NATIONAL ACADEMIES Sciences Engineering Medicine

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TRB Webinar: Complete the Puzzles in Planning and Environmental Linkages Practice

August 30, 2022

1:30 – 3:00 PM

NOVEMBER 2022 UPDATE

AICP Credit Information

1.5 American Institute of Certified Planners Certification Maintenance Credits

You must attend the entire webinar

Log into the American Planning Association website to claim your credits

Contact AICP, not TRB, with questions

CLE Credit Information

1.25 Continuing Legal Education Credits from the American Bar Association

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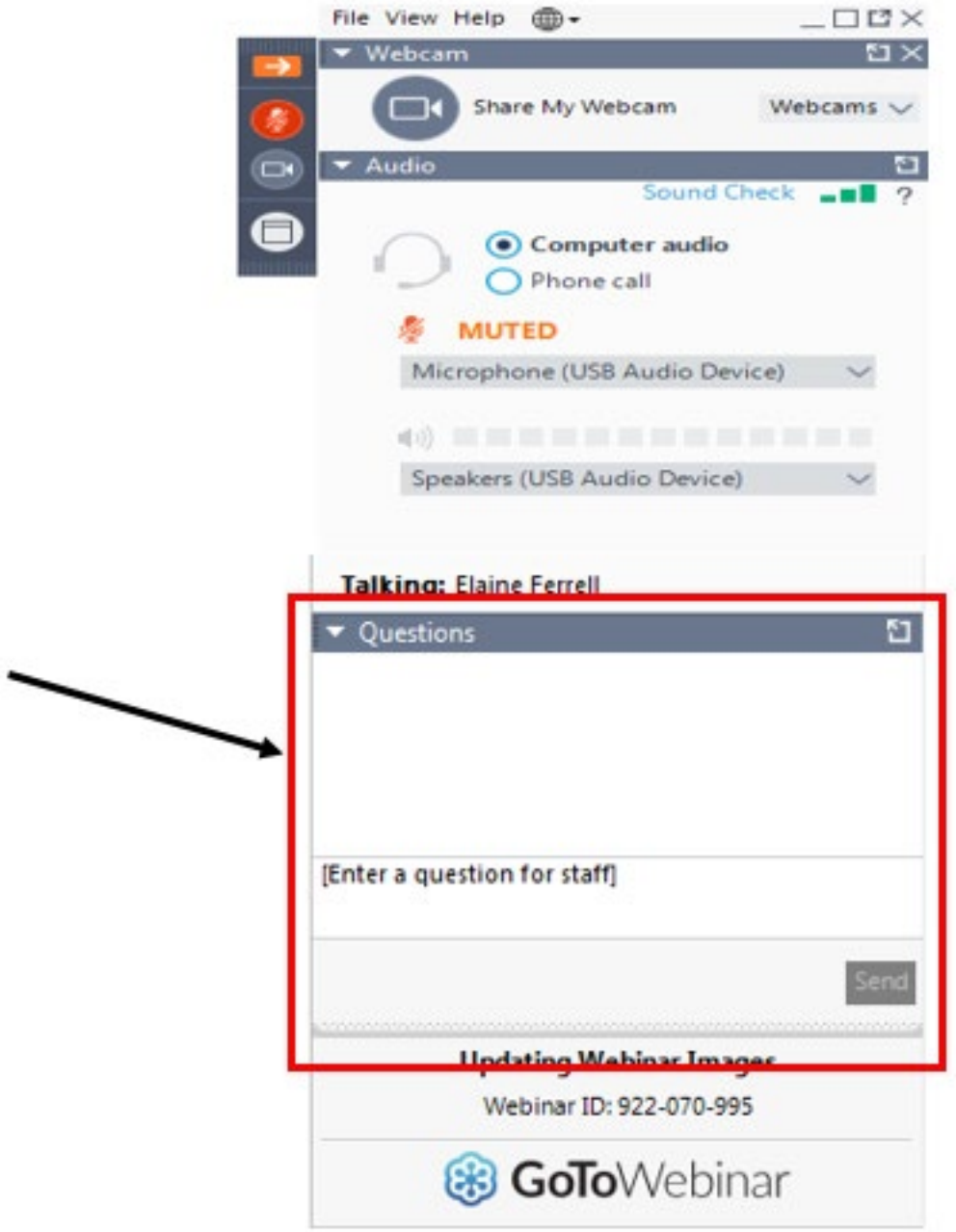
Learning Objectives

- Identify critical elements of public and agency involvement for PEL studies
- Understand the documentation requirements for purpose, need, and alternatives development and screening
- Determine key points in the PEL process where the U.S. Federal Highway Administration or the U.S. Federal Transit Administration involvement is needed in the process

Questions and Answers

- Please type your questions into your webinar control panel
- We will read your questions out loud, and answer as many as time allows



MODERATOR

Diane Nulton

- ✓ Over 30 years of experience
- ✓ NHI trainer for NEPA, Section 4(f) and PEL
- ✓ Led statewide PEL study in Pennsylvania

PANELIST

Troy Halouska

- ✓ PEL Program Manager at Colorado DOT
- ✓ 23 years of experience; 12 years with PEL studies
- ✓ Helped develop the PEL program at CDOT

PANELIST

Gina McAfee

- ✓ 45 years of experience; 11 years with PEL studies
- ✓ Primary author of two PEL Guidebooks: for Alaska DOT&PF and for Nebraska DOT
- ✓ Have worked on 16 PEL studies in Alaska, Colorado, Idaho, Nebraska, Michigan, Minnesota, Missouri, Pennsylvania

