

Planning and Environmental Linkages: Phase II Summary

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List of Acronyms

AASHTO—American Association of State Highway and Transportation Officials

CETAS—Collaborative Environmental and Transportation Agreement for Streamlining

EPM—Environmental Project Manager

FHWA—Federal Highway Administration

FEIS—Final Environmental Impact Statement

FTA—Federal Transit Administration

IAMP—Interchange Area Management Plan

MPO—Metropolitan Planning Organization

NEPA—National Environmental Policy Act

ODOT—Oregon Department of Transportation

PEL—Planning and Environmental Linkages

PMT—Project Management Team

RTP—Regional Transportation Plan

REA—Revised Environmental Assessment

STIP—State Transportation Improvement Program

TSP—Transportation System Planning

Introduction

The Oregon Department of Transportation (ODOT) has not always realized the full potential of integration and streamlining the planning and environmental processes, often resulting in insufficient consideration of environmental resources and duplication of effort, which can lead to long and costly project delivery and frustration between public officials, agencies, and stakeholders. The purpose of the Planning and Environmental Linkage (PEL) interviews was to identify best practices that can help integrate transportation planning and National Environmental Policy Act (NEPA) processes within ODOT.

Phase II Summary

Phase II interviews were conducted during winter 2009–2010 and consisted of interviews from external sources representing past ODOT employees, contractors, NEPA practitioners, legal advisors, and resource agency staff ($n = 18$). Participants were each asked a series of 6 questions; responses are summarized below.

Question 1: *What challenges have you encountered when transitioning from planning to environmental processes and/or environmental document writing? What could be done to address these challenges?*

All 18 respondents contributed to question 1. Solutions to the challenges identified by the respondents under question 1 can be summarized into the following general categories:

- Address environmental issues early in the process
- Include environmental analysis in the planning budget
- Consult regulatory agencies during the planning process
- Improve communication and coordination between Environmental Project Managers (EPMs) and planners
- Implement a formal procedure for documentation
- Maintain continuity of staff, roles, and authority
- Develop problem statements that provide a basis for NEPA Purpose and Need
- Vet alternatives for environmental concerns
- Base planning and NEPA analyses on the same models

The key to transitioning from planning to NEPA is to anticipate NEPA requirements and address environmental issues earlier in the planning process. Systemic differences exist between planning and environmental documents, but planning can complement NEPA by providing a solid foundation from which to begin the NEPA process. Planners should avoid calling for projects or commitments without considering environmental context or cumulative effects that can get ahead of the NEPA decision-making process, resulting in unrealistic expectations about what is possible.

Interchange area management plan (IAMP) development should start early enough so that local jurisdictions and the public have plenty of time to understand the process and purpose. Starting the process at the time of alternative selection can hold up the Revised Environmental Assessment (REA) or Final Environmental Impact Statement (FEIS).

Historically, the transportation planning process has not included a comprehensive evaluation of environmental factors. Typically, fiscal constraints have not allowed for environmental review or baseline analysis. When environmental factors are not considered during the planning process, they can be difficult to pull into NEPA without readdressing the initial decision. Addressing environmental considerations during planning can streamline the NEPA process, reducing project development costs. Planners should seek to identify the relevant environmental considerations during planning in order to determine baseline environmental conditions, environmental constraints, and hot-button issues. Agencies, however, may sometimes be hesitant to be involved early in the planning process because they don't want to appear to have already made a decision before the NEPA process has begun.

A better understanding of the role of transportation planning and how individual plans can assist the NEPA process is needed. The Federal Highway Administration (FHWA), as well as other Federal and State regulatory agencies, can help determine what information is transferable and the level of detail needed for NEPA compliance.

Planners and environmental specialists often don't understand each other's roles and responsibilities: planners are good at mobility and land use but don't adequately consider environmental factors, and EPMs often lack an understanding of public involvement, process requirements, and deliverables. Better communication and coordination between EPMs and planners should occur during the planning process so that environmental questions are addressed and appropriate documentation is included.

The IAMP and NEPA processes need better communication between them. Projects should be coordinated from the start, using the same traffic models. When IAMPs are initiated after NEPA using updated traffic demand models, original alternatives need to be re-evaluated and new alternatives need to be addressed based on the new model.

Documentation should be incorporated as part of the planning process so future EPMs and engineers can understand the rationale and the level of detail and public involvement behind planning decisions. Project documentation should include baseline environmental conditions and constraints and planning and public input processes. A formal and systematic procedure for documenting planning decisions and public involvement would improve consistency and understanding across projects and personnel.

