

THE

Action Plan

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- SYSTEM PLANNING
- LOCATION PLANNING
- PROJECT DEVELOPMENT

IN COMPLIANCE WITH
SECTION 109 (H), TITLE 23, UNITED STATES CODE

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IOWA DEPARTMENT OF TRANSPORTATION

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INTRODUCTION

The last 20 years have seen increasing public involvement in highway programs. State and Federal legislation have mandated public hearings, five-year construction programs, urbanized area planning, and environmental impact studies. In 1973 the Iowa Action Plan was prepared to describe the highway project planning and design process and to meet Federal requirements that adequate consideration be given to social, economic and environmental effects of proposed projects.

Iowa has kept pace with the changing Federal requirements under authorization provided by Section 307A.4 of the 1975 Code of Iowa, which provides the State may "comply with the Federal statutes and rules, and to cooperate with the Federal government in the expenditures of said Federal funds." This statute also provides that payment for street and highway projects constructed in cooperation with the Federal government may be financed from the Primary Road Fund with later Federal reimbursement in order to avoid delays.

Federal authority for preparation of Action Plans is included in Section 109(h) Title 23, United States Code. The Federal Highway Administration published guidelines on December 30, 1974 in Volume 7, Chapter 7, Section 1 of the Federal Aid Highway Program Manual which further describes the process guidelines for the development of environmental Action Plans. These guidelines supercede the Federal Highway Administration Policy and Procedure Memorandum 90-4, June 1, 1973, which initially defined the process guidelines.

The December, 1974 Federal guideline included public hearing procedures. When State Action Plans are revised to include these provisions, Federal Highway Program Manual Volume 7, Chapter 7, Section 5 (Public Hearings and Location/Design Approval) will become void. The Action Plan public hearing approach provides more flexibility in the use of public hearings on projects where small amounts of right-of-way are required. Under the old guidelines an opportunity for a public hearing was required on each project where any right-of-way was needed.

Also in 1974 the 65th General Assembly established the Iowa Department of Transportation. It was mandated to begin official functions on July 1, 1974 and to become fully operational by July 1, 1975. Responsibility for the planning and development of highways was transferred to the Department of Transportation.

The 1977 revision to the Iowa Action Plan is to update public hearing procedures in line with Federal Highway Administration guidelines and to change the nomenclature from Iowa State Highway Commission to Iowa Department of Transportation. The Iowa Action Plan is not intended to override or supercede State or Federal laws and/or Federal-aid program manuals and procedures. Changes in State or Federal law made after the adoption of the 1977 Iowa Action Plan shall prevail in the event of a question of interpretation or conflicting directives.

The State Director of Transportation is responsible for the continuing implementation and application of the Action Plan. The Division of Planning and Research will annually review the Action Plan to determine the need for revision or change as a result of the new Federal or State laws, policies, procedures, and experience. These changes will be made in accord with the provisions of the Chapter 17A Administrative Rules and Regulations of the 1975 Code of Iowa.

The 1977 Iowa Action Plan consists of four sections and an appendix.

Section 1 describes the process and procedures to be utilized by the Department of Transportation in planning and development of State Primary Highways.

Section 2 describes the relationship of the counties to the Transportation Commission and summarizes the procedures they will follow in project development.

Section 3 outlines the relationship of the Transportation Commission to municipalities receiving Federal aid reimbursements for street projects. It also includes procedures the municipalities will follow in system planning and project development plus some cross references to Section 1 where the State procedures are applicable.

Section 4 explains how state park and institution road projects are related to Transportation Commission operation and the procedures followed in project planning and development.

The appendix includes a description of the present organization of the Department of Transportation and defines terms common to transportation planning and design development activities.

Information and assistance on Department of Transportation planning and development activities is available at the appropriate District Office. The address and telephone number of each of the six district offices is shown on the following page.

<u>District</u>	<u>Address</u>	<u>Telephone</u>
1	1020 S. 4th St. Ames, Iowa 50010	515/296-1556
2	Box 741 1420 4th St., S.E. Mason City, Iowa 50401	515/423-7584
3	Box 987 2800 E. Gordon Drive Sioux City, Iowa 51102	712/276-1451
4	Box 406 E. Highway 6 Atlantic, Iowa 50022	712/243-3355
5	Box 587 307 W. Briggs Ave. Fairfield, Iowa 52556	515/472-4171
6	430 16th Ave., S.W. Cedar Rapids, Iowa 52404	319/364-0235

**STATE HIGHWAY PROJECT PLANNING
and DEVELOPMENT**

THE PLANNING & DEVELOPMENT PROCESS

- SYSTEM PLANNING
 - Regional Analysis
 - Five-Year Program

- LOCATION PLANNING
 - Location Studies
 - Corridor Public Hearing
 - Right-of-Way Plan

- PROJECT DEVELOPMENT
 - Field Survey
 - Project Design
 - Design Public Hearing
 - Final Design

POLICY

It is Department of Transportation (DOT) policy to fully consider the social, economic, and environmental effects of proposed highway projects and to make project decisions in the best overall public interest. All projects within the jurisdiction of the Transportation Commission will be planned and developed with due consideration given to the identification of social, economic and environmental effects, alternatives, involvement of the public, minority groups and other agencies, and utilization of an interdisciplinary approach. Applicable Federal and State laws and policies will be used to establish minimum standards. Most projects will be developed in compliance with Federal-aid Highway Program Procedures with the intent of maintaining eligibility for Federal funds.

Compliance with Title VI of the Civil Rights Act of 1964, the Federal-Aid Highway Act of 1968 and the 1980 Uniform Relocation and Acquisition Act are integral parts of highway planning and development. This process will determine what effect a proposed highway could have on minority business, housing, schools, churches, etc. and transportation to and from minority areas. Information and assistance will be solicited from minority groups and their involvement will be encouraged in the various phases of the process.

SYSTEM PLANNING includes the determination of highway needs and the identification of transportation corridors throughout the State. The end products are used principally to form a basis for policy determination and investment decisions by the Transportation Commission, the Legislature, county and city governments, and regional planning agencies. Extensive public participation and analyses of social, economic, and environmental factors are important components.

The Five-Year Construction Program is prepared and published annually in accordance with Section 307A.2(13) of the Code of Iowa. It is used as a tool to realize the goals and objectives defined through the system planning process. Public input is actively solicited during annual program development.

LOCATION PLANNING includes the activities that lead to the determination and approval of a highway route location. Environmental assessments (Environmental Impact Statements or Negative Declarations) are prepared for major projects.

Alternate physical locations are considered together with their social, economic and environmental consequences. The corridor public hearing is held to present the results of engineering and environmental studies and to obtain viewpoints and specific project related information from the interested public. After review of the public hearing information, a location is selected for consideration by the Transportation Commission.

PROJECT DEVELOPMENT includes field surveys to obtain detailed information on physical features and topographic elevations for the route location selected by the location planning process. After completion of field surveys, engineers begin preparation of the project construction plans. Additional field examinations are made to obtain soils information and to review proposals with local engineers. A design public hearing is held to present design proposals to the interested public and to obtain their views on the project. After review of the information obtained at the public hearing, a project design recommendation is made to the Transportation Commission.

Following Commission approval of the proposed project design, construction plans and right-of-way acquisition are completed. Project construction plans are then available for public letting and to obtain final agreements with other agencies.

Projects are reviewed and approved by the Transportation Commission at the following stages: (a) Five-Year Construction Program, (b) Project Location, and (c) Project Design. In the case of Federal-aid projects, approval of the Federal Highway Administration must be obtained for annual Federal aid program, location, design and final construction plan documents.

GENERAL PROCEDURES

The Department of Transportation planning and development process is described in more detail for each of the following categories: (100) Regional Analysis, (200) Highway Construction Program, (300) Location Study, (400) Corridor Public Hearing, (500) Field Survey and Design, (600) Design Public Hearing, (700) Final Development Activity.

100. REGIONAL ANALYSIS ACTIVITY	DOT Office Responsibility
101 - Review State Arterial Highway Plan annually and update as needed for <u>Commission review and approval.</u>	Advance Planning
- Review corridor alternatives with the public. Prepare a summary report.	Project Planning
102 - Urban Transportation Planning	Local Planning Agency*
- Prepare memorandum of understanding on long-term urban system plans.	Advance Planning
103 - State Functional Classification System Annual review, update and required public hearings by County Classification Boards.	Advance Planning*
104 - Highway Needs Analysis - Periodic review and update includes input from cities and counties	Advance Planning
105 - National Highway Needs and Transportation Studies - Prepared at request of U.S. Department of Transportation	Advance Planning
106 - DOT Technical Analyses - Prepared periodically to define specific needs.	
a. Sufficiency Ratings	Advance Planning
b. Bridge Inventory	Maintenance
c. Railroad Crossing Deficiency	Advance Planning
d. Surface Skid-Evaluation	Materials
e. Roadside Obstacle Evaluation	Traffic Engineering
f. High Hazard Location	Traffic Engineering
g. Traffic Engineering Studies	Traffic Engineering
	* also involves District Engineer and District Planner

100. Regional Analysis

(101) State Arterial Highway Plan

The Iowa Freeway System Report was adopted by the Highway Commission in November, 1965 and revised in June, 1968. The Iowa Expressway Report was adopted in February, 1968. House File 394 of the 63rd General Assembly defined freeways and expressways as one of ten functional road and street classifications. The freeway and expressway proposals were reviewed by County Functional Classification Boards during their public hearings.

From 1965 through 1975 forty-nine public hearings have been held for projects proposed on either the freeway or the expressway system. Approximately 9,500 persons attended the hearings.

A report "The Highway Mode: Principle Routes" was completed in June, 1975 and included a recommendation to reduce the designated freeway-expressway system by 253 miles. The Highway Commission received this report at their July 2, 1975 meeting and referred it to the Department of Transportation Commission for use in developing the State Transportation Plan. During development of the Plan, an arterial highway system concept evolved. This amounted to about 1500 miles of four-lane facilities and 1250 miles of two/four-lane highways as principle routes. The remaining 7000 miles of primary highways would be determined in conjunction with other system planning analyses. The proposed arterial highway system is subject to annual review as part of the State Transportation Plan.

Systems Studies - Iowa's initial Transportation Plan (TransPlan '76) established a framework of multi-modal system proposals. These will be continually reviewed in light of current state transportation policy, goals, objectives, and public input. Annual update of the State Transportation Plan was mandated by Senate File 1141 from the 65th General Assembly.

Utilization of "early input" from Citizen Advisory Councils and via a state-wide television information program was a very productive step during preparation of the initial transportation plan. Citizen input will continue to be an important element in state transportation system planning.

The State Director of Transportation coordinates transportation improvement proposals with adjacent states. This may include meetings of the staff and Commissioners from the states involved. Final state transportation system plan approval authority is with the Commission.

Corridor Studies - For some projects the Project Planning Office will initiate a review of alternatives within a highway corridor. Usually

this involves a corridor which has at least one project in the current highway construction program. A multi-discipline team will accumulate and evaluate social, economic, environmental, and engineering considerations for improvements within the system corridor. The data will be summarized in a planning report for public review. A meeting or series of meetings will be arranged in cooperation with the District Engineer to obtain local input on project proposals.

Other state and local agencies, e.g., Department of Environmental Quality, Office for Planning and Programming, Department of Soil Conservation, Iowa Development Commission, Iowa Natural Resources Council, State Conservation Commission, State Historical Society, State Archaeologist, Regional Planning Agency, County Board of Supervisors, County Conservation Board and District School Board will be provided copies of the planning reports and given opportunity to provide input from their respective disciplines. Evaluation will include the "no-build" alternative as a benchmark for measurement of other proposals. System change recommendations are subject to review and approval by the Commission.

(102) Urban Transportation Planning

The Advance Planning Office provides technical staff assistance to the regional and local planning agencies in urban areas with more than 25,000 population. Organization, functions and responsibilities of these groups are discussed in more detail in Section 3. The District Engineer and District Planner represent the Department of Transportation on planning agency policy and technical committees.

Areawide plans prepared by the local planning agencies will be used by the Planning and Research Division to recommend a long-term objective of Primary Road System extensions. A memorandum of understanding between the Commission and the local governments, or a regional planning agency acting in their behalf, shall be prepared to express the intent of the Commission and local government to recognize the long-term transportation system objective. This memorandum shall include transitional steps and delineate Commission and local responsibilities related to reaching objectives. Provisions for biennial review and update of the memorandum of understanding should also be included.

(103) State Functional Classification System

Highway functional classification is the grouping of roads and streets into systems according to the character of service they are expected to provide. It is a joint enterprise of state and local government authorized by Section 306.1 - 306.8 of the Code of Iowa.

County Classification Boards classified the roads and streets in their respective counties in 1970. Public hearing procedures were used to present factual information about the proposed classifications and to obtain the views of the public.

The Advance Planning Office reviews the maps and reports submitted by the County Classification Boards to assure (1) that all roads have been classified, (2) continuity of systems has been provided at county and state lines, (3) specified mileage limitations have not been exceeded and (4) an equitable distribution of trunk and trunk collector mileages among the counties.

A summary of the findings by the 99 County Classification Boards was published in a Report on Functional Classification of Highways, Roads and Streets in 1971 by the Highway Commission. Study organization and procedures were described in the first section of the report.

The Commission is represented by the District Planner on the County Classification Boards. Other members include one county official, either the County Engineer or Supervisor, and one municipal official. The municipal representative is selected by the Mayors of the cities in the County.

Roads and streets may be reclassified (by the County Classification Boards) for changes such as new corporation lines and new construction. These proposals must be reviewed annually with public notice and hearings on all road classification actions.

Copies of the Functional Classification and Needs Study Reports were distributed to:

Governor of Iowa
State Legislators
Legislative Research Bureau
Office for Planning and Programming
State Functional Classification Boards
Iowa Good Roads Association
Iowa League of Municipalities
Iowa Motor Truck Association

(104) Highway Needs Analysis

The legislative bill (H.F. 394, H.F. 1103; 63rd G.A.) which established functional classification also specified that a highway needs study should be performed following the initial functional classification. More specifically, it required the Highway Commission, in consultation with an advisory committee, to develop standards and perform a needs study for the respective classification system. The advisory committee consisted of two State Senators appointed by the President of the Senate, two State Representatives appointed by the Speaker of the House of Representatives, two Supervisors appointed by the Iowa State Association of County Supervisors, two engineers appointed by the Iowa County Engineers Association and four persons appointed by the League of Iowa Municipalities. Two of the four League appointees were licensed professional engineers.

The Highway Commission staff conducted the study to determine estimated costs of administration, engineering, construction and maintenance of the functional systems based upon uniform design and maintenance guidelines. Results were published in 1971 and updated in 1973 in a Report on Highway, Road and Street Needs for Study Years 1973 through 1992.

General procedures followed in the Needs Analysis of the functionally classified system were:

1. Development of design guides for state highways, county highways and municipal streets. A technical Advisory Committee reviews and approves these standards.
2. Development of an inventory of existing roads and streets. This included a determination of physical features, traffic volumes and condition.
3. An adequacy appraisal of the existing road sections to meet design guide standards. Existing and future deficiencies of roadways and structures were tabulated.
4. Assignment of improvement costs to determine dollar needs. Costs were compiled for construction, engineering, administration and maintenance categories.

The Highway Needs Analysis will be reviewed and updated by the Division of Planning and Research at intervals determined by the State DOT Director. Cities and counties will be requested to review and update their inventory input for a major update. Representatives from state, county and municipal government will also be selected for Advisory Committee assistance in updating the Highway Needs Analysis.

(105) National Highway Needs and Transportation Studies

National Highway Needs Studies are required by Federal law and are performed to comply with requests from the Federal Highway Administration (FHWA). The FHWA has instituted these studies for the purpose of developing continuity in the national highway planning process and to provide required data for informing the United States Congress on matters relating to national highway transportation needs. The results of these studies will provide data for accomplishing the following possible objectives on a national basis:

- a. To realign Federal-aid systems on the basis of function.
- b. To establish the Federal highway investment level on the basis of effectiveness in meeting national transportation goals.

- c. To establish the mixture of investments by system, by program element, and between rural and urban areas.
- d. To establish equitable sources of Federal highway revenues.
- e. To establish equitable Federal-aid apportionment formulas and matching ratios for the various systems.

The National Highway Needs Studies are organized to provide input from all levels of government and all highway planning agencies. The phases of these studies completed or underway at this time are as follows:

1. The 1968 National Highway Functional Classification Study required that all existing roads and streets in the nation be functionally classified in accordance with national criteria and the character of service these roads and streets were providing at that point in time.
2. The 1972 Highway Needs Study required the development of a 1990 Highway Functional Classification Plan and the determination of dollar needs required. The dollar needs thus determined in constant 1970 dollars include construction, maintenance, engineering, and administration costs for the 20-year period 1970 to 1990.
3. The 1974 National Highway Needs Study required each state to report the highway improvements completed in 1970, 1971 and 1972 which satisfy some part of the desired features included in the 1990 highway plan.
4. The 1976 National Highway Inventory and Performance Study required each state report the highway improvements completed in 1973, 1974, and 1975 which relate to the 1990 plan. Functional system realignment data and sample inventory data were also required.

(106) Technical Analyses

State highway routes are rated annually for structural adequacy, safety, and service. Structural adequacy measures the ability of the road to withstand traffic and weather. Safety relates to highway features that offer the motorist safety. Service ratings measure the capability of the road to accommodate a specific volume of traffic with a minimum of conflict. These three evaluations are combined into a single sufficiency rating. It is a major factor for determination of project priorities.

Structures are inventoried, inspected, and evaluated as part of the National Bridge Inspection Program. Numerical ratings for condition, deck geometry, load capacity, waterway adequacy, approach alignment, and clearances are assigned to each structure. Recommendations are made for maintenance, repairs and replacement.

Since 1957 numerical ratings have been assigned to railroad crossings on the Iowa Primary Road System to reflect the relative safety of each crossing. This deficiency rating has been used to establish improvement priorities. A national railroad-highway crossing inventory was completed in 1975 of all rail crossings. Analysis of this inventory data will be used in development of crossing improvement recommendations.

The surface skid evaluation program is a study of skid numbers and wet weather accident rates. Corrective actions are recommended by the DOT study staff in cooperation with the DOT District Offices.

An inventory of roadside obstacles was completed for the rural primary and interstate systems in 1975. Cost effective improvements are made on the most highly-traveled routes.

Locations identified as accident problem areas by the Highway Safety Patrol and DOT maintenance engineers are studied and ranked for priority improvements. Inspection teams have been established to review accident location sites, to determine if the roadway contributed to the accident, and to recommend corrective actions.

Traffic engineering services are available to small jurisdictions. Iowa DOT traffic engineers and consultants analyze traffic flow and accident patterns to develop recommendations for traffic engineering improvements, priorities and funding sources.

200. HIGHWAY CONSTRUCTION PROGRAM ACTIVITY	DOT Office Responsibility
201 - Update project records and review priorities	Program Management
202 - Review Program with urbanized area transportation planning agencies	Program Management*
203 - Review Arterial Highway Plan and project priorities in annual region meetings	Program Management*
204 - Prepare initial program draft and review with Division staff	Program Management*
205 - Program review and <u>approval by Commission</u>	Program Management
206 - Distribute Five-Year Program to Federal, State and Local officials, news media and special interest groups including identified minority groups	Program Management*
207 - Prepare annual Federal-aid program document	Program Management
208 - Classify project to determine level of planning and development necessary	Project Planning
209 - Prepare Environmental Clearance Letters for selected non-major projects.	Project Planning
	* With assistance from District Engineer and District Planner

200. Highway Construction Program

- (201) The long-range Primary Road Construction Program is prepared and published in accordance with Section 307A.2(13), 1975 Code of Iowa. It includes an estimate of money expected to be available and the work planned for the program period. The Program Management Office is responsible for coordinating the development and annual update of the Highway Construction Program with the DOT Highway Division. Regional analyses, new projects, revised cost estimates, surface restoration needs, spot safety needs and municipal projects are reviewed with each of the District Engineers. The Project Planning Office will coordinate with the Districts and prepare Project Concept Statements as needed for pre-program reviews.
- (202) Funding status, priority coordination, relation of Primary Projects to the Urban Transportation Plans and possible new projects are discussed annually with the urban transportation planning agencies in Cedar Rapids, Council Bluffs, Des Moines, Davenport, Dubuque, Sioux City and Waterloo urbanized areas.
- (203) The Program Management Office is responsible for annual regional meetings to review the Transportation Improvement Program with the public and interested local agencies. This normally includes a brief summary of the status of each highway project in the first three years of the program. For projects in the fourth and fifth years, it may involve a review of each project concept along with a request for local views on the social, economic and environmental effects of the proposals. A brief description and evaluation of social, economic and environmental consequences of projects in the critical needs not programmed category may be presented. Local officials and the public would be requested to aid in establishing priorities, adding new projects and providing information on possible social, economic and environmental effects. The District Engineers and District Planners will assist in the organization and conduct of these meetings.
- (204) After completing the annual regional and metropolitan agency reviews and obtaining current financial resource projections, an initial program draft is prepared. The DOT Commission and staff review this draft and prepare the final program.
- (205) The program is approved, published by the Transportation Commission and distributed in December of each year. An initial distribution of about 1500 copies is made to newspapers, radio and television stations, Trade Associations, Trade Papers, Press Associations, U.S. Senators and Representatives, Congressmen-Elect, State Legislators, elected State Officials, Board of Regents and other county and state officials. Local officials receiving copies of the new program include the

County Boards of Supervisors, Mayors (project cities) and Regional Planning Agency Directors.

The public is encouraged to direct questions, comments or suggestions on projects to the DOT District Engineer and District Planner.

- (206) The program is widely distributed and many local sources have project information available. These include city, county and State elected officials, regional transportation planning agencies, newspapers, radio station and television stations.

The current edition of the Highway Construction Program is the review draft for the next year. These items are included in the publication:

1. Commission statement on current program experience and financial assumptions.
2. Financial projections.
3. General location maps of proposed improvements.
4. County by county listing of proposed projects.

The principal purpose of the Highway Construction Program is to communicate to all interested citizens the extent of capital improvements proposed for the primary highway system. A series of opportunities is available for review, comment, and input by the interested public after a major project is first included in the DOT program.

- (207) The Planning and Research Division will prepare annual Federal-aid program documents which must be approved by the Federal Highway Administration as a first step toward federal fund participation. Programmed projects will be developed in such a manner to maintain federal-aid eligibility insofar as practical pending development of project details and available project funding.
- (208) The Project Planning Office classifies Highway Construction Program projects to determine planning and development levels necessary to accomplish concept objectives and obtains Federal Highway Administration concurrence. Available Project Concept Statements are used in these determinations.

The environmental significance of each programmed project will be considered and it will be assigned to one of the following project types:

- I. Major Projects
- II. Non-Major Projects (Significant Right-of-Way/Detour)
- III. Non-Major Projects (Incidental Construction)

Project classification recommendations will be subject to review and approval by the Highway Division Director - Chief Engineer and

Highway Division Deputy Chief Engineers. They will also authorize public hearings and will consider all project classification change requests which may follow the original determination. New information from the planning and development process may result in a reclassification of the project.

General guidelines for determining the project types are:

I. Major Projects shall include the construction or reconstruction of a highway section which involves substantial planning, time, resources, and expenditures. These are of superior, large, and considerable importance and major actions by Federal Highway Administration definition.

The following examples of construction will ordinarily be considered to be major projects:

A. New Locations

- 1. Four or six lane highways
- 2. Circumferential highways which bypass a community
- 3. Two-lane highways which provide new access to an area or are likely to precipitate significant changes in land use or development patterns.

B. Other Projects

- 4. Reconstructed highways or added interchanges which provide substantially improved access to an area or are likely to precipitate significant changes in land use or development patterns
- 5. A project which falls under Section 4(f) of the DOT Act [49 U.S.C. 1953 (f)] or Section 106 of the National Historic Preservation Act.

II. Non-Major Projects - (Significant Right-of-Way and/or Detour)

This classification includes complete replacement of a highway section but is not a major action by Federal definition. These projects include significant* right-of-way acquisition or highway route detours.

The following examples will ordinarily be included:

- 1. Construction or reconstruction of a two-lane rural highway which does not provide new access to an area and which would not be likely to precipitate significant changes in land use or development patterns.
- 2. Reconstruction of an existing urban highway or construction of short urban relocation sections
- 3. Replacement bridges (crossroad, railroad, stream)

III. Non-Major Projects - (Incidental Construction). This includes improvement to existing highway sections and construction of complementary facilities but does not constitute a major action by Federal definition. Highway route detours and significant right-of-way acquisitions are not involved.

The following examples will ordinarily be included:

- 1. Resurfacing of an existing highway or structure including incidental work necessary (e.g., curb removal, shoulder construction, etc.)
- 2. Minor reconstruction (e.g., minor widening, shoulder construction, adding auxiliary lanes for waving, climbing, speed changes, etc., and correcting substandard curves and intersections.
- 3. Lighting, signing, pavement marking, traffic surveillance and control systems, signalization and railroad protective devices
- 4. Safety projects (e.g., grooving, glare screen, safety barriers, energy attenuators, etc.)
- 5. Correction of hazardous conditions (e.g., widening or replacing existing drainage structures or culverts, removal of roadside obstacles, etc.)
- 6. Landscaping, erosion control and rest area projects
- 7. Replacement of highway facility after a natural disaster or other catastrophic conditions
- 8. Temporary emergency highway facility replacement

(209) On selected non-major Federal-aid projects, the Highway Division Director will arrange newspaper publication inviting public comment on projects which cannot clearly be categorized major or non-major.

On non-major Federal-aid projects, the need for A-95 review, air analysis, noise evaluation and public hearing procedures are determined by the Project Planning Office with Federal Highway Administration concurrence. This is documented in an "Environmental Clearance Letter".

* ("Significant right-of-way" involves the purchase of a business, residence or buildings or a change in property access which results in damage to the remainder parcel. This definition is intended to provide a general guideline subject to individual case judgments.)

Project development stages for each type of project are summarized in the following table:

Project Development Stage	Major	Non-Major	
	I	II Significant R.O.W./Detour	III Incidental Construction
1. Major/Non-Major Determination	x	x	x
2. Draft Environmental Assessment*	x		
3. Environmental Clearance Letter		x	x
4. Location Public Hearing	x	(a)	
5. Final Environmental Assessment and Location Study Report	x		
6. Design Public Hearing (or Opportunity	x	x	(a)
7. Design Report (or Location Design)	x	x	x

(a) as needed; ordinarily not warranted.

* Environmental Assessments include Environmental Impact Statements (EIS) or Negative Declarations. A Negative Declaration documents the determination that a proposed action will not have a significant effect on the quality of human environment.

