

Federal Transit Administration (FTA) NEPA Readiness FAQs

What is “NEPA readiness?”

NEPA readiness is a term intended to describe when a project is sufficiently developed for FTA to initiate the NEPA review for the purposes of evaluating the environmental impacts of the project within the applicable statutory timeframe requirements. FTA will evaluate the information provided by the project sponsor to inform the environmental review. This information includes the project scope, logical termini/ independent utility, project maps, and the items listed below in “What is needed before starting the NEPA review” section. Based on the information provided, FTA will determine whether additional planning is needed before making the NEPA class of action (COA) determination.

Why is it important to ensure NEPA readiness before initiating the NEPA review process?

The Bipartisan Infrastructure Law and NEPA amendments under the Fiscal Responsibility Act prescribe specific timelines for completion of environmental impact statements (EISs) and environmental assessments (EAs).¹ Given these statutory requirements, FTA wants to ensure that projects are “NEPA ready” prior to initiation of an EA or issuance of a notice of intent (NOI) for an EIS to avoid delays during the environmental review process that would cause FTA and the project sponsor to miss the statutory timeframes.

When is a project evaluated for NEPA readiness?

FTA evaluates NEPA readiness prior to the formal initiation of the environmental review of a project.

What is needed before starting the NEPA review?

Before FTA initiates a NEPA review for projects that require an EA or EIS, the project sponsor will need to sufficiently develop the project scope through transportation planning to begin the evaluation of environmental impacts. In addition, FTA will evaluate whether the project sponsor has developed:

- A draft purpose and need statement;
- A draft range of alternatives for detailed study;
- Information on permits or other authorizations that may be needed for the project;
- Information on the reasonable availability of funding to complete the project for purposes of a major project determination (optional for EAs);
- A draft coordination plan (only required for EIS projects and any EA projects that follow the Section 139 environmental review process); and
- A schedule for completion of the environmental review process that meets applicable timeframes.

What planning efforts are needed before initiating the NEPA review?

Projects that use FTA or Federal Highway Administration capital funding programs are required to follow the transportation planning process set forth under 49 U.S.C. §§ 5303 and 5304, as well as the implementing regulations at 23 CFR part 450. Other transportation planning studies, such as corridor or subarea studies or alternatives analysis studies, can also be helpful in readying a project for an efficient environmental review. These studies may further define the transportation problems or needs, screen and possibly eliminate unreasonable alternatives, provide information on environmental effects and identify potential mitigation, and gather additional information, such as travel demand, local land use, or growth management and development. The use of maps, photographs, illustrations, visual graphics, and other renderings during system and project planning are recommended to provide illustrative information on the proposed project. Planning studies that meet the requirements of 23 CFR § 450.318 can bring forward information or decisions into the environmental review process to help expedite the environmental review. The level of information needed to support a project’s readiness may vary by project; please coordinate with your local FTA Regional Office for project-specific direction.²

¹ 23 USC § 139(g)(1)(B)(iii); 42 USC §§ 4336a(b) & 4336a(g).

² For example, it may be common in some regions to encounter species protected by the Endangered Species Act that would require evaluation of the presence of potential species during specific seasons.

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When should a project sponsor identify the type of FTA funding?

Generally, projects that are proposed to use FTA's capital funding programs trigger FTA's responsibility to comply with NEPA and other environmental laws, so it is crucial that project sponsors identify which FTA capital funding programs they intend to use prior to requesting FTA's involvement in the environmental review process. That information is also necessary for FTA's determination as to whether a project meets the "major project" definition for purposes of 23 U.S.C. § 139(a)(7).³ Project sponsors should work with FTA regarding the potential FTA capital funding programs to ensure the project's eligibility for the programs.

How does an annotated outline support a project's readiness for NEPA review?

An annotated outline is a useful tool for establishing the foundation of EAs and EISs. The annotated outline is a flexible tool as it can provide information best suited for the individual project. Annotated outlines may include: 1) impact areas to be addressed in detail in the environmental document, along with information on resource areas for which detailed analysis is not anticipated; 2) page limits for each section of the EA or EIS or individual impact areas to focus the environmental review; and 3) reflect public and agency input received during early scoping or scoping. Through use of an annotated outline, a project should experience fewer delays and lower costs associated with developing EAs and EISs.

What public or stakeholder outreach can occur prior to initiating the NEPA review?

FTA believes continuous public engagement is the basis for a successful project and recommends that project sponsors engage the public on a proposed project as early as the transportation planning process. Project sponsors should also coordinate with applicable state, local, and federal agencies, as well as Tribes or Tribal Nations, depending on the potential project impacts. In addition to the planning process, public engagement can occur during early scoping or identification of cooperating agencies (those with jurisdiction by law or with specialized expertise on an issue to be evaluated in the environmental review) and participating agencies (those that may have an interest in the project).

What level of engineering can be conducted before initiating NEPA?

Project sponsors are encouraged to engage in preliminary engineering activities sufficient to provide information on the project scope and how the project will interact with the environment to inform the evaluation of the project's impacts. There is no specific threshold for the level of design that is expected, but a commonly used threshold (consistent with past practice) is 30% design. FTA's NEPA regulation generally prohibits final design activities prior to conclusion of the NEPA process, although FTA allows a project sponsor to develop the preferred alternative "to a higher level of detail than other alternatives in order to facilitate the development of mitigation measures or compliance with other legal requirements, including permitting" as long as it does not prevent the lead agency from making an impartial decision on another alternative being considered.⁴

Does a project sponsor need to have a schedule for the environmental and permitting processes before FTA initiates an EA or an EIS? If so, what should be included in the proposed schedule?

For projects that require an EA or an EIS, project sponsors are required to submit a draft schedule for the completion of the environmental review process to increase the likelihood that any applicable timeframes for the environmental review are met. The draft schedule should have sufficient detail to determine whether the time needed to develop analysis, engage in coordination, or review drafts of documents is sufficient and meets FTA's expectations for a timely environmental review. The schedule should also identify any applicable local environmental processes and permits that are required for a project.

Whom should project sponsors look to for guidance on readiness for an environmental review?

Please contact your local FTA Regional Office for guidance regarding an individual project. Contact information for the Regional Offices is available [here](#) on FTA's public website.

³ Projects that are evaluated with EAs will only be considered for classification as "major projects" at the request of the project sponsor.

⁴ 23 U.S.C. 139(f)(4)(D).