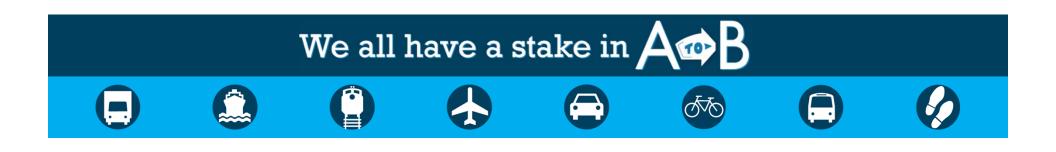


# FAST Act: Early Thoughts on Effects to Program and Project Delivery

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Tim Sexton, AICP Assistant Director, MnDOT Office of Environmental Stewardship



# Background

- National Environmental Policy Act (NEPA)
  - Procedural statute: mandates process vs. outcome
- Presidential Memorandum (2011) calling on federal agencies to expedite review of high-priority infrastructure projects.
- Executive Order 13604, Improving Performance of Federal Permitting and Review of Infrastructure Projects (2012) further effort to improve environmental permitting efficiency and transparency.



# **Overview: FAST Act**

- Includes a number of changes intended to streamline environmental review.
- No major concerns BUT the real potential effect will be in implementing rules...



#### Some changes we are watching...

1301: Within 90 days of enactment, DOI and ACHP will develop procedures to better align NEPA, Section 4(f) and Section 106.





1304: Within 18 months of enactment, DOT will use Dashboard for EIS <u>and</u> EA's, includes issue reporting standards.

About	Projects	Tools	Мар				
<u>litle</u>				Responsible Agency	Responsible Agency POC	<u>Target</u> <u>Completion Date</u>	<u>Status</u>
Consultation to protect Essential Fish Habitat					Korie Schaeffer	5/15/2014	Complete
Endangered Species Act section 7 consultation					Amanda Morrison	5/15/2014	Complete
CWA Section 404 and Rivers and Harbors Act Section 10 Permit Review					Holly Costa	1/29/2016	Planned
Issue Record of Decision				Alex Smith	9/14/2014	Complete	
Final EIS/EIR Public Availability					Alex Smith	9/14/2014	Complete
Draft EIR/EIS Public Comment Period					Alex Smith	7/29/2013	Complete
Endangered Species Act Section 7					Ryan Olah	10/14/2013	Complete
NHPA Section 106 Consultation					Kathleen Forrest	7/31/2013	Complete
	Public Scoping Period						

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



- 1304: Improves process for adopting planning decisions into project-level NEPA
  - Reduce duplication; planning, NEPA, state environ laws (1309)
  - Prevents reconsideration of agreements/decisions
  - Programmatic approaches to environmental review

For EIS and EAs, lead agencies must consult and get concurrence from each <u>participating agency</u> on environmental review schedule and on any changes to project schedules.



- 1304: For EIS and EAs, lead agencies must consult and get concurrence from each <u>participating agency</u> on environmental review schedule and on any changes to project schedules.
- 1313: New Federal Permitting Improvement Steering Committee, includes USDOT, for projects >\$200M.
  - Develop process for early coordination or issue resolution
    - Purpose and need
    - Range of alternatives



- 1316: Requires USDOT to allow assignment federal responsibility to states, to max extent practicable
  - Project design
  - Plans
  - Specifications
  - Estimates
  - Contract awards
  - Project inspection

DOT will work with states on additional delegation, including real estate acquisition.

USDOT/CEQ: pilot program with assignment states to allow state environmental review laws to substitute for NEPA, or visa versa (1309)



- 1310: Expands multi-modal CE to allow any USDOT agency (FHWA, FTA, FRA, FAA, STB, others) to use another's CE for multimodal projects.
- 1313: Requires lead agency (e.g., FHWA) to develop checklist of potential natural, cultural and historic resources in project area and project list to project sponsor (e.g., MnDOT).



# Changes we are watching...Other

- 1440: Allows funding recipients to incur at-risk preliminary engineering costs and request reimbursement after federal authorization.
- 1413: USDOT will designate national electric vehicle charging and natural gas fueling corridors and locations.
- 1415: USDOT will encourage development and protection of pollinator habitat in transportation ROW.
- 1432: expand permitting exemptions for emergencies.



## **Expected Overall Effect**

- Final impact to project delivery will be through implementing rules, BUT...
- We don't expect major effects since most changes are to EA- and EIS-level environmental documentation, which is a small part of the MnDOT program.



# **Questions?**

Tim Sexton, AICP Construction and Operations Section Director MnDOT Office of Environmental Stewardship <u>timothy.sexton@state.mn.us</u> 651-366-3622

