

# IRWA Legal Symposium

April 20, 2016

## The Phase I Process for Transportation Projects

### Introduction

Most projects are divided into at least 3 phases after they have completed regional planning

1. Preliminary Engineering/NEPA
2. Design and Right of Way
3. Construction

### Phase 1 Process

30% design-enough to know where, how big, location of interchanges, etc.

National Environmental Policy Act (NEPA) compliance so that the project is eligible for federal financial participation

### Levels of NEPA documentation

Environmental Impact Statement (EIS) for large projects with significant environmental impacts (social and natural) followed by Record of Decision

States Purpose and Need, Alternatives, Existing Environment and Impacts

Usually 2 years minimum

Environmental Assessment (EA) for projects with impacts not significant or fully mitigated followed by Finding of No Significant Impact (FONSI)

Contents same as EIS, but abbreviated

Usually 6 months to 1 year

### Categorical Exclusion

Short report. Routine projects

### Legal challenges filed after ROD or FONSI

### Problems with reviewing publicly available reports

EIS/ROD and EA/FONSI based on 30% design while ROW usually more detailed design

Information in EIS/ROD and EA/FONSI often dated