Department of Transportation

Office of the Secretary

Washington, D.C.

1050.1D

Attachment 3
12/21/83

ORDER

DOT 5610.1C

9-18-79

SUBJECT: PROCEDURES FOR CONSIDERING ENVIRONMENTAL IMPACTS

INTRODUCTION.

1. PURPOSE. This Order establishes procedures for consideration of environmental impacts in decision making on proposed Department of Transportation (DOT) actions. The Order provides that information on environmental impacts of proposed actions will be made available to public officials and citizens through environmental impact statements, environmental assessments or findings of no significant impact. These documents serve as the single vehicle for environmental findings and coordination.

2. CANCELLATION. DOT 5610.1B, PROCEDURES FOR CONSIDERING ENVIRONMENTAL IMPACTS, dated September 30, 1974.

3. AUTHORITY. This Order provides instructions for implementing Section 102(2) of the National Environmental Policy Act of 1969, as amended, (42 USC 4321-4347, hereinafter "NEPA") and the Regulations for Implementing NEPA issued by the Council on Environmental Quality, 11-29-78 (40 CFR 1500-1508); Sections 2(b) and 4(f) of the Department of Transportation Act of 1966 (49 USC 1653, hereinafter "the DOT Act"); Sections 309 and 176 of the Clean Air Act, as amended (42 USC 7401 et seq.); Section 106 of the National Historic Preservation Act of 1966 (16 USC 470, hereinafter "the Historic Preservation Act"); Sections 303 and 307 of the Coastal Zone Management Act of 1972 (43 USC 1241); Section 2 of the Fish and Wildlife Coordination Act (16 USC 661 et seq.); Section 7 of the Endangered Species Act, as amended (16 USC 1533); the Federal Water Pollution Control Act, as amended (33 USC 1314 et seq.); Executive Order 12114, Environmental Effects Abroad of Major Federal Actions; and various Executive Orders relating to environmental impacts. In addition, the Order provides instructions for implementing, where environmental statements are required, Sections 138 and 109 of Federal-aid highway legislation (Title 23, USC, hereinafter "the Highway Act); Sections 16 and 18(a) of the Airport and Airway Development Act of 1970 (49 USC 1716, 1718, hereinafter "the Airport Act"); and Section 14 of the Urban Mass Transportation Act of 1964 (49 USC Section 1601 et seq., hereinafter "the Urban Mass Transportation Act").

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National Transportation Safety Board (Info)

OPI: Office of Environment and Safety

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Attachment 1
State and Localities with EIS Requirements

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Form and Content of Environmental Impact Statements

1. BACKGROUND.

The National Environmental Policy Act (NEPA) establishes a broad national policy to promote efforts to improve the relationship between man and his environment. NEPA sets out certain policies and goals concerning the environment and requires that to the fullest extent possible, the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with those policies and goals.

Section 102 of NEPA is designed to insure that environmental considerations are given careful attention and appropriate weight in all decisions of the Federal Government. Section 102(2)(C) requires that all agencies of the Federal Government shall

> include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on —
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> (i) the environmental impact of the proposed action,
>
> (ii) any adverse environmental effects which cannot be avoided should the proposal be implemented,
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> (iii) alternatives to the proposed action,
>
> (iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and
>
> (v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

Section 102(2)(A) requires all agencies of the Federal Government to "utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and decision making which may have an impact on man's environment..."

The Council on Environmental Quality (CEQ) issued regulations for implementation of the procedural provisions of NEPA (40 CFR Parts 1500-1508) on 11-29-78. The CEQ regulations apply uniformly to and are binding upon all Federal agencies, and direct each agency to adopt implementing procedures which relate the CEQ regulations to the specific needs of that agency's programs and operating procedures.

This Order implements the mandate of NEPA, as defined and elaborated upon by CEQ's regulations, within the programs of the Department of Transportation. The Order is not a substitute for the regulations promulgated by CEQ, nor does it repeat or paraphrase the language of those regulations. Rather, the Order supplements the CEQ regulations by applying them to DOT programs. Therefore, all operating administrations and Secretarial Offices shall comply with both the CEQ regulations and the provisions of this Order.

This Order provides instructions for implementation of relevant environmental laws and executive orders in addition to NEPA. The environmental process established by this Order is intended to implement the Department's policy objective of one-stop environmental processing. To the maximum extent possible, a single process shall be used to meet requirements for environmental studies, consultations and reviews.

2. POLICY AND INTENT.

a. It is the policy of the Department of Transportation to integrate national environmental objectives into the missions and programs of the Department and to:

(1) avoid or minimize adverse effects wherever possible;

(2) restore or enhance environmental quality to the fullest extent practicable;

(3) preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites;

(4) preserve, restore and improve wetlands;

(5) improve the urban physical, social and economic environment;

(6) increase access to opportunities for disadvantaged persons; and

(7) utilize a systematic, interdisciplinary approach in planning and decision making which may have an impact on the environment.

b. The purpose of the environmental procedures in this Order is to provide Department officials, other decision makers, and the public, as part of the decision making process, with an understanding of the potential effects of proposed actions significantly affecting the quality of the human environment. The environmental review process is to be used to explore and document alternative actions that will avoid or minimize adverse impacts.

c. The environmental impact statement (EIS), finding of no significant impact (FONSI, formerly "negative declaration") and determination that a proposed action is categorically excluded serve as the record of compliance with the policy and procedures of NEPA and the policy and procedures of other environmental statutes and executive orders. To the maximum extent possible, all environmental studies, reviews and consultations shall be coordinated into a single process, and compliance with all applicable environmental requirements shall be reflected in the EIS or FONSI.

3. PLANNING AND EARLY COORDINATION.

a. The identification and evaluation of the social, economic and environmental effects of a proposed action and the identification of all reasonable measures to mitigate adverse impacts shall be initiated in the early planning stages of the action, and shall be considered along with technical and economic studies. Assessment of environmental impacts should be a part of regional transportation system planning and broad transportation program development.

General criteria for identification of social, economic, and environmental impacts in DOT planning programs are set forth in subparagraph 10.e., DOT 1130.4, Intermodal Planning Groups and Unified Planning Work Programs, of 2-12-79. Other guidance may be identified in the implementing procedures of the administrations.

b. Where the DOT action is initiated by a State or local agency or a private applicant, the responsible operating administration shall assure that the applicant is advised of environmental assessment and review requirements and that consultation with appropriate agencies and interested parties is initiated at the earliest possible time. (See paragraph 20.b. below.)

c. Existing administration procedures for early consultation and citizen participation shall be modified to incorporate the scoping process (CEQ 1501.7). Implementing procedures shall assure that significant issues are identified and that all interested parties have an opportunity to participate in the scoping and early consultation process.

d. Where the proposed action is initiated by a State and may have significant impacts on a Federal land management entity or any other State, the responsible Federal official shall provide early notice to and solicit the views of that Federal land management entity or other State.

