Overview of SAFETEA-LU Sections 6001, 6002, 3005, and 3006

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Timing of SAFETEA-LU and Planning Rule

- SAFETEA-LU Passed August 10, 2005
- Planning NPRM Published June 9, 2006
- Final Rule Effective: March 16, 2007
- SAFETEA-LU Compliance Date: July 1, 2007

** Final rule incorporates changes since ISTEA (TEA-21, SAFETEA-LU) - not just “S-LU 6001”

http://www.fhwa.dot.gov/planning/index.htm
Transportation Decision-Making Continuum

- Planning & Programming
- Project Analysis/Refinement
- Final Design
- Implementation

Problems, many potential solutions

Decision Screens

A single, well-defined outcome
Transportation Planning, Programming, & NEPA

**Decisions**
- Long range plan (20+ yrs)
  - Problems to be solved
  - Goals and policies
  - Strategies
  - Project concept & scope

**Transportation Improvement Program**
- Priority projects
- Funding allocations

**NEPA process often starts here**

Planning & Programming

Project Analysis/Refinement

Final Design

Implementation
SAFETEA-LU: Planning Factors

- Support the **economic vitality** of the metropolitan area (global competitiveness, productivity, and efficiency)
- Increase the **safety** for motorized and nonmotorized users
- Increase the **security** for motorized and nonmotorized users
- Increase the **accessibility** and **mobility** of people and for freight
- Protect and enhance the **environment**, promote **energy conservation**, improve the **quality of life**, and promote **consistency between transportation improvements and** State and local planned growth and **economic development patterns**
- Enhance the **integration** and **connectivity** of the transportation system, across and **between modes**, for **people** and **freight**;
- Promote efficient **system management and operation**
- Emphasize the **preservation** of the existing transportation **system**.
Consultation - required

- Applies to metropolitan, statewide planning
- Directs agencies to “consult, as appropriate, with State and local agencies* responsible for land use management, natural resources, environmental protection, conservation, and historic preservation”
- Requires consultations to, as appropriate:
  - Compare transportation plans with State conservation plans or maps
  - Compare transportation plans to inventories of natural or historic resources

*for statewide planning, add “tribal agencies”

[see 23 CFR 450.214(i) and 450.322(g)]
Environmental Mitigation - required

- Applies to metropolitan and statewide long-range plans
- Requires discussion of
  - Types of potential environmental mitigation activities and potential areas to carry out activities
  - “…including activities that may have the greatest potential to restore and maintain the environmental functions affected by the plan”
- To be developed in consultation with Federal, State, and tribal wildlife, land management, and regulatory agencies
- Policy, plan and/or strategic-levels

[see 23 CFR 450.214(j) and 450.322(f)(7)]
Participation Plan - required

- MPO shall develop a participation plan in consultation with interested parties [see 23 CFR 450.316(a)]
- Minimum 45-day comment period
- Adequate, timely public notice and reasonable access
- Employ visualization techniques
- Information available in electronic formats
- Meetings at convenient and accessible
- State public involvement process similar [see 23 CFR 450.210]
SAFETEA-LU Strengthens Linkages Among Decision Processes

**Transportation Systems Planning & Programming**
- Project locations
- Conceptual design

**Transportation Project Development**
- Environmental analysis and permitting
- Right-of-way
- Engineering design

**Other Planning Processes**
- Land use
- Watershed
- Habitat
- Cultural resources
Transportation Resource Agency

System-level Planning

Integrated Planning, Consultation

Linking Planning and NEPA

Project-level Decision

System-level Planning

S-LU 6001

23 CFR 450/Appendix A

NEPA, Environmental Review Process

S-LU 6002

Project-level Decision
Linking Planning and NEPA: Appendix A - voluntary

- Based on original guidance and legal opinion (Feb, 2005)
- Provides further clarification of 450.212 and 318
- Contains guidance on procedural, substantive, and administrative issues
- Voluntary
- Planning varies across the country
- Does not NEPA-ize Planning
Legal Guidance

- Environment and Planning Linkage Processes Legal Guidance
- Released February 22, 2005 (will still stand)
- Provides legal background for LP&N Guidance, now 23 CFR 450.212, 318 & Appendix A

http://www.fhwa.dot.gov/hep/plannepalegal050222.htm

- Planning activities not considered a Federal action subject to review under NEPA
  [see 23 CFR 450.222 and 450.336]
§ 450.212 & 318: Transportation planning studies and project development - **voluntary**

- Results or decisions in corridor or sub-area studies may be used in NEPA
  - **Purpose and need** or goals & objective statement(s)
  - **General travel corridor**, general mode, definition
  - Preliminary screening of alternatives and elimination of unreasonable alternatives
  - **Basic description of the environmental setting**
  - Preliminary identification of environmental impacts and environmental mitigation
§ 450.212 & 318: Transportation planning studies and project development (cont) - voluntary

Studies may be incorporated if:

• NEPA lead agencies agree
• Systems-level, corridor, or sub-area planning studies are conducted with
  - Involvement of appropriate agencies
  - Public review
  - Reasonable opportunity to comment on planning process or studies
  - Documentation is identifiable and available for scoping process
  - Review of the FHWA and the FTA, as appropriate
How does 6001/Planning Reg./6002 work together?

- Planning as the basis for NEPA
- Better relationships, increased trust between agencies, throughout the decision-making process
- Early, informed decisions reduce project delivery delays and minimize duplication of effort
- Agencies work collaboratively to ensure early consideration given to multiple goals (equity, safety, mobility...) - a balance
- Thoughtful and diligent management of the planning and NEPA processes can make a difference

http://www.fhwa.dot.gov/hep/section6002/

- Defines an “Environmental Review Process” for transportation Projects
  - Milestones, timeframes for reviews
  - All agencies with interest to be invited to be “participating agencies, providing for:
    - Early identification of issues of concern
    - Input for purpose and need, range of alternatives
    - Consultation for coordination plan and schedule
  - Participating agencies, public to be involved early
- Final 6002 Guidance specifically mentions “opportunities” may be given in the planning process - references LP&N guidance
- Revision of 23 CFR 771.111 will include a cross-reference to planning regulation re: linking planning and NEPA
- Funding assistance to affected State and Federal Agencies
FHWA’s Planning and Environment Linkages Initiative

- Aimed at state DOTs, MPOs
- Offers training, technology transfer, and focused technical assistance
- Promotes links between transportation, resource, land use planning
- Some ‘best practices’ now reinforced (required) by SAFETEA-LU provisions

PEL: An Integrated, Systems Perspective

Integrated Approach
opportunities to support multiple community goals and improve quality of life
### Feedback so far

<table>
<thead>
<tr>
<th>From Transport. Planners:</th>
<th>From Resource agencies:</th>
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<tbody>
<tr>
<td>- Need more guidance</td>
<td>- Great opportunity</td>
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<tr>
<td>- How to engage</td>
<td>- Don’t have the resources</td>
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<tr>
<td>- Lack of examples</td>
<td>- Early input may affect ability to make decisions later</td>
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<tr>
<td>- Mitigation at planning level - How?</td>
<td></td>
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<tr>
<td>- Flexibility is good</td>
<td>- Need training</td>
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<tr>
<td>- Need training</td>
<td>- How to be useful, provide valuable input</td>
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