

# Memorandum

**To:** Chairman and Commissioners

**Date:** April 23, 2001

**From:** Robert I. Remen

**File No:** BOOK ITEM 4.7b  
INFORMATION

**Ref:** Discussion of Environmental Streamlining Suggestions from Federal Agencies

**Issue:** What suggestions do the federal agencies that participated in the Commission's environmental streamlining workshop -- Federal Highway Administration (FHWA), U.S. Environmental Protection Agency (EPA), U.S. Army Corps of Engineers (Corps), and U.S. Fish & Wildlife Service (F&WS) -- make toward environmental streamlining?

**Recommendation:** Staff recommends that the Commission continue to try to synthesize a package of recommendations to federal agencies for federal environmental streamlining, from written suggestions submitted and discussion at the meeting involving Commissioners, staff, and federal agency representatives that attend the meeting.

**Federal Agency Suggestions:** The Commission wrote to all four federal agencies reiterating Vice Chairman Hallisey's request from the Commission workshop, for each agency to submit independently by April 16 its ideas for environmental streamlining. The responses build upon consideration given to environmental streamlining since the passage of TEA-21 in 1998. Letters came from FHWA, EPA, and F&WS during April 20-24; these three letters are attached, and summarized below. The Corps said its suggestions would be the same as presented at the workshop in February (where it had neither handouts nor a slide/powerpoint presentation) but it would consider putting them in a letter; to date no letter has come in, so staff has interpreted its suggestions from notes taken at the workshop.

In summary, FHWA made the following seven suggestions:

- do a detailed process analysis of the steps involved in NEPA and CEQA, to pinpoint redundancies, conflicts, and obstacles, as a first step to understand streamlining opportunities;
- use limited staff more efficiently and meaningfully, by grouping projects in a nearby area for joint analysis and review;
- set project schedules in consultation with environmental agencies, so as to build in the time those agencies will want for their reviews;
- coordinate transportation and environmental planning to expose environmental issues early;
- improve the scope, content, and communication in environmental studies, and clearer and more concise environmental documents;
- expand programmatic agreements among various federal agencies for specified tasks or types of impacts or projects; and
- expand Caltrans role in environmental work for local agency projects.

In summary, EPA made the following eleven suggestions:

- expand and improve mapping of environmental resources;
- define critical habitat areas and protect them as open space;
- build environmental protection into transportation planning, including better coordination with local general planning;
- get environmental and local agencies involved earlier, at the transportation planning stage;
- consider fully the growth implications of projects and the environmental implications of that growth;
- work with federal agencies to develop guidelines for mitigating the impacts of growth induced by transportation projects;
- give serious consideration to a broad range of project alternatives, starting through the regional transportation plan, for old controversial projects and projects near environmentally sensitive areas;
- define and use environmental performance measures during evaluation of project alternatives;
- consider transit and other VMT-reducing options more strongly for projects in non-attainment areas;
- train staffs of cities, counties and regional agencies more thoroughly about federal and state environmental requirements; and
- focus streamlining efforts on selected key, high priority projects.

In summary, F&WS made the following five suggestions:

- establish a single point of contact in each federal agency involved in environmental reviews;
- lay out priorities for state projects to guide environmental study and review priorities;
- develop regional mitigation banks for critical habitat, covering several projects;
- increase staffing levels to handle the increased workload from transportation projects; and
- begin consultation about impacts at the earliest stages of project development.

In summary, in the absence of a written response from the Corps, staff can discern four suggestions from the Corps presentation in February:

- expand nationwide and blanket permit agreements, aimed at making and holding early commitments;
- seek a least environmentally-damaging alternative as a preferred alternative whenever feasible;
- increase staffing levels or streamline procedures to match higher workloads; and
- delegate approvals insofar as possible to state and regional water resources agencies.

**Staff Observations:** Most of these suggestions focus on long term activities – planning, nationwide agreements, mapping, training – that will require major commitments of will, resources, and time to bear fruit. Only a few offer much promise of progress for the several hundred projects already in the STIP and SHOPP, already well past the planning stage, mired in a sluggish review process, a factor in \$800 million in STIP project delays each of the last two years.

