

Incorporating Planned Trail Projects Into the NEPA Process for Highways

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A Little Bit About Me

- Education:
 - Master of Regional and Community Planning, Kansas State University
 - Bachelor of Arts, Eastern Kentucky University
- Experience:
 - City of Clemson, SC
 - HNTB – Plano, TX
 - City of Mesquite, TX
 - Lake County, Illinois

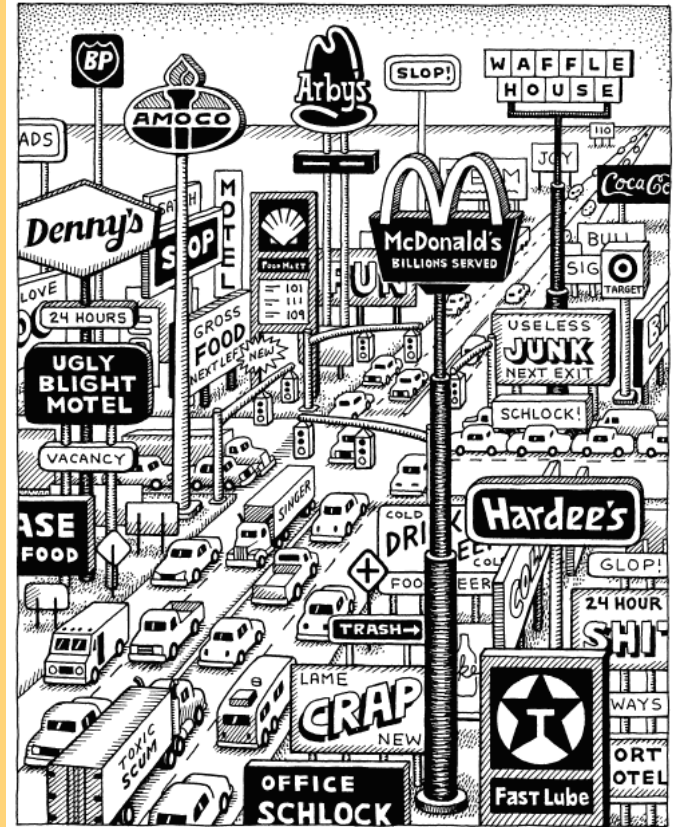


What are we talking about today?

- Which bike/ped facilities are considered during the NEPA process for highway projects and how they are considered;
- How alternatives for large-scale highway and transportation projects take planned bicycle/pedestrian facilities and their linkages into consideration and FHWA policy on bike/ped facilities; and
- How planners can integrate planned or programmed bike/ped facilities into the NEPA and environmental documentation process for highway and other projects.

Why Is This Important?

