

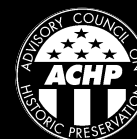
ANNUAL REPORT TO THE PRESIDENT

December 2004

Executive Order 13274:

Environmental Stewardship and Transportation Infrastructure Project Reviews

Submitted by: **Interagency Transportation
Infrastructure Streamlining Task Force**



Executive Order 13274

Environmental Stewardship and Transportation Infrastructure Project Reviews

By the authority vested in me as President by the Constitution and the laws of the United States of America, and to enhance environmental stewardship and streamline the environmental review and development of transportation infrastructure projects, it is hereby ordered as follows:

Sec. 1. Policy. The development and implementation of transportation infrastructure projects in an efficient and environmentally sound manner is essential to the well-being of the American people and a strong American economy. Executive departments and agencies (agencies) shall take appropriate actions, to the extent consistent with applicable law and available resources, to promote environmental stewardship in the nation's transportation system and expedite environmental reviews of high-priority transportation infrastructure projects.

Sec. 2. Actions. (a) For transportation infrastructure projects, agencies shall, in support of the Department of Transportation, formulate and implement administrative, policy, and procedural mechanisms that enable each agency required by law to conduct environmental reviews (reviews) with respect to such projects to ensure completion of such reviews in a timely and environmentally responsible manner.

(b) In furtherance of the policy set forth in section 1 of this order, the Secretary of Transportation, in coordination with agencies as appropriate, shall advance environmental stewardship through cooperative actions with project sponsors to promote protection and enhancement of the natural and human environment in the planning, development, operation, and maintenance of transportation facilities and services.

(c) The Secretary of Transportation shall designate for the purposes of this order a list of high-priority transportation infrastructure projects

that should receive expedited agency reviews and shall amend such list from time to time as the Secretary deems appropriate. For projects on the Secretary's list, agencies shall to the maximum extent practicable expedite their reviews for relevant permits or other approvals, and take related actions as necessary, consistent with available resources and applicable laws, including those relating to safety, public health, and environmental protection.

Sec. 3. Interagency Task Force.

(a) Establishment. There is established, within the Department of Transportation for administrative purposes, the interagency "Transportation Infrastructure Streamlining Task Force" (Task Force) to: (i) monitor and assist agencies in their efforts to expedite a review of transportation infrastructure projects and issue permits or similar actions, as necessary; (ii) review projects, at least quarterly, on the list of priority projects pursuant to section 2(c) of this order; and (iii) identify and promote policies that can effectively streamline the process required to provide approvals for transportation infrastructure projects, in compliance with applicable law, while maintaining safety, public health, and environmental protection.

(b) Membership and Operation. The Task Force shall promote interagency cooperation and the establishment of appropriate mechanisms to coordinate Federal, State, tribal, and local agency consultation, review, approval, and permitting of transportation infrastructure projects. The Task Force shall consist exclusively of the following officers of the United States: the Secretary of Agriculture, Secretary of Commerce, Secretary of Transportation (who shall chair the Task Force), Secretary of the Interior, Secretary of Defense, Administrator of the Environmental Protection Agency, Chairman of the Advisory Council on Historic Preservation, and Chairman of the Council on Environmental Quality. A member of the Task Force may designate, to perform the Task Force functions of the member, any person who is part

of the member's department, agency, or office and who is either an officer of the United States appointed by the President with the advice and consent of the Senate or a member of the Senior Executive Service. The Task Force shall report to the President through the Chairman of the Council on Environmental Quality.

Sec. 4. Report. At least once each year, the Task Force shall submit to the President a report that:

(a) Describes the results of the coordinated and expedited reviews on a project-by-project basis, and identifies those procedures and actions that proved to be most useful and appropriate in coordinating and expediting the review of the projects.

(b) Identifies substantive and procedural requirements of Federal, State, tribal, and local laws, regulations, and Executive Orders that are inconsistent with, duplicative of, or are structured so as to restrict their efficient implementation with other applicable requirements.

(c) Makes recommendations regarding those additional actions that could be taken to:

(i) address the coordination and expediting of reviews of transportation infrastructure projects by simplifying and harmonizing applicable substantive and procedural requirements; and

(ii) elevate and resolve controversies among Federal, State, tribal, and local agencies related to the review or impacts of transportation infrastructure projects in a timely manner.

(d) Provides any other recommendations that would, in the judgment of the Task Force, advance the policy set forth in section 1 of this order.

Sec. 5. Preservation of Authority. Nothing in this order shall be construed to impair or otherwise affect the functions of the Director of the Office of Management and Budget relating to budget, administrative, and legislative proposals.

Sec. 6. Judicial Review. This order is intended only to improve the internal management of the Federal Government and is not intended to, and

does not, create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its departments, agencies, instrumentalities or entities, its officers or employees, or any other person.

George W. Bush
The White House,
September 18, 2002

Table of Contents

- List of Acronymsiv
- Executive Summary1
- 1. Introduction and Background7
- 2. Accomplishments11
 - 2.1 Priority Projects11
 - 2.1.1 Selection of Priority Projects and Task Force Monitoring11
 - 2.1.2 Streamlining Successes12
 - 2.1.3 Lessons Learned from Priority Project Streamlining Successes16
 - 2.1.4 Status of Remaining Priority Projects18
 - 2.2 Agency Stewardship and Streamlining Activities23
 - 2.2.1 Department of Transportation23
 - 2.2.2 Council on Environmental Quality26
 - 2.2.3 Department of Agriculture27
 - 2.2.4 Department of Commerce28
 - 2.2.5 Department of the Interior29
 - 2.2.6 Department of Defense30
 - 2.2.7 Environmental Protection Agency31
 - 2.2.8 Advisory Council on Historic Preservation32
 - 2.3 Priority Issues33
 - 2.3.1 Purpose and Need33
 - 2.3.2 Indirect and Cumulative Impacts34
 - 2.3.3 Integrated Planning35
- 3. Next Steps37
- 4. Summary and Conclusions39
- Notes41
- References42
- Appendix – Individuals Interviewed for the Annual Report to the President43

List of Acronyms

AASHTO	American Association of State Highway and Transportation Officials	GIS	Geographic Information System
ACHP	Advisory Council on Historic Preservation	ICC	InterCounty Connector
CEP	Capacity Enhancement Program	MOU	Memorandum of Understanding
CEQ	Council on Environmental Quality	MTA/NYCT	Metropolitan Transportation Authority/New York City Transit
CETAP	Community and Environmental Transportation Acceptability Process	NDOR	Nebraska Department of Roads
CWA	Clean Water Act	NEPA	National Environmental Policy Act
CZMA	Coastal Zone Management Act	NHDOT	New Hampshire Department of Transportation
DOC	U.S. Department of Commerce	NHPA	National Historic Preservation Act
DOI	U.S. Department of the Interior	NMFS	National Marine Fisheries Service
DOT	U.S. Department of Transportation	NOAA	National Oceanic and Atmospheric Administration
EA	Environmental Assessment	NOI	Notice of Intent (to prepare EIS)
EFH	Essential Fish Habitat	NOS	National Ocean Service
EIS	Environmental Impact Statement	NPS	National Park Service
EMS	Environmental Management System	OECA	Office of Enforcement and Compliance Assurance
EO	Executive Order	PATH	Port Authority Trans-Hudson
EPA	U.S. Environmental Protection Agency	ROD	Record of Decision
ESA	Endangered Species Act	SAFETEA	Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2003 (proposed)
FAA	Federal Aviation Administration	TEA-21	Transportation Equity Act for the 21st Century
FHWA	Federal Highway Administration	USDA	U.S. Department of Agriculture
FS	Forest Service	VMT	Vehicle Miles Traveled
FTA	Federal Transit Administration	VTrans	Vermont Agency of Transportation
FWS	Fish and Wildlife Service	WSRA	Wild and Scenic Rivers Act
		WTC	World Trade Center

Executive Summary

This is the first annual status report on activities and progress made in response to Executive Order (EO) 13274:

Environmental Stewardship and Transportation Infrastructure Project Reviews (signed on September 18, 2002, by President George W. Bush). EO 13274 is designed “to promote environmental stewardship in the Nation’s transportation system and expedite environmental reviews of high-priority transportation infrastructure projects.” This report, required by the EO, describes progress of priority projects selected under this EO, activities implemented by Task Force member agencies, and recommendations for improving the environmental review process.

EO implementation is coordinated by the interagency Transportation Infrastructure Streamlining Task Force (the Task Force), chaired by the Secretary of Transportation, with members from eight Federal agencies that have key roles in the environmental review process for transportation infrastructure projects. Agencies represented on the Task Force are: the Departments of Transportation, Agriculture, Commerce, Interior, and Defense; the Environmental Protection Agency; the Advisory Council on Historic Preservation; and the Council on Environmental Quality.

During this first year of implementing the EO, activities of the Task Force focused on three key areas:

- 1) Oversight and monitoring of the environmental review process for priority projects.
- 2) Formulating and implementing streamlining and stewardship initiatives by each Task Force member agency.
- 3) Identifying priority issues for further inter-agency review to promote stewardship and streamlining.

Selecting and Monitoring Priority Projects

The EO charges the Secretary of Transportation with listing priority transportation infrastructure projects that should receive expedited agency reviews. For these projects, the EO asks agencies to expedite their reviews for relevant permits and other approvals and take related actions as necessary, consistent with available resources and applicable laws.

On October 31, 2002, Secretary of Transportation Norman Y. Mineta announced seven priority transportation projects to receive accelerated environmental review. Six were added on February 27, 2003, for a total of 13 priority projects. These projects are:

- Philadelphia International Airport Improvements, Philadelphia, Pennsylvania;
- Community and Environmental Transportation Acceptability Process (CETAP), Riverside County, California;
- Interstate 93 (I-93) Improvements, New Hampshire;
- Chittenden County Circumferential Highway (CCCH), Chittenden County, Vermont;
- Louisville-Southern Indiana Ohio River Bridges Project, Jefferson County, Kentucky, and Clark County, Indiana;
- St. Croix River Crossing at Stillwater, Minnesota and Wisconsin;
- Interstate 69 (I-69) Corridor, Texas;
- Lower Manhattan Transportation Recovery Projects, New York City, New York;
 - Fulton Street Transit Center
 - World Trade Center Transportation Hub
 - South Ferry Subway Terminal
- Interstate 66 (I-66), London-Somerset, Kentucky;
- InterCounty Connector (ICC), Maryland;
- US 93 Corridor, Montana;

- Interstate 80 (I-80) Upgrade, Nebraska; and
- Los Angeles World Airports Master Plan, Los Angeles, California.

These projects were selected for expedited environmental reviews because of their national or regional importance, high level of support among State and local elected officials, and experience with, or anticipation of, undue delays caused by the Federal agency review and coordination process. Over the course of the year since the signing of the EO, the Task Force assumed an oversight role on each project, tracking progress and working with agency staff to communicate the goals of the EO, resolve conflicts, and identify needed actions. For each project, a senior Department of Transportation (DOT) official was designated “Champion” and closely monitored the project and reported to the full Task Force on project status.

During the first year of implementation, 4 of the 13 priority projects successfully completed the environmental review process. These four projects — CETAP, CCCH, Louisville-Southern Indiana Ohio River Bridges, and Interstate 80 Upgrade — have been moved to a transition list where they will be monitored by the Task Force. Significant progress has also been made on the remaining nine priority projects. On November 17, 2003, Secretary Mineta requested additional nominations for new priority projects with December 15, 2003, as the deadline for submission.

Experience from the four priority projects that completed the environmental review process has yielded a number of lessons, articulated to the Task Force through agency interviews conducted during the preparation of this report. The lessons, which may promote efficiencies in the environmental review process for all future transportation projects, include:

1) Promote Interagency Coordination and Collaboration — Early coordination among all agencies involved in the environmental review

process is important to ensure that agencies understand each others’ perspectives and agree on collaborative methods to avoid and resolve disputes. Suggestions include:

- Bring all involved agencies together for face-to-face meetings early in the process.
- Involve senior management in field offices in the coordination process.
- Identify all issues of importance to all agencies and explain why each is important so that all agencies can understand the perspectives and missions of the others and can take them into account.
- Engage a neutral facilitator in the discussion process, if appropriate.
- Cultivate good working relationships with other agencies before problems arise.
- Supplement letter and e-mail correspondence with telephone consultation and face-to-face meetings to more quickly address and resolve important issues.

2) Ensure Appropriate Staffing and Resources — Sufficient and appropriate staff resources are required to facilitate an on-going collaboration and expedite complex projects. On such projects, it was suggested that efforts be made to:

- Dedicate senior staff with leadership, decisionmaking, and problem-solving skills to support a more effective process.
- Assign DOT headquarters program and legal staff to projects to ensure timely reviews of draft documents.
- Formalize a process and criteria for elevating issues to higher levels in participating organizations.
- Provide adequate staffing for timely reviews and permitting. This can be accomplished through a variety of means, including

process improvements that free-up staff time, appropriate re-assignment of staff to priority public sector projects, and funding agreements with project sponsors to help pay for expedited reviews.

