

# Successes **in** Stewardship

<http://www.environment.fhwa.dot.gov/strmlng/es4newsltrs.asp>

June 2009

## The American Recovery and Reinvestment Act: FHWA as a Leader in NEPA Reporting

On February 17, 2009, the American Recovery and Reinvestment Act (ARRA) was signed into law by President Obama. ARRA was designed to enhance U.S. infrastructure investment, job preservation, educational efforts, energy efficiency, and scientific research. Recognizing the key role that the U.S. Department of Transportation (USDOT) and the Federal Highway Administration (FHWA) would play in achieving these objectives, Congress allocated \$48.1 billion for transportation; \$27.5 billion of that amount was designated for highways.

When obligating ARRA funds, agencies must comply with numerous reporting requirements that promote transparency and accountability. Teamwork between FHWA and State and local transportation agencies has been invaluable in FHWA's ability to fulfill ARRA's National Environmental Policy Act (NEPA) reporting requirements while distributing an unprecedented \$15.5 billion to highway projects in four months (mid-February through mid-June).

### NEPA Reporting Requirements under ARRA

ARRA targets economic stimulus and prioritizes efficient delivery of funds. To ensure that recipients will use funds effectively, ARRA mandates a strong effort to maintain transparency and accountability and to eliminate wasteful spending. Reporting requirements include the issuance of quarterly expenditure reports and monthly employment and status reports for all projects that use stimulus funds. Section 1609(c) of ARRA requires that the President "report to the Senate Environment and Public Works Committee and the House Natural Resources Committee every 90 days following the date of enactment until September 30, 2011 on the status and progress of projects and activities funded by this Act with respect to compliance with National Environmental Policy Act requirements and documentation."

The White House's Council on Environmental Quality (CEQ) assists Federal agencies if they encounter problems in completing NEPA actions. CEQ monitors agencies' progress to ensure that projects are delivered in a timely manner while complying with all environmental requirements. After ARRA's passage, CEQ was assigned responsibility for aggregating Federal agencies' NEPA status data on ARRA projects for the President's reports to Congress.

FHWA and other Federal agencies distributing ARRA funds must report the NEPA status of ARRA projects to CEQ every 90 days. CEQ's suggestions for efficient reporting include:

- Ensure that potential projects processed as categorical exclusions have been reviewed for extraordinary circumstances.
- Use concise and focused environmental assessments.
- Prepare programmatic analyses in cases where consolidated analysis will facilitate efficient compliance with NEPA.
- Review other Federal agencies' NEPA analyses and documentation for the project or activity for potential adoption.
- Engage CEQ to address any specific NEPA compliance concerns and issues.



The ARRA seal. (Courtesy of FHWA)

## FHWA's Implementation of NEPA Reporting

FHWA and its State DOT (SDOT) partners combined their experience with NEPA reporting to carry out all of CEQ's NEPA requirements and distribute ARRA funds efficiently. FHWA has currently obligated \$15.5 billion, which represents over 50 percent of the total funds available. In a May 18, 2009 CEQ report to Congress, USDOT stated that it had distributed over \$9 billion in ARRA funds, with FHWA projects accounting for almost \$8 billion of the total. FHWA also delivered the majority of USDOT projects—4,122 of the 5,196 cited in the report.

FHWA has proven its ability to deliver information under extremely tight deadlines. On April 3, 2009, CEQ sent a request for data on NEPA actions to all Federal agencies, with a reporting deadline of April 9. FHWA was able to provide CEQ with data on more than 2,000 ARRA-funded projects within the six-day timeframe. Since this initial reporting request, FHWA has gathered data on all remaining ARRA projects and instituted a new computerized reporting system that will enhance the agency's ability to deliver projects efficiently. The April 30, 2009 ARRA report from FHWA contained the NEPA status of more than 4,000 projects.