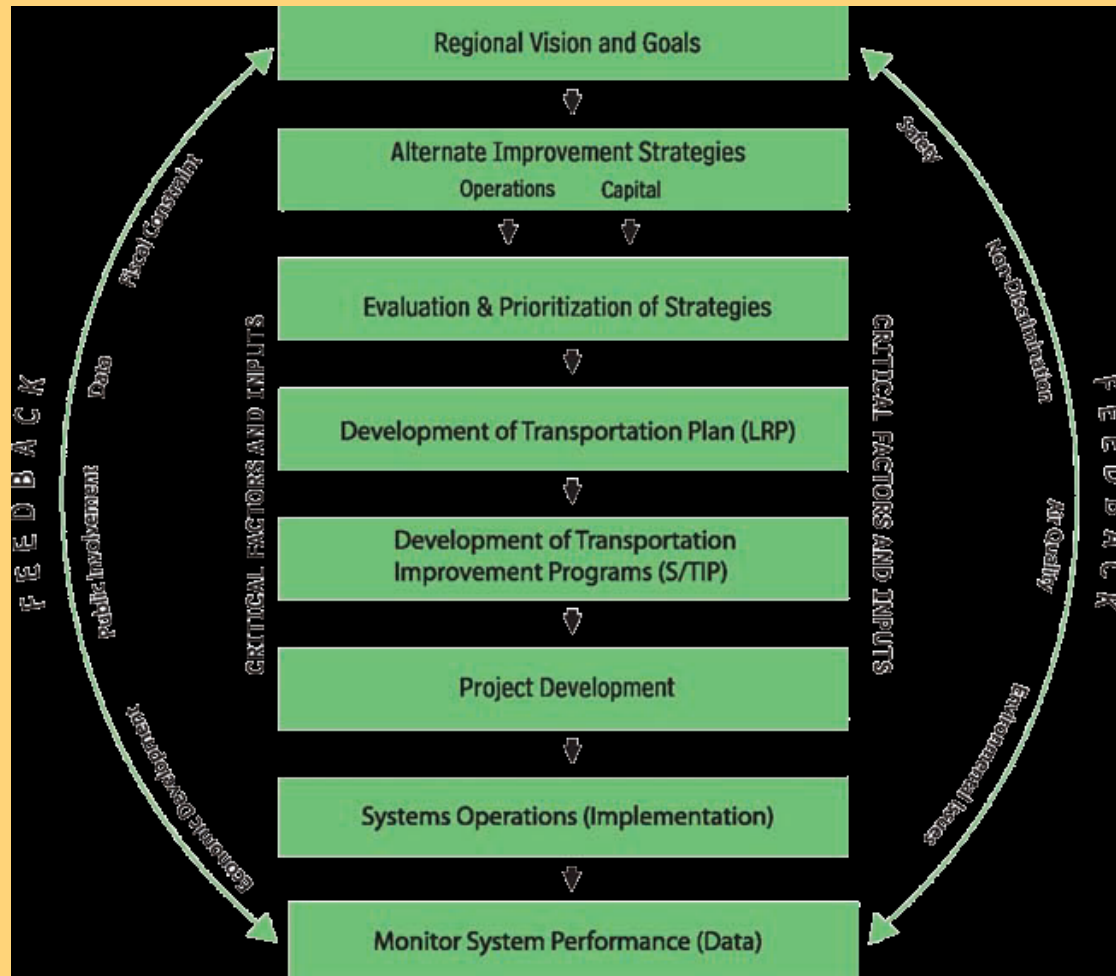
- Because transportation decisions made by State DOTs many times have the most profound impact on community character, community cohesion, urban design, multi-modal functionality and mode choice, and many other vital community functions.
- Often an overlooked aspect of what should be holistic transportation planning for the breadth of users and modes.
- To demonstrate when and how local planners and bike/ped advocates should be involved in the process so the appropriate decisions are made.



Federal Transportation Planning Process

- Federal role is to provide funds and standards for state and local decisions.
- LRTP (MTP) – Long-Range Transportation Plan or Metropolitan Transportation Plan
 - MPO's transportation planning policy guide.
 - Even if a proposed project is not proposed to be federally funded, should be incorporated.
 - First opportunity to be involved. This is project conception phase. First attempt should be to get trail projects and plans for on-road facilities for the community in the MPO LRTP. (INSERT IMAGE OF MTP TRAIL PROJECTS HERE – TRAIL PROJECT INCORPORATED INTO MTP)
- TIP or STIP – Transportation Improvement Program/Statewide Transportation Improvement Program
 - State DOTs, MPOs, and transit operators make investment decisions with Federal dollars.
 - Programs of funding, phasing, and scheduling used to implement the LRTP with Federal funds.
 - Every 4 years, USDOT approves State DOTs' programs of all projects proposed to be executed with Federal Funds.
- Process designed to reflect the desires of communities.
 - Spirit of Federally funded transportation planning is that transportation investment decisions are best made at the local level.
 - However, for large MPOs, this is highly sensitive to community's policy committee representation.
- Project Development – Environmental review or NEPA phase.
 - Links planning process with actual project location, design, and eventual construction and operation. Works out finer details of the project and how it will fit within affected communities.