3) Define Responsibilities and Agree on Schedules — Responsibilities and schedules need to be clear to all agencies involved, and agencies need to agree at the outset on the appropriate schedule given staffing constraints and the complexity of the analysis required. Suggestions include:

- Agree on an action plan for all agencies involved.
- Hold agencies accountable for carrying out their responsibilities effectively and in a timely manner.
- Use a concurrent review process so that multiple agencies can review documents at the same time.

Agency Streamlining and Stewardship Initiatives

All eight agencies represented on the EO 13274 Task Force have made concerted efforts to undertake internal activities that will promote environmental stewardship and streamline the environmental review process for transportation infrastructure projects. Highlights include:

- **Department of Transportation** — DOT adopted DOT Order 5611.1A (U.S. DOT National Procedures for Elevating Highway and Transit Environmental Disputes) to provide, pursuant to Section 1309 of the Transportation Equity Act for the 21st Century (TEA-21), a mechanism for resolving difficult issues and streamlining the review process. Environmental stewardship has been the driving force behind DOT's support for the use of environmental management systems to integrate environmental performance considerations into daily business decisionmaking. In addition, DOT has

numerous cooperative research initiatives concerning aviation noise, vehicular particulate matter emissions, historic preservation, wetlands, water quality, and wildlife habitat needs along transportation corridors.

- **Council on Environmental Quality (CEQ)** — CEQ published the report of its National Environmental Policy Act (NEPA) Task Force (entitled "Modernizing NEPA Implementation") and provided guidance to DOT on the responsibilities of lead and cooperating agencies in developing purpose and need statements for NEPA documents.
- **Department of Agriculture (USDA)** — The U.S. Forest Service (FS) has undertaken a process streamlining initiative called "Process Predicament," which has looked at statutory, regulatory, and administrative factors limiting the agency's ability to make effective, efficient, and timely land management decisions to ensure service delivery and the restoration and sustainability of healthy ecosystems. Specifically, as part of this effort, the FS is evaluating process requirements imposed on Forest decision makers, challenging excessive analysis and management inefficiencies.
- **Department of Commerce (DOC)** — The National Oceanic and Atmospheric Administration (NOAA) National Marine Fisheries Service (NMFS) emphasized three themes as it participated in the environmental review process for two of the designated priority projects: front-loading participation, coordinating internal communications, and moving the conversation between the action agency and the resource agency along a continuum from negotiation to expert advice. Environmental stewardship is being promoted through the adoption of an impact-assessment approach that reviews project impacts on a basin-wide perspective, consistent with ecosystem-based fisheries management.

- **Department of the Interior (DOI)** — DOI emphasizes 4Cs as its organizing principle for participation in the EO 13274 Task Force: Communication, Consultation, and Cooperation, all in the service of Conservation. To streamline environmental review efforts, several State DOTs have provided resources to U.S. Fish and Wildlife Service (FWS) field offices to hire a staff person to specifically focus on transportation projects. This includes a senior FWS biologist who is working with national, regional, and field-level staff to examine current policies, training, and conservation tools that may be used more effectively toward completing environmental reviews and enhancing environmental stewardship. DOI has also successfully utilized alternative dispute resolution processes for particularly complex and/or contentious projects, including one of the EO 13274 priority projects.
- **Department of Defense** — During its review of environmental issues on the US 93 project in Montana, the U.S. Army Corps of Engineers (Corps of Engineers) revised its policy of requiring conservation easements and negotiated with tribal officials and the Bureau of Indian Affairs to effect preservation of the proposed mitigation area on tribal lands, utilizing procedures available to affected tribes. This represents a change in how the Corps of Engineers District works with tribes in relation to mitigation for highway projects. Furthermore, in July 2003, the Corps of Engineers, the Environmental Protection Agency (EPA), and the Federal Highway Administration (FHWA) issued a document entitled, “Federal Guidance on the Use of the TEA-21 Preference for Mitigation Banking to fulfill Mitigation Requirements under Section 404 of the Clean Water Act.” This document provides essential guidance for the field that clarifies those factors to be considered in implementing the TEA-21

preference for mitigation banking, with the Section 404 Clean Water Act mitigation requirements.

- **Environmental Protection Agency** — EPA has had success with elevating important projects to management levels (e.g., the Assistant Administrator of EPA’s Office of Enforcement and Compliance Assurance personally assisted in resolving issues for several priority projects). EPA NEPA and wetlands staff, and FHWA, held a national workshop shortly after the signing of EO 13274 on ways to improve the agencies’ joint streamlining and environmental stewardship efforts; the workshop led to new joint guidance (issued with the Corps of Engineers) and other improvements in how the two agencies coordinate and promote early and sustained involvement in projects. Also in the past 12 months, EPA and FHWA jointly developed and funded training on state-of-the-art methodologies to assess the indirect and cumulative impacts of transportation projects.
- **Advisory Council on Historic Preservation (ACHP)** — ACHP initiated discussions with FHWA on the development of a programmatic agreement that would exempt most of the Interstate Highway System (which turns 50 years old in the near future) from National Historic Preservation Act (NHPA) Section 106 and DOT Act Section 4(f) reviews.

Priority Issue Work Group Activities

Soon after its formation, the Task Force identified three areas where Federal coordination and decisionmaking should be better integrated or where there are opportunities for process improvements: (1) the development of purpose and need statements in environmental review documents; (2) the documentation of indirect and cumulative impacts; and (3) the use of integrated planning, which takes into account anticipated environmental reviews, approvals, and permitting processes for specific proposed pro-

jects during State and local long and short range transportation planning. To investigate the potential for improvements in these areas, the Task Force established interagency Work Groups to focus on each of these three topics.

To guide its future efforts, each Work Group developed a work plan that identified specific issues, actions, and needs. The “Purpose and Need” Work Group will focus its efforts in three areas: crafting a purpose and need statement; integrating the NEPA purpose and need statement with project purpose statements of other laws; and looking at economic development as part of the transportation purpose and need. The “Indirect and Cumulative Impacts” Work Group has identified four major issue areas for its work: approaches and methodology; level of detail; information availability; and mitigation. Finally, the “Integrated Planning” Work Group will focus initially in three areas: early integration of environmental considerations into the transportation planning process; tiering as a transportation planning/NEPA integration tool; and interagency obstacles and opportunities.



Members of the Interagency Transportation Infrastructure Streamlining Task Force are pictured above. From left to right: Merlin Bartz, U.S. Department of Agriculture; James Walpole, U.S. Department of Commerce; J.P. Suarez, U.S. Environmental Protection Agency; Norman Y. Mineta, U.S. Department of Transportation; James Connaughton, the Council on Environmental Quality; John Fowler, Advisory Council on Historic Preservation; John Paul Woodley, U.S. Army Corps of Engineers; Paul Hoffman, U.S. Department of the Interior.

1. Introduction and Background

The primary goal of EO 13274: Environmental Stewardship and Transportation Infrastructure Project Reviews, as stated in Section 1, is “to promote environmental stewardship in the Nation’s transportation system and expedite environmental reviews of high-priority transportation infrastructure projects.” Section 4 of the EO requires the Task Force to submit a report at least annually that documents the past year’s accomplishments, lessons learned, and recommendations for furthering the goals of the EO. This is the first such report; it describes the results of the first year of implementation of the EO since it was signed on September 18, 2002.

The United States transportation network faces a set of complex and connected problems. A rapidly growing population with increasing travel needs combined with an aging, deteriorating, and, in many cases, overused transportation network places a tremendous burden on the existing transportation infrastructure. Between 1980 and 2001, vehicle miles traveled (VMT) increased nationally by 82 percent, from 1.53 to 2.78 trillion miles, while roadway lane-miles increased less than 4 percent, as shown in Figure 1.¹ Figure 2 presents the increase in travel on public transportation during the same period. Also during this period, air passenger miles more than doubled, rail freight ton-miles increased by 63 percent, truck freight ton-miles increased by nearly 90 percent, and freight shipped by inland waterway increased by 20 percent as shown in Figure 3.² Transit use also has grown rapidly in recent years, with a 22 percent increase in transit ridership from 1996 to 2001.³

Demands on the transportation system are expected to increase further in the future. Between 2000 and 2020, the U.S. population is expected to increase by nearly 20 percent. As a result, personal VMT is predicted to grow by more than 45 percent, with even greater increases in truck travel.⁴ During this same period, the number of passenger miles traveled (PMT) on public transportation is expected to

In 2001, highway traffic congestion is estimated to have cost Americans in 75 metropolitan areas over \$69.5 billion, due to nearly 3.5 billion hours of wasted time, more than 5.7 billion gallons of excess fuel, and increased vehicle operating costs.

Source: Texas Transportation Institute. 2003 *Annual Urban Mobility Report*. September 2003. pp. 23-26, <http://mobility.tamu.edu/ums/report>.

increase by nearly 40 percent.⁵ By 2014 air passenger enplanements may see increases of 50 percent from 2003 levels.⁶ Increased international trade will mean more products going through the nation’s borders and ports, which must be served by efficient connections. This growing pressure will be manifested by more congestion-related delays, unreliable travel times, and safety problems that inevitably have an adverse effect on the nation’s economy and quality of life.

Operational improvements, travel demand-management options, and technologies will alleviate some of the pressures. But those measures are unlikely to successfully address capacity needs for the mobility options people demand, and that sustain economic growth. There will continue to be places where additional highway, transit, or aviation capacity is needed to accommodate growing personal travel and freight movement. As a result, the development of new transportation infrastructure is vital.

At the same time that people demand new transportation capacity, they also demand a healthy environment and livable communities. A range of environmental laws and regulations help to safeguard habitats, endangered species, water quality, and air quality. The environmental review process under NEPA provides a framework for considering the full range of environmental, community, social, and economic

effects in transportation decisionmaking.

The mean time from issuance of a Notice of Intent (NOI) to prepare an environmental impact statement (EIS) to project opening is 13 years for major highway projects⁷ and 10 years for airports⁸ and transit projects. Although only 3 percent of all highway projects require an EIS⁹, this process takes an average of 5 years to complete.¹⁰

While many transportation infrastructure projects complete the environmental review process with minimal problems, some projects do experience delays that at times can reach to several years. These delays may result from a complex environmental review process that takes into account Federal, State, tribal, and local requirements. Other factors that contribute to project delays include contracting or funding problems and changes in the sponsor's priorities.¹¹

In an effort to improve the review process and overcome costly delays, President George W. Bush issued EO 13274 on September 18, 2002, to enhance environmental stewardship and streamline the decisionmaking process for major transportation projects. The EO establishes an interagency Transportation Infrastructure Streamlining Task Force (Task Force) to pay increased attention to a list of priority projects. As described in the EO, the role of the Task

Figure 1
U.S. VMT and Lane Miles Growth, 1980-2001

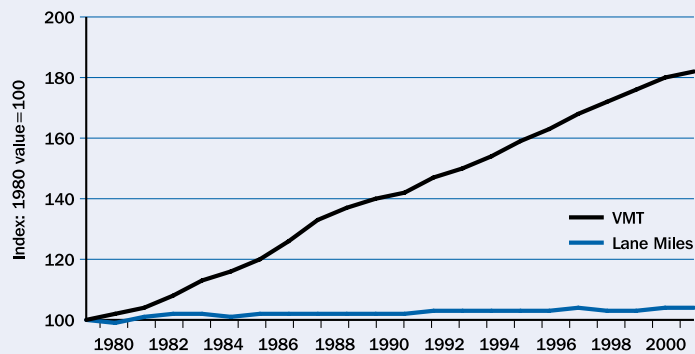
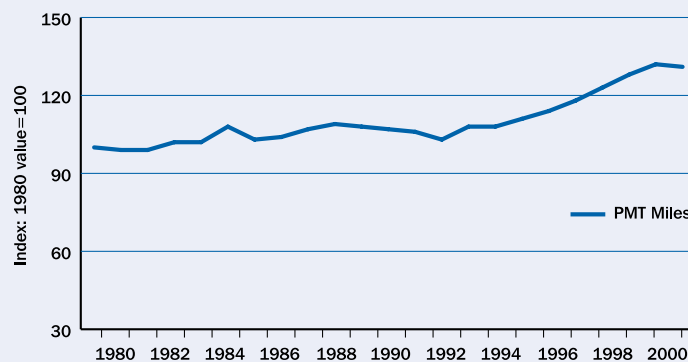


Figure 2
Growth in U.S. Travel on Public Transportation

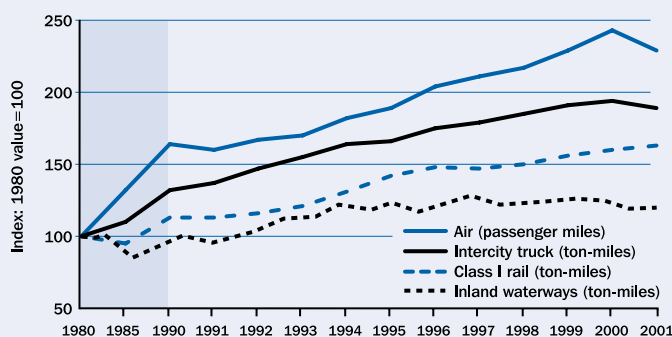


Force is to:

- Monitor and assist agencies in their efforts to expedite a review of transportation infrastructure projects and issue permits or similar actions, as necessary.
- Review priority projects, at least quarterly, on the list of priority projects pursuant to section 2(c) of the EO.
- Identify and promote policies that can effectively streamline the process required to pro-

Figure 3

Growth in U.S. Travel Activity – Passenger and Freight, 1980-2001



vide approvals for transportation infrastructure projects, in compliance with applicable law, while maintaining safety, public health, and environmental protection.