300. LOCATION STUDY ACTIVITY	For Project Type	DOT Office Responsibility
301 - Prepare Project Notification and Review System documents and submit to A-95 clearinghouses	I, II, III	Project Planning
302 - Begin Project Planning Coordination and Development	I	Project Planning*
303 - Collect background information relative to Social, Economic and Environmental data; review with public and seek input	I	Project Planning*
304 - Select Alternate Alignments and prepare project concept plan	I	Project Planning
305 - Evaluate Alternates; review preliminary Draft EIS or Negative Declaration with public, respond to suggestions	I	Project Planning*
306 - Prepare preliminary program plan for relocation assistance	I, II	Right-of-Way
307 - Complete Draft EIS or Negative Declaration. Distribute to local, state, federal, and interested agencies for review as needed	I	Project Planning * With assistance from District Engineer

Location Studies - An Overview

Location planning includes the activities that lead to the corridor public hearing and selection of a highway route location. Alternate physical locations are considered along with the social, economic and environmental consequences of the proposals.

The Project Planning Office is responsible for location studies and is assisted by the District Office in obtaining public input and participation. The Environmental Coordination Section in the Project Planning Office is an interdisciplinary group responsible for identification and monitoring of environmental highway impacts, review of environmental problems, and coordination of environmental planning with federal, state and local agencies. They organize and present state-of-the-art information on basic ecological principles that can be applied by personnel. The Section will provide consultant assistance to the project planning teams, District Offices and DOT Divisions. They will also be available to county and municipal agencies for consultation as time permits.

The Environmental Coordination Section is also responsible for maintaining special expertise in air, noise and water pollution analyses. They will make ambient measurements and predictions and coordinate with the project planning teams in preparation of impact studies. An environmental coordinator is in charge of the Section and is assisted by environmental analysts and technicians.

Selection of personnel for the Environmental Section is based on prior experience and training directly related to environmental matters. This has included forestry, landscape architecture, agriculture, agronomy, biology, economics, and zoology.

The project planning teams in the Project Planning Office are responsible for preparation of the Project Notification Review System documents, project planning reports, environmental impact statements, negative declarations, and the collection and evaluation of project data.

Any "no-build" alternatives considered during Regional Analysis (101) will be documented along with evaluations of the alternative improvement proposals. Public reviews of the project activities will be conducted through the DOT District Offices.

Project planning teams include a mix of disciplines. Each team consists of a project supervisor and social, economic and environmental specialists. Location analysts are selected on the basis of highway construction, design or planning experience. Social, economic and environmental analysts are selected on the basis of education and experience from non-engineering disciplines, e.g., general science, psychology, and business administration.

Consultation on environmental or other problems of mutual concern is obtained from other state and local agencies, i.e., Department of Soil Conservation, State Conservation Commission or County Agriculture Stabilization, Conservation Service Office, Local Planning Agencies, and other DOT Divisions. Air quality standards currently available will be obtained from the Iowa Department of Environmental Quality.

The DOT contracts with the State Archaeologist for reconnaissance of potential archaeological sites that may be affected by any Primary or Interstate highway project. Reconnaissance surveys and preliminary site examinations are made in highway corridor locations to determine if salvage work is warranted. When archaeological salvage is desirable, arrangements are made with the State Archaeologist for necessary excavation, removal and preservation work.

Location planning studies of urban freeway corridors are sometimes done by consultant contract. Provision for a systematic interdisciplinary approach is included in these contracts. The decision to employ consultants on major projects is usually made during the preparation or review of the Five-Year Program by the Project Planning Office. These consultant contracts are approved by the Transportation Commission or the State Director.

300. Location Study Activities

- (301) The Project Planning Office will prepare Project Notification and Review System letters for Primary or Interstate Highway System projects. The need for A-95 review of non-major projects will be documented in the Environmental Clearance Letter to the Federal Highway Administration. The purpose of the notification is to alert other public agencies of proposed improvements and determine if the project is compatible with other plans and schedules. These items shall be included: project description, location, highway route number, type, purpose, length, estimated cost, project number, Federal agency involved and the anticipated environmental effects. Copies of this information will be sent to the State Office for Planning and Programming and the Regional Planning Agency for review and comment. These agencies will contact the Department of Environmental Quality, Department of Soil Conservation, Iowa Natural Resources Council, State Conservation Commission, Iowa Department of Social Services, Iowa Department of Public Safety, County Board of Supervisors, County Conservation Board, Mayors and School Superintendents if they believe it is appropriate for the project at hand.

- (302) Where necessary, the Project Planning Office will determine the outside coordination contacts appropriate for the project. This early coordination will normally include a notice that studies have been initiated and a statement that future contacts will solicit specific information about the project area and expected project impacts. If additional contacts are required, agencies will be contacted as soon as possible after the need for coordination is identified.

Coordination letters or personal contacts will be made to the following agencies and others as necessary:

1. US Department of Interior
2. Iowa Conservation Commission
3. Iowa Department of Environmental Quality
4. State Historic Preservation Officer
5. State Archaeologist
6. Local governments
7. USDA - State Soil Conservationist
8. Corps of Engineers

The Project Team will coordinate with the Office of Urban Systems and the District Engineer to obtain input from the Regional Planning Agency. Response comments will be forwarded to the Project Planning Office.

The Environmental Coordination Section will contact the U.S. Army Corps of Engineers to determine if proposed stream or wetland crossing structures will require a Section 404 Permit.

The following items will be considered during early development of highway planning projects:

I. Study Area

- A. Project Limits
- B. Present Route
- C. Access Control
- D. Functional Classification
- E. Sufficiency Study
- F. Accident History
- G. Present Traffic
- H. Social, Economic and Environmental Study
- I. Procedures to provide opportunity to inform and involve the public (in addition to public hearings)

II. Project Concept

- A. Proposed Construction
- B. Detour Analysis
- C. Year Programmed and Estimated Cost
- D. Planning Schedule

- (303) Social, economic, and environmental data for the project area will be gathered and analyzed by the Project Planning Office. Where possible specific groups and interests affected by the project will be identified and an opportunity afforded for their participation, e.g., Civil Rights Agencies and other minority organizations. Benefits and costs to minimize adverse effects will be part of the project analysis. Public lands directly affected will be identified and an analysis made of possible effects and replacement properties. Scenic rivers, trails, and historic sites will also be identified and appropriate steps taken to meet prevailing federal and state requirements for these areas. For most major projects the Project Planning Office in cooperation with the District Office, will arrange and conduct a public meeting to review the study with the public and to seek information for possible alternate locations on major projects.

- (304) Using the social, economic and environmental data gathered for the area and public input available up to this point, the Project Planning Office will identify feasible alternate alignments for major projects. A project concept plan will be prepared where appropriate and may include:

1. Typical cross-sections,
2. Horizontal alignment of the Primary Highway, service roads and other connecting roads,
3. Suggested cross road interchanges, intersections, separations and closures, and
4. Bridges.

- (305) An analysis will be prepared for alternate proposals and included in a preliminary copy of the Draft Environmental Assessment. Consequences of the no-highway improvement option will be set forth with data consistent with other alternatives.

The Project Planning Office in cooperation with the District Office may arrange and conduct a public review of the environmental data. The number and format of the public contacts may vary to fit the demand of each project.

Suggestions received at the public review or hearing will be fully considered and incorporated into the project whenever possible. A final version of the Draft EIS or Negative Declaration will be assembled by the Project Planning Office and shall include a discussion of the following items:

1. Description of the proposed action and alternatives considered, and the social, economic, and environmental context.

2. Land use planning
3. The probable impact of the proposed action on the environment
4. Alternatives
5. Probable adverse environmental effects which cannot be avoided.
6. The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity
7. Irreversible and irretrievable commitment of resources
8. The impact on properties and sites of historic and cultural significance
9. Comments and coordination

(306) The Right-of-Way Office will prepare a preliminary program plan for relocation assistance. An on-site field study of the proposed project area will be made and the amount of residential or business relocation required by each proposed alternate will be estimated. These estimates and information on relocation payments and advisory assistance available from the Commission will be presented during the public hearing phase.

(307) Draft EIS or Negative Declaration availability is advertised in the public hearing notices or legal notices. They are available to any agency and the public hearing and legal notices. They are available to any agency and the public from the Highway Division and District Office upon request. The regular distribution of Draft Environmental Impact Statements for review purposes includes the following agencies:

FEDERAL

Aviation Administration
 Department of Health, Education & Welfare
 Department of Housing & Urban Development
 Department of Agriculture
 Department of Interior
 Energy Administration (major arterial highway projects only)
 Environmental Protection Agency
 Railroad Administration
 U.S. Army Corps of Engineers
 U.S. Coast Guard
 Urban Mass Transportation Administration

STATE

Department of Agriculture
 Department of Environmental Quality
 Department of Soil Conservation
 Iowa Development Commission

Iowa Natural Resources Council
 Office for Planning & Programming
 Office of the State Archaeologist
 State Conservation Commission
 State Historical Society of Iowa
 State Liaison for Historic Preservation

LOCAL

A-95 Review Clearinghouse
 City Council/Mayor
 County Board of Supervisors
 County Conservation Board
 County Engineer
 Public Library
 Regional Planning Agency

OTHER

Iowa Confederation of Environmental Organizations
 Iowa Public Interest Research Group
 Local minority groups identified by District Engineer

400. CORRIDOR PUBLIC HEARING ACTIVITY	For Project Type	DOT Office Responsibility
401 - Set corridor public hearing date. Prepare legal notice, project statement, and visual aids; arrange for news release.	I	Project Planning*
402 - Conduct Pre-hearing Public Information Meetings (as needed) and conduct Public Hearing. Receive written comments for 10 days; prepare and distribute typewritten transcript.	I	Project Planning*
403 - Review project concept with DOT staff and prepare recommendation.	I,II,III	Project Planning*
404 - <u>Approval of project location and/or concept by Chief Engineer/Commission</u>	I,II,III	Project Planning
405 - Prepare Final Environmental Impact Statement (EIS) or Negative Declaration	I	Project Planning
406 - Request FHWA project location approval.	I, II	Project Planning
407 - Prepare formal pre-design agreement for municipalities	I, II	Project Planning*
408 - Prepare Relocation Assistance Program Plan and/or Right-of-Way Plan	I, II	Right-of-Way * With assistance by District Engineer

400. Corridor Public Hearing Activity

The corridor public hearing provides an opportunity for project planning information to be formally presented to the interested public. The public also has an opportunity to comment on the project proposal and convey information to the DOT for their consideration.

- (401) The District Office and the Project Planning Office will consider the most appropriate hour for the public hearing and the extent of pre-hearing information meetings. The information session may be an "open house" prior to the formal hearing or a separate meeting.

After these decisions have been made, the District will proceed to arrange for a suitable auditorium and contact local interest groups and public officials. The Project Planning Office will prepare legal notices, the project brief and visual aids. They will also arrange for a news release announcing the forthcoming information meeting and public hearing. Initial notice shall be published at least 30 days in advance of the public hearing.

Public hearing notices will regularly be mailed to the following agencies:

FEDERAL

Federal Highway Administration
Environmental Protection Agency
Department of Housing & Urban Development
Department of Interior
Bureau of Indian Affairs
Bureau of Outdoor Recreation
Bureau of Sport Fisheries & Wildlife

STATE

Department of Environmental Quality
Department of Soil Conservation
Iowa Development Commission
Iowa Natural Resources Council
Office for Planning and Programming
State Conservation Commission
State Historical Society of Iowa
State Archaeologist

LOCAL

Newspapers
City Clerk
Mayor
Local Planning Agency
School Superintendents

OTHER

Iowa Confederation of Environmental Organizations
Iowa Motor Truck Association, Inc.
Iowa Public Interest Research Group
Local interest groups and individuals designated by the District Engineer
Individuals, organizations and agencies requesting hearing notices

- (402) Project Planning Office personnel, the District Engineer or his representative will preside at the public information meetings and corridor public hearing. The public hearing panel will include representatives capable of discussing project location planning, property acquisition policy, relocation assistance policy and the general highway program.

The public hearing will proceed as follows:

1. Presentation of the project statement will include general information on highway systems, highway funds, state-federal government relationship, right-of-way policy and regional transportation studies. More specific data on the proposed project location, alternates considered, evaluation criteria and evaluation results will be provided. A draft EIS or Negative Declaration will be available for Type I projects.
2. Written or oral statements pertinent to the project will be received.
3. People in attendance will have an opportunity to ask questions relating to the project.
4. Written statements will be accepted for ten days following the hearing. These will become part of the official transcript.

After the public hearing, a transcript will be prepared by the Project Planning Office and distributed to the Transportation Commission, County Board of Supervisors, Mayor, City Clerk, Regional Planning Agency and other interested parties. The public may review the transcript at the District Office or obtain a copy upon request from the Project Planning Office of the Department of Transportation.

- (403) For major projects, the DOT staff will review the transcript, evaluate the public testimony and prepare a concept and location recommendation. A decision by the DOT Commission on the staff recommendation is required before the project development can proceed. On most non-major projects, the Project Planning Office will review the project concept with the Development, Operations, and District Office staff and prepare a project recommendation for review.

- (404) Type I and some Type II and III project locations and concepts are subject to Commission approval. Type III projects will normally be approved by the Highway Division Director-Chief Engineer.

After a decision has been made on public hearing projects, the County Board of Supervisors, Mayor, City Clerk, Local Planning Agency and newspapers will receive notification of Commission action. The Highway Division and District Office may utilize additional appropriate means to provide information to the public on consideration given to questions and suggestions received during the public hearing process. All questions asked during the public hearing process will be addressed.

- (405) A final EIS or Negative Declaration will be prepared by the Project Planning Office. These documents along with the public hearing transcript and a narrative discussion of hearing comments will be used to request project location approval from the Federal Highway Administration.

There will be an opportunity for a new hearing if:

1. Federal Highway Administration location approval is not requested within three years of the public hearing date.
2. The proposed project has significantly changed since the public hearing.
3. Significant new social, economic, environmental or land use effects have been determined that were not apparent at the time of public hearing.

- (406) Federal Highway Administration approval will be requested for Type I projects and for Type II projects where alternative locations were studied. Authorization to proceed with design will be requested for all projects based on a Location Study Report or Project Concept Statement.

- (407) The Project Planning Office will prepare Pre-Design Agreements for projects in municipalities. Agreement items will usually include project concept, project construction plan development responsibility, right-of-way acquisition, storm sewer construction and maintenance, utility changes, access control, and parking control. These agreements will be presented to the municipal officials by the District Office. After municipal council action, the agreement will be returned to the Project Planning Office for staff and Highway Division Director-Chief Engineer approval.

- (408) After location approval by FHWA, the Right-of-Way Office will prepare a Relocation Assistance Program Plan and/or Right-of-Way Plan. These are submitted to FHWA for approval on Federal-aid projects.

With FHWA approval, normal right-of-way acquisition activities may proceed. Advance right-of-way acquisition may occasionally occur prior to location approval for bonafide hardship cases and protective buying.

500. FIELD SURVEY AND DESIGN ACTIVITY	For Project Type	DOT Office Responsibility
501 - Prepare Pre-Survey Plan (as needed)	I,II	Road Design
502 - Contact property owners adjacent to project prior to field survey and airport authorities (where appropriate)	I,II	Road Design*
503 - Complete engineering field survey and plot field notes	I,II	Road Design
504 - Prepare plan and profile sheets and design horizontal and vertical geometrics. Analyze drainage needs and prepare preliminary bridge design. Prepare cost estimates of alternative designs.	I,II,III	Road/Bridge Design
505 - Recommend environmental enhancement features.	I,II,III	Project Planning
506 - Prepare project plans for access review, field examination and right-of-way.	I,II,III	Road/Bridge Design
507 - Make field examination with FHWA.	I,II,III	Development Support
508 - Prepare soil analysis, design borrow areas, design traffic control and lighting and make pavement determination.	I,II,III	Road Design/ Traffic Engineering
509 - Prepare County Resolution for road closures, separations and/or interchanges.	I	Development Support*
510 - Send plans to Project Planning Office for final environmental review.	I,II,III	Development Support * With assistance from District Engineer

500. Field Survey and Design Activity

- (501) The objective of the field survey is to collect information on physical features, relative natural ground elevations and soils conditions. A pre-survey plan will be prepared by the Road Design Office if needed. Information available from the corridor location studies prepared by the Project Planning Office will ordinarily be sufficient for survey party use.
- (502) The Road Design Office will contact individual property owners to secure permission to enter their property for field surveys. This provides an opportunity to again review the project plans and corridor hearing information with the affected property owners. The District Office will contact local airport authorities for all projects within two miles of an airfield where coordination and approval are needed.
- (503) The field survey phase of project development is completed when the field notes and cross sections have been plotted.
- (504) A preliminary construction plan is prepared along with an analysis of drainage needs and soil conditions during the next stage of project development. The Development Bureau is responsible for project design based on the Corridor Public Hearing, location study report, environmental analysis criteria pre-design agreement, and the field survey information. Grade line and geometric layout alternatives will be considered to optimize the balance between engineering and environmental objectives. Joint use proposals will also be evaluated at this point in project development.
- (505) Recommendations for noise mitigation or other environmental enhancement features may be obtained from the Project Planning Office.
- (506) A field exam plan will be prepared showing the proposed typical cross sections, grades, geometrics, culvert recommendations, earthwork quantities and detours.
- (507) The Development Support Office will schedule a field review with the FHWA. The District will review proposed construction with local governmental agencies. Extent of local review is determined by the District. Contact and continuing liaison with utility companies and railroads will be handled by the Development Bureau. Assistance may be obtained from the Agricultural Conservation Commission, Corps of Engineers, Coast Guard, Iowa Natural Resources Council, Soil Conservation Service or non-engineering disciplines from other agencies on significant environmental issues involving their expertise or if there is a known area of conflict.
- (508) After the field exam, additional needed field survey, plan corrections, soils analysis, borrow area design, drainage structure recommendations and right-of-way design are completed. Traffic control and lighting design are also included if appropriate for the project.
- (509) County road closures, separations or interchanges will be reviewed during the field exam. The Development Support Office will initiate preparation of county resolutions which will be presented to the County Board of Supervisors by the District Office for action.
- (510) A copy of project plans will be forwarded to the Project Planning Office for final environmental impact analysis. The Project Planning Office will provide supplemental data as needed.

600. DESIGN PUBLIC HEARING ACTIVITY	For Project Type	DOT Office Responsibility
601 - Consider need for public hearing.	I,II,III	Development Support
602 - Select hearing date. Prepare project brief, visual aids, and legal notice, and arrange for news release. Notify interested local groups and public officials.	I,II	Development Support*
603 - Conduct Pre-Hearing Public Information Meeting and Public Hearing. Receive written comments for ten days; prepare typewritten transcript.	I,II	Development Support*
604 - Prepare project design recommendation for DOT staff review and <u>present recommendation to Commission for approval.</u>	I,II	Development Support
605 - Review Project Type Classification and Environmental data when needed.	I,II,III	Project Planning
606 - Prepare Design Report and request FHWA design approval.	I,II,III	Development Support
		* With assistance from District Engineer

600. Design Public Hearing Activity
(Includes combined corridor-design hearings)

- (601) The design public hearing is the formal opportunity to present the design development information to the interested public. It also presents an opportunity for the interested public to comment on the project design and relate their viewpoint to the Commission. A design hearing will ordinarily be held for Type I and II projects. The publication of a legal notice for an opportunity for a public hearing may be used to determine the need for formal hearing procedures. With this procedure, a public hearing would be held if a written request was received in response to the legal notice.

District Office personal contact procedures will be used on projects with insignificant right-of-way acquisitions. Property owners receive a personal explanation of the project from District Office staff. If no objection is apparent or if the property owner does not demand a public hearing opportunity, the project will be advanced without a public hearing.

- (602) The Development Support Office is responsible for setting the design hearing date. Proposed public hearing dates will be coordinated with corridor hearing and information meeting schedule prepared by the Project Planning Office.

The District Office and the Development Support Office will determine the hour of the public hearing and the extent of pre-hearing informational meetings. These meetings will range from informal question-answer discussions during pre-hearing "open-house" sessions to separate public meetings. The District Office will obtain a suitable location for the project hearing and informational meetings and hearings. Initial notice shall be published at least 30 days before the public hearing.

The Development Support Office will prepare legal notice and arrange for a news release announcing the informational meeting. These notices and news releases will include right-of-way acquisition, relocation and construction schedules. The project brief and visual aids will be prepared by the Development Bureau; public hearing notices will regularly be mailed to the following agencies:

FEDERAL

Federal Highway Administration
Department of Housing & Urban Development
Department of Interior
Bureau of Indian Affairs
Bureau of Outdoor Recreation
Bureau of Sport Fisheries & Wildlife
Environmental Protection Agency

STATE

Department of Environmental Quality
Department of Soil Conservation
Iowa Development Commission
Iowa Natural Resources Council
Office for Planning and Programming
State Conservation Commission
State Historical Society of Iowa
State Archaeologist

LOCAL

Newspapers
City Clerk
Regional Planning Agency
School Superintendents
Soil Conservation District

OTHER

Iowa Confederation of Environmental Organizations
Iowa Motor Truck Association, Inc.
Iowa Public Interest Research Group
Local interest groups as designated by the District Engineer

- (603) The District Engineer or his representative will preside at the public informational meetings and design public hearing. The public hearing panel shall include representatives capable of discussing project design development, property acquisition procedures, relocation assistance procedures, location planning and the general highway program.

Public hearing procedures will be as follows.

1. Presentation of the project statement by the DOT staff will include general information on highway system, highway funds, state-federal governmental relationship, right-of-way policy and regional transportation studies. More specific data on the project design, alternatives considered and the environmental criteria used will also be given.
2. Written or oral statements pertinent to the project will be presented.
3. Questions relating to the project will be received from people in attendance.
4. Written statements will be accepted for ten days following the hearing. These will become part of the official transcript. The transcript will include all questions asked and answers given.

After the ten day waiting period, a transcript will be prepared and distributed to the County Board of Supervisors, Mayor and City Clerk, and the Regional Planning Agency. The public may read the transcript at the District Office or obtain a copy upon request from the Development Support Office.

- (604) A recommendation on the project design will be prepared by the Development Support Office after a review of the transcript and evaluation of public input by the DOT staff.

The staff recommendation and public hearing data will be presented to the Commission for their review and approval. The County Boards of Supervisors, Mayor, City Clerk and Regional Planning Agency will receive copies of the Transportation Commission order on the project design. The Development Support Office and District Office will utilize additional appropriate means to provide information to the public regarding questions and suggestions received during the public hearing process.

- (605) If necessary the Project Planning Office will review the project type classification and environmental data. Any additional environmental documentation necessary will be prepared.

- (606) A Design Report will be prepared by the Development Support Office as needed to convey design commitments to the Road/Bridge Design Offices and obtain project design approval from the Federal Highway Administration. A Design Report will normally include design standards, number of lanes, access control features, horizontal and vertical alignment, right-of-way requirements, bridge locations, interchange locations, and appropriate environmental analyses. For projects requiring a design public hearing, it will include a transcript with documentation of public comment resolution.

There will be an opportunity for a new hearing if:

1. The proposed project has significantly changed since the public hearing.
2. Significant new social, economic, environmental or land use effects have been determined that were not apparent at the time of public hearing.

700. FINAL DEVELOPMENT ACTIVITY	For Project Type	DOT Office Responsibility
701 - Review Design Report. Complete project design and hold field review as appropriate.	I,II,III	Bridge/Road Design*
- Complete right-of-way acquisition.	I,II,III	Right-of-Way
702 - Obtain utility and railroad agreements and project plan approval (where applicable) from Iowa Natural Resources Council, Corps of Engineers, Coast Guard and Conservation Commission.	I,II,III	Bridge/Road Design Development Support
703 - Prepare pre-construction agreement with municipalities. Obtain DOT Director approval of the pre-construction agreement.	I,II,III	Development Support*
704 - Finalize project Plans, Specifications and Estimates (PS&E) for contract and FHWA approval.	I,II,III	Road/Bridge Design * With assistance from District Engineer

700. Final Project Development Activity

- (701) During the final project development phase, construction plans and right-of-way acquisitions are completed and final plan approvals are obtained before letting the project construction contract.

The Bridge Design/Road Design Offices will complete project construction plans by making modifications as a result of information received from the design hearing review and approval process. Appropriate erosion control provisions, determination of final project quantities and right-of-way design detail, right-of-way acquisition will be completed prior to project letting. The District Office will participate in final field review of the project plans, prepare detour route recommendation, and maintain contact with the local public agencies in regard to project progress and schedules.

- (702) The Development Offices will obtain project approvals as needed from the Iowa Natural Resources Council, State Conservation Commission, U.S. Coast Guard, U.S. Corps of Engineers, municipalities, railroads and utility companies. Approval of the Iowa Natural Resources Council is needed for rural projects which involve flood plains of streams with over 50 square miles of drainage area or reductions in channel length greater than 1,000 feet in 10-15 square miles or larger drainage area. They must approve any urban project in the above categories if the drainage area is over two square miles. Any dam built strictly for flood control, or across a water course draining more than 5,000 acres, or having a permanent storage area of over 18 acre feet must have their approval. The Iowa Natural Resources Council must also approve any channel change in a designated warm water or cold water aquatic stream. The State Conservation Commission must approve projects which affect a meandered stream within Iowa or a border river. Coast Guard approvals are necessary for highway structures over the Mississippi River, Missouri River; they are informed of structures proposed over Carter Lake, DeSoto Bend Lake, Lake Manawa, Iowa River, Des Moines River, Boyer River, Floyd River, Honey Creek, Indian Creek, Keg Creek, Little Sioux River, Monona-Harrison Ditch, Mosquito Creek, Pigeon Creek, Plum Creek, Soldier River and Waubonside Creek.

Approval of the Corps of Engineers must be obtained for highway structure projects over navigable rivers and their tributaries. After July, 1977 Corps of Engineers' approval is necessary for projects involving all waters or wetlands.

- (703) Pre-construction municipal agreements will be prepared by the Development Support Office. The District Office will obtain Council action and return the agreements to the Development Support Office for final approval by the DOT Director.

- (704) The last step prior to advertising for contract bids is assembly and submittal of project Plans, Specifications and Estimates (PS&E) to the Division Federal Highway Administration Office for approval.

2

COUNTY HIGHWAY PROJECT DEVELOPMENT PROCEDURES

There are 99 counties in Iowa with each governed by a Board of Supervisors. This Board consists of three to five members elected by the people within each county. The members are elected to a four year term of office. The rural population ranges from approximately 4,000 to 28,000 for counties in Iowa.

The Boards of Supervisors meet in the County Courthouse conveniently located and accessible to the persons living in each county. Any member of the Board is readily available in the courthouse or by telephone. Section 331.15 of the 1975 Code of Iowa requires each Board of Supervisors to meet on the second business day in January, the first Monday in April, and on the second Monday in June, September, and November. The Board of Supervisors may hold other meetings as necessary to administer their duties properly. Most Boards meet at least twice each month at regularly scheduled times. All meetings of the Boards of Supervisors at which any final action is taken must be open to the public in accord with Section 28A.3. In addition, Section 28A.4 requires advance notice of each meeting to given to the communications media or to the public in some other manner.

