

Simplify and Enhance Environmental Review Process for Major Transportation Projects

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Overview

Goal Statement

DOT will maintain accountability by posting and tracking at least 90% of its funded projects for which environmental reviews are required by the end of FY 2018. Long range, by the end of FY 2021, DOT will reduce the median time to complete those environmental reviews to 24 months.

Challenge

On August 15, 2017, President Trump signed an Executive Order “Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure.” This order requires a lead Federal Agency to navigate each major infrastructure project through the Federal environmental review and authorization process, with the aim of providing decisions to project sponsors within 24 months.

Opportunities

Inefficiencies in current infrastructure project decisions, including management of environmental reviews and permit decisions or authorizations, have delayed infrastructure investments, increased project costs, and prevented the American people from enjoying improved infrastructure that would benefit our economy, society, and environment. More efficient and effective Federal infrastructure decisions can transform our economy. A more efficient environmental review process, to achieve a decision within the 24-month goal, will provide opportunities to accelerate project delivery, potentially decreasing overall project costs and accelerating the delivery of project benefits to the public.

Goal Structure & Strategies

Percent of DOT Projects on the Permitting Dashboard that are On Schedule (FHWA, FTA, FAA)

	2018 Target	2019 Target
Percent of DOT Projects Posted on Permitting Dashboard that are on Schedule	90%	90%

Strategy to Accomplish the APG:

- Use provisions in the two most recent transportation reauthorizations, MAP-21 and the FAST Act, to streamline environmental review for major transportation projects. For example, we will increase the number of State DOTs assuming Federal responsibilities for environmental review via NEPA assignment (23 U.S.C. 327), which often reduces environmental review time.
- Use the Federal Permitting Dashboard to track large or complex projects throughout each stage of environmental review and permitting. This enhanced transparency will encourage agencies to work concurrently, rather than sequentially. Sharing environmental documents and information will reduce duplicative environmental reviews and identify challenges early in the process, expediting resolutions and accelerating project delivery.
- Institutionalize best practices across the department, including programmatic agreements, liaison positions, Planning and Environment Linkages, and Implementing Quality Environmental Documents.
- Work closely with the Federal Permitting Improvement Steering Council and the Council on Environmental Quality to root out inefficiency, clarify lines of authority and streamline Federal, State, and local procedures so the review process can be as efficient as possible while still improving environmental and community outcomes.
- Explore ways to create more flexibility in the review process to ensure that transportation projects do not spend years languishing in a cumbersome and ineffective process.

Summary of Progress – FY 18 Q1 & 2

During Q1 and Q2, the Department has added 4 new EIS projects to the dashboard. None of these projects have been determined to be major infrastructure projects as defined in EO 13807. There are a handful of projects that still need to be added to the dashboard. DOT will work with Operating Administrations (OAs) to publish these projects.

There are a total of 61 EISs listed on the dashboard. Some of these projects have been completed or terminated. Of the 22 projects in progress, 55% of these projects remain on schedule. The other projects have indicated that milestones have been missed; however, this may or may not be because the project is delayed and is more likely that an OA has failed to update the milestones as appropriate. We will work with OAs to get more information on these projects moving forward.

In Q1 and Q2, DOT has been working with CEQ and OMB on preparing the Memorandum of Understanding for the One Federal Decision. DOT will continue to work with CEQ and other agencies to establish best practices so that the review process can be as efficient as possible while still improving environmental and community outcomes.

Key Milestones

Create a more efficient environmental review process to help accelerate project delivery.

Milestone Summary			
Key Milestone	Milestone Due Date	Milestone Status	Comments
Outreach on Executive Order 13807	Q1	Complete	OST provided notification to the OAs regarding the Executive Order and sought OAs to notify their staff and stakeholders of its availability
Establish a DOT One Federal Decision Working Group	Q1	Complete	OST set up a working group to help develop One Federal Decision processes and policies.
Identify Projects that meet EO/MOU OFD	Q1	In progress	To date, no projects have been deemed to be covered under One Federal Decision based on the definition of major infrastructure project as defined in EO 13807.
Support development of an interagency Memorandum of Understanding for One Federal Decision	Q2	Complete	OST provided support to CEQ in developing a memorandum of understanding to support the One Federal Decision process
Sign One Federal Decision Memorandum of Understanding	Q3	Complete	The MOU was signed on April 9, 2018
Outreach on One Federal Decision MOU	Q3	In progress	OST has notified OAs of the Memorandum of Understanding. OAs will be providing notification to staff and stakeholders, as appropriate.
Develop DOT NEPA process maps	Q3	In progress	NEPA process maps are being created to show how the One Federal Decision process will alter existing NEPA processes.

