

MAP 21: Section 1305

Programmatic Approaches for Environmental Review

April 29, 2014



U.S. Department
of Transportation

**Federal Highway
Administration**



U.S. Department
of Transportation

**Federal Transit
Administration**



U.S. Department of Transportation

Agenda

- I. Brief overview of Section 1305
- II. Overview of stakeholder outreach
- III. How to provide feedback
- IV. Open dialogue
- V. Next steps and recap



Overview of Section 1305

What it is:

- A project development streamlining provision in MAP-21.

What it does:

- Seeks to explore the use of programmatic approaches to conduct environmental reviews.
- Directs FHWA and FTA to conduct stakeholder outreach on the role and use of programmatic.
- Requires FHWA and FTA to initiate a rulemaking.



Stakeholder Outreach

- Your input on the appropriate use and scope of programmatic approaches is important.
- We launched a National Online Dialogue to hear your ideas.
- The Dialogue will help inform and direct the rulemaking.
- We are seeking input in 3 areas:
 - General use and scope of programmatic approaches
 - Leveraging existing approaches
 - Allowing for new approaches

COMMENT PERIOD OPEN UNTIL MAY 16th



Programmatic Approaches

What are they?

- Establishes formal, agreed-upon procedures for handling specific environmental consultation, review, and compliance requirements.
- Eliminates repetitive discussions of the same issues and focus on issues ripe for analysis at each level of review.

Benefits:

- Promote efficiency and provide regulatory consistency
- Improved environmental outcomes
- More effective use of limited staff and resources
- Clarification of roles and responsibilities



Current Use of Programmatic

- Programmatic are not new to FHWA and FTA.
- FHWA's Every Day Counts (EDC) initiative has encouraged the expanded use of programmatic.
- We are always looking for new partners and ways of using programmatic approaches.
- We hope to hear many new ideas on the use of the programmatic.



Examples of Programmatic Approaches

- Nationwide Program-level Analysis or Agreement
- Adoption and Incorporation by Reference of Federal Agency Analysis
- Incorporation by Reference of State Analyses
- Reliance on State Analysis (Impact Level)
- Statewide and Multi-State Programmatic Agreements
- Batched Analysis
- Regional/Statewide Effects Analysis
- Tiered Documents



General Use and Scope of Programmatic Approaches

Example Discussion Questions:

- Are there issues or challenges with the way in which existing programmatic approaches are implemented? Are there ways these issues or challenges might be resolved?
- What should the proposed regulatory language implementing Section 1305 look like?
- How should the regulation address the considerations listed in the statute (collaboration, transparency, availability of relevant agencies)?



Leveraging Existing Programmatic Approaches

Example Discussion Questions:

- How might the examples of existing programmatic approaches be expanded or improved? Are there examples that are missing and should be added?
- Are there issues or challenges with the way in which existing programmatic approaches are implemented? Are there ways these issues or challenges might be resolved?
- Are there particular types of projects, or stages of project development, for which programmatic approaches may be most helpful?



Allowing for New Programmatic Approaches

Example Discussion Questions:

- Which of the examples of new programmatic approaches do you see as useful/feasible? Which have the most potential for expediting the environmental review process?
- Are there specific areas where further consideration is necessary in regard to potential new programmatic approaches?
- Are there other potential new programmatic approaches that should be considered for implementation by the Agencies?



How to Provide Feedback

1. National Online Dialogue:

Go to <http://programmatics.ideascale.com> to review background materials, submit your comments and ideas, and see what other have to say

2. Submit comments via email to:

- Marlys Osterhues (FHWA) – Marlys.Osterhues@dot.gov
- Megan Blum (FTA) – Megan.Blum@dot.gov

3. Submit comments via mail:

Office of Project Development and Environmental Review
Attn: Marlys Osterhues
Federal Highway Administration
1200 New Jersey Ave, SE
Washington, DC 20590

4. Submit ideas today using the chat pod



Submitting an Idea to the National Online Dialogue



U.S. Department of Transportation

Visit <http://programmatics.ideascale.com/>

National Online Dialogue on Programmatic Approaches for Environmental Reviews

**SHARE.
DISCUSS.
VOTE.**

WHAT

The Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) are interested in engaging our stakeholders in a nationwide discussion on the use of programmatic approaches to conduct environmental reviews for transportation projects. Before we initiate the rulemaking, we would like to get your thoughts and ideas on how to make this rule useful and relevant for you.

WHY

Section 1305 of the Moving Ahead for Progress in the 21st Century Act (MAP-21) requires FHWA and FTA to initiate a rulemaking allowing for the use of programmatic approaches that are consistent with the National Environmental Policy Act (NEPA) and other applicable laws to conduct environmental reviews. Section 1305 also includes a list of considerations to address in the rulemaking, including emphasizing the importance of collaboration, promoting transparency, and ensuring the use of accurate and timely information.

WE NEED YOUR HELP

As an important part of this effort, we are inviting organizations and individuals with an interest in programmatic approaches to provide input on the appropriate use and scope of programmatic approaches for environmental reviews.

Your input will ensure that the subsequent Notice of Proposed Rulemaking on this topic considers the perspectives and ideas of all stakeholders. We encourage you to submit your ideas and suggestions for review. We will review each idea and suggestion that is submitted.

GET STARTED

First, [register here](#). Please make sure you review the **Terms of Participation**. IdeaScale is designed to capture your idea, record the level of support for or against it, and initiate a dialogue around each idea. **Next...**

Get started. Submit ideas and comments, and see what others have to say. We value all ideas and encourage you to visit the site often. Areas where your ideas and insights are needed:

- General use and scope of programmatic approaches (whether, why, when, where) [[Read the background](#)] [[See the comments](#)]
- Leveraging existing programmatic approaches [[Read the background](#)] [[See the comments](#)]
- Allowing for new programmatic approaches [[Read the background](#)] [[See the comments](#)]

The comment period is open until May 16, 2014.