The Task Force, which reports to the President through the Chairman of CEQ, is made up exclusively of the following members (or their appointed designees):

- Secretary of Transportation – Chair
- Secretary of Agriculture
- Secretary of Commerce
- Secretary of the Interior
- Secretary of Defense
- Administrator of the Environmental Protection Agency
- Chairman of the Advisory Council on Historic Preservation

- Chairman of the Council on Environmental Quality

The Task Force works to promote interagency cooperation and the establishment of appropriate mechanisms to coordinate Federal, State, tribal, and local agency consultation, review, approval, and permitting of transportation infrastructure projects. For those projects designated as priority projects, the Task Force brings high-level officials to the table to create

solutions for issues that have caused delays for these critical projects. Furthermore, the Task Force: monitors and assists agencies in their efforts to expedite reviews of transportation infrastructure projects, issue permits, or undertake similar actions; reviews projects on the list of priority projects; and identifies and promotes policies that can effectively streamline the decisionmaking process for transportation infrastructure projects while promoting environmental stewardship.



Community and Environmental Transportation Acceptability Process (CETAP), Riverside County, California



*Louisville-Southern Indiana Ohio River Bridges Project
Jefferson County, Kentucky and Clark County, Indiana*



Chittenden County Circumferential Highway, Chittenden County, Vermont



Interstate 80 (I-80) Upgrade, Lincoln-Omaha, Nebraska

2. Accomplishments

During the first year of implementation of EO 13274, the focus of efforts among members of the EO Task Force has been in three main areas:

- (1) Streamlining the environmental review process for priority projects.
- (2) Formulating and implementing measures within Task Force member agencies to promote environmental stewardship and streamlining.
- (3) Identifying priority issues and developing work plans to address these issues critical to streamlining the environmental review process.

This section describes the accomplishments of the Task Force and its partners during the past year in each of these focal areas.

2.1 Priority Projects

2.1.1 Selection of Priority Projects and Task Force Monitoring

DOT established three basic criteria for priority projects: 1) national or regional significance; 2) high level of support by State and local elected officials; and 3) undue delay (or expected delay) due to slow Federal agency review or coordination. Based on a workshop held November 1, 2002, for transportation and environmental stakeholders from across the nation, additional considerations were established, including: the potential for exemplary environmental stewardship; a mix of projects reflecting a variety of circumstances; likelihood of success in terms of Federal officials' being in a position to help craft a solution; projects with serious consequences associated with inaction; and cases where other venues for issue resolution had been exhausted.

On October 31, 2002, DOT Secretary Norman Y. Mineta selected 7 transportation projects to receive accelerated environmental review. Secretary Mineta selected 6 additional projects on February 27, 2003, for a total of 13 priority projects.

Transportation projects nominated by Governors, Metropolitan Planning Organizations, and airport authorities were added to the Project Register. This Project Register is the list of projects from which the Project Review Team, composed of transportation professionals from all levels within DOT, evaluated projects for selection by the Secretary of Transportation as priority projects. The Project Register serves as a rolling list from which new projects may be added as the environmental review of other priority projects is completed.

On October 31, 2002, DOT Secretary Norman Y. Mineta selected seven transportation projects to receive accelerated environmental review and placed these projects on the priority project list. The seven projects are:

- Philadelphia International Airport Improvements, Philadelphia, Pennsylvania;
- Community and Environmental Transportation Acceptability Process (CETAP), Riverside County, California;
- Interstate 93 (I-93) Improvements, New Hampshire;
- Chittenden County Circumferential Highway (CCCH), Chittenden County, Vermont;
- Louisville-Southern Indiana Ohio River Bridges Project, Jefferson County, Kentucky, and Clark County, Indiana;

- St. Croix River Crossing at Stillwater, Minnesota and Wisconsin; and
- Interstate 69 (I-69) Corridor, Texas.

Secretary Mineta selected 6 additional projects on February 27, 2003, for a total of 13 priority projects:

- Lower Manhattan Transportation Recovery Projects, New York City, New York:
 - Fulton Street Transit Center
 - World Trade Center Transportation Hub
 - South Ferry Subway Terminal
- Interstate 66 (I-66), London-Somerset, Kentucky;
- InterCounty Connector (ICC), Maryland;
- US 93 Corridor, Montana;
- Interstate 80 (I-80) Upgrade, Nebraska; and
- Los Angeles World Airports Master Plan, Los Angeles, California.

Over the course of the year, the Task Force played an oversight role on each of the projects, tracking progress on each project and working with agency staff to communicate the goals of the EO, to resolve conflicts, and to identify needed courses of action. For each project, a senior DOT official was designated “Champion” and closely monitored the project and reported to the full Task Force on project status.

2.1.2 Streamlining Successes

On September 23, 2003, Secretary Mineta announced the successful completion of the environmental review process for 4 of the original 13 priority projects. These four projects were removed from the priority project list and advanced to the Project Transition List, leaving nine projects on the priority list. The four completed projects are described below.

Community and Environmental Transportation Acceptability Process (CETAP)

Riverside County, California

Project Background

- Identify and preserve important transportation corridors in Riverside County through a two-tiered EIS development process.
- Tier 1 evaluates environmental impacts for a group of potential locations, and provides a recommendation for a preferred alternative for right-of-way preservation; Tier 2 will evaluate project-level impacts within the preferred corridor.
- Studies initiated in 2000; Draft Tier 1 EIS for North/South Winchester-to-Temecula (WT) corridor issued for public comment in July 2002.
- Resource agencies expressed concerns about the level of detail included on impacts for wetlands, endangered species, and indirect/cumulative impacts.
- Lack of significant Federal guidance on level of detail required in tiered documents threatened to delay the process of corridor selection.

Spurred by the elevation of the project to priority status under EO 13274, a process to resolve these resource agency concerns was developed. The Riverside County Transportation Commission, California Department of Transportation (Caltrans), EPA, FWS, Corps of Engineers, and FHWA signed a Memorandum of Understanding (MOU) on what information would be needed to complete the environmental documents. The Federal agencies played an active role in identifying one alternative (Alternative H) as the preferred alternative for the WT corridor. Alternative H has the dual benefits of posing the fewest adverse impacts while also being eligible for designation as a State Highway Route. Because it primarily improves existing highways, there is less poten-

tial for habitat fragmentation, impacts to wildlife movement, and community disruption than there would be for alternatives that would introduce new facilities into the study area. All agencies agreed that the corridor would proceed to the final EIS, which was completed and issued by FHWA in June 2003. A Record of Decision (ROD) followed in September 2003. While FHWA and the other involved parties decided to push forward with the Tier 1 EIS for the WT corridor, the Riverside Transportation Commission decided to terminate the tiered EIS process for the Hemet-to-Corona/Lake Elsinore corridor and proceed directly to an alignment EIS. The preliminary work has begun (logical termini, etc.) and on October 14, 2003, all involved Federal, State, and local agencies signed a Partnership Agreement pledging to work cooperatively on the project.

Environmental stewardship was achieved not only in the selection of Alternative H as one of the least potentially environmentally damaging alternatives, but in the way in which the CETAP process set out to integrate planning to address transportation, land use, and species habitat preservation in a coordinated effort. The selected alternative will be a covered activity under the new Western Riverside County Multiple Species Habitat Conservation Plan developed with FWS as an ecosystem approach to address the Endangered Species Act (ESA). By undertaking a tiered review, Riverside County is able to preserve a corridor to meet future transportation demands, and to integrate this plan into long-range land use and environmental planning.

Chittenden County Circumferential Highway Chittenden County, Vermont

Project Background

- Construct a 16-mile, limited-access, four-lane divided highway as a bypass for I-89 around Burlington.
- EIS completed in 1986.
- Four-mile portion of the roadway completed in 1993.
- Environmental Assessment (EA)/Reevaluation prepared and released in 2002 prior to next phase of construction to identify changes in project-induced impacts since completion of the EIS.
- EPA expressed concerns about secondary impacts of induced growth, the ability of proposed management measures to meet the project purpose, and storm water impacts, thus leading to a revised EA/Reevaluation.

Under the direction of the Task Force, FHWA's Vermont Division Office, the Vermont Agency of Transportation (VTrans), and EPA Region 1 engaged in a series of discussions, involving both senior management and staff-level personnel, to address each concern, and to reach mutually agreeable resolutions. As a direct result of these collaborative consultations and input from the public, agreement was reached on most issues, leading to completion of the environmental review and issuance of the ROD in August 2003.

Environmental stewardship was advanced on this project through a range of project-specific and regional actions. Extensive mitigation measures for the project, identified in the 1986 EIS, have been completed including the construction of two wetland mitigation sites. Additional measures to minimize harm were identified in the

EA/Reevaluation such as the elimination of two interchanges to reduce the potential for secondary growth and alignment shifts to minimize impacts on wetlands and historic resources. In addition to these avoidance and mitigation measures, VTrans has agreed to conduct an extensive statewide study of the practice of roadway deicing and the impacts on the local environment associated with increased road salt runoff. The Northwest Vermont Planning Initiative, with VTrans funding, will help communities in Chittenden and adjacent counties address growth, including that stimulated by roadway construction. As part of this effort, Regional Planning Agencies will identify projected growth at the local level, evaluate the current effectiveness of plans and regulations to accommodate that growth and provide appropriate assistance tailored to the towns' individual needs. These activities demonstrate VTrans' commitment to environmental stewardship, as they will be widely applicable to many future transportation projects, and will help ensure that the impacts of these projects are minimized.

A lawsuit alleging violations of NEPA and Section 4(f) of the DOT Act was filed on October 15, 2003.

Interstate 80 (I-80) Upgrade

Lincoln-Omaha, Nebraska

Project Background

- Expand 35-mile segment of roadway between Lincoln and Omaha from four lanes to six-lanes (divided) to increase capacity and provide added shoulder and median width.
- Approximately 30 percent of all vehicles on this segment of roadway are heavy commercial vehicles.

- Segment exhibits a crash rate substantially higher than the State average.
- Project had been delayed over threatened and endangered species issues and over indirect and cumulative impact issues associated with wetlands preservation.

After designation as a priority project, an interagency coordination process was launched involving officials from Nebraska Department of Roads (NDOR), FHWA Nebraska Division, FHWA Headquarters, FWS, and the Nebraska Game and Parks Commission. This coordination changed the focus of discussions from a wide-ranging evaluation of potential impacts that many stakeholders believed was broader than necessary, to an identification of the impacts from the project that all parties agreed was appropriate, and the evaluation of potential resolutions. Resolution was reached on all issues within a period of approximately six months, and FHWA issued a Finding of No Significant Impact for the project in June 2003.

A significant number of avoidance and environmental mitigation techniques are being incorporated into the I-80 Upgrade project to address environmental issues, including:

- Construction restrictions along the Platte River to accommodate the pallid sturgeon, sturgeon chub, interior least terns, and piping plover.
- Restrictions on noise from construction and demolition activities to minimize disturbance of migrating pallid sturgeon as well as the interior least tern and the piping plover.

- Establishment of a wetlands bank to be maintained in perpetuity near the project site.
- Development of an Emergency Spill Response Plan to protect environmentally sensitive habitats near several construction sites.

In addition to the avoidance and mitigation measures described above, several measures demonstrating the commitment of involved parties to environmental stewardship were implemented. Foremost among these were efforts taken to minimize impacts on the Salt Creek Tiger Beetle, currently not on the threatened and endangered species list (though it is a candidate and may be listed in the future).

These efforts include:

- Developing a new drainage system along the right-of-way that enters Oak Creek. This drainage site, located near Capital Beach Lake, is a saline wetland habitat that once contained a population of Salt Creek Tiger Beetles and someday could be used as a reintroduction site for the species. NDOR worked with Game and Parks Commission biologists to develop this drainage system in hopes of maintaining the hydrology at the site.
- Designing the new lanes of I-80 to go on the inside of the existing lanes rather than on the outside. This minimized expansion of the road into sensitive wetland habitats.
- Designing the new lanes to drain runoff to the inside of the road and then into Oak Creek. This design should keep excess runoff and contaminants away from sensitive wetland habitats where Salt Creek Tiger Beetles might be located.

Louisville-Southern Indiana Ohio River Bridges Project

Jefferson County, Kentucky and Clark County, Indiana

Project Background

- Construct two new six-lane bridges across the Ohio River between Jefferson County, Kentucky and Clark County, Indiana.
- One bridge will be located in downtown Louisville to relieve existing and anticipated future congestion on the Kennedy, Clark Memorial, and Sherman Milton bridges; also includes redesign of Kennedy Interchange at convergence of I-64, I-65, and I-71.
- One bridge will be located in the eastern metro area as the final link required to complete the I-265 beltway around Louisville.

