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TRB TRANSPORTATION RESEARCH BOARD

TRB Webinar: New CEQ Regulations Effects on Transportation Industry

August 28, 2024

2:00 – 3:30 PM



PDH Certification Information

1.5 Professional Development Hours (PDH) – see follow-up email

You must attend the entire webinar.

Questions? Contact Andie Pitchford at TRBwebinar@nas.edu

The Transportation Research Board has met the standards and requirements of the Registered Continuing Education Program. Credit earned on completion of this program will be reported to RCEP at RCEP.net. A certificate of completion will be issued to each participant. As such, it does not include content that may be deemed or construed to be an approval or endorsement by the RCEP.



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

Purpose Statement

This webinar will identify the new changes in the regulations and how to successfully implement them to minimize impact on project delivery. Presenters will share how to incorporate these changes into a successful National Environmental Policy Act (NEPA) program.

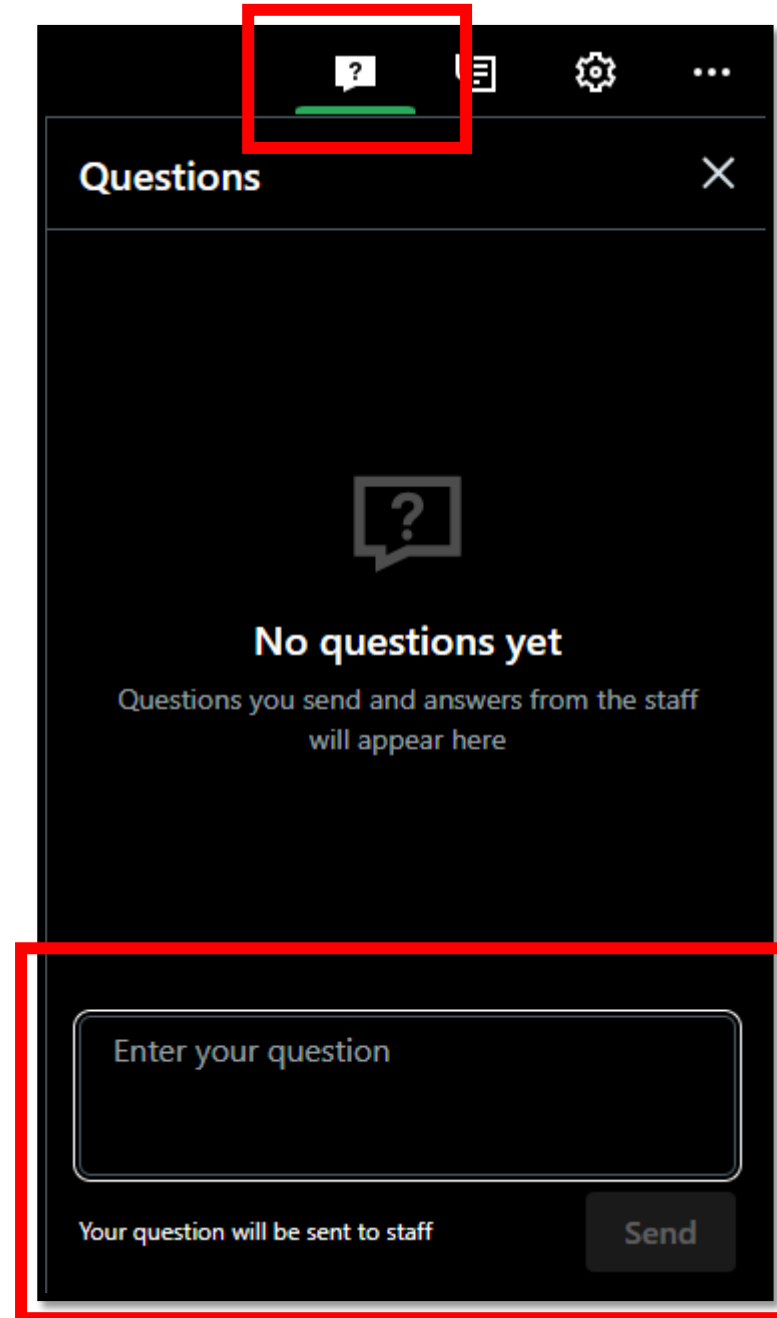
Learning Objectives

At the end of this webinar, you will be able to:

- (1) Identify changes in the CEQ Phase 2 regulations
- (2) Implement CEQ Phase 2 changes with minimal impacts to project delivery
- (3) Incorporate CEQ Phase 2 regulations into an existing NEPA program

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



Today's presenters



Jack Allen
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Diane Nulton
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NEPA CEQ Phase 2 Regulations

How do they affect NEPA practitioners?



