



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

We all have a stake in **A**  **B**



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.



Changes we are watching...Env

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

PERMITTING DASHBOARD FEDERAL INFRASTRUCTURE PROJECTS				
About Projects Tools Map				
Title	Responsible Agency	Responsible Agency POC	Target Completion Date	Status
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		Alex Smith	4/25/2011	Complete
Notice of Intent		Alex Smith	4/06/2011	Complete

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



Changes we are watching...Env

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 participating agency on environmental review schedule and on any changes to project schedules.



Changes we are watching...Env

1304: For EIS and EAs, lead agencies must consult and get concurrence from each participating agency 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



Changes we are watching...Env

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)



Changes we are watching...Env

- 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

timothy.sexton@state.mn.us

651-366-3622