The EO Task Force played a key role in expediting the environmental review process by making available assistance from Federal agencies and program specialists to address technical comments related to specific historic property effects, project contingency cost estimates, tribal coordination, wetlands and habitat preservation, traffic modeling, and fiscal constraint analysis. The review process included an intense period of face-to-face meetings among key players that allowed for timely resolution of issues. In addition, by having key resource agencies all treat the project as a priority, adequate personnel and resources were devoted that, together with a team approach, helped to keep the process moving forward. The assistance of the Task Force allowed the environmental review process to be completed in five years – a relatively short amount of time for such a large and comprehensive project. FHWA signed the ROD in September 2003.

Each of the four priority projects that completed the environmental review process provides lessons on expediting decisionmaking and supporting environmental stewardship.

The locations of the bridges, chosen from amongst a group of competing locations, represented the least environmentally damaging alternative for addressing the long-term cross-river mobility needs of the Kentuckiana Region. Context-sensitive design elements were incorporated into the project concept, and a public review process was included in the selection of signature bridges. In addition, the project successfully addressed a number of complicated historic preservation issues, utilizing creative solutions such as tunneling under properties and renovation of buildings, to address potential impacts on historic resources at both bridge locations.

Broad environmental commitments incorporated into the project included:

- An agreement to donate 45 acres of riverfront land vacated by the relocation of the Kennedy Interchange to the Louisville Metro Government for inclusion in the Louisville Waterfront Park and Development.
- Approximately \$12.4 million in enhancements to historic resources, such as restoration of a trolley barn to be used as an African American heritage museum, and a 5-year historic preservation crafts program to teach participants how to prepare and restore historic buildings.
- Inclusion of bicycle and pedestrian facilities with each of the new bridges.

The project also attempted to enhance the community's understanding of the relationship

between land use and transportation by sponsoring a smart-growth conference and commissioning planning studies in two counties experiencing high rates of growth.

2.1.3 Lessons Learned from Priority Project Streamlining Successes

In addition to expediting the environmental review process for priority projects, the EO affords agencies the opportunity to test innovative approaches to streamlining that can be applied more broadly in the review of transportation projects. Each of the four priority projects that completed the environmental review process provides lessons on the keys to expediting decisionmaking and supporting environmental stewardship. Interviews were conducted with participants involved in the process, including the project sponsors, the DOT Champions, FHWA Division Offices, and involved resource agencies to obtain information on the lessons learned. A complete list of individuals interviewed for this report is provided in the Appendix.

Many of those interviewed believed that designating the project as a priority under the EO helped expedite the environmental review process by bringing additional attention and commitment by participating agencies. Participants interviewed told the Task Force about lessons that, in their opinions, may help to further the goal of streamlining the environmental review process and promoting environmental stewardship for all future transportation projects. These key lessons as presented to the Task Force are summarized below, and the Task Force will discuss appropriate methods for acting on them.

Promote Interagency Coordination and Collaboration

Individuals interviewed almost unanimously identified promoting interagency coordination and collaboration as a key to expediting project

review. They indicated that early coordination among all agencies involved in the environmental review process is important to ensure that agencies understand each others' perspectives and agree on methods to work together to avoid and resolve disputes. Specific suggestions offered to the Task Force include:

- Bring all involved agencies together for face-to-face meetings early in the process. This will help foster a team approach and facilitate consensus building. For potentially controversial or priority projects, involve agency management so that these decision-makers are aware of the issues involved in the project.
- Involve senior management in field offices in the coordination process.
- Identify all issues of importance to all agencies and explain why each is important so that all agencies can understand the perspectives and missions of the others and can take them into account. Visits to the project site and potentially affected areas can also help ensure that all involved staff have a clear understanding of important issues.
- Engage a neutral facilitator in the discussion process if appropriate and participants agree. This may be especially important for complex projects to ensure that all agencies and stakeholders feel that their concerns are being heard through a fair and open process.
- Cultivate good working relationships based on mutual trust and confidence with other involved agencies before problems arise. Having such relationships will allow for more open discussion of key issues, leading to a more effective resolution.
- Supplement letter and e-mail correspondence with telephone consultation and face-to-face meetings to more quickly address and resolve important issues.

Ensure Appropriate Staffing and Resources

Many of those interviewed suggested that to expedite the environmental review process, it is important to ensure that sufficient and appropriate staff is available and mechanisms are in place to elevate issues to higher levels.

Recognizing that agencies have limited staff, not all projects can receive the same high level of attention, and a process must be instituted to identify projects for emphasis at more senior levels. This will mean that other projects may not receive the same level of attention or that participating agencies will need to reassess their process efficiencies and staffing to make available needed resources. Specific suggestions offered to the Task Force on this issue include:

- Dedicate senior staff with leadership, decisionmaking, and problem-solving skills to support a more effective process.
- Assign DOT headquarters program and legal staff to projects to ensure timely reviews of draft documents and provide technical assistance throughout the process.
- Formalize a process and criteria to be used by all agencies involved in environmental review for the elevation of issues to higher levels in their organizations. Senior staff or management may be able to more effectively work with other agencies to get a commitment on decisions and resolve problems.
- Provide adequate staffing for timely reviews and permitting. This can be accomplished through a variety of means, including process improvements that free-up staff time, appropriate re-assignment of staff to priority public sector projects, and funding agreements with project sponsors to help pay for expedited reviews.

Define Responsibilities and Agree on Schedules

Another common theme among those interviewed was the importance of clearly defining and agreeing on responsibilities and schedules to expedite the environmental review process. Participants in the priority project reviews indicated that schedules need to be clear to all agencies involved, and agencies need to agree at the outset on the appropriate schedule given staffing constraints and the complexity of the analysis required. Specific suggestions offered to the Task Force on this issue include:

- Agree on an action plan for all agencies involved in the environmental review process for a project.
- Hold agencies accountable for carrying out their responsibilities effectively and in a timely manner.
- To the extent possible, use a concurrent review process so that multiple agencies can review documents at the same time, thereby eliminating some of the reiterations of reviews and facilitating timely decisionmaking.

2.1.4 Status of Remaining Priority Projects

With the advancement of 4 of the initial set of 13 priority projects, 9 remain at various points of the environmental review process. Their current status is described below.

Los Angeles World Airports Master Plan

Los Angeles, California

Project Background

- Develop a long-range plan to guide development of Los Angeles International Airport (LAX).
- Project purpose – aviation growth, increasing safety, security, and economic needs.
- Federal Aviation Administration (FAA) published Supplement to Draft EIS/EIR on July 11, 2003.
- Nine public hearings held during initial 45-day comment period.
- Comment period extended by 75 days.

At present, the primary issue to be resolved that may affect the project schedule is the completion of an ESA Section 7 consultation with the FWS. In particular, discussions are needed relating to a proposed mitigation plan for the federally listed Riverside Fairy Shrimp and El Segundo Blue Butterfly. Consultation and discussions were delayed due to insufficient staff resources in the FWS Carlsbad Field Office. However, recent discussions have been held with the Deputy Field Supervisor of this office, and a meeting is being arranged to discuss potential mitigation plans. In the coming year, if FWS does not assign appropriate resources to completing the Section 7 consultation in time for preparation of the Final EIS/EIR, the FAA anticipates that headquarters involvement may be necessary.

Interstate 66 (I-66)

London-Somerset, Kentucky

Project Background

- Construct a 27-mile highway segment from I-75 south of London to KY 80 east of Somerset.
- Economic development initiative identified in the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA).
- Completed segment will improve accessibility throughout southern Kentucky to jobs, industry, urban centers, educational facilities, tourism, and recreational facilities.
- NOI published in Federal Register on April 29, 2002.
- Formed I-66 Citizens Committee over concerns of potential impacts to the Daniel Boone National Forest.

Current unresolved issues relate to impacts on the Daniel Boone National Forest, wild river crossings, and karst/cave systems. In the coming year, activity will continue toward the expected submission of a preliminary Draft EIS for agency review by late 2004, and the goal of Draft EIS publication in July 2005. In addition to work on the various studies to be conducted to assess the potential environmental impacts of the project, agencies will continue working with the I-66 Citizens Committee and the general public.

InterCounty Connector (ICC)

Maryland

Project Background

- Link the highly developed I-270 and I-95/U.S. 1 corridors within central and eastern Montgomery County and western Prince George's County.
- Project purpose – provide infrastructure needed to support local land use plans; increase community mobility and safety; improve access between economic growth centers; enhance environmental planning and design; and advance homeland security.
- Draft EIS completed in 1983; preparation of Final EIS initiated in 1987.
- New Draft EIS/MIS/Draft Section 4(f) statement approved in March 1997.
- Resource agencies concerned about wetlands and other environmental impacts, prompting former Governor to shelve project.
- NOI published in Federal Register on May 19, 2003.

Current issues to be resolved are varied, and include impacts to: State-listed endangered plants; parkland; historic properties for the alternative proposed routing; wetlands and streams; and air quality. In addition, nearby residents are concerned about impacts to property values. Indirect/cumulative impacts continue to cause concern. To address these issues, FHWA is using a strategy of extensive interagency cooperation and public involvement, coupled with rigorous environmental and engineering assessment. Interagency cooperation is taking place on both the Executive Level (a total of 12 State and Federal agencies) and the Working Level (a total of 17 agencies and organizations); a neutral facilitator ensures that meetings are constructive. These groups met a combined 10 times between

June and October 2003. Two public open houses have been held and more are planned for the coming year. Information will continue to be presented at numerous community events, and neighborhood meetings will be scheduled when requested.

St. Croix River Crossing at Stillwater Minnesota and Wisconsin

Project Background

- Build new National Highway System crossing of the St. Croix River, a Federally-designated wild and scenic river which divides Minnesota and Wisconsin.
- Determine the appropriate future use of and a mechanism for the operation and maintenance of the historic lift bridge while providing a transportation facility which meets the increased capacity needs of the area.
- Project will provide increased capacity and will remove through-traffic from downtown historic Stillwater, Minnesota.
- ROD issued in 1995, but project delayed by National Park Service (NPS) adverse-effect finding under Wild and Scenic Rivers Act (WSRA).
- December 2000 NPS analysis suggested three mitigation options; none were acceptable to all parties, resulting in a deadlock.

To resolve the outstanding issues of the disposition of the existing historic lift bridge and the funding of additional mitigation measures over the originally planned \$8.4 million package, an independent facilitator has been engaged, and the Stakeholders Problem Solving Process was initiated. Through this process, five alternatives have been developed for potential study in a Supplemental EIS. In the coming months, comments on these alternatives will be solicited from agencies and the public, and preparation of the Supplemental EIS will move forward. The goal is to publish the Draft Supplemental EIS by August 2004.

US 93 Corridor Montana

Project Background

- Upgrade corridor traversing National and State forestland, wildlife refuges, and ecosystems.
- Route travels through Rocky Mountain valleys, the Flathead Indian Reservation, and links recreational areas to population centers.
- Upgrade work initiated in 1980s.
- Issues include induced growth, impacts to the natural environment, impacts to tribal cultural and spiritual sites, wildlife linkage areas, wetlands, right-of-way acquisition on tribal land, and access control.
- Three EISs completed for the following corridor sections: Hamilton to Lolo, Evaro to Polson, and Somers to Whitefish.

Current issues to be addressed fall in the Evaro to Polson corridor and center on the requirements for wetland mitigation resulting from construction on the Flathead Indian Reservation of the Confederated Salish and Kootenai Tribes. Discussions are ongoing between the Tribes and the Corps of Engineers relating to wetland mitigation sites. Discussions are also ongoing among project stakeholders concerning opportunities to initiate a corridor-wide ecosystem planning and restoration project along the entire 280-mile US 93 corridor. The major concern spurring this discussion is that wildlife in the area will be permanently impaired or lost if timely action is not taken to maintain or improve wildlife connectivity and protect sensitive habitats along the corridor. Current efforts are focusing on the development of innovative procedures for allowing mitigation for projects that could take place anywhere along the corridor. Draft procedures will be prepared in the coming year and submitted to the EO Task Force for counsel and assistance.

Interstate 93 (I-93) Improvements New Hampshire

Project Background

- Widen 19 miles of Interstate 93 between Salem and Manchester from a four-lane limited-access highway to eight lanes.
- Reconstruct five interchanges along the corridor.
- Provide improved bus service and park-and-ride lots, with possible future reactivation of rail service.
- Draft EIS published in September 2002, with extended public comment period.
- Several dispute resolution meetings held among Federal and State agencies.
- Key agencies signed agreements on project purpose and alternatives evaluated in the Draft EIS.

A disagreement between New Hampshire DOT (NH DOT) and EPA over the extent of wetlands mitigation to be included as part of the project caused some initial delays. To compensate for the direct impacts on 78 acres of wetlands and potential indirect growth impacts, EPA requested that NH DOT purchase nearly 3,000 acres. NH DOT proposed the purchase of 650 acres and \$3.5 million in planning assistance to minimize any negative impacts of future growth. After additional interagency discussions, an agreement was reached in which NH DOT will purchase approximately 1,025 acres for wetland creation, enhancement, and preservation, provide \$3 million to the State's Watershed Grants Program, and provide \$3.5 million for planning assistance to communities. However, local environmental groups raised additional concerns about impacts on water quality, and in August 2003, EPA expressed its own concerns about the effects of increased salt runoff from road deicing operations to local

streams, rivers, wetlands, and lakes. To address these concerns, a water-quality monitoring study is underway for the streams of concern, and it is hoped that the results will help to resolve the situation. It is expected that in the coming year, the Final EIS will be prepared and a ROD issued in late 2004.