4. ENVIRONMENTAL PROCESSING CHOICE.

a. Actions covered. Except as provided in subparagraph c. below, the requirements of this Order apply to, but are not limited to, the following: all grants, loans, loan guarantees, construction, research activities, rulemaking and regulatory actions, certifications, licenses, permits, approval of policies and plans (including those submitted to the Department by State or local agencies), adoption or implementation of programs, legislation proposed by DOT, and any renewals or reapprovals of the foregoing. (CEQ 1508.18(b).)

b. Environmental Impact Statements. An EIS shall be prepared for any proposed major Federal action significantly affecting the environment. (See also: CEQ 1508.27, and paragraphs 7 and 20 of this Order.)

c. Categorical Exclusions. The following actions are not Federal actions with a significant impact on the environment, and do not require either an environmental assessment or an environmental impact statement:

(1) Administrative procurements (e.g. general supplies) and contracts for personal services;

(2) Personnel actions (e.g. promotions, hirings);

(3) Project amendments (e.g. increases in costs) which do not significantly alter the environmental impact of the action;

(4) Operating or maintenance subsidies when the subsidy will not result in a change in the effect on the environment; and

(5) Other actions identified by the administrations as categorical exclusions pursuant to paragraph 20.

d. Environmental Assessment. An environmental assessment is a document concisely describing the environmental impacts of a proposed action and its alternatives. If a decision has not been made to prepare an EIS and a proposed action has not been classified as a categorical exclusion, an environmental assessment shall be prepared. The results of an environmental assessment shall be used to determine whether an EIS or FONSI shall be prepared. (See CEQ 1508.9 and 1506.5(b).)

e. Finding of No Significant Impact (FONSI). If it is determined following preparation of the environmental assessment that the proposed action will not have a significant impact on the environment, a FONSI shall be prepared. (See paragraph 5.)

5. FINDING OF NO SIGNIFICANT IMPACT.

a. The FONSI may be attached to an environmental assessment or the environmental assessment and FONSI may be combined into a single document.

b. Except as provided in subparagraph c. below, a FONSI or environmental assessment need not be coordinated outside the originating office, but must be made available to the public upon request. Notice of availability shall be provided (see suggestions for public notice in CEQ 1506.6(b)). In all cases, notice shall be provided to State and areawide clearinghouses.

c. In the circumstances defined in CEQ 1501.4(e)(2), a copy of the environmental assessment should be made available to the public for a period of not less than 30 days before the finding of no significant impact is made and the action is implemented. Consultation with other Federal agencies concerning section 4(f) of the DOT Act, the Historic Preservation Act, section 404 permits and other Federal requirements should be accomplished prior to or during this period.

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6. LEAD AGENCIES AND COOPERATING AGENCIES.

a. The appropriate Operating Administration or Secretarial Office shall serve as the lead agency or joint lead agency for preparing and processing environmental documents when that element has the primary Federal responsibility for the action.

b. An applicant should to the fullest extent possible serve as a joint lead agency if the applicant is a State agency with state-wide jurisdiction, or is a State or local agency, and the proposed action is subject to State requirements comparable to NEPA. (See CEQ 1506.2.)

c. Coordination with cooperating agencies shall be initiated early in project planning and shall be continued through all stages of development of the appropriate environmental document.

d. If an agency requested to be a cooperating agency replies that it will not participate, the agency shall be provided a copy of the draft EIS. If the agency makes adverse comments on the draft EIS (including the adequacy of the EIS or consideration of alternatives or of mitigating measures), or if the agency indicates that it may delay or withhold action on some aspect of the proposal, the matter may be discussed with CEQ.

e. Where a DOT element is requested to be a cooperating agency, it shall make every effort to participate.

7. PREPARATION AND PROCESSING OF DRAFT ENVIRONMENTAL STATEMENTS.

a. Scope of Statement. The action covered by the statement should have independent significance, and must be broad enough in scope to avoid segmentation of projects and to insure meaningful consideration of alternatives. The scope of the statement should be decided upon during the scoping process. (See also CEQ 1502.20 and paragraph 7.g. below.) A general class of actions may be covered in a single EIS when the environmental impacts of all the actions are similar.

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b. Timing of Preparation of Draft Statements. Draft statements shall be prepared at the earliest practical time prior to the first significant point of decision in the program or project development process. They should be prepared early enough in the process so that the analysis of the environmental effects and the exploration of alternatives are meaningful inputs to the decision making process. The implementing guidance (see paragraph 20) shall specify the point at which draft statements should be prepared for each type of action.

c. Interdisciplinary Approach and Responsibilities for EIS Preparation. An interdisciplinary approach should be used throughout planning and preparation of environmental documents to help assure a systematic evaluation of reasonable alternative courses of action and their potential social, economic, and environmental consequences. At a minimum, operating administrations should have staff capabilities adequate to evaluate environmental assessments and environmental documents so that DOT can take responsibility for their content. Secretarial Offices may request assistance from P-30. If the necessary disciplines are not represented on the staff of the administration, the responsible official should obtain professional services from other Federal, State or local agencies, universities, or consulting firms.

d. Preparation of Draft. Draft EISs shall be prepared concurrently with and integrated with environmental analyses required by other environmental review laws and executive orders. To the maximum extent possible, the EIS process shall be used to coordinate all studies, reviews and consultations. (See CEQ 1502.25.) The draft EIS should reflect the result of the scoping/early consultation process. Further guidance on compliance with the various environmental statutes is included in Attachment 2.

e. Format and Content. Further guidance on the format and content of EISs is provided in Attachment 2.

f. Circulation of the Draft Environmental Impact Statement.

(1) The originating operating administration or Secretarial Office shall circulate the draft environmental statement or summary to the parties indicated in paragraph 8 below. Copies of the draft EIS should be filed with the Environmental Protection Agency (EPA). (See also CEQ 1506.9 and 1506.10.)

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(2) If a State agency with statewide jurisdiction is functioning as a joint lead agency and has prepared the draft EIS, the draft statement may be circulated by the State agency after the operating administration has approved it.

g. Tiering. Tiering of EISs as discussed in CEQ 1502.20 is encouraged when it will improve or simplify the environmental processing of proposed DOT actions. Preparation of tiered EISs should be considered for complex transportation proposals (e.g. major urban transportation investments, airport master plans, aid to navigation systems, etc.) or for a number of discrete but closely related Federal actions. The first tier EIS should focus on broad issues such as mode choice, general location and areawide air quality and land use implications of the alternative transportation improvements. System planning activities should encompass environmental studies, as noted in subparagraph 3.a., and the first tier EISs should use information from these system planning studies and appropriate corridor planning and other planning studies. A second tier, site specific EIS should focus on more detailed project impacts and detailed mitigation measures (e.g. addressing detailed location, transit station locations, highway interchange configurations, etc.).