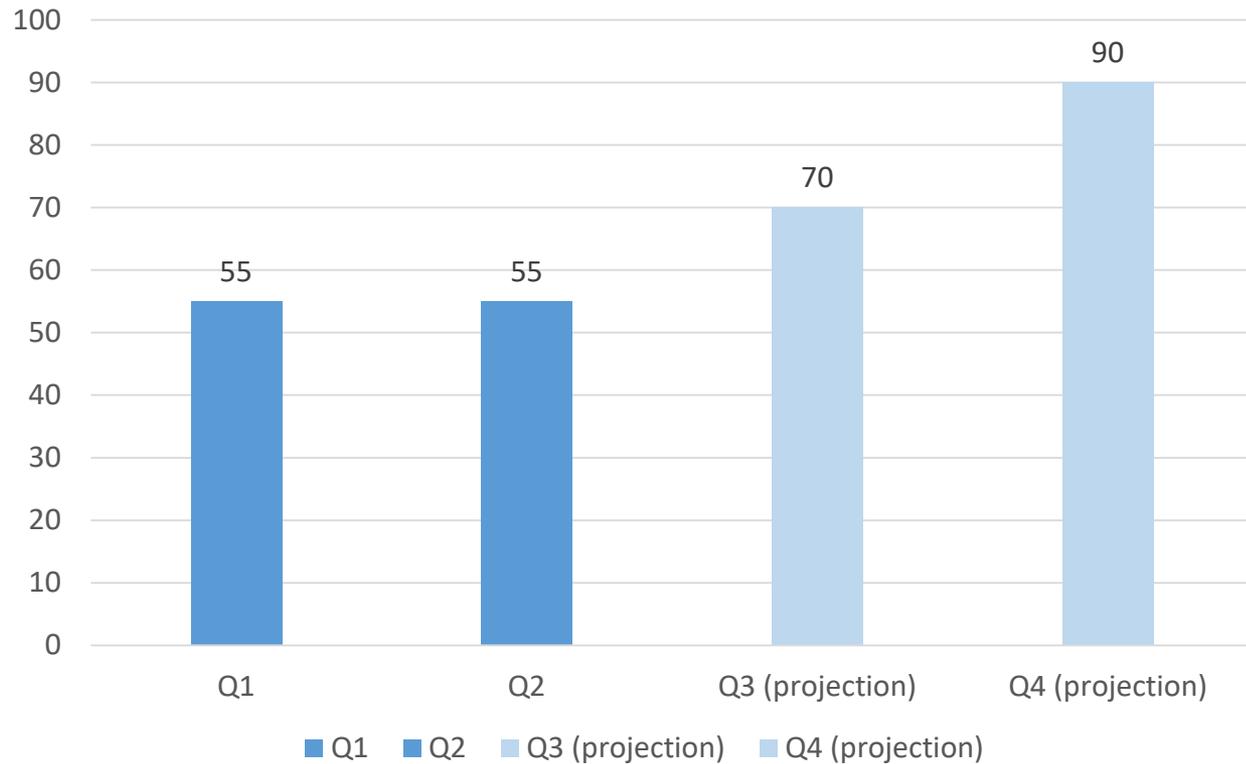
Key Milestones (cont.)

Create a more efficient environmental review process to help accelerate project delivery.

