

## DDOT ENVIRONMENTAL POLICY, NEPA, AND DCEPA

# CONTENT

- I.1 DDOT Environmental Policy
- I.2 DDOT Environmental Program
- I.3 Purpose of the Environmental Manual
- I.4 Organization of the Environmental Manual
- I.5 NEPA Overview
- I.6 DCEPA Overview



# DDOT ENVIRONMENTAL POLICY, NEPA, AND DCEPA

Welcome to the District of Columbia Department of Transportation (DDOT) *Environmental Manual*. This manual has been prepared for use by DDOT staff and their consultants in developing projects to be consistent with local and federal environmental requirements and DDOT Environmental Policy. This document will assist DDOT staff and consultants by providing them with the knowledge and references necessary to:

- Understand and follow the DDOT Project Development Process
- Understand how to prepare DDOT environmental documents that meet the provisions of the National Environmental Policy Act of 1969 (NEPA)
- Understand how to comply with District of Columbia Environmental Policy Act (DCEPA)
- Identify the potential for impacts to resources at a time during project studies when measures to avoid and minimize impacts are feasible

- Avoid delays in schedule and the need to revisit prior work
- Engage stakeholders in a meaningful manner
- Deliver quality studies and projects that benefit DDOT's customers

DDOT's primary focus as an agency is the provision of a safe and efficient transportation system for residents and visitors in the District of Columbia. DDOT also recognizes the importance of being a good steward of the environment and incorporating environmental stewardship into all its operations. To align its program to this objective and integrate the principles of stewardship into its processes, DDOT has adopted an environmental policy with specific goals.

## 1.1 DDOT Environmental Policy

The District Department of Transportation is committed to practicing environmental excellence as it fulfills its mission to develop and maintain a cohesive sustainable transportation system that delivers safe, affordable, and convenient ways to

move people and goods—while protecting and enhancing the natural, environmental, and cultural resources of the District.

DDOT recognizes its role as a steward of the environment and is committed to the prevention of pollution. DDOT recognizes that its activities have the potential to impact the environment and as such is committed to incorporating environmental considerations into its activities by following these objectives:

1. Using resources efficiently
2. Developing transportation projects and conducting operations in an environmentally sustainable manner

DDOT is committed to continual improvement of its environmental processes and is committed to compliance with all applicable Federal and local environmental laws, regulations, and other requirements. DDOT is actively pursuing the development and implementation of an Environmental Management System (EMS). This EMS structure is described in the DDOT EMS Manual, which includes a framework to develop DDOT environmental objectives and targets.

## 1.2 DDOT Environmental Program

The DDOT environmental program is managed by the Project Development & Environment (PDE) Division. The PDE Division provides oversight for all environmental processes, project development process, and sustainability initiatives. This division also ensures compliance of all DDOT projects with federal and local environmental laws and regulations. The DDOT environmental program also includes a Sustainability Plan and an Environmental Management System.

The PDE division provides technical oversight and assistance to DDOT staff with project delivery, from project planning to construction and maintenance/operations. It also provides

guidance and assistance to DDOT staff in making DDOT projects and operations (including office operations) environmentally sustainable. This division develops and maintains DDOT environmental policy and the DDOT Sustainability Plan, in addition to providing environment- and sustainability-related training and guidance. This manual is part of the effort by the PDE Division to provide tools and guidance to DDOT staff to manage environmental work. This manual is developed and maintained by the PDE Division. Today, DDOT has various environmental documents to focus attention on various environmental initiatives. These documents include the DDOT Environmental Manual, the DDOT EMS Manual, and the DDOT Sustainability Plan. However, it is envisioned that in later years all of these documents will be combined in the DDOT Environmental Manual.

### 1.2.1 Sustainability

Sustainability means meeting the needs of the present without compromising the ability of future generations to meet their own needs. It consists of three elements: Environment, Social Structure, and Economy. Collectively, these elements provide the foundation for quality of life. DDOT recognizes the relationship between transportation and sustainability. A key priority for DDOT is providing a sustainable transportation system that allows various mode choices in a balanced manner without compromising safety, accessibility, and mobility, but still enhancing the economy, promoting livability, and protecting the environment. DDOT understands the influence of transportation facilities on the development of adjacent land and the ability of transportation infrastructure to affect the environment by changing stormwater flows, temperatures, natural habitat, and community cohesion.

The DDOT Sustainability Plan was developed to ensure that sustainable practices are incorporated in all DDOT activities such that the transportation system promotes

the three elements of sustainability: Environment, Social Structure, and Economy. This plan serves as guidance for decision making at DDOT so that the District of Columbia remains a safe, multimodal, and healthy city for generations to come. It serves as an important step in keeping DDOT’s commitment to using sustainable practices. This Sustainability Plan is based on the DC Green Agenda, DDOT’s mission, and the DDOT Action Agenda.

