

PUBLIC LAW 109-59-AUG. 10, 2005

SAFE, ACCOUNTABLE, FLEXIBLE, EFFICIENT
TRANSPORTATION EQUITY ACT: A LEGACY
FOR USERS

“Exerpted”

“(7) PLANNING FINDING.—A finding shall be made by the Secretary at least every 4 years that the transportation planning process through which statewide transportation plans and programs are developed is consistent with this section and section 134.

“(8) MODIFICATIONS TO PROJECT PRIORITY.—Notwithstanding any other provision of law, action by the Secretary shall not be required to advance a project included in the approved transportation improvement program in place of another project in the program.

“(h) FUNDING.—Funds set aside pursuant to section 104(f) of this title and section 5305(g) of title 49, shall be available to carry out this section.

“(i) TREATMENT OF CERTAIN STATE LAWS AS CONGESTION MANAGEMENT PROCESSES.—For purposes of this section and section 134, and sections 5303 and 5304 of title 49, State laws, rules, or regulations pertaining to congestion management systems or programs may constitute the congestion management process under this section and section 134, and sections 5303 and 5304 of title 49, if the Secretary finds that the State laws, rules, or regulations are consistent with, and fulfill the intent of, the purposes of this section and section 134 and sections 5303 and 5304 of title 49, as appropriate.

“(j) CONTINUATION OF CURRENT REVIEW PRACTICE.—Since the statewide transportation plan and the transportation improvement program described in this section are subject to a reasonable opportunity for public comment, since individual projects included in the statewide transportation plans and the transportation improvement program are subject to review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and since decisions by the Secretary concerning statewide transportation plans or the transportation improvement program described in this section have not been reviewed under such Act as of January 1, 1997, any decision by the Secretary concerning a metropolitan or statewide transportation plan or the transportation improvement program described in this section shall not be considered to be a Federal action subject to review under such Act.”.

(b) SCHEDULE FOR IMPLEMENTATION.—The Secretary shall issue guidance on a schedule for implementation of the changes made by this section, taking into consideration the established planning update cycle for States and metropolitan planning organizations. The Secretary shall not require a State or metropolitan planning organization to deviate from its established planning update cycle to implement changes made by this section. Beginning July 1, 2007, State or metropolitan planning organization plan or program updates shall reflect changes made by this section.

Guidelines.
23 USC 134 note.

Effective date.

(c) CONFORMING AMENDMENT.—The analysis for chapter 1 of such title is amended by striking the items relating to sections 134 and 135 and inserting the following:

“134. Metropolitan transportation planning.

“135. Statewide transportation planning.”.

SEC. 6002. EFFICIENT ENVIRONMENTAL REVIEWS FOR PROJECT DECISIONMAKING.

(a) IN GENERAL.—Subchapter I of chapter 1 of title 23, United States Code, is amended by inserting after section 138 the following:

“§ 139. Efficient environmental reviews for project decision-making

“(a) DEFINITIONS.—In this section, the following definitions apply:

“(1) AGENCY.—The term ‘agency’ means any agency, department, or other unit of Federal, State, local, or Indian tribal government.

“(2) ENVIRONMENTAL IMPACT STATEMENT.—The term ‘environmental impact statement’ means the detailed statement of environmental impacts required to be prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

“(3) ENVIRONMENTAL REVIEW PROCESS.—

“(A) IN GENERAL.—The term ‘environmental review process’ means the process for preparing for a project an environmental impact statement, environmental assessment, categorical exclusion, or other document prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

“(B) INCLUSIONS.—The term ‘environmental review process’ includes the process for and completion of any environmental permit, approval, review, or study required for a project under any Federal law other than the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

“(4) LEAD AGENCY.—The term ‘lead agency’ means the Department of Transportation and, if applicable, any State or local governmental entity serving as a joint lead agency pursuant to this section.

“(5) MULTIMODAL PROJECT.—The term ‘multimodal project’ means a project funded, in whole or in part, under this title or chapter 53 of title 49 and involving the participation of more than one Department of Transportation administration or agency.

“(6) PROJECT.—The term ‘project’ means any highway project, public transportation capital project, or multimodal project that requires the approval of the Secretary.

“(7) PROJECT SPONSOR.—The term ‘project sponsor’ means the agency or other entity, including any private or public-private entity, that seeks approval of the Secretary for a project.

“(8) STATE TRANSPORTATION DEPARTMENT.—The term ‘State transportation department’ means any statewide agency of a State with responsibility for one or more modes of transportation.

“(b) APPLICABILITY.—

“(1) IN GENERAL.—The project development procedures in this section are applicable to all projects for which an environmental impact statement is prepared under the National Environmental Policy Act of 1969 and may be applied, to the extent determined appropriate by the Secretary, to other projects for which an environmental document is prepared pursuant to such Act.

“(2) FLEXIBILITY.—Any authorities granted in this section may be exercised for a project, class of projects, or program of projects.

“(c) LEAD AGENCIES.—

“(1) FEDERAL LEAD AGENCY.—The Department of Transportation shall be the Federal lead agency in the environmental review process for a project.

“(2) JOINT LEAD AGENCIES.—Nothing in this section precludes another agency from being a joint lead agency in accordance with regulations under the National Environmental Policy Act of 1969.

“(3) PROJECT SPONSOR AS JOINT LEAD AGENCY.—Any project sponsor that is a State or local governmental entity receiving funds under this title or chapter 53 of title 49 for the project shall serve as a joint lead agency with the Department for purposes of preparing any environmental document under the National Environmental Policy Act of 1969 and may prepare any such environmental document required in support of any action or approval by the Secretary if the Federal lead agency furnishes guidance in such preparation and independently evaluates such document and the document is approved and adopted by the Secretary prior to the Secretary taking any subsequent action or making any approval based on such document, whether or not the Secretary’s action or approval results in Federal funding.