8. INVITING COMMENTS ON THE DRAFT EIS.

The draft EIS shall be circulated with an invitation to comment to (1) all agencies having jurisdiction by law or special expertise with respect to the environmental impact involved; (2) interested parties; (3) EPA Office of Federal Activities; (4) the Assistant Secretary for Policy and International Affairs (P-1); and (5) other elements of DOT, where appropriate. A reasonable number of copies shall be provided to permit agencies and interested parties to comment expeditiously.

a. State and Local Review.

(1) Review of the proposed action by State and local agencies, when appropriate, shall be obtained as follows:

(a) Where review of draft Federal development projects, and of projects assisted under programs listed in Attachment D to revised OMB Circular A-95 (as implemented

by DOT 4600.4C, Evaluation, Review and Coordination of DOT Assistance Programs and Projects, of 4-12-79), takes place prior to preparation of a draft environmental statement, comments of the reviewing agencies on the environmental effects of the proposed project shall be attached to the environmental statement. Copies of the draft and final environmental statements shall be sent to clearinghouses and to the applicant whose project is the subject of the statement.

(b) Project applicants or administrations shall obtain comments directly from appropriate State and local agencies, except where review is secured by agreement through A-95 clearinghouses. Comments shall be solicited from all affected local governments.

(2) At the time a draft or final environmental statement is filed with EPA, the availability of the statement should be announced through advertisements in local newspapers and other effective methods. Copies of EISs shall be provided to the public upon request and made available at appropriate public places.

b. Review of EISs Prepared Pursuant to Section 102(2)(D) of NEPA. If the draft EIS is prepared by a State agency with statewide jurisdiction, and the proposed action will affect another State or Federal land management entity, the draft EIS shall be circulated to the affected State or Federal land management entity.

9. REVIEW OF ENVIRONMENTAL STATEMENTS PREPARED BY OTHER AGENCIES.

The purpose of DOT review and comment on environmental statements drafted by other agencies is to provide a competent and cooperative advisory and consultative service.

a. Comments should be limited to the impacts on areas within the Department's functional responsibility, jurisdiction by law or expertise.

b. DOT projects that are environmentally or functionally related to the action proposed in the EIS should be identified so that interrelationships can be discussed in the final statement. In such cases, the DOT agency should consider serving as a joint lead agency or cooperating agency.

c. Other agencies will generally be requested to forward their draft environmental statements directly to the appropriate regional offices of the Department. There are several types of proposals, however, that should be referred by regional offices to Departmental headquarters for comment. These generally include the following:

(1) Actions with national policy implications;

(2) Legislation, regulations having national impacts, or national program proposals.

Draft EISs in these categories are to be referred to P-1 for preparation of DOT comments and, where appropriate, to the headquarters of the operating administrations. In referring these matters to headquarters, the regional office is encouraged to prepare a proposed Departmental response.

d. Draft EISs for actions which have impact on only one region or which do not fall within subparagraph c. above should be reviewed by regional offices of DOT administrations. Comments should be forwarded directly to the office designated by the originating agency. If the receiving office believes that another DOT office is in a better position to respond, it should send the statement to that office. If more than one administration is commenting at the regional level, the comments shall be coordinated by the Regional Representative or a designee.

e When appropriate, the commenting office should coordinate a response with other Departmental offices having special expertise in the subject matter. For example, comments on projects affecting

the transportation of hazardous materials or natural gas and liquid-products pipelines should be coordinated with the Research and Special Programs Administration, Materials Transportation Bureau, and water resources projects should be coordinated with the U.S. Coast Guard, Ports and Waterways Planning Staff (G-WS/73).

f. Copies of comments on another agency's EIS shall be provided to the requesting agency, to P-1, and to the Regional Representative if the comment is prepared by a regional office.

10. PREDECISION REFERRALS TO THE COUNCIL ON ENVIRONMENTAL QUALITY.

The following specific procedures apply to referrals involving DOT elements:

a. DOT Lead Agency Proposals.

(1) An operating administration or Secretarial Office receiving a notice of intended referral from another agency with respect to a proposed DOT action shall provide P-30 with a copy of the notice. Every effort should be made to resolve the issues raised by the referring agency prior to processing the final EIS. These efforts should be documented in the EIS. P-1 will be available to assist in any such resolution, and should be notified of the results.

(2) In the event of an actual referral, the lead agency shall obtain P-1's concurrence in the response to CEQ.

b. DOT Referrals to CEQ on other Agencies' Proposals.

(1) If upon reviewing a draft from another Federal agency, an operating administration or Secretarial Office believes a referral will be necessary, it should so advise P-30. If P-30 agrees, it will advise the lead agency that DOT intends to refer the proposal to CEQ unless the proposal is changed. P-30 will coordinate DOT comments on the draft EIS, including the notice of intended referral.

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(2) Environmental referrals should be avoided, where possible, through efforts to resolve the issues, after providing notice of intent to refer and prior to the lead agency's filing the final EIS.

(3) In the event that the issues have not been resolved prior to filing of the final EIS with EPA, P-1 will deliver a referral to CEQ not later than 25 calendar days after the final EIS is made available to EPA, commenting agencies, and the public.

(a) Operating administrations and Secretarial Offices should submit proposed referrals to P-1 at least 5 days prior to the 25-day deadline. The proposed referral should include the information specified in section 1504.3(c) of the CEQ regulations.

(b) P-1 will inform the lead agency of the referral and the reasons for it, including a copy of the detailed statement developed pursuant to section 1504.3(c).

II. FINAL ENVIRONMENTAL IMPACT STATEMENTS.

a. Preparation. The final EIS shall identify the preferred alternative, including measures to mitigate adverse impacts. In identifying the preferred alternative, the DOT element should consider the policies stated in paragraph 2 above. Every effort should be made to resolve significant issues raised through circulation of the draft EIS, the community involvement process and consultation with cooperating agencies before the EIS is put into final form for approval by the responsible official. The final statement shall reflect such issues, consultation and efforts to resolve the issues, including an explanation of why any remaining issues have not been resolved.

b. Compliance with other Requirements. The final EIS should reflect that there has been compliance with the requirements of all applicable environmental laws and orders, e.g. section 4(f) of the DOT Act, section 106 of the Historic Preservation Act, section 404 of the Clean Water Act, section 7 of the Endangered Species Act, the DOT Floodplain Management Order (5650.2) and the DOT Wetlands Order (5660.1A). If such compliance is not possible by the time of final EIS preparation, the EIS should reflect consultation with the appropriate agencies and provide reasonable assurance that the requirements can be met.

c. Legal Review. All final environmental statements shall be reviewed for legal sufficiency by the Chief Counsel of the operating administration concerned, or by a designee. Final environmental statements prepared within the Office of the Secretary (OST) shall be reviewed for legal sufficiency by the General Counsel (C-1).