Lower Manhattan Transportation Recovery Projects New York City, New York

Project Background

- Rebuild, restore, and enhance Lower Manhattan transportation system damaged by terrorist attacks on September 11, 2001.
- Fulton Street Transit Center to improve passenger transfers among 6 subway stations, connect 12 subway lines, and connect the Port Authority Trans-Hudson (PATH) subway terminal at the World Trade Center (WTC) site. NOI issued in April 2003; ROD scheduled for November 2004.
- World Trade Center Transportation Hub to rebuild permanent PATH terminal at WTC site, increase station capacity, and provide direct pedestrian connections to the Metropolitan Transportation Authority/New York City Transit (MTA/NYCT) subway. NOI issued in September 2003; ROD scheduled for December 2004.
- South Ferry Subway Terminal to replace existing single-track, five car loop station on the 1 and 9 subway lines with a two-track, ten car stub end terminal, with two new entrances and pedestrian connections to the Whitehall Station on the N and R lines and the Whitehall Ferry Terminal. EA initiated in August 2003 and completed in May 2004.

The concurrent development of the recovery projects in a limited geographic area will require maximum coordination among all the agencies involved. In the summer of 2002, many of the Federal partners signed an MOU “Environmental Coordination and Review Among the Federal Partners of the Federal Task Force To Rebuild New York City,” committing to coordinate and expedite project reviews on all Lower Manhattan Federal recovery projects. In October 2002, the project sponsors provided formal notification to the Federal Transit Administration (FTA) of their agreement on an Environmental Analysis Framework. This framework defines the approach the project sponsors will use to evaluate and minimize potentially adverse environmental effects, particularly cumulative effects, from the transportation projects in Lower Manhattan.

During the coming year, substantial efforts will be concentrated on resolving issues related to historic resources. Discussions are underway between the project sponsors (PATH and MTA/NYCT), FTA, the State Historic Preservation Officer, ACHP, and NPS. RODs for each project are scheduled to be completed by December 2004.

Philadelphia International Airport Improvements

Philadelphia, Pennsylvania

Project Background

- Construct new runways and related facilities to reduce existing and projected travel delays as part of a Capacity Enhancement Program.
- Philadelphia International Airport (PHL) is the 19th busiest and 6th most delayed airport in the nation, with an average delay of nearly 10 minutes per operation.

- Without the Program, average delays could reach nearly 20 minutes per operation by 2020.
- NOI to prepare an EIS was issued in July 2003.
- Airport sponsor asked FAA to accelerate consideration of extending existing Runway 17-35 to allow for growing operations by regional jet aircraft, requiring a separate EIS.

All involved Federal agencies have either signed, or agreed to sign, the Stewardship/Streamlining Agreement developed for the PHL projects. This Agreement commits signatories to an overall project schedule, as well as to specific timeframes for each agency to meet its responsibilities in the environmental review process. In addition, the Agreement includes: a commitment to environmental stewardship; acknowledgement that environmental permitting is to be completed concurrently with the EIS; details for specific methods for working toward consensus on important issues; and a specific mechanism for elevating and resolving issues that could include the EO 13274 Task Force. Activities in 2004 will focus on the completion of the Draft EIS for extension of runway 17-35, and initiation of the EIS for the Capacity Enhancement Program.

Interstate 69 (I-69) Corridor Texas

Project Background

- Develop a major grouping of projects covering the 950-mile length of I-69 in Texas; I-69 is a proposed 1,600-mile highway to connect the U.S., Mexico, and Canada.
- Three to 13 EISs to be prepared based on FHWA decision to break I-69 into Segments of Independent Utility.
- Planning efforts being linked to the Trans Texas Corridor announced in August 2002.
- I-69 Partnership Agreement executed in October 2003 by the I-69 Steering Committee and Technical Advisory Committee to initiate the project-development process.
- A Process Manual framework will enhance collaborative efforts and minimize negative project impacts.

Because the project is in its early stages, no major issues have arisen that threaten to delay it. However, there are concerns about how to consider indirect and cumulative impacts for a 1,000-mile project. State law currently restricts funding of Federal agencies, calling into question how key resource agencies will receive adequate funds to complete their reviews in a timely manner. Recent actions taken on the project opened discussions about the potential for identifying possible mitigation sites early in the project planning process, development of an eco-region approach to the identification of sensitive natural resources, and development of a multi-jurisdictional approach for the use of mitigation banks. In addition, Texas DOT has already revised the Trans Texas/I-69 Process Manual to integrate I-69 as a possible component of the Trans Texas System. Finally, FHWA has agreed to manage 2-year funding

agreements with EPA, Corps of Engineers, and FWS. Activities in the coming year will focus on the initiation of work on the Tier 1 analysis to establish corridors for rail, utility, and highway modes for the Trans Texas/I-69 project.

2.2 Agency Stewardship and Streamlining Activities

Section 2(a) of EO 13274 states that:

For transportation infrastructure projects, agencies shall, in support of the DOT, formulate and implement administrative, policy, and procedural mechanisms that enable each agency required by law to conduct environmental reviews (reviews) with respect to such projects to ensure completion of such reviews in a timely and environmentally responsible manner.

This section of the report presents a brief description of the activities undertaken by each Task Force agency member to implement the mandate set forth in Section 2(a) of the EO.

2.2.1 Department of Transportation

DOT has taken a variety of steps to achieve the streamlining and stewardship objectives of EO 13274. DOT's accomplishments for implementing the EO fall into the following categories:

- Collaboration and Relationship Building;
- Effective and Efficient Project Delivery; and
- Promoting and Advancing Environmental Stewardship.

Collaboration and Relationship Building

DOT's collaboration and relationship building efforts have improved relationships between Federal and resource agencies in the transportation project development process. These efforts include:

DOT encourages the use of programmatic agreements. The number of programmatic agreements has continued to grow and the use of programmatic agreements is now widespread.

- **Air and Surface Transportation Legislative Provisions:** DOT collaborated with other Federal agencies in the preparation and review of the legislative provisions of the Administration's aviation and surface transportation reauthorization proposals consistent with NEPA and other environmental laws and statutes. Collaboration focused on provisions that expand environmental stewardship, such as increased funding and eligibility for environmental activities, as well as environmental process improvements, such as streamlining, integrating planning and NEPA, Section 4(f), climate change, and coordinating air quality and transportation planning.
- **DOT Order 5611.1A (Elevating Highway and Transit Environmental Disputes):** DOT adopted DOT Order 5611.1A: U.S. Department of Transportation National Procedures for Elevating Highway and Transit Environmental Disputes. This Order implements Section 1309 (c) of TEA-21 by establishing internal procedures for elevating disputes involving environmental reviews of highway and transit projects to the Secretary of Transportation.
- **Alternate Dispute Resolution:** FHWA has funded 11 workshops on alternate dispute resolution in partnership with the U.S. Institute of Environmental Conflict Resolution. The workshops target interagency practitioners working in the highway transportation project development arena.
- **Cooperative Research:** DOT actively promotes collaborative research efforts. FAA is working to strengthen the research that is pur-

sued cooperatively with the National Aeronautics and Space Administration and other partners to reduce aviation-related environmental impacts. DOT created a new Air Transportation Center of Excellence for Aircraft Noise and Aviation Emissions Mitigation that is a world-class partnership of academia, industry, and government led by the Massachusetts Institute of Technology. FHWA has funded cooperative research projects with EPA and the Corps of Engineers on wetland delineation and function; with ACHP to identify and map tribal interests; with EPA and the Department of Energy on particulate matter emissions for light duty vehicles; water quality studies with the DOI U.S. Geological Survey to examine impervious surface contributions of transportation facilities to watersheds; and collaboration with the American Association of State Highway and Transportation Officials (AASHTO) Center of Environmental Excellence on environmental streamlining and stewardship practices.

Effective and Efficient Project Delivery

The efforts described below outline ways in which DOT has promoted effective and efficient project delivery. Specific projects include:

- **Programmatic Agreements:** DOT encourages the use of programmatic agreements as a mechanism to streamline the environmental review process. Most agreements address historic preservation, wetlands, endangered species, and Section 4(f) issues in the highway project development arena. The number of programmatic agreements has continued to grow and the use of programmatic agreements is now widespread. For example:
 - Sixty percent of the States have adopted agreements for highway projects to merge the NEPA process and the CWA permitting process administered by the Corps of Engineers.
 - Eighty percent of the States have some level of delegated authority for historic resources that allows many highway projects to be

processed quickly, thereby releasing Federal and State resources to focus on complex issues.

- Forty-four percent of the states have initiated tribal consultation MOUs that serve to streamline the NHPA consultation process for highway projects.
- **Guidance Documents:** DOT and its operating administrations promote effective and efficient project delivery through the development of guidance documents. FHWA developed and disseminated guidance to FHWA Division Offices related to indirect and cumulative impacts, dispute resolution, and purpose and need development, jointly with the FTA. In addition, FTA is currently updating its comprehensive environmental guidance to address environmental process efficiency, as well as environmental stewardship. This environmental guidance will target two separate audiences with different capabilities and needs: small transit agencies that implement small to medium sized projects, and large transit agencies that develop and construct major transit capital investments.
- **Geographic Information System (GIS) Promotion:** A clearinghouse website funded by FHWA will be on-line to promote best practices of GIS applications within the transportation community. The initial content of the website will focus on GIS applications in environmental streamlining, right-of-way, and planning.
- **Environmental Streamlining Websites:** Within DOT, FHWA and FAA are making environmental data available via the Internet. Recently revised and modernized FHWA websites include those on Environmental Streamlining, NEPA Project Development, Environmental Guidebook, and Archaeology and Historic Preservation, as well as NEPA, an interactive community of practice site. In addition, each month a new streamlining initiative is highlighted in the FHWA's web based "Successes in Streamlining" newsletter.

FHWA hosted a series of interagency workshops focused on advancing environmental streamlining and environmental stewardship in transportation projects.

Other website use includes FAA's posting of airport noise disclosure information on the web. FAA is also studying the feasibility of a national airport noise disclosure program.

Promoting and Advancing Environmental Stewardship

FHWA has funded a number of initiatives to promote, disseminate, and highlight environmental stewardship activities for transportation projects. Specific projects include:

- **Environmental Management Systems (EMS):** Within DOT, FHWA and FTA have supported the advancement of EMS that integrate strong environmental controls, roles, and responsibilities into an organization's operations. FHWA supports EMS and its "plan, do, check, act" approach as a strategy for demonstrating environmental stewardship and supports its use to integrate environmental performance into daily business decisions. FHWA disseminated a document entitled "Information on FHWA Promotion of Environmental Management Systems" outlining how FHWA can assist States in using EMS by setting measurable objectives, implementing programs that achieve objectives, measuring performance, and verifying implementation. The guidance document was sent to all field divisions in 2002. FTA has contracted with the Center for Organizational and Technological Advancement at Virginia Polytechnic Institute and State University (Virginia Tech) to provide training and assistance to enable 10 transit agencies to implement an EMS.
- **Funding of Interagency Workshops:** As an outgrowth of the Environmental Streamlining

In September 2003, CEQ released the report of its NEPA Task Force, entitled “Modernizing NEPA Implementation.”

National MOU, FHWA hosted a series of inter-agency workshops focused on advancing environmental streamlining and environmental stewardship in transportation projects. The workshops targeted interagency practitioners primarily working in the highway transportation project development arena and were held with EPA in December 2002 and FWS and National Oceanic and Atmospheric Administration (NOAA) Fisheries in May 2003.

- **Ecosystem Initiatives:** DOT supports the Exemplary Ecosystem Initiative goal implemented by FHWA. This goal focuses specifically on stewardship of the natural environment through the conservation of habitat and ecosystems. FHWA identified eight initiatives nationwide and the target is to identify a minimum of 30 exemplary ecosystem initiatives in at least 20 states by 2007.

2.2.2 Council on Environmental Quality

Unlike the other members of the EO 13274 Task Force, CEQ does not usually participate directly in the environmental review process for individual projects. CEQ has broad responsibility for issuing regulations and providing guidance governing the implementation of the NEPA statute. As a result, actions undertaken by CEQ toward furthering the goals of EO 13274 are more general in nature, and apply not only to transportation projects, but to other proposed Federal actions outside the transportation arena.

CEQ has completed two primary activities related to the goals of streamlining the environmental review process since the signing of EO 13274. Perhaps most notable is the release in September 2003, of the report entitled “Modernizing NEPA Implementation.” The

NEPA Task Force, established in April 2002 by CEQ Chairman James L. Connaughton and composed of Federal agency employees with diverse backgrounds, prepared the report. The report provides recommendations based on interviews, public comments, literature searches, and other sources, to improve and modernize the NEPA process in six main areas:

- Technology and information management and security.
- Federal and intergovernmental collaboration.
- Programmatic analyses and tiering.
- Adaptive management and monitoring.
- Categorical exclusions.
- Environmental assessments.