PANELIST

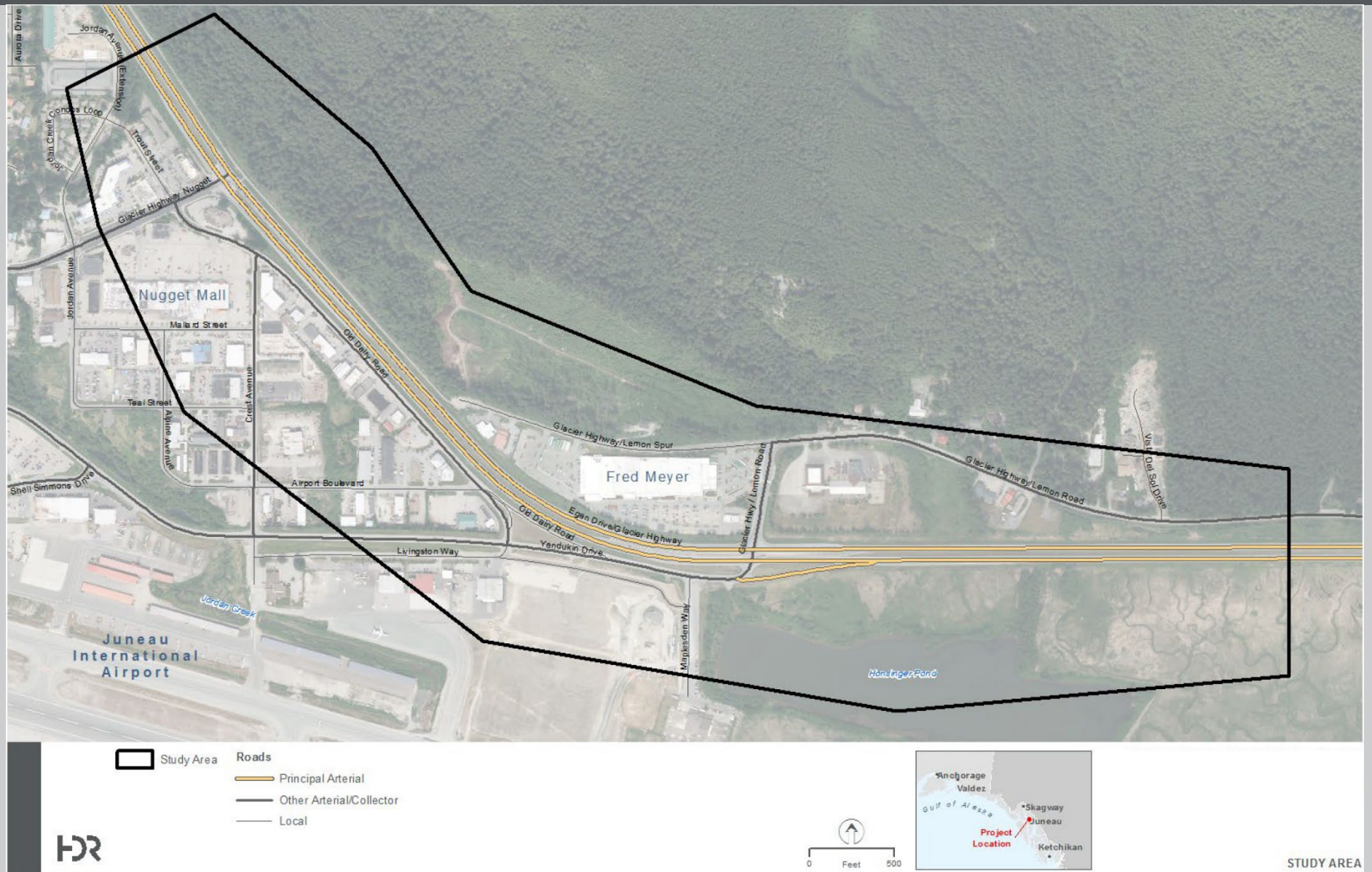
Fred Wagner

- ✓ Previously served as Chief Counsel for FHWA
- ✓ Guided PEL studies across the country and participated in PEL rulemaking

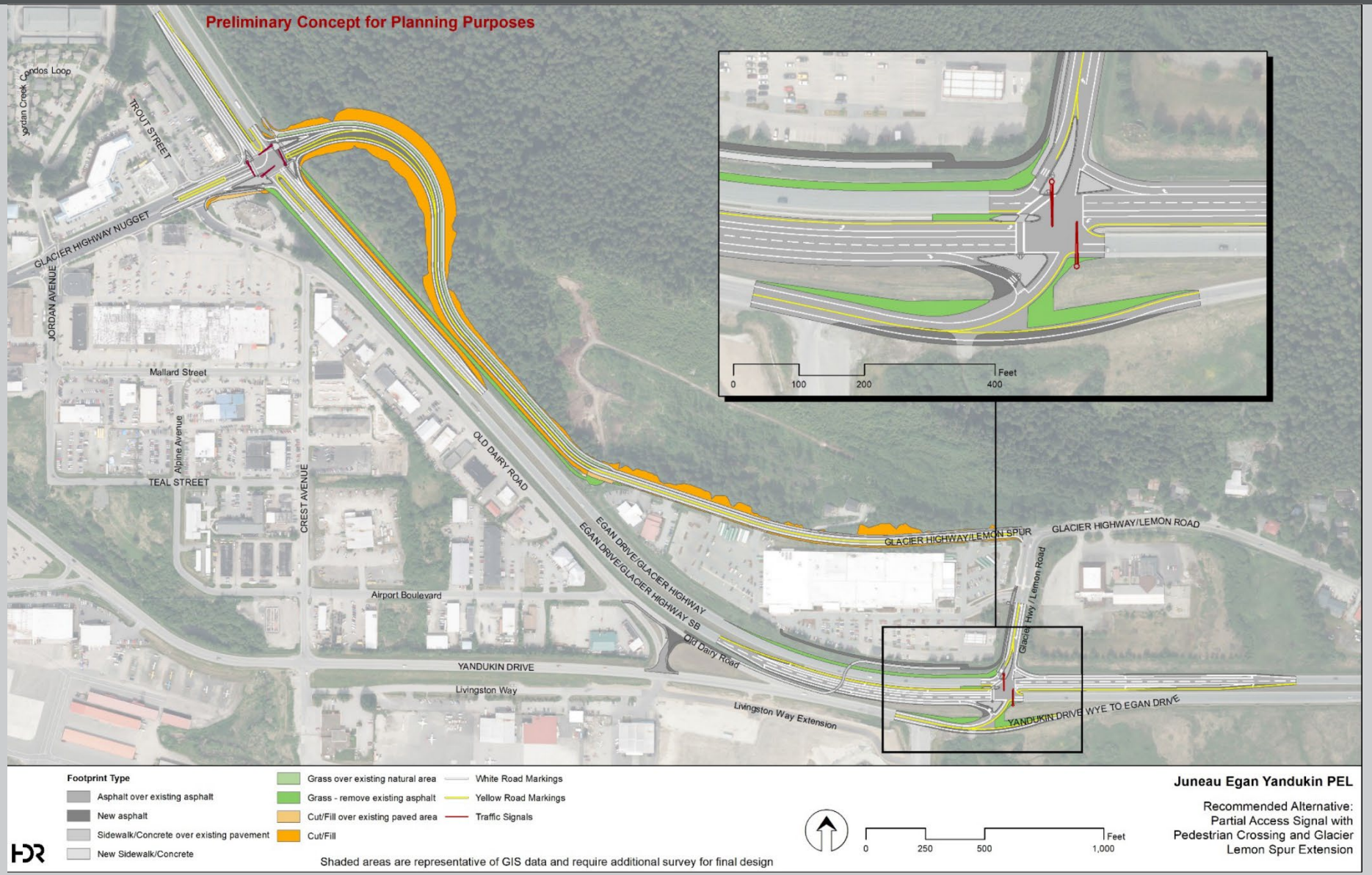
Public and Agency Involvement Best Practices

- Techniques/methods similar to NEPA
- Describe what a PEL process is
- Must include public notice that PEL products may be used in future NEPA and permitting
- Must involve state and federal resource agencies plus tribal governments

Public and Agency Involvement Case Study: Egan-Yandukin PEL Study



Public and Agency Involvement Case Study: Egan-Yandukin PEL Study



Public and Agency Involvement Case Study: Egan-Yandukin PEL Study

Lessons Learned

- Public notice at beginning of PEL study that products are intended to be used in future environmental review processes
- Made clear to resource agencies that products intended to be used in future NEPA and permitting
- USACE and USFS provided comments on purpose and need and alternatives screening

