

Federal Transit Administration

Standard Operating Procedures for Managing the Environmental Review Process

The Federal Transit Administration (FTA) Office of Environmental Programs developed standard operating procedures (SOPs) to provide additional direction and recommendations to FTA staff who are managing the environmental review process. The environmental review process SOPs are supplements to existing resources, such as FTA environmental regulations and various guidance documents.

Applicability/Scope

Implementation of the National Environmental Policy Act (NEPA) and other Federal environmental laws is flexible in that the laws are broad enough to accommodate varied Federal actions around the country and across Federal agencies, yet those laws also carry specific requirements. The FTA environmental review process SOPs were developed to reflect the flexibility provided by NEPA while addressing requirements found in the Council on Environmental Quality's NEPA implementing regulations (40 CFR parts 1500-1508), FTA's environmental impact and related regulations (23 CFR part 771), and statutory provisions that affect the implementation of NEPA for transit projects. In addition to considering Federal statutory provisions and regulations, FTA considered guidance and executive orders when developing the SOPs, which include mandated actions as well as recommendations or best practices. The SOPs outline FTA staff roles and responsibilities in managing the environmental review process, including development of all levels of environmental documentation (i.e., categorical exclusions, environmental assessments, findings of no significant impacts, environmental impacts statements, and records of decision) and consideration of other environmental requirements where appropriate.

Responsibilities

For most projects, FTA Regional staff is responsible for managing the environmental review process. While the project sponsor may perform the technical studies, conduct outreach, and prepare documentation, FTA maintains responsibility for compliance with NEPA and other relevant Federal environmental laws (e.g., Section 106 of the National Historic Preservation Act, Section 4(f) of the DOT Act).

Standard Procedures

The following table identifies FTA's Environmental SOPs:

| SOP No. | SOP Name | Purpose |
|----------------|--|---|
| 1 | Environmental Project File and Considerations for Administrative Records | Provides guidance to ensure that FTA has records of all necessary written materials, electronic or hard copy, that pertain to FTA's environmental review process for a project. |
| 2 | Project Initiation and Determining NEPA Class of Action | Provides guidance for the earliest phase of the environmental review process for FTA projects. |

| SOP No. | SOP Name | Purpose |
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| 3 | Early Scoping | Provides guidance on early scoping, an optional step in the public planning and environmental processes that precedes formal NEPA scoping. |
| 4 | Purpose and Need | Provides guidance on the purpose and need statements, which provide the rationale and justification for undertaking a major Federal action and forms the basis for the range of alternatives to be studied in the environmental document. |
| 5 | Alternatives | Provides guidance on the identification, development, and evaluation of alternatives in the environmental review process. |
| 6 | Notice of Intent | Provides guidance on the preparation of a notice of intent (NOI), which announces that FTA and other lead agencies intend to prepare an environmental impact statement. |
| 7 | Scoping | Provides guidance on scoping—an early and open process for determining the scope of issues to be addressed and for identifying the significant issues related to a proposed action. |
| 8 | Annotated Outline | Provides guidance on the development of annotated outlines, which can be used to create the framework for the environmental document. |
| 9 | Review and Distribution of Environmental Assessments | Provides guidance for the review and processing of environmental assessments for actions in which the significance of environmental impacts is not clearly established. |
| 10 | Managing Content, Review, and Distribution of Environmental Impact Statements | Provides guidance on the drafting and processing of environmental impact statements required for any action that significantly affects the quality of the human (including natural) environment. This SOP also discusses combined final environmental impact statement/record of decision documents. |
| 11 | Receiving and Responding to Public and Agency Comments | Provides guidance on the public and agency comment process for the environmental review process. |
| 12 | Documentation of Mitigation Commitments | Provides guidance on consideration and documentation of mitigation commitments for impacts identified through the environmental review process. |

| SOP No. | SOP Name | Purpose |
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| 13 | Findings of No Significant Impact | Provides guidance on preparing a finding of no significant impact based on an environmental assessment that identifies no significant impacts. |
| 14 | Record of Decision | Provides guidance on preparing a record of decision, the decision document for an environmental impact statement. |
| 15 | Limitations on Claims | Provides guidance on FTA publication of a Limitation on Claims notice in the <i>Federal Register</i> announcing that FTA has taken a final agency action on a project, thereby limiting legal claims against that project. |
| 16 | Review and File Management of Categorical Exclusions | Provides guidance on the review and application of categorical exclusions for projects. |
| 17 | Re-Evaluations and Supplemental Documents | Provides guidance on re-evaluations and supplemental documents to determine whether a completed environmental document or decision requires supplemental analysis. |
| 18 | Section 4(f) Evaluations | Provides guidance on the recommended timing of the Section 4(f) processes and to improve understanding in the transit context. |
| 19 | Consideration of Contaminated Properties including Brownfields | Provides guidance on assessment and acquisition considerations for property that is or may be contaminated (brownfields or suspected brownfields). |
| 20 | Agency Roles and Government-to-Government Coordination | Provides guidance on agency roles and responsibilities during the environmental review process. |
| 21 | Section 106 Process | Provides guidance on agency roles, responsibilities, and consultation procedures in the Section 106 process. |
| 22 | Water Resources | Provides overview of several water resource-related requirements and identifies high-level steps for compliance. |
| 23 | Biological Resources | Provides information on agency roles, responsibilities, and consultation procedures for biological resources under numerous requirements. |

References

Each SOP includes a list of resources and associated links referenced in the SOP. In many of the SOPs, the SAFETEA-LU Environmental Review Process Final Guidance (2006) is listed. While the Federal Highway Administration and FTA published a draft update to that guidance in 2015 for public review and comment, a final version has not been published. Practitioners must use the 2006 version until further notice, keeping in mind the statutory changes made since then by the FAST Act and MAP-21 (various FAST Act and MAP-21 guidance/Q&A resources are available).