In order to incorporate the three elements of sustainability into DDOT activities, various priority areas are identified in the DDOT sustainability plan, which include: Promoting Transportation and Land Use Linkage; Improving Mode Choices, Accessibility and Mobility; Effective Cost Assessments in Decision Making; Supporting the Economy; Improving DDOT Operations and the Project Development Process; Protecting the Environment and Conserving Resources; Climate Change Adaptation; and Promoting Livability and Safety. The DDOT Sustainability Plan is available in a separate document.

### 1.2.2 Environmental Management System

An Environmental Management System (EMS) is a management system that focuses on incorporating environmental considerations into business practices. In simple terms, an EMS is a way of incorporating environmental thinking into an organization’s daily activities. The American Association of State Highway and Transportation Officials (AASHTO) defines EMS as “the organizational structure and the associated responsibilities and procedures to integrate environmental considerations and objectives into the ongoing management decision-making processes and operations of an organization.” There are different methods of developing an EMS. The most commonly used method is called the “Plan-Do-Check-Act” model. DDOT EMS was developed using this model.

Fostering a culture of developing transportation systems in an environmentally sustainable manner and using resources

efficiently is a top priority for DDOT. The EMS developed by DDOT ensures that environmental considerations are part of all DDOT activities. This EMS primarily focuses on (1) Project Development and Environmental Review; and (2) Office Operations. More details on the DDOT EMS are available in the DDOT EMS Manual.

### 1.3 Purpose of the Environmental Manual

The purpose of this manual is to define the environmental process for developing a DDOT project and to discuss the considerations that are included in that process. The process considers both federally and locally funded transportation projects and projects that require major federal approvals or permits. Projects with major federal actions are subject to the requirements of NEPA, as well as other federal and District environmental regulations. The District of Columbia enacted its own Environmental Policy Act in 1989. The DCEPA of 1989 complements the NEPA process. Projects without a major federal action are still subject to District of Columbia requirements.

Specifically, the DDOT Environmental Manual has been prepared to:

- Provide guidance on the performance of appropriate environmental resource studies and preparation of environmental documents required under NEPA and DCEPA
- Facilitate the early identification of environmental issues (scoping) and encourage the use of appropriate mitigation measures
- Serve as a resource for technical guidance on impact assessment
- Develop consistency and improve the quality of environmental analyses and documents through standardization
- Assist DDOT project managers and environmental staff in their review of environmental documents

- Facilitate sustainability planning through improved communication among agency engineers, planners, resource scientists, and public involvement specialists

The Environmental Manual is not intended to be the sole source of information for NEPA and other environmental (laws) processes or conducting technical resource studies. The scope and scale of these studies are project specific. This manual strives to provide an overview of the process, delineating the structure of project development and decision making, but stops short of discussing detailed methodologies for individual engineering or environmental analyses.

This manual also operates as a companion to the DDOT Design and Engineering Manual. Chapter 4 of the Design and Engineering Manual discusses environmental topics. Should any conflicts arise between the Environmental Manual and the Design and Engineering Manual with respect to the environmental process, the Environmental Manual will govern.

#### 1.4 Organization of the Environmental Manual

The organization of the Environmental Manual is intended to mirror the project development process. The flow of chapters and topics is generally indicative of the sequence of actions and studies that may be required for a DDOT project. Recognizing that not all projects involve the same concerns and steps, the reader may reference a specific chapter without reading the entire manual. Each chapter is also intended to stand on its own, with references to other chapters, as needed, to eliminate redundancy. The Environmental Manual is divided into chapters that contain technical guidance and background information on federal and local environmental regulations, Federal Highway Administration (FHWA) guidance and policies, interagency agreements, and DDOT policies.

Because the purpose of this manual is to provide an overview of the DDOT process and outline the considerations that are part of the process, the discussions in this manual are focused on a “big picture” understanding of the steps undertaken, rather than the details of study methodology. For example, for resources such as wetlands, the emphasis of this document is on identifying when wetland delineations should be undertaken, which laws and regulations govern them, and how the presence or absence of wetlands affects project development.

The manual also reflects an effort to not repeat information that is already documented in federal regulations and District of Columbia policies and procedures. For this reason, the References section of this manual, which contains many of these regulations, is as critical as the main body of text.

#### 1.5 National Environmental Policy Act Overview

Through the use of federal funding or the need for a federal approval or permit, many DDOT projects will be required to comply with NEPA. As users reference this manual during the development of a DDOT project, understanding NEPA and the role it plays in the DDOT process is critical.

NEPA (42 United States Code [USC] 4321, et seq.) was passed by Congress in 1969 in response to the increasing national concerns over the deterioration of the natural environment. These concerns led to the realization that the long-term quality of the environment is dependent on today’s actions and decisions. NEPA is the national charter for environmental planning that declares the nation’s policy to encourage harmony between human development and the environment. Most importantly, NEPA establishes a process for federal agency decision making. This process requires that, for federal actions having the potential to significantly impact the environment, agencies must:

- Identify and analyze environmental consequences of proposed federal actions in comparable detail to economic and operational analyses
- Assess reasonable alternatives to agency proposed actions
- Document the environmental analysis and findings
- Make environmental information available to public officials and citizens before agency decisions are made

First and foremost, NEPA is a tool used by decision makers to make informed decisions on proposed federal actions or federally funded DDOT actions. NEPA requires that the effects (impacts) of federal actions on the environment are considered equally with economic, technical, and other factors associated with the proposed action (project).

