

COLORADO DEPARTMENT OF TRANSPORTATION		<input checked="" type="checkbox"/> POLICY DIRECTIVE <input type="checkbox"/> PROCEDURAL DIRECTIVE	
Subject National Environmental Policy Act Compliance			Number 1904.0
Effective	Supersedes none	Originating Office DTD Environmental Programs Branch	

I. PURPOSE

The Colorado Department of Transportation (“Department” or “CDOT”) is required to comply with the National Environmental Policy Act of 1969 as amended 42 U.S.C. §§4321 - 4370 (“NEPA”) for any project with a federal nexus. Generally, a federal nexus occurs when a project involves federal funding and/or where a federal approval is required.

This Policy Directive provides for the establishment and maintenance of a CDOT NEPA Manual, which shall:

- 1) Set forth uniform criteria and procedures for determining the applicability of NEPA requirements to specific projects, and if applicable,
- 2) The procedural requirements for assuring compliance.

II. AUTHORITY

Transportation Commission as established by § 43-1-106 C.R.S. (2011).

National Environmental Policy Act of 1969, as amended (“NEPA”) 42 U.S.C. §§4321 – 4370.

Code of Federal Regulations – Title 23: Highways, Federal Highway Administration Environmental Impact and Related Procedures 23 CFR § 771.105.

Code of Federal Regulations – Title 49: Transportation, Federal Transit Administration Environmental Impact and Related Procedures 49 CFR § 622.

Section 3.1 (Environment) of the Colorado Department of Transportation Federal-Aid Highway Program Stewardship Agreement.

III. APPLICABILITY

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.

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IV. DEFINITIONS

“Department” or “CDOT”: The Department of Transportation created pursuant to § 43-1-101 C.R.S. (2011).

“EPB”: Colorado Department of Transportation, Division of Transportation Development, Environmental Programs Branch.

“FHWA”: The Federal Highway Administration

“NEPA”: National Environmental Policy Act of 1969, as amended, 42 U.S.C. §§ 4321 – 4370.

V. POLICY

A. Section 3.1 in the Stewardship Agreement between CDOT and FHWA addresses environmental issues and sets forth how the agencies will work together to ensure that NEPA and other applicable environmental legislation, regulations and policy direction are followed. CDOT shall follow the Stewardship Agreement in implementing NEPA.

B. The EPB shall establish, maintain, and make available a NEPA Manual as an operational guide to all internal and external stakeholders involved with the development or management of NEPA processes and activities. The NEPA Manual shall include detailed procedures, references, forms, and informational material as necessary to ensure uniform and consistent environmental documentation. It will provide direction on the applicability of NEPA to CDOT projects and, if applicable, the procedural requirements for assuring compliance.

C. The NEPA Manual provides critical guidance on compliance with § 23 CFR. 771 and § 49 C.F.R. 622 which codify the relevant NEPA regulations for FHWA and the Federal Transit Administration.

D. EPB shall continually improve the NEPA Manual on a resource-by-resource basis as necessary and appropriate. EPB will submit the NEPA Manual and subsequent substantive modifications for review by the Department and FHWA.

E. This Policy Directive does not alter any applicable state or federal laws, orders, or regulations, or any applicable industry codes which govern environmental compliance or construction practices.

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VI. ATTACHMENTS AND REFERENCED MATERIALS

NEPA Manual: <http://www.coloradodot.info/programs/environmental/nepa-program/nepa-manual> (valid as of October 2012) or by contacting EPB.

VII. IMPLEMENTATION PLAN

1. EPB shall identify intended frequent users of the NEPA Manual and provide an electronic notification of the new Policy Directive within one month of adoption.
2. The CDOT website will be maintained to include the most up-to-date NEPA Manual. This website is publicly available and is accessible by all intended users and other interested parties.
3. The EPB will work with the Office of Policy and Government Relations to post this Policy Directive on the CDOT website, and post on Public Announcements within one week of adoption.

VIII. REVIEW DATE

This Policy Directive will be reviewed on or before August 2017.

Transportation Commission Secretary

Date of Approval