

**CHAPTER 15. ENVIRONMENTAL STEWARDSHIP
AND STREAMLINING FOR AIRPORT DEVELOPMENT PROJECTS**

1500. GENERAL.

a. Vision 100. *Vision 100 -- Century of Aviation Reauthorization Act* (Public Law 108-176, Vision 100) was signed into law on December 12, 2003. Besides many environmental provisions within Vision 100, Title III specifically addresses environmental stewardship and streamlining for airport capacity projects at congested airports, aviation safety projects, and aviation security projects.

b. Streamlining. Title III of Vision 100 is the *Aviation Streamlining Approval Process Act of 2003*. In Title III, Congress found that FAA, airport authorities, communities, and other Federal, State, and local government agencies needed to work together to protect the environment, while sustaining the economic vitality continued aviation growth would provide to the Nation. To do this, the above parties must work cooperatively to develop a plan to enhance aviation, set and achieve milestones and deadlines to address a plan's resultant environmental effects, and work to protect the environment.

c. Directions to the Secretary of Transportation. Title III directs the Secretary of Transportation (Secretary) to develop and carry out an expedited and coordinated environmental review process for airport capacity projects at congested airports, aviation safety projects, and aviation security projects. This chapter focuses on environmental streamlining for airport-specific projects.

1501. STREAMLINING POLICY. FAA's Office of Airports (ARP) will adhere to the high standards of environmental review described in Order 1050.1E and this Order for projects subject to environmental streamlining under Vision 100. ARP will comply with all environmental requirements, maintain the environmental process' integrity, and respect the environmental responsibilities of other agencies. ARP will use the environmental streamlining process to:

- a. Give priority review to certain projects.
- b. Promote public review and comment.
- c. Manage timelines during the review process.
- d. Improve and expedite interagency coordination.
- e. Reduce undue delays. and
- f. Stress quality and accountability.

1502. RELATIONSHIP OF THIS ORDER TO OTHER REQUIREMENTS. The specific terms in Vision 100 addressing how the Secretary will carry out this mandate are consistent with DOT/FAA responsibilities under NEPA as described in this Order. This Order supplements Order 1050.1E and focuses ARP personnel on Vision 100 compliance specifically for airport projects. Executive Order 13274, *Environmental Stewardship and Transportation Infrastructure Project Reviews*, and FAA administrative streamlining practices supplement Title III of Vision 100.

1503. PROJECTS SUBJECT TO STREAMLINING IN VISION 100. Title III of Vision 100 addresses streamlining the environmental process for three categories of aviation projects.

a. Airport capacity project at a congested airport. An airport capacity project is a project involving the construction or extension of a runway, including any land acquisition, taxiway, or safety area associated with such projects. Airport capacity projects may include other airport development projects if the Secretary determines they promote reductions in air traffic congestion and delays. Under Vision 100, a congested airport is an airport that accounted for at least 1 percent of all delayed aircraft operations in the Nation, and is an airport listed in Table 1 of FAA's *Airport Capacity Benchmark Report 2001*. Delayed aircraft operations by airport are based on the most recent year for which data are available (from the FAA's OPSNET).

b. Aviation safety project. This is an aviation project chiefly purposed to reduce the risk of injury to people or damage to aircraft and property. The FAA Administrator makes the determinations for these projects. These projects are either needed to respond to a National Transportation Safety Board recommendation as determined by the FAA Administrator, or they are necessary for airport sponsor compliance with 14 CFR Part 139 (airport certification).

c. Aviation security project. This is a security project at an airport required by the Department of Homeland Security.

Note: Unlike airport capacity projects, streamlined aviation safety and aviation security projects may occur at any airport, not just congested airports as defined in paragraph 1503.a.

1504. PROJECT DESIGNATION. This section focuses on how projects are designated as streamlined projects.

a. An airport capacity project at a congested airport. Title III more clearly describes airport capacity projects at congested airports than it defines aviation safety or security projects. That Title clearly states its provisions will apply to an airport capacity project at a congested airport, even if the Secretary does not designate the project as a high priority transportation infrastructure project under Executive Order 13274. Title III further requires a coordinated and expedited environmental review process for airport capacity projects at congested airports.