In addition, the Task Force is preparing (for later publication) a separate document containing case studies that highlight useful practices.

Although the NEPA Task Force report is not official CEQ guidance, and its recommendations are not legally binding, CEQ hopes that its wide dissemination will lay the groundwork for future discussions and actions that will modernize NEPA implementation. During the coming year, CEQ plans to consider how it will address the many recommendations included in the report.

The second action to promote streamlining undertaken by CEQ since the signing of the EO is the exchange of opinions between the Chairman of CEQ and Secretary of Transportation Mineta on the issue of purpose and need statements.

In a letter dated May 6, 2003, Secretary Mineta formally requested CEQ guidance on the following two questions:

- (1) What is the role of the lead agency under NEPA in determining “purpose and need?”
- (2) What is the appropriate role of cooperating agencies in reviewing the “purpose and need” for a project?

In a May 12, 2003, reply, the CEQ Chairman responded to the first question by indicating that “the lead agency — the Federal agency proposing to take an action — has the authority for and responsibility to define the ‘purpose and need’ for purposes of NEPA analysis.” In response to the second question, CEQ Chairman Connaughton suggested that where there are joint lead or cooperating agencies, it is prudent to jointly develop a purpose and need statement early in the process. He went on to clarify, however, that the joint lead or cooperating agencies “should afford substantial deference to the DOT agency’s articulation of purpose and need.” In addition, Mr. Connaughton suggested that in all cases where there might be disagreement, it is important to resolve issues and agree on a purpose and need at the beginning of the environmental review process to avoid potentially significant problems later in the process.

2.2.3 Department of Agriculture

As a land management agency, much of the responsibility for EO 13274 implementation within the Department of Agriculture falls to the Forest Service (FS), although Transportation and Marketing Programs also plays a role when a transportation project will affect the transport of agricultural goods.

Over the past 12 months, USDA has been engaged in three of the priority projects under EO 13274: the Interstate 69 Corridor Project in Texas, which potentially affects the interstate transport and movement of agricultural products; the Interstate 66 Project in Kentucky; and the US 93 Corridor Project in Montana. More specifically:

- Interstate 66 Project – Since the proposed corridor construction crossed National Forest lands, the Daniel Boone National Forest has been actively involved in project development. In the spirit of the current Memorandum of Understanding between the FS and FHWA,

Under the President’s Healthy Forest Initiative, a number of actions were taken by the FS to improve Agency processes for more timely decisions and greater efficiency, specifically with respect to fuels treatments and forest health restoration projects.

the Forest (staff and management) focused on “early on” coordination and clearly establishing their role and responsibilities as a cooperating agency for the project. The Forest has been an active participant in the Citizen group meetings with Kentucky DOT and continues to provide natural resource input on potential impacts to National Forest System lands.

- US 93 Corridor Project – Although the proposed project does not cross National Forest system lands, the FS has been an active member of the Highway 93 Task Force, providing natural resource expertise particularly related to addressing wildlife habitat connectivity issues within the State of Montana.

Consistent with the objectives of EO 13274, over the past 18 months the FS has undertaken a comprehensive reengineering of Agency processes to address “process predicament” – statutory, regulatory, and administrative factors limiting the Agency’s ability to make effective, efficient, and timely land management decisions to ensure effective service delivery and the restoration and sustainability of healthy ecosystems. Under the President’s Healthy Forest Initiative, a number of actions were taken to improve Agency processes for more timely decisions and greater efficiency, specifically with respect to fuels treatments and forest health restoration projects. These actions included revising project appeals regulations, developing two new categorical exclusion categories for fuels and salvage projects, and designing a new “model Environmental Assessment” for fuels reduction projects. The FS continues to aggressively evaluate process requirements being imposed on Forest decision makers, particularly in

NMFS has adopted an impact-assessment approach so that review of project impacts will reflect a basin-wide perspective, consistent with ecosystem-based fisheries management.

regard to project decision-making, challenging excessive analysis and management inefficiencies while focusing attention on improved processes to facilitate responsible land management.

2.2.4 Department of Commerce

DOC participation in the EO 13274 Task Force is led by NOAA, and more specifically by the NOAA National Marine Fisheries Service (NMFS). Typically, it is NMFS that is the responsible agency for issues relating to the ESA, Essential Fish Habitat (EFH) under the Magnuson-Stevens Act (FCMA), and fisheries issues. If a transportation project is located within or affects a State's coastal zone, then under the Coastal Zone Management Act (CZMA) and NOAA regulations, the project proponent must contact the affected State's CZMA agency. NOAA's National Ocean Service (NOS) oversees the CZMA. Similarly, if a National Marine Sanctuary is affected, then the project proponent must contact the National Marine Sanctuary office within NOS.

The goals of EO 13274 fit squarely into a broader regulatory streamlining initiative currently underway at NMFS that covers the gamut of regulatory activity, including efforts related to the ESA and EFH provisions. This broader streamlining initiative was driven by the very large number of regulatory actions NMFS must take yearly with respect to more than 900 different species.

With regard to environmental stewardship (and not limited to transportation), NMFS has adopted an impact-assessment approach so that review of

project impacts will reflect a basin-wide perspective, consistent with ecosystem-based fisheries management. Therefore, instead of merely examining the impacts of a proposed action on a particular species, the assessment would also investigate the role of the individual species in a larger context. This approach is now permanent at NMFS and will apply to all projects.

In the year since the EO was signed, NMFS has been emphasizing three themes as it participates in the environmental review process of the designated priority projects: front-loading participation, coordinating internal communications, and moving the conversation between the action agency and the resource agency along a continuum from one of negotiation to one of expert advice. To date, NMFS has participated in two priority projects: the Philadelphia Airport expansion and the Lower Manhattan recovery effort.

With respect to the Philadelphia Airport expansion project, DOC/NOAA decided to have the Assistant Regional Administrator serve as its representative at the earliest meetings. This high-level participation sent a clear signal to those in the field that this was an important project; that the best outcome would result from early and frequent consultation; and that for DOC/NOAA to be able to comment on products throughout the process, field staff must be in frequent communication with headquarters to ensure a clear understanding of choices that had been made throughout the process. Also as a result of this early involvement, progress has been made in changing the "tone" of the conversation between the project sponsor and the resource agency. The resource agencies are in a position to offer expert advice, but for that advice to be most productive, the agency must be presented with a full suite of information. Meeting early on allows agencies to better understand each others' points of view and appreciate the value each brings to the table.

2.2.5 Department of the Interior

DOI emphasizes 4C's as its organizing principle for participation in the Task Force: Communication, Consultation, and Cooperation, all in the service of Conservation. Faced with the responsibility of conducting Section 7 consultations, DOI finds that frequent and early participation, especially when alternatives are being considered, makes the consultation more meaningful and efficient.

To streamline environmental review efforts for their projects, several State DOTs have provided resources to FWS field offices to hire a staff person to specifically focus on transportation projects. This includes a senior FWS biologist who is working with national, regional, and field-level staff to examine current policies, training, and conservation tools that may be used more effectively toward completing environmental reviews and enhancing environmental stewardship. Where this has occurred, the model has been successful, resulting in greater specialization and understanding of transportation impacts and mitigation. Environmental reviews have been both more efficient and higher in quality.

DOI stresses three factors for success: early and frequent consultation, creating a climate of peer-to-peer respect, and the use of alternative dispute resolution processes for particularly complex and/or contentious projects. DOI aims to provide expert advice and to be seen as a resource to State DOTs as they develop projects and seek to understand and mitigate impacts. DOI has found that a resource agency's participation is most valuable when involvement begins early in the process so that the agency can help to shape the project and alternatives to take into account environmental considerations and provide for mitigation or avoidance of impacts. DOI has also found alternative dispute

DOI stresses three factors: early and frequent consultation, creating a climate of peer-to-peer respect, and the use of alternative dispute resolution processes.

resolution to be effective in eliciting creative ideas and building a sense of collaboration that can create more buy-in to the ultimate solution.

DOI believes that by creating shared positive experiences among the State DOTs and DOI field offices, a more productive way of doing business will evolve and become standard operating procedure. In the year since the EO was signed, DOI has participated in several priority projects, including CETAP, the St. Croix River Crossing at Stillwater, the ICC in Maryland, and the Nebraska I-80 Upgrade project. DOI has found that work on these priority projects creates shared positive experiences that encourage States to emulate them in the future. Examples of DOI's participation include:

- The use of alternative dispute resolution in the St. Croix River Crossing project effectively helped to work through a complex set of issues brought about by intersecting mandates of the ESA, the NHPA, and the WSRA.
- DOI's consultation on the Interstate 80 Upgrade project in Nebraska was so successful that habitat was enhanced both for current and potential endangered species through extensive mitigation.
- DOI found the CETAP project to be an excellent model for a programmatic effort (tiered NEPA). By looking 20 years out, it was possible to examine cumulative impacts and highlight important issues. Creating this context should have a streamlining payoff as the individual projects are proposed in later years.

Across the nation, Corps of Engineers Districts have moved toward a more watershed-based approach to evaluation and mitigation options.

2.2.6 Department of Defense

The Department of Transportation and the Corps Regulatory Program have a long history of working cooperatively with each other as well as other Federal agencies to support the development of the Nation's transportation infrastructure while providing appropriate protection to aquatic resources. This includes development of the "Red Book" in the late 1980s, which was the original template for integrating the Regulatory Program process with FHWA's NEPA analysis process, and the National Streamlining MOU in 1999, which recognized the value of partnerships in reconciling project development and environmental protection. In addition, the Corps of Engineers Regulatory Program currently has eight TEA-21 funding agreements in place across the country in which State Departments of Transportation/FHWA provide funds for additional positions to provide expedited, prioritized service. Currently, agreements are being negotiated to provide additional positions in Corps of Engineers field offices to evaluate transportation projects in West Virginia, Kentucky, Ohio, Florida, and Texas.

The Corps of Engineers' activities to promote environmental stewardship focus on program implementation as a whole and satisfying statutory requirements, rather than forwarding stewardship for transportation projects. However, across the nation, Corps of Engineers Districts have moved toward a more watershed-based approach to evaluation and mitigation options (including mitigation banking), enabling DOTs to further their stewardship agenda while satisfying mitigation requirements. In December 2002, the Department of the Army, DOT, EPA,

USDA, DOI, and the Department of the Navy cosigned the National Wetlands Mitigation Action Plan that provides for interagency actions to improve the predictability and effectiveness of the Corps of Engineers' administration of the mitigation requirements of the Regulatory Program. These actions, which include those to clarify the evaluation of aquatic resource impacts and mitigation requirements within a watershed context, will result in more timely and predictable permit mitigation requirements and provide technical information in support of DOT's stewardship initiatives. As provided for in the Mitigation Action Plan, the Corps of Engineers, EPA, and FHWA issued a joint wetland mitigation document entitled, "Federal Guidance on the Use of the TEA-21 Preference for Mitigation Banking to fulfill Mitigation Requirements under Section 404 of the Clean Water Act" — a true example of successful interagency cooperation, coordination, and agreement in support of environmental stewardship.

Over the past year, the Corps of Engineers was involved in the review of two priority projects: US 93 and CETAP. During its review of environmental issues on the US 93 project, the Corps of Engineers revised its policy of requiring conservation easements and negotiated with tribal officials and the Bureau of Indian Affairs to effect preservation of the proposed mitigation area on tribal lands, utilizing procedures available to affected tribes. This represents a change in how the Corps of Engineers District works with tribes in relation to mitigation for highway projects. The Corps of Engineers is currently reviewing this and other projects to determine whether additional policy guidance is warranted. In its review of the CETAP project, the Corps of Engineers remained open and proactive in partnering efforts with FHWA, California Department of Transportation, and other agencies to develop innovative approaches to satisfying short and long range transportation, development, and natural resource goals.

2.2.7 Environmental Protection Agency

EPA has taken several steps during the past year to support Federal interagency efforts to implement the streamlining and stewardship provisions of EO 13274. EPA staff (NEPA and wetlands) and the Office of Enforcement and Compliance Assurance (OECA) Assistant Administrator (AA) have given priority attention to streamlining the 13 priority projects designated by the Secretary of Transportation. The AA met with Riverside County, California, officials on the CETAP project and worked with the EPA Regional Administrator in Boston on resolving issues with the New Hampshire I-93 project. The AA also traveled to Vermont to view the CCCH project first hand and to meet with other Task Force members to resolve several contentious issues, enabling the project to move forward. Additionally, the AA participated in the AASHTO national environmental summit in September 2003.

In addition to focusing on the priority projects, EPA regional staff increased their streamlining and environmental stewardship efforts for other critical transportation projects. State DOTs recognized the value of EPA's efforts by providing funding for 10 positions (an increase of three positions since the Task Force was formed) to supplement EPA's small NEPA review program. These personnel and their EPA-funded counterparts are streamlining projects that range from the 1,600-mile "NAFTA highway" to updating the Merced County, California regional transportation plan. Streamlining and stewardship successes since the signing of the EO include:

- At Kansas DOT's request, EPA was a Cooperating Agency on a controversial EIS for relocating a portion of US 59. EPA helped Kansas DOT complete the NEPA process and develop a publicly acceptable alternative that prevented the loss of 441 acres of prime farmland.
- EPA's work with the Wisconsin DOT on the US 10 Bypass resulted in a preferred alter-

In FY03, EPA and FHWA jointly developed and funded training on state-of-the-art methodologies to assess the indirect and cumulative impacts of transportation projects.

native that reduced wetlands losses in the area's sensitive ecosystem.