Milestone Summary			
Key Milestone	Milestone Due Date	Milestone Status	Comments
Develop DOT Implementation Guidance	Q4	In progress	A draft of DOT One Federal Decision guidance is being drafted.
Review DOT guidance and training materials to ensure incorporation of the One Federal Decision Process	Q4	In progress	DOT is reviewing existing guidance documents and training to determine what updates are needed to reflect One Federal Decision.
Federal Dashboard Updated to reflect DOT current projects and timetables.	Q4	In progress	DOT will work with OAs to ensure all applicable projects are posted to the federal dashboard and project schedules are updated

Key Indicators

Percent of DOT Projects Posted on Permitting Dashboard that are on Schedule for FY2018



Key Indicators

While EISs make up only a small portion of all projects for which environmental reviews are required, they are likely to be high-profile, complex, and time-consuming. Furthermore, major infrastructure projects are a subset of EISs as defined in Executive Order 13807 to only include those projects that have multiple authorizations by federal agencies, the lead agency has determined it will prepare an EISs, and the project sponsor has identified the reasonable availability of funds sufficient to complete the project. Traditionally, projects covered under an EIS take much longer than two years.

According to a 2014 Government Accountability Office report, environmental impact statements (EIS) in 2012 had an average preparation time of 4.6 years and an average of 7 years for a complex highway project EIS. In 2016, the National Association of Environmental Professionals (NAEP) reported an average completion time of 5.1 years for EISs. Moreover, the latest data from the Federal Highway Administration (FHWA) on median EIS completion time (measured from the date of the Notice of Intent to the date of the Record of Decision), show slight increases over time (see table). The history of EIS preparation timelines is well above the goal of 2 years.

National Association of Environmental Professionals. Annual NEPA Report 2015 of the National Environmental Policy Act (NEPA) Practice. August 2016. <http://www.naep.org/nepa-2015-annual-report>
Environmental Review Toolkit. <https://www.environment.fhwa.dot.gov/strmlng/nepatime.asp>

FHWA Median Environmental Impact Statement Completion Time

Fiscal Year	2012	2013	2014	2015	2016	2017
Median Time (<i>months</i>)	41	42	46	45	44	46

Data Sources and Methodologies

Methodologies:

DOT Operating Administrations, in coordination with other Federal agencies, are required to enter a range of environmental review and permitting data through an online data entry system for all projects posted on the Permitting Dashboard.

These data include target and actual dates for environment review and permitting milestones required for each project. These data will be used to assess the on-schedule status of DOT project posted on the Dashboard to support this APG.

More detailed statistical analysis of the data, including accounting for delay that may propagate through the environmental review and authorization process, will allow DOT to identify common sources of delay and support policy recommendations to address any necessary process changes to improve performance.

Data Sources:

Permitting Dashboard

<https://www.permits.performance.gov>

DOT Specific Projects:

<https://data.permits.performance.gov/Permitting-Project/DOT-Projects/4yc7-szmr>

Environmental Impact Statements:

<https://data.permits.performance.gov/Permitting-Project/DOT-EISs-In-Progress/sgra-wju6>

Environmental Assessments:

<https://data.permits.performance.gov/Permitting-Project/DOT-EAs-In-Progress/u8ka-qa7z>

Data Accuracy and Reliability

Data was pulled from the federal permitting dashboard to determine number of DOT projects on the federal dashboard from the following link <https://data.permits.performance.gov/Permitting-Project/DOT-Projects/4yc7-szmr>

Data is entered by each OA and should be updated on a quarterly basis. A project was considered on schedule if completed milestones had been updated or there were no anticipated milestones that had passed. A project where milestones are overdue without indication that the milestone had been completed were considered to be delayed. This may have more to do with failure to update the milestone rather than the project actually being delayed.

When an EIS is initiated, a notice of intent is published in the Federal Register (FR). FR notices were compared with the entries on the federal dashboard to determine if there were any projects that were not incorporated into the dashboard.

Additional Information

Contributing Programs

Organizations

- Federal Highway Administration
- Federal Transit Administration
- Federal Railroad Administration
- Federal Aviation Administration

Policies

- Executive Order 13807, Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure
- DOT Federal Permitting Dashboard Reporting Standard, July 3, 2017

Other Federal Activities

- One Federal Decision Memorandum of Understanding, signed by 13 federal agencies.