“(4) ENSURING COMPLIANCE.—The Secretary shall ensure that the project sponsor complies with all design and mitigation commitments made jointly by the Secretary and the project sponsor in any environmental document prepared by the project sponsor in accordance with this subsection and that such document is appropriately supplemented if project changes become necessary.

“(5) ADOPTION AND USE OF DOCUMENTS.—Any environmental document prepared in accordance with this subsection may be adopted or used by any Federal agency making any approval to the same extent that such Federal agency could adopt or use a document prepared by another Federal agency.

“(6) ROLES AND RESPONSIBILITY OF LEAD AGENCY.—With respect to the environmental review process for any project, the lead agency shall have authority and responsibility—

“(A) to take such actions as are necessary and proper, within the authority of the lead agency, to facilitate the expeditious resolution of the environmental review process for the project; and

“(B) to prepare or ensure that any required environmental impact statement or other document required to be completed under the National Environmental Policy Act of 1969 is completed in accordance with this section and applicable Federal law.

“(d) PARTICIPATING AGENCIES.—

“(1) IN GENERAL.—The lead agency shall be responsible for inviting and designating participating agencies in accordance with this subsection.

“(2) INVITATION.—The lead agency shall identify, as early as practicable in the environmental review process for a project, any other Federal and non-Federal agencies that may have an interest in the project, and shall invite such agencies to become participating agencies in the environmental review process for the project. The invitation shall set a deadline for responses to be submitted. The deadline may be extended by the lead agency for good cause.

“(3) FEDERAL PARTICIPATING AGENCIES.—Any Federal agency that is invited by the lead agency to participate in the environmental review process for a project shall be designated as a participating agency by the lead agency unless the invited agency informs the lead agency, in writing, by the deadline specified in the invitation that the invited agency—

“(A) has no jurisdiction or authority with respect to the project;

“(B) has no expertise or information relevant to the project; and

“(C) does not intend to submit comments on the project.

“(4) EFFECT OF DESIGNATION.—Designation as a participating agency under this subsection shall not imply that the participating agency—

“(A) supports a proposed project; or

“(B) has any jurisdiction over, or special expertise with respect to evaluation of, the project.

“(5) COOPERATING AGENCY.—A participating agency may also be designated by a lead agency as a ‘cooperating agency’ under the regulations contained in part 1500 of title 40, Code of Federal Regulations.

“(6) DESIGNATIONS FOR CATEGORIES OF PROJECTS.—The Secretary may exercise the authorities granted under this subsection for a project, class of projects, or program of projects.

“(7) CONCURRENT REVIEWS.—Each Federal agency shall, to the maximum extent practicable—

“(A) carry out obligations of the Federal agency under other applicable law concurrently, and in conjunction, with the review required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), unless doing so would impair the ability of the Federal agency to carry out those obligations; and

Procedures.

“(B) formulate and implement administrative, policy, and procedural mechanisms to enable the agency to ensure completion of the environmental review process in a timely, coordinated, and environmentally responsible manner.

Notification.

“(e) PROJECT INITIATION.—The project sponsor shall notify the Secretary of the type of work, termini, length and general location of the proposed project, together with a statement of any Federal approvals anticipated to be necessary for the proposed project, for the purpose of informing the Secretary that the environmental review process should be initiated.

“(f) PURPOSE AND NEED.—

“(1) PARTICIPATION.—As early as practicable during the environmental review process, the lead agency shall provide an opportunity for involvement by participating agencies and the public in defining the purpose and need for a project.

“(2) DEFINITION.—Following participation under paragraph (1), the lead agency shall define the project’s purpose and need for purposes of any document which the lead agency is responsible for preparing for the project.

“(3) OBJECTIVES.—The statement of purpose and need shall include a clear statement of the objectives that the proposed action is intended to achieve, which may include—

“(A) achieving a transportation objective identified in an applicable statewide or metropolitan transportation plan;

“(B) supporting land use, economic development, or growth objectives established in applicable Federal, State, local, or tribal plans; and

“(C) serving national defense, national security, or other national objectives, as established in Federal laws, plans, or policies.

“(4) ALTERNATIVES ANALYSIS.—

“(A) PARTICIPATION.—As early as practicable during the environmental review process, the lead agency shall provide an opportunity for involvement by participating agencies and the public in determining the range of alternatives to be considered for a project.

“(B) RANGE OF ALTERNATIVES.—Following participation under paragraph (1), the lead agency shall determine the range of alternatives for consideration in any document which the lead agency is responsible for preparing for the project.

“(C) METHODOLOGIES.—The lead agency also shall determine, in collaboration with participating agencies at appropriate times during the study process, the methodologies to be used and the level of detail required in the analysis of each alternative for a project.

“(D) PREFERRED ALTERNATIVE.—At the discretion of the lead agency, the preferred alternative for a project, after being identified, may be developed to a higher level of detail than other alternatives in order to facilitate the development of mitigation measures or concurrent compliance with other applicable laws if the lead agency determines that the development of such higher level of detail will not prevent the lead agency from making an impartial decision as to whether to accept another alternative which is being considered in the environmental review process.

“(g) COORDINATION AND SCHEDULING.—

“(1) COORDINATION PLAN.—

“(A) IN GENERAL.—The lead agency shall establish a plan for coordinating public and agency participation in and comment on the environmental review process for a project or category of projects. The coordination plan may be incorporated into a memorandum of understanding.

“(B) SCHEDULE.—

“(i) IN GENERAL.—The lead agency may establish as part of the coordination plan, after consultation with each participating agency for the project and with the State in which the project is located (and, if the State is not the project sponsor, with the project sponsor), a schedule for completion of the environmental review process for the project.

“(ii) FACTORS FOR CONSIDERATION.—In establishing the schedule, the lead agency shall consider factors such as—

“(I) the responsibilities of participating agencies under applicable laws;

“(II) resources available to the cooperating agencies;

“(III) overall size and complexity of the project;

“(IV) the overall schedule for and cost of the project; and

“(V) the sensitivity of the natural and historic resources that could be affected by the project.