Diane Nulton

Evolution of CEQ NEPA Regulations

40 CFR 1500-1508

- CEQ Final Rule – (November 1978)
- EO 13807 (August 2017) – One Federal Decision
- CEQ Final Rule (July 2020)

- EO 13807 revoked (January 2021)
- CEQ Phase 1 Final Rule (April 2022)
- Amendments to NEPA in Fiscal Responsibility Act (June 3, 2023)
- CEQ Phase 2 Notice of Proposed Rulemaking (July 31, 2023)
- CEQ Phase 2 Final Rule (May 1, 2024) – effective July 1, 2024



Changes

- **Time Limits**
 - 1 year EAs; 2 years EISs
- **Page Limits**
 - 75 pages EAs
 - 150 pages EISs (300 if “extraordinary complexity”)
- **Page defined as 500 words** (excludes citations, appendices, tables, figures, maps)
- **Emphasis on:** communities with EJ concerns, public involvement, climate change
- **Significance** – context and intensity is back
- **Mitigation** – enforceable; monitoring & compliance plan



Definitions



- **Environmental Justice** – “the just treatment and meaningful involvement of all people, regardless of income, race, color, national origin, Tribal affiliation, or disability, in agency decision making and other Federal activities that affect human health and environment so that...”
- ***Communities with environmental justice concerns*** means those communities that may not experience environmental justice as defined above. To assist in identifying communities with EJ concerns... use available screening tools (Climate and Economic Justice Screening Tool & EJScreen) as appropriate...
- **Effects** and **Extraordinary circumstances** definitions include EJ effects

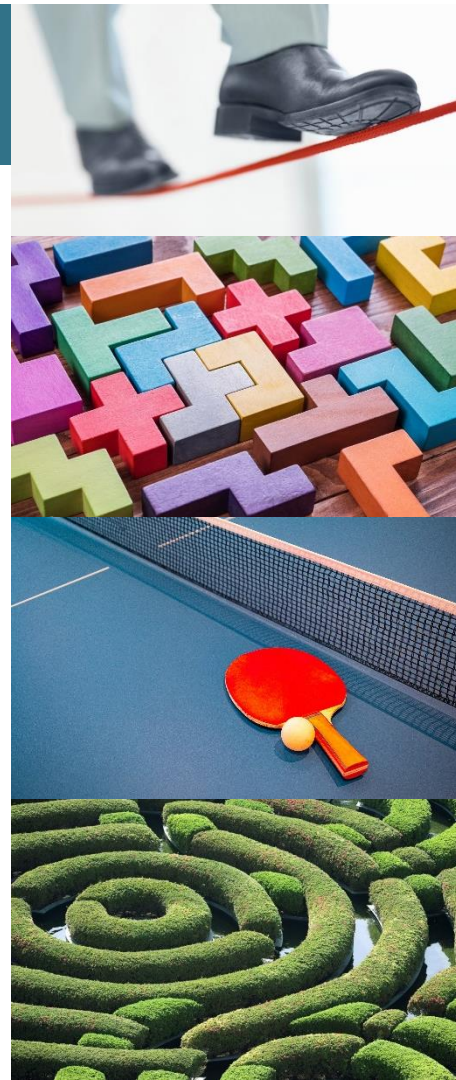
Court Cases

- Seven County supreme court case
 - 88-mile RR
 - challenged on lack of analysis of downstream impacts of refining/use of crude oil transported by the RR
- Chevron Ruling - reversal of deference
- Challenges to the CEQ Phase II regulations



Challenges

- Meaningful public engagement
- Analysis of communities w/EJ concerns, and climate effects/GHG
- Emphasis on cumulative effects/past harms (context)
- New species listings
- **Regulatory “Ping Pong”**
 - Wetland definition changes
 - CEQ Regs (OFD, CEQ 2020, IIJA, P1-2022, FRA, P2-2024)
- **Court cases**
- **Staffing & industry knowledge base**
- One doc for all federal agency actions
- Page limits
- **Reviews/review time**
- Budget constraints
- **Meeting Time Limits** – more to do in less time!
- Potential for legal action



Potential Solutions

- **Do more Pre-NEPA**
- Strong knowledgeable PM
- Plan the work/work the plan
- **NEPA is like a chess match** – think 5 moves ahead!
- Know how the parts fit together and the timeframes on the various processes
- Build teams, build trust, build relationships
- Ask questions/share knowledge/work together
- Value added comments only – live editing sessions
- **Communicate, communicate, communicate!**