Section 309.17 requires the Board of Supervisors to employ one or more registered civil engineers who shall be known as County Engineers. Section 309.21 requires the appointed engineer to have direct and immediate supervision over all construction and maintenance work in the county.

The 1975 Code of Iowa also contains sections which define and classify the various road systems in Iowa and establishes authority for jurisdiction and control as follows:

1. Section 306.1 classifies the highways of the state into eleven classifications.

2. Section 306.3 further defines the meaning of the above classifications contained in Section 306.1 and reads, in part, as follows:

"Secondary roads" or "secondary road system" means those roads, outside the boundaries of municipalities, classified as trunk, trunk collector and area service under section 306.1.

"Farm-to-market roads" or "farm-to-market road system" means those secondary roads which are classified as trunk or trunk collector under section 306.1.

"Local secondary roads" or "local secondary road system" means those secondary roads which are classified as area service under section 306.1.

3. Section 306.4 places control and jurisdiction over the Secondary Road System within each county with the respective County Board of Supervisors.
4. Section 310.10 defines the roads which are included in the Farm to Market Road System. This system shall include those main secondary roads (not including roads within cities and towns) which connect rural areas with each other and with towns, cities, and primary roads.

All of Chapter 310 deals with Farm to Market roads. It details and defines the system, the funds allocated for construction on the system, fund distribution and reports, project approval by county and Department of Transportation, system changes, bids for work using funds allocated, supervision of work, engineering costs, maintenance, and research.

The Farm to Market System has been established by each county in accord with State law and with the approval of the Department of Transportation. Also in accord with provisions of Title 23 of the United States Code, there has been a designation of a Federal Aid Secondary System. The Federal Aid Secondary System comprises a portion of the Farm to Market System in each county. A county may revise these systems by adopting a formal resolution describing the proposed change and the reasons for the proposed change. Such a proposed change must be reviewed and approved by the County Functional Classification Board, the Department of Transportation, and in the case of a Federal Aid Secondary route, the Federal Highway Administration, in accord with current procedures.

The procedures used for developing county highway projects have been adapted from the basic development procedures described in Section 1, "State Highway Project Planning and Development Process". One specific exception is that location/design public hearing requirements are only followed for Class 2 and 3 projects when significant right-of-way is needed for the project. Traffic detours anticipated because of road construction will not be cause for public hearing procedures. Generally, the responsibilities as assigned to the

Department of Transportation in Section 1 are assigned to the County Engineer and Board of Supervisors for county highway projects. For certain classes of Federal-aid highway funds, the FHWA may delegate authority to the Department of Transportation for administration of most project requirements. Details regarding this delegation of authority are included in the "Secondary Road Plan" and other Federal regulations regarding administration of individual programs.

In accord with the requirements contained in Chapter 310 of the 1975 Code of Iowa and applicable Federal regulations, the counties develop projects for use of Federal-aid funds in the manner described hereinafter.

Counties initiate proposed projects. The work to be accomplished must be included in the county's annual construction program or included in a Farm to Market Project Resolution. The proposed work will also be included in the annual Federal-Aid Highway Apportionment Program. In following this process, each Federal-aid project is approved by the Board of Supervisors, the Department of Transportation and the Federal Highway Administration. Projects are developed based on priorities established by the respective Boards of Supervisors based on the needs of the county, the desires of the residents of the county, system continuity, traffic changes in land use, safety, etc.

During the early stages of project development the county performs the needed field surveys and other preliminary studies similar to those discussed in Section 1 to determine the extent of the social, economic, environmental and other impacts. The public, other groups, and agencies are contacted to determine their interest and degree of involvement in the proposed project. This is done by personal contacts, at regular Board of Supervisors meetings and various public meetings, and if appropriate, through notices of opportunity for a public hearing. Review and comment are solicited from the Iowa Office for Planning and Programming, and appropriate areawide clearinghouses as required by OMB circular A-95. Also, during this phase, state and local conservation groups, local school boards, the state archeologist, historical groups, and others are contacted as needed.

The county must certify to the Department of Transportation that it has held or offered the opportunity for a public hearing on certain Federal-aid projects depending on project complexity, as described in the summary table following subsection 209 in Section 1.

If a public hearing is held, a transcript along with proper certification must be submitted to the Department of Transportation for approval. When required the opportunity for a hearing must be offered or a hearing held prior to the acquisition of any right-of-way.

The County is required to determine the social, economic, and environmental considerations applicable to each project. This is proper since they are most familiar with the people, the area and project work involved. As discussed in Section 1, DOT Environmental Coordination

Section personnel are available to provide consultant assistance. The public, organized groups, and other agencies having any interest in a proposed project have ready access to the County Engineer and Board of Supervisors either informally or at formal meetings.

Most of the time, adverse social, environmental, and economic impacts are relatively insignificant. Normally the alignment follows the existing alignment very closely; the area traversed is rural in nature; the displacement of persons or businesses is unusual; and few changes are made in access and usage.

The nature and scope of most projects on the Federal-Aid Secondary System qualify them as Type III non-major actions. Some projects, having more than a minimal impact may be classified as Type II non-major actions, and a few may be Type I major actions which require either a negative declaration or a complete environmental impact statement. These documents are prepared by the county in accordance with the procedures concerning format and review as set forth in the Federal Aid Highway Program Manual, Volume 7, Chapter 7, Section 2, Definitions of projects which are generally classified as "Major" or "Non-Major" actions can be found in Section 1.

After completion of the necessary environmental studies and public hearing procedures the county requests appropriate concept, location, or design approval. These requests are submitted to the Department of Transportation Office for review and then to the Secondary Roads Office for approval. The Federal Highway Administration is notified when the necessary reports have been submitted and approved and FHWA concurrence is requested as necessary. Normally the acquisition of right-of-way may begin as soon as design approval is received. Advance acquisition may be possible with FHWA approval for bona fide hardship cases.

At the time location or design approval is requested, the publication of a notice describing the location or design is necessary only when a public hearing has been held. When a location or design approval is received, the publication of a notice of that action is necessary only when a public hearing has been held.

As specified in Sections 310.13 and 310.14 of the 1975 Code of Iowa, the county prepares the construction plans for proposed projects and submits them to the Department of Transportation for review and approval. Prior to final plan approval, the county will also obtain necessary permits. Normally the Department of Transportation advertises and lets the contracts. Authority to award contracts rests with either the Iowa DOT or the county, depending on the source of funds.

The counties are kept informed of State and Federal requirements by means of Instructional Memorandums, Administrative Rules, District meetings and state-wide meetings. These methods allow the Department of Transportation to present current information in a timely manner. In addition, the Department of Transportation's District and Central Office staff are available on call to consult with a county on any special problems which arise.

Submission and approval of the documents required herein will constitute evidence of compliance with this Action Plan. Additional information on procedures and project status may be obtained from the appropriate County Engineer or Department of Transportation District Office.

3 MUNICIPAL 3C PLANNING and STREET PROJECT DEVELOPMENT PROCEDURES

The urban transportation planning process evolved from provisions (Section 134, Chapter 1, Title 23, United States Code) of the 1962 Federal Highway Act:

"It is declared to be in the national interest to encourage and promote the development of transportation systems embracing various modes of transport in a manner that will serve the States and local communities efficiently and effectively. To accomplish this objective the Secretary shall cooperate with the States, as authorized in this title, in the development of long-range highway plans and programs which are properly coordinated with plans for improvements in other affected forms of transportation and which are formulated with due consideration to their probable effect on the future development of urban areas of more than fifty thousand population. After July 1, 1965, the Secretary shall not approve under Section 105 of this title any program for projects in any urban area of more than fifty thousand population unless he finds that such projects are based on a continuing comprehensive transportation planning process carried on cooperatively by States and local communities in conformance with the objectives stated in this section. No highway project may be constructed in any urban area of fifty thousand population or more unless the responsible public officials of such urban area in which the project is located have been consulted and their views considered with respect to the corridor, the location and design of the project."

Materials produced by the cooperative, comprehensive and continuing planning process in the urbanized areas became known as "3C Plans".

Metropolitan Area 3C Plans

Metropolitan planning agencies acting on behalf of their respective parent cities and counties are responsible for transportation systems planning in Iowa urbanized areas. The urbanized areas are

defined according to the Bureau of Census definition and include metropolitan areas in Iowa -- Cedar Rapids, Council Bluffs, Davenport, Des Moines, Dubuque, Waterloo and Sioux City. The municipalities of Hiawatha, Marion, Robins, Carter Lake, Buffalo, Bettendorf, LeClaire, Riverdale, Panorama Park, Clive, Pleasant Hill, West Des Moines, Urbandale, Windsor Heights, Sergeant Bluff, Cedar Falls, Elk Run Heights, Raymond and Evansdale are in these areas. The following maps show the urbanized area boundaries.

The goal of the cooperative, comprehensive and continuing urban transportation planning process is to develop long-range transportation plans and programs consistent with other long-range community plans. The plans must be based on the projected socio-economic development of the area and updated periodically for changing development trends.

Regional Planning Commissions, or Councils of Government, have been organized in each of the seven urbanized areas to prepare area-wide plans on behalf of their member cities and counties. Transportation Policy and Technical Committees are usually appointed by these agencies to carry out their work and fulfill Federal-aid requirements. All meetings are open to the public and conform to the Iowa open meeting statutes. These committees meet monthly or quarterly and operate under formal by-laws or other rules of procedure.

General operating procedures include monthly meetings of the regional transportation technical committees. Clearinghouse reviews of proposed projects, current transportation issues and the update and modification of the regional transportation plan and program are typical agenda items. Advisory assistance is obtained from conservation, transit, aviation, schools or other agencies affected by the items being considered.

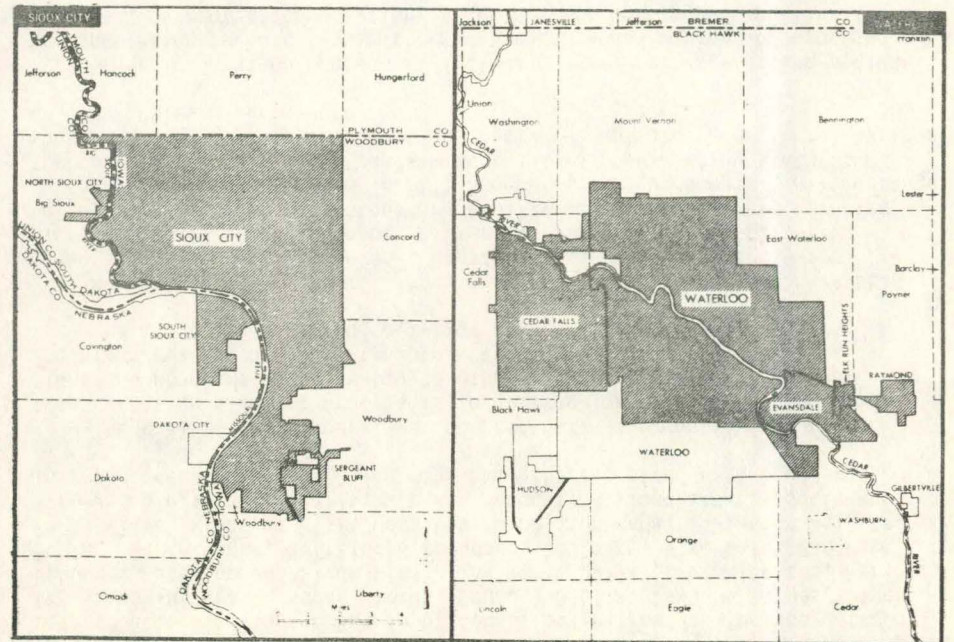
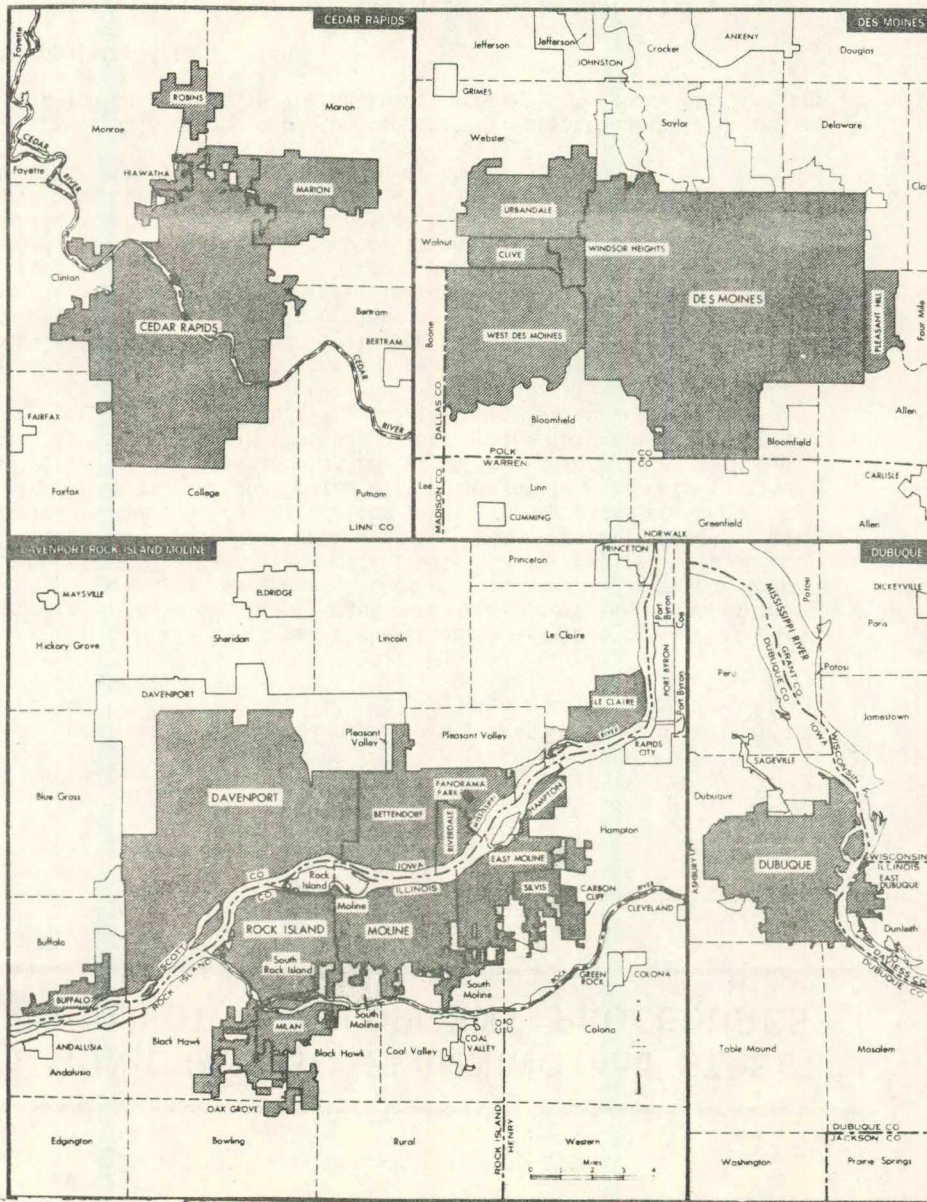
The Technical Committee formulates recommendations and gives them to the Transportation Policy Committees. The Policy Committees generally meet at least quarterly or more frequently if needed, and take final action on the transportation issues at the regional level. The city, county, and state highway agencies receive the regional plans, programs and recommendations for consideration in their implementation programs.

Citizens advisory committees were optional in the original planning agreements between the urbanized area cities and the Highway Commission. The Council Bluffs-Omaha and Davenport-Rock Island-Moline area regional studies included formal citizen involvement programs. Other regions utilize citizen participation in local committees and sub-committees. The regional planning commissions and councils of government also have citizen representation and the elected members represent specific geographic areas.

Transportation Policy Committees usually include the mayors of the urbanized area cities, the County Board of Supervisors Chairman and the Department of Transportation District Engineer. Technical Committees usually include local government engineers and planners plus the Department of Transportation District Planner. FHWA representatives normally participate on these committees.

IOWA

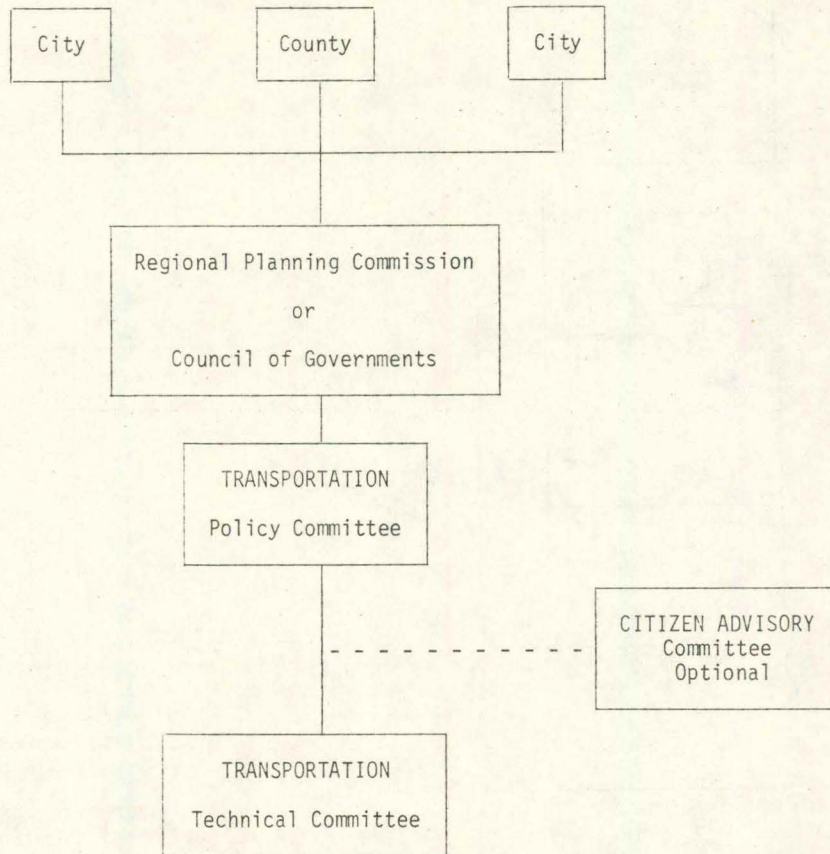
Urbanized Areas



COMPONENTS OF URBANIZED AREA
 Incorporated Places
 Unincorporated Area

BOUNDARY SYMBOLS
 State
 County
 Minor Civil Division
 Incorporated Place
 Unincorporated Place Outside Urbanized Area

The following chart illustrates the relationship of the transportation committees to the regional agency and parent jurisdiction:



The Policy Committees receive recommendations from the Technical Committees and decide what action will be taken on transportation matters. The Policy Committees select an initial plan or transportation system for the area and reviews these annually.

The initial transportation and land use plans are subject to continuing changes with periodic major reviews, annual plan endorsements, and annual review of project priorities. Each year the regional agencies prepare and update an Operations Plan or the Transportation

Element of the Unified Work Program. This document describes the planning organization and strategy employed by each area. Goals, objectives, anticipated technical work schedules, citizen involvement and environmental elements are usually discussed. The Technical Committee prepares these documents in cooperation with the Department of Housing and Urban Development, Federal Highway Administration, and other Department of Transportation Agencies which directly or indirectly fund the programs.

The Planning and Research Division of the Department of Transportation provides technical assistance to the regional agency staff and Technical Committee for inventory, analysis and forecasts of transportation elements. Regional agencies are responsible for land use inventory, analysis, and forecasts.

Regional agency consultants formulated initial plans with Technical Committee review. They considered the social, economic, and environmental implications of the proposed alternatives during initial plan preparation. During the major transportation plan updates, the social, economic and environmental effects (including air, noise and water quality elements) of the plan will be reviewed by the Technical Committee for the entire study area. These points will be evaluated during each major plan update:

1. Regional and community growth including general plans and proposed land use, total transportation requirements, (including air, water, rail, and highway modes) and status of the planning process.
2. Conservation and preservation, including the general ecology of the area as well as man-made and other natural resources, such as: park and recreational facilities; wildlife and waterfowl areas; and historic and natural landmarks.
3. Public facilities and services, including religious, health and educational facilities; and public utilities, fire protection and other emergency services.
4. Community cohesion, including residential and neighborhood character and stability; highway impacts on minority and other specific groups and interests; and effects on tax base and property values.
5. Displacement of people, businesses, and farms, including availability of adequate replacement housing, and economic activity (employment gains and losses, etc.)
6. Air, noise, and water pollution, including consistency with approved air quality implementation plans, Federal Highway Administration noise level standards (as required under FHPM 7-7-3), and any relevant Federal or State water quality standards.

7. Aesthetic and other values, including visual quality and the joint development and multiple use of space.

Reports for the implementing agencies will include potential problems identified during system planning activities.

In the initial 3C transportation studies, some regional planning agencies used formal citizen advisory groups. The planning agencies will provide opportunities for citizen input on the land use plans, socio-economic forecasts and transportation system analyses. This may include citizen participation in study committee work in addition to appearance at the planning agency's regular public meetings. Iowa statutes provide public hearings on comprehensive city plans and capital improvement budgets. The regional agency's Unified Work Program will include procedures and schedules for social, economic and environmental review and citizen involvement.

Development of the initial metropolitan transportation system tested and compared several alternative networks. The impact of transit bus operations was examined and found to have very little impact upon the street and highway plan proposals. Various levels and modes of service will be imposed to determine modal impacts and interface in future system studies. The no-build option will be retested prior to project funding commitments, especially when there is a mixed public response to the project proposals. Regional planning agencies and/or their transportation committees continue to be responsible for these activities. Professional interdisciplinary assistance from colleges, universities and other government agencies will support regional agency staff and their consultants as needed to accomplish the specific system planning objectives. The annual work plans will include more detailed procedures.

The Technical Committees review their regional transportation plan annually and prepare lists of projects based on technical priority items. This analysis stems from street safety, volume capacity, ratios, continuity and other local factors. Other considerations such as available funds, project size, and relationship to other improvements affect project scheduling and will be coordinated at the appropriate time.

Recommendations from the annual review of project priorities based on technical considerations are given to the Policy Committee for analysis and approval. The results of the Policy Committee actions, i.e., acceptance or verification of the regional area transportation system plan and a recommended priority of transportation capital improvements for the next 1-5 years, are forwarded to the implementing agencies. Each implementing agency prepares a program based upon the regional agency recommendations and its respective city, county or State objectives.

The regional agency assembles the area-wide program of construction projects identified by implementing jurisdictions, reconciles variations from the technically-based priorities, and includes them in its Transportation Improvement Program (TIP).

The regional agencies prepared the area-wide system plans, subject to acceptance by the parent jurisdictions. Acceptance of the plan should be verified at least every two years by the city councils before the regional planning agency endorses the system plan. Regional agency endorsement is solicited annually.

The Iowa DOT's Planning and Research Division will use these plans to recommend a future primary road extension system. A memorandum of understanding between the DOT Commission and the local governments or the regional planning agency acting in their behalf, shall express the intent of the State and local government to recognize the long-term transportation system objectives. This memo shall include the transitional steps and delineate State and local responsibilities. Provisions for biennial review and update of the memo should also be included.

Small Urban Areas

The Department of Transportation is also cooperating with eight urban areas, with population between 25,000 and 50,000, in preparing long-range transportation plans. The local planning agency provides land use forecast data, used by the DOT as basic input for estimating transportation demands. A 20-year plan is cooperatively developed along with a list of projects by priority group. The DOT uses this information to determine relative project needs on the urban extensions of the Primary Road System in Ames, Burlington, Clinton, Fort Dodge, Iowa City, Mason City, Marshalltown and Ottumwa.

The DOT will prepare a memorandum of understanding with the municipalities, or with a regional planning agency acting in their behalf, to express the intent to recognize long-term transportation system objectives. This memo shall include transitional steps and delineate State and local responsibilities for reaching the objectives. The memo will also provide for biennial review and update.

The DOT's Planning and Research Division prepares systems planning studies in urban areas with less than 25,000 population whenever alternatives include route relocations or bypasses. This work is done in cooperation with the local jurisdictions involved.

For information on regional planning in a specific urban area, contact:

<u>City</u>	<u>Contact Office</u>	<u>Address-Telephone</u>	<u>City</u>	<u>Contact Office</u>	<u>Address-Telephone</u>
Ames	City Planner	City Hall Annex Ames, Iowa 50010 515/232-6210	Mason City	City Planner	City Hall Mason City, Iowa 50401 515/423-2614
Burlington W. Burlington	City Planner	City Hall Burlington, Iowa 52601 319/753-2241	Ottumwa	City Engineer	City Hall Ottumwa, Iowa 52501
Cedar Rapids Hiawatha Marion Robins	Regional Planning Commission of Linn County, Iowa	City Hall Cedar Rapids, Iowa 52401 319/398-5041	Sioux City Sergeant Bluff	Siouxland Interstate Metropolitan Planning Council	626 Insurance Exchange Bldg. Box 447 Sioux City, Iowa 51102 712/279-6286
Clinton Camanche	City Engineer	City Hall Clinton, Iowa 52732 319/242-0261	Waterloo Cedar Falls Elk Run Heights Evansdale	Iowa Northland Regional Council of Governments	209 W. 5th Street Suite N, Russell Lamson Bldg. Waterloo, Iowa 50701 319/235-0311
Council Bluffs Carter Lake	Metropolitan Area Planning Agency	Suite 200 7000 West Center Road Omaha, Nebraska 68106 402/444-6866			
Davenport Bettendorf Riverdale	Bi-State Planning Commission	1504 3rd Avenue Rock Island, Illinois 61201 309/788-6338			
Des Moines Clive Pleasant Hill W. Des Moines Windsor Heights Urbandale	Central Iowa Regional Association of Local Governments	104½ East Locust Street Des Moines, Iowa 50309 515/244-3257			
Dubuque	East Central Intergovernmental Association	411 Fischer Bldg. Dubuque, Iowa 52201 319/556-4166			
Fort Dodge	City Planner	City Hall Fort Dodge, Iowa 50501 515/573-8321			
Iowa City Coralville University Heights	Johnson County Regional Planning Commission	217 Iowa Avenue Iowa City, Iowa 52240 319/351-8556			
Marshalltown	Director of Public Works	City Hall Marshalltown, Iowa 50158			

MUNICIPAL FEDERAL-AID PROJECT DEVELOPMENT

General

Federal assistance to municipalities for street construction is relatively new, in terms of FHWA activity. Until recently, assistance was available only for extensions of the Federal-Aid Primary and Secondary Systems. Congress, in 1970 legislation, provided for Federal-Aid Urban System (FAUS) in urbanized areas. This expansion of the Federal-Aid Highway System included heavily traveled elements of street systems.

