

FHWA comments received by e-mail on 4/17/07:

Horst,

This message provides comments gathered in the Federal Highway Administration's Offices of Project Development & Environmental Review and Planning for the Council on Environmental Quality's draft of *A Citizen's Guide to the National Environmental Policy Act: Having Your Voice Heard*.

It is clear that thought and care have been taken in developing this guide; it is well-intended and is generally structured to accomplish its goal of informing the public.

Thank you for the opportunity to provide comments on this publication.

Comments

On page 1 in the Purpose of the Guide, we suggest striking the word interstate so that reference is made to highways only.

While we recognize that the guide is intended to cover NEPA in a broad sense and for all Federal agencies, we suggest that, where appropriate, more information could be included to bring the readers' attention, very generally and briefly, to the linkage between transportation planning and NEPA. The transportation planning process analyzes and identifies transportation strategies, needs and potential project alternatives before NEPA begins. This process and the NEPA process are meant to work together; citizens are encouraged to participate and become involved in this pre-NEPA planning.

On page 4, Figure 1, we suggest either modifying the diagram to reflect that some critical decisions (example, transportation planning) are made either in or before the box labeled *I. Agency Identifies a Need for Action and Develops a Proposal* or discussing this step on page 7 by stating that: "many agencies have a planning process that occurs pre-NEPA, for example, the Department of Transportation creates transportation plans that generate transportation projects that eventually undergo NEPA review."

On page 5, the last sentence of the first paragraph in the section titled *What is NEPA?* may not convey to the reader the essence of the NEPA process. Since the guide has already said that the NEPA process is about making effective decisions, the focus on significant environmental effects here may be misleading.

Beginning on page 6, in the section titled *The Mechanics of the NEPA Process Demystified*, we suggest including text such as the following: "For transportation projects, the transportation planning process – a formalized, system-wide approach to decision-making – occurs before individual projects are brought forward into the NEPA process. Some analysis and decisions, such as the basis for Purpose and Need and the range of project alternatives, are conducted within this process, before NEPA begins."

On page 16, in the subsection titled *When and How to Get Involved?*, we suggest including some text on the transportation planning process, such as the following: “Some key decisions – such as whether a transportation project is needed and what range of alternatives will be considered – are made within the transportation planning process, before projects are brought forward into the NEPA process. Planning processes feature multiple opportunities for public input; citizens wishing to get involved with transportation project decisions are encouraged to participate in the transportation planning process as well as the NEPA process.” Additionally, please consider including a footnote with the following text: “More information about the transportation planning process is available at <http://www.fhwa.dot.gov/planning/citizen/index.htm> and <http://www.planning.dot.gov/documents/BriefingBook/BBook.htm>.”

On page 16, if the language on SAFETEA-LU is retained, we suggest a text revision such as the following: “New laws can also change the way agencies implement NEPA. For example, the Department of Transportation revised its NEPA procedures in response to the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), passed by Congress in 2005. The Federal Highway Administration describes agency procedures and evolving guidance on its Project Development website <http://www.environment.fhwa.dot.gov/index.asp>.”

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