(1) Runway construction or expansion projects. The FAA's Associate Administrator for Airports (ARP-1) is responsible for designating runway construction and extension projects, consistent with the definition in Title III of Vision 100.

(2) Other projects. ARP-1 is responsible for recommending to the Secretary (or the Secretary's designee) other airport development projects for environmental streamlining; however, the projects' primary purposes must be to reduce air traffic congestion and delays. In this process, the Regional Airports Division Manager submits a project through APP-400. The submittal must contain the Manager's reasons why the project would reduce congestion and delays. Alternatively, the Manager may cite how such a project would benefit from streamlining the environmental review or analysis the project must undergo to complete environmentally related permitting, licensing or other approval requirements.

b. Aviation safety or security project. The FAA Administrator has the discretion to designate an aviation safety or security project. The Administrator may not delegate this authority. Once the Administrator makes this project designation, the project must undergo the coordinated and expedited environmental review process Title III of Vision 100 requires. The Administrator's designation is subject to all the following guidelines:

(1) Project importance or urgency.

(2) The potential for undertaking the environmental review under NEPA's existing emergency procedures. Consult 40 CFR 1506.11 and paragraph 1404 for more information on this.

(3) The need for Federal or State agency cooperation and concurrent reviews of project-related information.

(4) The potential for undue delay, if the project were not designated for priority review.

(5) The views of the Department of Homeland Security for aviation security projects.

c. ARP and AEE responsibilities for safety and security projects. In some cases, ARP may be the lead FAA office for an aviation safety or security project under Vision 100. In these instances, ARP's Airport Planning and Environmental Division (APP-400) will review the regional recommendation to place these projects under Vision 100. If APP-400 concurs with the Regional recommendation, ARP-1 will send the recommendation and rationale to the Office of Environment and Energy (AEE), the FAA office responsible for uniformly interpreting and applying the subject guidelines for aviation safety and security projects. AEE will review the recommended designation and provide advice on project designation to the Administrator.

1505. THE COORDINATED AND EXPEDITED ENVIRONMENTAL REVIEW PROCESS. For each airport development project that has been designated for the coordinated and expedited environmental review process under Title III of Vision 100, the provisions below apply.

a. Identify Federal and State jurisdictional agencies. As soon as practicable, the responsible FAA official will identify all Federal and State agencies that:

(1) May have jurisdiction over environmentally related matters the project may affect.

(2) May be required by law to conduct an environmentally related review or analysis of the project.

(3) Must decide whether to issue an environmentally related permit, license, or approval for the project.

b. Federal and State agency participation. The responsible FAA official will contact, either individually or together in a facilitated group meeting, those Federal and State agencies that meet the criteria outlined above. The proposed project and the provisions of Title III of Vision 100 should be discussed.

(1) It is important that each identified Federal and State agency understand its role and responsibility under the Act. They should be given the opportunity to join in setting up procedures enabling the agency to take part in the coordinated review process. These procedures must ensure completion of environmental reviews, analyses, opinions, permits, licenses, and approvals in a timely and environmentally responsible manner.

(2) State agency participation is at the discretion of the Governor of the State where the project would be located. Consistent with State law, a Governor may choose to participate in the coordinated review process and require all identified State agencies to be part of the streamlining process. While State participation under Title III of Vision 100 is strictly voluntary, experience has shown that State participation in a coordinated environmental review process is critical, and FAA should strongly pursue that participation. Direct contact with the Governor's Office may be necessary. To do so, it may be helpful to secure the airport sponsor's support and assistance.

c. Coordinated and expedited review process. Title III of Vision 100 directs the Secretary to develop and carry out a coordinated, expedited environmental review process for designated projects. This review process must provide for better coordination among the Federal, State, regional, and local agencies concerned with preparing EISs or EAs. The process must provide for all project environmental reviews, analyses, opinions, permits, licenses, and approvals that are the responsibilities of a participating Federal or State agency or the airport sponsor. The agencies must accomplish these duties concurrently, to the maximum extent practicable, and complete the necessary activities within the time period established. Other Title III provisions to support and improve a

coordinated and expedited environmental review process are described below. ARP may supplement the process with best practice measures consistent with environmental laws, regulations, and policies.

d. High priority for environmental reviews. Under Title III of Vision 100 each Federal agency is directed to give the highest possible priority to projects designated for coordinated review under the Act. They must conduct their review, analysis, opinion, permit, license, or approval functions efficiently. Participating State agencies are expected to perform similarly.

e. Memorandum of Understanding. The coordinated environmental review process discussed throughout this chapter may be detailed or explained in a Memorandum of Understanding (MOU). Although the use of an MOU is discretionary, ARP experience:

(1) Suggests that an MOU is a very effective way to coordinate and document agency roles, responsibilities, deadlines, and other administrative and processes when a small number of agencies is involved in the streamlining process.

