

DEPARTMENT OF TRANSPORTATION

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To: Transportation Commission

From: Debra Perkins-Smith

Re: Summary of Policy Directive 1904.0 National Environmental Policy Act Compliance

Date: November 15, 2012

Executive Summary: CDOT demonstrates compliance with National Environmental Policy Act (“NEPA”) standards through a CDOT NEPA Policy Manual. While the Department updates the manual periodically to maintain compliance with current processes and standards, a Procedural Directive regarding environmental compliance was adopted in 1977 and never reviewed, rendering it obsolete. The Department is repealing that Procedural Directive under the authority of the Executive Director, and requests Commission approval of a Policy Directive that states the NEPA Manual is the method the department shall use for maintaining compliance with NEPA standards.

1. Action Requested: Approval of Policy Directive 1904.0.
2. Documents Included in this Agenda Submission
 - A. Memorandum from D. Perkins-Smith to the Transportation Commission
“Summary of Policy Directive 1904.0.
 - B. Proposed Policy Directive 1904.0
 - C. Proposed Resolution
3. Name of Policy Directive: **PO 1904.0 “National Environmental Policy Act Compliance”**
4. Date of Document this Policy Directive Supersedes, if Any: This Policy Directive replaces the need for Procedural Directive 702.1, “Reviewed Procedures for Environmental Impact Statements Prepared by the Colorado Department of Highways” adopted May 31, 1977. This Procedural Directive is no longer accurate and is now captured within CDOT’s National Environmental Policy Act (NEPA) Manual.
5. Rationale for this Policy Directive: CDOT invests considerable resources to comply with NEPA and other environmental laws and regulations. In approximately 2005, CDOT formed a Desired State Task Force made up of environmental and engineering representatives from CDOT and FHWA to develop ways to improve and streamline CDOT’s environmental processes (specifically, the NEPA process). One of the

initiatives from the Desired State Task Force was to develop a statewide NEPA guidance manual. In 2007, CDOT's first NEPA Manual was implemented. The NEPA Manual was updated in 2008 and is currently in the process of being updated again to keep it current with CDOT processes and regulations. Updates to the NEPA Manual are reviewed and developed by CDOT and FHWA staff. The intent of the NEPA Manual is to provide guidance on preparing and processing NEPA documents for transportation projects that affect CDOT. It is intended that those working on NEPA projects use the NEPA Manual to implement NEPA in an effective manner, producing more consistent, improved environmental documents so that decision-makers can make well-informed transportation decisions.

Furthermore, the environmental section in the stewardship agreement between CDOT and FHWA sets forth how the agencies will work together to ensure that NEPA and other applicable environmental legislation, regulations and policy direction are followed. Under the agreement, CDOT is responsible for facilitating the preparation of statewide policy and procedural directives, providing technical assistance, conducting continuous technical training, providing quality assurance, and maintaining and continually improving CDOT's NEPA Manual.

While the NEPA Manual is currently the main tool utilized for NEPA compliance, the Policy Directive affirms the NEPA Manual as the main CDOT guidance document for conducting NEPA processes.

6. Individuals/Entities Impacted by Policy Directive: This Policy Directive applies to all divisions, regions, offices and branches of CDOT. It also applies to consulting firms performing contracting work for CDOT as well as Local Agencies performing work under CDOT's Authority.
7. Policy Directive will be Implemented by: DTD, Environmental Programs Branch.
8. Fiscal Impact to Implementation: This Policy Directive will reaffirm existing practices and is not anticipated to have a fiscal impact.
9. Reviewed by OAG: Reviewed and approved.