In 1973, Congress expanded the Federal-Aid Urban System to include system designation in urban areas, if the states elected to do so. At the same time, system requirements were expanded to include streets functionally classified as collectors. Iowa DOT policy allows all urban areas to participate in this Federal program.

Congress provided funding for projects on the FAUS and established categorical programs for funding of urban streets not on any Federal-Aid System. The Iowa DOT is directly responsible for administering the various Federal highway programs in urban areas. For projects on the Federal-Aid Urban System and local system, the DOT delegates project planning, development, and construction activities directly to the cities involved but retains approval authority for various documents and actions, prior to requesting similar approvals from the FHWA.

Citizen participation in municipal Federal projects is afforded through Chapter 23.2, Code of Iowa which requires cities to hold a public hearing on plans, specifications and estimates. In addition, if the city proposes to finance its share of the project by assessing adjoining property owners, a separate hearing is required under Chapter 384.50, Code of Iowa. The Code also requires cities to develop budgets and capital improvement programs. These documents are often developed by special city committees which hold open meetings. In all cases, final adoption of the city's budget and improvement programs is the responsibility of the City Council, meeting in open session.

In urbanized areas, citizen participation is an integral part of the continuing planning process, pursuant to the provisions of Section 134, Title 23, U.S.C. The Iowa DOT also encourages cities to hold informational meetings on complex projects to obtain additional citizen input.

Project Implementation

When a city wishes to initiate a Federal-aid project, the general procedures in Section 1 apply as appropriate to the specific project. The city is responsible for activities assigned to DOT offices for state projects. The city (or the city's consultant) develops and submits a project concept statement to the Iowa DOT District Engineer. The Iowa DOT District Engineer reviews the project concept with the Office of Urban Systems and if appropriate, FHWA approval of the concept and concurrence in the project classification (as outlined in Section 1) is requested.

When this action is completed, a city-state agreement is prepared which sets out agency responsibility for planning, design, construction, and maintenance of the proposed project. This agreement is approved by the City Council and the Iowa Department of Transportation.

The Office of Urban Systems prepares the necessary documentation for clearinghouse review by the State Office for Planning and Programming. The City prepares similar documentation for notifying metropolitan planning agencies and when appropriate, the respective Regional Planning Agencies.

The city develops the project in accord with the typical activities as listed in Section 1 with one exception. Location/design public hearing requirements are only followed for Class II and III projects where significant right-of-way is needed for the project.

During the project development phase, the City, through the Office of Urban Systems, maintains liaison with the Federal Highway Administration and requests and receives approvals for development activities. The Iowa Department of Transportation provides technical assistance to the city during this phase and may perform some of the development activities upon the city's request, subject to availability of Iowa DOT manpower and resources.

Once final plans, specifications, and estimates are completed by the city, the Office of Contracts prepares the necessary submittal to the Federal Highway Administration. The FHWA, in turn, authorizes the letting of the project to contract.

There may be instances where projects are located on routes outside the corporation limits but within the urban boundary area. In this instance, the projects will generally be administered by the county, following the same procedures as are applicable to the city.

Completion of the activities described herein along with FHWA document approvals will constitute evidence of compliance with this Action Plan.

4 STATE PARK and INSTITUTIONAL ROAD PROJECT DEVELOPMENT PROCEDURES

Chapter 306 of the 1975 Code of Iowa defines "State Park Roads" and "Institutional Roads" as those roads and streets wholly within the boundaries of state lands operated as parks or institutions.

Section 306.4 provides for jurisdiction and control over State Park and Institutional Roads: Jurisdiction and control over the roads and streets in any state park or institution is given in the board or commission in control of the park or institution.

For a primary or secondary highway extension which both enters and exits from the state land at separate points, the DOT (in the case of primary roads) and the county board of supervisors (in the case of secondary roads) has concurrent jurisdiction with the State Conservation Commission. The DOT and the board of supervisors may expend monies available for such roads in the same manner as they expend such funds on other roads over which they have jurisdiction and control. The parties exercising concurrent jurisdiction enter into agreements with each other as to the kind and type of construction, reconstruction and repair and division of cost, but if there is no agreement, the jurisdiction and control of the road remains under the DOT or the board of supervisors.

Section 307A.2 authorizes the Transportation Commission to construct, reconstruct, improve and maintain state institutional roads and state park roads as defined in Section 306.3 and bridges on such roads upon the request of the state board, department or commission which has jurisdiction. The Transportation Commission may contract with any county or municipality for the construction, reconstruction, improvement or maintenance of such roads and bridges. Any state park road, which is an extension of a primary or secondary highway, which enters and exits from a state park at separate points shall be constructed, reconstructed, improved and maintained as provided in Section 306.4.

In accord with Section 312.2, \$1.4 million are allocated annually from the Road Use Tax Fund for construction, maintenance and engineering on State Park and Institutional Roads. State agencies which expend these funds include the Board of Regents, Conservation Commission, Iowa National Guard and Department of Social Services. Each year these agencies establish construction priorities for roads under their jurisdiction. These priorities are submitted to the DOT Highway Division, which estimates the cost of each project. The DOT then programs the projects in its Five-Year Program, based on the priorities established by the controlling agency and the Road Use Tax funds available.

The agency which proposes any project shall provide an opportunity for public review and comment prior to submitting it to the Iowa DOT for its Five-Year Construction Program. The manner in which this opportunity is provided is at the discretion of the agency proposing the project.

When a project proposal is submitted to the Iowa DOT for the Five-Year Program, it is accompanied by a statement indicating that an opportunity for public review and comment has been offered and that proper consideration has been given to any comments received. This statement also assures that social, economic and environmental effects of the project have been determined and evaluated.

If significant* right-of-way must be acquired to accommodate a project, public hearing must be offered by the acquiring agency after preliminary design development but before any right-of-way acquisition procedures. The agency proposing the project conducts the hearing. If the project is being designed by the Iowa DOT, the DOT helps present applicable material at the hearing. After the hearing the agency reviews and evaluates the information received and makes the final determination regarding the disposition of the project. A copy of the public hearing transcript or statement that an opportunity for public hearing was offered must be certified to the Iowa Department of Transportation prior to advertisement for project bids.

Submittal and approval of the certification required herein will comply with this Action Plan.

*(Significant right-of-way involves the purchase of a business, residence, or buildings, and change in property access which results in damage to remaining parcel.)

APPENDIX

- An Overview - Organization

- Definitions

- Federal Process Guidelines

- Environmental Statement
Guidelines

AN OVERVIEW - TRANSPORTATION COMMISSION ORGANIZATION

Iowa DOT was established by legislation passed by the 65th General Assembly in early 1974 and started official functions July 1, 1974. It is responsible for coordinating Iowa's transportation system.

Seven Commissioners, appointed by the Governor, determine general operating policies which are carried out by the DOT Director and staff.

The enabling legislation which created the Iowa Department of Transportation designates the following responsibilities to the seven Transportation Commissioners, who hold official 1-day meetings every two weeks.

1. Develop and coordinate a comprehensive transportation policy for the state not later than January 1, 1975, which shall be submitted to the general assembly for its approval, and develop a comprehensive transportation plan by January 1, 1976, to be submitted to the governor and the general assembly, and to update the transportation policy and plan annually.
2. Promote the coordinated and efficient use of all available modes of transportation for the benefit of the state and its citizens including, but not limited to, the designation and development of multi-modal public transfer facilities if carriers or other private businesses fail to develop such facilities.
3. Identify the needs for city, county, and regional transportation facilities and services in the state and develop programs appropriate to meet these needs.
4. Identify methods of improving transportation safety in the state and develop programs appropriate to meet these needs.
5. As provided in various sections of the Iowa Code, adopt rules and regulations as it may deem necessary to transact its business and for the administration and exercise of its powers and duties; adopt rules and regulations governing the length of vehicles and combination of vehicles, not to exceed sixty-five feet, and submit such to the general assembly for approval or disapproval.
6. Approve the budget of the department as prepared by the director prior to submission of the budget to the governor and the general assembly.

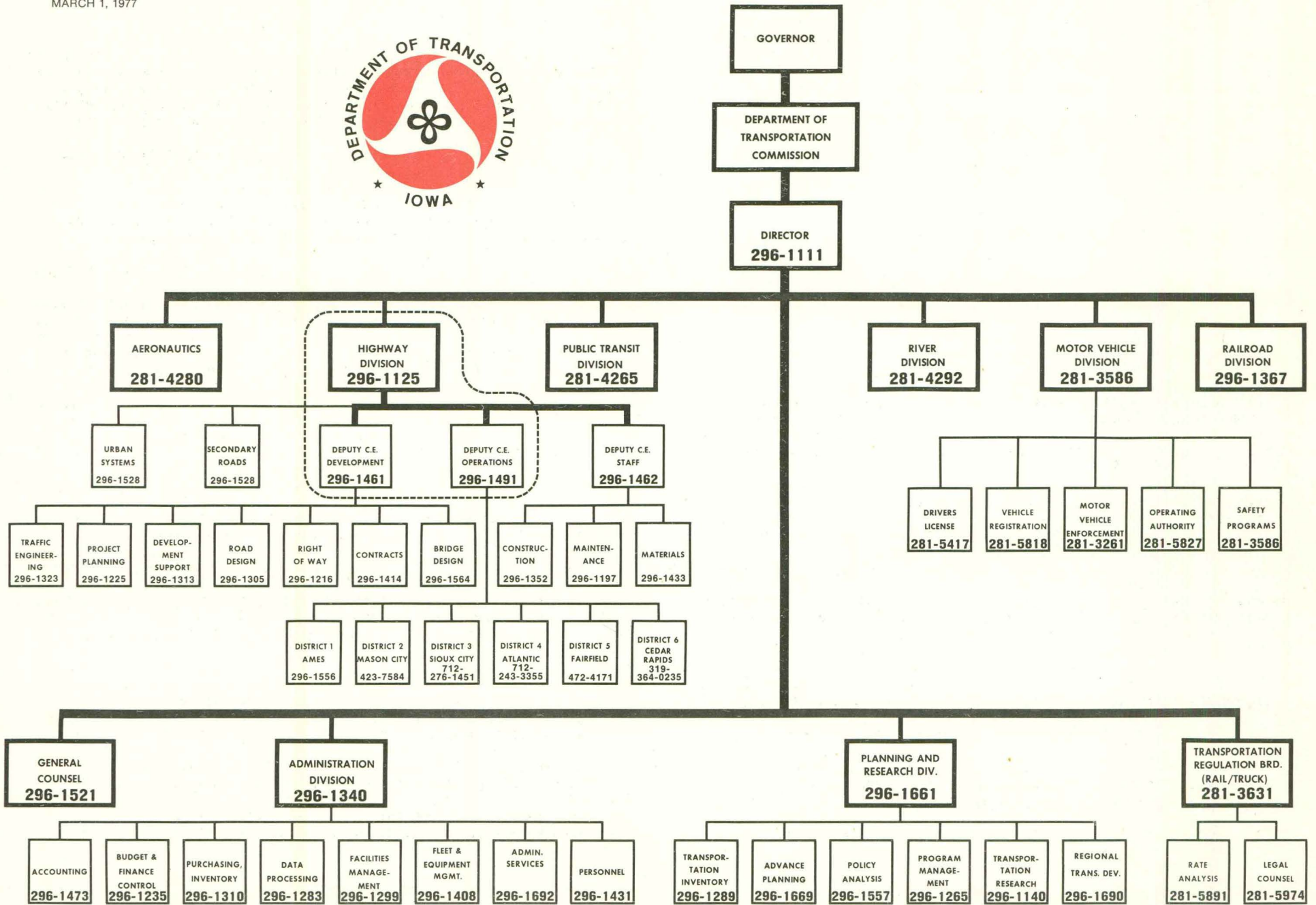
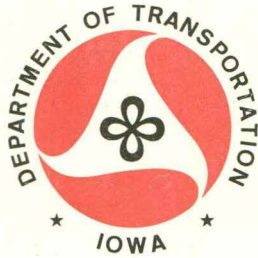
7. Approve the reorganization of any existing divisions within the department.
8. Consider the energy and environmental issues in transportation development.
9. Enter into such contracts and agreements as provided in this Act.

The enabling legislation assigns the following responsibilities to the Director of Transportation:

1. Manage the internal operations of the department and establish guidelines and procedures to promote the orderly and efficient administration of the department.
2. Employ such personnel as are necessary to carry out the duties and responsibilities of the department, consistent with the provisions of chapter nineteen A (19A) of the Code and subject to the policies of the commission.
3. Assist the commission in developing state transportation policy and a state transportation plan and execute the policies adopted by the commission.
4. Establish temporary advisory boards of such size as he deems appropriate to advise the department, subject to the approval of the commission.
5. Prepare a budget for the department, subject to the approval of the commission, and prepare reports required by law or required by the commission.
6. Appoint the deputy director of transportation and the administrators of the various divisions of the department, subject to the approval of the commission.
7. Review and submit legislative proposals necessary to maintain current state transportation laws.
8. Appoint hearing officers or designate department personnel or the board to conduct hearings required by law or administrative rule.

The Department of Transportation brings together into one agency, transportation responsibilities formerly handled by the Aeronautics Commission, Highway Commission, the Motor Vehicle Division of the Department of Public Safety, the Transportation Regulation Division of the Iowa Commerce Commission and the Iowa Reciprocity Board. Additional responsibilities in the area of Public Transit and River Transportation are handled by the newly created divisions.

MARCH 1, 1977



The purpose of the Department of Transportation is summed up in the beginning of the DOT policy statement: " The goal of the Iowa Department of Transportation is to assure adequate, safe and efficient transportation facilities for Iowa citizens by developing a total system which serves user needs and provides maximum economic and social benefits."

The Department includes nine divisions and a Transportation Regulation Board. The duties and responsibilities of these departmental divisions are summarized below:

ADMINISTRATION DIVISION

Provides general administrative and support services such as accounting, budgeting, purchasing, information, data processing, facilities management, and fleet operations.

AERONAUTICS DIVISION

Handles pilot licensing, aircraft registration and airport programs. Acts as liaison in distributing federal aviation funding.

GENERAL COUNSEL DIVISION

Legal staff assigned from the Attorney General's office handles legal matters for the Department of Transportation.

HIGHWAY DIVISION

Responsible for project planning, design, and right-of-way acquisition resulting in construction and inspection of contracted primary road projects. Responsible for maintaining Iowa's primary road system for safe usage by the public. Acts as liaison in obtaining and disbursing federal highway funds.

MOTOR VEHICLE DIVISION

Responsible for vehicle registration, drivers' licenses, reciprocity and prorate truck registration, motor vehicle inspection, dealer's licenses, truck regulation, traffic weight operations, and toll bridge operations.

PLANNING AND RESEARCH DIVISION

Responsible for Department of Transportation policy analysis, advance planning and determination of priorities. Collects data to be used in transportation planning and coordination of transportation planning between state and local governments and transportation economic studies.

PUBLIC TRANSIT DIVISION

Responsible for public transit project planning and investigation of feasibility of various types of public transit. Acts as state designee for disbursement of federal mass transit funds.

RAILROAD TRANSPORTATION DIVISION

Responsible for safety inspection of track, research, and analysis of rail systems and the state Rail Assistance Program.

RIVER TRANSPORTATION DIVISION

Coordinates use of river transportation with other transportation modes and examines potential for more efficient use of Iowa's waterways.

TRANSPORTATION REGULATION BOARD

Regulates routes used and fees charged by truck and rail carriers, determines operating regulations and rules on transportation issues, changes in service, applications for public certificates of convenience and necessity.

At present the Administration, General Counsel, Highway, Railroad, and Planning and Research Divisions are headquartered in Ames. The Aeronautics, Motor Vehicle, River, and Public Transit Divisions are headquartered in Des Moines, as is the Transportation Regulation Board.

FIELD ORGANIZATION

All construction and maintenance activities of the Highway Division are carried out through six District Offices. These six District Offices supervise twenty-three Construction Residencies, which directly handle all construction inspection and field engineering on primary road projects. The District Offices, working through twenty-four Maintenance Residencies, administer the maintenance of approximately 10,000 miles of primary highways. These two activities in the field require the total efforts of approximately three-fourths of the Highway Division staff.

The District Offices are also responsible for certain supervisory functions over urban and secondary roads constructed by the cities and counties. District Transportation Planners located in each of the District Offices coordinate plans and programs with planning agencies in Iowa's planning regions.

DISTRICT 1 OFFICE
1020 S. 4TH ST.
AMES, IOWA 50010
515-296-1556

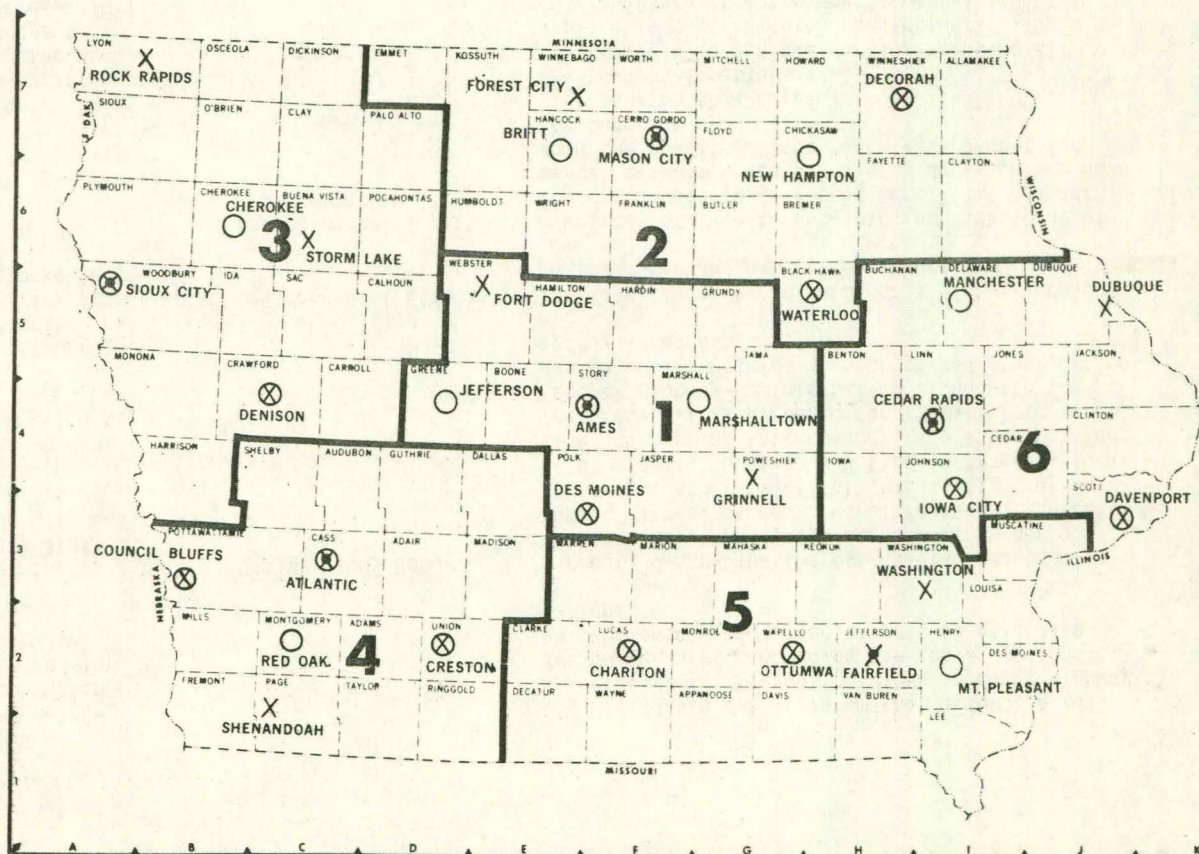
DISTRICT 2 OFFICE
BOX 741
1420 4TH ST. S.E.
MASON CITY, IOWA 50401
515-423-7584

DISTRICT 3 OFFICE
BOX 987
2800 E. GORDON DRIVE
SIOUX CITY, IOWA 51102
712-276-1451

DISTRICT 4 OFFICE
BOX 406
E. HIGHWAY 6
ATLANTIC, IOWA 50022
712-243-3355

DISTRICT 5 OFFICE
BOX 587
307 W. BRIGGS AVE
FAIRFIELD, IOWA 52536
515-472-4171

DISTRICT 6 OFFICE
420 16TH AVE. S.W.
CEDAR RAPIDS, IOWA 52404
319-364-0235




● DISTRICT OFFICE (R.C.E.) ○ RESIDENT CONSTRUCTION OFFICE (R.M.E.) X RESIDENT MAINTENANCE OFFICE

DEFINITIONS

- A-95 Clearinghouse - Those agencies and offices in states, metropolitan areas, and multi-state regions which perform the coordination functions called for in Office of Management and Budget (OMB) Circular A-95. (3) Provides a public forum that affords a full opportunity for presenting views on major highway design features, including the social, economic, environmental, and other effects of alternate designs.
- C-C-C Planning - The 1962 Federal Highway Act requires that all urbanized areas (Cedar Rapids, Council Bluffs, Davenport, Des Moines, Dubuque, Sioux City and Waterloo) have a continuing comprehensive transportation planning process carried on cooperatively by the states and local governments in order to be eligible for Federal highway funds.
- Corridor - Available area forming a passageway between two established termini, through which a transportation facility is proposed. It may vary from miles wide in rural areas to a few blocks in urban areas.
- Corridor Public Hearing - A Public Hearing that:
 - (1) Is held before the route location is approved and before the state highway agency is committed to a specific proposal.
 - (2) Is held to ensure that an opportunity is afforded for effective participation by interested persons in the process of determining the need for, and the location of a highway project.
 - (3) Provides a public forum that affords a full opportunity for presenting views on each of the proposed alternative highway locations and the social, economic, and environmental effects of those alternate locations.
- Design Development - Field survey of a highway route location and preparation of Construction Plans, Specifications and Estimates (PS&E).
- Design Public Hearing - A Public Hearing that:
 - (1) Is held after the route location has been approved, but before the state highway agency is committed to a specific design proposal.
 - (2) Is held to insure that an opportunity is afforded for effective participation by interested persons in the process of determining the specific location and major design features of a highway.
- Design Study Report - A report describing the essential elements of a project including design standards, number of through lanes, access control features, general horizontal and vertical alignment, right-of-way requirements, location and size of bridges, location and type of interchanges, and other physical features. It is prepared for submittal to the Federal Highway Administration along with the design public hearing transcript and other project approval request documents.
- Environmental Effects - The totality of the effects of a highway project on the human and natural environment.
- Environmental Impact Statement (EIS) - A written statement containing an assessment of the anticipated significant beneficial and detrimental effects which the agency decision may have upon the quality of the human environment for the purposes of:
 - (1) Assuring that careful attention is given to environmental matters.
 - (2) Providing a vehicle for implementing all applicable environmental requirements.
 - (3) To insure that the environmental impact is taken into account in the agency decision.
- FHWA - Acronym for Federal Highway Administration
- Five-Year Construction Program - A tabulation of transportation projects proposed for construction on the Primary Road System, the State Park and Institutional Road System, municipal airports, and railroads. It is reviewed and updated annually.
- Highway Agency - The state highway department or state department of transportation with the primary responsibility for initiating and carrying forward the planning, design and construction of Federal-aid highway projects.

- Highway Section - A substantial length of highway between logical termini (major crossroads, population centers, major traffic generators, or similar major highway control elements) as normally included in a single location study.
- Human Environment - The aggregate of all external conditions and influences (aesthetic, ecological, biological, cultural, social, economic, historical, etc.) that affect the lives of humans.
- Location Planning - That activity carried on from the end of system planning through location approval. The end result is the determination and approval of a highway route location.
- Location Study Report - A description of the termini, the general type of facility, the nature of the service to be provided, and other major features of the alternatives considered.
- Municipal Extensions - A continuation of a primary or secondary road inside a city or town.
- Negative Declaration - A written document in support of a determination that, should the proposed highway section improvement be constructed, the anticipated effects upon the human environment will not be significant.
- Opportunity for Hearing - The publication of a legal notice that work is proposed on the highway section described and states the method to request a public hearing. A hearing would not be held unless requested in response to this notice.
- Primary Road System - A selected portion of the Iowa public road and street network with the principal function of providing high level inter-city, inter-regional and interstate highway transportation service. Interstate, Iowa and US numbered routes are included in this system.
- Project Brief - A statement prepared for handout at corridor and design public hearings. It describes the hearing procedure, project location, primary road system, funding, State-Federal relationship, right-of-way acquisition procedures, study area, alternates considered, recommendations, project schedule, design data, and other basic facts relating to the proposed project.
- Project Concept - A brief description of the proposed project. It includes information on project termini, number of lanes, median width, type of shoulders, type of drainage, type of access, additional right-of-way needs, grade changes, and estimated cost. It may include a brief description of the anticipated environmental effects of the project.
- Project Concept Plan - A plan showing the feasible alternatives which can be identified within the Study Corridor. It would show the following for each alternative being considered:
 (1) Typical cross-section.
 (2) Horizontal alignment of primary road, service roads and other connecting facilities.
 (3) Suggested interchanges, intersections, separations and closures.
 (4) Bridges.
- Project Planning Team - A multi-discipline team used to study the corridor of a proposed project. The project environmental impact statement is prepared by this team.
- Relocation Assistance - A program to assist persons displaced by the acquisition of right-of-way. It includes supplemental payments for the increased cost of housing, cost of moving personal property, mortgage prepayment costs, etc. It also includes assistance in locating replacement housing. It is provided in addition to the actual cost of the real estate acquired.
- Right-of-Way - A general term denoting land, property or interest therein, usually in a strip, acquired for or devoted to a highway.
- System Planning - Regional analysis of highway needs and the identification of highway corridors. Examples - TransPlan '76, Metropolitan Area 3C Plans, Highway Needs Analysis and Functional Classification Study. Includes all activity prior to project inclusion in the approved Five-Year Construction Program.
- Unified Work Program - A single document which identifies all transportation and related comprehensive planning activities that will be undertaken within the metropolitan area. The program covers a three (3) to five (5) year period with the first year activities defined in substantially greater detail than activities for the following years.

