



Agency Priority Goal Action Plan

Simplify and Enhance Environmental Review Process for Major Transportation Projects

Goal Leaders:

Office of the Secretary (OST): April Marchese, Deputy Director, Office of Policy Development, Strategic Planning, and Performance

Office of the Secretary (OST): Gerry Solomon, Senior Advisor to the Assistant Secretary of Transportation for Policy

Overview

Goal Statement

DOT will maintain accountability by posting and tracking at least 90% of its funded projects for which environmental reviews are required by the end of FY 2018 from 70%. Long range, by the end of FY 2021, DOT will reduce the median time to complete those environmental reviews to 24 months.

Challenge

The average EIS (environmental impact statement) completion time for DOT's EISs was slightly more than 6.5 years, based on the 2018 CEQ (Council on Environmental Quality) Report titled, "EIS Timelines."¹ On August 15, 2017, President Trump signed Executive Order 13807 "Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure." The EO directs that the time for the Federal Government's processing of environmental reviews and authorization decisions for new major infrastructure projects should be reduced to not more than an average of approximately two years, measured from the date a notice of intent is published to prepare an environmental impact statement.

Opportunities

Inefficiencies in current infrastructure project decisions, including management of environmental reviews and permit decisions or authorizations, have delayed infrastructure investments, increased project costs, and prevented the American people from enjoying improved infrastructure that would benefit our economy, society, and environment. More efficient and effective Federal infrastructure decisions could transform our economy. A more efficient environmental review process, to achieve a decision within the 24-month goal, will provide opportunities to accelerate project delivery, potentially decreasing overall project costs and accelerating the delivery of project benefits to the public.

¹ Available at <https://www.whitehouse.gov/wp-content/uploads/2017/11/CEQ-EIS-Timelines-Report.pdf>

Goal Structure & Strategies

Percent of DOT Projects on the Permitting Dashboard that are On Schedule (FHWA, FTA, FAA, FRA)			
		FY 2018	FY 2019
Percent of DOT Projects Posted on Permitting Dashboard that are on Schedule	Targets	90%	90%
	Actuals	70%	82%

Strategies to accomplish the APG include the following:

- Use provisions in the two most recent transportation reauthorizations, MAP-21 and the FAST Act, to streamline environmental review for major transportation projects. For example, DOT will increase the number of State DOTs assuming Federal responsibilities for environmental review via NEPA assignment (23 U.S.C. 327), which often reduces environmental review time.
- Use the Federal Permitting Dashboard to track large or complex projects throughout each stage of environmental review and permitting. This enhanced transparency will encourage Agencies to work concurrently, rather than sequentially. Sharing environmental documents and information will reduce duplicative environmental reviews and identify challenges early in the process, expediting resolutions and accelerating project delivery.
- Institutionalize best practices across the Department, including programmatic agreements, liaison positions, Planning and Environment Linkages, and Implementing Quality Environmental Documents.
- Work closely with the Federal Permitting Improvement Steering Council and the Council on Environmental Quality to root out inefficiency; clarify lines of authority; and streamline Federal, State, and local procedures so the review process can be as efficient as possible while still improving environmental and community outcomes.
- Explore ways to create more flexibility in the review process to ensure that transportation projects do not spend years languishing in a cumbersome and ineffective process.

Summary of Progress – FY 19 Q3

For Q4, DOT had a total of 110 EISs on the Federal dashboard², with 34 EISs in progress. Of those, 28 projects are on schedule (82%). A project was determined to be “on schedule” if the anticipated target date for the record of decision (ROD) had not passed or the completed date entered was earlier or on time relative to the anticipated ROD date. DOT will continue to work with Operating Administrations (OAs) to publish these projects and provide updated completion dates for existing projects.

In Q4 of FY19, DOT continued its outreach to OAs and attended conferences and other venues to continue outreach on [One Federal Decision](#) (OFD). The OFD Policy was published as interim guidance on August 23, 2019 for a 30 day comment period. DOT received 14 comments, which are being reviewed to see if additional changes are warranted.