“(C) CONSISTENCY WITH OTHER TIME PERIODS.—A schedule under subparagraph (B) shall be consistent with any other relevant time periods established under Federal law.

“(D) MODIFICATION.—The lead agency may—

“(i) lengthen a schedule established under subparagraph (B) for good cause; and

“(ii) shorten a schedule only with the concurrence of the affected cooperating agencies.

“(E) DISSEMINATION.—A copy of a schedule under subparagraph (B), and of any modifications to the schedule, shall be—

“(i) provided to all participating agencies and to the State transportation department of the State in which the project is located (and, if the State is not the project sponsor, to the project sponsor); and

“(ii) made available to the public.

“(2) COMMENT DEADLINES.—The lead agency shall establish the following deadlines for comment during the environmental review process for a project:

“(A) For comments by agencies and the public on a draft environmental impact statement, a period of not more than 60 days after publication in the Federal Register of notice of the date of public availability of such document, unless—

“(i) a different deadline is established by agreement of the lead agency, the project sponsor, and all participating agencies; or

“(ii) the deadline is extended by the lead agency for good cause.

“(B) For all other comment periods established by the lead agency for agency or public comments in the environmental review process, a period of no more than 30 days from availability of the materials on which comment is requested, unless—

“(i) a different deadline is established by agreement of the lead agency, the project sponsor, and all participating agencies; or

“(ii) the deadline is extended by the lead agency for good cause.

“(3) DEADLINES FOR DECISIONS UNDER OTHER LAWS.—In any case in which a decision under any Federal law relating to a project (including the issuance or denial of a permit or license) is required to be made by the later of the date that is 180 days after the date on which the Secretary made all final decisions of the lead agency with respect to the project, or 180 days after the date on which an application was submitted for the permit or license, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives—

“(A) as soon as practicable after the 180-day period, an initial notice of the failure of the Federal agency to make the decision; and

Federal Register,
publication.

Notice.

“(B) every 60 days thereafter until such date as all decisions of the Federal agency relating to the project have been made by the Federal agency, an additional notice that describes the number of decisions of the Federal agency that remain outstanding as of the date of the additional notice. Notice.

“(4) INVOLVEMENT OF THE PUBLIC.—Nothing in this subsection shall reduce any time period provided for public comment in the environmental review process under existing Federal law, including a regulation.

“(h) ISSUE IDENTIFICATION AND RESOLUTION.—

“(1) COOPERATION.—The lead agency and the participating agencies shall work cooperatively in accordance with this section to identify and resolve issues that could delay completion of the environmental review process or could result in denial of any approvals required for the project under applicable laws.

“(2) LEAD AGENCY RESPONSIBILITIES.—The lead agency shall make information available to the participating agencies as early as practicable in the environmental review process regarding the environmental and socioeconomic resources located within the project area and the general locations of the alternatives under consideration. Such information may be based on existing data sources, including geographic information systems mapping.

“(3) PARTICIPATING AGENCY RESPONSIBILITIES.—Based on information received from the lead agency, participating agencies shall identify, as early as practicable, any issues of concern regarding the project’s potential environmental or socioeconomic impacts. In this paragraph, issues of concern include any issues that could substantially delay or prevent an agency from granting a permit or other approval that is needed for the project.

“(4) ISSUE RESOLUTION.—

“(A) MEETING OF PARTICIPATING AGENCIES.—At any time upon request of a project sponsor or the Governor of a State in which the project is located, the lead agency shall promptly convene a meeting with the relevant participating agencies, the project sponsor, and the Governor (if the meeting was requested by the Governor) to resolve issues that could delay completion of the environmental review process or could result in denial of any approvals required for the project under applicable laws.

“(B) NOTICE THAT RESOLUTION CANNOT BE ACHIEVED.—If a resolution cannot be achieved within 30 days following such a meeting and a determination by the lead agency that all information necessary to resolve the issue has been obtained, the lead agency shall notify the heads of all participating agencies, the project sponsor, the Governor, the Committee on Environment and Public Works of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Council on Environmental Quality, and shall publish such notification in the Federal Register.

Deadline.
Federal Register,
publication.

“(i) PERFORMANCE MEASUREMENT.—The Secretary shall establish a program to measure and report on progress toward improving and expediting the planning and environmental review process.

“(j) ASSISTANCE TO AFFECTED STATE AND FEDERAL AGENCIES.—

“(1) IN GENERAL.—For a project that is subject to the environmental review process established under this section and for which funds are made available to a State under this title or chapter 53 of title 49, the Secretary may approve a request by the State to provide funds so made available under this title or such chapter 53 to affected Federal agencies (including the Department of Transportation), State agencies, and Indian tribes participating in the environmental review process for the projects in that State or participating in a State process that has been approved by the Secretary for that State. Such funds may be provided only to support activities that directly and meaningfully contribute to expediting and improving transportation project planning and delivery for projects in that State.

“(2) ACTIVITIES ELIGIBLE FOR FUNDING.—Activities for which funds may be provided under paragraph (1) include transportation planning activities that precede the initiation of the environmental review process, dedicated staffing, training of agency personnel, information gathering and mapping, and development of programmatic agreements.

“(3) USE OF FEDERAL LANDS HIGHWAY FUNDS.—The Secretary may also use funds made available under section 204 for a project for the purposes specified in this subsection with respect to the environmental review process for the project.

“(4) AMOUNTS.—Requests under paragraph (1) may be approved only for the additional amounts that the Secretary determines are necessary for the Federal agencies, State agencies, or Indian tribes participating in the environmental review process to meet the time limits for environmental review.

“(5) CONDITION.—A request under paragraph (1) to expedite time limits for environmental review may be approved only if such time limits are less than the customary time necessary for such review.