Continuity of staff, roles, and authority are important to planning-NEPA integration. Linking planning and NEPA processes are most successful when it is possible for participants to continue through the planning and NEPA process with minimal turnover. Handing off planning and public

involvement processes can be particularly challenging; involving project development staff in the planning phase can improve continuity of the process. For complex, or politically charged projects, the person in charge should report directly to the Regional Manager for negotiation and decision-making support in high-level political collaborations.

Planning problem statements can provide a basis for the NEPA Purpose and Need statement. However, planning document problem statements are often less rigorous and may not line up well with NEPA requirements. Political/social components of project planning and development can change context and rules from the beginning to the end. The project Purpose and Need can shift as the project is developed and should not be rigidly adhered to when based on earlier technological expectations.

The planning process defines the project-problem statement and identifies a range of potential alternatives. Unrealistic alternatives can be eliminated and valid alternatives identified. However, when alternatives are not properly vetted for environmental considerations, they often need to be readdressed once NEPA is started. It has been ODOT's experience that environmental considerations applied during the planning process have sometimes been too broad (i.e., most or all of the relevant environmental resources were addressed, but with inadequate depth) or too narrow (i.e., some environmental resources were addressed in a detailed manner, but the resources critical to decision making were not addressed at all) to be as useful and informative to the NEPA process as they could have been. Planning decisions based on inadequate detailed alternative analysis prior to NEPA will often not withstand the NEPA process or will have to be revisited during the NEPA process.

The Federal Transit Administration (FTA) does not rely on Transportation System Planning (TSP) to inform their planning or project development. Rural projects are developed by ODOT and urban projects by the Metropolitan Planning Organization (MPO), and the planning phase is conducted with the typical NEPA resource considerations.

Question 2: *Share with us examples of planning products and processes when available information was not used later during the environmental processes. What were the impacts?*

Five respondents contributed to question 2, providing the following examples where information from planning products and processes might not be used later during the environmental processes:

- NEPA analysis may require more rigor than provided in the planning process
- Public input may be poorly constructed or inadequately documented
- Data used during planning may be too narrowly focused or have become obsolete by the time the NEPA process starts
- NEPA practitioners may be unaware of specific and useful information found in transportation and facility plans

Question #3: *Have you used information from TSPs or transportation facility plans during the NEPA process? If so, did those plans help you in the NEPA process? What, if any, considerations during planning would help make the transition from transportation planning to the NEPA process more effective?*

Thirteen respondents contributed to question 3. Considerations identified that would help make the transition from TSP or transportation facility planning to NEPA more effective fall into the following general categories:

- Address environmental considerations in the planning process
- Include a definitive problem statement in the TSP or facility plan
- Clearly define and document planning processes, levels of analysis, and decisions
- Include a comprehensive record of public involvement used for plan development
- Refer to the proper TSP or facility plan adoption date in the NEPA analysis
- Make terms for planning products and milestones compatible with NEPA terminology
- Be careful of the level of detail needed for developing and narrowing alternatives during planning; coordinate with NEPA practitioners to determine the adequate level of analysis for the particular planning effort
- Review U.S. Forest Service and local jurisdiction long-range transportation plans to inform planning and project development work

Environmental considerations and constraints should be properly addressed early during the planning process at the level of detail commensurate with the level of detail of the plan. NEPA practitioners should sit down with the Project Management Team (PMT) early in the process to ensure adequate consideration of NEPA requirements and legal sufficiency. Once a project moves forward into the NEPA process, planners should discuss what was accomplished during planning, what issues were identified, and what concerns the public had.

Facility plans, and to some degree system plans, can be helpful for documenting project development, screening criteria, and explaining a projects' relation to other plans and overall project vision. A valuable outcome of integration is that facility planning can be used to refine a problem statement for use as a NEPA Purpose and Need statement. The reality of constrained funding presented in a regional transportation plan (RTP) creates a necessary relationship between the TSP and final NEPA document.

Facility planning decisions need to be clearly defined and documented, including thorough documentation of environmental factors, alternatives considered, public involvement, and the decision rationale. Likewise, a TSP should include a comprehensive record of public involvement and definitive problem statements.

Well-prepared TSP documents have elements that are useful during the NEPA process even though TSP documents are developed for planning purposes and are not focused on NEPA priorities. Many TSPs are prepared in very general terms and often do not document the rationale used for making decisions. TSPs often have inadequate resources for meaningfully considering

environmental factors. However, TSPs can be good for looking at “show stopper” issue, such as the presence of Section 4(f) resources, wetlands, and Endangered Species Act species. TSPs should be used to inform the no-build scenario.