This main observation in no way diminishes the value of long term actions. Staff endorses the suggestion, made by three agencies, for all federal agencies to get engaged up front, at the planning and

project study report stages. It offers the promise to cure many ills of the current reactive process, and head off the confrontations that are building between continuing growth and development and environmental quality and preservation in this state. It offers enormous streamlining potential for future projects still approaching the STIP, via up-front discussion and agreement about project purpose and environmental interactions. However, it will require a significant commitment of resources, both from the environmental agencies and the regional agencies and Caltrans that do transportation plans, for long enough to yield results; that in turn may require reassessment of how transportation planning resources are deployed. Beyond this joint planning effort lies much difficult discussion and negotiation about who will be responsible for dealing with and paying for environmental protection measures identified through the plans.

In fact, EPA's focus ranges beyond transportation to development and growth and its environmental impacts, a focus that sits at the heart of environmental challenges now facing this state, and a focus that transportation needs to consider too. However, the onus for studying, reporting, and mitigating the impacts from growth and development rests with those local agencies with authority to plan for and approve developments. Transportation may have to do a better job of describing the connection among transportation improvements and development and the resulting impacts from growth, but EPA should understand that transportation improvements rarely induce or cause growth in today's urban California, rather transportation investments react to expectations and plans for growth, and may at most change the timing of growth in one area versus another.

The limited number of ideas aimed at existing STIP and SHOPP projects is more disappointing. For these projects, the few suggestions include single points of contact in agencies, focus on selected key projects as streamlining models, grouping of related projects, more artful alternatives specifically including preference for least environmentally-damaging options, and better-scoped studies and better-written documents. F&WS's suggestion for a program manager and expeditor in each agency ought to be tried if all agencies think it offers promise in tracking and moving projects quicker. The Corps' suggestion to favor least-environmentally damaging alternatives is good advice for all federalized projects, since federal policy -- unlike CEQA -- allows mitigation only as a secondary option. A couple of these suggestions -- grouping of projects, early agreements -- will end up hollow without the cooperation of all involved federal environmental agencies, which perhaps EPA could facilitate. All of these ideas may prove useful and important; some of them are simply best practices, obviously not always followed.

Unfortunately, none of these ideas -- except possibly the idea of a single point of contact to manage and expedite reviews -- really get at the inordinate amount of time spent getting consultations arranged, reviews done, and decisions made, a major complaint from the state side. The notions that need for more staffing, undetected opportunities to combine or overlap steps, and poor quality studies and documents are the reason reviews take so long, and longer timelines would yield fewer late documents, discount the need to focus on expediting decisions on the vast majority of straightforward projects, in an arena where truly controversial and significant projects are rare and avoidance of risk (even where risk and controversy are minimal) seems to have higher value than expedited delivery of improvements to the taxpaying public.

Agencies should beware ideas that would help some projects at the expense of others, an undesirable consequence; grouping of projects may be one such idea, depending on whether it plays to the shortest or longest schedule. In a state as big as California the Commission cannot set relative priorities from one part of the state to another; in addition, with timely delivery as big as a concern as it is, as a practical matter any project that can find its way through and out of the environmental review process gains priority. With \$1.5 billion in unspent funds and record levels of urban congestion, the Commission needs to find ways to get far more projects through the process, not ration those going through to only the highest priority ones.

Finally, the Corps' suggestion to delegate approvals to state and regional agencies seems to match the Commission's preferred strategy for streamlining, since presumably the state can exert more leverage to gain cooperation and streamlining over state and regional agencies than federal ones. In practice, however, the expected ability to expedite decisions has not yet widely materialized.

Attachments (3)



U.S. DEPARTMENT OF TRANSPORTATION  
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April 20, 2001

REC'D BY CTC

APR 23 2001

IN REPLY REFER TO  
HDA-CA  
Document #: S35143

California Transportation Commission  
1120 N Street, MS-52  
P.O. Box 942873  
Sacramento, CA 94273-0001

Dear: Roger A. Kozberg

**SUBJ: SUGGESTION FOR STREAMLINING THE ENVIRONMENTAL PROCESS**

Thank you for the opportunity to provide suggestions for streamlining the environmental process and expediting project approvals. Delivery of transportation projects is one of our basic functions, which we take very seriously. We are continually looking for ways to improve the delivery of these projects. In the spirit of your request, we have compiled a list of suggestions without trying to align them with formal policies from FHWA or any of the other agencies. Unfortunately, we have not identified any "quick fixes" that would meet the needs of all agencies and immediately accelerate all projects.

As you know, projects must pass scrutiny under a complex set of Federal and State laws and regulations, each with their own set of requirements and procedures. When looking at these requirements individually they may appear straightforward, but when they are put together the result is a complex set of overlapping steps that may range from confusing to conflicting. While your request addressed the "federal environmental process", we believe that any suggested improvements must consider the whole range of State and Federal environmental and programming requirements.

