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# **Project Streamlining and Environmental Stewardship**

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September 12, 2005

# Streamlining and Stewardship?

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1. What is streamlining and stewardship as actually practiced in the real-world?
2. Have we streamlined projects and have we become better stewards of the environment?
3. How do we know when we have streamlined and been good stewards?
4. What are the practical, realistic outcomes?

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# **Project Streamlining and Environmental Stewardship**

**According to SAFETEA-LU**

# SAFETEA-LU Streamlining

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## 6002 – Efficient Environmental Reviews for Project Decisionmaking

- New process for EISs; optional for EAs
- “Participating agency” roles and responsibilities
- Purpose and need, range of alternatives, methodologies, and preferred alternative
- Coordination plan, schedule and deadlines
- Issue identification and resolution
- Performance measure and report to Congress
- Statute of limitations

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## **6003 – State Assumption of Responsibilities for Certain Programs and Projects**

- 5 State Pilot for the Transportation Enhancement and Recreational Trails Programs
- Assumption of responsibility for environmental reviews, consultation, decisionmaking
- Application and MOU required
- 3-year period, renewable
- Review and determination of compliance

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## 6004 – State Assumption of Responsibility for Categorical Exclusions

- All or part of the responsibilities for review, consultation, or other actions under Federal Law
- State solely responsible and liable
- MOU after public notice and comment
- 3 years, renewable, based on performance
- Performance will be monitored

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## 6005 – Surface Transportation Project Development Pilot Program

- State assumes FHWA responsibility for environmental review, consultation and other actions for 1 or more highway projects
- Pilot for 5 States (AK, CA, OH, OK, TX)
- Conditions, restrictions and agreement (MOU)
- Audits and report to Congress required
- Agreement can be terminated for non-compliance

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## 1503 – Design Build

- Revise regulations that do not preclude a State, prior to compliance with NEPA, from-
  - Issuing requests for proposals;
  - Awarding design-build contracts;
  - Issuing notices to proceed with preliminary design
- Final design or construction not allowed prior to completion of NEPA
- Requires concurrence of US DOT

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## 6009 – Parks, Recreation Areas, Wildlife and Waterfowl Refuges, and Historic Sites

- Amends 23 USC 138 and 49 USC 303
- Section 4(f) is satisfied if impacts are determined to be “*de minimis*”
  - No alternatives analysis or documentation
  - Measures to minimize harm required
  - Concurrence of agency(ies) with jurisdiction

# Section 4(f)

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## **Clarification of Existing Standards**

- Clarify factors considered and standards applied in determining feasible and prudent alternatives
- Variety of projects and situations and may include examples as appropriate

## **6007 – Exemption of Interstate System**

- Exempt from Section 4(f) as a historic site
- Individual elements subject to Section 4(f)

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## 6008 – Integration of Natural Resource Concerns into Transportation Planning

- Amends 23 USC 109(c) - Design Criteria for National Highway System to include
  - FHWA's Flexibility in Highway Design
  - Characteristics of Process to Yield Excellence in Transportation Design and Seven Qualities of Excellence in Transportation

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## Other Environmental Programs

- Environmental Restoration and Pollution Abatement
- Control of Noxious Weeds and Establishment of Native Species
- National Historic Covered Bridge Conservation Program
- Wildlife-Related Provisions
- Safe Routes to School
- Bicycle and Pedestrian Provisions
- Recreational Trails
- Scenic Byways
- Transportation, Community, and System Preservation
- Transportation Enhancements