d. Approval. Final environmental impact statements may be approved by the Administrator or Secretarial Officer (or a designee) originating the action. For highly controversial final EIS's that require approval or concurrence by the headquarters of the operating administration pursuant to Administration procedures for approval, P-1 and C-1 shall be notified that the final EIS is under review and will be provided a copy of the summary section contained in the final EIS. P-1 and C-1 will also be given at least two weeks notice before approval of the final environmental impact statement. For purposes of this paragraph a proposed Federal action is considered highly controversial when the action is opposed on environmental grounds by a Federal, state, or local government agency or by a substantial number of the persons affected by such action.

e. Availability Pending Approval. Following the initial level of approval by the administration (for example, by the FHWA Division Administrator), proposed final statements should normally be made available for inspection during usual business hours by the public and Federal, State or local agencies. Such statements should carry a notation that the statement is not approved and filed.

f. Availability of Statements to EPA and the Public. After approval, the originating office shall transmit copies of each final statement to EPA in accordance with instructions from EPA. The originating office shall send copies of the final statement to the applicant, P-1 all Federal, State, and local agencies and private organizations which commented substantively on the draft statement or requested copies of the final statement, and to individuals who requested copies.

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g. Implementation of Representations in Environmental Statements. The administrations shall assure, through funding agreements and project review procedures, that applicants carry out any actions to minimize adverse environmental effects set forth in the approved statement. Any significant deviation from prescribed action that may reduce protection to the environment must be submitted for concurrence in accordance with Administration procedures for final EIS approval.

h. Supplemental Statements. The responsible official shall supplement a draft EIS when either: (1) it is determined that a reasonable alternative which is significantly different from alternatives considered in the draft EIS exists and will be considered, or (2) when environmental conditions or data change significantly from those presented in the statement. A final EIS shall be supplemented when substantial changes are made in the proposed action, when conditions or data change significantly from that presented in the statement, or if the responsible official determines that a supplement is necessary for some other reason. (The development of additional data as a proposal moves through the implementation process would not require a supplement if the data does not materially conflict with the data in the EIS.) A supplemental EIS may be prepared to address detailed information which was not available at the time an EIS was prepared and approved, for example, site or project specific impacts which have been discussed only in general terms in a corridor or program EIS. (See also CEQ 1502.20 and paragraph 7.g.) A supplemental statement should be prepared, circulated and approved in accordance with the provisions of the CEQ regulations and paragraphs 7, 8, and 11 of this Order, unless the responsible official believes there are compelling reasons to do otherwise. In such cases, the operating administration or Secretarial Office should consult with CEQ.

12. DETERMINATIONS UNDER SECTION 4(f) OF THE DOT ACT.

a. Any action having more than a minimal effect on lands protected under section 4(f) of the DOT Act will normally require the preparation of an environmental statement. In these cases, the environmental statement shall include the material required by paragraph 4 of Attachment 2. If in the preparation of the final EIS, it is concluded that there is no feasible and prudent alternative to the use of section 4(f) lands, the final EIS shall support a specific determination to that effect, including evidence that there has been all possible planning to minimize harm to the protected lands.

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b. If an environmental statement is not required, the material called for in paragraph 4 of Attachment 2 shall be set forth in a separate document, accompanied by a FONSI or a determination that the section 4(f) involvement is minimal and that the action is categorically excluded. The section 4(f) determination shall be reviewed for legal sufficiency by the Chief Counsel of the operating administration involved, or by a designee. The document must reflect consultation with the Department of the Interior, and where appropriate, the Departments of Agriculture or Housing and Urban Development.

13. RESPONSIBILITY.

Where an operating administration or Secretarial Office serves as lead agency or joint lead agency, it shall be responsible for the scope, objectivity, accuracy and content of EISs and environmental assessments. The EIS or environmental assessment shall be prepared by the operating administration or secretarial office, by a contractor selected by DOT, or by the applicant, pursuant to the provisions of CEQ 1506.2 and 1506.5. In developing implementing instructions, administrations shall note the distinctions made in the CEQ regulations between State agencies with statewide jurisdiction, State and local agencies which must comply with State or local requirements comparable to NEPA, and other applicants. State and local governments with requirements comparable to NEPA are listed in Attachment 1.

14. CITIZEN INVOLVEMENT PROCEDURES.

a. Citizen involvement in the environmental assessment of Departmental actions is encouraged at each appropriate stage of development of the proposed action and should be sought as early as possible. Citizen involvement in the environmental process should be integrated with other citizen involvement procedures to the maximum extent possible. Attempts should be made to solicit the views of the public through hearings, personal contact, press releases, advertisements or notices in newspapers, including minority or foreign language papers, if appropriate, and other methods. A summary of citizen involvement and any environmental issues raised should be documented in the EIS.

b. The administrations' implementing instructions shall provide (1) that interested parties and Federal, State, and local agencies receive early notification of the decision to prepare an environmental

impact statement, including publication of a notice of intent in the Federal Register, and (2) that their comments on the environmental effects of the proposed Federal action are solicited at an early stage in the preparation of the draft impact statement.

c. Administrations are encouraged to develop lists of interested parties at the national, State and local levels. These would include individuals and community, environmental, conservation, public service, education, labor, or business organizations, who are affected by or known to have an interest in the project, or who can speak knowledgeably on the environmental impact of the proposed action.

d. Under OMB Circular A-95, (Revised) Evaluation, Review, and Coordination of Federal Assistance Programs and Projects, and DOT 4600.4C, Evaluation, Review and Coordination of DOT Assistance Programs and Projects, of 4-12-76, a grant applicant must notify the clearinghouse of its intention to apply for Federal program assistance. The administrations' implementing instructions should provide for the solicitation of comments from the clearinghouse on the environmental consequences of the proposed action.

e. Hearings.

(1) In several instances, a public hearing is required by statute as a condition to Federal approval of a proposed action. Even where not required by statute, an informational hearing or meeting may serve as a useful forum for public involvement.

(2) If a public hearing is to be held, the draft EIS or environmental assessment (or environmental analysis where the hearing is held by an applicant which is not a joint lead agency) should be made available to the public at least 30 days prior to the hearing.

f. Interested persons can get information on the DOT environmental process and on the status of EISs issued by the Office of the Secretary from: Deputy Director for Environment and Policy Review (P-32), Department of Transportation, Washington, D.C. 20590, telephone 202- 426-4361.

Each administration shall indicate in its implementing instructions where interested persons can get information or status reports on EISs and other elements of the NEPA process.