Transportation Planning Process

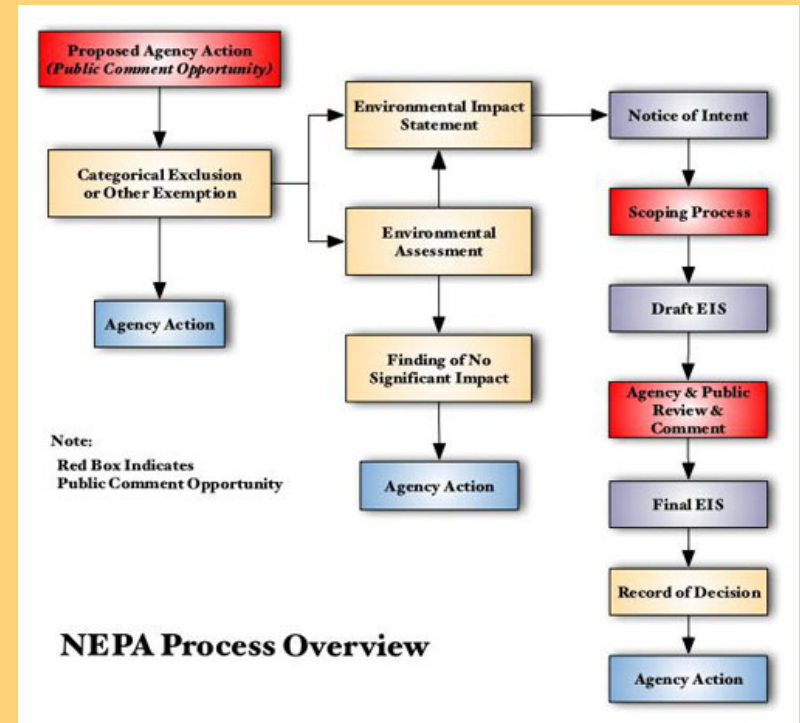


The NEPA process many times serves as the project development, project-specific planning phase of the overall transportation planning process if Federal funds are to be used. However, planning decisions are often revisited when details are worked out.



Brief Explanation of NEPA Process

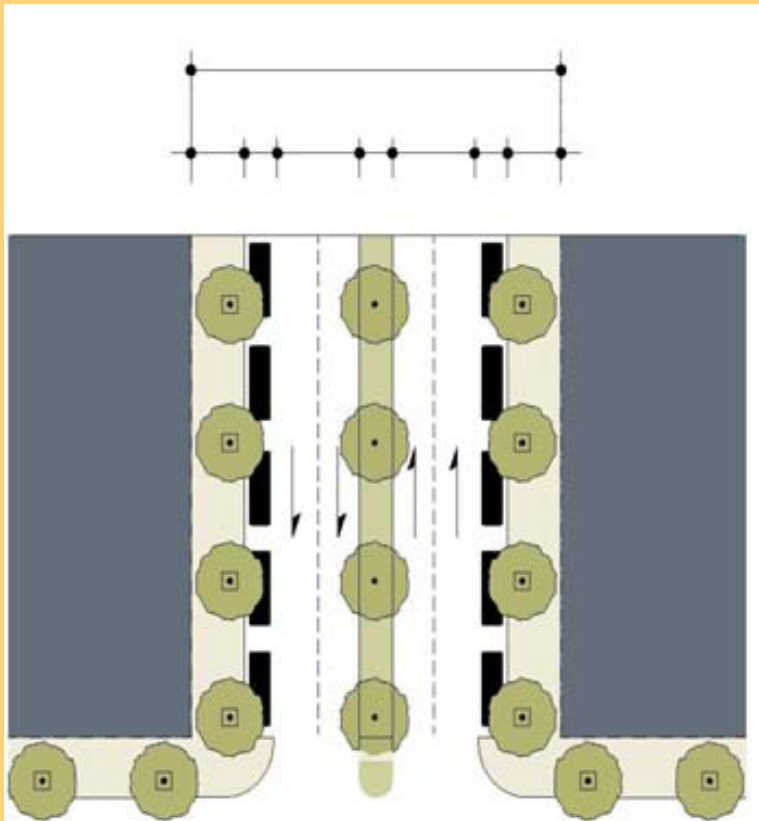
- Required of all Federally funded actions, including transportation.
- Became law in 1970.
- Purpose is better informed decisions and citizen involvement, including involvement from local planners.
- Applies when an agency has discretion to choose among one or more alternative means of accomplishing a particular goal.
- Informs final decision on a proposed action.
- 1978 CEQ regulations direct agencies on fundamental obligations for fulfilling NEPA responsibilities. Established minimum requirements for agencies.
- Information provided by planners from affected jurisdictions during EA and EIS process is often used to influence decisionmakers and their final decisions.



