

COLORADO DEPARTMENT OF TRANSPORTATION

LINKING PLANNING and THE NATIONAL  
ENVIRONMENTAL POLICY ACT  
GUIDANCE

Yates Oppermann  
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**Introduction**

The purpose of this guidance is to provide the Colorado Department of Transportation (CDOT) and its regional transportation planning partners with guidance on integrating useful National Environmental Policy Act (NEPA) information into select regional and statewide corridor visions.

The guidance also addresses how data, analysis, and products gathered during the transportation planning process can be incorporated into the project-level environmental review processes. This guidance is intended to meet the requirements of the 2005 Highway Appropriations bill, commonly known as “SAFETEA-LU” (Safe, Accountable, Flexible, and Efficient Transportation Equity Act: a Legacy for Users), particularly the new environmental consultation and mitigation requirements for the transportation planning process.

This guidance recognizes that varying transportation planning processes across the state can benefit from the inclusion of NEPA **approach** and analysis within the long-range transportation planning process.

This requirement of NEPA must still be followed, regardless of how information is gathered or used during the planning process. However, this guidance may assist in helping planning organizations understand how to develop information and document decision-making processes during the transportation planning process in a manner that will allow the **inclusion** of this information **in** the NEPA process **and avoid redundant work**.

The degree to which transportation planning studies, analyses, or conclusions can be incorporated into the project-level NEPA environmental review depends on how well these studies meet standards established by NEPA regulations and guidance. While much of the work conducted during planning already meets these standards, others may require modification.

**Figure 1:** Transportation Plan Components and How They Relate to NEPA

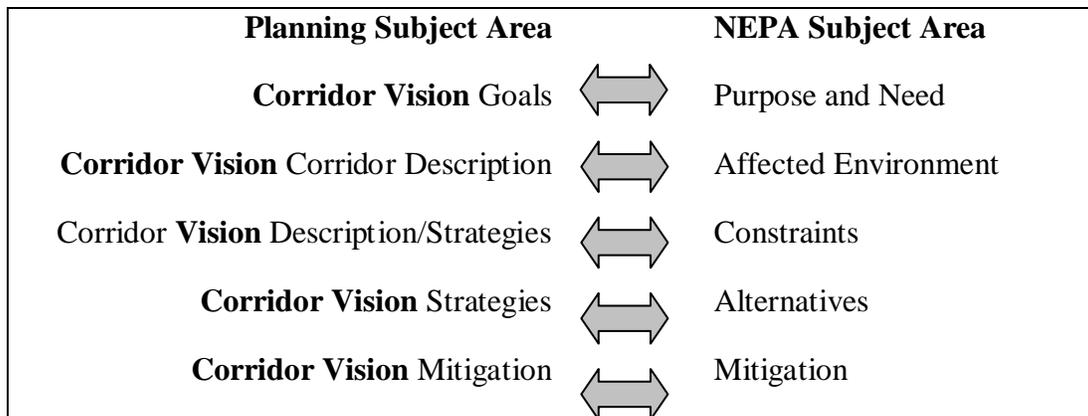


Figure 1 lists typical subject areas that are evaluated during the transportation planning project, and indicates in the right-hand column the NEPA component that may relate to that part of planning. While these subject areas are similar, there are differences in level of analysis, timing, and use of the information, depending on the regulations and specifics of either the planning process or the project at hand.

Consultation and coordination with various resource and regulatory agencies is a key component to this guidance document. Nothing in this guidance should be construed as limited or abridging the authorities or responsibilities of any agency. Resource and regulatory agencies may be able to assist transportation planners in identifying managed or regulated resources within transportation corridors, and may work with transportation planners to identify areas where mitigation may be possible, or what programs already exist for mitigation. Many of these agencies may also issue permits, or otherwise regulate impacts to certain resources. It is not the intent of this guidance to require or otherwise affect permits or permitting requirements. Permits and other regulatory requirements are more appropriately addressed during project-level environmental review.