Administratively, NEPA also establishes the Council of Environmental Quality (CEQ), which is responsible for overseeing NEPA and for reporting to the President and Congress on the status, condition, and management of the Nation's environment. CEQ is also responsible for developing the "Regulations for Implementing the Procedural Provisions of NEPA" (40 Code of Federal Regulations [CFR] 1500-1508). The CEQ regulations require agencies to categorize each of their actions as normally requiring one of the following levels of environmental analysis and documentation:

- Categorical Exclusion (CE): FHWA has previously studied many types of highway projects and found that certain ones routinely do not create a significant effect on the human environment, individually or cumulatively. In such cases, the project type is categorized as a CE and is excluded from higher level studies. Examples of project types considered CEs include landscaping, minor safety improvements, the installation of noise barriers, or construction of bicycle and pedestrian lanes.<sup>1</sup> Most

<sup>1</sup>The FHWA's list of CE-eligible actions is included in 23 CFR 771.117, along with a discussion of potential unusual circumstances in which further environmental studies will be necessary to determine the appropriateness of a CE classification. For more

DDOT highway projects are documented in CEs, and such projects, by definition, often lack the complexity or controversy requiring comprehensive or special environmental studies. See Chapter 10, The Categorical Exclusion, for details.

- Environmental Assessment (EA): An EA is completed for a project when there are impacts that could be significant, but the potential for a Finding of No Significant Impact (FONSI) exists. If there are known or expected significant impacts, an EA is inappropriate, and the completion of an EIS is required. See Chapter 9, The Environmental Assessment and Finding of No Significant Impacts, for details.
- Environmental Impact Statement (EIS): An EIS is the appropriate NEPA document to address actions with significant potential impacts on the human or natural environment. The EIS is the most detailed level of environmental analysis when compared to CE and EA projects. See Chapter 8, The Environmental Impact Statement and Record of Decision, for details.

In general, all NEPA documents should address the following:

- Purpose of and Need for Action: All NEPA documents should include a concise statement of general project goals (the purpose), as well as additional data and discussion of the underlying details that make the project necessary (the need).
- Alternatives: A NEPA document should address a wide range of potential alternatives, of which a "reasonable few" are generally identified as practicable and economically and technically feasible, thus warranting detailed analysis. For complex projects, it is critical to have a credible process to identify a full range of alternatives early and to provide documented

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information, see also Chapter 4 of this manual, which addresses specific policies and legislation that govern during the project development process.

justifications for eliminating some. Therefore, the analysis of alternatives—more than any other part of project development—requires the integrated work of both corridor development and NEPA practitioners.

- **Affected Environment:** The current conditions in the general project area, with emphasis on the most relevant resources, must be discussed. The level of detail and bulk of such information should correspond to the magnitude of the proposed action and the impacts that might result. In general, very basic background information is needed for a CE, and more comprehensive information may be needed for an EIS.
- **Environmental Consequences and Mitigation:** The NEPA document will also include impacts to the affected environmental resources and possible mitigation measures.
- **Comments, Coordination, Preparers, and Distribution:** Additional sections of NEPA documents identify persons involved in the document’s development and preparation.

Please note that the above-listed contents simply provide an overview of the information addressed in NEPA documents. FHWA Technical Advisory (TA) T6640.8A provides greater detail concerning the proper organization of CEs, EAs, and EISs.

## 1.6 District of Columbia Environmental Policy Act Overview

DCEPA applies to all DDOT projects. However, DCEPA provides an exemption when projects follow the NEPA process, and no separate action under DCEPA has to be

taken. For projects that only use local funding and do not need any federal action, DCEPA must be complied with. As users refer to this manual during the development of a DDOT project, understanding the DCEPA process in DDOT projects is very important.

DCEPA was enacted in 1989. In 1997, the final implementing regulations, “Rules to Implement The District of Columbia Environmental Policy Act (DCEPA) of 1989,” were published.

DCEPA applies to all DDOT projects. Most DDOT projects use federal funds and have to comply with NEPA. As stated earlier, DCEPA provides an exemption for projects that comply with NEPA and considers NEPA action to be equivalent to preparing a DCEPA action. Therefore, DDOT projects that comply with NEPA (CE, EA, or EIS) requirements only need to submit the Environmental Intake Form and claim an exemption, because the project has completed a NEPA action. No further documentation is needed under DCEPA for such actions.

For DDOT projects that use local funds and do not require any federal agency action, the detailed DCEPA process must be followed. After DDOT determines the appropriate action type for its proposed project, the development of the subsequent environmental document— Exemption, Environmental Impact Screening Form (EISF), or EIS— follows a review and approval process prescribed by the District of Columbia environmental regulations. The process for the Exemption, EISF, and EIS action types is explained in Chapter 6, The DCEPA Process.