Public and Agency Involvement Case Study: Santa Fe Drive Corridor PEL

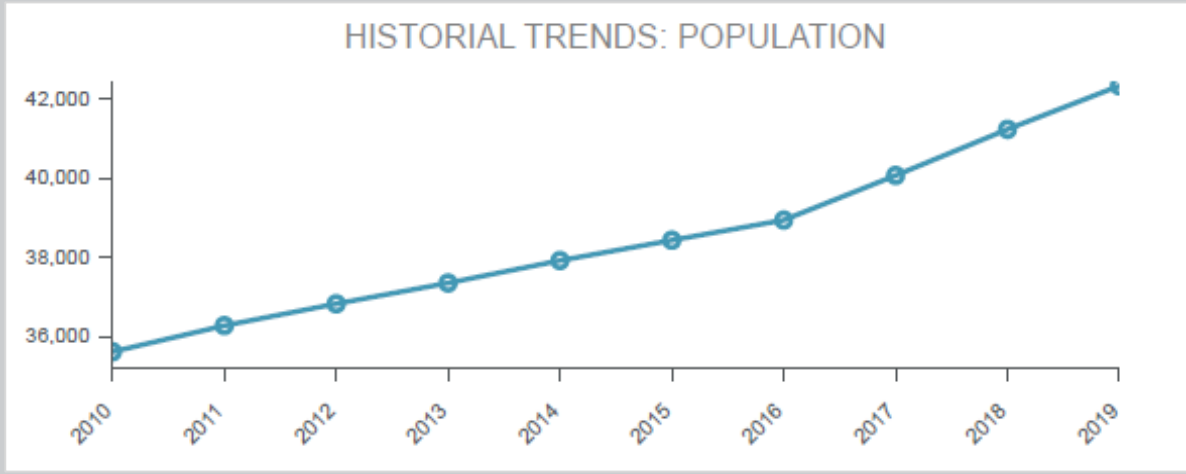
- 11-mile stretch of Santa Fe Drive (US Highway 85) between C-470 and the junction of Alameda Drive and I-25
- Located in three counties and four municipalities which are all funding partners in this PEL study

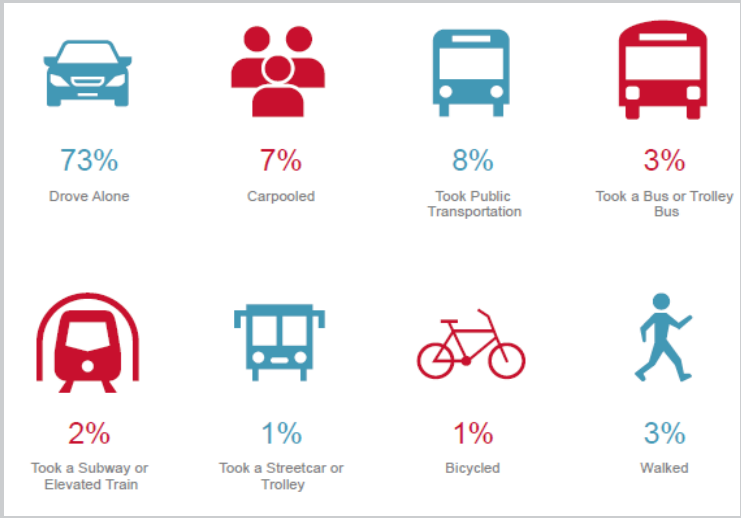
- Purpose of PEL:
  - Identify transportation issues
  - Note environmental concerns
  - Develop alternatives
  - Create a corridor vision

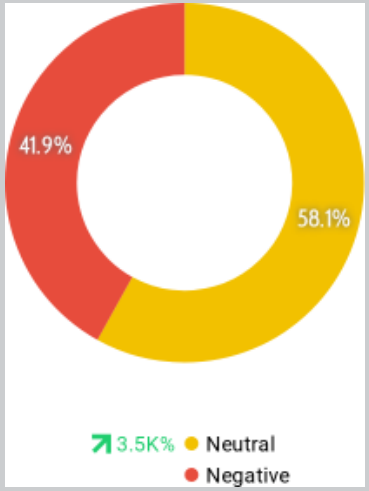
Public and Agency Involvement Case Study: Santa Fe Drive Corridor PEL

Public and Stakeholder Engagement Plan

- Conducted social and political risk assessment
  - ➢Media analysis
  - ➢Community characteristics
  - ➢Stakeholder interviews
- Provided public notice of intent to use products in future NEPA



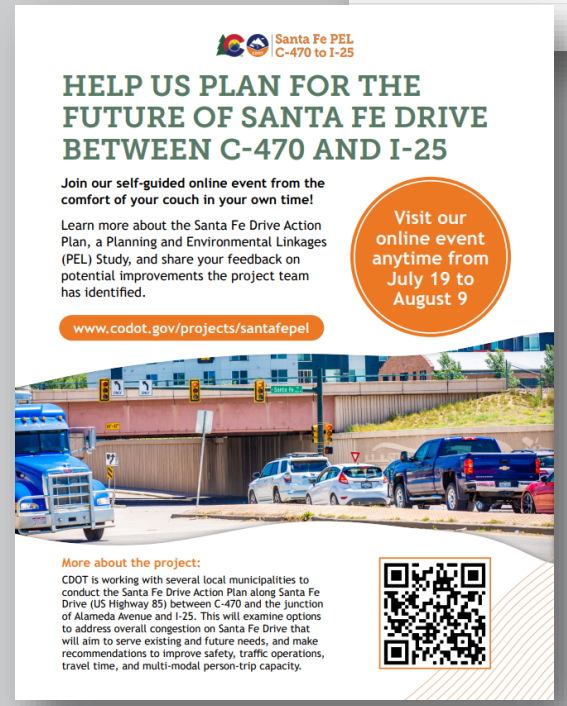


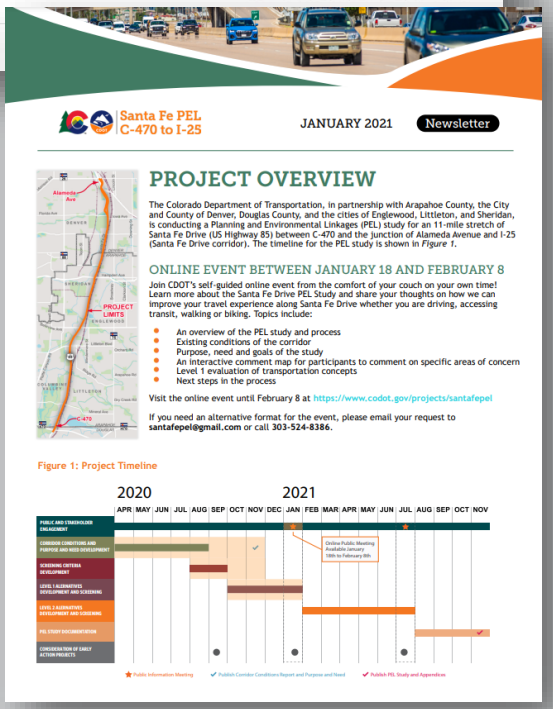


Public and Agency Involvement Case Study: Santa Fe Drive Corridor PEL

Building Public Input and Project Awareness

- Website, email, and hotline
- Newsletter
- State and federal agency meetings
- Corridor posters
- Mailers
- Social media
  - 100,000+ reach
  - 3,700+ interactions





Public and Agency Involvement Case Study: Santa Fe Drive Corridor PEL

Overall Results

102,000
PEOPLE REACHED

1,765
COMMENTS

570+
CONTACTS

Best Practices

- Understanding the community through census data and media researched built a solid public engagement foundation
- Virtual self-guided events were well received
- Paid social media campaigns built widespread awareness
- Stakeholder involvement created a sense of trust and ownership
- Input tools were effective and helped inform the final alternatives and early action projects