The Strategic Transportation Environmental and Planning Process for Urbanizing Places (STEP-UP) program is a partnership between the FHWA, FTA, CDOT, EPA and the North Front Range Metropolitan Planning Organization (NFR MPO). The STEP-UP pilot project will help implement environmental streamlining, as well as help NFR develop a more comprehensive plan and integrated long-term and project planning that promote stewardship. STEP-UP takes environmental issues into account up front, early in the process. STEP-UP will develop a model for future statewide linking planning and NEPA reviews. This guidance is intended to be consistent with and supportive of this program. However, the full implementation of STEP-UP is not necessary in order to use this guidance.

### **Corridor Vision Goals**

What is happening?

Goals within the Corridor Vision are used to define criteria against which future projects will be compared. Goals developed in the planning process can also serve to help define the NEPA purpose and need for individual projects.

What is required?

The Goals during planning should be as comprehensive and specific as possible. For example, rather than simply stating that additional capacity is needed between two points, information on the adequacy of current facilities to handle the present and projected traffic, (e.g., capacity that is needed and the level of service for the existing and proposed facilities) should be discussed. Other information on factors such as safety, system linkage, social demands, economic development, and modal interrelationships, etc., within the corridor should be described as fully as possible.

There are key points to remember relative to the Goals of a Corridor Vision. It should be:

- a statement of the transportation problem (not a statement of a solution)
- a justification of why the improvement must be implemented;
- as comprehensive **in scope as required** and specific **in detail of needs** as possible;
- not so specific as to “reverse engineer” a specific strategy or solution; and,
- reexamined and updated as appropriate throughout the transportation planning process.

What is the Benefit?

The Goals developed during the transportation planning process should outline good professional strategies. The project-level environmental process and any other corridor studies should first consider those strategies which meet the Goals for the corridor at an acceptable cost and level of environmental impact relative to the benefits that will be derived from the project.

Careful development of the Goals during planning will assist in pinpointing and refining strategies that should be analyzed. If the Goals for a corridor are rigorously defined, the number of "solutions" that will satisfy the conditions can be more readily identified and more narrowly limited.

Early identification of the Goals within a corridor provides an opportunity to resource and regulatory agencies for early participation in identifying how these Goals may affect their duties and responsibilities and provides them the opportunity to comment on the goals and objectives within the corridor outside of the limited time frame permitted during the NEPA process.

What are the Risks?

The Goals section of the Corridor Vision may evolve as information is developed and more is learned about the corridor. For example, assume that the only known information with regard to Goals is that additional capacity is needed between points x and y. At the outset, it may appear that commuter traffic to a downtown area is the problem and only this traffic needs to be served. A wide range of alternatives may meet this need. Through the development of additional information, it may be learned that a shopping center, university, major suburban employer, and other traffic generators contribute substantially to the problem and require transportation service. In this case, the Goals should be further refined so that not only commuter trips but also student, shopping, and other trips will be accommodated.

These refinements would clearly reduce and limit the number of strategies that will satisfy the corridor Goals, thereby reducing the number and range of reasonable, prudent and practicable alternatives reviewed during the project environmental review.

Additional Information and Guidance

The following is a list of items which may assist in the explanation of the Goals for a corridor. It is by no means all inclusive or applicable in every situation and is intended only as a guide.

- Project Status – Briefly describe the corridor history, including actions taken to date, other agencies involved, actions pending, schedules, etc.
- System Linkage – Is the corridor a "connecting link?" How does it fit in the transportation system?
- Capacity – Is the capacity of the present corridor inadequate for the present traffic? Projected traffic? What capacity is needed? What is the level of service for existing and proposed facilities?
- Transportation Demand – Include the relationship of the corridor to any statewide plan or adopted urban transportation plan together with an explanation of the corridor's traffic forecasts.
- Legislation – Are there federal, state, or local government mandates that must be met within the corridor?
- Social Demands or Economic Development – New employment, schools, land use plans, recreation, etc. What projected economic development/land use changes indicate the need to improve or add to the corridor?
- Modal Interrelationships – How will the proposed corridor interface with and serve to complement highways, airports, rail and intermodal facilities, mass transit services, etc.?
- Safety – What existing or potential safety hazards exist within the corridor? Is the existing accident rate excessively high? Why? What is the Corridor Vision for improving the situation?
- Roadway Deficiencies – Are there existing corridor deficiencies (e.g., substandard geometry, load limits on structures, inadequate cross-section, or high maintenance costs)? What is the Corridor Vision for improving the situation?

