Planning & Environment Linkages (PEL)

AMPO Planning Tools & Training Symposium

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Background of PEL

Weaving Together Integrated Planning and NEPA
What is PEL?

- Planning and Environment Linkages (PEL) represents a collaborative and integrated approach to transportation decision-making that
  1) considers environmental, community, and economic goals early in the transportation planning process, and
  2) uses the information, analysis, and products developed during planning to inform the environmental review process.

www.environment.fhwa.dot.gov/integ/index.asp
PEL Timeline

1970 - National Environmental Policy Act establishes nation’s commitment to the environment

- 1978 – Council on Environmental Quality issues NEPA implementing procedures that encourage “adoption” and “incorporation by reference” of planning work

2005: SAFETEA-LU requires increased consideration of environment in statewide and metropolitan planning

- 2005: FHWA and FTA issue guidance encouraging stronger linkages between transportation planning and NEPA processes
- 2007: FHWA and FTA issue final transportation regulations “Transportation Planning Studies and Project Development” 23 CFR 450.212 and 450.318, and PEL Guidance in Appendix A

2005 – 2008: National Highway Institute (NHI) Linking Planning and NEPA Workshops

2011: FHWA promotes PEL through Every Day Counts, PEL Questionnaire, and Guidance on Using Corridor and Subarea Planning to Inform NEPA

2012: MAP-21 adds new authority for carrying out PEL in 23 U.S.C 168

2015: FAST Act amends 23 U.S.C 168 and adds new PEL authority to 23 U.S.C. 139

- 2016: FHWA and FTA issue joint final rule for 23 CFR 450 and PEL Q&A
- 2016: FHWA issues PEL Q&A
Planning to Inform NEPA

Transportation planning often does not incorporate environmental factors.

Environmental agencies have little understanding of or influence on transportation plan or programs.

Planning decisions are often revisited under NEPA, and environmental reviews often are conducted without knowledge of prior planning studies and activities.

Public and elected officials become impatient, confused, or frustrated over apparent revisiting of previous decisions.

Environmental issues are considered early in the transportation planning process.

Environmental, regulatory, and resource agencies are involved early and continuously in the planning process.

Planning decisions are documented in a format that can be used (adopted, or incorporated by reference) in NEPA.

Planning information that will be used in NEPA will be identified and communicated to agencies and the public.
Benefits of PEL

Common Benefits:

- Accelerate Project Delivery
- Reduce Duplication
- Assisting the Environmental Review Process
- Documentation
- Cost and Time Savings
- Holistic and Flexible Approach
- Enhanced Community Involvement
- Improved Relationships and Coordination
PEL Statutes, Regulations & Guidance support Accelerating Project Delivery
Transportation Planning Process

23 U.S.C. Parts 134 and 135:

• Resource agency consultation
  ➢ State conservation plans or maps
  ➢ Inventories of natural or historic resources
  ➢ Consultation with resource and regulatory agency

• Potential environmental mitigation
  ➢ Carry out potential environmental mitigation activities
  ➢ Consultation with Federal, State, and tribal wildlife, land management, and regulatory agencies
  ➢ 23 U.S.C. 169: Development of programmatic mitigation plans
PEL in Planning
Statute, Regulation and Guidance

- Integration of planning and environmental review
  - 23 U.S.C. 168

- Transportation Planning Studies and Project Development
  - 23 CFR 450.212 and 450.318; 49 CFR Part 613

- 23 CFR Part 450 Appendix A Guidance; 49 CFR Part 613

- 2005 Legal Guidance on Integration of Planning and NEPA Processes

- Guidance on Using Corridor And Subarea Planning To Inform NEPA (April 5, 2011)
PEL in Environment
Statute, Regulation and Guidance

• Council on Environmental Quality (CEQ) NEPA regulations at 40 CFR Parts 1500-1508

• 23 U.S.C. 139(f)(3) Purpose and Need

• 23 U.S.C. 139 (f)(4)(E) Alternatives Analysis

• 23 CFR 771.111 Early coordination, public involvement, and project development
What about programmatic mitigation planning?

Programmatic mitigation supports PEL by identifying mitigation early in planning:

- Flexible
- Resources
- Scale

May be adopted into planning

Programmatic Mitigation

Development of programmatic mitigation plans

23 U.S.C. 169
23 CFR 450.214 & 320
PEL versus NEPA

- PL and SPR funding
  - Transportation planning activities undertaken as part of planning process prior to the initiation of NEPA are eligible for PL and SPR funding.
  - Once the NEPA process has been initiated, activities undertaken for a project are not eligible for PL or SPR funds.
Planning Products

*a decision, analysis, study, or other documented information*
Examples of Planning Analyses

- Travel demand
- Growth and development
- Land use
- Population
- Employment
- Natural environment
- Built environment
- Environmental resources
- Environmentally sensitive areas
- Environmental effects
- Resources of concern
- Potential direct, indirect and cumulative effects
- Mitigation, and/or
- Programmatic Mitigation

Examples of Decisions

- Financial measures necessary to implement a project
- Travel corridor
- Modal choice
- Purpose and need
- Preliminary screening of alternatives
- The environmental setting
- Methodologies for analysis
- Programmatic level mitigation for potential impacts of a project
- Measures to avoid, minimize and mitigate impacts at a national or regional scale of a proposed transportation program
- Potential mitigation activities
Is Purpose & need or elimination of unreasonable alternatives a ‘Planning Product?’

