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Environment

NEPA Regulatory Framework and Process

Environmental Impact Statement

www.fhwa.dot.gov/federal-aidessentials

An overview of responsibilities and evaluation processes when a Federal-aid project's environmental impacts are significant

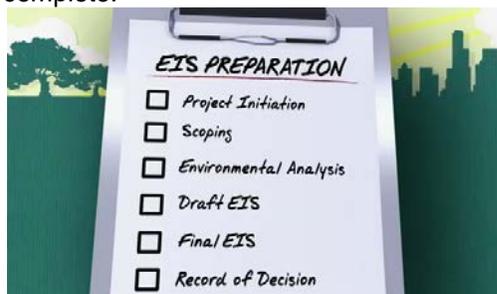


The National Environmental Policy Act, known as NEPA, requires the analysis of environmental impacts for all federally funded projects. Impact significance—not size or cost—dictates the class of action, and thereby, the NEPA process and requirements for documentation and public involvement.



A very small percentage of Federal-aid projects are found to have significant impacts and lead to the

preparation of an Environmental Impact Statement, or EIS. Preparation of an EIS is a complex and highly structured process, and from project initiation to the record of the decision, it can take a considerable time and money to complete.



To get a better sense of what's involved; let's follow the Southside community as it engages in the NEPA process and selects a course of action. During project initiation, the project team documents the purpose, need and possible alternatives. Essentially, the towns of Southside

and Northside are joined by a bridge that is fast approaching the end of its useful life. The commuters and school children of both communities rely heavily on this crossing as the nearest alternate is 15 miles away. In Southside, two alternative approaches to the bridge will be considered — Main Street, near the current bridge's location, and Broad Street.

During the scoping phase, the team looks closely at the alternatives and building sites for opportunities to lessen any negative impact. They find that if Main Street continues as the approach, the replacement bridge will divert traffic away from the commercial district, resulting in a substantial loss of income for the business community.

For this reason, most city officials prefer to move the approach to Broad Street. However, Broad Street is the heart of a designated historic district, but there is opposition from the State Historic Preservation Officer and others to this alternative. As a result, the project team conducts additional studies during the environmental analysis phase.



One study confirms that the replacement of the bridge has near unanimous support, but there is considerable controversy between those favoring the Broad Street and the Main Street locations. .

A historic review of the area determines that the Main Street commercial district is also eligible for historic status. Additionally, a focus group is formed to recommend design elements that will be in keeping with the area's historic setting.

During the draft EIS phase, documentation is prepared and provided to the public for comment. A nationally recognized expert on historic districts evaluates the two alternatives. She concludes that the Broad Street alternative is superior because the Main Street business community is reliant on exposure to traffic. To enhance the historic fabric of the town, she suggests better access to the business district and a tunnel under the historic district.

To facilitate public review and comment, the draft EIS is placed in the city hall and the public library, and several workshops are scheduled.



The local news media assist in the distribution of information on the project, and the workshops are well attended.

The final EIS recommendation is an approach along Broad Street with refinements suggested by the expert and the focus group. The State Historic Preservation Officer accepts the proposal and concludes the historic consultation process. The final EIS is published and copies are circulated free of charge to interested community members.

Following the required comment period on the



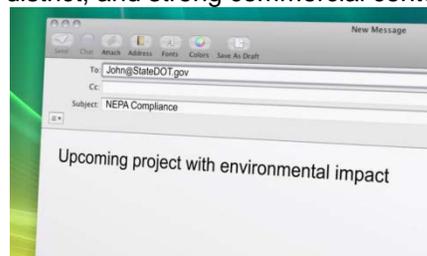
final EIS, the Federal Highway Administration (FHWA), as the approving authority, publishes a record of decision, a document that states what the decision is, the alternative reviewed, and plans for lessening any environmental impact. The FHWA is satisfied that the documentation and public input processes required by NEPA were followed. They accept the final EIS and approve the proposed bridge.

This concludes the NEPA process for the Southside community. In review:

- The project was initiated with a statement of purpose and need that outlined the bridges role in connecting residents with employment centers.
- During the scoping phase, two bridge alternatives were developed.
- Potential impacts to both the business community and historic district were then analyzed, published in the draft and final EIS, and widely circulated for public review and comment.
- FHWA's record of decision allowed the project to proceed with the commitment to tunnel under the historic district.

The public works department then completes the design, procures the right-of-way for the tunnel, and proceeds with construction.

At the ribbon cutting ceremony, the residents of Southside express complete satisfaction with their beautiful new bridge, vibrant historic district, and strong commercial center.



For your own successful conclusion, engage your State department of transportation and, when appropriate, FHWA, early and throughout your project's entire EIS preparation. They have considerable knowledge and expertise in all areas of NEPA compliance.

Additional Resources

- Guidance on NEPA and project development, including updated environmental policy, guidance, best practices and training
<http://environment.fhwa.dot.gov/projdev/pd3tdm.asp>
- FHWA's Office of Planning, Environment & Realty Web site links to topics for human and natural environmental impacts
<http://www.fhwa.dot.gov/environment/index.htm>
- Federal regulation defining EIS class of action
<http://www.ecfr.gov/cgi/t/text/text-idx?c=ecfr;sid=cd57244fb59738ef1e8c59072252dc3a;rgn=div5;view=text;node=23%3A1.0.1.8.43;idno=23;cc=ecfr#23:1.0.1.8.43.0.1.10>

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.