPA) of 1970
Council of Environmental Quality (CEQ) regulations in 1978
Federal Highway Administration (FHWA) regulations in 1987

**Purpose:**
- In general: “...established a mandate for Federal agencies to consider the potential environmental consequences of their proposals, document the analysis, and make this information available to the public for comment prior to implementation.”
- For FHWA: “....an approach to balanced transportation decision making that takes into account the potential impacts on the human and natural environment and the public's need for safe and efficient transportation.”

**Players:**
- Lead Agency: Federal agency responsible for federal action, e.g. FHWA
- Coordinating Agencies: Agencies with special expertise (e.g. Fish and Wildlife Service) or jurisdiction by law (e.g. US Corps of Engineers)
- Participating Agencies: federal, state, local agencies and tribal nations w/ interest in project
- Implementing Agency: Agency responsible for project itself, e.g. Caltrans

**Processing options:**
- Categorical Exclusion (CE): no significant impacts
- Environmental Assessment (EA): if uncertain impacts, initial study
  - Finding of no significant impacts leads to FONSI
  - Finding of significant impacts leads to EIS
- Environmental Impact Statement (EIS): if significant impacts likely, full study

**Significance?** Depends on context and intensity.

**EIS Process:**
1. Notice of Intent issued by regional FHWA office
2. Scoping to identify issues, ensure early coordination
3. Draft EIS prepared
4. Draft EIS distributed and public hearing held
5. Comments and responses to comments incorporated into EIS
6. Final EIS prepared
   a. identifies and describes preferred alternative and basis for decision
   b. approved by FHWA and Record of Decision (ROD) issued

EIS Contents:
- Project purpose and need: clear and specific, e.g. transportation demand, safety, legislative direction, urban transportation plan consistency
- Alternatives section: reasonable alternatives to achieve purpose and need, how selected, clear basis for choice among the options
  - Must include “no build”
  - Must include transportation system management (TSM)
  - Must “rigorously explore and objectively evaluate all reasonable alternatives” – for meeting purpose and need
- Affected environment section
- Environmental consequences section

Outcome:
- Selection of preferred alternative: balances needs and purpose with impacts
- Mitigation: avoid, minimize, rehabilitate, restore, compensate, etc.

Section 4f: “The use of land from a Section 4(f) protected property (significant publicly owned public park, recreation area or wildlife and waterfowl refuge, or any significant historic site) may not be approved unless a determination is made that there is no feasible and prudent alternative to such use.” e.g. Grand Prairie lawsuit: were there no “feasible and prudent alternatives”?

Environmental Streamlining... e.g. SAFETEA-LU changes for Section 4F process

California Environmental Quality Act (CEQA): requires EIR for public agency decisions; combined EIR/EIS for federal highway projects in California.

**Context-Sensitive Design**

The old way: “The Greenbook”
The new way: “Thinking Beyond the Pavement” and “Flexibility in Highway Design”

“Context sensitive design (CSD) is a collaborative, interdisciplinary approach that involves all stakeholders to develop a transportation facility that fits its physical setting and preserves scenic, aesthetic, historic, and environmental resources, while maintaining safety and mobility. CSD is an approach that considers the total context within which a transportation improvement project will exist.” – FHWA

**Wednesday**: Local government role!