NEPA Continued...

- Categorical Exclusion (CE) – Applies to a category of actions that an agency has determined does not individually or cumulatively have a significant effect on the quality of the human environment.
- Environmental Assessment (EA) – Used to determine the significance of environmental effects and to look at alternative means to achieve the agency's objectives. Informs whether an EIS will need to be prepared or if there is a FONSI. Must involve public input.
- Environmental Impact Statement (EIS) – Must prepare for a proposed major action significantly affecting the quality of the human environment.
 - Notice of Intent published.
 - Scoping conducted – must involve local communities if affected.
 - Draft EIS prepared – Notice of Availability in Federal Register
 - Evaluate/consider alternatives.
 - Final EIS.
 - Record of Decision.

Which Bike/Ped Projects are Considered?



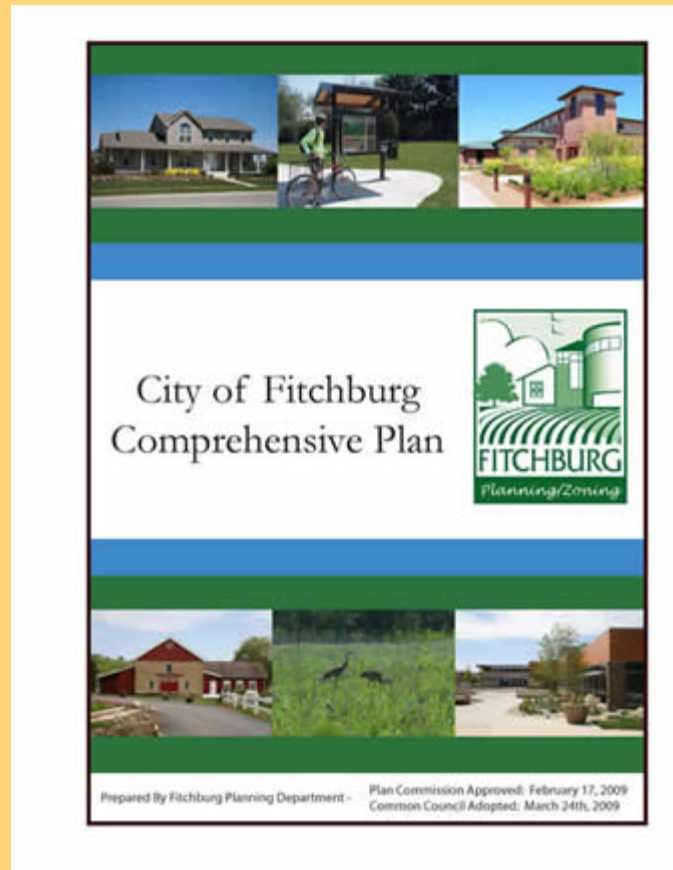
- Those with conceptual plans in the LRTP and those programmed in the TIP/STIP.
- Local governments should make sure that input is provided in the LRTP process that would inform how the community prefers for such projects to interact with planned facilities for motorized transportation as well as provide very specific contextual design details of proposed project implementation.
- Must be democratically adopted local government plans or proposed projects.
 - Not just what you would like to see.
 - Must be evidence that project ideas are reflective of community desires through the democratic process.
 - Must be public information – Reasonably foreseeable future actions
- Be careful with overly conceptual ideas/plans for projects.
- The greater the specificity, the better.
 - Best to design the most detailed specifications for projects for each possible context and make sure they are democratically adopted.
 - Typical Sections.
 - Locations and sizes for bike racks, bike lockers, etc.