Question 4: *Share with us examples when you worked on environmental documents or processes and used information taken directly from transportation refinement plans (those that determine function, mode, and general location). Were you successful? If not, what additional information could have been accumulated or considered during the planning process for use in the environmental process?*

Nine respondents contributed to question 4. Respondents identified the following considerations that would help information more effectively transition from refinement plans to NEPA documents:

- Use quantitative information and look at a wide range of screening criteria
- Define solutions in terms of fiscal realities and practical design
- Document public and agency involvement and the screening process
- Continually involve stakeholders throughout the planning process
- Factor in Environmental Justice during planning

Refinement plans should be considered as a recommendation in the NEPA process. While refinement plans can provide NEPA input, the older the plan (or tiered NEPA document), the less helpful they are, and reassessment of validity and scoping issues may be required. Using quantitative information to dismiss alternatives and looking at a wide range of screening criteria during planning can be beneficial when transitioning to NEPA. Environmental considerations during planning may help avoid sensitive resources, which could result in a lesser class of action when NEPA starts; Section 4(f), Section 106, ESA, and Environmental Justice are some of the most critical environmental issues. A willing local government and lack of opposition are important factors that can support how well planning decisions stand up and adequately support NEPA.

Planning problems and solutions need to be defined in terms of fiscal realities and practical design. If you don't come up with “low-build” solutions, you may end up with large, complex projects that are difficult to fund and are constructed in phases over time, risking the validity of your original study results.

Refinement planning traditionally focuses on considerations that are too limited in scope (e.g., land use, property owner anguish, and traffic issues) to aid in the environmental process. Information from planning products that transition directly to NEPA may still be useful. In the past, corridor planning was done in such a way as to accomplish some planning functions, such as goal exceptions or local ordinances that would support subsequent NEPA processes.

Refinement planning needs to include thorough documentation of public and agency involvement, screening process, and decision rationale to get the most out of integration.

Involving environmental staff in refinement planning depends on what issues are identified in a plan scoping exercise and whether NEPA work will follow. Continued involvement of stakeholders and coordination between planning and environmental staff will help advance the transition to NEPA when needed. FTA's planning phase is conducted incorporating NEPA resource considerations with the involvement of jurisdictional authorities where relevant; the decisions made during planning are very often adopted into the NEPA phase without having to revisit planning decisions.

Participating stakeholders between planning and NEPA can be substantially different since fundamental differences exist between refinement planning and the NEPA process. The planning process tends to be influenced more by local participant opinion, and NEPA tends to be more data driven. As a result, environmental activists and organizations tend to participate during the NEPA process not the planning process.

The FHWA does not have refinement plan approval, but does have a role in approving the State Transportation Improvement Program (STIP). The FHWA is ultimately responsible for deciding the level of detail needed to make a determination on whether or not to advance alternatives from refinement planning into the NEPA process. Refinement plans that are inconsistent in terms of the level of detail provided and the level of the decision made can be problematic.

Climate change legislation–driven requirements made at the state level could integrate well with the linking of planning and NEPA.

Question 5: *What are the impacts, positive or negative, of incorporating environmental review elements or documents into transportation planning, from Transportation System Planning or transportation facility plans?*

Thirteen respondents contributed to question 5. Respondents identified positive and negative impacts of incorporating environmental review element into transportation planning.

Positive Impacts:

Early Issue Identification—Environmental issues should be addressed as early as possible during planning to clarify the importance and value of environmental considerations. TSPs and facility plans can provide an early opportunity to identify environmental constraints and avoid possible impacts. Incorporating environmental issues into planning allows these issues to become more integrated into transportation decisions made in TSPs and comprehensive plans and during project development. Integration also avoids unrealistic options early (Section 4(f), Section 404).

Project Continuity—Reviewing habitat conservation plans during the planning process provides planners background information and knowledge of environmental processes that can be beneficial when writing TSPs. Involving MPOs and CETAS to help define expectations and vet transportation plans helps planners understand how planning relates to project development.

Contribution to the NEPA Process—Incorporating environmental review elements during the planning process will provide the most benefit in linkage to NEPA. Anticipating the NEPA process generally leads to sound planning practices, such as considering alternatives and evaluating structure to forward preferred improvements. Local actions (e.g., TSP amendments, zoning changes, and ordinances) taken during the planning process can help to streamline the NEPA process.

Public Involvement—Incorporating environmental elements into transportation planning provides the opportunity for a more thorough public process. If public discussion is well documented during the planning process, it can be used in the project development process. Planning can help make the case that a problem exists that needs to be addressed; more problems can ensue if stakeholders are not convinced there is a problem to solve.

Cost—Environmental considerations made during planning can streamline the NEPA process and help reduce project development costs.

Negative Impacts:

Early Issue Identification—Getting regulators engaged early (during planning) can be difficult since their priorities tend to be more near term.

