

U.S. Department of Transportation

Project Delivery Plan

Introduction

The safe, efficient, and convenient movement of people and goods is critical to maintaining and strengthening America's competitive advantages in the global economy. As America invests in infrastructure built to last, the Federal permitting and review process plays a key role in ensuring not only that transportation projects meet important national environmental and economic objectives, but also that project decisions are made in a timely and collaborative manner. Maintaining and upgrading transportation infrastructure requires significant investment, and these costs only increase when project schedules are delayed through poor coordination or litigation. This project delivery initiative, while not a substitute for the increased investment so desperately needed, will help ensure that scarce Federal, state, local, and private infrastructure investments are not wasted as a result of avoidable project delivery delays.

On March 22, 2012, President Obama issued Executive Order 13604, *Improving Performance of Federal Permitting and Review of Infrastructure Projects*, calling on executive agencies to execute Federal permitting and review processes with maximum efficiency, while ensuring the health, safety, and security of communities and the environment, and supporting vital economic growth. In his 2013 State of the Union address, the President reiterated his call to reduce unnecessary delays in the delivery of critical infrastructure projects and set a goal of cutting aggregate timelines for project delivery in half.

Supporting the Obama Administration's call to action, the Department of Transportation (DOT or Department) is reviewing our internal processes in order to identify specific areas of challenge and opportunities for deeper interagency harmonization. We also are improving our coordination with resource agencies, and enhancing our use of current authorities. In addition, we are stepping up our solicitation of feedback and participation from critical stakeholders. By renewing our focus in each of these areas, we will continue working towards the President's goal of cutting timelines in half and expect to achieve consensus-based solutions with better and more sustainable project outcomes.

This DOT Project Delivery Plan (Plan) is part of a broader, ongoing Department-wide effort that builds on recent successful DOT initiatives, including government-wide teams to examine permitting and review practices and track specific transportation infrastructure projects of national and regional significance.

The Administration is committed to working with Members of Congress and key stakeholders and experts to develop the best-possible approach to these issues.

DOT has made significant progress improving project delivery since SAFETEA-LU, the last surface transportation authorization, in some cases reducing highway EIS completion timelines from six to four

years. DOT strives for continued improvements in project delivery, better coordination with resource agencies and enhanced use of current authorities to achieve better projects with better outcomes..

As we discuss steps to further improve the environmental review process, we are committed to safeguarding the integrity of NEPA and other Federal environmental statutes, so as to preserve the policy objectives—environmental stewardship, transparency, and informed decision-making—they were enacted to protect. The Department continues to work to improve the process, focusing on reducing redundancies, fragmentation, overreaction or inaction, and sequential processing. Specifically, the Administration believes the following principles should guide efforts to further improve project delivery:

- **Better outcomes, greater efficiencies.** Projects that meet transportation needs and achieve the best possible environmental outcomes should be completed in an efficient and timely manner.
- **Participation at the outset will prevent/minimize entanglements.** All parties, including resource agencies and the public, should be enabled to and have responsibility to participate early and effectively in transportation planning and project development.
- **Prepare for impacts early.** Possible impacts on the environment and potential avoidance and mitigation of impacts should be considered in the planning process to avoid unnecessary delays to final decisions.
- **Unless unavoidable, we should not be doing the same thing twice.** Studies conducted during the planning process that adequately consider the environment should not be duplicated in formal NEPA reviews.
- **Coherency and regularity across modes will improve coordination throughout.** NEPA processes should be harmonized to the extent practicable across DOT agencies to increase consistency in approach.
- **Predictability augments coordination among a diverse group of stakeholders.** Schedules should be established for decisions on required actions such as permits and licenses consistent with applicable statutes, complemented by a dispute resolution process.
- **Tools exist for making project review easier; promotion and use of these will improve delivery.** Use of programmatic approaches and program-wide consultation procedures and the use of environmental assessments and categorical exclusions should be encouraged where appropriate.
- **Experimentation and innovation will help drive a better long-term process.** Innovative pilot projects should be used to demonstrate improvements to the NEPA process, and the use of experimental approaches, such as the Special Experimental Project (SEP-15) Authority, should be expanded for all DOT agencies.

- **Streamlining to common document formats and a universal reporting system across government will relieve pinch-points.** Environmental analyses and decision documents should be transferrable between DOT administrations as well as other Federal agencies.

DOT made significant progress toward improving project delivery under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) authorization and through initiatives created during the first term of the Obama Administration. For example, Highway Environmental Impact Statement (EIS) completion timelines have been reduced on average from six to four years, and the Federal Highway Administration's [Every Day Counts Initiative](#) (EDC) is identifying and deploying innovative techniques to improve project delivery while protecting the environment. In Vision 100, the Federal Aviation Administration has the authority to expedite environmental reviews for airport safety or security projects, and capacity projects at congested airports; and over the last ten years EIS completion timelines for airport development have averaged three years.

To institutionalize these and other innovations established over the last four years, and to complement current DOT practices that support project development, this Agency Project Delivery Plan sets forth a detailed framework to ensure that all infrastructure projects proceed quickly and efficiently through the Federal review and permitting process to the maximum extent possible.

This Plan describes specific actions to support the goals of timely reviews, coordinated environmental stewardship, and public transparency. In addition, this document outlines the Department's goals of moving toward greater integration, a clearly defined and coherent scope, and seamless partnerships with project stakeholders, both within and outside the Federal Government.

As this Plan illustrates, DOT has and will continue to seek opportunities to promote effective collaboration and reduce duplication during the review process through improved coordination. A multimodal DOT NEPA workgroup, composed of staff from each mode and led by the General Counsel and the Under Secretary for Policy, will lead implementation of this Plan. The workgroup was originally chartered to update the DOT NEPA Order, establish a DOT environmental review website for the public, and update internal guidance on early coordination. In light of EO 13604 and the passage of Moving Ahead for Progress in the 21st Century Act (MAP-21), the responsibilities of this workgroup will be expanded to include the goals of these new directives. In addition to implementing this plan, the workgroup will evaluate DOT's success on the measures outlined herein.

Background—Mission and Overview of Statutory Authorities

Goals and Objectives

The DOT, which includes the Office of the Secretary and ten individual Operating Administrations (OAs or modes), is the lead cabinet agency tasked with the development, maintenance, and safety of the nation's transportation system to ensure that the network continues to enhance American quality of life, and meet the public's current and future national interests. DOT oversees infrastructure project development for roads and bridges, airports, rail corridors, transit systems, and marine highways, and enforces pipeline safety.