How are they considered?

- FHWA regulations (October 1987 Technical Advisory) require:
 - Draft EIS to discuss current and anticipated use of facilities, potential impact of proposed alternatives, and proposed measures, if any, to avoid or reduce impacts to the facilities and its users where current pedestrian or bicycle facilities or indications of use are identified.
 - Where new facilities are proposed as part of the proposed highway project (which they now are), environmental document should include sufficient information to explain the basis for providing the facilities (e.g., proposed bicycle facility is a link in the local plan or sidewalks will reduce project access impact to the community). – As if we have to justify why something other than being trapped in a car should even be considered.
 - Where proposed alternative would sever an existing major route for non-motorized transportation, proposed project needs to provide reasonably alternative route or demonstrate that such route exists.



What about local government planned/ proposed projects?



- For highway project framing and development, CFR 771.111:

“An action evaluated in an EIS/EA shall not restrict consideration of alternatives for other reasonably foreseeable transportation improvements.”
- Reasonably foreseeable transportation improvements are those that are democratically adopted and are public information.

Other Related Resources Examined in NEPA Process and Mitigation

- FHWA regulations require examination of:
 - Air Quality Impacts
 - Economic Impacts
 - Social Impacts – Environmental Justice and Community Cohesion
 - Land Use Impacts
 - Indirect Impacts – Impacts removed from project by time and/or distance. Induced land development, increased rate of land development, etc.
 - Cumulative Impacts – Impacts of project in conjunction with other reasonably foreseeable future projects.
- Other than Federal law and policies related to bike/ped projects, other opportunities to make a case for bike/ped facilities.
- Mitigation

USDOT Federally funded project policy

- Old Policy – “due consideration” of bicycle transportation facilities and pedestrian walkways, where appropriate, in conjunction with all new construction and reconstruction of transportation facilities, except where bike/ped uses are not permitted.
- New Policy (as of Spring 2010) – “due accommodation” – State DOTs must now prove that facilities cannot be implemented and demonstrate why.
- For utilitarian reasons, not recreation.
- Problem is...this doesn't dictate types and designs of facilities in different contexts.
- South Carolina Cities for Cycling Initiative

Opportunities to Get Involved

- LRTP development by MPO – Keep track of updates to plan and get involved.
- Work with your MPO Policy Committee representation.
- Keep track of projects programmed in TIP/STIP and their timing.
- During project development phase/NEPA process, attend public hearings and provide input during public comment periods.
- Schedule an appointment to meet with project consultants to discuss issues.

QUESTIONS/COMMENTS/
DISCUSSION?

NEPA many times the only real planning document for a project

- MUST HAVE A POLICY/RESOLUTION/ORDINANCE DEMOCRATICALLY CONSIDERED/ADOPTED FOR IT TO BE TAKEN SERIOUSLY AND IT MUST BE AS SPECIFIC AS POSSIBLE FOR IT TO BE CONSIDERED/INCORPORATED
- Lots of money spent here – sticking within budget constraints.
- Mitigation contingencies – EPIC – commitments
- Get things entered into Environmental Documents as commitments
- This is the only proof that the community as a whole was represented and wants what you are asking for.
- Anyone can come along and say these are our plans, but that is not necessarily reflective of the community.