If you need assistance or have a question, please contact us at the following address: OpenIdeas@dot.gov

[Submit New Idea](#)

Register and sign-up to participate in the Online Dialogue

Once you have logged in, click the "Submit New Idea" Button.



National Online Dialogue on Programmatic Approaches for Environmental Reviews

WHAT

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WHY

Section 1305 of the Moving Ahead for Progress in the 21st Century Act (MAP-21) requires FHWA and FTA to initiate a rulemaking allowing for the use of programmatic approaches that are consistent with the requirements of the National Environmental Policy Act (NEPA) for environmental reviews. We are also interested in hearing from you on how we can emphasize the importance of this information and make it more accessible to the public.

WE

As part of our programmatic approach, we are seeking input from stakeholders with an interest in the use of programmatic approaches for environmental reviews.

YOUR

participation in this dialogue is important. Your ideas and suggestions will help us understand the needs of stakeholders and inform our rulemaking process.

GET

involved. First, capture your ideas and suggestions. Next, we will share your input with the public and stakeholders.

GET

involved. We value all ideas and suggestions. Your input is needed: [Share your ideas here](#) [\[Read the background\]](#) [\[View comments\]](#)

THE

process. We will share your input with the public and stakeholders. [View comments\]](#)

IF

you have any questions, please contact us at OpenIdeas@dot.gov

A dialogue box will appear. Enter a title for your idea in the first box, a description in the second box, select a Campaign (such as allowing for new programmatic approaches), and enter a tag (such as Section 106). Once you finish entering information, click "Submit."

Submit Your Idea

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64 characters left in Title field

Description*

Campaign*

— Please Choose —

Tags

Use commas to separate tags.

Attachment (Optional)

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Visit <http://programmatic.ideascale.com/>

Once your idea has been submitted, other participants can vote for or against the idea.

ALLOWING FOR NEW PROGRAMMATIC APPROACHES »

Section 106 Screened Exemptions

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For tribal projects that do not occur on trust land, it would be nice if there was a PA in place that allowed for the THPO to perform a screened exemption to expedite the Section 106 review process. By having a certified professional within the tribe assess impacts on cultural resources would eliminate the need to also have the project reviewed by the SHPO.

Rank 2

Idea# 6 Tags: section 106 screened exemptions thpo shpo

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Participants can also discuss the idea by submitting a comment.



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Select the title of the idea you want to tag



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ALLOWING FOR NEW PROGRAMMATIC APPROACHES »

Protected bats: getting them out of our belfry

Some states have piloted programmatic consultations and biological assessments under the Endangered Species Act. However, the recent frenzy to intercept disease-caused population declines of proposed and federally-listed bat species - by requiring state DOTs to undertake EXPENSIVE and TIME-CONSUMING project-by-project presence/absence surveys - may allow for regulatory compliance, but has so-far been unable to generate ... more »

Add your comment

Submitted by [Community Member](#) 3 days ago



I agree

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votes



I disagree

LEVERAGING EXISTING PROGRAMMATIC APPROACHES »


Mandate Standardized Data for Schedules & Stops when FTA funded

Currently agencies who receive federal funds may or may not choose to output their schedules and bus stop locations in a standardized format so that riders can find their services and plan trips between operators. One standardized format is General Transit Feed Specification (GTFS), used internationally. This idea leverages investments at National Rural Transit Assistance Program National (RTAP) with no-cost GTFS Builder ... more »


Add your comment

Submitted by [marcy](#) 4 days ago



 I agree

1
vote

 I disagree

Rank **1**

Idea# 5

ALLOWING FOR NEW PROGRAMMATIC APPROACHES »

Protected bats: getting them out of our belfry

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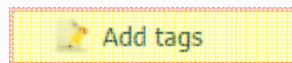
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Instead of surveying each project containing potentially-suitable roost habitats during a very-limited survey window, why not pool the resources being expended at the project level and, instead, underwrite a range-wide study of truly suitable habitat, flyways, and track known populations from their winter roosts? This way, the value of data generated could better inform species-distribution and recovery science, rather than merely allowing project proponents and regulators (i.e., USFWS) to "check a box," while possibly missing the opportunity for environmental analyses to create the best scientific data yet-generated.

A lot of money is being spent on compliance and the white-nose syndrome that's killing-off these economically-important mammals is still spreading.

Tags: [endangered species](#) [program-wide conservation](#) [protected bats](#)

[programmatic section 7 consultation](#)


 Add tags

Select the "add tags" button


 Comment

Submitted by [Community Member](#) 3 days ago



 I agree

1
vote

 I disagree

Rank **1**

Idea# 5

ALLOWING FOR NEW PROGRAMMATIC APPROACHES »

Protected bats: getting them out of our belfry

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Tags: endangered species program-wide conservation protected bats
programmatic section 7 consultation

Use commas to separate tags.

Submit

 Comment

Submitted by Community Member 3 days ago

Enter your tag(s) into the box. Use commas to separate multiple tags. Once your tag is entered, click submit.



Open Dialogue



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Recap

Your input will ensure that the Agencies consider the perspectives and ideas of all stakeholders in the subsequent Notice of Proposed Rulemaking on this topic, as required by the statute.

Seeking input in 3 primary areas:

1. General use and scope of programmatic approaches
2. Leveraging existing programmatic approaches
3. Allowing for new programmatic approaches

Go to <http://programmatics.ideascale.com> to submit your comments and ideas.

REMEMBER: COMMENT PERIOD OPEN UNTIL MAY 16th