Three factors have helped FHWA to implement ARRA's NEPA reporting requirements. These factors are:

- *The willingness of Federal, State, and local agencies to work as a team to fulfill the urgent need to approve ARRA projects and comply with all CEQ requirements.* Offices and departments at Federal and State levels that did not previously interact closely have begun to communicate about NEPA issues.
- *FHWA's established procedure and protocols for providing guidance and training to the NEPA professionals at Federal, State, and local levels.* These professionals have assisted FHWA in fulfilling reporting requirements and obligating projects with large budgets. FHWA's preexisting framework for NEPA compliance has allowed these individuals to focus on advanced issues rather than having to ask fundamental questions about whether NEPA compliance is required on individual projects.
- *FHWA's ability to foresee the new ARRA reporting requirements and to create innovative reporting methods.* As soon as ARRA became effective, the FHWA Office of Highway Policy Information led FHWA team members in populating a data-collection framework containing information on jobs created, project status, and other ARRA requirements. NEPA reporting requirements were included in the framework and in the guidance that the FHWA issued for all ARRA projects. FHWA headquarters also conducted webinars with State and FHWA Division Offices and ensured that headquarters staff are available to address questions about the reporting process.

### FHWA Presence at CEQ

On the basis of FHWA's significant experience with the NEPA reporting process, CEQ requested assistance in its mission to ensure that ARRA is implemented effectively and efficiently while respecting environmental regulations.

Neel Vanikar, a Project Development Specialist in FHWA's Office of Project Development and Environmental Review, has been on a three-month assignment, beginning in April 2009, to the Executive Office of the President of CEQ as Deputy Associate Director for NEPA Oversight.

## Looking to the Future: New Reporting Mechanisms

In May 2009, FHWA launched an automated ARRA database, the Recovery Act Data System (RADS). This online system allows SDOTs to directly upload updates and information on new ARRA projects, which removes the inefficiencies of paper-based ARRA reporting. FHWA plans to use RADS to examine changes that could affect the status of NEPA projects. RADS will also track projects during the permitting process to confirm that they are in compliance with NEPA.

The first RADS reporting cycle was completed in May. FHWA is continuing to reach out to State and local agencies regarding the technical aspects of RADS to ensure that all agencies are comfortable with it.

FHWA's existing strengths and its use of innovative technologies ensures that the agency will remain a leader in ARRA implementation. While it is still going through growing pains, the new RADS reporting mechanism will enhance the efficiency of project delivery while maintaining a high standard of accountability. Teamwork and training will continue to be FHWA's most important assets in NEPA permitting and reporting.

## Contact Information

### Carol Adkins

Acting Director  
Federal Highway Administration  
Office of Project Development and  
Environmental Review  
(202) 366-2054  
Carol.Adkins@dot.gov

### Robert Bini

Program Coordinator  
Federal Highway  
Administration Office of Program  
Coordination

Federal Lands Highway  
(202) 366-6799  
Robert.Bini@dot.gov

## Look What's New!

The Planning and Environment Linkages (PEL) Program, a joint effort of FHWA's Office of Planning and Office of Project Development and Environmental Review, is offering a training webcast titled "PEL 101: The Tools for Adopting and Implementing a PEL Approach". The purpose of the training is to help transportation professionals and resource agency practitioners to better understand, coordinate and integrate planning and environmental linkages. The first of webcast was held on Tuesday June 23. The webcast is being offered on the following two dates:

- Monday, July 27 — 3pm to 5pm EDT ([Register Here](#))
- Thursday, August 20 — 1pm to 3pm EDT ([Register Here](#))

Registration for each session is limited.

Registration is still open for the summer meeting of the Transportation Research Board (TRB) ADC10 Environmental Analysis in Transportation Committee. The meeting will be held July 13 – 16 in Shepherdstown, WV. For more information, visit the [ADC10 website](#).

*Successes in Stewardship* is a Federal Highway Administration newsletter highlighting current environmental streamlining and stewardship practices from around the country. To subscribe, visit [http://environment.fhwa.dot.gov/sis\\_registration/Register.aspx](http://environment.fhwa.dot.gov/sis_registration/Register.aspx) or call 617-494-3259.