This DOT Project Delivery Plan applies to the OAs with responsibility for reviewing or permitting new and existing transportation infrastructure activities: Federal Aviation Administration (FAA), Federal Highway Administration (FHWA), Federal Railroad Administration (FRA), Federal Transit Administration (FTA), and Maritime Administration (MARAD). These agencies provide funding, guidance, and technical support to State and local DOTs, Metropolitan Planning Organizations (MPOs), transit agencies, and other State and local organizations. .

DOT reviews projects pursuant to NEPA, which requires the Department to consider alternative ways to address transportation needs, analyze the potential environmental impacts of their proposed actions, document their analysis, and involve the public, as appropriate. NEPA reviews for infrastructure projects are normally prepared concurrent with the design of the project, helping to inform the public and agency officials making decisions. In order to meet the overall public interest, DOT is committed to avoiding potentially negative environmental impacts, while also considering the transportation needs of the American public.

Each Federal agency must develop NEPA procedures, in accordance with the [Council on Environmental Quality \(CEQ\) Regulations 40 CFR Parts 1500-1508](#). DOT Order 5610.1C, Procedures for Considering Environmental Impacts, sets Department-wide procedures for considering environmental impacts in decision-making. This Order encourages consistency and effective coordination between the OAs and sets a framework for OA procedures. There is an ongoing effort to update DOT Order 5610.1C, led by an internal multimodal NEPA working group within DOT. FHWA and FTA have joint guidance, which improves clarity for multimodal projects. These procedures and guidance are publicly available online; the links are available in Appendix B.

An environmental review of infrastructure projects is typically triggered by the inclusion of DOT project financing, through formula funds, grants and/or loans. Other significant actions can also trigger environmental review; in some instances, the environmental review addresses DOT-implemented action such as airspace procedures, or an approval action such as an airport layout plan approval. Recipients of DOT grants are primarily State and local government agencies or authorities or local organizations. These grants make Federal resources available to eligible recipients for capital improvements, planning, operating assistance, environmental mitigation, and other eligible uses outlined by titles 23 and 49, U.S.C. In cases in which more than one Federal agency is involved in an undertaking, or has permitting

authority for resources that may be impacted by the project, each Federal agency addresses NEPA in the context of its mission and authority. DOT typically invites other applicable agencies to participate as cooperating agencies in a single NEPA review, or to the extent possible will adopt the analysis of NEPA documentation prepared by other agencies, however, projects must comply with all DOT regulations and applicable procedures. More information on all Federal agency NEPA procedures is available at <http://ceq.hss.doe.gov/nepa/regs/agency/agencies.cfm>.

DOT Environmental Reviews and Permits

Environmental reviews under NEPA are documented in one of three ways: a Categorical Exclusion (CE), an Environmental Assessment (EA), or an Environmental Impact Statement (EIS). A CE is issued for an action that is consistent with a defined category of actions for which past experience has shown no individual or cumulative significant effects on the environment; these are listed in the NEPA implementing procedures of DOT and each of the OAs. An EA is prepared to establish whether there will be a significant environmental impact for proposed projects in instances where the significance of the environmental impact is not known. If the EA reveals that the proposed project will not have a significant impact, or if the significant impact can be mitigated to a level that is not significant, then a Finding of No Significant Impact (FONSI) is issued. Finally, an EIS is prepared for proposed projects that are likely to have a significant impact on the environment. Agencies issue a Record of Decision to conclude an EIS. An EIS is a vital decision-making tool and a means to disclose information to the public and provide an opportunity for their input on proposed projects and alternatives.

In addition to requirements to conduct reviews under NEPA, DOT has jurisdiction over several additional permits or required evaluations for DOT infrastructure projects. For example, Section 4(f) of the Department of Transportation Act (DOT Act) of 1966 stipulates that DOT cannot approve the use of land from publicly owned parks, recreational areas, wildlife and waterfowl refuges, or public and private historical sites unless there are no feasible and prudent alternatives and all possible planning has been conducted to minimize harm ([49 U.S.C. § 303\(c\)](#)). Therefore, DOT completes a Section 4(f) evaluation for any infrastructure project that may have an impact on such lands. Under the Clean Air Act, highway and transit projects are subject to transportation conformity determinations, and FAA, FRA, MARAD and other DOT actions are subject to general conformity determinations (see [40 CFR Part 51 Subpart W](#) and [40 CFR Part 93 Subpart B](#)). FHWA also has authority to issue airspace leases and approve access to the Interstate System. The FAA requires a Notice of Proposed Construction (Form 7460-1) for any structure that meets the criteria in [14 CFR 77.9](#) to assess whether there is an impact to air navigation. Based on the findings of the aeronautical study, the FAA issues a determination on aeronautical effects; these determinations are excluded from NEPA.

Implementation of MAP-21

SAFETEA-LU and earlier transportation reauthorization bills included numerous measures designed to improve project delivery and early coordination on environmental reviews for transportation infrastructure projects. President Obama has dedicated Administration staff and resources to continue improving those provisions. MAP-21 ([Pub. L. No. 112-141](#)) builds on this foundation with a number of

provisions that are directly linked to the goals of EO 13604, including support for more efficient permitting and reviews, expanding the use of Programmatic Agreements, and increasing the transparency of the review process. The project delivery provisions also encourage early engagement between Federal partners to set schedules and establish procedures to adhere to those timelines.

In accordance with MAP-21, DOT is undertaking a variety of efforts that are intended to promote accelerated project delivery by disseminating best practices, encouraging innovations, and modifying procedures. Section 1301(a) of MAP-21 establishes national policy that “it is in the national interest for the Department, State Departments of transportation, transit agencies, and all other recipients of Federal transportation funds to accelerate project delivery and reduce costs.” This section also authorizes USDOT to “select eligible projects for applying experimental features to test innovative project delivery techniques.” The implementation of MAP-21 is coordinated across the Department to ensure consistency and harmonization to the extent possible, and to support the goals of EO 13604 and the Obama Administration. As DOT continues to implement the project delivery provisions of MAP-21, this Project Delivery Plan will also be updated to reflect necessary changes.