“(k) JUDICIAL REVIEW AND SAVINGS CLAUSE.—

“(1) JUDICIAL REVIEW.—Except as set forth under subsection (l), nothing in this section shall affect the reviewability of any final Federal agency action in a court of the United States or in the court of any State.

“(2) SAVINGS CLAUSE.—Nothing in this section shall be construed as superseding, amending, or modifying the National Environmental Policy Act of 1969 or any other Federal environmental statute or affect the responsibility of any Federal officer to comply with or enforce any such statute.

“(3) LIMITATIONS.—Nothing in this section shall preempt or interfere with—

“(A) any practice of seeking, considering, or responding to public comment; or

“(B) any power, jurisdiction, responsibility, or authority that a Federal, State, or local government agency, metropolitan planning organization, Indian tribe, or project sponsor has with respect to carrying out a project or any other provisions of law applicable to projects, plans, or programs.

“(l) LIMITATIONS ON CLAIMS.—

“(1) IN GENERAL.—Notwithstanding any other provision of law, a claim arising under Federal law seeking judicial review of a permit, license, or approval issued by a Federal agency

for a highway or public transportation capital project shall be barred unless it is filed within 180 days after publication of a notice in the Federal Register announcing that the permit, license, or approval is final pursuant to the law under which the agency action is taken, unless a shorter time is specified in the Federal law pursuant to which judicial review is allowed. Nothing in this subsection shall create a right to judicial review or place any limit on filing a claim that a person has violated the terms of a permit, license, or approval.

“(2) NEW INFORMATION.—The Secretary shall consider new information received after the close of a comment period if the information satisfies the requirements for a supplemental environmental impact statement under section 771.130 of title 23, Code of Federal Regulations. The preparation of a supplemental environmental impact statement when required shall be considered a separate final agency action and the deadline for filing a claim for judicial review of such action shall be 180 days after the date of publication of a notice in the Federal Register announcing such action.”

(b) EXISTING ENVIRONMENTAL REVIEW PROCESS.—Nothing in this section affects any existing State environmental review process, program, agreement, or funding arrangement approved by the Secretary under section 1309 of the Transportation Equity Act for the 21st Century (112 Stat. 232; 23 U.S.C. 109 note) as such section was in effect on the day preceding the date of enactment of the SAFETEA–LU. 23 USC 139 note.

(c) CONFORMING AMENDMENT.—The analysis for such subchapter is amended by inserting after the item relating to section 138 the following:

“139. Efficient environmental reviews for project decisionmaking.”

(d) REPEAL.—Section 1309 of the Transportation Equity Act for the 21st Century (112 Stat. 232) is repealed. 23 USC 109 note.

SEC. 6003. STATE ASSUMPTION OF RESPONSIBILITIES FOR CERTAIN PROGRAMS AND PROJECTS.

(a) IN GENERAL.—Chapter 3 of title 23, United States Code, is amended by inserting after section 324 the following:

“§ 325. State assumption of responsibilities for certain programs and projects

“(a) ASSUMPTION OF SECRETARY’S RESPONSIBILITIES UNDER APPLICABLE FEDERAL LAWS.—

“(1) PILOT PROGRAM.—

“(A) ESTABLISHMENT.—The Secretary may establish a pilot program under which States may assume the responsibilities of the Secretary under any Federal laws subject to the requirements of this section.

“(B) FIRST 3 FISCAL YEARS.—In the first 3 fiscal years following the date of enactment of the SAFETEA–LU, the Secretary may allow up to 5 States to participate in the pilot program.

“(2) SCOPE OF PROGRAM.—Under the pilot program, the Secretary may assign, and a State may assume, any of the Secretary’s responsibilities (other than responsibilities relating to federally recognized Indian tribes) for environmental reviews, consultation, or decisionmaking or other actions required under

The Secretary's Policy for Achieving Context Sensitive Solutions

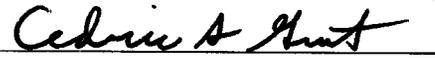
The Department is committed to partnering with communities to provide Context Sensitive Solutions (CSS) to transportation and public works projects. CSS is a collaborative approach to decision making whereby transportation solutions are developed that fit within the context of their surroundings. Context Sensitive Solutions can address a wide range of community needs such as cultural and historic preservation, community growth and sustainability, access, cohesion, aesthetics, safety, mobility, and cost effectiveness. Applying CSS principles is important, because it improves the quality of life for Louisiana citizens, enhances business recruitment, and improves DOTD's image and reputation, while building a great state for which we can all be proud.

It is the Department's policy to consider CSS for all of its transportation and public works projects, regardless of whether the projects are State or Federally funded. The Department recognizes that solutions will vary depending on the project's complexity and potential impacts to the surrounding community. This is a policy, not a standard. The intent is to deliver better projects for the community and the State as a whole.

CSS are developed from a collaborative, interdisciplinary approach to fitting projects into their surroundings and take into account community needs. To develop CSS, the Department must engage stakeholders early, and sometimes often, to discover their needs. Applying CSS does not mean that all the desires of the community and other stakeholders will be incorporated into a project. The Department must balance all needs with the project's purpose and need, as well as the project's budget. When applying CSS principles, the Department will strive to address and comply with the current American Association of State Highway and Transportation Officials (AASHTO) guidelines. The final decision, regarding the scope of a project, remains with the Department.

The Department will work with the local officials to find ways to implement CSS in every project. This may include asking local governments and metropolitan organizations for funding participation or suggesting alternative funding sources for specific project features desired by the community which are beyond the Department's normal project budget.

To assist in the consideration and implementation of CSS in all stages of project development, the Department will train project managers as well as other project development staff in CSS principles and effective public involvement techniques.

A handwritten signature in black ink, reading "Johnny B. Bradberry", is written over a horizontal line.