(2) Shows that FAA and other participating Federal and State agencies normally sign an MOU. However, given the roles airport sponsors fulfill for most airport development actions, ARP encourages airport sponsors to be MOU signatories as well.

f. Streamlining Agreement. Like an MOU, a Streamlining Agreement (SA) is another excellent way to coordinate the review processes needed for environmental streamlining. Like the MOU, this SA is discretionary, rather than required.

(a) An SA is a useful when a large number of Federal and State agencies will participate in the streamlining process.

(b) ARP and other participating Federal and State agencies and, if applicable, the airport sponsor should be participants in developing the agreement. They should also be signatories to the SA. Due to the large number of entities involved, experience has shown that the use of a professional facilitator is extremely useful in reaching consensus on what is an acceptable and effective agreement.

(c) At a minimum, the SA should include:

(1) An Overview.

(2) Annotated goals.

(3) Consensus points for Purpose and Need, Range of Reasonable Alternatives, Efforts to Minimize Impacts, Mitigation Requirements, and Stewardship Opportunities.

(4) A dispute resolution process.

(5) Milestone dates.

(6) Short, clear explanations of each signatory's roles and responsibilities of including those the airport sponsor will fulfill. and

(7) Signatory pages.

If needed, the responsible FAA official may contact APP-400 for help in developing an SA or MOU for environmental streamlining projects.

g. Interagency EIS teams. For streamlined projects, ARP may, but is not required to, use an interagency EIS team to coordinate and expedite the environmental review process and to help prepare the EIS. If using an EIS team, the responsible FAA official must invite Federal and State agencies and Tribes having jurisdiction by law to participate on the team as cooperating agencies. Agencies with special expertise may be invited to participate on the team as cooperating agencies too. To promote timely, efficient environmental reviews, the team members may use a MOU to agree on the following items:

(1) Agency or Tribal points of contact.

(2) Protocols for communicating among agencies.

(3) Setting up deadlines for necessary actions by each individual agency.

These actions include:

(a) Completing reviews of environmental analyses.

(b) Conducting required consultation and coordination.

(c) Issuing environmental opinions, licenses, permits, and approvals.

The responsible FAA may contact APP-400 for help in developing an MOU.

h. Lead agency responsibilities. Title III of Vision 100 identifies FAA as the lead agency for airport projects deemed appropriate for a coordinated and expedited environmental review process. Title III specifies that FAA is responsible for defining an EIS's scope and content, consistent with CEQ regulations. Title III further states that any other Federal or State agency taking part in the coordinated environmental review process must give substantial deference, to the extent consistent with applicable law and policy, to FAA's aviation expertise. FAA is responsible for assuring the integrity of aviation data used for environmental analyses and agency decision making.

i. Purpose and Need. Federal or State agencies participating in a coordinated environmental review often are required to analyze a project's purpose and need.

(1) Under Title III of Vision 100, all agencies in a streamlined review process are bound by the project purpose and need the Secretary defines, notwithstanding any other provision of law.

(2) Title III requires the Secretary to request and consider comments on project purpose and need from interested people and governmental entities according to the NEPA process. The Secretary may do so through normal, NEPA-related public and agency review procedures.

(3) This provision of law does not change ARP's responsibilities described in this Order for determining a project's purpose and need. ARP will cooperatively review proposed project Purpose and Need statements with other participating agencies having jurisdiction and decision making roles for the proposed airport action. In doing so, ARP will attempt to accommodate other agency needs, consistent with CEQ regulations and guidance, FAA program responsibility and FAA's substantive aviation expertise.

j. Alternatives. Similar to the project purpose and need provision discussed in paragraph 1505.i(1) – (3), Title III of Vision 100 authorizes the Secretary to determine the reasonable alternatives for a designated, streamlined, aviation project.