 <p style="text-align: center;">U. S. DEPARTMENT OF TRANSPORTATION FEDERAL HIGHWAY ADMINISTRATION</p> <p style="text-align: center;">FEDERAL-AID HIGHWAY PROGRAM MANUAL</p>		
VOLUME	7	RIGHT-OF-WAY AND ENVIRONMENT
CHAPTER	7	ENVIRONMENT
SECTION	1	PROCESS GUIDELINES (FOR THE DEVELOPMENT OF ENVIRONMENTAL ACTION PLANS)

2. AUTHORITY

a. 23 U.S.C. 109(h) directs the following: "Not later than July 1, 1972, the Secretary, after consultation with appropriate Federal and State officials, shall submit to the Congress, and not later than 90 days after such submission, promulgate guidelines designed to assure that possible adverse economic, social, and environmental effects relating to any proposed project on any Federal-aid system have been fully considered in developing such project, and that the final decisions on the project are made in the best overall public interest, taking into consideration the need for fast, safe, and efficient transportation, public services, and the cost of eliminating or minimizing such adverse effects and the following:

- (1) air, noise, and water pollution;
- (2) destruction or disruption of manmade and natural resources, esthetic values, community cohesion and the availability of public facilities and services;
- (3) adverse employment effects, and tax property value losses;
- (4) injurious displacement of people, businesses and farms; and
- (5) disruption of desirable community and regional growth.

Such guidelines shall apply to all proposed projects with respect to which plans, specifications and estimates are approved by the Secretary after the issuance of such guidelines."

b. 23 U.S.C. 128 stipulates those Federal-aid projects for which the opportunity for public hearings must be afforded and includes certain certification and reporting requirements for these projects.

c. 42 U.S.C. 4321 et. seq. (the National Environmental Policy Act of 1969) requires the utilization of a systematic interdisciplinary approach to ensure the integrated use of the natural and social sciences and the environmental design arts in planning and decisionmaking. It further requires that procedures be developed which will

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December 30, 1974
HEV-10

- Par. 1. Purpose
2. Authority
3. Definitions
4. Policy
5. Application
6. Procedures
7. Implementation and Revision
8. Contents of the Action Plan
9. Identification of Social, Economic, and Environmental Effects
10. Consideration of Alternative Courses of Action
11. Involvement of Other Agencies and the Public
12. Systematic Interdisciplinary Approach
13. Decisionmaking Process
14. Interrelation of System and Project Decisions
15. Levels of Action by Project Category
16. Responsibility for Implementation
17. Fiscal and Other Resources
18. Consistency with Existing Laws, Regulations and Directives.

1. PURPOSE

To provide to highway agencies and the Federal Highway Administration (FHWA) field offices guidelines for the development of Action Plans to assure that adequate consideration is given to possible social, economic, and environmental effects of proposed highway projects and that the decisions on such projects are made in the best overall public interest. These guidelines identify issues to be considered in reviewing the present organization and processes of a highway agency as they relate to social, economic and environmental considerations, and in developing desirable improvements. The guidelines recognize the unique situation of each State and do not prescribe specific organizations or procedures.

ensure that presently unquantified environmental amenities and values may be given appropriate consideration in decisionmaking along with economic and technical considerations.

3. DEFINITIONS (As used in this directive)

- a. Highway Agency - The agency with the primary responsibility for initiating and carrying forward the planning, design, and construction of Federal-aid highway projects.
- b. Human Environment - The aggregate of all external conditions and influences (esthetic, ecological, cultural, social, economic, historical, etc.) that affect human life.
- c. Environmental Effects - The totality of the effects of a highway project on the human and natural environment.
- d. A-95 Clearinghouse - Those agencies and offices in States, metropolitan areas, and multi-State regions which perform the coordination functions called for in Office of Management and Budget (OMB) Circular A-95.
- e. The following definitions are provided solely to clarify the terms "system planning stage," "location stage," and "design stage" as they are used in these guidelines. A highway agency may choose to use different definitions in responding to these guidelines. If not stated otherwise, the following definitions will be assumed to be applicable.
 - (1) System Planning Stage - Regional analysis of transportation needs and the identification of transportation corridors.
 - (2) Location Stage - From the end of system planning through the selection of a particular location.
 - (3) Design Stage - From the selection of a particular location to the start of construction.
- f. Major Design Features - Those features required to describe a proposed highway improvement, including such elements as number of traffic lanes, access control features, general horizontal and vertical alignments, approximate right-of-way requirements, and locations of bridges, interchanges and other major structures, etc.

4. Policy

- a. It is the FHWA's policy that full consideration be given to social, economic, and environmental effects throughout the planning of highway projects, including system planning, location and design; that provisions for ensuring such consideration shall be incorporated in the decisionmaking process; and that decisions shall be made in the best overall public interest, taking into consideration the need for fast, safe, and efficient transportation, public services, and the cost of eliminating or minimizing possible adverse social, economic, and environmental effects.
- b. The process by which decisions are reached should be such as to merit public confidence in the highway agency. To achieve this objective, it is the FHWA's policy that:
 - (1) social, economic, and environmental effects be identified and studied early enough to permit analysis and consideration while alternatives are being formulated and evaluated,
 - (2) other agencies and the public be involved in system planning and project development early enough to influence technical studies and final decisions, and
 - (3) appropriate consideration be given to reasonable alternatives, including the alternative of not building the project and alternative modes.

5. APPLICATION

- a. These guidelines apply to the process by which highway agencies plan and develop proposed projects, on any Federal-aid system, for which the FHWA approves the plans, specifications and estimates or has the responsibility for approving a program. They apply to system planning decisions, including those made in compliance with 23 U.S.C. 134 and to project decisions made during the location and design stages.
- b. These guidelines and the Action Plan shall only be applied to the future development of ongoing projects and to future projects. They are not retroactive, and shall not apply to any step or steps taken in the development of a project prior to the time of the implementation of the parts of the Action Plan applicable thereto. Action Plan public hearing procedures, as defined in paragraph 11b(7), shall apply only to activities or stages of project development occurring subsequent to the FHWA approval

of the Action Plan containing such provision. However, any project which has an initial (corridor) public hearing opportunity in accordance with 23 CFR 790 shall also have a second (design) public hearing opportunity if such hearing opportunity would have been required by 23 CFR 790.

6. PROCEDURES

- a. To meet the requirements of these guidelines, each highway agency shall operate under an approved Action Plan which describes the organization to be utilized and the process to be followed in the development of Federal and Federal-aid highway projects from initial system planning through design.
- b. The Action Plan should be consistent with the requirements of all applicable FHWA regulations and directives.
- c. Involvement of the public and local, State and Federal officials and agencies, including A-95 clearinghouses and the 23 U.S.C. 134 metropolitan transportation planning agencies, should be sought throughout the development of the Action Plan. Comments should be solicited during the draft and final stage of development of the Action Plan.
- d. The FHWA, through its division and regional offices, will consult with the State in the development of the Action Plan and, within the limits of its resources, will be prepared to assist or advise.
- e. The Action Plan shall be submitted to the Governor of the State for review and approval as a means of obtaining a high degree of interagency and intergovernmental coordination. Approval by the Governor may occur prior to submittal of the Action Plan to the FHWA, or, if desired by the State, may occur concurrently with FHWA approval.
- f. The Action Plan submitted to the Governor of the State and to the FHWA should be accompanied by a description of the procedures followed in developing the Action Plan; the steps taken to involve the public and other agencies during development of the Plan; and a summary of comments received on the Plan (including the sources of such comments) and the State's disposition of these comments.
- g. Review and approval of the Action Plan and revisions thereto will be the responsibility of the Regional Federal Highway Administrator.

- h. The FHWA will not give location approvals unless the highway agency has an approved Action Plan.

7. IMPLEMENTATION AND REVISION

- a. The FHWA shall review the States' implementation of their Action Plans at appropriate intervals. The FHWA may rescind approval of the Action-Plan or take other action it deems appropriate if in its reviews it determines that the Action Plan is not being implemented or that the Action Plan is not achieving the objectives of this directive.
- b. The Action Plan shall be implemented as quickly as feasible. A program of staged implementation for the period up to November 1, 1974, shall be developed and described in the Action Plan. It is expected that all aspects of the Action Plan will be implemented by this date. If the highway agency believes that any provision in its Action Plan cannot be implemented prior to November 1, 1974, it shall present a schedule for the implementation of such provisions to the FHWA, which will consider the proposed schedule on a case-by-case basis.
- c. If the schedule for implementation set forth in an approved Action Plan is not met, the FHWA may withhold location approvals or take such other actions as it deems appropriate.
- d. An approved Action Plan may be revised to meet changed circumstances or to permit adoption of improved procedures or assignments of responsibilities.
 - (1) The Action Plan should identify the assignment of responsibility for developing Action Plan revisions.
 - (2) Paragraph 6f (Governor's approval) shall apply to revision of the Action Plan; except that the Highway Agency, with the Governor's approval, may include a provision in the Action Plan to allow all or some type of revisions in the approved Action Plan without review and approval by the Governor. In such instances, the Action Plan should include a description of the types of such revisions.
 - (3) The highway agency in consultation with the FHWA shall determine the extent to which involvement of the public and other agencies is necessary in the development of proposed Action Plan revisions.

8. CONTENTS OF THE ACTION PLAN

The Action Plan shall indicate the procedures to be followed in developing highway projects, including organizational structure and assignments of responsibility by the chief administrative officer of the highway agency to positions or units within the agency. Where participation of other agencies or consultants will be utilized, this should be so indicated. The topics to be covered by the Action Plan are outlined in the following paragraphs of this directive.

9. IDENTIFICATION OF SOCIAL, ECONOMIC, AND ENVIRONMENTAL EFFECTS

a. Identification of potential social, economic, and environmental effects, both beneficial and adverse, of alternative courses of action should be made as early in the study process as feasible. Timely information on such effects should be produced so that the development and consideration of alternatives and studies can be influenced accordingly. Further, the costs, financial and otherwise, of eliminating or minimizing possible adverse social, economic, and environmental effects should be determined.

b. The Action Plan should identify:

- (1) the assignment of responsibility for;
 - (a) providing information of social, economic, and environmental effects of alternative courses of action during system planning, location, and design stages,
 - (b) controlling the technical quality of social, economic, and environmental studies, and
 - (c) monitoring current social, economic, and environmental research; monitoring environmental effects of completed projects, where appropriate; and disseminating "state-of-the-art" information within the agency.
- (2) procedures to be followed to ensure that timely information on social, economic, and environmental effects:
 - (a) is developed in parallel with alternatives and related engineering data, so that the

development and selection of alternatives and other elements of technical studies can be influenced appropriately,

- (b) indicates the manner and extent to which special groups and interests, including minority groups are beneficially and/or adversely affected by alternative proposed improvements,
- (c) is made available to other agencies and to the public early in studies,
- (d) is developed with participation of staffs of local agencies and interested citizens, and
- (e) is developed sufficiently to allow for the estimation of costs, financial or otherwise, of eliminating or minimizing identified adverse effects.

10. CONSIDERATION OF ALTERNATIVE COURSES OF ACTION

- a. Alternatives considered should include, where appropriate alternative types and scales of highway improvements and other transportation modes. The option of no improvement should be considered and used as a reference point for determining the beneficial and adverse effects of other alternatives. Appropriate alternatives which might minimize or avoid adverse social, economic, or environmental effects should be studied and described, particularly in terms of impacts upon specific groups and in relationship to 42 U.S.C. 2000d-2000d-4 (Title VI of the Civil Rights Act of 1964) and 42 U.S.C. 3601-3619 (Title VIII of the Civil Rights Act of 1968).
- b. The Action Plan should identify the assignment of responsibility and the procedures to be followed to ensure that:
 - (1) the consequences of the no-highway-improvement option are set forth, with data of a level of completeness and of detail consistent with that developed for other alternatives;
 - (2) a range of alternatives appropriate to the stage is considered at each stage from system studies through final design;

- (3) Alternatives containing new transportation modes or improvements to existing modes are adequately considered, where appropriate.
- (4) Nontransportation components, such as replacement housing, joint development, multiple use of rights-of-way, etc., are in coordination with transportation components.
- (5) Suggestions from outside the agency are given careful consideration.

11. INVOLVEMENT OF OTHER AGENCIES AND THE PUBLIC

- a. The President has directed Federal agencies to "develop procedures to ensure the fullest practicable provision of timely public information and understanding of Federal plans and programs with environmental impact in order to obtain the views of interested parties" (Executive Order 11514). Interested parties should have adequate opportunities to express their views early enough in the study process to influence the course of studies, as well as the actions taken. Information about the existence, status, and results of studies should be made available to other agencies and the public throughout those studies. Public hearings should be only one component of the agency's program to obtain public involvement.
- b. The Action Plan should identify the assignment of responsibility and procedures to be followed.
 - (1) To ensure that information is made available to other agencies and the public throughout the duration of project studies, and that such information is as clear and comprehensible as practicable concerning:
 - (a) the alternatives being considered,
 - (b) the effects of alternatives, both beneficial and adverse, and the manner and extent to which specific groups and interests, including minority groups, are affected,
 - (c) right-of-way and relocation assistance programs and relocation plans, and
 - (d) the proposed time schedule of project development, including major points of public interest.

- (2) To clearly indicate the organizational unit or units within the highway agency to which the public can go for information outlined in paragraph 11b(1), and for assistance to clarify or interpret the information.
- (3) To ensure that interested parties, including local governments and metropolitan, regional, State and Federal agencies, and the public have an opportunity to participate in an open exchange of views throughout the system planning, location and design stages.
- (4) To utilize appropriate agencies with area-wide responsibilities to assist in the coordination of viewpoints during project development.
- (5) To consult with the responsible local public officials and involve appropriately the organization which is officially established to conduct continuing, comprehensive, cooperative transportation planning in urbanized areas of over 50,000 population (consistent with Vol. 4, Planning, Ch. 4, Urban Transportation Planning, Sec. 2, Urban Transportation Planning of the Federal-Aid Highway Program Manual.)
- (6) To select and coordinate procedures, in addition to formal public hearings, to be used to inform and involve the public.
- (7) To ensure adequate opportunity for public hearing(s) on the need for the proposed project; alternative courses of action; alternative project locations and major design features; social, economic, environmental and other effects of the alternatives; and the consistency of the project with local planning goals and objectives. The Action Plan shall include:
 - (a) Provisions for one or more public hearings to be held at a convenient time and place, or the opportunity for hearing(s) to be afforded, on any Federal-aid project which requires the acquisition of significant amounts of right-of-way, substantially changes the layout or function of connecting roadways or of the facility being improved, has a significant adverse impact on abutting real property, or otherwise has a significant social, economic, environmental or other effect.

- (b) *The stage(s) of project development at which hearing opportunities will be afforded and the function and coverage of each hearing, including provisions that each hearing will be held before the highway agency becomes committed to any alternative presented at the hearing, and that the alternatives presented at each hearing will be developed to comparable levels of detail.*
- (c) *Public notification procedures that will be used to inform the public of hearing opportunities, including newspaper publication of hearing notices, press releases and other means that are likely to reach those interested in or affected by proposed projects. Initial hearing notices shall be published at least 30 days in advance of hearings.*
- (d) *A description of what information is presented or made available to the public and the procedures for receiving verbal and written commentary from the public to assure that the public has adequate opportunity to participate in the hearing process and to be informed of the alternatives studied and their potential effects. Information such as engineering, social, economic and environmental studies, draft environmental impact statements; noise and air quality studies; and relocation program descriptions should be made available before the hearing(s) for inspection and copying and should be provided at the hearing(s).*
- (e) *Provisions for additional hearing opportunities when there has been (1) substantial change in the proposal, or (2) substantial unanticipated development in the area affected by the proposal, or (3) an unusually long lapse of time since the last hearing, or (4) identification of significant social, economic, or environmental effects not previously considered at earlier hearings.*
- (8) *To provide for the submission of reports, certifications and, if appropriate, public hearing transcripts as required by 23 U.S.C. 128 for each public hearing opportunity.*

12. SYSTEMATIC INTERDISCIPLINARY APPROACH

- a. *42 U.S.C. 4332 (Section 102 of the National Environment Policy Act of 1969) requires that agencies use "a systematic, interdisciplinary approach which will ensure the integrated use of the natural and social sciences and the environmental design arts in planning and in decisionmaking which may have an impact on man's environment."*
- b. *The Action Plan should indicate procedural arrangements and assignments of responsibilities which will be necessary to meet this requirement, including:*
 - (1) *the organization and staffing of interdisciplinary project groups which are systematic and interdisciplinary in approach, including the possible use of consultants and representatives of other State or local agencies,*
 - (2) *recruitment and training of personnel with skills which are appropriate to add on a full-time basis, and the development of appropriate career patterns including management opportunities, and*
 - (3) *additional training for present personnel to enhance their capabilities to work effectively in an interdisciplinary environment.*

13. DECISIONMAKING PROCESS

- a. *The process of reaching various decisions on projects should be reviewed to assure that it provides for the appropriate consideration of all economic, social, environmental and transportation factors as required by these guidelines.*
- b. *The Action Plan should identify:*
 - (1) *the processes through which other State and local agencies, government officials, and private groups may contribute to reaching decisions, and the authority, if any, which other agencies or government officials can exercise over decisions;*
 - (2) *different decision processes, if any, for various categories of projects (e.g., Interstate, Primary, Secondary, TOPICS) and for various geographic*

regions of the State (e.g., in various urban and rural regions) to reflect local differences in the nature of potential environmental effects or in the structure of local governments and institutions; and

- (3) the processes to be used to obtain participation in decisions by officials of appropriate agencies in other States for those situations in which the potential social, economic, and environmental effects are of interstate concern.

14. INTERRELATION OF SYSTEM AND PROJECT DECISIONS

a. Many significant economic, social, and environmental effects of a proposed project are difficult to anticipate at the system planning stage and become clear only during location and design studies. Conversely, many significant environmental effects of a proposed project are set at the system planning stage. Decisions at the system and project stages shall be made with consideration of their social, economic, environmental, and transportation effects to the extent possible at each stage.

b. The Action Plan should identify:

(1) Procedures to be followed to:

- (a) ensure that potential social, economic, and environmental effects are identified insofar as practicable in system planning studies as well as in later stages of location and design, and
- (b) provide for reconsideration of earlier decisions which may be occasioned by results of further study, the availability of additional information, or the passage of time between decisions.

(2) Assignment of responsibility for ensuring that project studies are effectively coordinated with system planning on a continuing basis.

15. LEVELS OF ACTION BY PROJECT CATEGORY

a. A highway agency may develop different procedures to be followed depending upon the economic, social, environmental, or transportation significance of the highway project to be developed. Different procedures may also be adopted

for various categories of projects, such as TOPICS, new route locations, or secondary roads, and for various regions of the State, such as urban areas or zones of particular environmental significance.

b. The Action Plan should identify:

- (1) the categories which the highway agency will use to distinguish the different degrees of effort which under normal circumstances will be devoted to various types of projects;
- (2) assignment of responsibility for determining, initially and in periodic reviews, the category of each ongoing project; and
- (3) procedures to be followed for each category (including identification of impacts, public involvement, decision process, and other issues covered in these guidelines).

16. RESPONSIBILITY FOR IMPLEMENTATION

Assignment of responsibility for implementation of the Action Plan should be identified.

17. FISCAL AND OTHER RESOURCES

a. An important component of the Action Plan is identification of resources of the highway agency and of other agencies required to perform the identified procedures and execute the assigned responsibilities.

b. The Action Plan should identify:

- (1) the resources of the highway agency (in terms of personnel and funding) that will be utilized in implementing and carrying out the Action Plan;
- (2) resources that are available in other agencies to provide necessary information on social, economic, and environmental effects;
- (3) programs for the addition of trained personnel or fiscal or other resources to either the highway agency itself or other agencies;

18. CONSISTENCY WITH EXISTING LAWS, REGULATIONS AND DIRECTIVES

The highway agency should identify and report, either in the Action Plan or otherwise, areas where existing Federal and State laws, regulations and administrative directives prevent or hamper full compliance with these guidelines. Where appropriate, recommendations and proposed actions to overcome such difficulties should be described.



U. S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAY PROGRAM MANUAL

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- Transmittal 177
January 2, 1976
HEV-11

1. PURPOSE

- * *The purpose of this directive is to promulgate guidelines and regulations for the preparation and processing of environmental impact and related statements.*

2. AUTHORITY

This directive is issued under authority of the following:

- * Regulatory material is italicized

- a. 42 U.S.C. 4332(2)(C), popularly known as Section 102(2)(C) of the National Environmental Policy Act of 1969, P.L. 91-190 (NEPA).
- b. 49 U.S.C. 1653(f), popularly known as Section 4(f) of the Department of Transportation Act of 1966, P.L. 89-670
- c. 16 U.S.C. 470(f), popularly known as Section 106 of the National Historic Preservation Act of 1966, P.L. 89-665.
- d. 42 U.S.C. 1857h.7, popularly known as Section 309 of the Clean Air Act of 1970, P.L. 91-604.
- e. 16 U.S.C. 662(a), popularly known as the Fish and Wildlife Coordination Act of 1958, P.L. 85-624.
- f. 40 CFR 51.18, popularly known as the Environmental Protection Agency Indirect Source Regulations.
- g. Executive Order 11593 (Protection and Enhancement of the Cultural Environment).
- h. Executive Order 11296 (Evaluation of Flood Hazard).
- i. 23 U.S.C. 128 (Public Hearings).
- j. 23 U.S.C. 315 (Rules, Regulations and Recommendations).
- k. 23 CFR 1.32 (Policies, Procedures, Orders and Memorandums)

3. POLICY

It is the policy of the Federal Highway Administration that in the development of a project a systematic interdisciplinary approach be used to assess engineering considerations and beneficial and adverse social, economic, environmental, and other effects; that efforts be made in developing projects to improve the relationship between man and his environment and to preserve the natural beauty of the countryside and natural and cultural resources; that project development involve consultation with local, State and Federal agencies, and the public; that decisions be made in the best overall public interest based upon a balanced consideration of the need for fast, safe and efficient transportation, public services, and social, economic and environmental effects, and national environmental goals.

4. DEFINITIONS (as used in this directive)

- a. An "action" is the construction or reconstruction, including associated activities, of a highway section.
- b. A "major action" is an action of superior, large and considerable importance, involving substantial planning, time, resources or expenditures (paragraph 10d includes examples).
- c. A "Federal action (FHWA action)" is the participation with funds administered by FHWA in the construction or reconstruction, including associated activities, of all or a portion of a highway section. It also includes FHWA approvals of associated activities such as joint and multiple use permits, changes in access control, etc. which do not ordinarily involve a commitment of Federal funds.
- d. An "action significantly affecting the quality of the human environment" is an action in which the overall cumulative primary and secondary consequences significantly alter the quality of the human environment, curtail the choices of beneficial uses of the human environment, or interfere with the attainment of long-range human environmental goals (paragraph 11e includes examples).
- e. The "human environment" is the aggregate of all external conditions and influences (esthetic, ecological, cultural, social, economic, historical, etc.) that affect human life.
- f. The "highway agency (HA)" is the agency with primary responsibility for initiating and carrying forward the action. For highway sections financed with Federal-aid highway funds, the HA will normally be the appropriate State, county or city highway agency. For highway sections financed with other funds, such as forest highways, park roads, etc., the HA will be the appropriate Federal or State agency with the primary responsibility for initiating and carrying forward the action.
- g. A "highway section" is a highway development proposal between logical termini (population centers, major traffic generators, major crossroads, etc.) as normally included in a location study or multiyear highway improvement program.

- h. A "Section 4(f) statement" is a supporting document for a determination required by Section 4(f) of the 1966 Department of Transportation Act as amended (49 U.S.C. 1653(f)).
- i. A "draft environmental impact statement (draft EIS)" is a document which contains an assessment of the significant effects a major action will have upon the quality of the human environment.
- j. A "final environmental impact statement (final EIS)" is the detailed statement on a major action which significantly affects the quality of the human environment, as required by Section 102(2)(C) of the National Environmental Policy Act of 1969. It contains the same supporting information required in the draft EIS with appropriate revisions to reflect comments received from circulation of the draft EIS and the public hearing process.
- k. A "negative declaration" is a document supporting a determination that a proposed major action will not have a significant impact upon the quality of the human environment of a magnitude to require the processing of an EIS.

5. APPLICATION

- a. The provisions of this directive shall apply to each major action which is an FHWA action, including those being implemented under "Certification Acceptance" approved pursuant to 23 U.S.C. 117, except as set forth below.
- b. The provisions of this directive do not apply to or in any way affect or alter decisions, approvals or authorizations which were given by the FHWA pursuant to directives then in effect nor does it apply or in any way affect final EIS's submitted to the Council on Environmental Quality (CEQ) or a negative declaration which has been adopted by the FHWA Division Engineer as of the effective date of this directive.
- c. The provisions of this directive do not apply to project authorizations or approvals where major grade and drain items have been authorized prior to the effective date of this directive based on the environmental reassessment procedure established by either paragraphs 5b and 5c of

Policy and Procedure Memorandum 30-1, dated September 7, 1972, or the National Wildlife Federation consent judgment, 38 FR 20359.

- d. The provisions of this directive apply only to those actions over which the FHWA exercises sufficient control and responsibility to alter the development being planned.

6. HIGHWAY SECTION PROCESSING

- a. A highway section should be as long as practicable to permit consideration of environmental matters on a broad scope and meaningful evaluation of alternatives. A highway section may include, when appropriate, completed as well as uncompleted portions of the highway and one or more future highway projects. Piecemealing proposed highway improvements in separate EIS's is to be avoided. The highway section identified in the EIS or negative declaration should include the total length of highway between logical termini even though only a short length of the total identified highway section is proposed for construction or reconstruction within the multiyear work program. The EIS or negative declaration should clearly identify the length or segment of the total highway section that is proposed for improvement and furnish any available information concerning long-range possibilities for future improvements within the highway section. Environmental impacts identified and discussed in the EIS will ordinarily be those anticipated to be precipitated by the proposed construction, but will also, as pertinent, include impacts associated with the total highway section. For instance, completing a gap in a highway may substantially increase traffic volumes, change traffic patterns or improve access to an area creating a need to include a discussion of impacts related to the entire highway section.
- b. In the development of the highway section, the negative declaration or EIS and Section 4(f) statements and required processing under 16 U.S.C. 470(f) shall be completed during the location stage, prior to the selection of a particular location; except for those highway sections to which this directive applies that had received location approval prior to the effective date of this directive.

- c. When public hearing opportunities are to be afforded, the draft negative declaration or draft EIS shall be prepared prior to the first public hearing, or hearing opportunity on the location of the highway section, and the negative declaration or EIS finalized after the public hearing.
- d. The HA shall furnish the FHWA Division Engineer with a transcript of the hearing, if held, and the certifications required by 23 U.S.C. 128 prior to or with the final EIS or final negative declaration.
- e. For major actions the HA shall not proceed with the design of the proposed alternative (other than such design work necessary to make engineering and environmental decisions), right-of-way acquisition (other than bonafide hardship cases and protective buying), or construction until notified in writing by the FHWA that:
- (1) the negative declaration has been adopted, or
 - (2) at least 90 days have elapsed since the draft EIS was circulated for comment and furnished to CEQ, and at least 30 days have elapsed since the final EIS was made available to CEQ, commenting agencies and the public.
- f. For those HA's operating under an approved Action Plan which contains adequate public hearing procedures the notification noted in paragraph 6e is considered the FHWA acceptance of the public hearing transcript and certifications required by 23 U.S.C. 128 when these have been submitted to FHWA. Such notification is also considered FHWA acceptance of the general location of the highway section.
- g. For those nonmajor actions which require a public hearing opportunity, but do not require either an EIS or negative declaration, the HA shall not proceed with those activities noted in paragraph 6e above until notified by FHWA that the appropriate reports, transcripts and certifications required by 23 U.S.C. 128 have been received and accepted. Such notification is also considered FHWA acceptance of the general location of the highway section.