Johnny B. Bradberry

Secretary, LADOTD

**PUBLIC INVOLVEMENT PROCEDURES
FOR STAGE 1 ENVIRONMENTAL PROCESS
as of February 2015**

PURPOSE:

Public involvement provides stakeholders, including federal, state, and local agencies and officials, and the public, the opportunity to participate in Louisiana's transportation program. Public involvement occurs during various stages of a project. These procedures relate to the Stage 1 Environmental Process, an early stage in LADOTD's Project Delivery Process in which LADOTD processes projects requiring permits, approvals, or utilizing federal funds in compliance with the National Environmental Policy Act (NEPA).

These procedures incorporate the LADOTD Secretary's Policy for Achieving Context Sensitive Solutions collaborative approach to decision making whereby transportation solutions are developed that fit within the context of their surroundings. The intent is to deliver better projects for the community and the State as a whole.

Many of LADOTD's projects involve the Federal Highway Administration (FHWA) and compliance with FHWA rules, regulations, policies, and guidance. FHWA's Environmental Policy Statement stresses the full involvement of all partners. It is FHWA policy to:

- Pursue communication and collaboration with Federal, state, and local partners in the transportation and environmental communities, including other modal administrations within the U.S. DOT.
- Seek new partnerships with tribal governments, businesses, transportation and environmental interests groups, resource and regulatory agencies, affected neighborhoods, and the public.
- Ensure that those historically underserved by the transportation system, including minority and low-income populations, are included in outreach.
- Actively involve partners and all affected parties in an open, cooperative, and collaborative process, beginning at the earliest planning stages and continuing through project development, construction, and operations.
- Ensure the development of comprehensive and cooperative public involvement programs during statewide and metropolitan planning and project development activities.

Per FHWA's Public Involvement Requirements, each State must have procedures approved by FHWA to carry out a public involvement/ public hearing program pursuant to 23 U.S.C. 128 and 40 CFR parts 1500 through 1508. State public involvement/public hearing procedures must provide for:

- Coordination of public involvement activities and public hearings with the entire NEPA process.
- Early and continuing opportunities during project development for the public to be involved in the identification of social, economic, and environmental impacts, as well as impacts associated with relocation of individuals, groups, or institutions.
- One or more public hearings or the opportunity for hearing(s) to be held by the State highway agency at a convenient time and place for any Federal-aid project which requires significant amounts of right-of-way, substantially changes the layout or functions of connecting roadways or of the facility being improved, has a substantial adverse impact on abutting property, otherwise has a significant social, economic, environmental or other effect, or for which the FHWA determines that a public hearing is in the public interest.
- Reasonable notice to the public of either a public hearing or the opportunity for a public hearing. Such notice will indicate the availability of explanatory information. The notice shall also provide information required to comply with public involvement requirements of other laws, Executive Orders, and regulations.

SAFETEA-LU (Safe, Accountable, Flexible, Efficient Transportation Equity Act – A Legacy for Users approved in 2005) further defined the role of agencies involved with a transportation project receiving Federal (FHWA) funds. The SAFETEA-LU Environmental Review Process Final Guidance, issued November 15th, 2006, defines the role of Lead Agencies, Participating Agencies, and Cooperating Agencies. The purpose of the environmental streamlining provisions are to coordinate Federal agency involvement in major highway projects under the NEPA process and to address concerns relating to delays in implementing projects, unnecessary duplication of effort, and added costs often associated with the conventional process for reviewing and approving surface transportation projects.

The Center for Environmental Quality (CEQ) goals of improved transparency and informed decision making, include improving the effectiveness of public engagement, by making NEPA documents and analyses easier to read and understand, and by enhancing public involvement to address environmental justice or other community concerns.

UTILIZATION:

Successful stakeholder involvement means providing equitable access to the decision making process, providing opportunity for participation by all populations in a community, obtaining meaningful input, meaningful collaboration, and careful consideration of input when transportation decisions are made, resulting in better transportation solutions.

Comments received as a result of solicitation of views, publication of environmental documents, and public involvement events are reviewed, considered, and addressed to extent possible in the environmental document.

Commitments identified during the Stage 1 process will be included in the Permits, Mitigation, and Commitments page of the environmental document prepared for the project.

PROCEDURES:

A variety of methods are used in seeking stakeholder involvement. The four most frequently used are solicitation of views, public meetings, comment on environmental documents, and public hearings. These methods may be singularly or in combination depending on the nature of each proposed project.

Additional methods, such as project websites with option for submitting comments via internet, newsletters, flyers, telephone hot-lines, charrettes, and local project offices, are used on a project basis. Social media may also be used on a project basis provided there is an approved protocol for documenting and responding to comments.

Innovative methods that encourage participation may be used provided that the methods receive prior approval from Environmental Engineer Administrator, as well as FHWA for federally-funded projects.

Public Involvement carried out during Stage 0 Feasibility can be incorporated into the Stage 1 NEPA process, particularly if handled in accordance with the Public Meeting procedures below.

Solicitations of Views (SOV):

Early coordination with appropriate local, state, and federal agencies is accomplished by solicitation of views to assist in the identification of reasonable alternatives and the evaluation of the social, economic, and environmental impacts of any proposed action and measures to mitigate adverse impacts which result from that action.

The Environmental Section maintains lists of various federal, state, and local agencies and officials, and federally-recognized Tribes. The state list of federal and state agencies and officials includes those with jurisdiction/interest statewide. The parish lists of federal, state, and local agencies and officials include those with jurisdiction/interest within the applicable parish. Upon request, any group or individual can be included on a list.

SOVs are sent to the state list and parish list(s) in which the proposed project is located. SOVs include:

- Cover letter, which includes explanation of why views are being solicited, and requested date for receipt of comments
- Preliminary project description, which includes preliminary purpose and need, and preliminary build alternatives (when applicable)
- Vicinity map showing the location of the proposed project

SOVs are done as early as possible in the environmental process for projects other than minor federally-funded and state-funded projects such as overlays, turn lanes, signage, etc. Recipients are usually requested to provide comments within 30 days. SOVs may include information about early coordination for Section 106 of the National Historic Preservation Act.

