Planning and NEPA for Freight and Passenger Rail Projects

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A New Approach to Project Development and NEPA

- Getting projects ready for implementation
  - Faster
  - More efficiently
  - More successfully
  - Less confusion

- Substance stays the same – but refined sequencing/process
Project Lifecycle – Systems Planning to Project Implementation

**SYSTEMS PLANNING**
- Regional Rail Plans
- State Rail Plans

**PROJECT DEVELOPMENT/NEPA**
- Service Planning
- Preliminary Engineering
- Environmental Analysis
- Alternatives Analysis

**PROJECT IMPLEMENTATION**
- Final Design
- Construction
Existing Process – PRIIA to Present

- Tied to $8B in ARRA funding appropriated for project development and delivery
  - Focus on application requirements
  - Focus on eligibility
  - Focus on immediate-term pipeline
- All project development occurring during NEPA or after
- All Alternatives Analysis during NEPA
- Wide use of tiering NEPA documents
- Focus on Service Development Plan

PRIIA, passed in 2008

ARRA, passed in 2009
Existing Process – PRIIA to Present

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Project Identification → Begin NEPA Process → NEPA Decision → Application
Existing Process – PRIIA to Present

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Project Identification
Begin NEPA Process
Tier 1 NEPA Decision
Application
Begin Tier 2 NEPA Process
Tier 2 NEPA Decision

U.S. Department of Transportation
Federal Railroad Administration
Lessons from Existing Process

- Vaguely defined projects at start of NEPA
- NEPA timeline extended due to project development work
- Development/screening of alternatives rushed
- Grant-funded projects faced challenges
  - Projects implemented with Tier 1 NEPA documents
  - Planning projects for Tier 1 NEPA/SDP
- Inefficiencies of concurrent NEPA and project development
New Policy Priorities – Environmental Streamlining and One Federal Decision

- MAP-21 (2012)
  - FEIS/ROD, Preferred Alternative in DEIS, (Sec. 1319)
- FAST Act (2015)
  - Streamlining Sec. 11503
- One Federal Decision (OFD) (2017) - E.O. 13807
  - 2-Year timeline for EIS
  - Early agency coordination
  - Mandated for “Major Infrastructure Projects”
  - OFD principles advised for other projects
Improved Process for Project Development/NEPA

• Enter into NEPA with a better-defined project
  • Strong preliminary Purpose and Need
  • Preliminary range of reasonable alternatives

• Deemphasizing tiering except for most complex projects

• Alternatives defined down to design option level prior to starting NEPA

• Undertake all pre-NEPA work consistent with NEPA principles and requirements

• Completion of this “Pre-NEPA” project development represents the new “tangible early milestone”
Improved Process for Project Development/NEPA

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Timeline:
- Project Identification
- Begin Tier 1 NEPA Process
- Begin Tier 1 NEPA Decision
- Application
- Begin Tier 2 NEPA Process
- Tier 2 NEPA Decision
Improved Process for Project Development/NEPA

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Project Identification
Begin NEPA Process
NEPA Decision
Application
**Benefits of Improved Process**

- Allows NEPA to focus on NEPA – not on basic project development
- Allows NEPA to be completed more quickly
  - Less basic project development work holding up the process
  - Caveat: Pre-NEPA project development and Alternatives Analysis needs to be examined during NEPA scoping
- More clarity about project for public and agencies at start of NEPA
- Less tiering means less risk
- More efficient use of resources
Challenges to Improved Process

- How to fund pre-NEPA Project Development
- Need for early coordination
  - FRA
  - Other Agencies
- Less use of tiering means more work needed before “green light”
- Communicating about improved process
Consistency with other USDOT processes

• FHWA – Planning-Environmental Linkages (PEL)
  • Started from too little Planning/NEPA integration
  • Aims to make project planning/project development work usable in NEPA
  • Arrived at similar solution to FRA

• FTA – “Project Development Phase”
  • Still looking for some project development prior to NEPA, despite elimination of Alternatives Analysis phase
  • FRA still not going so far as allowing pre-NEPA identification of preferred alternative
Other Environmental Streamlining Activities

- MAP-21
  - NEPA Assignment (Sec. 1313)
  - FRA can use FHWA/FTA CEs (Sec. 1314)

- FAST Act (11503)
  - 23 CFR 771
    - 1999 FRA Procedures
  - New CEs
  - Section 106
    - Program comment
    - “Property-based approach”