7. LEAD AGENCY

When more than one Federal agency directly sponsors an action, or is directly involved in an action through funding, licenses, or permits, or is involved in a group of actions directly related because of functional interdependence and geographical proximity, consideration should be given to preparing one statement for all the actions involved. Agencies in such cases should consider the designation of a single "lead agency" to assume supervisory responsibility for preparation of a joint statement. Where a lead agency prepares the statement, the other agencies involved should be consulted early regarding plans for preparing the draft EIS and requested to provide assistance with respect to their areas of jurisdiction and expertise. The statement should contain an evaluation of the full range of all actions involved, and should reflect the views of all participating agencies. It also should be prepared before any major or irreversible actions have been taken by any of the participating agencies. Some relevant factors in determining an appropriate lead agency are: land ownership, the time sequence in which the agencies become involved, the magnitude of their respective involvement, and their expertise with respect to the project's environmental effects.

8. USE OF CONSULTANTS

- a. Consultants may be utilized in preparing all types of environmental studies and reports. The responsibility for formulating all conclusions and determinations involved in the environmental decisions shall remain with the HA and FHWA.
- b. Work by consultants on environmental studies and reports leading to a project decision should be carefully reviewed to insure that complete and objective consideration is given to all relevant project impacts and alternatives. This is particularly important when the same consultants may be involved in subsequent phases of the highway section development.

9. HIGHWAY SECTION DEVELOPMENT AND COORDINATION

- a. The directive on Process Guidelines (Volume 7, Chapter 7, Section 1, of the Federal-Aid Highway Program Manual) calls on each HA to develop an Action Plan to assure that

adequate consideration is given to possible social, economic and environmental effects of proposed Federal-aid highway projects and that the decisions on such projects are made in the best overall public interest. Each Action Plan is to describe the organization to be utilized and the process to be followed in the development of Federal-aid highway projects, including:

- (1) the identification of social, economic and environmental effects,
 - (2) consideration of alternative courses of action,
 - (3) involvement of other agencies and the public, and
 - (4) utilization of a systematic interdisciplinary approach.
- b. The environmental effects identified during the development and coordination of the proposal in accordance with the Action Plan will assist the HA and FHWA in making a decision on the type of environmental processing (EIS or negative declaration) to be followed on the project.
 - c. Initial coordination with appropriate local, State and Federal agencies should be accomplished during the early stages to assist in identifying natural and cultural areas of significance and agency concerns. Existing procedures, including those established under the revised Office of Management and Budget (OMB) Circular A-95, shall be used to the greatest extent practicable to accomplish this early coordination.
 - d. The identification and evaluation of potential social, economic and environmental effects of the highway section, and identification of possible measures to minimize harm should be initiated early in the highway studies and considered along with engineering and safety factors throughout the development of the highway section.
 - e. The HA and FHWA should identify and evaluate alternative measures to reduce or eliminate adverse impacts during the development and coordination phase of the highway studies. The level of identification and consideration should be consistent with the stage and depth of the study and other factors being evaluated.

10. MAJOR AND NONMAJOR ACTIONS

- a. Section 102(2)(C) of the National Environmental Policy Act (NEPA) applies only to "Federal" actions which are "major."^{1/}
- b. The HA, after consultation with the FHWA Division Engineer, shall recommend the classification of the action (major/nonmajor) for those highway sections for which participation with Federal-aid highway funds is anticipated. The FHWA Division Engineer, after a review of the recommendations and supporting data, may concur in the HA's determination or return it for additional information and consideration.
- c. A major action which is an FHWA action will require either an EIS or negative declaration. A nonmajor action which is an FHWA action will not require an EIS or a negative declaration.
- d. Major actions are those of superior, large and considerable importance involving substantial planning, time, resources or expenditures. Any action that is likely to precipitate significant foreseeable alterations in land use; planned growth; development patterns; traffic volumes; travel patterns; transportation services, including public transportation; and natural and manmade resources would be considered a major action. The following are examples of types of actions which are ordinarily considered to be major actions:
- (1) a new freeway or expressway,
 - (2) a highway which provides new access to an area and is likely to precipitate significant changes in land use or development patterns,
 - (3) a new or reconstructed arterial highway which provides substantially improved access to an area and is likely to precipitate significant changes in land use or development patterns,
 - (4) a new circumferential or belt highway which bypasses a community,
 - (5) a highway which provides new access to areas containing significant amounts of exploitable natural resources,
 - (6) added interchanges to a completed freeway or expressway which provide new or substantially improved access to an area and are likely to precipitate significant changes in land use or development patterns, and
 - (7) a project that warrants a "major action" classification because it has been given national recognition by Congress even though it is not included in the above list. Such a project would be one that falls under Section 4(f) of the DOT Act or Section 106 of the National Historic Preservation Act.
- e. The following are examples of types of actions which are ordinarily considered to be nonmajor actions:
- (1) construction of a new rural two-lane highway which does not provide new access to an area and which would not be likely to precipitate significant changes in land use or development patterns,
 - (2) modernization of an existing highway by resurfacing, widening less than a single lane width, adding shoulders, adding auxiliary lanes for localized purposes (weaving, climbing, speed change, etc.), and correcting substandard curves and intersections,
 - (3) lighting, signing, pavement marking, signalization, freeway surveillance and control systems, and railroad protective devices.
 - (4) safety projects such as grooving, glare screen, safety barriers, energy attenuators, etc.,
 - (5) reconstruction of existing crossroad or railroad separations and existing stream crossings,
 - (6) highway landscaping and rest area projects,
 - (7) construction of bus shelters and bays,

^{1/} Council on Environmental Quality, Guidelines for Preparation of Environmental Impact Statements, 40 CFR 1500.6(c), 38 FR 20550.

- (8) alterations to existing buildings to provide for noise attenuation and installation of noise barriers,
- (9) temporary replacement of a highway facility which is commenced immediately after the occurrence of a natural disaster or catastrophic failure to restore the highway for the health, welfare, and safety of the public,
- (10) approval of utility installations along or across a highway or approval of grade separated crossings of highways by railroads or highways, and
- (11) approval of the Annual Highway Safety Work Programs involving the highway-related safety standards pursuant to 23 U.S.C. 402.
- f. There will be highway sections which are not readily classified as major or nonmajor actions. There will also be those highway sections which may normally be classified as nonmajor actions, but for which the FHWA Division Engineer may feel special consideration is appropriate. For such highway sections, the FHWA Division Engineer may, when deemed appropriate, classify them as major actions or use the following procedure to assist in the major or nonmajor determination.
- (1) At the request of the FHWA Division Engineer, the HA shall publish a notice in the local newspaper(s) and a newspaper in the State capitol inviting the public to submit comments to the FHWA Division Engineer for his use in making a major/nonmajor action determination. The notice shall:
- (a) allow a minimum of 30 days for comment,
- (b) furnish a description of the proposed action,
- (c) furnish the name and address of the person or office responsible for supplying information about the proposed action and the FHWA Division Engineer's name and address where comments are to be sent,
- (d) indicate that the FHWA Division Engineer will be evaluating the significance of the anticipated changes in land use; planned growth;

development patterns; traffic volumes; travel patterns; transportation service, including public transportation; and natural and manmade resources, and

- (e) indicate that the public will be advised of the decision by subsequent notice in the same newspapers.
- (2) The FHWA Division Engineer shall make a written determination based upon all available information, including comments received from the public.
- (3) The HA shall publish the FHWA Division Engineer's determination as soon as practical in the same newspapers as the original notice.

11. SIGNIFICANT EFFECT DETERMINATION

- a. Section 102(2)(C) of the NEPA requires preparation and processing of an environmental impact statement for major Federal actions "significantly affecting the quality of the human environment." For a highway section which is determined to be a major FHWA action, the HA, after consultation with the FHWA Division Engineer, shall make a recommendation on the significance of the action on the quality of the human environment and recommend the processing procedure (EIS or negative declaration). In evaluating the significance, the changes which may be caused by the action and the importance and scale of those changes are to be considered. The FHWA Division Engineer, after review of the recommendation and supporting data, shall concur in the recommendation or return it to the HA for additional supporting information and consideration.
- b. The information developed during the highway section studies, other available information and the consultations and coordination with the public and governmental agencies shall be the basis for determining the need for an EIS.
- c. An EIS is required for major Federal actions which are anticipated to have a significant effect on the quality of the human environment.
- d. A negative declaration is required for all major Federal actions for which an EIS is not prepared.

e. The following are examples of types of actions which ordinarily have a significant effect on the quality of the human environment:

- (1) an action that has more than minimal effect on properties protected under Section 4(f) of the DOT Act or Section 106 of the Historic Preservation Act,
- (2) an action that is likely to be highly controversial on environmental grounds or with respect to the availability of adequate relocation housing,
- (3) an action that is likely to have a significantly adverse impact on natural, ecological, cultural or scenic resources of national, State or local significance,
- (4) an action that (a) causes significant division or disruption of an established community or disrupts orderly, planned development, or is determined to be significantly inconsistent with plans or goals that have adopted by the community in which the project is located, as determined by a responsible official(s); or (b) causes a significant increase in traffic congestion, or
- (5) an action which (a) is determined to be inconsistent with any Federal, State or local law or regulation relating to the environment; or (b) has a significant detrimental impact on air or water quality or on ambient noise levels for adjoining areas; or (c) may contaminate a public water supply system.

12. NEGATIVE DECLARATIONS

- a. A draft negative declaration shall be prepared by the HA in consultation with FHWA for each major action which is a Federal action when the studies and coordination demonstrate that implementing the proposed action will not have a significant impact upon the quality of the human environment of a magnitude to require the processing of an EIS.
- b. A draft negative declaration is a written document which records the determination that implementing the

proposed action will not have a significant effect upon the quality of the human environment. The negative declaration is to include pertinent information about the highway section such as:

- (1) a description of the proposed action, need for the action, alternatives considered, and bases for the recommendation that the proposed action is not anticipated to have a significant impact upon the quality of the human environment,
 - (2) the social, economic, environmental and other effects considered,
 - (3) map(s) showing the alternative(s),
 - (4) other comparative data, such as costs, transportation requirements, engineering factors, etc., and
 - (5) a discussion of the issues and comments received from other agencies, organizations and the public during the highway section development and coordination.
- c. A draft negative declaration need not be circulated for comment, but its public availability shall be included in the notice of the public hearing or opportunity for public hearing.
 - d. When a public hearing notice is not required, the HA shall place a notice in a local newspaper(s), similar to a public hearing notice and at a similar stage of development, advising the public of the availability of a draft negative declaration and where to obtain information concerning the undertaking. Those opposing the processing of a highway section with a negative declaration or those disagreeing with the basis of the determination set forth in the draft negative declaration shall be invited to furnish written comments to the HA or the FHWA summarizing the specific substantive and factual basis for such opposition. Such comments are to be furnished to the HA or FHWA within 30 days of the notice in the newspaper.
 - e. The final negative declaration shall include a summary and disposition of the public hearing comments on the social, economic, environmental, and other effects of the proposed action, including alternatives raised at the public hearing.

- f. The FHWA Division Engineer, after a review of the final negative declaration and an examination of the social, economic and environmental issues, shall, if in agreement, indicate FHWA adoption of the determination by signing and dating.
- g. The HA and FHWA shall prepare and process a draft EIS in lieu of a negative declaration if significant impacts are identified prior to finalizing the negative declaration or at a subsequent time. It would not be necessary in such instance to hold a public hearing for the sole purpose of presenting the draft EIS. Circulation of the draft EIS affords the public and governmental agencies an opportunity to express their views on the anticipated environmental impacts should the proposed action be implemented.
- h. The negative declaration shall be reevaluated by the HA and FHWA periodically, and in all cases prior to proceeding with major project activities, for the purpose of determining whether there has been a substantial change in the social, economic and environmental effects of the proposed action. If there are substantial changes in the proposed action that would significantly affect the quality of the human environment, draft and final EIS's shall be prepared and processed in accordance with this directive.
13. DRAFT ENVIRONMENTAL IMPACT STATEMENT PROCESSING
- a. The draft EIS shall be prepared by the HA in consultation with the FHWA for major actions which are Federal actions and which significantly affect the quality of the human environment. The administrative record should include evidence of the FHWA involvement in the development of the EIS, particularly the consultations with the HA on environmental determinations, decisions or conclusions.
- b. The FHWA Division Engineer shall review the draft EIS and if in agreement with the scope and content, take responsibility for the draft EIS by signing and dating the title page before it is released for comment.
- c. The draft EIS shall be circulated by the HA on behalf of FHWA for comment and made available to the public at least 30 days before the public hearing and no later than the publication of first notice for the hearing or opportunity therefor.
- d. The FHWA Division Engineer is responsible for distributing copies of the draft EIS to the FHWA Regional Office and to the following:
- (1) FHWA Washington Headquarters
(Office of Environmental Policy, HEV-10) 5 copies
 - (2) Council on Environmental Quality (CEQ) 5 copies
722 Jackson Place, NW.
Washington, D.C. 20006
- e. The FHWA Division Engineer should indicate in the transmittal memorandum to the Washington Headquarters Office (HEV-10) his recommendation with respect to whether the final EIS may require prior concurrence from the Washington Headquarters Office (see paragraph 15c).
- f. Private groups and individuals, and governmental agencies which are furnished copies of the draft EIS by the HA shall be given a minimum of 45 days to review the statement and return comments. A calendar date for return of comments should be included in the letter transmitting the draft EIS for review. In establishing the calendar date (or other review period), a reasonable number of days should be added to the 45 days to allow for internal HA mail handling and for the draft EIS to reach the recipient.
- g. The Council on Environmental Quality publishes in the Federal Register each Friday a listing of all draft EIS's received Monday through Friday of the week before the publication date. The Federal Register notice will establish a 45-day period (beginning with the date of the publication in the Federal Register) for the return of comments from those not directly furnished a copy by the HA or FHWA.
- h. The HA shall circulate the draft EIS for review and comment to: Federal, State and local agencies with jurisdiction by law and special expertise with respect to any environmental impact involved; the State and area-wide clearinghouse; and the affected city or county. The Federal and Federal-State agencies and their relevant areas of expertise are identified in Appendix II of the CEQ Guidelines (40 CFR Part 1500). The clearinghouses may be used, by mutual agreement, for securing State and

Local agency reviews of the draft EIS and furnishing copies to the affected city or county. In some cases, the Governor may have designated a specific agency, other than the clearinghouse, for securing reviews of EIS's.

- i. The HA shall also circulate copies of the draft EIS to public and private organizations and individuals with special expertise with respect to the environmental impact involved, those which are known to have an interest in the highway section, and those who request an opportunity to comment.
- j. The transmittal letter to commenting entities shall indicate (1) the calendar date comments are due (see paragraph 13f), (2) where to send comments, and (3) that the final EIS will be furnished those who request a copy at the time they comment on the draft EIS.
- k. The initial printing of the draft EIS shall be of sufficient quantity to meet requests for copies which can be reasonably expected from agencies, organizations and individuals. Copies are to be furnished free of charge unless the FHWA Division Engineer concludes that a fee which is not more than the actual printing cost should be charged. The HA shall inform the FHWA of requests for draft EIS's which it is unable to fill. The FHWA Division Engineer may ask the HA to furnish a copy of the statement free of charge or he may offer a copy of the statement at a fee which is not more than the actual printing or reproduction cost, and at the same time direct the party to the nearest location where the party may review the statement. In making his decision, the FHWA Division Engineer will consider the following:
 - (1) the party's need for an individual copy of the statement,
 - (2) the supply of statements remaining from the initial printing,
 - (3) the amount of time remaining before the anticipated completion of the final EIS, and
 - (4) any other pertinent information.

- l. The draft EIS shall be available for review by the public at the HA Headquarters and appropriate field offices, and FHWA Headquarters, Regional and Division offices, and at any public hearing. A copy(s) should also be made available, as appropriate, to public institutions, such as local governments, public libraries and schools to permit them to make it available for public review.
- m. The availability of the draft EIS shall be included in the public hearing notice.
- n. Circulation of the draft EIS affords the public and governmental agencies opportunity to express their views on the anticipated environmental impact should the proposed action be implemented. Therefore, a public hearing or public meeting will not ordinarily be required for the sole purpose of presenting and receiving comments on a draft EIS. When a hearing is not held where the draft EIS may be discussed, a notice shall be placed in the newspaper similar to the public hearing notice advising where the draft EIS is available for review, how copies may be obtained, and where comments should be sent.
- o. The draft EIS shall, if necessary, be revised unless the final EIS is submitted to FHWA for adoption within 3 years from the date the draft EIS was circulated. If the draft EIS is revised, it shall also be recirculated for comment. Such recirculation shall be in the same manner as an original draft EIS.
- p. With the concurrence of the FHWA Division Engineer, a draft EIS may be changed to a negative declaration if the review process and public hearing comments indicate the anticipated environmental impacts are not considered significant. All agencies and individuals that received copies or commented on the draft statement must be informed by the HA that a negative declaration was substituted for the draft EIS and given a brief explanation of the reason therefor.

14. RESPONSIBILITIES OF COMMENTING ENTITIES

- a. Agencies and members of the public with expertise in any of the identified environmental impacts or who have an interest in the proposed action should submit comments

on proposed actions on the basis of draft environmental statements and should endeavor to make their comments as specific, substantive, and factual as possible without undue attention to matters of form in the impact statement. Although the comments need not conform to any particular format, it will assist those reviewing comments if the comments are organized in a manner consistent with the structure of the draft statement. Emphasis should be placed on the assessment of the environmental impacts of the proposed action, and the acceptability of those impacts on the quality of the environment, particularly as contrasted with the impacts of reasonable alternatives to the action. Commenting entities may recommend modifications to the proposed action and/or new alternatives that will enhance environmental quality and avoid or minimize adverse environmental impacts.

- b. Comments which are received after the allotted time, but before the final EIS is forwarded to the Regional Federal Highway Administrator, are to be appended to the EIS, where practicable, with an explanation that the comments were received late and are not evaluated in the final EIS.

15. FINAL ENVIRONMENTAL IMPACT STATEMENT PROCESSING

- a. A final EIS shall be prepared by the HA in consultation with FHWA for major FHWA actions which significantly affect the quality of the human environment.
- b. The Regional Federal Highway Administrator shall review the final EIS, including the comments and the evaluations of comments attached thereto, before processing the statement. Appropriate members of the FHWA Regional Office staff, such as engineering, environmental design, right-of-way, civil rights, etc., should be an integral part of the review process. The final EIS shall also be reviewed for legal sufficiency by the FHWA Chief Counsel or his designee. When the Regional Federal Highway Administrator is satisfied with the scope, content and the identification and evaluation of potential significant environmental impacts affecting the quality of the human environment, the final EIS shall be processed in the manner specified by paragraphs 15c through 15e below.

- c. The Regional Federal Highway Administrator shall submit to the FHWA Washington Headquarters office (HEV-10) for prior concurrence four (4) copies of the final EIS prepared for highway sections in the following categories:

- (1) highway sections on a new alignment in a metropolitan area of over 100,000 population. The metropolitan area is defined as the area designated for the purposes of Section 134 transportation planning,
- (2) any new controlled access freeway,
- (3) highway sections to which a Federal, State or local governmental agency has expressed opposition on environmental grounds,
- (4) highway sections for which the Federal Highway Administrator requests the Regional Administrator to send the final EIS to the Washington Headquarters office for review either by the Assistant Secretary for Environment, Safety and Consumer Affairs or by the FHWA Headquarters office, or
- (5) highway sections which would require a Section 4(f) determination.

- d. For those final EIS's which require prior concurrence, the FHWA Washington Headquarters office will notify the Regional Federal Highway Administrator when he may release the final EIS to the public and CEQ, at which time the Regional Federal Highway Administrator will adopt and sign the final EIS and insure that the following distribution is made:

- (1) Council on Environmental Quality (5 copies)
722 Jackson Place, N.W.
Washington, D.C. 20006
- (2) Regional Administrator
U.S. Environmental Protection Agency
- (3) State and areawide clearinghouse
- (4) Agencies, organizations and individuals who made substantive comments on the draft EIS and who requested a copy of the final EIS.

- e. For those final EIS's which do not require prior concurrence, the Regional Federal Highway Administrator may adopt and sign the final EIS after the Regional Office review is completed. He shall then insure that it is distributed to the Washington Headquarters office (2 copies) and to those noted in paragraph 15d above.
- f. Copies of the final EIS should be furnished free of charge to the fullest extent practicable or at a fee which is not more than the actual printing or reproduction cost (see paragraph 13k).
- g. In limited situations where an EIS is voluminous and the number of comments on a draft EIS is such that distribution of the final EIS to all commenting entities appears impracticable, alternative arrangements for the distribution of the statement may be considered. Where the commenting entities' interest in specific areas can be identified, the alternative arrangements may be the distribution of those sections of the EIS that deal with their specific interests or areas of concern; summaries of those sections noted above; or the response to the comment which is included in the final EIS (see paragraph 19o(5)).
- h. The final EIS shall be available for public review at the HA headquarters and appropriate field offices, and the FHWA Washington Headquarters, Regional and Division offices. A copy(s) should also be made available, as appropriate, to public institutions, such as local governments, public libraries and schools to permit them to make it available for public review.
- i. The final EIS shall be reevaluated by the HA and the FHWA prior to proceeding with major project activities for the purpose of determining whether there has been a substantial change in the social, economic and environmental effects of the proposed action. If there are substantial changes in the proposed action that would significantly affect the quality of the human environment, a supplemental statement shall be prepared.

16. SUPPLEMENTAL STATEMENTS

A draft EIS or final EIS may be supplemented at any time. Supplements will be necessary when substantial changes are made in the proposed action that will introduce a new or

changed environmental effect of significance to the quality of the human environment or significant new information becomes available concerning the action's environmental aspects. The decision to prepare and process a supplement to the final EIS shall not void or alter FHWA approval actions given prior to the decision, or void or alter previously authorized development of the highway section not directly affected by the changed condition or new information. A supplement is to be processed in the same manner as a new EIS (draft and final).

17. EMERGENCY ACTION PROCEDURES

- a. The Council on Environmental Quality (CEQ) Guidelines, 40 CFR 1500.11(c), allow modification of requirements in a national emergency, a disaster, a catastrophic failure or similar situations of great urgency. The processing times may be reduced or, if the emergency situation warrants, preparation and processing of a statement may be abbreviated. Such procedural changes should be requested from the FHWA Washington Headquarters only for those major actions where the need for immediate action requires processing in other than a normal manner. The disruption of the area economy, social consequences or the health and safety of the public may justify immediate replacement of a damaged highway facility.
- b. When a determination has been made that a project is a major action, the HA and FHWA Division Engineer should be guided by the nature of the replacement, the extent of the disturbance to the landscape, comments received from local agencies contacted, the relationship between the critical nature of the emergency and any significant anticipated environmental impacts, in judging the appropriateness of a negative declaration.
- c. The HA and FHWA Division Engineer may determine that several major actions (projects) in the damaged area qualify for a negative declaration. In such instances, they may be listed in a single negative declaration. The negative declaration should be referenced or a copy included in each project file.

18. MAINTAINING LISTS OF ACTIONS

- a. The FHWA Division Engineer shall maintain two lists of actions on which the HA and FHWA have reached agreement on the type of environmental processing (EIS or negative

declaration). One list should contain major actions significantly affecting the quality of the human environment for which draft EIS's are being prepared and the other should include major actions for which draft negative declarations are being prepared.

- b. The lists shall be updated at the end of each calendar quarter and four copies forwarded to the Washington Headquarters Office. These lists shall be prepared on 8 x 10-1/2 inch paper and shall be headed as follows:

<u>State</u>		<u>Type of List</u> (draft EIS or negative declaration)	
<u>State</u> <u>Route No.</u>	<u>City or County</u>	<u>Description of</u> <u>the Termini</u> (do not use <u>stationing)</u>	<u>Brief</u> <u>Description</u> <u>of Work</u> <u>Anticipated</u>

- c. A change in the environmental processing from EIS to negative declaration or negative declaration to EIS shall be footnoted in the next subsequent listing. The highway section may be removed from the next listing when the draft EIS is circulated for comment, the final negative declaration has been adopted by the FHWA Division Engineer, or the action has been abandoned or cancelled.
- d. These lists shall be available for public inspection and copying at the FHWA Washington Headquarters, Regional and Division offices.

19. CONTENT OF THE ENVIRONMENTAL IMPACT STATEMENT

- a. General. Every effort shall be made to convey the required information in a form easily understood by those expected to comment upon the draft EIS. Substance of the information conveyed rather than the length or detail of the statement should be stressed. Succinctness and brevity, consistent with the scale and impact of the proposed action and the information to be transmitted, should be the aim of those preparing the EIS. For example, all the sections outlined in paragraphs 19c through 19m are not required if the information is adequately covered in another section.
- b. Reports and Studies. The EIS should briefly summarize and reference in the text underlying studies, reports and other information considered in preparing the statement.

Referenced reports should be those readily available to commenting entities upon request or as a minimum available for review and copying at a convenient location. If supporting documents are appended to the statement, care is to be taken to insure that the statement is self-contained without the need for undue cross reference. The level of the summary should be commensurate with the scale of the proposed action and the impact.

- c. Standard Size. The statements shall be printed on paper approximately 8-1/2 x 11 inches and the maps, drawings, illustrations, etc. should be folded for assembly to the same size. Sheets wider than 8-1/2 inches should be folded so as to open to the right with identification added or showing at the right edge.
- d. Title Page. Each environmental statement (draft or final) shall have a title page headed as follows:

Report Number: _____

(Route, Termini, County, City, etc.)