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15. PROPOSALS FOR LEGISLATION.

a. Preparation. An EIS shall be prepared and circulated for any legislative proposal, or for any favorable report on proposed legislation, for which DOT is primarily responsible and which involves significant environmental impacts. The administration or Secretarial Office originating the legislation or developing the Departmental position on the report shall prepare the EIS.

b. Processing. The draft EIS shall be cleared with P-1 and submitted by the Assistant General Counsel for Legislation (C-40) to the Office of Management and Budget for circulation in the normal legislative clearance process. The EIS shall be transmitted to Congress no later than 30 days after transmittal of the legislative proposal, and must be available in time for Congressional hearings. Any comments received on the EIS shall be transmitted to Congress. Except as provided by CEQ 1506.8(b)(2), there need not be a final EIS.

16. INTERNATIONAL ACTIONS.

a. Pursuant to Executive Order 12114, Environmental Effects Abroad of Major Federal Actions, the requirements of this Order apply to:

(1) Major Federal actions significantly affecting the environment of the global commons outside the jurisdiction of any nation (e.g. the oceans and Antarctica).

(2) Major Federal actions significantly affecting the environment of a foreign nation not participating in the action or otherwise involved in the action.

(3) Major Federal actions significantly affecting the environment of a foreign nation which provide a product or a project producing a toxic emission or effluent, which is prohibited or strictly regulated in the U.S. by Federal law.

(4) Major Federal actions outside the U.S., its territories and possessions which significantly affect natural resources of global importance designated for protection by the President or by international agreement.

b. If communication with a foreign government concerning environmental studies or documentation is anticipated, the responsible Federal official shall coordinate such communication with the State Department, through P-1.

17. TIMING OF AGENCY ACTION.

A decision on the proposed action may not be made sooner than the times specified in CEQ 1506.10(b).

a. Requests for reasonable extensions of the review period for the draft EISs shall be granted whenever possible, and particularly when warranted by the magnitude and complexity of the statement or the extent of citizen interest.

b. If an administration or Secretarial Office believes it is necessary to reduce the prescribed time periods for EIS processing, it should request such a reduction from EPA. P-32 should be notified of such a request.

c. Where emergency circumstances make it necessary to take an action with significant environmental impacts without observing the provisions of this Order and the CEQ regulations, the administration or Secretarial Office should consult with CEQ. P-32 should be notified of such consultation.

18. EFFECTIVE DATE.

a. This Order and attachments apply to all draft statements filed by DOT with EPA after 7-30-79, except as provided in paragraph 1506.12 of the CEQ regulations.

b. For final statements whose drafts are filed by 7-30-79 (for FHWA, 11-30-79), paragraph 11 of this Order applies after 7-30-81. In the interim, final EISs shall be processed in accordance with the provisions of DOT 5610.1B.

19. TIME IN EFFECT OF STATEMENTS.

a. The draft EIS may be assumed valid for a period of three years. If the proposed final EIS is not submitted to the approving official within three years from the date of the draft EIS circulation, a written reevaluation of the draft shall be prepared by the responsible Federal official to determine whether the consideration of alternatives, impacts, existing environment and mitigation measures set forth in the draft EIS remain applicable, accurate and valid. If there have been changes in these factors which would be significant in the consideration of the proposed action, a supplement to the draft EIS or a new draft statement shall be prepared and circulated.

Vertical line denotes change

b. If major steps toward implementation of the proposed action (such as the start of construction or substantial acquisition and relocation activities) have not commenced within three years from the date of approval of the final EIS, a written reevaluation of the adequacy, accuracy and validity of the EIS shall be prepared by the responsible Federal official unless tiering of EISs (as discussed in subparagraph 7.g.) is being used. If there have been significant changes in the proposed action, the affected environment, anticipated impacts, or proposed mitigation measures, a new or supplemental EIS shall be prepared and circulated.

c. If major steps toward implementation of the proposed action have not occurred within five years from the date of approval of the final EIS, or within the time frame set forth in the final EIS, the responsible Federal official shall prepare a written reevaluation of the adequacy, accuracy, and validity of the EIS. This reevaluation shall be processed in accordance with subparagraph 11.d.

d. If the proposed action is to be implemented in phases or requires successive Federal approvals, a written reevaluation of the continued adequacy, accuracy and validity of the EIS shall be made prior to Federal approval of each major stage which occurs more than three years after approval of the final EIS, and a new or supplemental EIS prepared, if necessary.

20. IMPLEMENTING INSTRUCTIONS.

a. Operating administrations shall issue instructions implementing this Order using one of the following options:

(1) An operating administration may issue detailed instructions or regulations which incorporate the points of this Order and the CEQ regulations and provide guidance on applying the environmental process to the administration's programs; or

(2) An operating administration may rely on this Order as its implementing procedures, provided it issues supplementary guidance which at a minimum applies the environmental process to the administration's programs, as described in the following subparagraph.

b. Implementing instructions shall include the following information:

(1) A list of actions which normally require preparation of an EIS.

(2) A list of actions which are not normally major Federal actions significantly affecting the environment and as such do not normally require an environmental assessment or an environmental impact statement (i.e. categorical exclusions). These actions may include, but are not limited to, funding or authorizing: maintenance and modernization of existing facilities; minor safety improvements; equipment purchases; operating expenses; and planning grants which do not imply a project commitment. Instructions should provide for preparation of environmental assessments or EISs, as appropriate, for actions which would otherwise be classified as categorically excluded, but which are likely to involve: (1) significant impacts on the environment; (2) substantial controversy; (3) impacts which are more than minimal on properties protected by section 4(f) and section 106 of the Historic Preservation Act; or (4) inconsistencies with any Federal, State, or local law or administrative determination relating to the environment.

(3) Identification of the decision making process, including timing for preparation of a draft and final environmental statement or a FONSI and designation of officials responsible for providing information on the administration's preparation, review and approval of environmental documents.

(4) A description of the public participation process or reference to other administration guidance on the public participation process. (See paragraph 14, public participation.)

(5) A description of the processes to be used to insure early involvement of DOT, other agencies and the public in the environmental review of actions proposed by nonfederal applicants (CEQ 1501.2(d)).

(6) A description of the procedures for assuring implementation of mitigation measures identified in the EIS and the record of decision.

c. Proposed implementing instructions and any substantial amendments thereto shall be submitted to P-1 for review and concurrence. Consultation with CEQ will be assisted by P-1. Proposed and final implementing instructions shall be published in the Federal Register.