- In July 2003, after working closely with FHWA and the Corps of Engineers to modify the route to minimize impacts to the watershed, EPA concurred with the alternative selected by California DOT for a bypass in Placer County.
- EPA provided the Task Force with a case study in streamlining at its April 2003, meeting. After determining that poor access to species and habitat data could seriously delay the NEPA process for the 1,000-mile I-69 corridor in Texas, EPA NEPA staff worked with the FWS and the Texas Parks and Wildlife agency to convert State and Federal data into GIS format. EPA mapped the entire corridor at the 1-kilometer (0.62-mile) scale and was able to identify the species of concern and their sensitive habitats for all segments of the highway.

EPA NEPA and wetlands staff and FHWA held a national workshop shortly after the signing of EO 13274 to discuss methods to improve streamlining efforts. As mentioned in Section 2.2.6, the joint EPA/FHWA/Corps of Engineers guidance on wetlands mitigation banking is already completed as a result of the workshop. This guidance promotes a common-sense approach to compliance with TEA-21 and the CWA regulations. It is expected to help eliminate process delays and provide better opportunities for environmental stewardship.

In FY03, EPA and FHWA jointly developed and funded training on state-of-the-art methodologies to assess the indirect and cumulative impacts of transportation projects. EPA devoted

A proposed programmatic agreement between ACHP and FHWA will provide an overall exemption for most of the Interstate Highway System from Section 106 and Section 4(f) reviews, except for certain elements of exceptional engineering and architectural significance.

a major portion of its annual meeting with the regional NEPA staff to transportation streamlining issues, and staff from the Administrator's office joined the meeting to encourage better collaboration with other Federal agencies. Also during FY03, a senior FHWA staffer began working as a liaison to EPA's Office of Federal Activities (part of OECA), holding periodic conference calls with the Regions on transportation streamlining topics. In addition, regional NEPA staff participated in an FHWA analysis of successful State DOT practices for fulfilling environmental commitments made in developing transportation projects.

Finally, since the issuance of the EO, EPA's NEPA staff participated in a panel with the National Transportation Safety Board on cumulative-impacts assessment and data sufficiency in EIS'. Staff participated in AASHTO's 2003 annual environment committee meeting, and the NEPA office director sat on a FHWA National Review Panel charged with performing a perception survey of transportation and resource agencies on the effectiveness of streamlining efforts. The recently completed results of this survey will form the basis for documenting best practices around the country.

2.2.8 Advisory Council on Historic Preservation

As a member of the EO 13274 Task Force and a key resource agency in the environmental review process, ACHP has worked actively during the first year of implementation of EO

13274 to identify current and anticipated barriers to the efficient and timely completion of its reviews of proposed transportation projects. Perhaps ACHP's most important activity to further the streamlining of the environmental review process is its collaboration with FHWA on the development of an administrative solution under Section 106 of the NHPA covering the Interstate Highway System.

The Interstate Highway System is rapidly approaching 50 years of age, which could make the entire system eligible for listing on the National Register of Historic Places. If listed on the National Register, it is possible that actions proposed to maintain, alter, or upgrade the existing Interstate Highway System would be considered actions requiring Section 106 and Section 4(f) reviews. ACHP has recognized that while some portions of the Interstate Highway System may be candidates for such reviews, many actions, especially those undertaken to maintain the vast majority of existing facilities, do not warrant such reviews.

The proposed administrative exemption will streamline the environmental review process by providing an overall exemption for most of the Interstate Highway System from Section 106 and Section 4(f) reviews, except for certain elements of exceptional engineering and architectural significance. These signature facilities will be identified and agreed upon through a national identification effort to be sponsored by FHWA Headquarters. Discussions were initiated in early 2003. While FHWA originally proposed a complete exemption for the entire system, ACHP expressed an opinion that there were some areas of such high significance that they should not be exempted from review. Also cooperating in the discussion with ACHP and FHWA are AASHTO and the National Conference of State Historic Preservation Officers.

ACHP has also worked over the past year with DOT (and specifically FHWA) to draft a statu-

tory provision embodied in the proposed Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2003 (SAFETEA) to improve the interface between Section 4(f) and Section 106. This provision will allow for agreed-upon solutions under the Section 106 process to legally satisfy Section 4(f) requirements, thereby eliminating the redundancy inherent in multiple reviews. This effort will also encourage transportation agencies to reach positive negotiated solutions with State Historic Preservation Officers that will improve environmental stewardship. Discussions relating to this statutory provision were initiated in summer 2002, and EO 13274 has helped to raise their priority and visibility.

Finally, because of direct ACHP participation in the environmental review of the Louisville-Southern Indiana Ohio River Bridges Project, participants in joint meetings between ACHP, FHWA, State Historic Preservation Officers, and State highway departments focused on reaching a resolution. Furthermore, the involvement of decisionmakers from FHWA headquarters was another key element in moving the process forward.

2.3 Priority Issues

In an effort to promote interagency cooperation and an efficient environmental review process, the Task Force identified three areas where Federal coordination and decisionmaking should be better integrated or where there are opportunities for process improvements:

- (1) Project purpose and need.
- (2) Indirect and cumulative impacts.
- (3) Integrated planning.

To investigate the potential for improvements in these areas, the Task Force established interagency Work Groups for each, and tasked these Work Groups with the development of work plans to guide their efforts to identify barriers to the timely and effective completion of the environmental

Work Groups developed work plans to guide their efforts to identify barriers to the timely and effective completion of the environmental review process for transportation projects.

review process for transportation projects. The Work Groups are also to suggest potential solutions to problems identified through their investigations. The initial results from these Work Groups are presented in this section, and complete versions of the Work Groups' work plans can be found on DOT's environmental streamlining website at <http://www.fhwa.dot.gov/stewardshipeo/index.htm>.

2.3.1 Purpose and Need

Environmental review documents prepared under NEPA begin with a discussion of the "purpose and need" of a proposed action, which provides context and criteria for the development and screening of alternatives to the proposed action. This purpose and need statement is essentially the foundation of the NEPA decisionmaking process that influences the rest of the project-development process, including the range of alternatives studied and, ultimately, the selected alternative. The Corps of Engineers requires the establishment of project purpose for permit applications in order to evaluate "practicable" alternatives that may have impacts on wetlands and waters of the United States under the CWA. Therefore, any purpose and need statement should satisfy multiple regulatory requirements and guidelines as part of a streamlined environmental review process.

The Purpose and Need Work Group prepared a work plan that identifies three major issues related to purpose and need statements. If these are addressed, they will contribute to the completion of higher quality environmental reviews and the streamlining of the review process.

These are:

- (1) Crafting a purpose and need statement, i.e., scope of the purpose and need statement; justification supporting the purpose and need; complexity and length of the statement; and challenges in jointly considering the needs of lead agencies and joint lead and/or cooperating agencies.
- (2) Integrating the NEPA purpose and need statement with other laws such as Project Purpose in Section 404 of the CWA.
- (3) Looking at economic development as part of the transportation purpose and need, i.e., the role that economic development plays in purpose and need and the range of alternatives.

In its work plan, the Purpose and Need Work Group recommends to the Task Force several activities for possible action in the next 12 months. The first activity is the establishment of a baseline. This would be developed by reviewing the existing laws and regulations, identifying ways to improve coordination with other laws, and identifying impediments and successes to improve integration and process efficiencies. In addition, a concurrent review of existing training modules should be undertaken to provide further baseline information. Finally, the Work Group recommends the development of guidance and models be initiated, including the compilation of examples of well-crafted purpose and need statements.

2.3.2 Indirect and Cumulative Impacts

NEPA decisions must consider indirect and cumulative impacts. NEPA regulations define indirect effects as those “which are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable”; a cumulative impact is “the impact on the environment which results from the incremental impact of the action when added to other past, present and reasonably foreseeable

future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions.” Consideration and analysis of these impacts presents specific challenges to the NEPA review process.

In its initial work plan, the Indirect and Cumulative Impacts Work Group identified four areas in which it will focus its efforts to improve the evaluation of indirect and cumulative impacts in environmental reviews of transportation projects:

- (1) Approaches and methodology, i.e., reaching agreement among parties on acceptable approaches; establishing baselines and temporal/spatial boundaries; determining what data to include in analyses; coordinating with local entities, officials, and individuals with expertise; forecasting impacts of reasonably foreseeable actions; and developing coordination and concurrence points to obtain agreement from involved agencies.
- (2) Level of detail, i.e., appropriate level of documentation; agreement on temporal parameters for analyses; definition of what is “reasonable”; and agreement on potential significance of impacts to determine the commensurate level of effort for impact analysis.
- (3) Information availability, i.e., obtaining comments and information in a timely manner and at the right time in the NEPA process; varying levels of detail available in information from different agencies and organizations; and information compatibility and data gaps associated with different levels of planning.
- (4) Development of mitigation plans for indirect and cumulative impacts, which presents a special challenge due to the variety of relevant policies or requirements regarding mitigation set out by individual resource agencies.

The Indirect and Cumulative Impacts Work Group recommends that a number of actions be undertaken to assist in streamlining the process of analyzing indirect and cumulative impacts from transportation projects. These actions include:

- (1) Clarification of specific mitigation requirements of individual program authorities (NEPA, DOT Act Section 4(f), CWA Section 404, NHPA Section 106, ESA, MSA, etc.) related to indirect and cumulative impacts. This activity should also identify opportunities to implement watershed or landscape-level approaches and other opportunities for the mitigation of adverse impacts.
- (2) Data collection and information sharing on existing guidance and methodologies.
- (3) Development of a coordination model for transportation projects involving indirect and cumulative impact issues that span applicable statutory requirements.

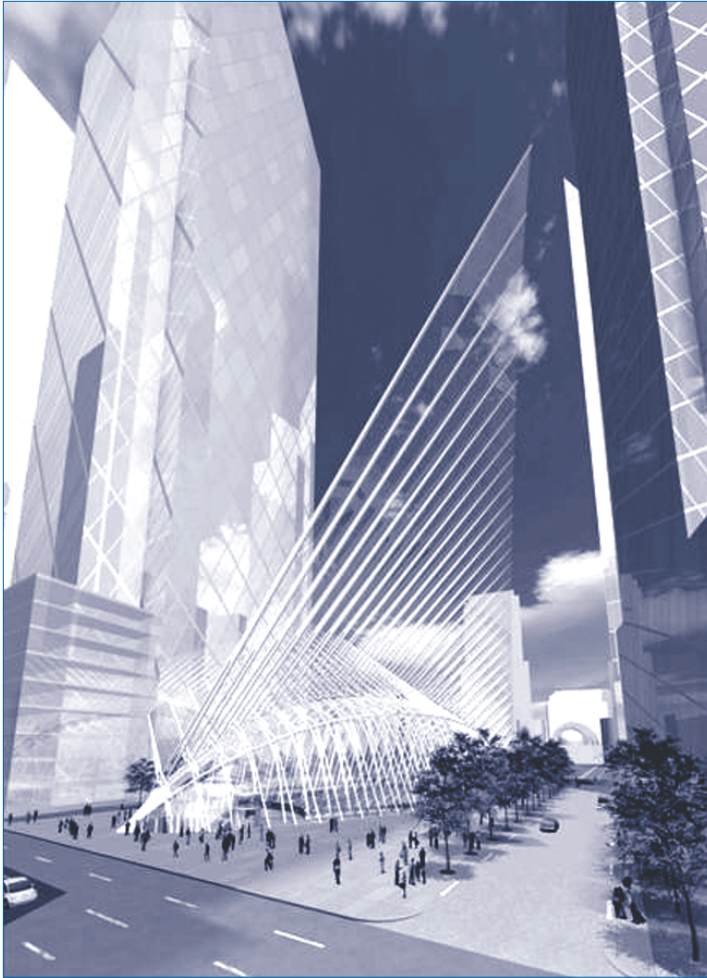
2.3.3 Integrated Planning

There is a continuing need to more effectively link short and long range transportation planning and corridor-level planning studies performed by State and local governments with project-specific environmental reviews, approvals, and permitting processes. There has been a realization over the years that the two processes, which operate in separate areas of authority and jurisdiction, lack adequate early coordination, resulting in lost opportunities for maximizing protection of environmental resources, and cre-

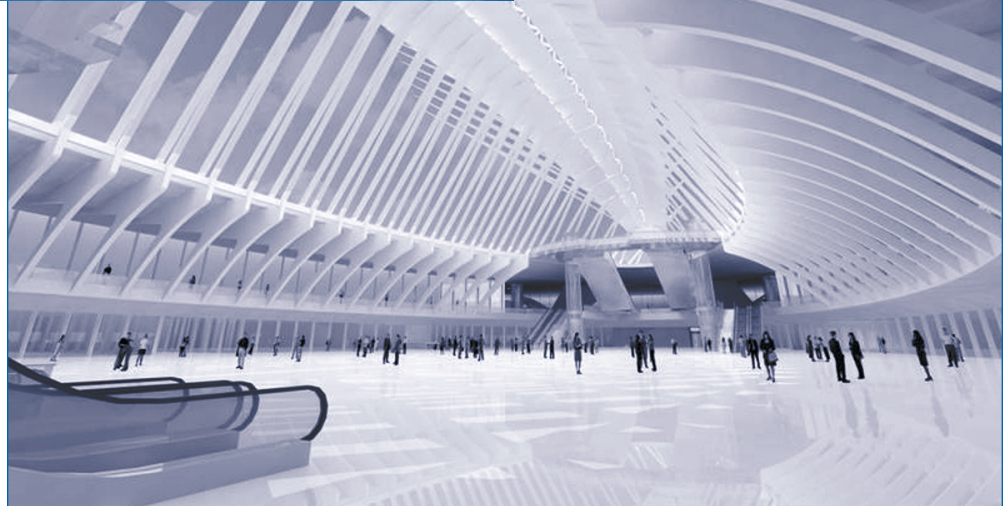
ating conditions for costly delays later in the NEPA process. Integrated long-term and project planning promotes stewardship when it takes environmental issues into account early in the transportation planning process, resulting in a project design that moves through the approval process in a predictable and timely way and integrates environmental mitigation and enhancement throughout the project's phases.