Lessons Learned

- Some areas had greater responses than others
- Invest in more printed advertisements to reach older populations
- Incorporate live events for two-way communication

Data Collection and Analysis Best Practices

- Seek input from state and federal resource agencies about what data to collect and what methodology to use
- Much more flexibility than in NEPA
- Pay particular attention to resources protected by state or federal laws

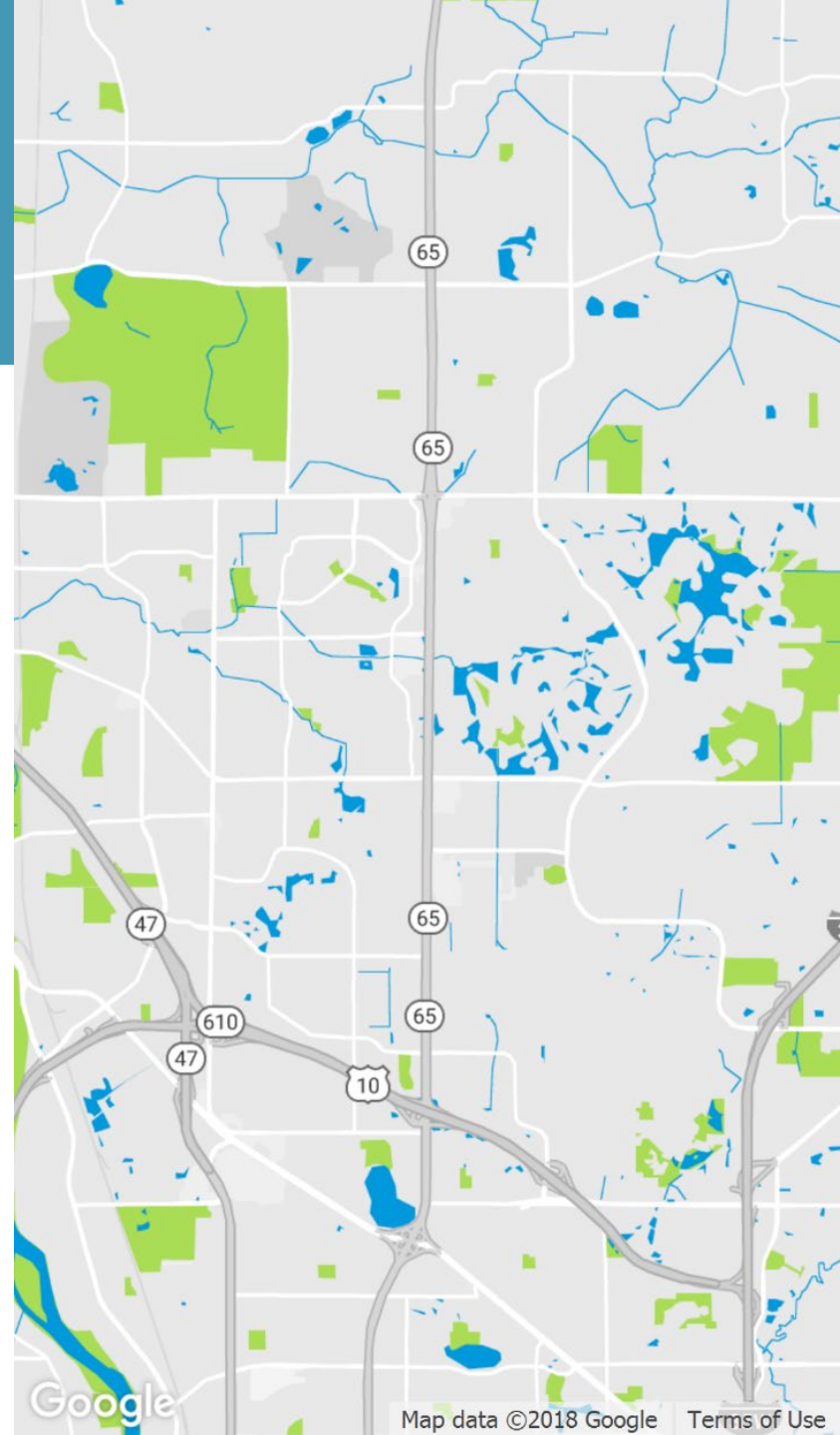
Data Collection and Analysis Case Study: Egan-Yandukin

Lessons Learned

- FHWA (in this case, Alaska DOT) was involved to determine Section 4(f) applicability and review Section 106 assumptions
- Important because of alternatives screening and future use in NEPA

Data Collection and Analysis Case Study: MN Highway 65

- Mostly 4-lane divided at-grade signalized arterial Principal arterial—speed range 55 to 60 mph
- Context changes from urban–suburban–exurban
- Blaine is fastest-growing community outside Minneapolis/St. Paul in the state
- Highway 65 is a barrier in the communities
- Current volumes range from 35,000 to 58,000 ADT



Data Collection and Analysis Case Study: Highway 65

Evaluated Concepts:	VEHICLE SAFETY: Does the design concept address unsafe conditions along and across Hwy 65?	TRAFFIC OPERATIONS: Does the design concept address increased volume and reduce congestion along and across Hwy 65?	BIKEABILITY / WALKABILITY: Does the design concept improve access and safety for people bicycling and walking along and across Hwy 65?	COMMUNITY: Does the design concept support local planning goals and minimize impacts to landowners and minority and low-income communities?	ENVIRONMENTAL RESOURCES: Does the design concept minimize impacts to environmental resources (ex: parks, wetlands, floodplains)?	OTHER CONSIDERATIONS: Does the conceptual design seem expensive or difficult to construct? Any adverse impacts to existing or proposed transit routes?
NO-BUILD: Leave things as they are	✗	✗	✗	✓	✓	✓
HYBRID FREEWAY: Grade separated median U-Turns at all major crossroads; no signals	✓	✓	✓	●	✓	●
HYBRID FREEWAY MODIFIED: Hybrid Freeway with interchange at 109th	✓	✓	✓	●	●	●
FREEWAY ALTERNATIVE 1: Interchanges at all major crossroads	✓	−	●	−	●	−
FREEWAY ALTERNATIVE 2: Fewer interchanges (ideal spacing)	✓	✓	●	−	●	−
FREEWAY ALTERNATIVE 3: Interchanges at 99th, 109th and 117th	✓	✓	●	−	●	−

Level 1:

Yes/No Qualitative Screening of Concepts Using Screening Matrix

Level 2:

Screening of Concepts Against Evaluation Criteria

Up to three corridor-wide concepts move on to be assessed in Level 3.