ADMINISTRATIVE ACTION

DRAFT (FINAL)
ENVIRONMENTAL IMPACT STATEMENT

U.S. DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

and

(optional)
appropriate highway agency

Submitted pursuant to 42 U.S.C. 4332(2)(C),
25 U.S.C. 128(a) and (when applicable) 49 U.S.C.
1653(f) and 16 U.S.C. 470(f)

Date

Signature and title of
appropriate FHWA official

- e. Report Number. The number placed at the top left-hand corner of the title page on all draft and final environmental statements is as follows:

FHWA-AZ-EIS-74-01-D(F)(S)

FHWA - Name of Federal agency
 AZ - Name of State (cannot exceed four characters)
 EIS - Environmental impact statement
 74 - Year draft statement was prepared
 01 - Sequential number of draft statement for each calendar year
 D - designates the statement as the draft statement
 F - designates the statement as the final statement
 S - designates supplemental statement
 DS-2 - designates second draft supplemental statement

- f. Summary. The summary should contain the following information:

- (1) Check appropriate box(es)

Federal Highway Administration

Administrative Action Environmental Statement

() Draft () Final

() Section 4(f) Statement attached

- (2) The names, addresses and telephone numbers of the individuals at the HA and FHWA who can be contacted for additional information concerning the proposal and statement.
- (3) Brief description of the proposed FHWA action indicating route, termini, type of highway, number of lanes, length, county, city, State, etc., as appropriate. Also list other proposed Federal actions in the area, if any, which are in the statement.
- (4) Summary of environmental impacts, both beneficial and adverse.
- (5) Summarize major alternatives considered.

- (6) List of all commenting entities from which comments are being requested (draft EIS), list of all commenting entities from which comments have been requested, and identify those that submitted comments (final EIS).

- (7) For final statements, the date the draft statement was mailed to CEQ.

- g. Description of the Proposed Action and Alternatives Considered, and the Social, Economic and Environmental Context. This section is to include, in summary form, information such as the following listing concerning the basis for the proposed action, highway and traffic engineering factors, features to reduce or eliminate adverse environmental impacts, estimated highway costs, anticipated traffic and region benefits (traffic associated), public services, and existing significant land uses and natural and cultural features in the study area.

- (1) Location, type facility and length (new and existing alignment).

- (2) Traffic data and number of lanes.

- (3) Predominant right-of-way width and access control (existing and proposed).

- (4) Other major design features such as the general horizontal and vertical alignment and the location of interchanges, separation structures, at-grade intersections, river crossings, etc.

- (5) Deficiencies of the existing facilities and the planning basis for the proposed action, including anticipated benefits to the State, region and community, and the relationship between this highway section and the total transportation requirements for the area.

- (6) Anticipated safety benefits or lack thereof if project is not built.

- (7) Summary of any technical, social and economic studies made during the development of the proposed action.

- (8) *The current status of the proposal with a brief historical resume and an estimate of when the proposal may be constructed.*
- (9) *A general description of the surrounding terrain.*
- (10) *Inventory of pertinent economic factors such as employment, taxes, property value, etc.*
- (11) *Surrounding natural and cultural features such as towns, lakes, streams, mountains, historic sites, landmarks, institutions, developed areas, principal roads and highways, and similar features that are pertinent to the study.*
- (12) *General description of the surrounding neighborhoods, including population and growth characteristics, and ethnic composition.*
- (13) *Vicinity and detailed maps, sketches, pictures, layouts and other visual exhibits should be used to show specific involvement in order to give a layman reviewer a reasonable understanding of the impact.*
- (14) *Public facilities and services, including religious, health and educational facilities, and public utilities, fire protection and other emergency services.*
- (15) *Esthetic and other values, including visual quality, such as: "view of the road" and the joint development and multiple use of space.*
- h. Land Use Planning. *This section should describe the scope and status of the planning process for the area and should discuss the relationship between the proposed action and land use and public facility plans, policies and controls as have been promulgated by the affected community. Existing and proposed land use (a map preferable) including, where applicable, other proposed Federal actions in the area affected should also be discussed. Where conflicts or inconsistencies exist, this section should describe the extent of reconciliation and the reason for proceeding notwithstanding the absence of full reconciliation.*
- i. The Probable Impact of the Proposed Action on the Environment. *This section is to describe the significant beneficial and detrimental environmental consequences anticipated if the proposed action is implemented. The level of importance of environmental factors and the level of importance of the impacts will vary with the nature, scale and location of the proposed action. For example, impact on the nesting grounds of an endangered species would be significant while a similar impact on the nesting grounds of a species which is in abundance may not be significant. Likewise, the significance of a high noise level is much different in a residential area than in an industrial area.*
- (1) *Highways may stimulate or induce other actions (secondary actions) such as more rapid land development or changed patterns of social and economic activities. Impacts associated with secondary actions, through their impacts on existing community facilities and activities, through inducing new facilities and activities or through changes in natural conditions may often be even more substantial than the primary impacts associated with construction of the highway. For instance, the effect on population and area growth associated with the construction of new highways may be among the more significant impacts. Such impacts associated with anticipated secondary actions should be assessed and discussed in this section of the EIS.*
- (2) *Direct (primary) impacts upon the narrow band adjacent to the highway may be included when significant to the whole of the region or the community. The discussions under this section should address the probable significant impacts of the action (as opposed to individual alternative locations or designs). These might include the probable impact upon elements, factors and features listed below.*
- (a) Natural, Ecological or Scenic Resources Impacts. *This section will summarize the significant effects on natural, ecological and scenic resources anticipated to be associated with*

the implementation of the proposed action, including a summary of consultations with the appropriate public and governmental agencies. One example of a natural resource impact would be the effect an action would have on the consumption of energy resources.

- (b) Relocation of Individuals and Families Impacts. This section will briefly summarize the relocation assistance program and assess the impacts associated with significant relocation of people and businesses, including consultations with housing agencies and information on the anticipated relocation housing programs. This section will include, to the extent appropriate, information such as the following that is obtainable by visual inspection of the area and from readily available secondary sources or community sources: an estimate of households to be displaced, including the family characteristics (e.g., minorities, income levels, tenure, the elderly, large families); divisive or disruptive effect on the community, such as separation of residences from community facilities or separation of neighborhoods; impact on the neighborhood and housing where relocation is likely to take place; an estimate of the businesses to be displaced and the general effect of business dislocation on the economy of the community; a description of relocation housing in the area, and the ability to provide adequate relocation housing for the types of families to be displaced; a description of special relocation advisory services that will be necessary for identified unusual conditions; a description of the actions proposed to remedy insufficient relocation housing, including, if necessary, housing of last resort; and results of consultation with local officials, social agencies, and community groups regarding the impacts on the community affected.
- (c) Social Impacts. This section will include a discussion of the significant social impacts anticipated to be caused by the proposed action. The following are examples of groups that may have special problems and require special

consideration with respect to access to jobs, schools, churches, parks, hospitals, shopping, and community services:

- 1 elderly
- 2 school-age children
- 3 those dependent upon public transportation
- 4 handicapped
- 5 illiterate
- 6 nondrivers
- 7 pedestrians
- 8 bicyclists
- 9 low income
- 10 racial, ethnic, or religious groups.

(d) Air Quality

- 1 This section shall include: an identification of the air quality impact of the highway section; an identification of the analysis methodology utilized; a brief summary of the early consultation with the air pollution control agency and, where applicable, a brief summary of any consultation with the indirect source review agency; any comments received from the air pollution control agency, and, where applicable, any comments received from the indirect source review agency; and, the highway agency's determination on the consistency of each alternative under consideration with the approved State implementation plan.
- 2 Where required by 40 CFR 51.18, the preferred alternative shall be submitted to the indirect source review agency for review. The proposed

final EIS shall not be submitted to FHWA for adoption if the indirect source review agency has found, as a part of the procedures established pursuant to 40 CFR 51.18, that the highway section will result in a violation of applicable portions of the control strategy or will interfere with the attainment or maintenance of the National Ambient Air Quality Standards.

- 3 The final EIS should include any comments received from the air pollution control agency concerning the consistency of the proposal with the State implementation plan.
 - 4 The final EIS may be adopted by the FHWA only after FHWA has determined that the proposed highway section is consistent with the approved State implementation plan. The determination on consistency shall be made by the Regional Federal Highway Administrator.
- (e) Noise Impacts. If highway-generated noise is a significant factor, this section will include a discussion of the possible noise problems and a summary of the noise analysis information. The summary should include:
- 1 information on the numbers and types of activities which may be affected,
 - 2 extent of the impact (in decibels),
 - 3 likelihood that noise abatement measures can reduce the noise impacts,
 - 4 noise abatement measures which will likely be incorporated in the project, and
 - 5 noise problems for which no apparent solution is available.
- (f) Water Quality Impacts. Include in this section a discussion on significant water quality impacts, including summaries of analyses and

consultations with the agency responsible for the State water quality standards. Possible water quality impacts related to highways include: erosion and subsequent sedimentation problems; use of deicing, weed, rodent and insect control products; waste water disposal at safety roadside rest areas; spillage of poisons or chemicals by trucks into a water supply system; and contamination of surface and ground water supplies and of recharge areas by polluted fill material.

- (g) Wetlands and Coastal Zones Impacts. This section will summarize the anticipated significant impacts on wetlands and coastal zones, including analyses, consultations and efforts to reduce the impact. Where applicable, the discussion should set forth any inconsistencies with wetlands or coastal zone management programs.
- (h) Stream Modification or Impoundment Impacts. This section will include a summary of information which is necessary to comply with 16 U.S.C. 662(a). Briefly, 16 U.S.C. 662(a) requires consultation with the U.S. Fish and Wildlife Service and the appropriate State agency when a Federal action involves impoundment (surface area 10 acres or more), diversion, channel deepening or other modification of a stream or body of water. The draft EIS is to include a summary of the early consultation.
- (i) Flood Hazard Evaluation. When an alternative under consideration significantly encroaches on a flood plain, this section will include a summary of studies and consultation made for compliance with the FHWA directive implementing Executive Order 11296 and Flood Hazard Evaluation Guidelines for Federal Executive Agencies, or information evidencing that such requirements can be met during project development.
- (j) Construction Impacts. In general, adverse impacts during construction will be less important than long-term impacts. However, if appropriate, the EIS should discuss significant

impacts (particularly air, noise and water) associated with construction. Also, where applicable, the impact of the proposed disposal methods and the impact of borrow areas should be discussed.

- (3) This section will also include a discussion of practicable and feasible measures to avoid or reduce the adverse impact, and their relative cost and benefits, where appropriate. The discussion should include the full range of reasonable measures to resolve or minimize anticipated problems and the pros and cons of each.

j. Alternatives

- (1) This section shall include a discussion, with maps and other visual aids, as appropriate, of the reasonable alternatives studied in detail, including those that might enhance environmental quality or avoid some or all of the adverse environmental effects. Examples of such alternatives include alternate locations and designs, not implementing the proposed action, postponing the action, providing a lower level of service, providing a reduced facility (lanes/design), and an increase or decrease in public transportation.
- (2) The probable beneficial and adverse effects and costs of reasonable alternatives are to be described in a manner consistent with the scale of the proposed highway improvement and significance of the impact. The discussion of environmental impacts in this section includes significant impacts associated with the alternatives themselves, as opposed to the discussion of regional environmental impacts associated with implementing the action.
- (3) The draft environmental statement should indicate that all alternatives are under consideration and that a specific alternative will be selected by the HA following the public hearing. The final environmental statement will be prepared for the selected alternative.

- k. Probable Adverse Environmental Effects Which Cannot be Avoided. Unavoidable impacts such as water, noise or air pollution; damage to life systems; threats to health; undesirable land use patterns; effects on minorities, etc., will be summarized in this section. These will be adverse environmental effects identified in paragraph 19i above, and which the use of reasonable corrective or abatement measures will not reduce the impact to acceptable levels.
- l. The Relationship Between Local Short-Term Uses of Man's Environment and the Maintenance and Enhancement of Long-Term Productivity. This section should contain a brief discussion of the extent to which the proposed action involves trade-offs between short-term environmental gains at the expense of long-term environmental losses, or vice-versa, and a discussion of the extent to which the proposed action forecloses future options. In this context, short-term and long-term do not refer to any fixed time periods, but should be viewed in terms of the environmentally significant consequences of the proposed action. The gains (short-term and long-term) may be the benefits associated with a proposed highway to the area or region such as improved transportation, reduction of traffic congestion, improvement in air quality, reduction in noise, improved economic base, accessibility, improved development potential, etc. The losses (short- and long-term) may be the disadvantages associated with the proposed highway, such as use of land by the highway, use of land for highway-associated developments (residential and industrial), loss of parks and recreation areas, and increased pollution (air, water and noise) and impacts on open space, wetlands, etc.
- m. Irreversible and Irrecoverable Commitments of Resources. This requires an identification of the extent to which the irreversible adverse effects (see paragraph 19k) curtail the range of potential uses of the environment. "Resources" means the full range of natural and cultural resources committed to loss or destruction by the action and is not to be interpreted to mean only the labor and materials committed to the project. A transportation facility may precipitate other related actions such as land development, exploitation of resources, travel, etc. that could induce a significant irreversible commitment which would curtail other use of the area.

n. The Impact on Properties and Sites of Historic and Cultural Significance

- (1) To determine whether the project will have an effect on properties of State or local historical, architectural, archaeological, or cultural significance, the HA should consult with the State Historic Preservation Officer (SHPO), with the local official having jurisdiction of the property, and where appropriate, with historical societies, museums, or academic institutions having expertise with regard to the property.
- (2) This section of the draft EIS should contain an identification of properties included in or eligible for inclusion in the National Register and an evaluation of the effect the proposed action would have on such properties. It should also contain a record of the coordination with the SHPO concerning the identification of such properties and the evaluation of effect.
- (3) This section of the final EIS should also contain (a) documentation supporting a finding of no adverse effect and a record of coordination with the Executive Director, Advisory Council on Historic Preservation (ACHP), or (b) an executed Memorandum of Agreement when an adverse effect has been established, or comments from the Council after consideration of the project at a meeting of the ACHP and an account of actions to be taken in response to the comments of the ACHP.

o. Comments and Coordination

- (1) The draft EIS shall include a summary of coordination and public and minority involvement during the development of the project and pertinent comments received during the coordination.
- (2) The draft EIS shall be revised, as appropriate, to reflect the consideration given to substantive comments received. The final EIS shall include a copy of all substantive comments received (or summaries thereof where response has been exceptionally voluminous), along with a discussion of each substantive comment and suggestion. When the

draft EIS is revised as a result of comments received, the copy of the comment should contain marginal references indicating the page and paragraph where revisions were made or the discussion of comments should contain such references.

- (3) Any letters or material received from a commenting entity which is not legible when reproduced may be summarized by the HA. Every effort shall be made to insure that the statement will be legible when reproduced.
- (4) Any unresolved environmental issues and efforts to resolve them would be discussed in this section.
- (5) The final EIS should contain a summary and disposition of substantive social, economic, environmental and other comments made at the public hearing, including the alternatives which were raised.

20. SECTION 4(f) STATEMENTS

- a. The purpose of a Section 4(f) statement is to document the consideration, consultations and alternative studies for a determination that there are no feasible and prudent alternatives to the use of land from a publicly owned park, recreation area, or wildlife and waterfowl refuge of national, State or local significance, as determined by the Federal, State or local official having jurisdiction thereof; or any land from a historic site of national, State or local significance as so determined by such official. The purpose of the Section 4(f) statement is also to support a determination that the proposed action includes all possible planning to minimize harm.
- b. If the project will use land from a historic property that is included in or eligible for inclusion in the National Register of Historic Places, the Section 4(f) statement should provide evidence that the provisions of 36 CFR Part 800 (Advisory Council on Historic Preservation, Procedures for the Protection of Historic and Cultural Properties) have been satisfied. If the project will use land from a historic site not included in or eligible for inclusion in the National Register of Historic Places, the Section 4(f) statement should provide evidence that the official having jurisdiction thereof has determined it to be of national, State or local significance.

- c. A Section 4(f) statement is not required when the Federal, State or local official having jurisdiction over a park, recreation area, refuge or historic site determines that it is not significant. The FHWA Division Engineer shall review the agency's non-significance determination to assure himself of the reasonableness of such determinations. In the absence of such a statement, the Section 4(f) land will be considered to be significant.
- d. The provisions of this paragraph and Section 4(f) do not apply to publicly owned lands that are administered for multiple uses if the portion of the land to be taken is not in fact being used for park, recreation, wildlife, waterfowl, or historic purposes and there is no definite formulated plan for such use as determined by the official having jurisdiction over such lands. The FHWA Division Engineer shall review the agency's land use determination to assure himself of its reasonableness.
- e. Park and recreation lands, wildlife and waterfowl refuges, and historic sites are sometimes designated or determined to be significant late in the development of a highway section. In such cases, a project may proceed without the preparation of a Section 4(f) statement if the right-of-way from such 4(f)-type lands was acquired prior to the designation or change in significance.
- f. It is essential that the Section 4(f) information necessary for the required determination be consolidated in a separate statement or in a special section of an EIS. The Section 4(f) statement or special section in the EIS should be self-contained to the extent practicable. The Section 4(f) statement or special section of the EIS should list factors, reasons and effects that are used to judge each alternative not feasible and prudent for the highway improvement and the special measures planned to minimize harm to the Section 4(f) land. It may be necessary to repeat information contained in the EIS to eliminate unnecessary reference to the EIS.
- g. The Section 4(f) statement must be coordinated with the agency having jurisdiction over the Section 4(f) lands, and with the U.S. Departments of the Interior, Housing and Urban Development, and, if appropriate, with the Department of Agriculture. The Regional Federal Highway

Administrator, in consultation with the Secretarial Representative or other representative of the Federal agencies, shall identify the point (or points) of contact for coordination purposes. The circulation will ordinarily be accomplished by attaching it to the draft EIS or draft negative declaration. Separate circulation may be made if there are unusual conditions which warrant separate circulation. Such conditions could include, for example, when a Section 4(f) area is identified, designated or involved after the final EIS is processed, and when another agency is the lead agency for EIS processing. For all other circumstances when separate circulation appears warranted, advance approval must be obtained from the Office of Environmental Policy. In such cases, separate circulation will be in the form of a supplement to the EIS, and the EIS shall contain a description of the 4(f) land involved, including a summary of the expected effects of the project on the 4(f) land, and an explanation of the unique reasons why the 4(f) determination will be circulated as a supplement. The EIS shall also include documentation to show (1) that there are no major unresolved issues outstanding regarding the Section 4(f) determination; (2) that processing of the EIS and subsequent project development activity will not prejudice the study and final decision regarding the Section 4(f) land; and (3) that processing the EIS and subsequent project development activity will not restrict the consideration of any feasible and prudent alternative to the use of Section 4(f) land, including the "no-build" alternative, except those alternatives demonstrated in the EIS not to be feasible and prudent. FHWA authorization for the State to proceed with the project shall be limited to a portion of the total section length covered by the EIS, which will not restrict consideration of any feasible and prudent alternative with respect to the Section 4(f) land. The FHWA Division Engineer shall review the draft Section 4(f) statement if separate from the EIS or negative declaration and indicate its acceptability by signing the title page before it is circulated for comment.

- h. When circulating a Section 4(f) statement to the agencies noted above, the HA may establish a time limit of not less than 45 days for comment.
- i. The following information, where pertinent and available, should be included in the Section 4(f) statement to initiate the necessary interagency review.

- (1) A description of the project and Section 4(f) land in sufficient detail to permit those not acquainted with the project to have an understanding of the relationship between the action and the Section 4(f) land and the extent of the impact, including a detailed map or drawing of sufficient scale to discern the essential elements of the highway/Section 4(f) land involvement.
- (2) Size (acres or square feet) and location (maps or other exhibits such as photographs, slides, sketches, etc.).
- (3) Type (recreation, historic, etc.).
- (4) Available recreational activities (fishing, swimming, golf, etc.).
- (5) Facilities existing and planned (description and location of ball diamonds, tennis courts, etc.).
- (6) Usage (approximate number of users for each activity).
- (7) Relationship to other similarly used lands in the vicinity.
- (8) Access (both pedestrian and vehicular) and effect thereon.
- (9) Ownership (city, county, State, etc.).
- (10) Applicable clauses affecting title, such as covenants, restrictions or conditions, including forfeiture.
- (11) Unusual characteristics of the Section 4(f) land (flooding problems, terrain conditions, or other features that either reduce or enhance the value of portions of the area).
- (12) The location and amount of land (acres or square feet) to be used by the highway.
- (13) The facilities affected.
- (14) The probable increase or decrease in physical effects on the Section 4(f) land users (noise, fumes, etc.).
 - j. Accurate and detailed information is needed to support the Federal Highway Administrator's determination that there is no feasible or prudent alternative. Supporting information should demonstrate that there are unique problems, truly unusual factors present, and evidence that the cost or community disruption resulting from alternative routes reaches extraordinary magnitudes. Section 4(f) determinations shall be reviewed for legal sufficiency by the FHWA Office of the Chief Counsel.
 - k. The Section 4(f) statement shall include the best available information on possible measures to minimize harm to the Section 4(f) land from the highway involvement. The discussion is to be as specific as possible, consistent with the state of the highway section planning and the need to demonstrate that all possible planning to minimize harm has been included in the highway proposal. The following are some of the measures which have been used to minimize harm.
 - (1) Provisions for compensating or replacing the Section 4(f) land and improvements thereon (include the status of any agreements, i.e., agreed upon functional replacement and type of land, etc.).
 - (2) Design features to enhance the Section 4(f) land or to lessen adverse effects (improving or restoring existing pedestrian, bicycle or vehicular access, landscaping, esthetic treatment, noise abatement measures, etc.).
 - (3) Coordination of construction to permit orderly transition and continual usage of Section 4(f) land facilities (new facilities constructed and available for use prior to demolishing existing facilities, moving of facilities during off-season, etc.).
 - (4) Description of the coordination with the public agency having jurisdiction over the Section 4(f) land relative to measures to minimize harm.
 - l. The HA and FHWA Division Engineer should make a special effort to resolve any issues concerning Section 4(f) lands prior to forwarding the final Section 4(f) statement to the Regional Federal Highway Administrator.

- m. *If land acquired or improved with Federal grant money (Department of Housing and Urban Development open space or Bureau of Outdoor Recreation land and water conservation funds) is involved, the final statement shall include a description of the coordination with the grantor agency.*
- n. *The final Section 4(f) statement, including a summary of coordination, a copy of the comments received and the disposition of the comments, will ordinarily accompany the final EIS through the FHWA review process.*

21. HISTORIC AND CULTURAL PRESERVATION PROCEDURES

- a. *The Advisory Council on Historic Preservation promulgated Procedures for the Protection of Historic and Cultural Properties, 36 CFR Part 800, pursuant to the National Historic Preservation Act of 1966 and Executive Order 11593. A copy of these procedures is included as Attachment 1 of this directive. These procedures apply to all FHWA actions which could affect a property which is included or eligible for inclusion in the National Register of Historic Places.*
- b. *The National Register is constantly being enlarged by the addition of new entries. Historic places are frequently added after the processing of the draft EIS. The Advisory Council procedures require FHWA and the State Historic Preservation Officer (SHPO) to apply the National Register criteria to all possible historic sites within the project's area of potential environmental impact, at the earliest stage of planning or consideration of a proposed undertaking; therefore, potential entries should have been recognized before preparation of the draft EIS. These procedures are applicable, therefore, to historic properties regardless of the date of their being named to the National Register.*
- c. *If the HA, FHWA or SHPO determines that it is questionable whether a property meets the National Register criteria, FHWA shall request, in writing, an opinion from the Secretary of the Interior, Attention: The Keeper of the National Register, National Park Service, Washington, D.C. 20240, with respect to the property's eligibility for inclusion in the National Register. If the Secretary declares the property eligible, it will be assumed that it will be named to the Register.*

22. OTHER AGENCY STATEMENTS

- a. *FHWA review of statements prepared by other agencies will consider the environmental impact of the proposal on areas within this Administration's functional area of responsibility or special expertise.*
- b. *Agencies wishing comments on highway impacts shall forward the draft environmental statements to the appropriate FHWA regional offices for comment.*
- c. *The following types of actions contained in a draft EIS require FHWA Washington Headquarters review and such EIS's are to be forwarded to the Associate Administrator for Right-of-Way and Environment (HEV-10) along with regional comments for processing.*
 - (1) *Actions with national implications.*
 - (2) *Projects that involve natural, ecological, cultural, scenic, historic, or park or recreation resources of national significance.*
 - (3) *Legislation, regulations having national impacts, or national program proposals.*
 - (4) *Projects regarding the transportation of hazardous materials and natural gas and liquid-products pipelines.*
 - (5) *Water resource projects.*
- d. *For statements where more than one administration within DOT will comment at the regional level, the comments will be coordinated by the Secretarial Representative of the region or his designee.*
- e. *Copies of comments should be furnished as follows:*
 - (1) *Requesting agency - original and one copy.*
 - (2) *Office of the Secretary of Transportation (Office of Environmental Affairs, TES-70) - one copy.*
 - (3) *Secretarial Representative - one copy provided by the Region.*
 - (4) *Council on Environmental Quality (CEQ) - five copies.*

- f. Any requests of the public for copies of comments should be referred to the agency originating the environmental impact statement.

23. INTERIM GUIDELINES FOR IMPLEMENTING SECTION 102(2)(D)(IV) OF THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969, AS AMENDED.

- a. Application. The provisions of this section shall apply to each major FHWA action for which the EIS or negative declaration is initiated after January 1, 1976. These provisions shall also apply to the processing of any EIS or negative declaration which is initiated on or before January 1, 1976, unless one of the following has occurred prior to January 1, 1978:

- (1) the FHWA Division Administrator has accepted the draft negative declaration, or
- (2) the draft EIS has been made available to the CEQ.

The lists prepared pursuant to paragraph 18 shall be used as the basis for determining the date the EIS or negative declaration is initiated. (An EIS or negative declaration included on the last quarterly lists for calendar year 1975 will be considered to have been initiated on or before January 1, 1976.)

b. Highway Section Development and Coordination

- (1) Early notification to and solicitation of views from Federal land management entities and other States shall be accomplished in accordance with paragraph 9c.
 - (a) The notification to other States should be mailed to the clearinghouses of those States unless the Governors designate an agency other than the clearinghouse. The notification to Federal land management entities is to be handled in accordance with instructions from such agencies.
 - (b) Each notification shall indicate that it is being made pursuant to Section 102(2)(D)(iv) of the National Environmental Policy Act of 1969, as amended.

- (c) A "Federal land management entity" is an agency included under the heading "Public Land Management" in Appendix II of the CEQ Guidelines for Preparation of Environmental Impact Statements (40 CFR Part 1500).

- (2) The HA in consultation with the FHWA Division Administrator shall review any comments received from this early notification and identify and evaluate alternative measures to mitigate anticipated adverse impacts. The Division Administrator shall prepare a written evaluation of issues identified during the early coordination efforts which indicate a significant disagreement with a position taken by the HA and FHWA with respect to an impact of the proposed action or any of the alternatives. This evaluation is to be furnished to the HA for incorporation into the draft EIS or draft negative declaration.

c. Draft Environmental Impact Statement Processing

- (1) The HA shall furnish copies of the draft EIS to Federal land management entities and other States which may be significantly impacted by the proposed action or any of the alternatives with a request that such "entity" or "State" advise the FHWA Division Administrator in writing of any disagreement with the evaluation of impacts in the statement. Copies of the draft EIS are to be furnished to other States' clearinghouses unless the Governors designate an agency other than the clearinghouse. The mailing of copies of the draft EIS to Federal land management entities is to be handled in accordance with instructions from such agencies.
- (2) The Division Administrator shall review the comments received and forward them to the HA along with his written assessment of the disagreements for incorporation into the final EIS.