In its initial work plan, the Integrated Planning Work Group identified three key focus areas: early integration of environmental considerations into the transportation planning process; tiering as a planning/NEPA integration tool; and interagency obstacles and opportunities. The Work Group developed a broad range of recommendations and timeframes for investigating these areas, starting with:

- (1) Development of a baseline of current legislation, regulations, procedures, and available training.
- (2) Assessment of the constraints posed by current staffing and funding levels.
- (3) Review of innovative methods for increasing interagency participation.
- (4) Review of recent tiered documents to determine information needs, methods for seeking concurrence of resources agencies, and the successful use of Tier 1 documents to support later decisions for Section 404 permitting, Section 4(f), and other laws.
- (5) Identification of successful implementation of integration of transportation planning and environmental considerations.



Conceptual design for the Port Authority of New York and New Jersey's proposed World Trade Center Transportation Hub: On the left, an exterior view of the Terminal and, below, an interior view of the main transit hall.



3. Next Steps

During the second year of implementation of EO 13274, the Task Force will continue to focus its efforts in the following three areas: priority projects; agency stewardship and streamlining initiatives; and priority issue activities. The following is a brief description of the expected next steps in each of these areas.

Priority Projects

At present, 9 of the 13 originally designated priority projects are still in the environmental review process. The Task Force will continue to support the completion of the review process for these projects through various strategies, including facilitation of interagency coordination and elevation of contentious issues to management levels in affected agencies. It is expected that significant progress will be made in the coming year.

The four priority projects for which the environmental review process was completed during the first year of implementation of the EO have been moved to a transition list. These projects will be monitored by the Task Force, and the Task Force will provide assistance as needed should any project encounter unexpected problems as it moves forward toward construction.

On November 17, 2003, Secretary Mineta requested additional nominations for new priority projects with a December 15, 2003, deadline. The number of new priority projects has not been predetermined, and will depend on the nature and quality of nominations received. After the new priority projects are named, the Task Force will begin to assist, as appropriate, in oversight of these projects to expedite their passage through the environmental review process.

Also in the next 12 months, the Task Force will review the lessons learned (summarized in Section 2.1.3 of this report) as articulated by those who participated in the environmental review of the four priority projects now on the transition list. The Task Force will consider the lessons and the specific suggestions made by those interviewed

during the preparation of this report, and will discuss appropriate methods for responding to or acting on these suggestions.

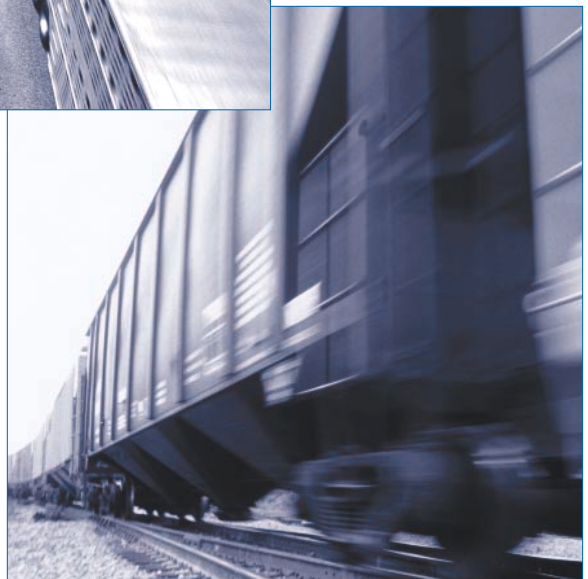
Agency Stewardship and Streamlining Initiatives

Task Force members will continue efforts during the coming year to identify, both within their own agencies and among agencies, those regulations, requirements, and practices that might present barriers to the streamlining of the environmental review process for transportation infrastructure projects. As reported in Section 2.2 of this report, many agencies have already had significant successes in both streamlining and stewardship through initiatives implemented during the first year of the EO; these agencies will attempt to build on their successes during the coming year. Task Force members will continue to share experiences through the regularly scheduled Task Force meetings (held approximately every 6 weeks), and additional information will be shared amongst members between meetings when appropriate.

Priority Issue Activities

The Task Force will continue to support the activities of the three priority issue Work Groups established during the first year of EO implementation. These Work Groups, each of which meets approximately monthly, have prepared and submitted to the Task Force detailed work plans including prioritized lists of recommendations for activities to be undertaken in the next 12 months and beyond. Details of these recommendations were summarized in Section 2.3.

In the next 12 months, the Task Force will initiate activities recommended by the Work Groups, beginning with prioritization of recommendations, and proposed timing for completion of activities proposed. The work plans will be updated as needed to reflect progress made on the implementation of recommendations as well as new issues identified by the Task Force.



4. Summary and Conclusions

The first year of implementation of EO 13274 was marked by many successes, several of which are already making a difference by accelerating the completion of vital transportation infrastructure projects that will benefit the American people. The first year of successes began with the formation of the Task Force, and the designation of 13 priority projects by Secretary of Transportation Norman Y. Mineta. The Task Force played a key role in moving forward the environmental review process for these diverse priority projects, which include highway, bridge, transit, and airport projects. The result of these efforts was completion of the environmental reviews for 4 of the 13 projects — CETAP, CCCH, Nebraska I-80 Upgrades, and Louisville-Southern Indiana Ohio River Bridges projects.

Experience gained through the completion of the environmental reviews for the priority projects named above yielded a number of lessons, which were conveyed to the Task Force as suggestions from project participants. A number of these lessons were common to several of the projects, and many represent new and innovative approaches for dealing with common issues relating to the environmental review of transportation infrastructure projects. Most notable was the suggestion that all involved agencies be brought together for face-to-face meetings early in the environmental review process; virtually all project participants interviewed offered this suggestion to the Task Force. Specific suggestions also were offered to the Task Force relating to staffing for environmental reviews, resource availability, definition of agency responsibilities, and scheduling issues. In the coming year, the Task Force will evaluate the suggestions offered and will determine the most appropriate course of action to respond to each.

The eight agencies represented on the Task Force implemented activities within their organizations aimed at streamlining activities

related to the environmental review of transportation infrastructure projects, as well as incorporating environmental stewardship concepts into their various programs and initiatives. A common theme that ran through many of the new activities and approaches was improved coordination and collaboration with DOT and other agencies involved in the environmental review of transportation projects, which often resulted in a better understanding of the roles of the various organizations, and a more efficient review process.

Also in the first year of implementation, the Task Force identified three major issue areas in which it would focus efforts to identify streamlining opportunities — purpose and need, indirect and cumulative impacts, and integrated planning. The Task Force in each of these three areas established Work Groups, with members representing all Task Force member agencies. These Work Groups, which met several times during the year, developed detailed work plans outlining the primary issues to be addressed within their issue area, as well as proposed activities and timelines. The Task Force will begin implementing recommendations during the coming year.

As the Task Force moves into its second year of implementation of the EO, it will endeavor to maintain the positive momentum created by the many successes presented in this report. The Task Force will soon receive a number of new priority projects on which to focus its attention, along with the nine that remain. This continued focus on streamlining of the environmental review process, coupled with an emphasis on environmental stewardship, will help to ensure the timely development of transportation infrastructure projects important to the nation's mobility, growth, and security.



End Notes

1. Federal Highway Administration. *Highway Statistics, Summary to 1995*. July 1997, Tables VM-20 and VM-260; Federal Highway Administration. *Highway Statistics* (annual editions, 1996-2001), Tables VM-3 and HM-48.
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8. U.S. General Accounting Office, *Aviation Infrastructure: Challenges Related to Building Runways and Actions to Address Them*, GAO-03-164, January 2003.
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References

AIR 21	Wendell H. Ford Aviation Investment and Reform Act for the 21st Century	Pub. L. No. 106-181, 114 Stat. 61
CWA	Clean Water Act	33 U.S.C. § 1251 et seq. (2000)
CZMA	Coastal Zone Management Act	16 U.S.C. § 1451 et seq. (2000)
DOT Act	Department of Transportation Act, Section 4(f)	49 U.S.C. § 303 et seq. (2000)
ESA	Endangered Species Act	16 U.S.C. § 1531 et seq. (2000)
FCMA	Magnuson-Stevens Fishery Conservation and Management Act	16 U.S.C. § 1801 et seq. (2000)
ISTEA	Intermodal Surface Transportation Efficiency Act of 1991	23 U.S.C. § 101 et seq. (2000)
NEPA	National Environmental Policy Act	42 U.S.C. § 4321 et seq. (2000)
NHPA	National Historic Preservation Act	16 U.S.C. § 470 et seq. (2000)
TEA-21	Transportation Equity Act for the 21st Century	Pub. L. No. 105-178, as amended by title IX of Pub. L. No. 105-206.
WSRA	Wild and Scenic Rivers Act	16 U.S.C. § 1271 et seq. (2000)

Appendix

Individuals Interviewed for the Annual Report to the President

Project	Category	Organization	Name	Title
CETAP	DOT Champion	Department of Transportation	Joel Szabat	Deputy Assistant Secretary for Transportation Policy
CETAP	FHWA Division	FHWA California Division	Mary Ann Rondinella	Environmental Program Specialist
CETAP	Project Sponsor	Riverside County Transportation Commission	Cathy Bechtel	Director of Transportation Planning and Policy Development
CETAP	Key Agency	EPA Region 9	Liz Varnhagen	Environmental Protection Specialist
CCCH	DOT Champion	FHWA	Mary Peters	Administrator
CCCH	FHWA Division	FHWA Vermont Division	Charles Basner	Division Administrator
CCCH	Project Sponsor	Vermont Agency of Transportation	Patricia McDonald	Secretary
CCCH	Key Agency	EPA Region 1	Robert Varney	Regional Administrator
CCCH	Key Agency	EPA Region 1	Elizabeth Higgins	Director, Office of Environmental Review
I-80	DOT Champion	FHWA	Charles "Chip" Nottingham	Associate Administrator
I-80	FHWA Division	FHWA Nebraska Division	William Brownell	Division Administrator
I-80	FHWA Division	FHWA Nebraska Division	Pete Hartman	Assistant Division Administrator
I-80	FHWA Division	FHWA Nebraska Division	Ed Kosola	Environmental Officer
I-80	Project Sponsor	Nebraska Department of Roads	Art Yonke	Planning and Project Development Engineer
I-80	Project Sponsor	Nebraska Department of Roads	Leonard Sand	Environmental Analyst
I-80	Key Agency	U.S. Fish and Wildlife Service	Steve Anschutz	Nebraska Field Supervisor
I-80	Key Agency	Nebraska Game and Parks Commission	Frank Albrecht	Assistant Administrator, Realty and Environmental Services Division
I-80	Key Agency	Nebraska Game and Parks Commission	Julie Godbersen	Environmental Analyst Supervisor
I-80	Key Agency	Nebraska Game and Parks Commission	Mike Fritz	Natural Heritage Zoologist, Game and Parks Wildlife Division
I-80	Key Agency	Nebraska Game and Parks Commission	Carey Grell	Environmental Analyst, Realty and Environmental Services Division
Ohio River	DOT Champion	FHWA	Rick Capka	Deputy Administrator
Ohio River	FHWA Division	FHWA Indiana Division	Larry Heil	Project Manager
Ohio River	Project Sponsor	Kentucky Transportation Cabinet	John Carr	Deputy State Highway Engineer
Ohio River	Project Sponsor	Indiana Department of Transportation	Janice Osadczuk	Division Chief, Environment, Planning, and Engineering
Ohio River	Project Sponsor	Indiana Department of Transportation	Mike Hazeltine	Project Manager

Key:

CETAP	Community and Environmental Transportation Acceptability Process, Riverside County, California
CCCH	Chittenden County Circumferential Highway, Vermont
I-80	Interstate 80 (I-80) Upgrade, Nebraska
Ohio River	Louisville-Southern Indiana Ohio River Bridges Project, Jefferson County, Kentucky and Clark County, Indiana

Notes