FOR THE SECRETARY OF TRANSPORTATION:

Robert L. Fairman
Deputy Assistant Secretary
for Administration

STATES AND LOCALITIES WITH EIS REQUIREMENTS

1. States with Comprehensive Statutory Requirements:

   California
   Connecticut
   Hawaii
   Indiana
   Maryland
   Massachusetts
   Minnesota
   Montana
   New York
   New Jersey
   North Carolina
   South Dakota
   Virginia
   Washington
   Wisconsin
   Puerto Rico

2. States with Comprehensive Executive or Administrative Orders:

   Michigan
   New Jersey
   Texas
   Utah

3. Local EIS requirements:

   Bowie, Maryland
   New York, New York

Source:

Memorandum for NEPA Liaisons from the Council on Environmental Quality, on agency implementing procedures under CEQ's NEPA regulations, dated January 19, 1979. (Appendix D)

FORMAT AND CONTENT OF ENVIRONMENTAL IMPACT STATEMENTS

1. Format.

a. The format recommended in CEQ 1502.10 should be used for DOT EISs:

(a) Cover Sheet
(b) Summary
(c) Table of Contents
(d) Purpose and Need for the Action
(e) Alternatives Including the Proposed Action
(f) Affected Environment
(g) Environmental Consequences
(h) List of Preparers
(i) List of Agencies, Organizations, and Persons to Whom Copies of the Statement Are Sent
(j) Index
(k) Appendices (if any)

b. The cover sheet for each environmental impact statement will include the information identified in CEQ 1502.11 and will be headed as follows:

Department of Transportation

_____
(operating administration)

(Draft/Final) Environmental Impact Statement
Pursuant to Section 102(2)(C), P.L. 91-190

As appropriate, the heading will indicate that the EIS also covers the requirements of section 4(f) of the DOT Act, section 14 of the Mass Transportation Act, and/or sections 16 and 18(a)(4) of the Airport Act.

2. Guidance as to Content of Statements.

a. Environmental impact statements shall include the information specified in CEQ 1502.11 through 1502.18. The following paragraphs of Attachment 2 are intended to be considered, where relevant, as guidance regarding the content of environmental statements.

b. Additional information contained in research reports, guidance on methodology, and other materials relating to consideration of environmental factors should be employed as appropriate in the preparation of EISs and environmental assessments. Examples of such materials include:

U.S. Department of Transportation, Environmental Assessment Notebook Series: Highways, 1975, Report No. DOT P 5600.4, available from the U.S. Government Printing Office, Washington, D.C. 20402, Stock Number 050-000-00109-1;

U.S. DOT, Environmental Assessment Notebook Series: Airports, 1978, Report Number DOT P 5600.5, available from the U.S. Government Printing Office, Washington, D.C. 20402, Stock Number 050-000-00138-5;

U.S. DOT, FAA, Environmental Assessment of Airport Development Actions, 1977, available from the National Technical Information Service, 5284 Port Royal Road, Springfield, Virginia 22161, NTIS Catalog Number ADA-039274; and

U.S. DOT, Guidelines for Assessing the Environmental Impact of Public Mass Transportation Projects, 1979, Report Number DOT P 79 001, available from the National Technical Information Service, Springfield, Virginia 22161.

3. General Content. The following points are to be covered.

a. A description of the proposed Federal action (e.g. "The proposed Federal action is approval of location of highway..." or "The proposed Federal action is approval of a grant application to construct..."), and a statement of its purpose.

b. Alternatives, including the proposed action, and including, where relevant, those alternatives not within the existing authority of the responsible preparing office. Section 102(2)(E) of NEPA requires the responsible agency to "study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses

of available resources." A rigorous exploration and an objective evaluation of the environmental impacts of all reasonable alternative actions, particularly those that might enhance environmental quality or avoid some or all of the adverse environmental effects, are essential. Sufficient analysis of such alternatives and their environmental benefits, costs, and risks should accompany the proposed action through the review process in order not to foreclose prematurely options which might enhance environmental quality or have less detrimental effects. Examples of such alternatives include: the alternative of not taking any action or of postponing action pending further study; alternatives requiring actions of a significantly different nature which would provide similar benefits with different environmental impacts, e.g. low capital intensive improvements, mass transit alternatives to highway construction; alternatives related to different locations or designs or details of the proposed action which would present different environmental impacts. In each case, the analysis should be sufficiently detailed to reveal comparative evaluation of the environmental benefits, costs, and risks of each reasonable alternative, including the proposed action. Where an existing impact statement already contains such an analysis, its treatment of alternatives may be incorporated, provided such treatment is current and relevant to the precise purpose of the proposed action.

c. Affected environment.

(1) The statement should succinctly describe the environment of the area affected as it exists prior to a proposed action, including other related Federal activities in the area, their interrelationships, and cumulative environmental impact. The amount of detail provided in such descriptions should be commensurate with the extent and expected impact of the action, and with the amount of information required at the particular level of decision making (planning, feasibility, design, etc.).

(2) The statement should identify, as appropriate, population and growth characteristics of the affected area and any population and growth assumptions used to justify the project or program or to determine secondary population and growth impacts resulting from the proposed action and its alternatives (see paragraph 3e(2)). In discussing these population aspects, the statement should give consideration to using the rates of growth in the region of the project contained in the projections compiled for the Water Resources Council by the Bureau of Economic Analysis of the Department of Commerce and the Economic Research Service of the Department of Agriculture (the OBERS projection).

d. The relationship of the proposed action and how it may conform to or conflict with adopted or proposed land use plans, policies, controls, and goals and objectives as have been promulgated by affected communities. Where a conflict or inconsistency exists, the statement should describe the extent of reconciliation and the reasons for proceeding notwithstanding the absence of full reconciliation.

e. The probable impact of the proposed action on the environment.

(1) This requires assessment of the positive and negative effects of the proposed action as it affects both national and international human environment. The attention given to different environmental factors will vary according to the nature, scale, and location of proposed actions. Primary attention should be given in the statement to discussing those factors most evidently impacted by the proposed action.

(2) Secondary and other foreseeable effects, as well as primary consequences for the environment, should be included in the analysis. Secondary effects, such as impacts on existing community facilities and activities inducing new facilities and activities, may often be even more substantial than the primary effects of the original action itself. For example, the effects of the proposed action on population and growth may be among the more significant secondary effects. Such population and growth impacts should be estimated and an assessment made on their effects upon the resource base, including land use, water, and public services, of the area in question.

f. Any probable adverse environmental effects which cannot be avoided (such as water or air pollution, noise, undesirable land use patterns, or impacts on public parks and recreation areas, wildlife and waterfowl refuges, or on historic sites, damage to life systems, traffic congestion, threats to health, or other consequences adverse to the environmental goals set out in section 101(b) of NEPA). This should be a brief summary of those effects discussed in paragraph 3c that are adverse and unavoidable under the proposed action. Included for purposes of contrast should be a clear statement of how all adverse effects will be mitigated.

g. The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity. This discussion should cover the extent to which the proposed action involves tradeoffs between short-term environmental gains at the expense of long-term losses, or vice versa, and a discussion of the extent to which the proposed action forecloses future options.

h. Any irreversible and irretrievable commitments of resources that would be involved in the proposed action should it be implemented. This requires identification of unavoidable impacts and the extent to which the action irreversibly curtails the range of potential uses of the environment. "Resources" means not only the labor and materials devoted to an action but also the natural and cultural resources lost or destroyed.

i. An indication of what other interests and considerations of Federal policy are thought to offset the adverse environmental effects of the proposed action identified pursuant to subparagraphs (e) and (f) of this paragraph. The statement should also indicate the extent to which these stated countervailing benefits could be realized by following reasonable alternatives to the proposed action (as identified in subparagraph (b) of this paragraph) that would avoid some or all of the adverse environmental effects. In this connection, cost-benefit analyses of proposed actions, if prepared, should be attached, or summaries thereof, to the environmental impact statement, and should clearly indicate the extent to which environmental costs have not been reflected in such analyses.

j. A discussion of problems and objections raised by other Federal agencies, State and local entities, and citizens in the review process, and the disposition of the issues involved and the reasons therefor. (This section may be added to the final environmental statement at the end of the review process.)