Permitting and Reviews

As mentioned, DOT has historically worked to improve the efficiency of permitting and environmental reviews. In many ways, and by its very nature, the Department is fragmented by rigid modal decision-making that contributes to a lack of harmonization. Identifying these weaknesses early on, DOT has worked to address each area—early participation, coordination, mitigation and avoidance, building in an element of predictability, among many others—to afford projects and sponsors a better context to navigate. DOT OAs prepare and review infrastructure projects under NEPA, either as lead agencies when they have the primary Federal action, or as cooperating agencies if they have responsibility for one of several Federal actions or they have relevant expertise. Major infrastructure projects often involve multiple Federal agencies, including Federal resource agencies with specific regulatory or permitting authority, State and local regulatory authorities, and Federally recognized Indian tribes. The NEPA documents include analysis that supports environmental reviews under other statutes or requirements. Additionally, project development requires extensive coordination with the State, local, or private project sponsor. Timely informed decisions require OAs to work with each of these parties in a collaborative and effective manner.

Coordination within DOT

Action: *Create internal website for information sharing within DOT.*

Action: *Expand agreements with other Federal agencies to include all DOT OAs.*

Action: *Develop recommendations to promote internal consistency and will develop guidance to improve early coordination within DOT.*

DOT OAs often serve as joint-lead or cooperating agencies under NEPA for projects that involve multiple modes of transportation. This wasn't always the case. With the increased demand for multimodal transportation projects, it is critical to ensure that regulations and environmental review processes are consistent across modes to the extent practicable. Section 1321 of MAP-21 directs DOT to establish an "initiative to review and develop consistent procedures for environmental permitting and procurement requirements" for highway and transit projects. Also, DOT OAs often release joint guidance for grantees to reduce regulatory hurdles for grantees with multimodal programs. DOT will look for opportunities to consolidate guidance or remove unnecessary differences from procedures, guidance, and policies. Similarly, DOT will examine the implementation of existing guidance to ensure it is being applied consistently across all offices.

DOT-wide Interagency Agreements

In its history, the Department's modes brought to bear a centric focus, almost singularly fixed on their respective OA and those projects administered within. More recently, as projects embrace a more diverse or multimodal complexion, the integration of agreements has become far more prevalent. Enabling DOT OAs to utilize the same interagency agreements also facilitates consistency; however, many agreements with Federal regulatory or resource agencies are currently limited to individual modes. The DOT NEPA workgroup will explore opportunities to expand existing agreements to include the entire Department, and will promote a "One DOT" approach when creating new agreements.

Internal Communication and Information Sharing

A primary way to enhance coordination is through information sharing and improved communication. DOT will create a SharePoint site to share information between staff in each OA. This site will allow staff to share documents on current practices and innovative techniques and provide a unified forum through which new environmental policies can be reviewed for consistency. On this site, DOT will maintain organizational charts of environmental staff within each OA, and a list of contact information for environmental program and planning office staff, including those in regional or division offices. This will build on the Transportation Liaison Community of Practice, which FHWA launched in March 2012, to provide a centralized source of knowledge-sharing and to foster a dialogue on best practices. DOT plans to make this site available by December 31, 2013.

DOT NEPA Workgroup

DOT's NEPA workgroup will continue to explore opportunities to promote information sharing and consistency. This work will focus on updating NEPA guidance, improving public websites, and developing guidance to improve the overall environmental process, including early coordination. Early coordination tools include enhanced communication beginning early and continuing frequently throughout the project to ensure issues are identified and resolved as early in the process as possible. Risk analysis and management concepts are encouraged as part of streamlining the process and useful for identification of issues during early coordination. The work will address streamlining the different

environmental requirements and other requirements of grant programs and highway programs, and will assess what guidance is needed on how to navigate the different processes. The workgroup will also promote coordination and consistency in implementing MAP-21 and ensuring that MAP-21 is implemented by the OAs to provide the maximum flexibilities and opportunities to expedite project delivery that the law provides.

Enhanced Training and Guidance to Regional Staff

Field staff presiding over the assessment and reporting of local projects remain important to completing them in an appropriate time and manner. The Department recognized the need for regular training in recent years and an ongoing program to guide regional staff is critical. To this end, FTA has focused its efforts on better managing the environmental review process by providing increased guidance and training for regional staff. Through the development of Standard Operating Procedures for the environmental review process, for example, FTA has provided its staff on the ground with the tools and references needed to guide transit projects through the process more quickly and cost-effectively. In addition, FTA has initiated its Regional Training Program, sending Environmental Protection Specialists to each of its ten regional offices to provide detailed training on all aspects of the environmental review process, with a focus on making the process quicker and more cost-effective. DOT hosted a day-long Employee Workshop in April 2013 to support the priorities set forth under Executive Order 13604 and MAP-21 to modernize the environmental permitting and review process. DOT employees from all OAs attended this workshop and topics included: MOUs, coordinating with other agencies, use of IT tools and Environmental Conflict Resolution techniques.

Additional Categorical Exclusions

MAP-21 contained several provisions that directed the Department to identify and/or create new Categorical Exclusions to facilitate efficient environmental reviews for FHWA and FTA. Section 1315 of MAP-21 created a new CE for use in emergency repair efforts. This CE has already completed the formal rulemaking and is available for use by grantees. Sections 1316 and 1317 in the NPRM, proposed new CEs, covering work in the operational right-of-way and for projects with limited Federal assistance respectively. Those proposed CEs were published in a Notice of Proposed Rulemaking in February, 2013 satisfying the statutory deadline. . Additionally, Section 1318 directed the Department to survey grantees and other stakeholders to identify new CEs that would support project implementation. The survey results are posted online and the Department is processing the results and expects to publish an NPRM for new CEs in Fall 2013. Finally, Section 1314 created a new multi-modal CE that allows one modal administration to use the CE of another provided they meet certain funding and operational conditions. These new CEs will further our efforts to improve efficiency and support the Administration's goal of cutting timelines.

In 2013, both FTA and FRA have completed updates to the list of actions categorically excluded under NEPA and these can be found in the links provided in Appendix B.