Views are solicited for federally-funded: Categorical Exclusions upon receipt of preliminary plans or comparable project information; Environmental Assessments (EA) upon approval of the Logical Termini for the project study area; and Environmental Impact Statements (EIS) after publication of Notice of Intent in the Federal Register.

Views may be solicited for state-funded only projects upon receipt of sufficient project information.

PUBLIC MEETINGS:

Public Meetings are held early in the environmental process to provide information about proposed projects and obtain input from interested parties. They are held at convenient and accessible locations and provide reasonable opportunities for participation.

Public Meeting notices are:

- Published two times as display ads in a prominent section of the newspaper(s) with substantial circulation in the project area – one time within the 2nd week prior to the meeting and one time within the week prior, or at the discretion of the Environmental Engineer Administrator
- Mailed or e-mailed to the state and applicable parish SOV lists, list of attendees from previous public involvement events, and other project-specific stakeholders
- Mailed or e-mailed to radio and television stations in the project area with request for public service announcements
- Posted on DOTD's internet website

Public Meeting notices contain:

- Purpose of meeting
- Brief project description and location
- Date, time, and place of meeting
- Statement that should assistance be required due to a disability to participate, the meeting organizer should be notified at least 5 days in advance so accommodations can be arranged

Handout. Handouts that include preliminary information about the proposed project are distributed at meetings. Written comment forms with return mailing address are provided in the handouts.

Format. The meeting format is flexible and can be moderated, open house, or combination. At moderated meetings, the opening remarks, technical presentation, and question & answer portions are recorded. Open house format includes a continuous multimedia presentation with voiceover, and court reporter or tape recorder available for verbal statements. For combination format, the open house portion typically takes place prior to the moderated portion.

Presentation and handout include:

- Preliminary Purpose and Need
- Pertinent location and design information, including preliminary alternatives and major design features
- Federal/state/local relationship in the financing of the project
- Written comment forms with return mailing address

Transcript. A transcript of the meeting which includes meeting notice, handout(s), moderated presentation or continuous multimedia presentation, sign-in sheets, verbatim verbal comments, and written statements, is distributed (see attached distribution list).

PUBLIC HEARINGS

Public Hearings, or opportunities for requesting public hearings, are a required part of the NEPA process for projects processed as EAs and EISs. A Public Hearing is held after the EA or DEIS has been approved by FHWA for publication and distributed for public comment.

Notices of Opportunity:

Two notices of opportunity are published in newspapers having general circulation in the project area. The second notice is published no sooner than one week after the first. Requests for public hearings must be submitted within fourteen days after publication of the second notice.

Request for Hearing:

If any requests are received within the stipulated period, a public hearing will be held unless the request(s) is resolved and withdrawn.

Notices of Public Hearing are:

- Published two times as display ads in prominent sections of newspaper(s) with substantial circulation in the project area – one time 30-40 days prior to the hearing and one time 5-12 days prior
- Mailed or e-mailed to the state and applicable parish SOV lists, list of attendees from public meetings and other public involvement events, and other project-specific stakeholders
- Mailed or e-mailed to radio and television stations in the project area with request for public services announcements
- Posted on DOTD's internet website

Public Hearing notices contain:

- Project description and location
- Date, time, and place of hearing
- Indication that information regarding acquisition of right-of-way and relocation assistance will be presented (as applicable)
- Location of environmental document and availability for review and purchase
- Indication that tentative schedules for right-of-way acquisition and construction will be discussed
- Description of provisions for submission of verbal statements and written statements within 10 calendar days following the hearing
- Location map of proposed project
- Statement that should assistance be required due to a disability to participate, the meeting organizer should be notified at least 5 days in advance so that accommodations can be arranged

Handout. Handouts that include information about the proposed project are distributed at hearings. Written comment forms, with return mailing address and statement that comments will be received for ten calendar days following the hearing, are provided at the hearing.

Format. The hearing format can be moderated, open house, or combination. At moderated hearings, the opening remarks, technical presentation, and comment portions are recorded. Written statements are accepted for the official record and addressed later in the final environmental document. Open house format includes a continuous multimedia presentation with voiceover, and court reporter or tape recorder available for verbal statements. For combination format, the open house portion typically takes place prior to the moderated portion.

Presentation and handout include:

- Purpose and Need
- Information regarding consistency with local urban planning
- Pertinent location and design information, including alternatives and major design features, as well as preferred alternative, if identified
- Explanation of public availability of all information developed in support of the project location and design recommended
- Identification and explanation of encroachments on floodplains
- Identification and explanation of impact to wetlands/other waters
- Identification and explanation of other impacts, including Sections 106, 4(f), and 6(f) properties as applicable
- Federal/state/local relationship in the financing of the project
- Estimated number of individual, families, businesses, farms, and nonprofit organizations to be relocated by each alternative under consideration
- Tentative schedule for right-of-way acquisition and construction
- Explanation of DOTD's Acquisition of Right-of-Way and Relocation Assistance Program
- Written comment forms with return mailing address

Transcript. A transcript of the hearing which includes hearing notice, handout(s), moderated presentation or continuous multimedia presentation, sign-in sheets, verbatim verbal comments, and written statements, is distributed (see attached distribution list).

OTHER TYPES OF PUBLIC INVOLVEMENT:

Consulting Party participation under Section 106 of the National Historic Preservation Act:

Consulting Parties are identified for involvement in the findings and determinations made during the Section 106 process regarding a project's effect on historic properties (properties listed on or determined eligible for the National Register of Historic Places). Consulting Parties can include State Historic Preservation Officer, federally-recognized Indian tribes, Tribal Historic Preservation Officers, and individuals and organizations with a demonstrated interest in the project. Identification of Consulting Parties can be done using procedures for public involvement under NEPA (SOV, Public Meeting, etc.) and may also include Consulting Party meetings. Projects for which additional Consulting Party involvement is identified after environmental document approval will be handled on a project basis.

