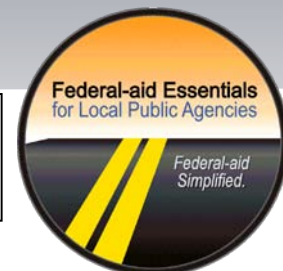


Check out
the video

Environment NEPA Regulatory Framework and Process Mitigation of Environmental Impacts and Environmental Commitment Compliance

www.fhwa.dot.gov/federal-aidessentials



Environmental mitigation on your environmental commitments are essential requirements of the National Environmental Policy Act

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.



Mitigation and follow-through on commitments is the efforts your agency takes to avoid or minimize the environmental impacts resulting from your project. A typical example is the addition of landscaping to minimize the visual impact of a roadway.

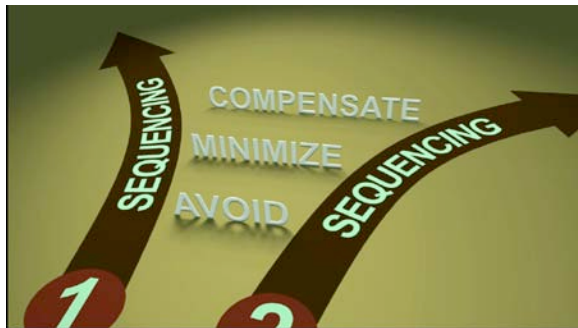
On Federal-aid projects, mitigation efforts that are determined appropriate and reasonable by the Federal Highway Administration (FHWA) are eligible for Federal funding.



Let's look at a project's possible mitigation efforts from start to finish.

The consideration and development of mitigation strategies begins at the onset of the project development process. Initial mitigation efforts flow from the evaluation of project alternatives and are refined throughout the course of the project.

NEPA requires an ordered approach to mitigation called sequencing. Using this approach, project sponsors first consider ways to avoid environmental impacts. If this isn't possible, they attempt to minimize or lessen the impacts. Lastly, project sponsors must consider how to compensate for any unavoidable impacts.



Whether avoiding, minimizing or compensating for impacts, it's critical to recognize that project sponsors are legally required to follow through on all commitments they make. Consequently, care must be given to track the completion of commitments throughout the design and construction process.

To illustrate how a project sponsor might consider mitigation and the follow-through of commitments, let's look at a project that proposes adding turn lanes to an existing intersection in order to reduce congestion and improve safety.

In addition to the required no-build alternative, two other build alternatives are considered. The first alternative would widen the road to the west of the intersection, and the second would widen the road to the east of the intersection.



While evaluating the first alternative, the project manager discovers she can't avoid impacting a gas station that is in close proximity to the intersection. She considers narrowing the lane widths to minimize the impact, but the gas station would still be displaced. Compensation for acquiring the gas station would be processed using the Uniform Act right-of-way acquisition procedures for Federal projects.

While evaluating the second alternative, the project manager discovers she can't avoid impact to the property of a local school. But because the school is on a hill, she can minimize the impact by steepening the slope and reducing the amount of property the project needs. Even with this design modification, the project will still impact the fence that surrounds the school.

The project team discusses this alternative with school officials and commits to a replacement fence and new landscaping to compensate for impacting the school.

The second alternative with its identified commitments is included in the NEPA documentation as the preferred alternative.



After its approval and during the design phase, the commitments are noted on the construction plans. Highlighting them in this way helps ensure that the commitments made to the school will be implemented. This is critical since the project sponsor, the State DOT, and the FHWA are jointly responsible for ensuring that any environmental commitments get implemented.

Your State department of transportation, or State DOT, has considerable knowledge and expertise in all areas of NEPA compliance. The State DOT can help you consider mitigation strategies to avoid, minimize, and compensate for environmental impacts. It may also have checklists, computer programs or other resources to help you track commitments through construction.



The FHWA is the final authority when determining whether a project's mitigation efforts are appropriate, reasonable, and thereby eligible for Federal reimbursement. It also conducts periodic reviews to ensure that project sponsors fulfill their environmental commitments. Therefore, it's essential that you engage the State DOT and, when appropriate, the FHWA, early and throughout your project's entire process.

Web Resources

- FHWA's Office of Planning, Environment & Realty Web site provides links to specific environmental topics
<http://www.fhwa.dot.gov/environment/index.htm>
- FHWA overview of mitigation requirements for transportation projects
<http://environment.fhwa.dot.gov/projdev/tdmmitig2.asp>
- FHWA report on innovative approaches and successful environmental practices
<http://www.environment.fhwa.dot.gov/strmlng/domScanRpt/index.asp>

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.