



## Agency Priority Goal Action Plan

# Simplify and Enhance Environmental Review Process for Major Transportation Projects

### Goal Leaders:

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# Overview

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## 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 as One Federal Decision (OFD) 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<br>Target | 2018<br>Actual | 2019<br>Target |
|---|----------------|----------------|----------------|
| Percent of DOT Projects Posted on Permitting Dashboard that are on Schedule | 90%            | 70%            | 90%            |

### Strategies to accomplish the APG include the following:

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 Q4

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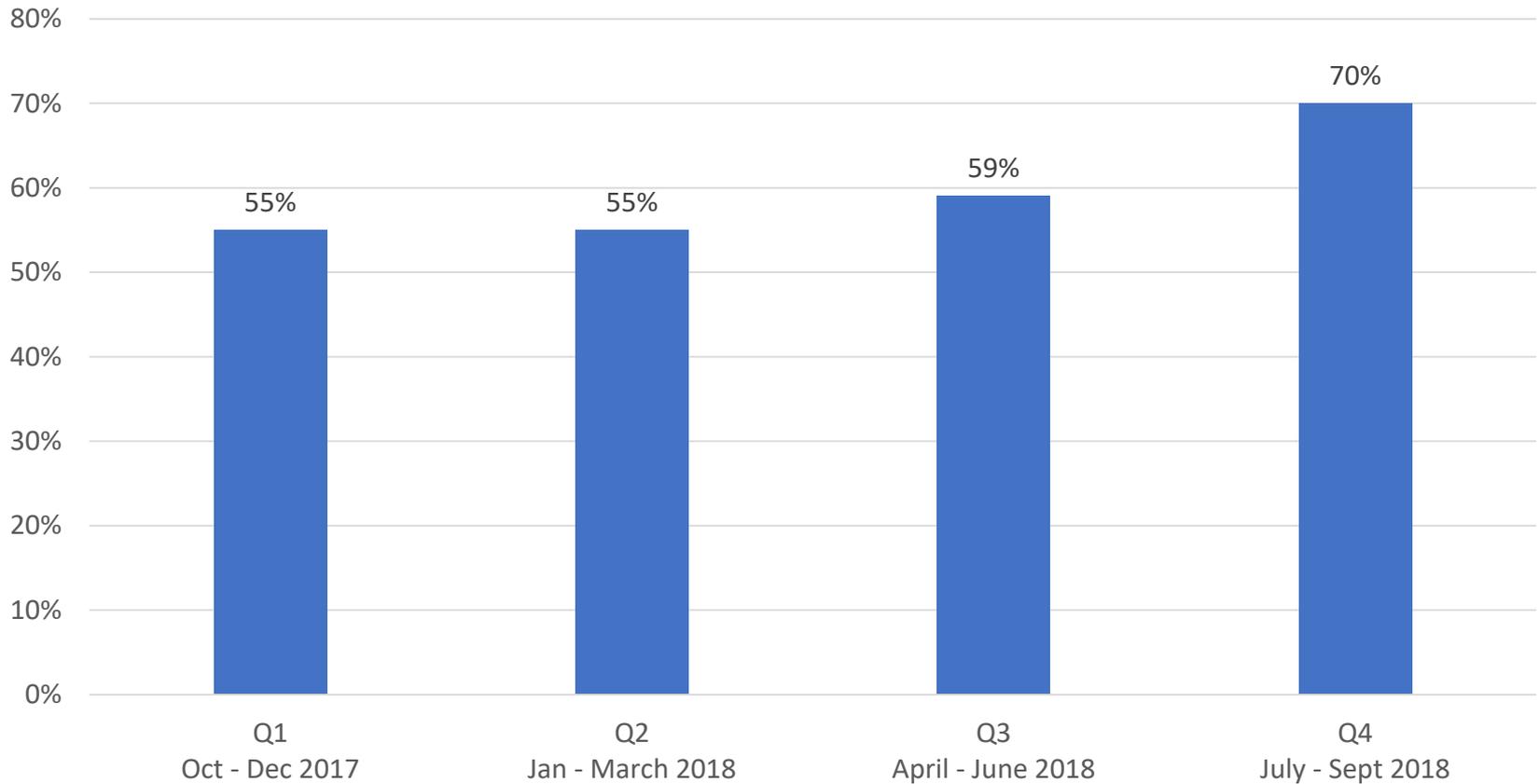
DOT added 12 new permitting timetables to the dashboard. Of these, 3 were major infrastructure projects subject to EO 13807. There are a total of 73 EISs listed on the dashboard. Of the 44 projects in progress, 70% of these projects remain on schedule. This is an improvement of 11 percentage points from last quarter.

A project was determined to not be on schedule when an anticipated milestone date had passed without indication that the milestone had been completed. However, a delay in an anticipated milestone does not necessarily mean the overall project will be delayed. Furthermore, it is important to note that a delayed milestone itself may not mean the actual milestone is delayed and may only attributed to an OA failing to update the milestones as appropriate. In addition to failure to update milestone completion dates, 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 and provide updated completion dates for existing projects.

In Q4, DOT continued its outreach to Operating Administrations and attended conferences and other venues to complete the initial outreach on One Federal Decision (OFD). In addition, DOT finalized the OFD process maps which will be an attachment to the DOT OFD Guidance. We expect a final version will be published in Q1 of FY2019.

# Key Indicators

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



# Key Milestones

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

| <b>Milestone Summary</b>   |                           |                         |  |
|--|---------------------------|-------------------------|--|
| <b>Key Milestone</b>   | <b>Milestone Due Date</b> | <b>Milestone Status</b> | <b>Comments</b>  |
| 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 existing projects that meet EO/MOU OFD  | Q1                        | Complete                | Four projects have been identified as major infrastructure projects in Q3. Additional projects will be identified as new projects are initiated.   |
| 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   | Q4                        | Complete                | OST has completed FY 2018 outreach efforts, including a factsheet* to use in outreach efforts. Initial outreach sessions have also occurred with OA headquarter and field-level leadership, as well as with program staff. OST has also reached out to external stakeholders through attending panels at conferences. Additional outreach efforts have been identified as targets for FY 2019 and will be reflected in future reports. |
| Develop DOT NEPA process maps  | Q4                        | Complete                | NEPA process maps are finalized and will be incorporated in the DOT OFD guidance.  |

\*<https://www.transportation.gov/sites/dot.gov/files/docs/policy-initiatives/320411/ofd-fact-sheet.pdf>

# 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      | DOT is making revisions and adding additional details so the guidance better aligns with the OMB Accountability guidance released on September 27, 2018. A final version is expected to be published in Q1 of FY19.   |
| Review DOT guidance and training materials to ensure incorporation of the One Federal Decision Process | Q4                 | Complete         | DOT has reviewed the guidance and training materials and determined updates may be needed to the NEPA Order. Any guidance documents that are updated in the future as well as new guidance will be incorporated into the One Federal Decision as appropriate. |
| Federal Dashboard Updated to reflect DOT current projects and timetables.                              | Q4                 | Ongoing          | DOT will work with OAs to ensure all applicable projects are posted to the federal dashboard and project schedules are updated  |

# Key Indicators

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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>

DOT has implemented streamlining provisions provided in surface transportation bills, we will continue to institutionalize best management practices, clarify roles and responsibilities, and explore ways to be more efficient in the environmental review process. For EO 13807 major infrastructure projects, the permitting timeline, will meet the requirements of the EO and MOU.

# Data Sources and Methodologies

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## 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

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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

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## 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.