### **Corridor Description**

What is happening?

Development of a Corridor Description is used to define baseline conditions within the corridor. These baseline conditions provide the context for evaluating environmental consequences. The Corridor Description relies heavily on information already available from known, reliable sources, including resource agencies, and should include all potentially affected natural and cultural resources and human communities where this information is available.

What is required?

The Corridor Description should contain to the extent that it is readily available:

- Information on the status of important natural, cultural, social, or economic resources and systems,
- Information that characterizes important environmental or social stress factors,
- A description of pertinent development plans and local regulations and local administrative standards,
- Information on environmental and socioeconomic trends,

What is the Benefit?

The Corridor Description will not only provide a baseline needed to evaluate the environmental consequences of strategies, but it will also help identify other actions affecting the transportation system within the corridor and how all of these actions are contributing to changes in the natural, cultural, social, and economic resources.

The Corridor Description is integral to making informed decisions about the potential impacts from strategies. The more robust the Corridor Description is, the more accurately impacts can be predicted. This encourages more accurate project budgeting and provides a better basis for determining the likelihood of possible significant environmental impacts, as well as the length of time and necessary funding that will be required for the NEPA process

For resource and regulatory agencies, providing an early Corridor Description is important to identify potential permit requirements within the corridor, identify potential resource impacts, and also create the baseline information to develop cooperative mitigation and conservation programs.

What are the Risks?

Developing the Corridor Description can be costly and time consuming. During the transportation planning process, the Corridor Description should rely on existing, readily available information and leave any original research for other corridor studies or project level environmental reviews. A more robust description may be more useful in the eventual NEPA process and project budgeting. However a significant lapse in time between the development of the Corridor Description and any eventual projects can result in inaccurate or potentially misleading information.

Additional Information and Guidance

The following list describes many issues that should be considered in developing the Corridor Description, but is by no means exhaustive:

- **Air Quality Concerns**
- **Surface Water Concerns**
- **Ground Water Concerns**
- **Lands and Soil Concerns**
- **Wetland Concerns**
- **Ecological System Concerns**
- **Historic and Archaeological Resource Concerns**
- **Socio-Economic Concerns**
- **Human Community Structure Concerns**

**Corridor Constraints (funding limitations and other musts)**

What is happening?

Development of those physical and non-physical constraints within the corridor that restrict the types of strategies that are possible. This can include physical and non-physical constraints, like funding. Developing Corridor Constraints is important in determining whether a strategy is reasonable, practicable, and prudent and feasible for a corridor.

What is required?

Understanding of Corridor Constraints is vital to the strategies' further usefulness during project development and environmental review. Decisions regarding Corridor Constraints need to be well documented.

What is the Benefit?

Clearly defined and justified constraints are an important part of the development of corridor strategies. By clearly identifying fiscal, physical, and other known constraints within a corridor, the number of project alternatives that must be fully analyzed can be refined. It is also an important factor in determining how and where environmental mitigation opportunities may be present within the corridor.

Identifying Corridor Constraints is important information to provide to resource and regulatory agencies. This information provides a clearer picture to the resource and regulatory agencies of the limitations on what projects within the corridor will be able to accomplish. Resource and regulatory agencies also have the opportunity to identify other constraints that may exist within the corridor (environmental fatal flaws) that can be incorporated more systemically into the NEPA process if identified early.

What are the Risks?

Constraints not adequately documented cannot be used in the project development and NEPA process. As circumstances within the corridor change, these constraints must be reevaluated to assure that they are still valid.

Additional Information and Guidance

Examples of some constraints are:

- Limitations on fiscal resources
- Physical resources that must be preserved
- Potential transit usage limitations
- Laws or regulations

## **Strategies**

What is happening?