(1) Any Federal or State agency participating in the coordinated environmental review process must consider only those alternatives the Secretary determines reasonable.

(2) The remainder of the guidance in paragraphs 1505.i(2) and (3) applies to the alternatives analysis for streamlined projects. The provisions include requesting and considering comments, using normal NEPA procedures, complying with this Order's instructions, and consulting and cooperating with other agencies.

k. Reporting and correcting a failure to meet a project milestone. In preparing an SA or MOU for an airport action, ARP will work with the potential signatories to set a reasonable milestone schedule. The schedule will list the dates the participants must complete environmental reviews or analyses, prepare opinions, or issue permits, licenses, or approvals.

(1) If an agency, including FAA, or an airport sponsor participating in a streamlined project fails to meet a milestone date, ARP must report that incident to the Secretary. Title III of Vision 100 requires the Secretary to notify Congress within 30 days of determining a missed deadline. FAA must send the report to the Senate Committee on Commerce, Science, and Transportation, the House Committee on Transportation and Infrastructure and CEQ. FAA must also send a copy to the agency or sponsor involved regarding the failure to meet the milestone.

(2) Title III of Vision 100 directs the party failing to meet the milestone to prepare a report explaining why it did not achieve the milestone and how it plans to complete the required assignment. The party must file that report with the Secretary, the Senate Committee on Commerce, Science, and Transportation, the House Committee on Transportation and Infrastructure, and CEQ. The filing must occur within 30 days after the party receives notice that it missed the milestone.

(3) To ensure a timely submission of a report to the Secretary, the FAA official responsible for the project must prepare and submit a missed project milestone report to APP-400 within 10 days of the missed milestone date. The report must identify the agency at fault, the established deadline that was missed, and any circumstances or facts relative to why the deadline was missed. As a matter of practice, ARP will make every effort to help streamlining participants meet milestones or to correct those missed deadlines as quickly as possible.

1506. OTHER VISION 100 PROVISIONS. Vision 100 included other administrative provisions that may assist in promoting environmental streamlining.

a. Airport funding for FAA staff and consultants. In some cases, streamlined airport projects may require more personnel and/or other resources to complete timely reviews, processing, or other environmental activities. Through reimbursable agreements, the FAA Administrator may accept funds from an airport sponsor to hire more staff or to obtain the services of environmental consultants needed to expedite environmental activities associated with an airport development project. Besides its own money, an airport sponsor may use Airport Improvement Program (AIP) funds to finance such agreements. Contact APP-400 for reimbursable agreement guidance.

b. Air traffic procedures for airport capacity projects at congested airports. Sometimes, an airport capacity project at a congested airport involves a new runway or runways or reconfiguring existing runways. During the environmental planning process for these projects, FAA may consider changing flight procedures to avoid or minimize significant noise impacts those projects may cause. If the Administrator determines that noise mitigation flight procedures are consistent with the safe and efficient use of the navigable airspace, the Administrator may commit to include the procedures in any Record of Decision (ROD) approving the project. The Administrator may do so at the airport sponsor's request in a manner consistent with applicable Federal law. The responsible FAA official must work closely with FAA's Air Traffic Organization, the FAA office responsible for developing and approving noise mitigation flight procedures.

c. Flexible noise mitigation funding for airport capacity projects or other airport development projects. Vision 100 contains provisions enabling ARP to quickly issue AIP funding for noise mitigation contained in a Record of Decision. These provisions allow ARP to use AIP noise set-aside money to fund that mitigation without ARP approval under 14 CFR Part 150 (Noise Compatibility Program). Contact ARP's Programming Office (APP-500) for AIP funding guidance or more information.

d. Voluntary air quality initiatives. Vision 100 provides funding and air quality emission credit incentives for commercial service airports in air quality nonattainment and maintenance areas. These credits encourage airport sponsors to voluntarily reduce emissions from ground equipment servicing aircraft. Emission credits granted to airports under this program may be used for current or future general conformity determinations under the Clean Air Act. As a result, these provisions can reduce delays in meeting air quality requirements during environmental reviews that could otherwise delay FAA's decision on an airport congestion project. ARP has issued very detailed guidance in cooperation with EPA. Contact APP-400 for program technical guidance and APP-500 for funding guidance.

1507. – 1599. RESERVED.