23 USC 139 Efficient Environmental Review Process

Note: This process may be referred to as the Section 6002 Efficient Environmental Review Process in other documents/guidance

Will project be an EIS with NOI after August 10, 2005?

Yes

Initiate environmental review process by notifying Secretary (FHWA or Caltrans, as assigned) of type of work, termini, length, and general location of project

No

Elect to use 23 USC 139 process for project with FHWA (or Caltrans, as assigned) buy-in?

Yes

No

Use existing project development process

EIS projects with an NOI before Aug. 10, 2005 or EA projects can utilize the 23 USC 139 process as the discretion of the Secretary (FHWA)

Determine appropriate participating agencies. Participating agency is any federal or non-federal agency that may have an interest in the project.

Invite and designate participating agencies and cooperating agencies. Lead agency sets deadline for response (30 days).

Participating agency accepts or declines by deadline.

If federal agency, then must decline in writing by stating: 1) agency has no jurisdiction or authority, 2) agency has no expertise or information relevant to project, and 3) agency does not intend to comment. (Option to use issue resolution if needed).

See Chapter 32 for next step.

Schedule should take into account responsibilities of participating agencies, resources available to cooperating agencies, size and complexity of project, sensitivity of resources, etc. If schedule is included, then each participating agency must concur with it. Any modifications must be provided to project sponsor, state DOT, and public.