Level 3:

Assessment of Corridor-Wide Concept(s) Against Evaluation Criteria

Data Collection and Analysis
Case Study: Highway 65

Lessons Learned

- Data collection for alternatives screening was extensive
- FHWA input was to collect very detailed traffic data for speeds, corridor travel time, ped/bike crashes, LOS at crossings, V/C for corridor and at intersections
- Lesson Learned: Involve FHWA for defining methodologies for data collection and analysis

Purpose and Need Best Practices

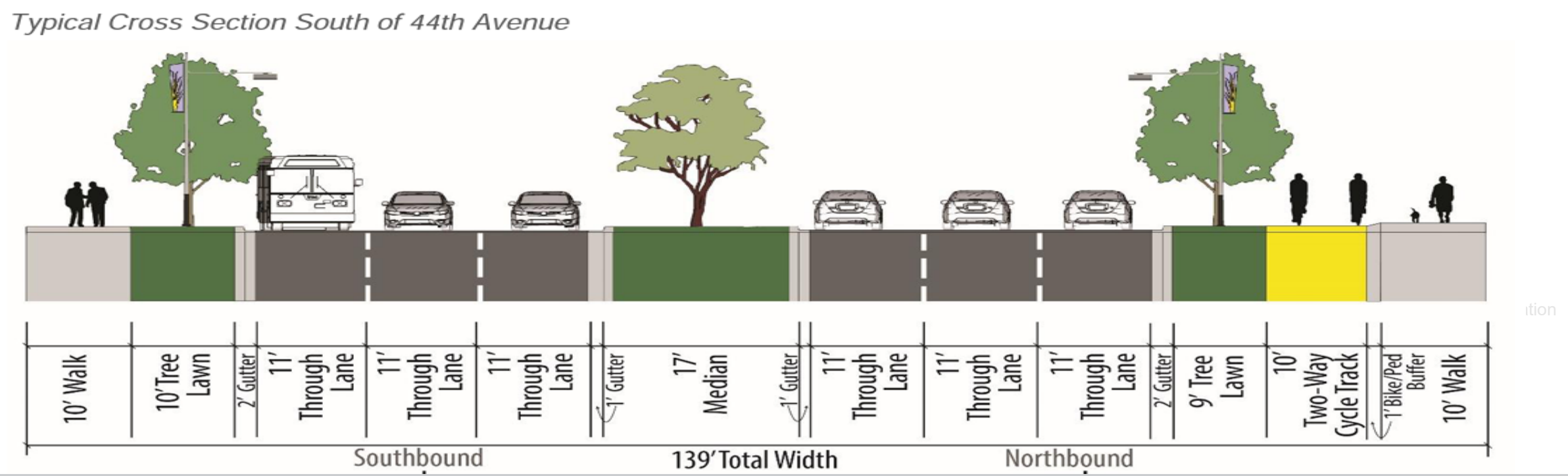
- P&N is not the same as the purpose (or reasons) for doing the PEL
- Adequate data collection is needed (existing traffic, future traffic, safety, etc.) to ensure a purpose and need statement is based on rational and defensible data
- Involve FHWA or FTA and the DOT in the development of purpose and need, especially methodologies used
- Carefully document the process used and decisions made to develop the P&N
- Consider using goals and objectives to capture concerns of local agencies
- One of the PEL products that can easily be used in future NEPA

Purpose and Need Case Study: Wadsworth PEL, Wheat Ridge, Colorado

Successes

- Heavy stakeholder input including block by block meetings
- One of first PEL P&N to have large focus on multimodal
- Incorporated a number of local agency concerns into goals
- Saved 6 months in NEPA by using Purpose and Need from PEL study

Purpose and Need Case Study: Wadsworth PEL, Wheat Ridge, Colorado



Lessons Learned

- Make sure all specialty areas of project development have the opportunity to be involved in the creation of P&N
- During NEPA the traffic future forecast year changed from PEL study

Purpose and Need Case Study:
CO 52 PEL, Boulder and Weld Counties, Colorado

Successes

- Local agencies created a coalition that met monthly prior to P&N development
- Heavy stakeholder involvement including CDOT, six municipalities, two counties, and FHWA
- Included goals in P&N memo to review
- As individual decision made by coalition, concurrence achieved and documented

Purpose and Need Case Study:
CO 52 PEL, Boulder and Weld Counties, Colorado

Lessons Learned

- Were calling the corridor preservation footprint the ROW footprint; had to change that terminology
- Study included an access control plan; initially was part of P&N discussion; ended up removing access control as part of P&N

Alternatives Development and Evaluation Best Practices

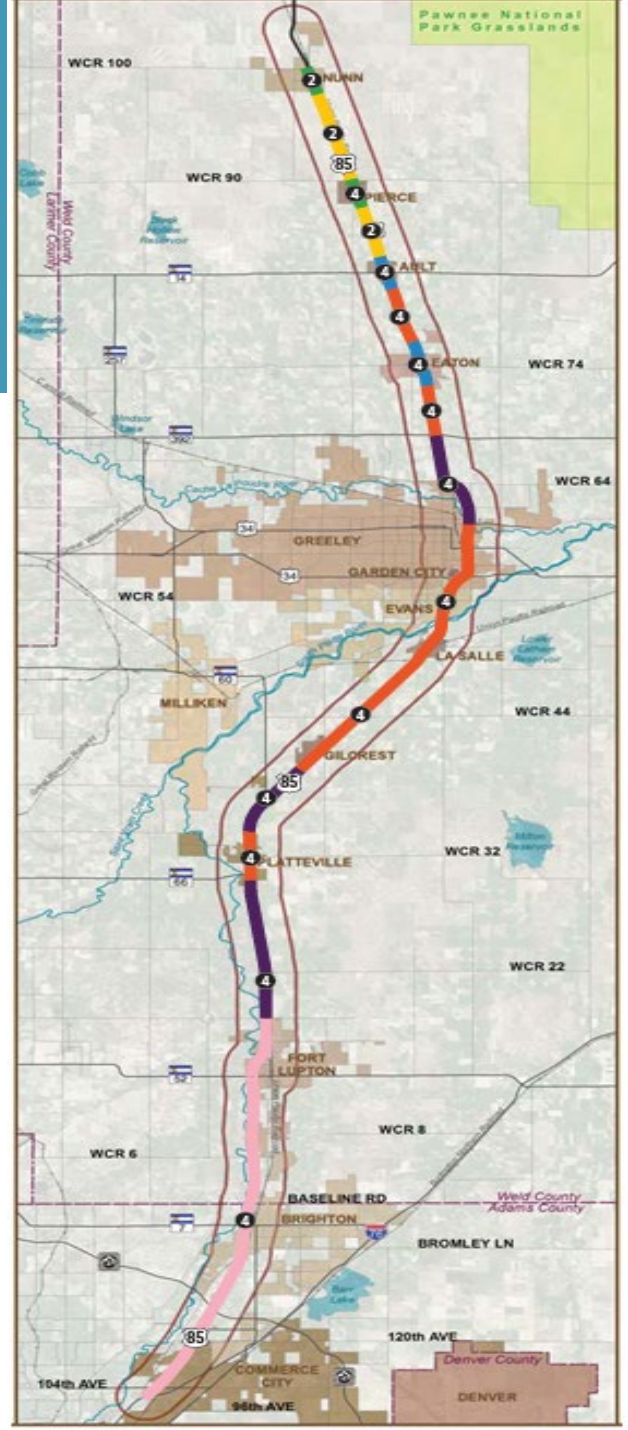
- Carefully consider what level of detail to use to develop alternatives; should be less than what used in NEPA
- Define the No Action alternative
- Evaluation criteria should use purpose and need, public and agency input, goals, and input to feasibility/reasonableness (including cost and environmental factors)
- First level screening should focus on purpose and need
- Second level screening should focus on fatal flaws, feasibility, and reasonableness
- Carefully document the reasons why an alternative is eliminated, carried forward, not recommended, or recommended; also document assumptions made in the development of alternatives

Alternatives Development and Evaluation Case Study: Wadsworth PEL, Wheat Ridge, Colorado