Federal Interagency Coordination

Action: *Expand use of programmatic agreements between DOT OAs, resource agencies, and project sponsors; explore opportunities to create DOT-wide programmatic agreements.*

Action: *Revise FHWA-Coast Guard Memorandum of Understanding (MOU) to improve coordination and expand application to all DOT OAs.*

Action: *Expand use of NEPA-Section 404 merger agreements and other tools between FHWA, State DOTs, and the Army Corp of Engineers through creation of guidance and targeted outreach, with assistance of Rapid Response Team; look for opportunities to expand to other DOT OAs.*

Action: *Conduct pilot of FHWA's Electronic NEPA Collaboration Tool.*

Action: *Use the Rapid Response Team as a forum for elevating and resolving conflicts on priority projects and as a means to improve interagency coordination and understanding.*

Action: *Collaborate on and track complex projects on the Federal Infrastructure Dashboard.*

All too often, resource agencies operate within their own silos along a sequential path. DOT recognizes this challenge and promotes concurrent processes where possible. Part of this includes early engagement with Federal resource and permitting agencies helps to produce a timely decision with positive environmental outcomes. DOT is committed to direct engagement with resource and permitting agencies during the early stages of project development. Interagency coordination also often involves inviting relevant agencies to be cooperating agencies on a NEPA review. For particularly large or complicated projects, project-specific MOUs or agreements have been used successfully to delineate clear roles for interagency coordination. In addition to early engagement, it is important to have ongoing or periodic interactions with all relevant agencies to ensure that each project member is participating in the NEPA review and is apprised of changes in the project scope or schedule. Section 1320 of MAP-21 includes broad language encouraging DOT and other federal agencies to engage in early coordination as a means of expediting project delivery.

Use of Mergers, MOUs, Agreements, and Programmatic Agreements

A primary mechanism for improving interagency coordination is through the use of Programmatic Agreements with project sponsors, and other Federal agencies. With a programmatic approach, agencies agree to specific roles, conditions, and procedures, which allow projects to proceed more quickly. This improves efficiency by enabling staff to focus its attention and limited resources on the project; it also fosters trust among State DOT and regulatory agency staff. Programmatic approaches have proven effective in saving time and delivering better projects.

Currently, Programmatic Agreements are used between the DOT OAs, State DOTs, and Federal resource agencies in order to streamline the review processes that involve NEPA, the Endangered Species Act, and the National Historic Preservation Act. MAP-21 includes several provisions that promote increased use of programmatic approaches to accelerate project delivery. These include a policy statement (Section 1301(c)); a provision expanding authority to use programmatic approaches to comply with the 23 U.S.C 139 environmental review process (Section 1305(a)); a provision authorizing development of programmatic mitigation plans (Section 1311); and a provision encouraging increased use of Programmatic Agreements (Section 1318(d)).

FHWA has promoted programmatic approaches as a tool to accelerate the project delivery process for decades, and it is a feature of their EDC initiative. Since EDC's inception approximately 55 Programmatic Agreements have been created or revised. In Fall 2012, FHWA also requested from the Advisory Council on Historic Preservation (ACHP) a Program Comment regarding common post-1945 concrete steel bridges and culverts. The Program Comment eliminates individual historic review requirements under Section 106 for common post-1945 concrete steel bridges and culverts and is an effort to further streamline the Section 106 consultation process. FTA is also exploring a programmatic approach to handling the potential visual effects of transit projects in urban areas on historic properties using one of the ACHP's Section 106 regulations. (This approach may result in a formal Programmatic Agreement, or may instead result in an additional program alternative. See 36 CFR 800.14.) FRA uses programmatic agreements for major projects and programs when interagency coordination is critical to project delivery. DOT will continue to work actively with State and local partners to create, and revise programmatic approaches on a full range on environmental topics, with the possibility of agreements that would be available for use throughout the Department. This includes developing model agreements and examples of where they've been successfully used.

Coordination can also be enhanced by revisiting current agreements to identify opportunities to harmonize efforts and improve efficiency. For instance, FHWA and the U.S. Coast Guard (USCG) have an MOU from 1981 that sets forth procedures for early coordination to avoid the unnecessary duplication of effort in the permitting and environmental review of bridge projects. DOT and FHWA are working with USCG to revise and update this MOU to strengthen early coordination. In updating the MOU, DOT will expand the streamlining and coordination best practices included in this updated MOU to the entire Department to the extent feasible. In addition, DOT will explore formal avenues to engage each Federal agency participating in the NEPA process in an effort to develop similar agreements/MOUs to help focus on achieving the streamlining goals of MAP-21.

Collaboration and Transparency for Complex Projects

In October 2011 DOT nominated six high priority transportation projects to be publicly tracked on the Federal Infrastructure Permitting Dashboard. This has not only ensured transparency and accountability in the permitting and review process, but also has brought senior level attention to any interagency conflicts, which is critical to a faster resolution. Following EO 13604, DOT will expand the number of projects being tracked on this dashboard, and will continue to nominate appropriate projects for public tracking and enhanced coordination. The Dashboard improves interagency understanding and

information sharing, and holds all applicable agencies to a public schedule, while also providing more information to the public about comment opportunities for significant projects.

Electronic Collaboration Tools

FHWA has begun developing an electronic NEPA collaboration tool, which is currently in its pilot phase, to further enhance and expedite interagency collaboration. By improving the ability for concurrent agency reviews, particularly by Federal agencies, issues can be raised, quickly and clearly, and dealt with in real time rather than surfacing later in the process and causing significant project delays. This tool will enable multiple agencies to interact and collaborate on an on-going basis so that the product and outcome can be improved in a shorter time period. FHWA is currently refining this tool and is conducting pilots during Spring/Summer of 2013 with a national rollout later in 2013.

Every Day Counts (EDC) Initiative

Throughout the Obama Administration, FHWA has accelerated permitting and environmental review processes through EDC. Many of the measures undertaken in EDC are described throughout this DOT Project Delivery Plan. EDC measures also include improving linkages between planning and NEPA, legal sufficiency enhancements, use of in-lieu fee and mitigation banking, clarifying the scope of preliminary design, improving flexibility of rights-of-way and utility relocation, enhancing technical assistance available for EISs, and improving environmental document quality. More information on EDC is available at www.fhwa.dot.gov/everydaycounts/.

Interagency Collaboration through the Transportation Rapid Response Team

In October 2011, representatives from ten Federal agencies and components of the Executive Office of the President (EOP) established a Transportation Rapid Response Team (RRT) to facilitate interagency coordination and to improve the effectiveness of surface transportation project delivery consistent with cultural and environmental guidelines. The RRT meets regularly, identifying project delivery initiatives and providing headquarters level assistance on critical projects to resolve issues as they arise.