- Yes, it can be accomplished during planning.
- If it’s –
  - public
  - includes resource agencies,
  - meets the conditions
PEL Approaches

General Considerations

Conditions

One Federal Decision
General Considerations

• Cooperative Relationships
• Publicly Available
• Rational Basis
• Reliable Data
• Reasonable Methodologies
• Sufficient documentation
• FHWA Division or FTA Region Office engagement
General Considerations

• Public Involvement
• Resource Agency Coordination
• Analysis and Decision Tools
• Documentation
One Federal Decision

Goals of E.O. 13807

• Develop infrastructure in an environmentally sensitive manner
• NOI to ROD: average of 2 years
• All other Federal authorization decisions within 90 days of ROD
Minnesota PEL Initiatives
Risk Identification & Response

• FHWA MN / MnDOT joint risk determination

• PELs key to efficient project implementation and cost effectiveness

• Risk Responses / Mitigation Strategies

• Disclaimer: nothing finalized
FHWA MN / MnDOT PEL Guidance

- Where does PEL fit in the MnDOT “Family of Plans”?
- Is PEL appropriate for this situation?
- Identify best practices from pilot studies (Highway 65)
PEL Questionnaire & Checklist

- **Questionnaire:**
  - Planners – before and after planning study
  - Provides guidance detail needed for NEPA

- **Checklist**
  - Environmental Staff – after planning study, prior to NEPA
  - Identifies what has been evaluated & what is missing
FHWA MN Concurrence Points (Pre-NEPA)

- Consultant Scope of Work
- Purpose & Need and Evaluation Criteria
- Preliminary Range of Alternatives
- Alternatives Moving Forward into NEPA
- Final Report

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NEPA
PEL Project Identification

- Project Identification In Progress
- Rolling Limit?
- PEL Study Timing
  - When to screen - maximizing a limited lifespan
  - Risk involved
  - Years 7/8 in CHIP?
- Pilot projects (Highway 65)
Highway 65 PEL Pilot Study
Hwy 65 Pilot Project

- Test PEL process on a corridor (study underway)
- Adapt existing MnDOT corridor planning process
- Use concurrence points
- Enhanced documentation of decision-making process
Hwy 65 Corridor Background

- 7-mile corridor in the northcentral part of the Twin Cities
- Developing & congested corridor with local & regional use
- State signalized principal arterial
- 4 & 6-lane sections
- No project currently funded
Hwy 65 Study Process

Review of Previous Plans

Existing Conditions

Purpose and Need

Public Input

Level 1 Purpose and Need Screening
- Corridor Segments
- Alternative Elements (mainline, intersection, bike/ped, technology)
- Yes/No Criteria (P&N)

Level 2 Preliminary Screening
- Corridor Segments
- Combine Alternative Elements (mainline, intersection, bike/ped, technology)
- Qualitative Criteria; include goals

Level 3 Test Alternatives
- Quantitative Criteria; include goals
- Obtain public input
Hwy 65 PEL Results

Corridor Level

- Public and local governments feedback
- Environmental impacts considered
- Refined corridor alternatives
- Group of projects or strategies to satisfy the corridor needs

Process Level

- Lessons learned
- Right or wrong - timing or corridor use of PEL
- Concurrence points updated
- Scope of work example
MPO Relevancy

PEL Opportunities
MPO RELEVANCY

PEL Opportunities
PEL & MPO role

- Identify corridors using data or Congestion Management Process
- Coordinate state & local studies
- Integrate PEL into planning processes
- Manage & fund studies
- Map transportation needs & environmental resources for the region
PEL Resources

Statute are searchable at
• http://uscode.house.gov/

Regulation are searchable at
• https://www.fhwa.dot.gov/pgc/

PEL Website: Reports
https://www.environment.fhwa.dot.gov/integ/publications.asp
• PEL Benefits Report
• PEL and Corridor Planning Report

PEL Website: Case Studies/Effective Practices
https://www.environment.fhwa.dot.gov/integ/practices.asp

PEL Q&A
http://www.fhwa.dot.gov/hep/guidance/pel/pelfaq16nov.cfm

FTA Standard Operating Procedures for Environmental Reviews,
Planning and Environment Linkages Guidebook (under development)

PEL Guidebook describes:
(a) the transportation planning and NEPA processes;
(b) the evolution of PEL over time and where it stands today; and
(c) how to link planning and environment through examples of approaches and products.
NHI Planning and Environment Linkages (under development)

Course Topics
• Accelerated project delivery
• Development of purpose and need early in the planning process
• Elimination of unreasonable alternatives during the planning process
• Early and improved relationships and coordination
• Improved program and informed project decisions
• Less duplication
• Promotion of efficient and cost-effective solutions
• Earlier consideration of potential environmental effects
• Enhanced community involvement
PEL Contacts

Contact your FHWA Division Planning or Environmental Staff

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