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Environment

NEPA Regulatory Framework and Process

Overview of NEPA as Applied to Transportation Projects

www.fhwa.dot.gov/federal-aidessentials

Agencies are required to consider the environmental effects of their proposals and actions in Federal-aid project delivery



The American public has long expressed a desire to preserve its heritage as well as to protect both the human and natural environment. While it's the primary job of the Federal Highway Administration, the FHWA, to improve the Nation's highways, we also make transportation decisions that are in the best public interest. We do this by balancing the need for safe and efficient transportation with a project's potential impact to parks, recreation areas, historic sites, wetlands, businesses, neighborhoods, and other resources. In other words, we must look before we leap.



The National Environmental Policy Act, known as NEPA, established the requirements and processes Federal agencies must consider related to the environmental effects of FHWA proposals and actions. For recipients of Federal funds, that means that before proceeding with final design, right-of-way acquisition, and construction, you must first disclose any environmental consequences and evaluate alternatives that would avoid or lessen your

project's impacts. Agencies that understand the NEPA process and use it to improve decision-making tend to proceed more efficiently and effectively with their projects.



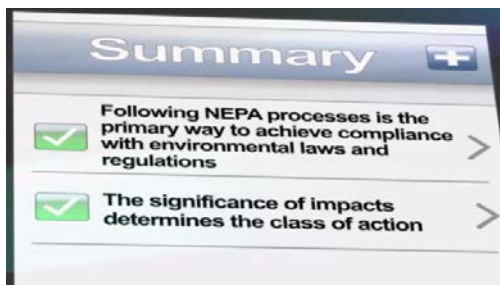
Let's look at the NEPA framework and the resources available to you. Other laws and regulations, such as Section 4(f), the Clean Water Act, and the Endangered Species Act, for example, may affect your project and guide its decisions. NEPA is the process for achieving compliance with these and other requirements. Consideration of environmental impacts, alternative approaches to achieving transportation goals, and the evaluation of possible mitigation measures, such as constructing noise walls or replacement wetlands, is done under the NEPA umbrella.



When following the NEPA process, one of the first steps is to determine the significance of the impact your project is likely to have. The significance of its impact, not its size or cost, determines the class of action and its requirements for documentation and public involvement.

Categorical exclusions are prepared for projects that have no significant impact. Environmental assessments are prepared for projects when there is uncertainty about whether the proposed action will have a significant impact. Finally, environmental impact statements are required for projects that are expected to significantly affect the quality of our environment.

It's FHWA policy that the NEPA decision-making process be open and collaborative, with full disclosure of the steps taken along the way. Therefore, documentation, government agency coordination and public involvement are essential elements of NEPA.



Working with your State department of transportation, or State DOT, will help you recognize what actions you'll need to take to comply with NEPA and other laws. Your State DOT has extensive knowledge and expertise in all areas of compliance. The people there can also help you find a qualified consultant, determine the significance of any environmental impact and prepare NEPA documentation.

The FHWA partners with your State DOT to provide oversight and technical assistance, and to consult with other Federal agencies throughout the NEPA process. The FHWA is the final authority when determining NEPA compliance. Therefore, it's essential that you engage your State DOT and, when appropriate, the FHWA early and throughout the project's development process.

Since most of your interaction on a Federally-funded project will be with your State DOT, it's advisable that you establish and maintain good communication with its coordinators. A list of State DOT coordinators is available on this Web site along with additional resources about the NEPA process.

Additional Resources

- FHWA guidance on the essential elements of the NEPA process
<http://environment.fhwa.dot.gov/projdev/pd3tdm.asp>
- FHWA Web site provides links to specific environmental topics
<http://www.fhwa.dot.gov/environment/index.htm>
- Summary of environmental legislation affecting transportation
http://www.fhwa.dot.gov/environment/env_sum.htm
- Federal regulations covering environmental impact and related procedures
http://www.ecfr.gov/cgi/t/text/text-idx?c=ecfr&tpl=/ecfrbrowse/Title23/23cfr771_main_02.tpl
- AASHTO guidance on various aspects of the NEPA process
http://www.environment.transportation.org/center/products_programs/practitioners_handbooks.aspx#0
- Council on Environmental Quality provides regulations for all Federal agencies implementing NEPA
http://ceq.hss.doe.gov/nepa/regs/ceq/toc_ceq.htm
- Text of National Environmental Policy Act of 1969
<http://ceq.hss.doe.gov/nepa/regs/nepa/nepaeqia.htm>

The content of this document is not a substitute for information obtained from State departments of transportation, appropriate FHWA Division Offices, and applicable laws. Scenarios have been simplified for emphasis and do not necessarily reflect the actual range of requirements applicable to the scenario or this topic. This document was created under contract number DTFH61-11-D-00025 by the Federal Highway Administration, U.S. Department of Transportation, and is offered to the public to heighten and focus awareness of Federal-aid requirements within the local public agencies community and reinforces the importance of these necessary policies, procedures, and practices.

This companion resource is the script content for the video production of the same name.