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Environment

NEPA Regulatory Framework and Process

Public Involvement

www.fhwa.dot.gov/federal-aidessentials

NEPA requires agencies to seek input from stakeholders and the public throughout the project



The National Environmental Policy Act, also known as NEPA, is an environmental law that established the decision-making process agencies must follow prior to the design and construction of transportation projects that use Federal funding or require Federal approval.

Following the right process—or class of action — is important and is determined by the significance of the impacts your project is likely to have on the human and natural environment.

The significance of the project's impacts, not its size or cost, determines the project's appropriate class of action and helps you identify the requirements for other essential elements, such as documentation, agency coordination, public involvement, and environmental commitments.



NEPA requires you to engage the public early on and throughout the project. This effort will help you locate your project's stakeholders— those who might be interested in or affected by your project— and allow them to offer input into project decisions before they are made.

Here we'll explore some effective techniques for identifying and engaging project stakeholders; we'll also discover that there is no one-size-fits-all approach.

The success of your public involvement effort depends on the amount of interest the public develops in your project.

Your first step is to identify the project's stakeholders. Be as inclusive as possible. Consider residents and businesses, governmental and non-governmental organizations, and especially those who may be historically under-represented in decision-making processes.

It's important that you find the most effective way to take your message to possible stakeholders rather than waiting for them to come to you. The more you know about them and their needs, the more successful you'll be at finding and engaging them.



For example, are your stakeholders likely to attend a public meeting, read a flyer, or join a committee group? Are they likely to access a project Web site or call a project phone line? The public involvement tools and techniques you use will provide answers to those questions and more.

As you begin to engage your stakeholders, clearly inform them about the project, its alternatives, and the decisions you plan to make. Let them know how they can participate in any decisions affecting them—including how their comments will be gathered and considered.

Throughout the process, document all of your public involvement efforts—such as how the public was identified and engaged in the project, as well as the steps taken to incorporate their concerns and respond to their needs.

To illustrate, let's look at two routine road resurfacing projects running through a business district.

In our first project, the project manager visits the business district and talks with business owners, their customers, and anyone else who appears to be interested in the project. Everyone she meets is pleased that the road will be resurfaced soon. She also learns that customers rely heavily on the on-street parking to access the street's businesses. Eliminating it, even for one day, would seriously hurt sales for all the businesses.

To satisfy the concerns of the business owners, she coordinates resurfacing of the westbound lane to take place during the first week of work and the eastbound lane during the second week. In this way, she is able to maintain parking on one side of the street at all times.

The project manager summarizes the outreach efforts and actions taken to satisfy the needs of the business owners in a note that is attached to the NEPA document.



Our second project starts off looking very much the same as the first, with members of the team driving through the district and talking to stakeholders. But because the area businesses and customers are predominately Hispanic, the team also includes a Spanish-speaking colleague.

They observe a lot of vehicle traffic and pedestrians on the street. Discussions with the business owners and their customers reveal that pedestrian access is vital to most businesses, and public parking is vital for a few.

The next day, the project manager calls the city's Chamber of Commerce and its Hispanic Chamber of Commerce. The Hispanic Chamber informs her that the current timeline of construction will conflict with the Cinco de Mayo Day parade.

To determine if anyone else might be impacted by the project, the project team creates a bilingual flyer of relevant information, complete with a project phone number. The flyers are posted in the windows of the businesses and planned to be distributed at the parade.

A resulting call from a member of the community notifies the team of an arts and craft show scheduled for the week after the parade.

To address the concerns of the stakeholders, the project is designed to ensure access to the businesses during construction and the start of construction is delayed until after the parade and craft show.

In an attachment to the NEPA document, the project manager includes a copy of the flyer and summarizes the actions taken to engage, inform and suitably address the concerns of the project's stakeholders.

As we have just seen, there is no one-size-fits-all approach for reaching and engaging project stakeholders. Each project must be examined for its unique public impact and resulting requirements.



The public involvement requirements in both environmental assessments and environmental impact statements, for example, are more formal than what we've just seen and can include the requirement to hold a public hearing.

Compliance with other environmental laws, such as acquiring a Section 404 permit for wetland impacts, may also require a public hearing..



In all cases, it's important to use techniques that will ensure your project's public involvement is as inclusive as possible. Your project and its stakeholders will benefit from identification of public concerns and the efforts you make to address them. Your endeavors will also help to build important public trust.

Your State DOT and local FHWA office can help you develop an effective public involvement program for your project. Contact them for advice on getting started or with any questions you may have along the way.

Web Resources

- FHWA's Office of Environment Web site provides links to specific environmental topics
<http://www.fhwa.dot.gov/environment/index.htm>
- Overview of FHWA's public involvement requirements
<http://environment.fhwa.dot.gov/projdev/tdmpubinv2.asp>
- Overview of FHWA's environmental justice requirements
http://www.fhwa.dot.gov/environment/environmental_justice/
- Online resources regarding community impact assessments
<http://www.ciatrans.net/>

The content of this document is not a substitute for information obtained from State departments of transportation, appropriate FHWA Division Offices, and applicable laws. Scenarios have been simplified for emphasis and do not necessarily reflect the actual range of requirements applicable to the scenario or this topic. This document was created under contract number DTFH61-11-D-00025 by the Federal Highway Administration, U.S. Department of Transportation, and is offered to the public to heighten and focus awareness of Federal-aid requirements within the local public agencies community and reinforces the importance of these necessary policies, procedures, and practices.

This companion resource is the script content for the video production of the same name.