As part of the Corridor Visioning process, TPRs and MPOs may begin developing particular strategies that will meet the Goals developed for the Corridor Vision. Analysis of various strategies for meeting the Goals is intended to develop a clearer vision of transportation improvements that may be considered within the corridor and may include analysis of transportation modes and/or facility location and design.

In many instances, a separate analysis to refine strategies may need to be carried forward into the project-level NEPA process. However, some actions can be taken to reach conclusions about strategies that can be taken forward into the project-level NEPA process. This includes elimination of strategies that are impractical or unfeasible from either a technical or economic standpoint.

To determine specific transportation mode or alignment strategies, it is advisable that a more comprehensive corridor study be conducted. Examples of these activities are described later in this guidance.

What is required?

For the planning process to eliminate strategies from further review during the NEPA process, the data used to make the decisions must be adequately documented. To support the elimination of a strategy the planning documents must:

- describe the rationale for determining the impracticality or unfeasibility of the strategy or strategies;
- include an explanation of why an eliminated strategy would not meet the corridor Goals or is otherwise unreasonable; and
- be made available for public review during the project-level NEPA scoping process and comment period.

Additional public outreach and resource agency involvement are generally required for strategy analysis. CDOT environmental staff should be involved in the development and implementation of any strategy analysis process.

What is the Benefit?

Evaluating and eliminating strategies is the next step for eventually defining the project alternatives within a corridor. Initial analysis of whether a strategy is reasonable, prudent, and feasible can reduce the time and money necessary during project-level NEPA analysis and can be used to better predict project budgets, timeframes, and design.

For resource agencies, early understanding and notification of corridor strategies can lead to better understanding of why particular strategies are not being considered within a corridor, and provides a clearer picture of the types of project impacts likely to occur within the corridor.

What are the Risks?

Developing preferred corridor strategies can create a false impression that these are the only strategies that may be evaluated during the NEPA process, leading to frustration during NEPA when additional strategies (alternatives) may need to be evaluated to assure compliance with applicable state and federal laws and regulations. Additionally, new information or changing circumstances that develop between the strategy analysis done during the transportation planning process and the project development process may necessitate the reevaluation of eliminated strategies. Furthermore, inadequate public involvement or resource agency involvement may also require that eliminated strategies be reevaluated during NEPA.

## **Public Involvement**

What is happening?

Disclosing to the public, as opposed to resource and regulatory agencies, the decisions being made in the transportation planning process and the justification for the decisions being made

What is required?

Public involvement and participation is an important part of NEPA, but is also varied and customized to the communities. Public involvement on decisions reached in the transportation planning process that are to be carried forward into NEPA must be well documented.

What is the Benefit?

Public participation on the decisions being made during transportation planning serves several important functions. It provides the transportation planners with an opportunity to make sure that any assumptions used are justified. It also provides the opportunity for the public to inform decision makers about other goals and objectives, constraints, or strategies that may not have been identified before. The public involvement process is also an excellent opportunity to identify community groups and community leaders to help facilitate public involvement during NEPA.

What are the Risks?

Public involvement programs must be carefully developed. It is important to identify exactly what is trying to be accomplished and how. This is important because while public involvement may be beneficial in gaining public acceptance, it can also create unnecessary controversy and confusion.

If the public is unclear regarding the decisions being made in the transportation planning process, how those decisions will be used (or not used), and the justification behind the decisions, it can create public frustration and lead to public participation burn out.

### **Additional Information and Guidance**

In documenting public involvement programs, the following information should be collected where applicable

- Number of meetings held
- Locations and times of meetings
- Who was at the meetings (sign in sheets)
- What happened at the meetings (transcripts and meeting notes)

- What other Public involvement took place
- How was information disseminated to the public?
  1. flyers
  2. newspaper articles
  3. radio/TV
  4. information booths
  5. community meetings
  6. others
- Who was contacted?
- How did people get involved? Were any community leaders identified?
- What worked and what didn't?

### **Agency Coordination**

What is happening?

Coordination with resource and regulatory agencies is necessary to assure that all applicable constraints, as well as potential mitigation needs and opportunities have been identified. This is not when permits will be acquired or final agency determinations will be made.