Questions



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Upcoming events for you

September 9-11, 2024

TRB's International Conference on
Women and Gender in Transportation

September 17, 2024

TRB Webinar: The Right Ways to
Deter, Detect, and Prevent Wrong
Way Driving

[https://www.nationalacademies.org/trb/
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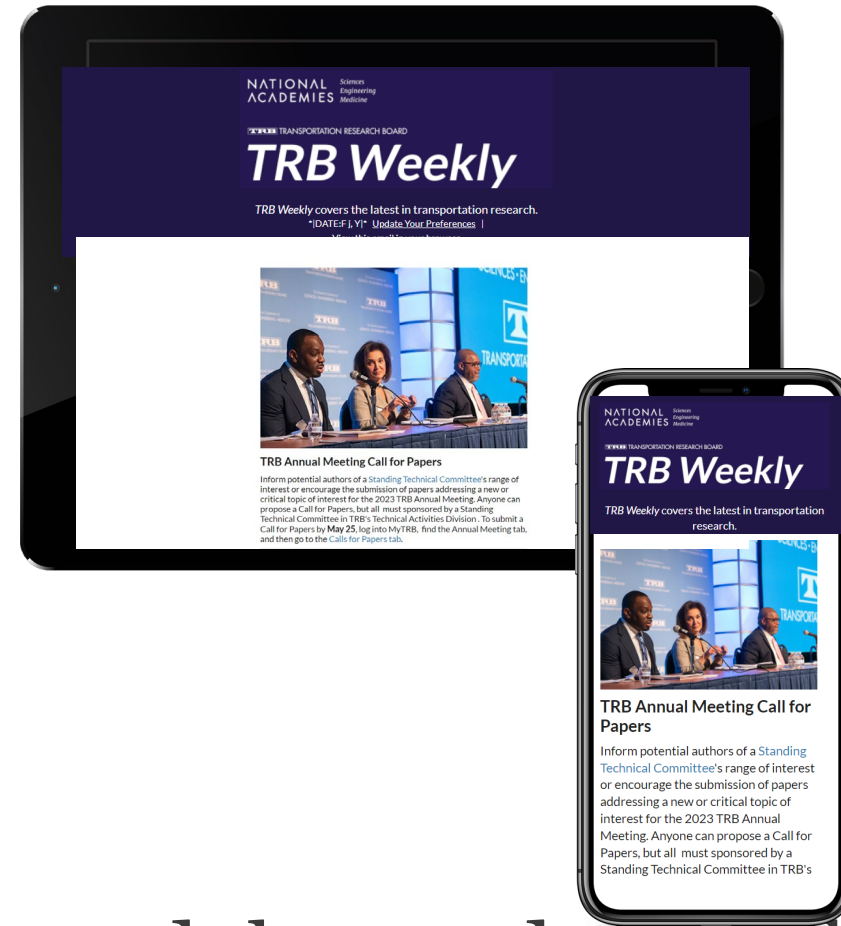


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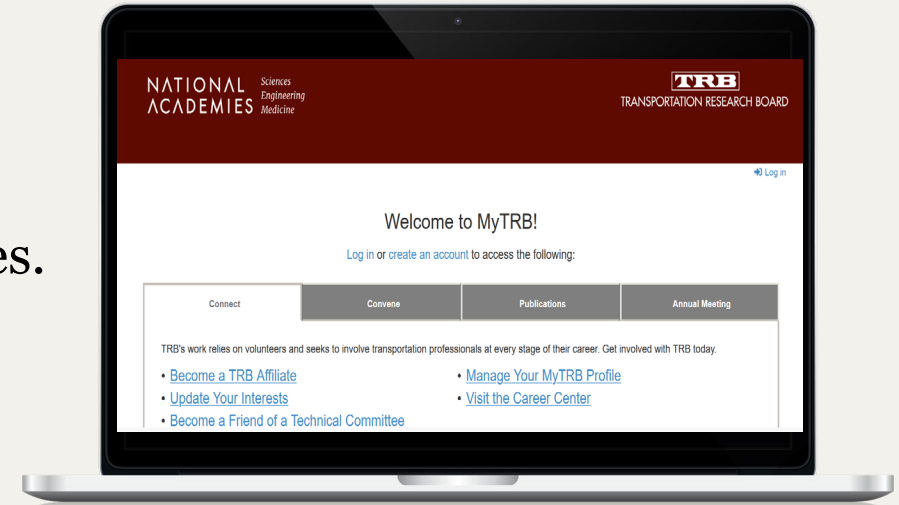


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