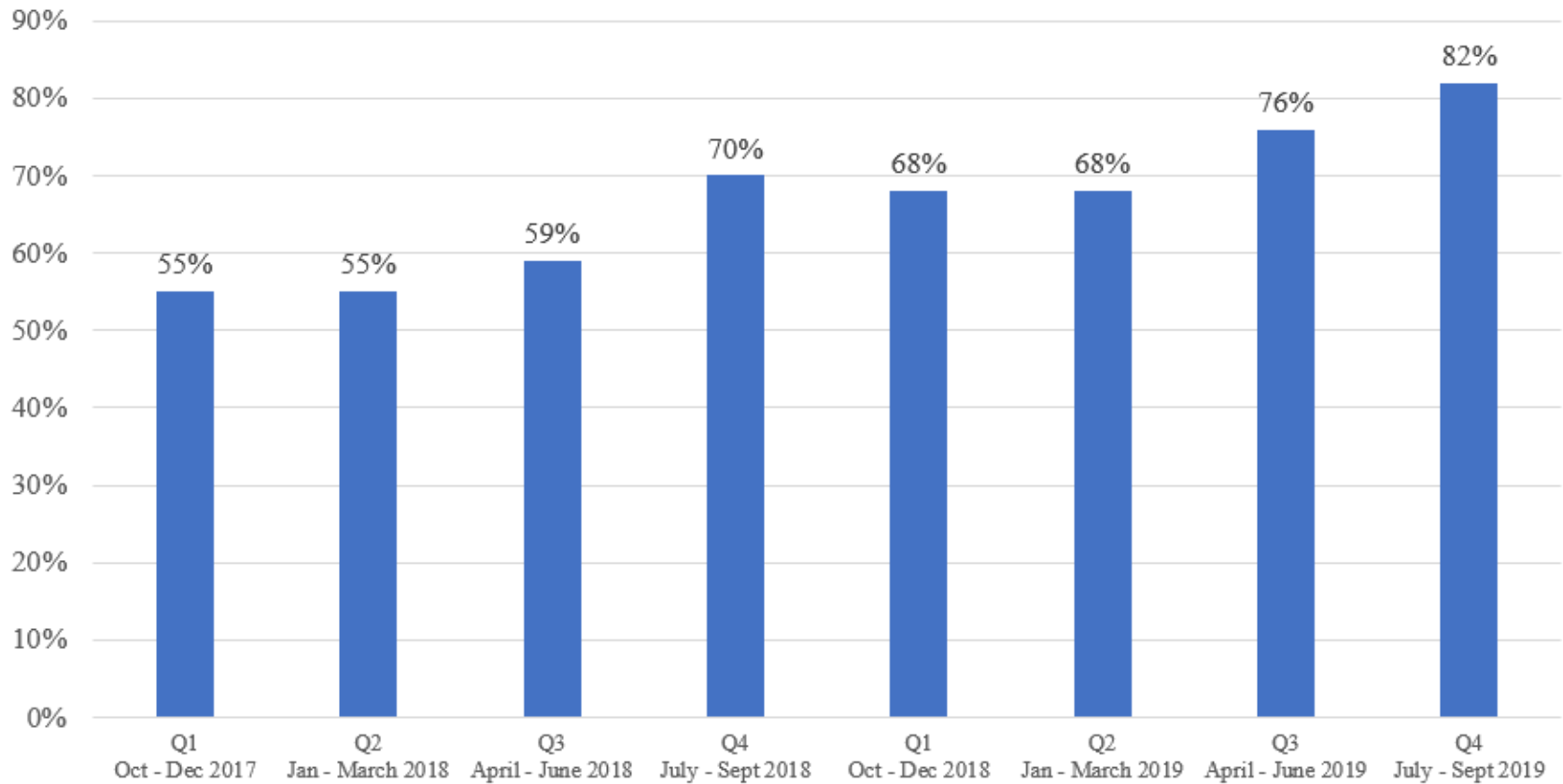
DOT continues to make progress on the major infrastructure projects identified to ensure they remain on schedule. DOT will continue to identify future major infrastructure projects.³

Although DOT did not meet its APG target of 90%, it did increase the percentage of projects that are on schedule, from 70% in FY 2018 to 82% in FY 2019. DOT will continue working with Operating Administrations to ensure that the schedules are updated and accurate as well as putting in processes to ensure that projects remain on schedule. For project schedules and information on major infrastructure projects are available on the permitting dashboard at <https://www.permits.performance.gov/projects>