Lessons Learned

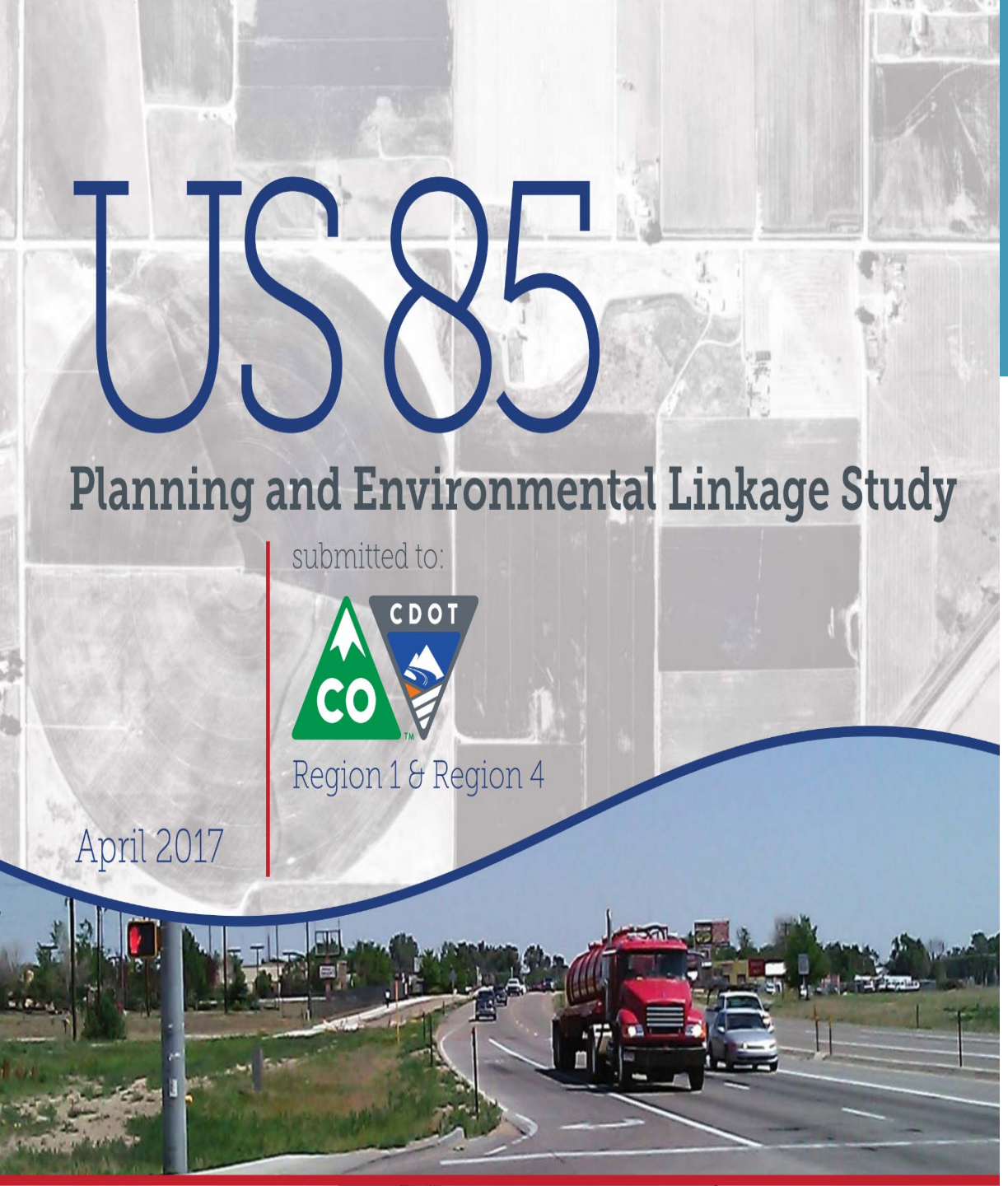
- PEL study did not recommend a particular type of intersection design
- Because of changes in traffic engineering analysis, when beginning the NEPA process, that intersection design was resurrected
- PEL documentation showed a particular design assumption that was then changed for NEPA, allowing that intersection to be advanced

Alternatives Development and Evaluation Case Study: US 85 North PEL, Denver to Nunn, Colorado



Successes

- Coordinated closely with 13 municipalities, 2 counties, and 3 MPOs
- Very robust screening with four levels; included Fatal Flaw/P&N; Roadway Classification; Intersection Evaluation; Refinement/Interchange Configuration
- Developed Location Recommendations and Alternative Concepts information sheets that provided an overview, prioritization, summary of the screening process, and next steps



Alternatives Development and Evaluation Case Study: US 85 North PEL, Denver to Nunn, Colorado

Lessons Learned

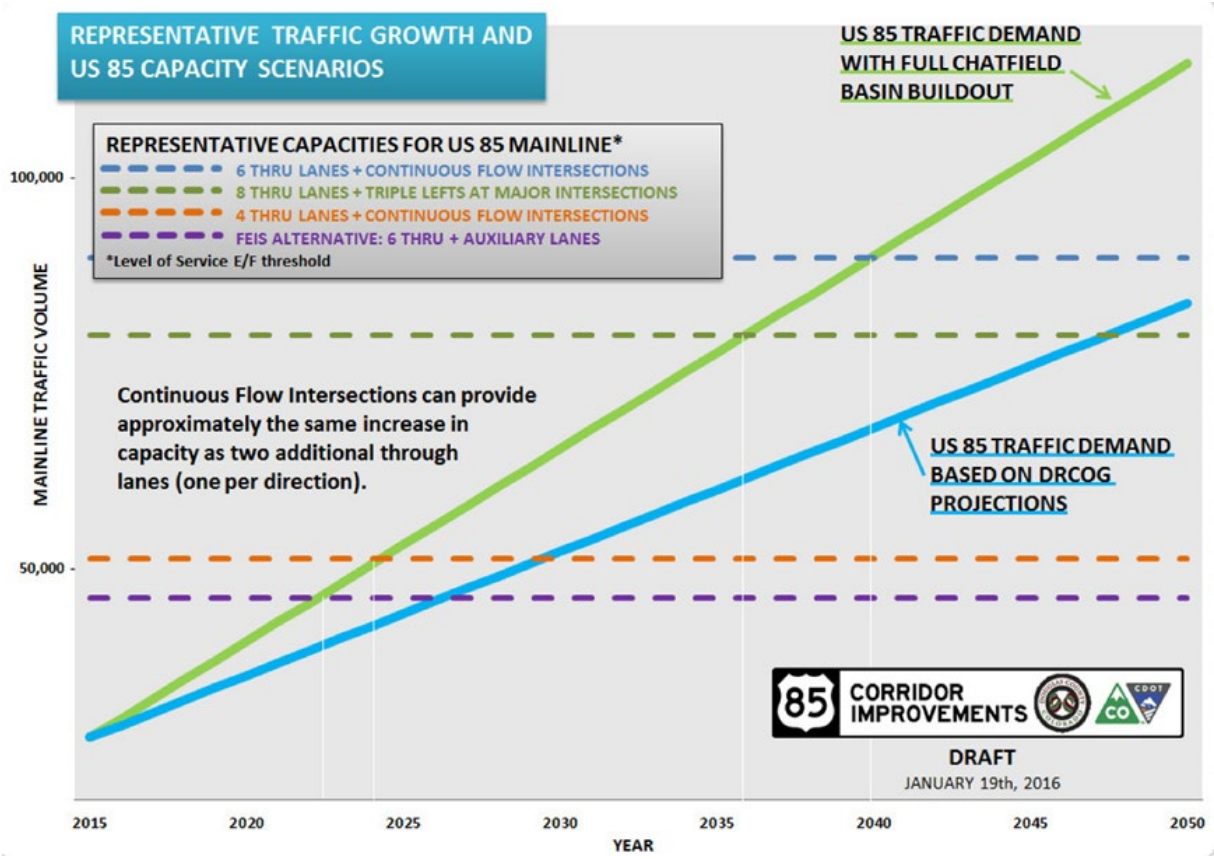
- For a study this size, allow adequate time to complete the process properly
- The final level of screening was probably not necessary; a little too detailed for planning