(1) The draft and final statements should document issues raised through consultations with Federal, State, and local agencies with jurisdiction or special expertise and with citizens, of actions taken in response to comments, public hearings, and other citizen involvement proceedings.

(2) Any unresolved environmental issues and efforts to resolve them, through further consultations or otherwise, should be identified in the final statement. For instance, where

an agency comments that the statement has inadequate analysis or that the agency has reservations concerning the impacts, or believes that the impacts are too adverse for approval, either the issue should be resolved or the final statement should reflect efforts to resolve the issue and set forth any action that will result.

(3) The statement should reflect that every effort was made to discover and discuss all major points of view on the environmental effects of the proposed action and alternatives in the draft statement. However, where opposing professional views and responsible opinion have been overlooked in the draft statement and are raised through the commenting process, the environmental effects of the action should be reviewed in light of those views. A meaningful reference should be made in the final statement to the existence of any responsible opposing view not adequately discussed in the draft statement indicating responses to the issues raised.

(4) All substantive comments received on the draft (or summaries of responses from the public which have been exceptionally voluminous) should be attached to the final statement, whether or not each such comment is thought to merit individual discussion in the text of the statement.

k. Draft statements should indicate at appropriate points in the text any underlying studies, reports, and other information obtained and considered in preparing the statement, including any cost-benefit analyses prepared. In the case of documents not likely to be easily accessible (such as internal studies or reports), the statement should indicate how such information may be obtained. If such information is attached to the statement, care should be taken to insure that the statement remains an essentially self-contained instrument, capable of being understood by the reader without the need for undue cross reference.

4. Publicly Owned Parklands, Recreational Areas, Wildlife and Waterfowl Refuges and Historic Sites. The following points are to be covered:

a. Description of "any publicly owned land from a public park, recreational area or wildlife and waterfowl refuge" or "any land from an historic site" affected or taken by the project. This includes its size, available activities, use, patronage, unique or irreplaceable qualities, relationship to other similarly used lands in the vicinity of the project, maps,

plans, slides, photographs, and drawings showing in sufficient scale and detail the project. This also includes its impact on park, recreation, wildlife, or historic areas, and changes in vehicular or pedestrian access.

b. Statement of the "national, State or local significance" of the entire park, recreation area, refuge, or historic site "as determined by the Federal, State or local officials having jurisdiction thereof."

(1) In the absence of such a statement, lands will be presumed to be significant. Any statement of "insignificance" by the official having jurisdiction is subject to review by the Department as to whether such statement is capricious.

(2) Where Federal lands are administered for multiple uses, the Federal official having jurisdiction over the lands shall determine whether the subject lands are in fact being used for park, recreation, wildlife, waterfowl, or historic purposes.

c. Similar data, as appropriate, for alternative designs and locations, including detailed cost estimates (with figures showing percentage differences in total project costs) and technical feasibility, and appropriate analysis of the alternatives, including any unique problems present and evidence that the cost or community disruptions resulting from alternative routes reach extraordinary magnitudes. This portion of the statement should demonstrate compliance with the Supreme Court's statement in the Overton Park case, as follows:

> "The very existence of the statute indicates that the protection of parklands was to be given paramount importance. The few green havens that are public parks were not to be lost unless there were truly unusual factors present in a particular case or the cost or community disruption resulting from alternative routes reached extraordinary magnitudes. If the statutes are to have any meaning, the Secretary cannot approve the destruction of parkland unless he finds that the alternative routes present unique problems."

d. If there is no feasible and prudent alternative, description of all planning undertaken to minimize harm to the protected area and statement of actions taken or to be taken to implement this planning, including measures to maintain or enhance the natural beauty of the lands traversed.

(1) Measures to minimize harm may include replacement of land and facilities, providing land or facilities, or provision for functional replacement of the facility (see 49 C.F.R. 25.267).

(2) Design measures to minimize harm; e.g. tunneling, cut and cover, cut and fill, treatment of embankments, planting, screening, maintenance of pedestrian or bicycle paths and noise mitigation measures, all reflecting utilization of appropriate interdisciplinary design personnel.

e. Evidence of concurrence or description of efforts to obtain concurrence of Federal, State or local officials having jurisdiction over the section 4(f) property regarding the action proposed and the measures planned to minimize harm.

f. If Federally-owned properties are involved in highway projects, the final statement shall include the action taken or an indication of the expected action after filing a map of the proposed use of the land or other appropriate documentation with the Secretary of the Department supervising the land (23 U.S.C. 317).

g. If land acquired with Federal grant money (Department of Housing and Urban Development open space or Heritage Conservation and Recreation Service land and water conservation funds) is involved, the final statement shall include appropriate communications with the grantor agency.

h. The General Counsel will determine application of section 4(f) to public interests in lands, such as easements, reversions, etc.

i. A specific statement that there is no feasible and prudent alternative and that the proposal includes all possible planning to minimize harm to the "section 4(f) area" involved.

5. Properties and Sites of Historic and Cultural Significance. The statement should document actions taken to preserve and enhance districts, sites, buildings, structures, and objects of historical, architectural, archaeological, or cultural significance affected by the action.

a. Draft environmental statements should include identification, through consulting the State Historic Preservation Officer and the National Register and applying the National Register Criteria (36 C.F.R. Part 800), of properties that are included in or eligible for inclusion in the National Register

of Historic Places that may be affected by the project. The Secretary of the Interior will advise whether properties not listed are eligible for the National Register (36 C.F.R. Part 63).

b. If application of the Advisory Council on Historic Preservation's (ACHP) Criteria of Effect (36 C.F.R. Part 800) indicates that the project will have an effect upon a property included in or eligible for inclusion in the National Register of Historic Places, the draft environmental statement should document the effect. Evaluation of the effect should be made in consultation with the State Historic Preservation Officer (SHPO) and in accordance with the ACHP's Criteria of Adverse Effect (36 C.F.R. Part 800).

c. Determinations of no adverse effect should be documented in the draft statement with evidence of the application of the ACHP's Criteria of Adverse Effect, the views of the appropriate State Historic Preservation Officer, and submission of the determination to the ACHP for review.

d. If the project will have an adverse effect upon a property included in or eligible for inclusion in the National Register of Historic Places, the final environmental statement should include either an executed Memorandum of Agreement or comments from the Council after consideration of the project at a meeting of the ACHP and an account of actions to be taken in response to the comments of the ACHP. Procedures for obtaining a Memorandum of Agreement and the comments of the Council are found in 36.C.F.R. Part 800.

e. To determine whether the project will have an effect on properties of State or local historical, architectural, archaeological, or cultural significance not included in or eligible for inclusion in the National Register, the responsible official should consult with the State Historic Preservation Officer, with the local official having jurisdiction of the property, and, where appropriate, with historical societies, museums, or academic institutions having expertise with regard to the property. Use of land from historic properties of Federal, State and local significance as determined by the official having jurisdiction thereof involves section 4(f) of the DOT Act and documentation should include information necessary to consider a section 4(f) determination (see paragraph 4).

