

During Planning

During NEPA Alternatives Scoping

Establishing NEPA Range of Reasonable Alternatives

General Considerations

- Follow transportation planning process
- Participation by Federal and state resource agencies and Indian Tribes
- Opportunity for public review and comments
- Use reliable and reasonably current data and reasonable, scientifically acceptable methodologies

Integration of planning and environmental review 23 U.S.C. 168 for PEL

- Agency consultation
- Federal planning process
- Identify preliminary alternatives and eliminate unreasonable alternatives
- Multidisciplinary consideration of needs and effects
- Public notice of possible adoption during NEPA

- No new significant info?
- Sufficient detail?
- Adopted planning product within 5 years of approval by the planning entity.
- Appropriate for adoption?
- Rational basis, reliable and reasonably current data, and acceptable methodology?

Yes

- Made the planning documents available for public review and comment by the general public and Federal, State, local, and tribal governments that may have an interest in the proposed project
- Consider comments
- Notice of intent to adopt/incorporate
- Lead agency decision on adoption/incorporation

No

Efficient environmental reviews for project decisionmaking 23 U.S.C. 139(f)(4)(E)(ii)

- State, MPO or local transportation agency considers as part of a planning or State environmental review process
- Lead agency provides guidance
- Public review and comment
- Alternative rejected after public involvement

- Independent review of the evaluation?
- Consult with cooperating and participating agencies that the alternative is not necessary for NEPA?

Yes

- The document(s) should be available for review during scoping
- Consider comments
- Lead agency determination
- Concurrence by other Fed agencies with jurisdiction on elimination of alternative(s) from detailed evaluation

No

{Path using both 23 U.S.C. 139 & 168}

CEQ NEPA Regulations 40 CFR 1501.12

- Identify preliminary alternatives in a study or other planning document

- Does it meet NEPA requirements?

Yes

- The document(s) should be available for review during scoping
- Consider comments
- Lead agency decision on use or incorporate

No

Additional work or further action

Planning Regulation 23 CFR 450.212 (a)-(c) & 450.318 (a)-(d)

- Use data and appropriate methodology
- Perform analysis
- Identify preliminary alternatives
- Agency/public/tribal involvement and comment
- FHWA/FTA review
- Documentation

- Will aid in establishing reasonable range of alternatives?
- Is ready for NEPA use?
- Consider the extent to which planning process includes:
 - Agency involvement?
 - Opportunity to comment?
 - FHWA/FTA review?
 - Documented?

Yes

- The document(s) should be available for review during scoping
- Consider comments
- Lead agency decision on incorporate by reference and use

No

- FHWA and FTA review as appropriate
- Documentation

This process is written for EISs, for other class of actions, requirements will have to be met, as applicable.



U.S. Department of Transportation
Federal Highway Administration

*Except for the statutes and regulations cited, the contents of this document do not have the force and effect of law and are not meant to bind the public in any way. The document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies. General considerations are not necessarily required by the statute or regulations; however, FHWA encourages these for all PEL approaches.

*The Council on Environmental Quality (CEQ) has proposed to modify certain aspects of its 2020 NEPA regulations found at 40 CFR parts 1500-1508 using a phased approach. See 86 FR 55757, 55759 (Oct 7, 2021). If CEQ issues a final rule that amends any provisions of the CEQ regulations cited in this document, FHWA will update the citations in this document and make any other necessary changes.