In addition to other goals, the Transportation RRT has worked to collect information on the use of NEPA-Section 404 merger agreements between FHWA, U.S. Army Corps of Engineers, and State DOTs. Synchronizing the FHWA NEPA and Section 404 permit processes expedites project decision-making and leads to one overall public interest decision, at a specific point in time, for a Federal-aid project. The Transportation RRT is working to expand the use of merger agreements and other tools for synchronizing NEPA and Section 404 in States that are interested in expediting project decision-making as well as looking beyond NEPA/404 to identify other opportunities to synchronize decision-making with other Federal agencies and other authorities. The Transportation RRT is also being used as a venue to coordinate implementation of key MAP-21 provisions on project delivery with other Federal agencies.

Expediting Reviews for Aviation Projects

Vision 100, Century of Aviation Reauthorization Act, as amended by the FAA Modernization and Reform Act of 2012, directs the Secretary to conduct expedited and coordinated environmental reviews for airport capacity projects at congested airports, aviation safety projects, and aviation security projects. (Per 49 U.S.C. § 47171, a congested airport accounts for at least 1 percent of all delayed aircraft operations in the nation and is listed in FAA's Airport Capacity Benchmark Report 2004 or any successor report.) For designated projects, FAA is directed to invite relevant agencies to join in a coordinated environmental review process. Each Federal and State agency is directed to give the highest possible priority to projects designated for coordinated review, and conduct their review or approval functions efficiently. The coordinated review may be detailed in a streamlining agreement and/or memorandum of understanding. An interagency EIS team may coordinate and expedite the environmental review process. All agencies in a streamlined review process are bound by the project's purpose and need, as defined by the Secretary, and by the reasonable alternatives defined for a designated project.

In addition, FAA is utilizing best practices to expedite environmental reviews of airspace and aircraft procedures projects that are part of the Optimization of Airspace and Procedures in the Metroplex (OAPM) program. Best practices include: using environmentally-educated study and design teams to facilitate smart choices and improve the environmental management of the OAPM process; initiating the environmental review process concurrent with the aeronautical procedure design phase rather than sequentially; using focused and concise environmental assessments; and using focused outreach to target airports, communities, and other interested parties to facilitate efficient management of environmental concerns. Tightly integrating NEPA review into FAA's internal process will expedite the review time for OAPM projects.

Collaboration with State and Local Government

Action: Use training and guidance to promote an integrated approach to transportation planning and the NEPA review process.

Action: Make technical assistance available to grantees and other project sponsors upon request.

Action: Deliver recommendations on feasibility of a NEPA readiness assessment for NEPA delegation.

DOT has a long-standing commitment to creating strong working relationships with its partners in Federal-aid transportation projects, the majority of which are State or local government agencies, public transit agencies, or airport authorities. These relationships are a major factor in making timely, well-informed decisions on transportation infrastructure with the best possible outcomes for all affected communities. DOT strengthens these relationships through close and early collaboration on planning, permitting, and review, and by demonstrating environmental stewardship to improve credibility.

May, 2013

Linking the transportation planning conducted by State and local officials with the Federal NEPA review process helps to streamline project delivery by allowing agencies to lay the foundation for purpose and need, define the range of alternatives and eliminate those that are unreasonable or do not meet purpose and need, and begin the public involvement and documentation required for NEPA during the planning stage and then carry those decisions forward into the NEPA process. MAP-21 includes two provisions that promote increased linkages between the transportation planning process and the NEPA process. Section 1310 creates an overall framework for adopting planning decisions and analyses for use in the NEPA process that are in addition to existing authorities in current planning regulations. Section 1311 allows for the development of programmatic mitigation plans in the planning process, and allows those plans to be considered in determining appropriate mitigation in the NEPA process. DOT is developing rulemaking and guidance to clarify these new statutory authorities.

Training and technical assistance are key means of increasing linkages between planning and NEPA. DOT OAs work with the project sponsor and industry organizations, offering webinars, workshops, and training through the National Highway Institute and National Transit Institute and other similar transportation or industry organizations. Technical assistance is also available for grantees.

Section 1313 of MAP-21 makes permanent the SAFETEA-LU pilot of NEPA delegation to State transportation agencies. As this provision is implemented, the DOT NEPA workgroup will consider and provide recommendations on the feasibility of conducting NEPA readiness assessments for agencies that may be interested in this delegated authority. A readiness assessment would provide advance understanding of the NEPA delegation and determine whether they have the necessary resources and expertise, and could be provided to state agencies at their request.

Conflict Resolution

***Action:** Use dispute resolution specialists and Environmental Conflict Resolution procedures to address conflicts that arise in transportation decision-making processes.*

***Action:** Integrate principles from Collaborative Problem Solving Guidance and other conflict resolution measures into integrated Project Plans of Nationally and Regionally Significant Projects.*

Tools to Support Conflict Resolution

DOT OAs are strong advocates for the use of alternative dispute resolution (ADR) processes, including using qualified dispute resolution specialists to facilitate problem solving on controversial transportation projects. DOT supports a number of resources to promote dispute resolution.

DOT worked with the Office of Management and Budget (OMB) and CEQ to develop the principles of the 2005 policy directive on Environmental Conflict Resolution (ECR), which is intended to increase the effective use of ECR and their institutional capacity for collaborative problem solving. It includes a definition of ECR and sets forth "Basic Principles for Agency Engagement in Environmental Conflict Resolution and Collaborative Problem Solving."

FHWA has worked closely with partners, including the U.S. Institute for Environmental Conflict Resolution (USIECR) and National Policy Consensus Center (NPCC), to develop a system of collaborative problem solving techniques. As part of that effort, FHWA has supported the development and maintenance of the USIECR's National Roster of Environmental Dispute Resolution and Consensus Building Professionals, which identifies professionals who have experience in transportation cases and are familiar with NEPA, ADR, the objectives of environmental streamlining, and the transportation development and environmental review processes. The roster provides State and Federal agencies with a list of qualified neutral facilitators or mediators, who can assess conflicts, facilitate interagency agreements, design conflict management processes, and mediate disputes. The roster is an optional tool project sponsors can use to minimize delays, resolve conflicts, and avoid the costs of potential litigation. The DOT NEPA workgroup will explore the feasibility of training DOT staff and potentially sponsoring these techniques, in order to expand the conflict management competency of staff.