Attachment

RULES AND REGULATIONS

Title 36—Parks, Forests, and Public
PropertyCHAPTER VIII—ADVISORY COUNCIL ON
HISTORIC PRESERVATIONPART 800—PROCEDURES FOR THE PRO-
TECTION OF HISTORIC AND CULTURAL
PROPERTIES

Pursuant to the National Historic Preservation Act of 1966 (80 Stat. 915, 16 U.S.C. 470) and Executive Order 11593, May 13, 1971, "Protection and Enhancement of the Cultural Environment" (36 FR 8921, 16 U.S.C. 470), the Advisory Council on Historic Preservation has established Procedures for Compliance, set forth in the FEDERAL REGISTER of February 28, 1973 (38 FR 5388), to implement the purposes of those authorities. Proposed revisions to those procedures were published in the FEDERAL REGISTER of November 5, 1973 (38 FR 30464) and 30 days were allowed for public comment. Federal agencies were also solicited to consult with the Advisory Council with regard to the development of procedures for the protection of non-federally owned historic and cultural properties as required by section 1(3) of Executive Order 11593.

In response to comments received by the Advisory Council and in consultation with Federal agencies, the proposed procedures have been revised to incorporate suggestions from Federal and State agencies and private citizens. It is the purpose of this notice, through publication of revised "Procedures for the Protection of Historic and Cultural Properties," to apprise the public as well as government agencies, associations, and all other organizations and individuals interested in historic preservation, that the following procedures are hereby adopted as set forth below. The procedures will appear in the Code of Federal Regulations in Title 36, Chapter 8 at Part 800. The procedures are being codified because they affect State and local governmental agencies, private organizations, and individuals, in addition to Federal agencies, to which they are specifically directed, and because of the resultant need to make them widely and readily available.

Federal agencies are advised that the procedures set forth certain steps for agencies to follow to fulfill their obligations pursuant to section 1(3) of Executive Order 11593 and to use as a guide in the development of their required internal procedures in consultation with the Council. The Advisory Council reiterates its solicitation of Federal agencies to consult with the Council on the development of those procedures. Inquiries regarding such consultation, as well as inquiries regarding the substance of and compliance with the procedures in general, should be directed to the Executive Secretary, Advisory Council on Historic Preservation, Suite 430, 1522 K Street NW., Washington, D.C. 20005.

Effective date: January 25, 1974.

ROBERT R. GARVEY, Jr.,
Executive Director, Advisory
Council on Historic Preservation.

A new Chapter VIII, Advisory Council on Historic Preservation, containing Part 800, Procedures for the Protection of Historic and Cultural Properties, is added to title 36, CFR, reading as set forth below.

Sec.	
800.1	Purpose and authorities.
800.2	Coordination with agency requirements under the National Environmental Policy Act.
800.3	Definitions.
800.4	Agency procedures.
800.5	Consultation process.
800.6	Council procedures.
800.7	Other powers of the Council.
800.8	Criteria of effect.
800.9	Criteria of adverse effect.
800.10	National Register criteria.

AUTHORITY: Pub. L. 89-665, 80 Stat. 915, (16 U.S.C. 470); E.O. 11593, 3 CFR 1971 Comp., p. 154.

§ 800.1 Purpose and authorities.

(a) The National Historic Preservation Act of 1966 created the Advisory Council on Historic Preservation, an independent agency of the Executive branch of the Federal Government, to advise the President and Congress on matters involving historic preservation. Its members are the Secretary of the Interior, the Secretary of Housing and Urban Development, the Secretary of the Treasury, the Secretary of Commerce, the Attorney General, the Secretary of Transportation, the Secretary of Agriculture, the Administrator of the General Services Administration, the Secretary of the Smithsonian Institution, the Chairman of the National Trust for Historic Preservation, and 10 citizen members appointed by the President on the basis of their outstanding service in the field of historic preservation.

(b) The Council reviews Federal, federally assisted, and federally licensed undertakings affecting cultural properties as defined herein in accordance with the following authorities:

(1) Section 106 of the National Historic Preservation Act. Section 106 requires that Federal, federally assisted, and federally licensed undertakings affecting properties included in the National Register of Historic Places be submitted to the Council for review and comment prior to the approval of any such undertaking by the Federal agency.

(2) Section 1(3) of Executive Order 11593, May 13, 1971, "Protection and Enhancement of the Cultural Environment." Section 1(3) requires that Federal agencies, in consultation with the Council, establish procedures regarding the preservation and enhancement of non-federally owned historic and cultural properties in the execution of their plans and programs. After soliciting consultation with the Federal agencies, the Advisory Council has adopted procedures, set forth in §§ 800.3 through 800.10, to achieve this objective and Federal agencies should fulfill their responsibilities under section 1(3) by following these procedures. The Council further recommends that Federal agencies use these procedures as a guide in the development, in consultation with the Council, of their required internal procedures.

(3) Section 2(b) of Executive Order 11593, May 13, 1971, "Protection and Enhancement of the Cultural Environment." Federal agencies are required, by section 2(a) of the Executive Order, to locate, inventory, and nominate properties under their jurisdiction or control to the National Register. Until such processes are complete, Federal agencies must submit proposals for the transfer, sale, demolition, or substantial alteration of federally owned properties eligible for inclusion in the National Register to the Council for review and comment. Federal agencies must continue to comply with section 2(b) review requirements, even after the initial inventory is complete, when they obtain jurisdiction or control over additional properties that are eligible for inclusion in the National Register or when properties under their jurisdiction or control are found to be eligible for inclusion in the National Register subsequent to the initial inventory.

§ 800.2 Coordination with agency requirements under the National Environmental Policy Act.

Section 101(b)(4) of the National Environment Policy Act (NEPA) declares that one objective of the national environmental policy is to "preserve important historic, cultural, and natural aspects of our national heritage and maintain, wherever possible, an environment which supports diversity and variety of individual choice." In order to meet this objective, the Advisory Council instructs Federal agencies to coordinate NEPA compliance with the separate responsibilities of the National Historic Preservation Act and Executive Order 11593 to ensure that historic and cultural resources are given proper consideration in the preparation of environmental impact statements. Agency obligations pursuant to the National Historic Preservation Act and Executive Order 11593 are independent from NEPA and must be complied with even when an environmental impact statement is not required. However, where both NEPA and the National Historic Preservation Act or Executive Order 11593 are applicable, the Council on Environmental Quality, in its *Guidelines for the Preparation of Environmental Impact Statements* (40 CFR Part 1500), directs that compliance with section 102(2)(C) of NEPA should, to the extent possible, be combined with other statutory obligations—such as the National Historic Preservation Act and Executive Order 11593—to yield a single document which meets all applicable requirements. To achieve this objective, Federal agencies should undertake, to the fullest extent possible, compliance with the procedures set forth below whenever properties included in or eligible for inclusion in the National Register are involved in a project to ensure that obligations under the National Historic Preservation Act and Executive Order 11593 are fulfilled during the preparation of a draft environmental impact statement required under section 102(2)(C) of NEPA. The Advisory Council recommends that compliance with these procedures be undertaken at the earliest

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stages of the environmental impact statement process to expedite review of the statement. Statements on projects affecting properties included in or eligible for inclusion in the National Register should be sent directly to the Advisory Council for review. All statements involving historic, architectural, archeological, or cultural resources, whether or not included in or eligible for inclusion in the National Register, should be submitted to the Department of Interior for review.

§ 800.3 Definitions.

As used in these procedures:

(a) "National Historic Preservation Act" means Public Law 89-665, approved October 15, 1966, an "Act to establish a program for the preservation of additional historic properties throughout the Nation and for other purposes," 80 Stat. 915, 16 U.S.C. 470, as amended, 84 Stat. 204 (1970) and 87 Stat. 139 (1973) hereinafter referred to as "the Act."

(b) "Executive Order" means Executive Order 11593, May 13, 1971, "Protection and Enhancement of the Cultural Environment," 36 FR 8921, 16 U.S.C. 470.

(c) "Undertaking" means any Federal action, activity, or program, or the approval, sanction, assistance, or support of any other action, activity or program, including but not limited to:

(1) Recommendations or favorable reports relating to legislation, including requests for appropriations. The requirement for following these procedures applies to both: Agency recommendations on their own proposals for legislation and agency reports on legislation initiated elsewhere. In the latter case only the agency which has primary responsibility for the subject matter involved will comply with these procedures.

(2) New and continuing projects and program activities: directly undertaken by Federal agencies; or supported in whole or in part through Federal contracts, grants, subsidies, loans, or other forms of funding assistance; or involving a Federal lease, permit, license, certificate, or other entitlement for use.

(3) The making, modification, or establishment of regulations, rules, procedures, and policy.

(d) "National Register" means the National Register of Historic Places, which is a register of districts, sites, buildings, structures, and objects, significant in American history, architecture, archeology, and culture, maintained by the Secretary of the Interior under authority of section 2(b) of the Historic Sites Act of 1935 (49 Stat. 666, 16 U.S.C. 461) and section 101(a)(1) of the National Historic Preservation Act. The National Register is published in its entirety in the FEDERAL REGISTER each year in February. Addenda are published on the first Tuesday of each month.

(e) "National Register property" means a district, site, building, structure, or object included in the National Register.

(f) "Property eligible for inclusion in the National Register" means any dis-

trict, site, building, structure, or object which the Secretary of the Interior determines is likely to meet the National Register Criteria. As these determinations are made, a listing is published in the FEDERAL REGISTER on the first Tuesday of each month, as a supplement to the National Register.

(g) "Decision" means the exercise of agency authority at any stage of an undertaking where alterations might be made in the undertaking to modify its impact upon historic and cultural properties.

(h) "Agency Official" means the head of the Federal agency having responsibility for the undertaking or a subordinate employee of the Federal agency to whom such authority has been delegated.

(i) "Chairman" means the Chairman of the Advisory Council on Historic Preservation, or such member designated to act in his stead.

(j) "Executive Director" means the Executive Director of the Advisory Council on Historic Preservation established by Section 205 of the Act, or his designated representative.

(k) "State Historic Preservation Officer" means the official within each State, authorized by the State at the request of the Secretary of the Interior, to act as liaison for purposes of implementing the Act, or his designated representative.

(l) "Secretary" means the Secretary of the Interior, or his designee authorized to carry out the responsibilities of the Secretary of the Interior under Executive Order 11593.

§ 800.4 Agency procedures.

At the earliest stage of planning or consideration of a proposed undertaking, including comprehensive or area-wide planning in which provision may be made for an undertaking or an undertaking may be proposed, the Agency Official shall take the following steps to comply with the requirements of section 106 of the National Historic Preservation Act and sections 1(3) and 2(b) of Executive Order 11593.

(a) *Identification of resources.* As early as possible and in all cases prior to agency decision concerning an undertaking, the Agency Official shall identify properties located within the area of the undertaking's potential environmental impact that are included in or eligible for inclusion in the National Register.

(1) To identify properties included in the National Register, the Agency Official shall consult the National Register, including monthly supplements.

(2) To identify properties eligible for inclusion in the National Register, the Agency Official shall, in consultation with the appropriate State Historic Preservation Officer, apply the National Register Criteria, set forth in Section 800.10, to all properties possessing historical, architectural, archeological, or cultural value located within the area of the undertaking's potential environmental impact. If the Agency Official determines that a property appears to meet the Criteria, or if it is questionable

whether the Criteria are met, the Agency Official shall request, in writing, an opinion from the Secretary of the Interior respecting the property's eligibility for inclusion in the National Register. The Secretary of the Interior's opinion respecting the eligibility of a property for inclusion in the National Register shall be conclusive for the purposes of these procedures.

(b) *Determination of effect.* For each property included in or eligible for inclusion in the National Register that is located within the area of the undertaking's potential environmental impact, the Agency Official, in consultation with the State Historic Preservation Officer, shall apply the Criteria of Effect, set forth in Section 800.8, to determine whether the undertaking has an effect upon the property. Upon applying the Criteria and finding no effect, the undertaking may proceed. The Agency Official shall keep adequate documentation of a determination of no effect.

(c) *Effect established.* Upon finding that the undertaking will have any effect upon a property included in or eligible for inclusion in the National Register, the Agency Official, in consultation with the State Historic Preservation Officer, shall apply the Criteria of Adverse Effect, set forth in §800.9, to determine whether the effect of the undertaking is adverse.

(d) *Finding of no adverse effect.* Upon finding the effect not to be adverse, the Agency Official shall forward adequate documentation of the determination, including evidence of the views of the State Historic Preservation Officer, to the Executive Director for review. Unless the Executive Director notes an objection to the determination within 45 days after receipt of adequate documentation, the Agency Official may proceed with the undertaking.

(e) *Finding of adverse effect.* Upon finding the effect to be adverse or upon notification that the Executive Director does not accept a determination of no adverse effect, the Agency Official shall: (1) Request, in writing, the comments of the Advisory Council; (2) notify the State Historic Preservation Officer of this request; (3) prepare a preliminary case report; and (4) proceed with the consultation process set forth in Section 800.5.

(f) *Preliminary case report.* Upon requesting the comments of the Advisory Council, the Agency Official shall provide the Executive Director and the State Historic Preservation Officer with a preliminary case report, containing all relevant information concerning the undertaking. The Agency Official shall obtain such information and material from any applicant, grantee, or other beneficiary involved in the undertaking as may be required for the proper evaluation of the undertaking, its effects, and alternate courses of action.

§ 800.5 Consultation process.

(a) *Response to request for comments.* Upon receipt of a request for Advisory Council comments pursuant to Section 800.4(e), the Executive Director shall ac-

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knowledge the request and shall initiate the consultation process.

(b) *On-site inspection.* At the request of the Agency Official, the State Historic Preservation Officer, or the Executive Director, the Agency Official shall conduct an on-site inspection with the Executive Director, the State Historic Preservation Officer and such other representatives of national, State, or local units of government and public and private organizations that the consulting parties deem appropriate.

(c) *Public information meeting.* At the request of the Agency Official, the State Historic Preservation Officer, or the Executive Director, the Executive Director shall conduct a meeting open to the public, where representatives of national, State, or local units of government, representatives of public or private organizations, and interested citizens can receive information and express their views on the undertaking, its effects on historic and cultural properties, and alternate courses of action. The Agency Official shall provide adequate facilities for the meeting and shall afford appropriate notice to the public in advance of the meeting.

(d) *Consideration of alternatives.* Upon review of the pending case and subsequent to any on-site inspection and any public information meeting, the Executive Director shall consult with the Agency Official and State Historic Preservation Officer to determine whether there is a feasible and prudent alternative to avoid or satisfactorily mitigate any adverse effect.

(e) *Avoidance of adverse effect.* If the Agency Official, the State Historic Preservation Officer, and the Executive Director select and unanimously agree upon a feasible and prudent alternative to avoid the adverse effect of the undertaking, they shall execute a Memorandum of Agreement acknowledging avoidance of adverse effect. This document shall be forwarded to the Chairman for review pursuant to Section 800.6(a).

(f) *Mitigation of adverse effect.* If the consulting parties are unable to unanimously agree upon a feasible and prudent alternative to avoid any adverse effect, the Executive Director shall consult with the Agency Official and the State Historic Preservation Officer to determine whether there is a feasible and prudent alternative to satisfactorily mitigate the adverse effect of the undertaking. Upon finding and unanimously agreeing to such an alternative, they shall execute a Memorandum of Agreement acknowledging satisfactory mitigation of adverse effect. This document shall be forwarded to the Chairman for review pursuant to Section 800.6(a).

(g) *Memorandum of Agreement.* It shall be the responsibility of the Executive Director to prepare each Memorandum of Agreement required under these procedures. In preparation of such a document the Executive Director may request the Agency Official to prepare a proposal for inclusion in the Memorandum, detailing actions to be taken to avoid or mitigate the adverse effect.

(h) *Failure to avoid or mitigate adverse effect.* Upon the failure of consulting parties to find and unanimously agree upon a feasible and prudent alternative to avoid or satisfactorily mitigate the adverse effect, the Executive Director shall request the Chairman to schedule the undertaking for consideration at the next Council meeting and notify the Agency Official of the request. Upon notification of the request, the Agency Official shall delay further processing of the undertaking until the Council has transmitted its comments or the Chairman has given notice that the undertaking will not be considered at a Council meeting.

§ 800.6 Council procedures.

(a) *Review of Memorandum of Agreement.* Upon receipt of a Memorandum of Agreement acknowledging avoidance of adverse effect or satisfactory mitigation of adverse effect, the Chairman shall institute a 30-day review period. Unless the Chairman shall notify the Agency Official that the matter has been placed on the agenda for consideration at a Council meeting, the memorandum shall become final: (1) Upon the expiration of the 30-day review period with no action taken; or (2) when signed by the Chairman. Memoranda duly executed in accordance with these procedures shall constitute the comments of the Advisory Council. Notice of executed Memoranda of Agreement shall be published in the FEDERAL REGISTER monthly.

(b) *Response to request for consideration at Council meeting.* Upon receipt of a request from the Executive Director for consideration of the proposed undertaking at a Council meeting, the Chairman shall determine whether or not the undertaking will be considered and notify the Agency Official of his decision. To assist the Chairman in this determination, the Agency Official and the State Historic Preservation Officer shall provide such reports and information as may be required. If the Chairman decides against consideration at a Council meeting, he will submit a written summary of the undertaking and his decision to each member of the Council. If any member of the Council notes an objection to the decision within 15 days of the Chairman's decision, the undertaking will be scheduled for consideration at a Council meeting. If the Council members have no objection, the Chairman shall notify the Agency Official at the end of the 15-day period that the undertaking may proceed.

(c) *Decision to consider the undertaking.* Upon determination that the Council will consider an undertaking, the Chairman shall: (1) Schedule the matter for consideration at a regular meeting no less than 60 days from the date the request was received, or in exceptional cases, schedule the matter for consideration in an unassembled or special meeting; (2) notify the Agency Official and the State Historic Preservation Officer of the date on which comments will be considered; and (3) authorize the Executive Director to prepare a case report.

(d) *Content of the case report.* For

purposes of arriving at comments, the Advisory Council prescribes that certain reports be made available to it and accepts reports and statements from other interested parties. Specific informational requirements are enumerated below. Generally, the requirements represent an explication of elaboration of principles contained in the Criteria of Effect and in the Criteria of Adverse Effect. The Council notes, however, that the Act recognizes historical and cultural resources should be preserved "as a living part of our community life and development." Consequently, in arriving at final comments, the Council considers those elements in an undertaking that have relevance beyond historical and cultural concerns. To assist it in weighing the public interest, the Council welcomes information not only bearing upon physical, sensory, or esthetic effects but also information concerning economic, social, and other benefits or detriments that will result from the undertaking.

(e) *Elements of the case report.* The report on which the Council relies for comment shall consist of:

(1) A report from the Executive Director to include a verification of the legal and historical status of the property; an assessment of the historical, architectural, archeological, or cultural significance of the property; a statement indicating the special value of features to be most affected by the undertaking; an evaluation of the total effect of the undertaking upon the property; a critical review of any known feasible and prudent alternatives and recommendations to remove or mitigate the adverse effect;

(2) A report from the Agency Official requesting comment to include a general discussion and chronology of the proposed undertaking; when appropriate, an account of the steps taken to comply with section 102(2)(A) of the National Environmental Policy Act of 1969 (83 Stat. 852, 42 U.S.C. 4321); an evaluation of the effect of the undertaking upon the property, with particular reference to the impact on the historic, architectural, archeological and cultural values; steps taken or proposed by the agency to take into account, avoid, or mitigate adverse effects of the undertaking; a thorough discussion of alternate courses of action; and, if applicable and available, a copy of the draft environmental statement prepared in compliance with section 102(2)(C) of the National Environmental Policy Act of 1969;

(3) A report from any other Federal agency having under consideration an undertaking that will concurrently or ultimately affect the property, including a general description and chronology of that undertaking and discussion of the relation between that undertaking and the undertaking being considered by the Council;

(4) A report from the State Historic Preservation Officer to include an assessment of the significance of the property; an identification of features of special value; an evaluation of the effect of the undertaking upon the property and its specific components; an evaluation of

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known alternate courses of action; a discussion of present or proposed participation of State and local agencies or organizations in preserving or assisting in preserving the property; an indication of the support or opposition of units of government and public and private agencies and organizations within the State; and the recommendations of his office;

(5) A report by any applicant or potential recipient when the Council considers comments upon an application for a contract, grant, subsidy, loan, or other form of funding assistance, or an application for a Federal lease, permit, license, certificate, or other entitlement for use. Arrangements for the submission and presentation of reports by applicants or potential recipients shall be made through the Agency Official having jurisdiction in the matter; and

(6) Other pertinent reports, statements, correspondence, transcripts, minutes, and documents received by the Council from any and all parties, public or private. Reports submitted pursuant to this section should be received by the Council at least two weeks prior to a Council meeting.

(f) *Coordination of case reports and statements.* In considerations involving more than one Federal department, either directly or indirectly, the Agency Official requesting comment shall act as a coordinator in arranging for a full assessment and discussion of all interdepartmental facets of the problem and prepare a record of such coordination to be made available to the Council. At the request of the Council, the State Historic Preservation Officer shall notify appropriate governmental units and public and private organizations within the State of the pending consideration of the undertaking by the Council, and coordinate the presentation of written statements to the Council.

(g) *Council meetings.* The Council does not hold formal hearings to consider comments under these procedures. Two weeks notice shall be given, by publication in the FEDERAL REGISTER, of all meetings involving Council review of Federal undertakings in accordance with these procedures. Reports and statements will be presented to the Council in open session in accordance with a prearranged agenda. Regular meetings of the Council generally occur on the first Wednesday and Thursday of February, May, August and November.

(h) *Oral statements to the Council.* A schedule shall provide for oral statements from the Executive Director; the referring Agency Official presently or potentially involved; the applicant or potential recipient, when appropriate; the State Historic Preservation Officer; and representatives of national, State, or local units of government and public and private organizations. Parties wishing to make oral remarks shall submit written statements of position in advance to the Executive Director.

(i) *Comments by the Council.* The comments of the Council, issued after consideration of an undertaking at a

Council meeting, shall take the form of a three-part statement, including an introduction, findings, and a conclusion. The statement shall include notice to the Agency Official of the report required under section 800.6(j) of these procedures. Comments shall be made to the head of the Federal Agency requesting comment or having responsibility for the undertaking. Immediately thereafter, the comments of the Council will be forwarded to the President and the Congress as a special report under authority of section 202(b) of the Act and published as soon as possible in the FEDERAL REGISTER. Comment shall be available to the public upon receipt of the comments by the head of the Federal agency.

(j) *Report of agency action in response to Council comments.* When a final decision on the undertaking is reached by the Federal Agency, the Agency Official shall submit a written report to the Council containing a description of actions taken by the Federal Agency subsequent to the Council's comments; a description of actions taken by other parties pursuant to the actions of the Federal Agency; and the ultimate effect of such actions on the property involved. The Council may request supplementary reports if the nature of the undertaking requires them.

(k) *Records of the Council.* The records of the Council shall consist of a record of the proceedings at each meeting, the case report prepared by the Executive Director, and all other reports, statements, transcripts, correspondence, and documents received.

(l) *Continuing review jurisdiction.* When the Council has commented upon an undertaking pursuant to Section 800.6 such as a comprehensive or area-wide plan that by its nature requires subsequent action by the Federal Agency, the Council will consider its comments or approval to extend only to the undertaking as reviewed. The Agency Official shall ensure that subsequent action related to the undertaking is submitted to the Council for review in accordance with § 800.4(e) of these procedures when that action is found to have an adverse effect on a property included in or eligible for inclusion in the National Register.

§ 800.7 Other powers of the Council.

(a) *Comment or report upon non-Federal undertaking.* The Council will exercise the broader advisory powers, vested by section 202(a)(1) of the Act, to recommend measures concerning a non-Federal undertaking that will adversely affect a property included in or eligible for inclusion in the National Register: (1) upon request from the President of the United States, the President of the U.S. Senate, or the Speaker of the House of Representatives, or (2) when agreed upon by a majority vote of the members of the Council.

(b) *Comment or report upon Federal undertaking in special circumstances.* The Council will exercise its authority to comment to Federal agencies in certain special situations even though written notice that an undertaking will have an

effect has not been received. For example, the Council may choose to comment in situations where an objection is made to a Federal agency finding of "no effect."

§ 800.8 Criteria of effect.

A Federal, federally assisted, or federally licensed undertaking shall be considered to have an effect on a National Register property or property eligible for inclusion in the National Register (districts, sites, buildings, structures, and objects, including their settings) when any condition of the undertaking causes or may cause any change, beneficial or adverse, in the quality of the historical, architectural, archeological, or cultural character that qualifies the property under the National Register Criteria.

§ 800.9 Criteria of adverse effect.

Generally, adverse effects occur under conditions which include but are not limited to:

(a) Destruction or alteration of all or part of a property;

(b) Isolation from or alteration of its surrounding environment;

(c) Introduction of visual, audible, or atmospheric elements that are out of character with the property or alter its setting;

(d) Transfer or sale of a federally owned property without adequate conditions or restrictions regarding preservation, maintenance, or use; and

(e) Neglect of a property resulting in its deterioration or destruction.

§ 800.10 National Register criteria.

(a) "National Register Criteria" means the following criteria established by the Secretary of the Interior for use in evaluating and determining the eligibility of properties for listing in the National Register: The quality of significance in American history, architecture, archeology, and culture is present in districts, sites, buildings, structures, and objects of State and local importance that possess integrity of location, design, setting, materials, workmanship, feeling and association and:

(1) That are associated with events that have made a significant contribution to the broad patterns of our history; or

(2) That are associated with the lives of persons significant in our past; or

(3) That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

(4) That have yielded, or may be likely to yield, information important in prehistory or history.

(b) *Criteria considerations.* Ordinarily cemeteries, birthplaces, or graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in na-

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ture, and properties that have achieved significance within the past 50 years shall not be considered eligible for the National Register. However, such properties will qualify if they are integral parts of districts that do meet the criteria or if they fall within the following categories:

(1) A religious property deriving primary significance from architectural or artistic distinction or historical importance;

(2) A building or structure removed from its original location but which is

the surviving structure most importantly associated with a historic person or event;

(3) A birthplace or grave of a historical figure of outstanding importance if there is no appropriate site or building directly associated with his productive life;

(4) A cemetery which derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events;

(5) A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived;

(6) A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own historical significance; or

(7) A property achieving significance within the past 50 years if it is of exceptional importance.

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