Public Involvement under Section 4(f) of the US Department of Transportation Act for *de minimis* impact determinations.

Prior to making *de minimis* impact determinations under §774.3(b), the following coordination shall be undertaken: For historic properties, the consulting parties identified in accordance with 36 CFR part 800 must be consulted; and FHWA must receive written concurrence from the pertinent State Historic Preservation Officer (SHPO) or Tribal Historic Preservation Officer (THPO), and from the Advisory Council on Historic Preservation (ACHP) if participating in the consultation process, in a finding of “no adverse effect” or “no historic properties affected” in accordance with 36 CFR part 800. FHWA shall inform these officials of its intent to make a *de minimis* impact determination based on their concurrence in the finding of “no adverse effect” or “no historic properties affected.”

For parks, recreation areas, and wildlife and waterfowl refuges, public notice and an opportunity for public review and comment concerning the effects on the protected activities, features, or attributes of the property must be provided. This requirement can be satisfied in conjunction with other public involvement procedures, such as a comment period provided on a NEPA document. FHWA shall inform the official(s) with jurisdiction of its intent to make a *de minimis* impact finding. Following an opportunity for public review and comment, the official(s) with jurisdiction over the Section 4(f) resource must concur in writing that the project will not adversely affect the activities, features, or attributes that make the property eligible for Section 4(f) protection. This concurrence may be combined with other comments on the project provided by the official(s).

DOCUMENTATION FOR FEDERALLY-FUNDED PROJECTS (FHWA)

Three types of environmental documents are prepared in compliance with the National Environmental Policy Act: Categorical Exclusion, Environmental Assessment, and Environmental Impact Statement.

Categorical Exclusions:

Views are usually solicited for projects in this category. Public Meetings for this category of projects can be held when considered desirable to inform area residents and/or businesses of the proposed project and receive comments related to the project.

Environmental Assessments and Environmental Impact Statements:

Projects for which preparation of an Environmental Assessment (EA) or Environmental Impact Statement (EIS) is warranted will require at least a solicitation of views, public meeting, and public hearing.

If there are no substantial public comments in response to the solicitation of views or public meeting(s), an opportunity for requesting a public hearing can be provided. If requested, a public hearing will be held unless the request is resolved and withdrawn.

Environmental Assessments (EA): Upon approval of the EA by the lead federal agency, usually the Federal Highway Administration (FHWA), the document is made available at the parish library and local branches in the project area as well as applicable DOTD district office. Its availability is made known by publication of display ads in local newspaper(s). The comment period is a minimum of 21 days from date of first publication. The notice of availability for the EA is combined with the notice of public hearing in newspaper display advertisement. The document is distributed to agencies and officials as appropriate (see attached list). The document may be posted on DOTD's internet website.

Draft Environmental Impact Statements (DEIS): Upon approval of the DEIS by the lead federal agency (usually FHWA), the document is made available for review and comment at the parish library and local branches in the project area, FHWA, DOTD headquarters, and applicable DOTD District office. Document availability is made known through publication of a Federal Register notice of a 45-day comment period as well as publication of display ad in local newspaper(s). The notice of availability for the DEIS is combined with the notice of public hearing in newspaper display advertisement. The document is distributed to cooperating and resource agencies as well as other agencies and officials as appropriate (see attached list). The document may be posted on DOTD's internet website.

Final Environmental Impact Statements (FEIS): Upon approval of the FEIS by the federal agency (usually FHWA), the document is made available for review and comment at the parish library and local branches in the project area, FHWA, DOTD headquarters, and applicable DOTD District office. Document availability is made known through publication of a Federal Register notice of a 30-day comment period as well as publication of display ad in local newspaper. The document is distributed to cooperating and resource agencies as well as other agencies, officials, and interested parties as appropriate (see attached list), including parties who commented on the DEIS. The document may be posted on DOTD's internet website.

Re-evaluations:

Public involvement for projects in which there are changes in the scope of the proposed project and/or impacts and a Re-evaluation of the approved CE/EA/EIS is warranted will be handled on a project basis. This public involvement may include solicitation of views, public meeting, or other public involvement as deemed appropriate to the scale of the changes.

Supplemental EAs and EISs:

Public involvement for projects in which substantial changes to the scope of the proposed project and/or impacts are determined and a Supplemental EA or Supplemental EIS is warranted will be handled on a project basis. This public involvement may include solicitation of views, public meeting/hearing, or other public involvement as deemed appropriate to the scale of the changes.

Other Federal Project Documentation:

The procedures regarding public involvement for other Federal projects will comply with Council on Environmental Quality (CEQ) regulations as well as the regulations and guidance of the respective Federal agency.

Documentation for State-Funded only Projects:

For state-funded only projects, DOTD will follow the same procedure followed for FHWA projects to the extent practicable and reasonable.

SOLICITATION OF VIEWS (SOV)

The purpose of the SOV is to inform interested persons and agencies of the proposed project and to allow them 30 days to comment. The SOV is made up of three parts: 1) the SOV letter, 2) the preliminary project description, and 3) the vicinity map. Examples of each have been provided for your information.

The first part of the SOV is the SOV letter, an example of which is attached. The blanks in the last paragraph of the example should be filled in with the date that the responses to the SOV are due back to your office and with the name and address of the person to whom the responses should be sent. The date the responses are due back should be approximately 30 days from the day the SOV is mailed.

The second and third parts of the SOV are the project description and vicinity map. The project description and vicinity map should be sent with the SOV letter. In accordance with the Metric Conversion Act of 1988, all environmental documents should include metric measurements with English measurements in parenthesis. Please ensure that all project descriptions follow this procedure.

The mailing list for the SOV is composed of two lists, the State list and Parish list. The SOV must be sent to every address on these lists. Do not exclude any person or agency. These lists have been set up so that they can be photocopied directly onto mailing labels and are available from the DOTD's Environmental Section.