Conflict Resolution Guidance

In 2002, FHWA worked with the USIECR, Federal transportation and resource agencies, and State DOTs to develop the guidance, "Collaborative Problem Solving: Better and Streamlined Outcomes for All." (See <http://environment.fhwa.dot.gov/strmlng/adrguide/index.asp>.) This guidance presents strategies for managing conflict and identifying issues that may arise during transportation project development and environmental process review under NEPA and related laws. This guidance was developed to be broad-based and to offer options for problem solving among agencies that have varying roles and responsibilities under NEPA.

Dispute resolution procedures are often most effective when agreed to early in the interagency collaboration process, particularly on large, complicated, or controversial projects. For those projects nominated for tracking as projects of national or regional significance under EO 13604, dispute resolution procedures will be included in the integrated project plans that are developed. Also, Section 1306 of MAP-21 revises and expands the issue resolution process for FHWA and FTA projects that was established in SAFETEA-LU for resolving disputes between Federal agencies. DOT will work to ensure that conflict resolution options are understood by state and Federal partners, as part of the interagency coordination done on projects, in order to promote early resolution of potential conflicts.

Share in Cost & Funded Positions

Action: Continue use of FHWA authority to fund liaisons, and explore opportunities to expand use.

Action: Use detail assignments to enhance cross-agency understanding and collaboration.

DOT-funded liaison positions at State DOTs and Federal resource agencies are a means to collaborate to ensure timely reviews both at Headquarters and field levels, and FHWA has actively supported the use of this authority since it was granted in 1998. These transportation liaisons spend a substantial portion of their time dedicated to environmental review and to working on project and process streamlining, in order to better facilitate and coordinate between the agencies and FHWA. FHWA issued “Interagency Guidance: Transportation Funding for Federal Agency Coordination Associated with Environmental Streamlining Activities” to provide DOT, FHWA division offices, State DOTs, local transit operators, Federal resource agencies, and federally recognized Indian tribes with the tools needed to develop mutually beneficial agreements (23 U.S.C. § 132. For more information on the Interagency Guidance, please visit <http://environment.fhwa.dot.gov/strmlng/igdocs/index.asp>.) Section 1307 of MAP 21 requires a memorandum of understanding to be executed when a State DOT provides federal highway funding to another agency to expedite their reviews of highway projects; the MOU must identify “projects and priorities” that will benefit from the funding.

Some State DOTs also choose to expend Federal aid to fund positions to expedite review of projects in their State. Such positions facilitate collaborative relationships by increasing communication and understanding between agencies, focusing guidance and assistance where needed between DOTs and FHWA, and solving problems that could otherwise stall projects and programs.

In 2009, FHWA conducted a study on the use of funded positions to assess trends in their use and provide recommendations to State DOTs and resource agencies to support more effective utilization of these programs. The study revealed common benefits, challenges, and decision-making steps that are involved in developing and managing funded positions programs. FHWA estimated at that time there were over 300 funded transportation liaisons in various Federal and State resource and permitting agencies throughout the country. Recently some state DOTs have downsized their liaison program in response to limited staff and program funding availability. FHWA will work with state partners to identify strategies for retaining liaisons, and if opportunities exist to expand their usage. FHWA is currently developing a “how-to” Primer entitled “Establishing a Transportation Liaison Program” for agencies interested in establishing a liaison program.

DOT also encourages the use of detail assignments between Federal agencies and to State or local governments as an opportunity to expand employee education while improving cross-agency collaboration.

Section 47173 of Vision 100 authorizes FAA to accept funds from an airport sponsor to hire staff or obtain the services of environmental consultants to expedite environmental activities associated with an airport development project. An airport sponsor may use its own funds or Airport Improvement Program funds to finance such reimbursable agreements. The FAA Modernization and Reform Act of 2012 now authorizes FAA to accept funds from airport sponsors to hire additional staff or consultants to facilitate the timely processing and review of proposals to implement flight procedures, as part of a noise compatibility program at certain airports. Funds may also be provided to support certain other activities, including special environmental studies for federally financed airport projects; certain noise compatibility measures (described in 14 CFR Part 150); environmental mitigation in a ROD or FONSI; and the timely processing, review, and completion of environmental activities associated with new or amended flight procedures.

Mitigation Measures

Action: Expand use of and awareness of Eco-Logical; explore opportunities for future pilot applications.

Action: Complete survey of NEPA-404 mergers and other synchronization tools and expand use as appropriate.

Action: Develop model mitigation agreements and programmatic agreements for different resources.

DOT and its grantees strive to minimize, and if possible, avoid environmental impacts of transportation infrastructure; where unavoidable, compensatory mitigation is used to offset impacts. This involves the restoration, establishment, enhancement, and/or preservation of the environment, including threatened or endangered species and/or their habitats. DOT has put forth guidance and training, and has established specific tools and techniques to enhance the effectiveness of mitigation and improve the ability of project sponsors to make infrastructure improvements while preserving the best outcomes for the natural environment.

Eco-Logical

DOT promotes an interagency approach to mitigation as a means to make better decisions that account for ecosystem-wide impacts. DOT's primary best practice in this effort is the 2006 guide for making infrastructure development more sensitive to the environment. Produced in collaboration with eight Federal agencies as signatories—FHWA, U.S. Environmental Protection Agency (EPA), U.S. Forest Service (USFS), National Oceanic and Atmospheric Administration (NOAA), National Parks Service (NPS), U.S. Department of the Interior (DOI), U.S. Fish and Wildlife Service (USFWS), U.S. Army Corps of Engineers (USACE)—as well as several States, "Eco-Logical: An Ecosystem Approach to Developing Infrastructure Projects" (Eco-Logical) presents a framework for integrating planning across agency boundaries and achieving cost-effective infrastructure development without compromising ecosystem vitality. Eco-

Logical describes a common-sense strategy for developing a regional ecosystem framework that identifies ecologically significant areas, potentially impacted resources, areas to avoid, and mitigation opportunities in advance of infrastructure project initiation. Agencies and stakeholders can then work together to identify areas in greatest need of protection, better predict cumulative resource impacts, and streamline and accelerate infrastructure development through increased predictability of environmental impacts. (See www.environment.fhwa.dot.gov/ecological/ecological.pdf)

Since the publication of Eco-Logical, each of the signatory agencies pursued individual or collaborative programs and/or demonstration projects aimed at implementing and further developing the Eco-Logical approach. In the first two editions of “Eco-Logical Successes,” the signatory agencies explored their existing programs that are most closely aligned with Eco-Logical. Pilot applications of Eco-Logical around the country have also demonstrated the effectiveness of regional Eco-Logical frameworks and early multi-agency project coordination in minimizing environmental impacts and reducing transaction costs. Signatory agencies continue to pursue opportunities to apply the Eco-Logical approach to various stages of project development and review. (www.environment.fhwa.dot.gov/ecological/successes/index.asp) The second phase of the Strategic Highway Research Program (SHRP2) currently has funding assistance available to agencies to implement the principles of Eco-Logical. Applications were due in Spring 2013 and are currently being reviewed.

