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## Environment Other Laws and Requirements Overview of Other Laws and Requirements

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*A summary of other key laws and requirements commonly encountered during the NEPA process*



Local public agencies may encounter a variety of environmental laws, regulations, executive orders, and other requirements on a Federal-aid project. These requirements address a project's effects on the natural and social environment, parks and recreation areas, and historic sites.

The natural environment involves things such as air and water quality, wetlands, wildlife or endangered species; while the social environment involves things that affect our quality of life, like the displacement of businesses or homes, particularly related to minority and low-income populations.



The National Environmental Policy Act, also known as NEPA, provides a framework for environmental analyses, reviews, and consultations. Because these various laws may influence project decisions, compliance with these laws should be achieved during the NEPA process. This is often referred to as “working under the NEPA umbrella.”

While NEPA provides a coordinated environmental review process, the related environmental law specifies what project sponsors must do to comply with the law. These requirements can vary widely.

It's important to understand how environmental laws can influence project decisions and what project sponsors must do to comply with them.



Let's look at some examples that involve the Endangered Species Act, one of several laws related to the natural environment, the National Historic Preservation Act, the Civil Rights Act and Environmental Justice Executive Order, and Section 4(f) of the U.S. Department of Transportation Act.

When it comes to the natural environment, several Federal laws establish standards for air pollutants, regulate the discharge of dredge or fill material into waters, and limit impacts to endangered species or encroachment on their critical habitat.

Project sponsors comply with these laws through coordination and consultation with the Federal agencies having jurisdiction over a particular resource; the study of the effects of their projects; and the acquisition of necessary permits or approvals from the agencies.

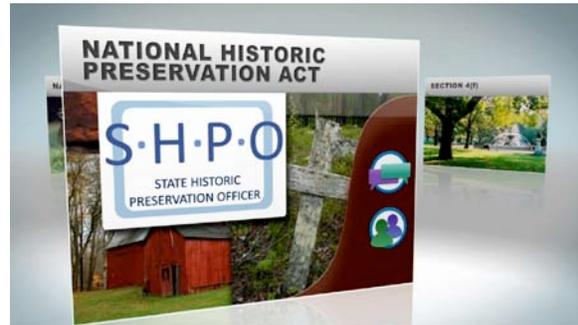


To illustrate how the Endangered Species Act might apply, let's consider a project that involves the proposed construction of a bypass around the growing town of Smithville.

Bog turtles, an endangered species, were discovered in the area where the bypass was planned. A team of biologists, engineers and transportation planners consulted with the U.S. Fish and Wildlife Service. Then the team conducted studies to determine how to avoid, minimize, or mitigate the project's impacts on the bog turtles.

Ultimately, the project was approved once it demonstrated it minimized impact to the bog turtles by shifting the location of the bypass and implementing other protective measures.

For projects involving historic sites, agencies must comply with the National Historic Preservation Act, which includes a consultation process with the State Historic Preservation Officer, or SHPO, as well as any affected stakeholders. The law requires that transportation projects consider any adverse impacts it will have on historic properties.



To illustrate, let's consider a drainage and road improvement project in an early 19th-Century town.

Historical records and local knowledge revealed that some streets in the town retained portions of a stone gutter system and a cobblestone path that were historic resources. Consultation with the SHPO and the public resulted in several historically compatible design elements being recommended - such as lighting, brick sidewalks, and interpretive plaques. These design elements were incorporated in the final design to mitigate the project's impact and enhance the site.

When agencies propose projects in areas with minority or low-income populations, they must demonstrate compliance with the Civil Rights Act and the Environmental Justice Executive Order. The Environmental Justice Executive Order was issued by President Clinton in 1994 to re-emphasize the importance of evaluating impacts to minority and low-income populations.



In order to comply with these requirements, the project sponsor must conduct the appropriate level of community outreach, consider public input prior to making project decisions, and ensure the project does not have disproportionately high and adverse effects to minority and low-income populations.

As an example, let's look at a road-widening project that impacts a low-income community.

The project sponsor spoke with the affected community and discovered that many residents walked to their jobs and their children walked to the local school. Residents expressed safety concerns about the new project because the design did not include any sidewalks or pedestrian crossing signals.

The project was redesigned to include sidewalks and a pedestrian overpass that linked a large apartment complex to the school..

The last law we'll discuss involves Federal-aid transportation projects that require land from parks, recreation areas, wildlife and waterfowl refuges, or historic sites. These projects must comply with section 4(f) of the U.S. Department of Transportation Act. In order to comply with this law, the project sponsor must demonstrate that the need for these lands is unavoidable or that the project has only a minimal impact on the affected property.



As the project sponsor, you are responsible for demonstrating compliance with all applicable environmental laws, regulations, and executive orders. When you understand the various compliance processes and use them to improve your decision-making, your project will proceed more efficiently and effectively.

The examples presented here illustrate how agencies consider both environmental issues and the need for safe and efficient transportation improvements.

Your State department of transportation and Federal Highway division office have considerable knowledge and expertise in all areas of environmental compliance. They can help you identify and comply with the environmental laws and regulations that may affect your project.

### Web Resources

- FHWA's Office of Planning, Environment & Realty provides links to specific environmental topics  
<http://www.fhwa.dot.gov/environment/index.htm>
- Summaries of environmental legislation affecting transportation  
[http://www.fhwa.dot.gov/environment/env\\_sum.htm](http://www.fhwa.dot.gov/environment/env_sum.htm)
- White House Council on Environmental Quality Web site provides information about environmental laws  
<http://www.whitehouse.gov/administration/eop/ceq>

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.