One of the first things we believe could be of help would be to do a full process analysis of the combined NEPA/CEQA process. Presently each agency knows its own processes and interacts with the processes of other agencies. A process analysis encompassing the processes of all agencies from the earliest steps in programming to completion of project design may be an opportunity to identify any redundancies, conflicts, and obstacles that have been created by simply adding everyone's processes together. Any steps in the process that are not required specifically by statute of regulation could be subject to modification to make a single overall process that is more efficient.

One of the things we hear very often is that resources from all agencies are limited, and often staff is not available at the times when it would be most beneficial for them to participate in the project activities. It would help to explore ways that would get these staffs more meaningfully engaged in ways that are more efficient for them. One example is to place more emphasis on getting their input on localized groupings of projects rather than expect everyone to meet the timeframes established through critical path scheduling that is done for individual projects. While this could result in some projects being delivered in less than their "critical path" time, we believe this could improve the average time for all projects.

A related suggestion is to simply consider the needs of the other participating agencies in setting project schedules, and keep them better informed of those schedules to help them better manage their participation.

We also believe that better coordination between the transportation planning process and the consideration of the environmental resources could accelerate project delivery. If critical resources are adequately identified, analyzed, and considered at the planning level with the assistance and concurrence of the environmental resource agencies, the resulting transportation decisions should be more acceptable to those agencies. The information generated at the planning level could expedite the preparation of environmental documents for projects, and reduce disagreements and the resulting delays.

Quality of environmental documentation continues to be an issue in California. Good quality has a broad definition: Assuring that the right studies are conducted, that they are conducted properly, and that the documentation presented is complete and concise. A more thorough job of scoping the kinds of studies that must be done on projects should reduce surprises late in the environmental process. Setting schedules that better consider the needs of all the participants, including resource agency staff, would make the completion times more predictable. And, as was mentioned in the CTC annual report, concise and well-written documents can be reviewed by the various staffs more quickly than verbose documents. When there is a legitimate project delay, the root cause should be identified and actions taken to avoid similar delays on future projects.

Programmatic agreements among the various parties are also valuable tools for reducing the time that it takes for obtaining clearances for individual projects. We have experience with a few of these agreements, and believe that more should be considered where there are fairly routine permitting and mitigation for activities.

Finally, we are aware that the project delivery problems extend to the local agencies that receive suballocated Federal funds. Local agencies, especially those who do not have many Federal projects, are often overwhelmed and confused by the number of processes and requirements that they see must be followed. We believe that one way to address this would be for Caltrans to take a more direct role in obtaining their environmental approvals, possibly even doing the environmental work for these agencies. The consistency from more resource agency interaction with fewer transportation agency staff

could build better working relationships and improve trust, resulting in faster service for both Caltrans and Local Agency projects.

In closing, we want to assure you that this issue is of utmost importance to us locally and nationally, and that we will continue to work with all of the involved agencies in effort to streamline the delivery of transportation projects.

Sincerely,



For  
Michael G. Ritchie  
Division Administrator

cc:  
Caltrans



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

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REC'D BY CTC

APR 23 2001

APR 19 2001

Roger Kozberg, Chairman  
California Transportation Commission  
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P.O. Box 942873  
Sacramento, CA 94273-0001

Dear Mr. Kozberg:

Thank you for your letter of March 27, 2001 inviting the Environmental Protection Agency (EPA) to give a presentation on our views and responsibilities regarding transportation streamlining. We look forward to this opportunity to share our perspective and experience with you.

We are writing now in response to Commission Vice-Chairman Jerry Hallisey's request for our recommendations for improving the streamlining process. EPA appreciates the California Transportation Commission's interest in streamlining. We too are interested in finding more efficient and environmentally sound ways to implement transportation projects. We strongly believe that transportation improvements and environmental protection can go hand-in-hand.

Our experience has been that streamlining does not happen immediately but is a gradual process that requires both improved interagency coordination and programmatic change. To set the context for our recommendations, we have outlined our agency's mission and our primary concerns related to the environmental impacts and alternatives analysis for transportation projects. Our recommendations for streamlining follow.