Section 404 and NEPA Synchronization

Synchronizing the NEPA and Section 404 processes creates a broader scope for considering environmental impacts and provides an opportunity to consider mitigation measures that would simultaneously satisfy NEPA and Clean Water Act requirements. FHWA supports better synchronization of the NEPA and Section 404 of the Clean Water Act through a range of mechanisms including formal NEPA/404 mergers, funded liaison positions, and delineation of responsibilities in coordination plans under Section 6002 of SAFETEA-LU (see 23 U.S.C. § 139). FHWA is working with USACE and EPA to develop action items to identify and advance opportunities to better synchronize processes. The mitigation measures conducted as part of NEPA and Section 404 promote wetland, stream, or threatened or endangered species habitat restoration, creation, enhancement, or preservation activities. FRA has been using NEPA/404 mergers for the multi-decade investment program for high-speed rail in California and is continually working with USACE and EPA to improve the process. Through the Transportation Rapid Response Team, DOT conducted a survey on synchronization tools for the NEPA and Section 404 processes, including the use of merger agreements. The results of this effort have informed the next steps which include increased outreach to states with successful agreements and seeking opportunities for greater collaboration on merger strategies among resource agencies and state partners that go beyond NEPA/404 synchronization.

Model Agreements

Programmatic agreements and mitigation agreements can be highly beneficial in establishing mitigation plans and agency responsibilities during project development, however these agreements can also be

time-consuming to create. The DOT NEPA workgroup will develop and disseminate model agreements that can be conveniently adopted by project sponsors.

Information Technology

Action: Define consistent terms for data collection across DOT.

Action: Create internal website for information sharing within DOT.

Action: Improve external websites to promote transparency and collaboration.

Action: Explore IT solutions to enhance transportation planning and environmental reviews.

Action: Utilize the MAX.gov collaborative environment as a collaborative space for large complex projects.

Improvements to information technology (IT) are a primary means of enhancing efficiency and collaboration, while promoting transparency. IT solutions also enable agencies to collect better data that they can use to inform decisions and spur process improvements and other initiatives. The DOT NEPA workgroup will focus on technology improvements that aid information collection and sharing.

Information Sharing

Technological solutions are crucial not only for collaborations with other Federal agencies and project sponsors, but also to facilitate cooperation and information sharing within DOT OAs. DOT will create an internal space for sharing best practices, new environmental documents, and contact information for environmental program staff throughout the country. This will enable all OAs to remain aware of the latest resources at their disposal and will expedite communication between programs to answer specific questions. To facilitate similar transparency and collaboration with government agencies and the public, DOT will continue to make improvements to its external website as well.

Federal Infrastructure Dashboard

As part of the work to meet the goals of Executive Order 13604, DOT is using the MAX.gov environment, and the Federal Infrastructure Dashboard, to facilitate interagency collaboration and public transparency. DOT will continue using this site for Projects of National or Regional Significance and will publicly track the major milestones of Nationally or Regionally Significant Projects.

The Federal Infrastructure Dashboard is also a tool that can be leveraged to share information with project sponsors and other stakeholders both internal and external to DOT. DOT intends to develop a set of tools and templates that would be publicly available on the dashboard to enable agencies to utilize best practices easily. These tools will include the following: templates of project-specific MOUs for a range of project types, which would be pre-cleared by relevant counsels for easy adoption; sample

schedules; model EISs and EAs; programmatic agreements; and good examples of federally assisted plans. The DOT NEPA workgroup will also determine whether other tools are needed and, if so, will work to develop them. The first set of templates will be made available on the dashboard by December 31, 2013

Tracking Environmental Reviews

Collecting information on environmental reviews will enhance decision-making and stimulate process reform with performance-based solutions. DOT currently does not have a single system for tracking environmental reviews, but each OA is exploring options to develop new tracking systems or incorporate environmental reviews into existing grant management programs. It is critical that these new programs accommodate the program differences between OAs, while still creating compatible and consistent data across the Department. To ensure compatibility, the DOT NEPA workgroup will define consistent terms for data fields, such as start and end dates for each type of NEPA document. This is a critical first step toward a tracking system that includes all the environmental reviews completed in the Department. The workgroup will also share information on the tracking programs being considered in each mode, as well as those in use at other agencies.

Ultimately DOT aspires to create a system to track the quantity, ongoing progress, and total processing duration for all environmental documentation approved by the Department, including CEs, EAs, and EISs, which could serve as a project management tool as well. The DOT NEPA workgroup will explore the feasibility of a tracking system that would enhance public transparency while still ensuring fast processing times and without creating any undue burden on program staff or grant recipients, and will develop recommendations on how to develop such a system.

Using GeoSpatial Data for Environmental Reviews

Another way in which technology can be mobilized during transportation planning and environmental reviews is through the use of geospatial ecological data. This work is being supported by the signatories of Eco-Logical. A recent major focus of this work has been the increased coordination of ecological data collection and integration for improved transportation decision-making and environmental outcomes. In November 2011, the Transportation Research Board (TRB) sponsored a meeting as part of its Second Strategic Highway Research Program. The key outcomes of this workshop included initiation of two additional research efforts for TRB: "Integration of National-Level Geospatial, Ecological Tools and Data," and "Proof-of-Concept: Application of Geospatial, Ecological Tools and Data in the Planning and Programming (pre-NEPA) Phases of Delivering New Highway Capacity." The primary objective of these projects, is to develop and test an integrated, geospatial ecological screening tool for early transportation planning that informs and expedites the environmental review process. Geospatial Data Collaboration (GDC) was chosen as an initiative under FHWA's second round of Every Day Counts (EDC 2) in July 2012. GDC seeks to bridge between organizations to improve working relationships, facilitate data sharing among process participants, and improve communications and information flow within the environmental process. Example deployments incorporate advances in data sharing technologies, collaboration enabled web-based screening tools, and operating agreements to improve engagement

and decision making within the environmental process. The Spring 2013 summits introduced the initiative to executive leadership and field practitioners. The FHWA division offices, in coordination with the State DOTs, are currently developing their own implementation plans on how they will implement GDC in the field. For more information on GDC see <http://www.fhwa.dot.gov/everydaycounts/edctwo/2012/gis.cfm>

Public Outreach

Action: Improve public engagement techniques through webinars, training, and guidance.

