



DEPARTMENT OF TRANSPORTATION
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF THE ARMY

MAY 1 1992

MEMORANDUM FOR REGIONAL ADMINISTRATORS AND DISTRICT/DIVISION ENGINEERS

SUBJECT: Implementation of the Intermodal Surface Transportation Act

The Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) is landmark legislation. It sets new directions for the Nation's highway and transit programs in a post-interstate highway era.

Important provisions of the ISTEA include a new emphasis on comprehensive intermodal planning at the state and metropolitan area levels; greater flexibility in funding for both transit and highways, based on local needs and preferences; and increased attention to compatibility between transportation and environmental protection. Booklets summarizing key overall provisions of ISTEA and summarizing its environmental features are enclosed.

The rapid and successful implementation of ISTEA is a top priority for President Bush and for each one of us. The additional funding available under the Act is an important resource both for the renovation of our transportation infrastructure and as a vital stimulus to our economy. The Department of Transportation has taken steps to assure that the ISTEA funds are immediately made available to state and local agencies so the money can be put to work creating jobs and helping to jump-start the economy.

But making the funds available is only half the job. They have to be put to use on actual construction projects. All three of our agencies are firmly committed to removing any unnecessary impediments to such projects. Recognizing the importance of environmental protection and the necessity to comply with legal requirements, we believe that we can help accomplish the President's objective by, among other measures, streamlining and improving the efficiency of the environmental review and clearance process and taking prompt action on Section 404 permit applications. This is consistent with the President's comprehensive plan announced on August 9, 1991, to improve the protection of the Nation's wetlands and streamline the regulatory process.

In 1988, the Federal Highway Administration (FHWA), Army Corps of Engineers (COE), Environmental Protection Agency (EPA), Fish and Wildlife Service, and National Marine Fisheries Service

jointly published as guidance the document "Applying the Section 404 Permit Process to Federal-aid Highway Projects." Better known as the "Red Book," this document provides numerous measures to improve coordination, emphasize innovative and cost-effective approaches, and integrate the NEPA and Section 404 permit processes. Effective immediately, it will be the official policy of FHWA, the Corps, and EPA to fully implement the intent of the "Red Book."

Where there are interagency issues or problems delaying issuance of Section 404 permits, we urge you to become personally involved in settling disputes, assuring due protection of aquatic resources, and getting the projects moving. Please pass this message, with your personal endorsement, to each member of your staff who is working on transportation projects and permitting.

Even as we seek expedited treatment of Section 404 permit applications, we do not expect to see reduced protection of aquatic resources, including wetlands. Costs of avoiding, minimizing and compensating for wetland impacts are an eligible expense under ISTEA for projects and should be included wherever appropriate.

If there are issues on important projects which cannot be promptly resolved at the state or regional levels, please involve appropriate headquarters contacts promptly. They will arrange for review at headquarters level and, if appropriate, on site meetings with all appropriate participants to facilitate a permit decision. Headquarters contacts on this are:

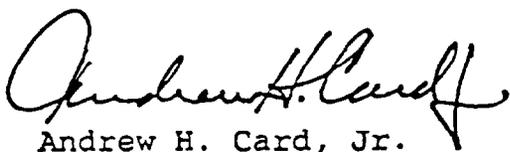
Gene Cleckley (FHWA) (202) 366-0106

Greg Peck (EPA) (202) 260-8794

Michael Davis (OASA(CW)) (703) 695-1376

We appreciate your cooperation and assistance on this important initiative.

Sincerely,



Andrew H. Card, Jr.
Secretary
Department of Transportation



William K. Reilly
Administrator
Environmental Protection Agency



Nancy P. Dorn
Assistant Secretary of the Army
(Civil Works)

Enclosure