Interested parties wishing to comment should do so by the deadline. Not everyone on the mailing list will reply. You, however, must have a response from the State Historic Preservation Officer, the Floodplain Administrator, the U.S. Fish and Wildlife Service, and the U.S. Army Corps of Engineers. Depending on the type of project it may be determined that additional responses are necessary to obtain clearance.

EXAMPLE OF SOV LETTER

PHONE NUMBER
DATE OF LETTER

STATE PROJECT NO. _____
F.A.P. NO. _____
(NAME OF PROJECT) _____
ROUTE _____
_____ PARISH(ES)

Re: SOLICITATION OF VIEWS

Early in the planning stages of a transportation project, views from federal, state, and local agencies, organizations, and individuals are solicited. The special expertise of these groups can assist us with the early identification of possible adverse economic, social, or environmental effects or concerns. Your assistance in this regard will be appreciated.

Due to the earliness of this request for your views, very limited data concerning the proposed project exists. We have, however, attached a sketch map showing the general location of the project, along with a preliminary project description.

It is requested that you review the attached information and furnish us with your views and comments by _____. Replies should be addressed to _____.

_____.
Please reference the State Project Number in your reply.

Sincerely,

NAME

Attachments



STATE PROJECT NO. 102-02-0020
F.A.P. NO. F-15-01(012)
EAST 70TH STREET LEFT TURN LANE
(INDUSTRIAL LOOP TO CLYDE FANT PARKWAY)
ROUTE: LA 511
CADDO PARISH

EXAMPLE

EXAMPLE

EXAMPLE

PRELIMINARY PROJECT DESCRIPTION
STATE PROJECT NO: 102-02-0020
EAST 70TH STREET LEFT TURN LANE

The Louisiana Department of Transportation and Development ("LDOTD") is proposing the addition of a left turn lane on East 70th Street in Shreveport, Louisiana in Caddo Parish.

The proposed improvements along East 70th Street extend from Bert Kouns Industrial Loop (the "Industrial Loop") to Clyde Fant Parkway (the "Parkway"). The project length is approximately 2.08 km (1.29 miles). A left turn lane onto the Industrial Loop from East 70th Street and a center turn lane on East 70th Street from the Industrial Loop to Dixie Meadow Dr. are proposed.

Just beyond Dixie Meadow Dr., a median divides East 70th Street into eastbound and westbound lanes. Approaching the Parkway intersection, the eastbound lanes transition into two through lanes and a right turn lane. At the Parkway intersection, the two eastbound through lanes merge into one lane taking eastbound traffic to the bridge.

Additional right-of-way will be required, and at least one relocation is expected.

It is anticipated that this project will be processed environmentally as a Categorical Exclusion.

EXAMPLE

EXAMPLE

PRELIMINARY PROJECT DATA

State Project No. 700-28-0022
Mississippi River Bridge
New Roads - St. Francisville
Route LA 10
Pointe Coupee & West Feliciana Parishes

The Federal Highway Administration (FHWA), in cooperation with the Louisiana Department of Transportation and Development (LDOTD), will prepare an environmental impact statement (EIS) on a proposal to build a new bridge across the Mississippi River between the communities of St. Francisville in West Feliciana Parish and New Roads in Pointe Coupee Parish. The primary purpose of this project is to improve the east-west traffic flow that is now dependent upon a state operated ferry. A Phase I study (Location and Feasibility Report) determined that a bridge at this location would improve access into and out of the region thus promoting economic development and the tourism industry. The proposed action would extend from a southern terminus at LA 1/LA 10 just west of New Roads to a northern terminus at LA 10 within, or just northeast of St. Francisville. Project distance, including roadway segments, ranges from approximately 9.7 miles to 18.7 miles.

A location and feasibility report with environmental screening has been prepared for this project. Based on evaluation factors developed during this Phase I study, the report recommended that an alignment within the B-C corridor and an alignment within the F corridor, along with a no build alternative be further evaluated and presented in the environmental document. All other corridors evaluated during Phase I have been eliminated. Corridor B-C best satisfied the evaluation factors identified during the Phase I study and will, therefore, be designated as the preferred corridor. The alignment within Corridor B-C will be on embankment from its New Roads terminus at Hospital Road to the bridge approach south of the levee. In order to minimize environmental impacts in West Feliciana Parish, this alignment will be elevated across the Tunica Swamp and Bayou Sara. The viaduct structure will terminate at the bluff to the east of Tunica Street. From this point, the alignment will be at grade to its terminus at U.S. 61 with bridges provided over the major relief areas to minimize the amount of roadway earthwork and disturbance to the existing terrain. The proposed B-C alignment would be four lanes from its western limits in New Roads to LA 3057 in St. Francisville, then five lanes following the existing alignment of LA 10 to its terminus at U.S. 61. The alignment within Corridor F is common to the B-C alignment from Hospital Road to just east of LA 10 near New Roads where it diverges to the south. The alignment will continue on embankment to the bridge approach south of the levee. East of the main river bridge, the alignment will be elevated over existing wetlands by a viaduct structure which will terminate just north of a GSU transmission line crossing. As with B-C, the alignment will be at grade from this point to its terminus at LA 10 with bridges provided over the major relief areas. The proposed F alignment would be four lanes to U.S. 61 and planned as two lanes from U.S. 61 to its terminus at LA 10. The section from U.S. 61 to LA 10 will only be evaluated on a corridor basis in the environmental impact statement.

It is reasonable to assume that a project of this type and magnitude will have some degree of impact on the natural and human environments. The potential impacts fall into three categories: (1) construction impacts, (2) operational impacts, and (3) indirect impacts. Careful consideration of potential impacts within the limits of the proposed action as well as potential induced impacts along existing LA 10 from U.S. 61 to the East Feliciana Parish line will be required during the planning and design phases of the proposed project to minimize these impacts.

A formal public hearing will be conducted at a location and time to be announced. The draft Environmental Impact Statement will be made available for public and agency review and comment prior to the public hearing.

EXAMPLE