Action: Use the Federal Infrastructure Dashboard to promote public transparency and notify the public of upcoming engagement opportunities.

Public outreach is required as part of the environmental impact statement review process, and many environmental assessments and some CEs also have public engagement components. DOT is strongly committed to promoting public engagement and enhancing the tools available for public outreach and improving the ability of grantees to accomplish effective public outreach. DOT will continue improving public engagement techniques through webinars, training, and guidance.

Transportation Liaison Community of Practice

In March 2012, FHWA launched the Transportation Liaison Community of Practice to provide a centralized source of professional support, knowledge sharing, and networking opportunities for transportation liaisons. The Community of Practice connects transportation liaisons and managers, State DOTs, and resource and regulatory agency staff in order to enrich the services and benefits that transportation liaisons provide. It is intended that this Community of Practice will help foster a more standardized understanding of the roles and benefits of transportation liaisons, as well as facilitate greater access to and sharing of expertise, resources, and opportunities for innovation and professional development. The website serves as a valuable tool in helping FHWA expand the use of this authority. The website continues to grow and was expanded in Winter 2012 to include a discussion board for users. Information on the EDC 2 initiative, Programmatic Agreements, is also now available for liaison participants to access. State DOTs and other interested parties that do not currently have funded liaison programs can use the site as a centralized point of information on the topic.

Public Involvement Plans

State DOTs and other project sponsors create public involvement (PI) plans to engage the public during the NEPA process. These plans are often reviewed by OAs and must be approved by FHWA, which provides an opportunity for encouraging enhanced public involvement. The use of funded liaisons in resource agencies also encourages increased dialogue between FHWA and project sponsors.

Federal Infrastructure Dashboard

The Federal Infrastructure Dashboard is one means of disseminating project information on critical projects. DOT has maintained projects on this Dashboard since Fall 2011, and will expand the number of projects being tracked on the Dashboard. This Dashboard is a means of notifying the public of upcoming opportunities to participate in the review process through public meetings and comments on environmental documents.

Conclusion: Reporting on Progress

DOT takes the goals of Executive Order 13604 seriously, and will continue to expand the improvements already under development to meet those goals of consensus-based solutions, better environmental outcomes, timely project delivery, and measurably better projects. The actions listed in this DOT Project Delivery Plan will help to institutionalize this commitment, expanding on best practices and pilot initiatives throughout the Department. Progress toward each of these actions will be reported in a biannual status report to OMB. This information will be used by OMB to inform a report to the President on progress in infrastructure project delivery improvements. Additionally, each OA will report on data collected on the time required to complete the environmental reviews and permits listed in Appendix A.

Appendix A: Estimated Timelines of Environmental Reviews and Permits within USDOT authority

Federal Aviation Administration

EIS: 3 years, on average
 EA: 6-18 months
 CE: up to 6 months

Federal Highway Administration

EIS: 48 months (post-SAFETEA-LU) – 60 months (pre-SAFETEA-LU)
 EA: 16-48 months
 CE: up to 6 months

Federal Railroad Administration

EIS: 2-3 years for basic EIS, 4-6 years for complex EIS
 EA: 10 months on average
 CE: 2-8 months

Federal Transit Administration

EIS: 1.5 – 2.25 years for basic EIS; 2.5 – 4 years for complicated EIS
 EA: 6-15 months for basic EA; 12 – 22 months for complicated EA
 CE: up to 6 months

Maritime Administration

EIS: n/a
 EA: 12 months
 CE: 6 months

DOT Permits

Major Permits	Estimated Average Processing Time
Notice of Proposed Construction - Form 7460	No longer than 45 days
Aeronautic Study Determination	60 days

Appendix B: Links to DOT NEPA Regulations

U.S. DOT Order 5610.1C, 44 FR 56420 (Oct. 1, 1979): <http://www.dot.gov/office-policy/transportation-policy/procedures-considering-environmental-impacts-dot-order-56101c>

Joint Federal Transit Administration and Federal Highway Administration Environmental Impact and Related Procedures regulations, 23 CFR Part 771: http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=/ecfrbrowse/Title23/23cfr771_main_02.tpl
[Revisions to add new Federal Transit Administration categorical exclusions , 78 FR 8964, February 7, 2013](http://www.fra.dot.gov/Revisions%20to%20add%20new%20Federal%20Transit%20Administration%20categorical%20exclusions%20-%2078%20FR%208964%20-%20February%207%20%202013)

Federal Railroad Administration “Procedures for Considering Environmental Impacts,” 64 FR 28545 (May 26, 1999): <http://www.fra.dot.gov/Pages/252.shtml>; [Update to NEPA Implementing Procedures to add categorical exclusions , 78 FR 2713, \(Jan. 14, 2013\): http://www.fra.dot.gov/eLib/Details/L04224](http://www.fra.dot.gov/Update%20to%20NEPA%20Implementing%20Procedures%20to%20add%20categorical%20exclusions%20-%2078%20FR%202713%20-%20Jan%2014%20%202013)

Maritime Administration “Maritime Administrative Order 600-1—Procedures for Considering Environmental Impacts,” 50 FR 30900 (July 30, 1985):
www.marad.dot.gov/environment_safety_landing_page/environment_and_safety_landing_page.htm

Federal Aviation Administration FAA Order 1050.1E:
http://www.faa.gov/regulations_policies/orders_notices/index.cfm/go/document/information/documentID/13975; Federal Aviation Administration 1E (agency-wide); FAA Order 5050.4B:
http://www.faa.gov/airports/resources/publications/orders/environmental_5050_4/ (NEPA Implementing Instructions for Airport Projects).