² Available at <https://permits.performance.gov>

Key Indicators

Percent of DOT Projects Posted on Permitting Dashboard that are on Schedule



Key Milestones

Create a more efficient environmental review process to help accelerate project

Milestone Summary			
Key Milestone	Milestone Due Date	Milestone Status	Comments
Develop DOT One Federal Decision Implementation Guidance for major infrastructure projects*	Q1	Completed	DOT completed an initial draft for the DOT OFD Implementation Guidance.
Develop an OFD Coordination Plan Outline for use in major infrastructure projects.	Q1	Completed	DOT developed and published the OFD Coordination Plan Outline and it is available at https://www.transportation.gov/sites/dot.gov/files/docs/mission/transportation-policy/permittingcenter/334386/coordinated-plan-outline-final.pdf .
Submit OFD Elevation Process	Q1	Completed	DOT submitted the OFD Elevation Process to OMB pursuant to the OMB Accountability Memo.
Submit OFD Cost Methodology	Q1	Completed	DOT submitted the Cost Methodology Process for calculating Federal costs for major infrastructure projects pursuant to the OMB Accountability Memo.
Publish Interim DOT One Federal Decision Policy in Federal Register	Q4	Completed	The One Federal Decision Interim Policy was published in the Federal Register on August 23, 2019 available at https://www.federalregister.gov/documents/2019/08/23/2019-18204/interim-policies-on-page-limits-for-national-environmental-policy-act-documents-and-the-application

* A major infrastructure project is an infrastructure project for which multiple authorizations by Federal agencies will be required to proceed with construction, the lead Federal agency has determined that it will prepare an environmental impact statement (EIS) under the National Environmental Policy Act (NEPA), [42 U.S.C. 4321](#) *et seq.*, and the project sponsor has identified the reasonable availability of funds sufficient to complete the project. (E.O. 13807)

Key Milestones

Create a more efficient environmental review process to help accelerate project delivery.

Milestone Summary			
Key Milestone	Milestone Due Date	Milestone Status	Comments
Review and address any public comments received on the DOT One Federal Decision Guidance and publish as final guidance	Q4	Ongoing	14 Public Comments were received during the public comment period. They are being reviewed to determine if changes are needed to the guidance. <u>Final documents are anticipated early Q2 of FY 2020.</u>
Federal Dashboard Updated to reflect DOT current projects and timetables.	Q4	Ongoing	DOT will work with OAs to ensure all applicable projects are posted to the Federal dashboard and project schedules are updated.

Data Sources and Methodologies

Methodologies

DOT Operating Administrations, in coordination with other Federal agencies, are required to enter a range of environmental review and permitting data through an online data entry system for all projects posted on the Permitting Dashboard.

These data include target and actual dates for environment review and permitting milestones required for each project. These data will be used to assess the on-schedule status of DOT project posted on the Dashboard to support this APG.

More detailed statistical analysis of the data, including accounting for delays that may propagate through the environmental review and authorization process, will allow DOT to identify common sources of delay and support policy recommendations to address any necessary process changes to improve performance.

Data Sources

Permitting Dashboard

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

Environmental Impact Statements:

<https://data.permits.performance.gov/Permitting-Project/DOT-EISs-In-Progress/sgra-wju6>

Environmental Assessments:

<https://data.permits.performance.gov/Permitting-Project/DOT-EAs-In-Progress/u8ka-qa7z>

Data Accuracy and Reliability

Data was pulled from the Federal permitting dashboard to determine the number of DOT projects on the Federal dashboard. Federal Register notices were compared with the entries on the Federal dashboard to determine if there were any projects that were not incorporated into the dashboard.

Data is entered by each OA and should be updated within 10 days of a completed milestone. A project was considered on schedule if the ROD date had been updated or the anticipated ROD milestone had not passed. A project where the anticipated ROD date had passed without being updated was considered to be delayed. However, this may have more to do with failure to update the milestone rather than the project actually being delayed.

Additional Information

Contributing Programs

Organizations

- Federal Highway Administration
- Federal Transit Administration
- Federal Railroad Administration
- Federal Aviation Administration

Policies

- Executive Order 13807, Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure, August 15, 2017
- DOT Federal Permitting Dashboard Reporting Standard, July 3, 2017

Other Federal Activities

- One Federal Decision Memorandum of Understanding, signed by 13 federal agencies, April 9, 2018.