**EPA's Mission**

*Protect human health and the environment.*

**EPA Concerns: Environmental Impacts**

Transportation projects have direct, indirect, and cumulative environmental impacts. EPA's primary roles in the environmental assessment process are 1) to ensure that environmental impacts are thoroughly analyzed and disclosed to the public and decision-makers and 2) that projects first avoid and minimize, then mitigate for environmental impacts. The transportation-related environmental impacts of chief concern to EPA are:

*Direct impacts:*

- habitat loss and fragmentation
- impacts to wetlands and riparian systems
- increase in polluted stormwater runoff
- degradation of air quality
- impacts to low-income, minority, and tribal communities

*Indirect impacts:*

- induced travel demand leading to increased vehicle miles traveled (VMT), which results in degradation of air quality, increase in greenhouse gas emissions, and global climate change
- growth inducing changes in land use patterns that lead to low-density, sprawl development, which results in ecosystem impacts and species loss

*Cumulative impacts:*

- region-wide and ecosystem impacts that are cumulative over time, such as the cumulative loss of wetlands due to the construction of transportation projects and associated development

**EPA's Concerns: Alternatives Analysis**

The National Environmental Policy Act (NEPA) requires that "all reasonable alternatives" be rigorously explored and objectively evaluated. Based on our experience, we believe a broader range of viable alternatives needs to be considered to address transportation problems. We understand that the real opportunity to consider a wide range of alternatives occurs at the Metropolitan Planning Organization (MPO) or Regional Transportation Planning Agency (RTPA) level during the development of the Regional Transportation Plan (RTP). EPA is concerned that by the time we review documents at the Environmental Impact Statement stage, reasonable alternatives with potentially less environmentally damaging alternatives have already been eliminated from further analysis. Problems that we encounter are:

- Projects that have been on the books for several decades. The alternatives analysis for these projects do not seem to consider that entirely new solutions might be appropriate given land use and environmental changes that have occurred since the project was first conceived. We understand that historically planned projects have a momentum of their own, but we also feel that the identification and analysis of reasonable alternatives should reflect the current context, and that those projects should not be held as a constant when other conditions have changed over long periods of time.
- New projects in environmentally sensitive and ecologically intact areas. Given the tremendous growth pressure in California, EPA is particularly concerned with protecting environmentally sensitive and ecologically intact areas. These areas contribute significantly to our quality of life, in its broadest sense, and they are becoming more and

more threatened. EPA would like to ensure that these areas receive special attention and that a broad range of alternatives is considered to protect the environmental integrity of these areas.

- Demand management. The majority of alternatives that EPA sees are construction alternatives. Because we are concerned with the direct, indirect, and cumulative impacts of new construction, EPA would like to see more consideration given to alternatives that maximize existing infrastructure and incorporate travel demand management. Since demand management is less costly than new construction, this approach also has the benefit of stretching limited transportation dollars.
- Transit. Because EPA is responsible for protecting air quality, we strongly encourage alternatives that reduce VMT. Thus, we are also interested in seeing more transit alternatives considered. This is particularly true in larger communities that are able to support transit and in areas that do not meet federal air quality standards for carbon monoxide, particulates, ozone, and other criteria pollutants.

### **Recommendations**

Outlined below are our recommendations for minimizing the environmental impacts of transportation projects, improving alternatives analyses, and increasing interagency coordination.

### ***Environmental Impacts***

Resource Mapping and Protection. To protect sensitive environmental resources and to consider them in transportation planning, we need to know where these resources are, and we need mechanisms for large scale protection.

- ▶ *Recommendation:* Support statewide and regional level environmental resource mapping specifically for land use and transportation planning efforts.
- ▶ *Recommendation:* Support the development of Habitat Conservation Plans and Multiple Species Conservation Plans, as well as the acquisition of easements and open space areas by public and non-profit entities. These plans and open space set asides would help provide greater certainty, and environmental protection, in transportation planning.

RTP Planning. We understand that one of the purposes of the RTP is to involve “public, federal, State and local agencies, as well as local elected officials, early in the transportation planning process so as to include them in discussions and decisions on the social, economic, air quality and environmental issues related to transportation,” and that one of the elements of an RTP is a “reference to regional environmental issues and air quality documentation needs.” EPA would like to stress the importance of these components of the RTP in environmental protection and streamlining. We feel that these elements of the RTP need to be strengthened to the greatest extent possible. We know that a few MPOs have taken strides in this area. We would like to see

all MPOs and RTPAs include a strong environmental element in their RTP. This will greatly facilitate environmental streamlining at the federal review level.

- ▶ **Recommendation:** Strengthen the environmental planning process in RTP development by encouraging stronger coordination between cities and counties and MPOs or RTPAs on environmental issues.
- ▶ **Recommendation:** Encourage MPOs and RTPAs to prioritize early involvement of public, federal, State, local agencies, and local elected officials, in the transportation planning process.