Documentation and Implementation Best Practices

- FHWA PEL Questionnaire is important to guide documentation needed
- Implementation plan can consider phases if needed, also NEPA class of action
- No need for the recommended alternative(s) to be fiscally constrained, although should have good idea when funding will be available
- Documentation must be of a form that can be easily appended to a future NEPA document
- No need for a separate PEL to NEPA transition document

Documentation and Implementation Case Study: US 85 South PEL, Douglas County, Colorado

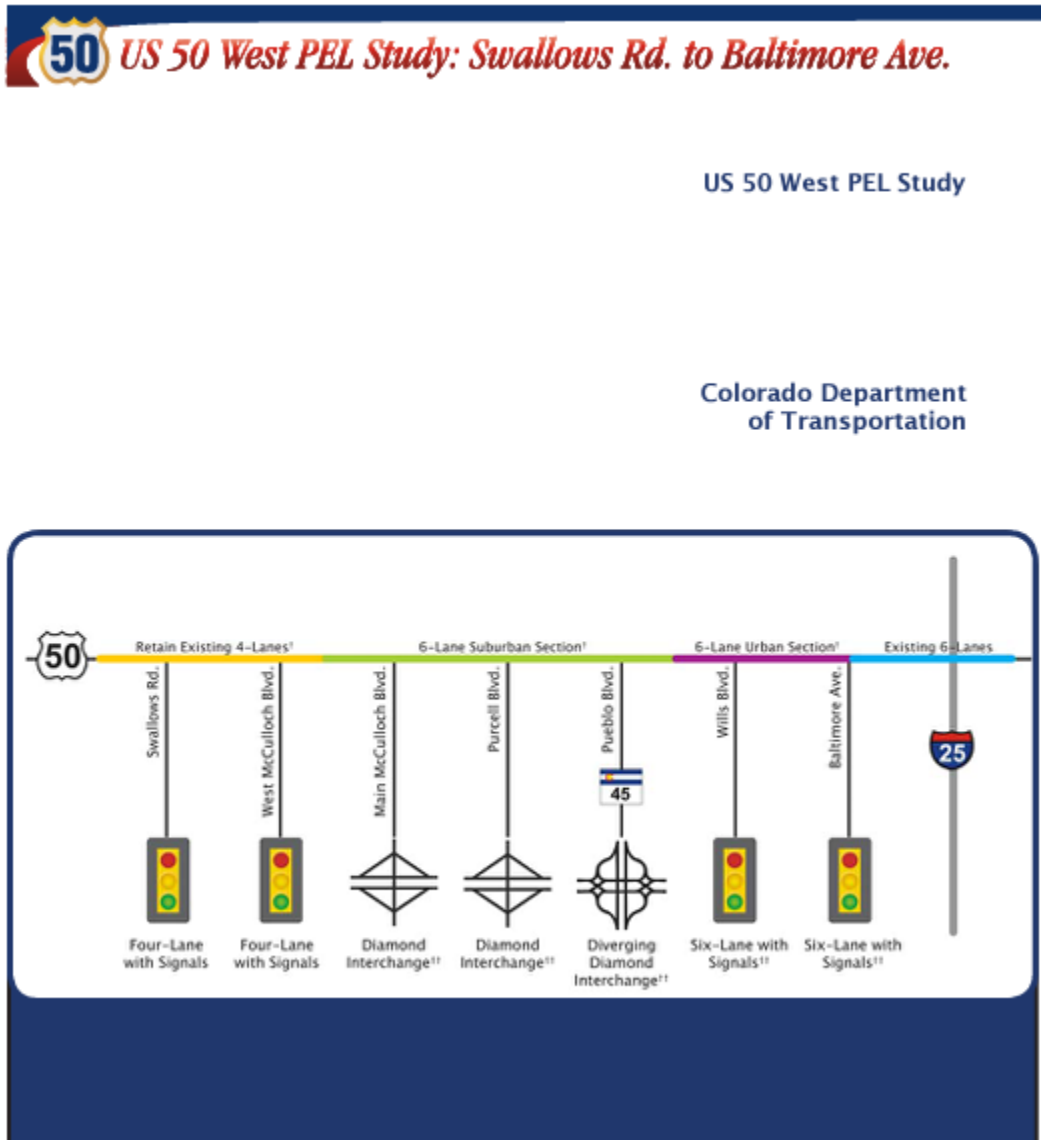
- Recommended alternatives: Varied by segment—expressway or bypass, interchanges, access control
- Analyzed traffic for 10 years beyond MPO horizon year (PEL studies allow this flexibility)



Documentation and Implementation
Case Study: US 85 South PEL, Douglas County, Colorado

- Corridor included plans for a future new town (13,000 new housing units)
- Implementation plan included approximate dates new improvements would be needed based on new town build-out
- Implementation plan included assigning responsibilities by party (County, DOT, MPO, Developer)
- Implementation plan included funding assumptions (TIP funding, county funding, private funds)

Documentation and Implementation
Case Study: US 50 West PEL, Pueblo, Colorado



Successes/Lessons Learned

- Comprehensively evaluated and screened alternatives and reached consensus on a recommended plan and preferred alternative for the corridor
- Created a robust travel demand model to examine alternative route capacity and conduct level of service failure analysis for different highway sections, helping prioritize improvements
- Identified initial improvements that would have independent utility and fit within immediately available funding
- Established a Memorandum of Agreement to enhance interagency coordination
- One EA and four CEs followed

Transitioning to NEPA Best Practices

- Make plans to announce intent to use PEL products during NEPA initiation
- Determine if there have been any significant new information or circumstances that affect any PEL products (purpose and need, alternatives screening, environmental resources, etc.)
- Public, agencies and tribes allowed to review and comment on PEL products, before being used in NEPA