What is required?

Coordination requirements for resource and regulatory agencies differ depending on the agencies involved and the decisions being made.

What is the Benefit?

Early involvement and coordination with resource and regulatory agencies is the best, first chance to identify potential problems and begin developing potential solutions. All parties benefit through better understanding of the responsibilities, needs, and constraints placed on different government agencies.

Early coordination allows transportation agencies to better identify how resource and regulatory agency responsibilities may affect future projects, provides an opportunity to address potential conflicts before they arise, and develops coordinated programs and mitigation proposals that can provide better use of everyone's expertise and limited resources.

What are the Risks?

Early coordination does not guarantee that disagreements will not occur in the future.

### **Mitigation Identification**

What is happening?

Identifying locations and/or programs where impact mitigation within the corridor is possible, and developing cooperative mitigation programs.

What is required?

Mitigation identification requires an understanding of the resources present within the corridor, and at least some idea of the potential impacts on those resources.

Knowing both the resources present and the potential for impact provides an idea of the type and amount of mitigation that may be necessary within the corridor. These potential mitigation needs must be compared against known programs to determine where mitigation may be possible or preferred within the corridor.

What is the Benefit?

Early development of mitigation programs may reduce the time required during the NEPA process and may reduce the costs associated with project development. Early identification of potential mitigation needs provides the opportunity to dovetail mitigation with existing resource programs and policies, and to develop new environmental mitigation strategies in advance of project development.

What are the Risks?

Identification of mitigation programs is limited by both the data available on the resources potentially impacted, and the types and locations of resource programs that exist within the corridor. New information can change the type and amount of mitigation that may eventually be necessary within the corridor.

### **Additional Information and Guidance**

- Examples of potential mitigation programs that may be present within a corridor can include:
- Resource management plans and programs
- Wetland mitigation banks
- Habitat conservation banks and programs
- Resource restoration programs

- Cooperative resource preservation programs

### **Additional Corridor Studies**

What is happening?

Additional corridor studies are conducted to development additional data and refine strategies outside of the standard transportation planning process. This may include studies like:

- Environmental Overview Studies
- Scenario Planning
- Tier 1 NEPA documents
- Other studies to develop corridor data or develop corridor strategies

What is required?

In order for any additional studies to be usable during project development and NEPA, the process and data must support the decisions being made. Additional public outreach and public involvement may also be necessary. Additional corridor studies should be coordinated with the CDOT region environmental staff to assure that the decisions made can be carried forward.

What is the Benefit?

Additional corridor studies, while incurring a cost on their own, may still significantly reduce the amount of time and money required for individual project clearances. They may also be useful as a land use planning and community planning and development tool. Additional corridor studies may also provide opportunities to develop coordinated environmental programs and mitigation.

What are the Risks?

Benefits from additional corridor studies are tied tightly to the decisions being made and the data developed. They can be very expensive and require significant lead time to implement.

### **Additional Resources**

Linking the Transportation Planning and National Environmental Policy Act (NEPA) Processes, FHWA/FTA, February 2005.

Integration of Planning and NEPA Processes, FHWA Memorandum, February 2005

Forty Most Asked Questions Concerning CEQ's NEPA Regulations, November 1980  
<http://tis.eh.doe.gov/nepa/tools/guidance/Guidance-PDFs/14637.pdf>

STEP-UP Environmental Streamlining Pilot Project Phase I Report. May 2005. CDOT  
<http://www.dot.state.co.us/publications/PDFFiles/stepup.pdf>

## Acronyms

CDOT	Colorado Department of Transportation
EPA	Environmental Protection Act
FHWA	Federal Highway Administration
FTA	Federal Transit Administration
MPO	Metropolitan Planning Organization
NEPA	National Environmental Policy Act
NFR MPO	North Front Range Metropolitan Planning Organization
SAFETEA-LU	Safe, Accountable, Flexible, and Efficient Transportation Equity Act: a Legacy for Users
STEP-UP	The Strategic Transportation Environmental and Planning Process for Urbanizing Places
TPR	Transportation Planning Region