6. Impacts of the Proposed Action on the Human Environment Involving Community Disruption and Relocation.

a. The statement should include a description of probable impact sufficient to enable an understanding of the extent of the environmental and social impact of the project alternatives and to consider whether relocation problems can be properly handled. This would include the following information obtainable by visual inspection of the proposed affected area and from secondary sources and community sources when available.

(1) An estimate of the households to be displaced including the family characteristics (e.g. minorities, and income levels, tenure, the elderly, large families).

(2) Impact on the human environment of an action which divides or disrupts an established community, including, where pertinent, the effect of displacement on types of families and individuals affected, effect of streets cut off, separation of residences from community facilities, separation of residential areas.

(3) Impact on the neighborhood and housing to which relocation is likely to take place (e.g. lack of sufficient housing for large families, doublings up).

(4) An estimate of the businesses to be displaced, and the general effect of business dislocation on the economy of the community.

(5) A discussion of relocation housing in the area and the ability to provide adequate relocation housing for the types of families to be displaced. If the resources are insufficient to meet the estimated displacement needs, a description of the actions proposed to remedy this situation including, if necessary, use of housing of last resort.

(6) Results of consultation with local officials and community groups regarding the impacts to the community affected. Relocation agencies and staff and other social agencies can help to describe probable social impacts of this proposed action.

(7) Where necessary, special relocation advisory services to be provided the elderly, handicapped and illiterate regarding interpretations of benefits, assistance in selecting replacement

housing, and consultation with respect to acquiring, leasing, and occupying replacement housing.

b. This data should provide the preliminary basis for assurance of the availability of relocation housing as required by DOT 5620.1, Replacement Housing Policy, dated 6-24-70,and 49 C.F.R. 25.57.

7. Considerations Relating to Pedestrians and Bicyclists. Where appropriate, the statement should discuss impacts on and consideration to be given in the development of the project to pedestrian and bicycle access, movement and safety within the affected area, particularly in medium and high density commercial and residential areas.

8. Other Social Impacts. The general social groups specially benefitted or harmed by the proposed action should be identified in the statement, including the following:

a. Particular effects of a proposal on the elderly, handicapped, non-drivers, transit dependent, or minorities should be described to the extent reasonably predictable.

b. How the proposal will facilitate or inhibit their access to jobs, educational facilities, religious institutions, health and welfare services, recreational facilities, social and cultural facilities, pedestrian movement facilities, and public transit services.

9. Standards as to Noise, Air, and Water Pollution. The statement shall reflect sufficient analysis of the effects of the proposed action on attainment and maintenance of any environmental standards established by law or administrative determination (e.g. noise, ambient air quality, water quality), including the following documentation:

a. With respect to water quality, there should be consultation with the agency responsible for the State water pollution control program as to conformity with standards and regulations regarding storm sewer discharge, sedimentation control, and other non-point source discharges.

b. The comments or determinations of the offices charged with administration of the State's implementation plan for air quality as to the consistency of the project with State plans for the implementation of ambient air quality standards.

c. Conformity to adopted noise standards, compatible, if appropriate, with different land uses.

10. Energy Supply and Natural Resources Development. Where applicable, the statement should reflect consideration of whether the project or program will have any effect on either the production or consumption of energy and other natural resources, and discuss such effects if they are significant.

11. Floodplain Management Evaluation. When an alternative under consideration encroaches on a base (100-year) floodplain, the statement should describe the anticipated impacts on natural and beneficial floodplain values, any risk to or resulting from the transportation action, and the degree to which the action facilitates additional development in the base floodplain. The necessary measures to address floodplain impacts, including an evaluation of alternatives to avoid the encroachment in appropriate cases, should be described in compliance with Executive Order 11988, "Floodplain Management," and DOT Order 5650.2, "Floodplain Management and Protection."

12. Considerations Relating to Wetlands or Coastal Zones. Where wetlands or coastal zones are involved, the statement should reflect compliance with Executive Order 11990, Protection of Wetlands, and DOT 5660.1A and should include:

    a. Information on location, types, and extent of wetlands areas which might be affected by the proposed action.

    b. An assessment of the impacts resulting from both construction and operation of the project on the wetlands and associated wildlife, and measures to minimize adverse impacts.

    c. A statement by the local representative of the Department of the Interior, and any other responsible officials with special expertise, setting forth his views on the impacts of the project on the wetlands, the worth of the particular wetlands areas involved to the community and to the Nation, and recommendtions as to whether the proposed action should proceed, and, if applicable, along what alternative route.

    d. Where applicable, a discussion of how the proposed project relates to the State coastal zone management program for the particular State in which the project is to take place.

13. Construction Impacts. In general, adverse impacts during construction will be of less importance than long-term impacts of a proposal. Nonetheless, statements should appropriately address such matters as the following, identifying any special problem areas:

    a. Noise impacts from construction and any specifications setting maximum noise levels.

    b. Disposal of spoil and effect on borrow areas and disposal sites (include specifications where special problems are involved).

    c. Measures to minimize effects on traffic and pedestrians.

14. Land Use and Urban Growth. The statement should include, to the extent relevant and predictable:

    a. The effect of the project on land use, development patterns, and urban growth.

    b. Where significant land use and development impacts are anticipated, identify public facilities needed to serve the new development and any problems or issues which would arise in connection with these facilities, and the comments of agencies that would provide these facilities.

15. (Deleted)

16. Projects under Section 14 of the Mass Transportation Act: Mass Transit Projects with a Significant Impact on the Quality of the Human Environment: The statement should include:

    a. Evidence of the opportunity that was afforded for the presentation of views by all parties with a significant economic, social or environmental interest.

    b. Evidence that fair consideration has been given to the preservation and enhancement of the environment and to the interests of the community in which the project is located.

    c. If there is an adverse environmental effect and there is no feasible and prudent alternative, description of all planning undertaken to minimize such adverse environmental effect and statement of actions taken or to be taken to implement the planning; or a specific statement that there is no adverse environmental effect.