Cumulative Impacts and Induced Growth. One of EPA's greatest concerns is the cumulative environmental impacts of induced low-density development. EPA is also concerned with finding equitable ways to mitigate for these impacts.

- ▶ **Recommendation:** Fully consider and analyze the growth inducing potential of proposed projects and the environmental impacts of that growth. This consideration and analysis should occur early in the transportation planning process, such as at the RTP planning phase. This information should be made open to the public and decision-makers and needs to be addressed in NEPA documents.
- ▶ **Recommendation:** Work with FHWA, EPA, and the other resource agencies to develop guidelines for mitigating the environmental impacts of induced growth.

### ***Alternatives Analysis***

Generally, EPA would like to see a broader range of alternatives considered early in the RTP planning phase. Specifically, we are interested in the development of project alternatives that maximize existing infrastructure, avoid sensitive resources, minimize the likelihood of induced growth, and reduce VMT.

- ▶ **Recommendation:** Especially for projects that have been on the books for many years and for projects that have the potential to fragment ecosystems and impact environmentally sensitive areas, ensure that a broad range of alternatives are considered. Whenever feasible, these alternatives should include a transit alternative and a demand management alternative.
- ▶ **Recommendation:** Develop Performance Measures and apply them to alternatives development and selection. For example, the Metropolitan Transportation Commission in the San Francisco Bay Area is currently developing Performance Measures that include measures for community, equity, environment, transportation, and accessibility. Encourage other MPOs and RTPAs to develop and apply similar performance measures.

- ▶ **Recommendation:** In areas of the State that do not meet federal air quality standards for carbon monoxide, particulates, ozone and other criteria pollutants, ensure that a transit alternative and other options to reduce VMT are thoroughly considered.

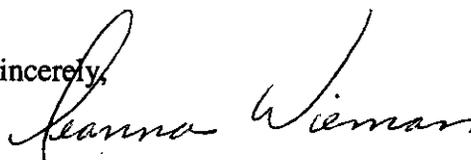
### ***Interagency Coordination***

Great strides have already been made in improving interagency coordination. Using the EPA/FHWA/Caltrans Partnership as a framework, the three agencies have made a strong commitment to work together to meet each other's needs and address each other's concerns. This joint commitment has resulted in Caltrans funding two EPA NEPA reviewer positions, modifications to the NEPA/404 MOU, sharing of training opportunities, regular interagency meetings, and pilot projects. In addition to these activities, we recommend:

- ▶ **Recommendation:** Improve interagency education and awareness by providing training opportunities to cities, counties, MPOs, and RTPAs on State and federal environmental regulations and processes and vice versa.
- ▶ **Recommendation:** Focus immediate streamlining efforts on priority projects, such as major transportation safety projects, large regional and inter-regional projects, and projects with potentially significant environmental impacts.

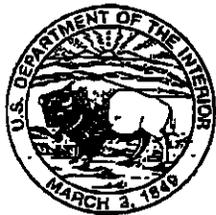
Thank you again for this opportunity to express our thoughts and ideas. We look forward to meeting you on May 3, during the next California Transportation Committee meeting. If you have any questions, please feel free to contact me or Nova Blazej, who serves as the Transportation Coordinator in the Federal Activities Office. Ms. Blazej can be reached at 415-744-2089 or [blazej.nova@epa.gov](mailto:blazej.nova@epa.gov).

Sincerely,



Deanna Wieman, Deputy Director  
Cross Media Division

cc: Pete Hathaway, CTC



## United States Department of the Interior

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APR 29 2001

Mr. Roger A. Kozberg  
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Dear Mr. Kozberg:

I valued our discussions during the environmental streamlining workshop in February and look forward to continued improvement on our environmental review process. As requested, the Fish and Wildlife Service has developed several suggestions on improving our environmental review process while maintaining environmental protection and integrity. Our recommendations include:

- A single point of contact within each of the Federal agencies offices involved in reviewing proposals.
- A master list of California Transportation Commission projects ranked in order of priority that can be referred to by all stakeholders.
- Development of regional mitigation banks that cover several combined projects.
- Provided support from the transportation agencies for Service staff to review transportation projects exclusively.
- Informal consultation with the Service and other agencies at the earliest stages of project development.

I appreciate the opportunity to assist with streamlining our review process and look forward to our next discussion.

Sincerely,



Manager