Contribution to NEPA Process—There is a danger of incorporating too much NEPA rigor/process into planning. Planners need to incorporate the proper amount for the particular scenario and not get bogged down with too much detail; often, consultants don't know where this threshold should be. Left to their own devices, entities that prepare long- and short-range plans may not have enough insight to cover the proper bases; the considerations may be too narrow. Having different purposes between planning and NEPA may seem like two different projects to stakeholders.

Public Involvement—Citizens are probably more interested in imminent projects (NEPA documents) than in system planning. Public confusion can occur when a project has to be redone (i.e., planning decisions are revisited during the NEPA process).

Data Limitations—Circumstances can change between planning and NEPA, degrading the value of the data and planning considerations. Furthermore, TSPs often don't provide sufficient detail to translate directly to NEPA work.

Cost—Incorporating environmental review elements into planning documents is costly and can take longer, especially if it has to be redone during the NEPA process. Also, work done during the planning process in anticipation of NEPA that is not absolutely required might not be needed if there is no federal nexus. Ultimately, TSPs have budgetary constraints and planners may not be able to devote much attention to environmental factors.

Question 6: *How would you summarize your guidance to us? What do you see as the best tools, ideas, and process improvements to help us better link planning and environmental processes?*

Seventeen respondents contributed to question 6. Respondents provided the following tools, ideas, and process improvements to help link planning and environmental processes.

Standardization

- Standardize refinement planning content, considerations, and documentation between regions, including problem statements that are useful to developing NEPA Purpose and Need statements, goals and objectives, and screening and evaluation criteria
- Establish a process to integrate planning and project development that is acceptable to the FHWA
- Develop a standardized template for information to be incorporated into planning and project development to help PMTs understand the document contents

Training

- Provide cross-training and rotational opportunities to improving planning/NEPA integration
- Train local governments about the scope and rigor expected of the environmental analysis during planning

Personnel

- Assign a planner to the Project Development Team
- Identify environmental consultant teams who could work with planners to inform them of environmental considerations
- Consciously integrate the planning and environmental processes. Involve EPMs and technical experts when planning projects and planners during the early NEPA project development.
- Keep ODOT actively involved to help prevent consultants from deviating from the plan and perhaps going down the wrong path
- Re-evaluate the ODOT organizational structure to help avoid inconsistencies in planning/NEPA integration. Organize EPMs under Planning at ODOT instead of in Project Development.
- Engage NEPA and planning development staff (the right person with a bigger-picture vision) to help them organize the planning study. Getting the right people and roadmap is critical.
- Get the FHWA, as well as Federal and State regulatory agency staff, on board to provide context/guidance

Continuity

- Maintain participant continuity during the process. Linking planning and NEPA processes is most successful when participants continue throughout the planning and NEPA process with minimal turnover.
- Keep team members informed and aligned; have regular meetings

Early Awareness

- Consider NEPA requirements early during planning
- Establish project parameters early in the process to address public expectations
- Perform environmental reconnaissance during planning to identify threatened and endangered species, Section 4(f) properties, Environmental Justice populations, and any other location-determining statutes

Public Input

- Have planners meet with PMTs early in the process to explain public concerns

Planning Products

- Develop a comprehensive problem statement, including the problem statement, goals and objectives, and screening criteria during planning. Document the process used to develop these elements, and adhere to this problem statement for the environmental document
- Produce maps showing the area considered when evaluating the environmental baseline and identifying constraints
- Identify and document issues needing further study and inform stakeholders of these issues

Documentation

- Provide more detailed documentation during the planning process and include planning process and decision rationale
- Document environmental review actions associated with planning (goals and criteria, public involvement, avoidance of sensitive resources)
- Document public and agency involvement and decision making
- Provide detailed documentation for alternatives that were considered but not advanced
- Develop a filing and archival process for planning decision documentation to ensure information is transmitted to the project development teams and thus able to support the NEPA process

Transitioning from Planning to NEPA

- Consider direct, indirect, and cumulative impacts during planning
- Recognize that context can change; therefore, work should be interactive and success should not be based on the original scope and intent
- Align TSPs and RTPs with the STIP project; otherwise, advancing through the NEPA process is difficult

- Be aware of independent utility and future NEPA segmentation related to long-term planning when identifying ‘projects.’ Identifying discrete projects as opposed to a full corridor plan adds value to the environmental process.
- Determine and clarify the level of detail acceptable in planning that is not acceptable under the NEPA process, or fold planning under the NEPA process so decisions can be made that do not need to be revisited later during project development

Other Sources of Information

Respondents suggested the following sources for additional PEL information:

- HB 2001 Section 18
- American Association of State Highway and Transportation Officials (AASHTO Practitioners Handbook #10
- Federal Transit Administration website
- Natural resource plans developed in partnership with ODOT and resource agencies
- Regional land use processes, particularly for cumulative impacts
- GIS is a useful tool during planning if databases are progressive and kept up to date