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REGION 10 BULLETIN NO: 09-27

Subject: Environmental Impact and Related Procedures Published

Program Area: Environmental Notice

Date: March 25, 2009

The Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) issue this final rule that modifies our regulations to make certain changes mandated by the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). SAFETEA–LU prescribes additional requirements for environmental review and project decision-making that are not appropriately reflected in the existing FHWA-FTA joint National Environmental Policy Act (NEPA) procedures. Additionally, this final rule creates certain new categorical exclusions (CE) allowing proposed actions to proceed without an environmental assessment (EA) or environmental impact statement (EIS), and makes other minor changes to the joint procedures in order to improve the description of the procedures or to provide clarification with respect to the interpretation of certain provisions.

The FHWA/FTA Final Rule on environmental impact and related procedures was published in the March 24, 2009 Federal Register and the full notice is located at http://edocket.access.gpo.gov/2009/pdf/E9-6144.pdf.

This final rule is not a comprehensive updating of the regulation. Instead, it eliminates inconsistencies between the existing rule and the environmental provisions in SAFETEA-LU. The general "look and feel" of these new rules is the same of the existing rules and includes several key SAFETEA-LU provisions:

- Section 6002 (23 U.S.C. §139) new requirements in the FHWA/FTA environmental review process;

- Section 6004 and 6005 possibility of NEPA assumption by a State is recognized in the language; and

- Section 6010 categorical exclusion for activities that support the deployment of intelligent transportation infrastructure and systems.

Also attached for your information, reference, and use is a two-page overview of the Final Rule that can be used.

For further information, contact Region 10's Linda Gehrke at (206) 220-4463 or email linda.gehrke@dot.gov.

Sincerely,

Linda M. Gehrke

for R.F. Krochalis
Regional Administrator

Encl: 771 FR Overview Update