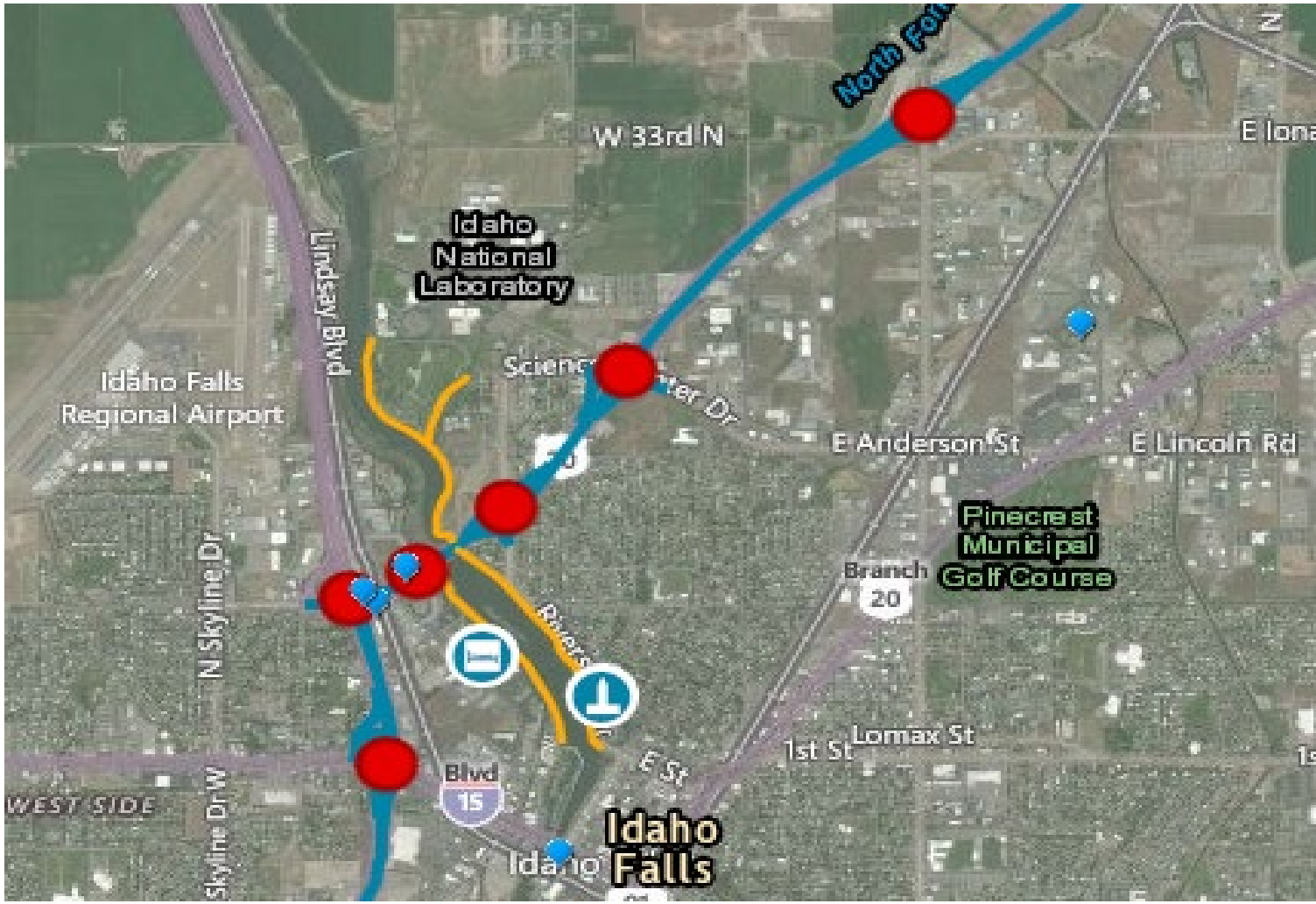
CASE STUDY: I-15/US 20 Connector PEL, Idaho Falls, Idaho

Successes

- Narrowed broad range of alternatives
- Engaged key resource agencies
- Narrowed to two build alternatives to take into the NEPA process
- PEL products informed NOI
- Received Environmental Excellence award for streamlining

Lessons Learned

- Make sure documentation of the public notice is clear
- Involve any federal agency with jurisdiction in the PEL process; FAA was important in this case



LEGAL CONSIDERATIONS FOR SUCCESSFUL USE OF PEL

23 C.F.R. Part 450, Appendix A; “Linking Transportation Planning and NEPA Processes”

- Unusual regulatory device, adding what is in essence a guidance document to planning regulations
- Many of the “best practices” previously described are enumerated in the Appendix
- As a matter of law, is there a true difference between planning level v. project level analysis (PEL) and tiered NEPA review?

TO SECURE TIME-SAVINGS, DECISION-MAKING BENEFITS OF PEL…

…document, document, document!

…apply “NEPA-style” public participation to PEL process, with an emphasis on equity issues and creative public outreach;

…involve likely “cooperating agencies” in PEL process to the maximum extent practicable (perhaps the biggest challenges facing agencies intending to apply PEL);

…initiate project-level NEPA review with express tie-in to PEL work product and decisions.

WHAT YOUR LAWYERS WILL LIKELY SAY WHEN REVIEWING PEL PROCESSES

“Timing is everything.”

“What did the public know, and when did they know it?”

“Has anyone from the lead and cooperating agencies been paying attention to the process?”

“What does the PEL record look like?”

“Is locking in certain decisions in the PEL process worth the potential litigation risk for the project-level NEPA review?”

Today's presenters

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TRANSED: Mobility, Accessibility, and Demand Response Transportation Conference

September 19-21, 2022

Conference on Scenario Planning in Transportation

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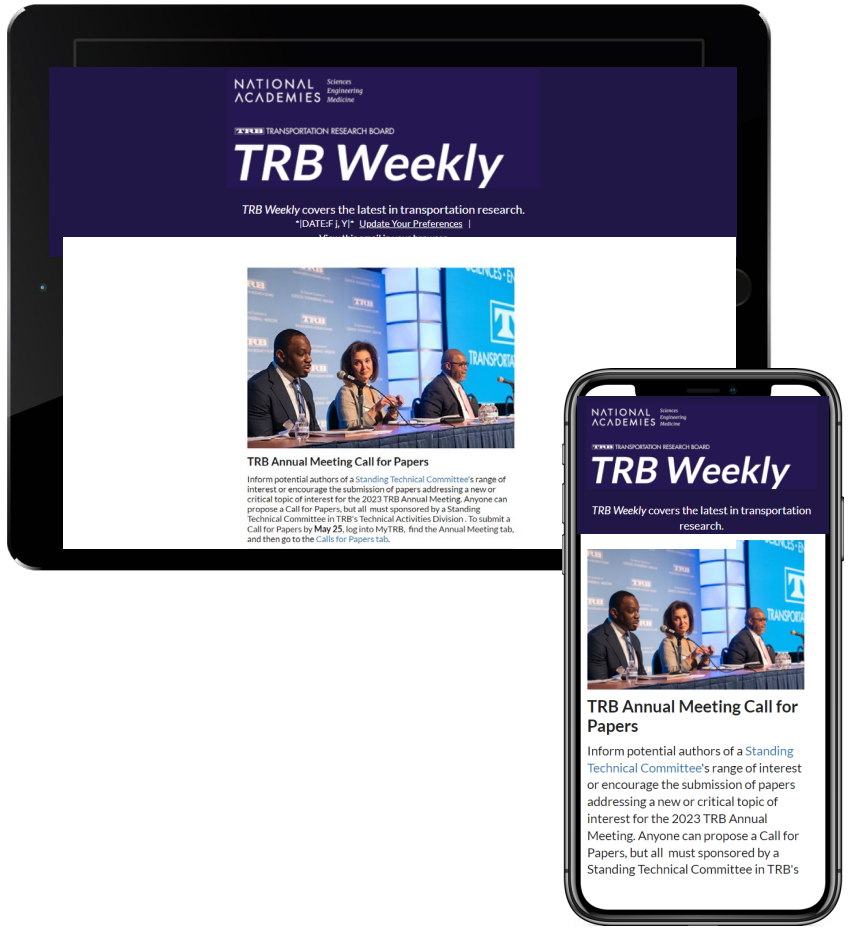

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