

Proposed Order*U.S. Department of Transportation*Federal Motor Carrier Safety
Administration

Subject: National Environmental Policy Act Implementing Procedures and Policy For Considering Environmental Impacts.

Classification Code—M 5610.1
Office of primary interest—MC-PR
(Office of Policy, Plans, and Regulations)

1. *Purpose.* This Order establishes policy and prescribes responsibilities and procedures for the Federal Motor Carrier Safety Administration's (FMCSA's) implementation of the following:

(a) National Environmental Policy Act (NEPA), 42 U.S.C. 4321, *et seq.*, as amended.

(b) 40 CFR parts 1500–1508, Council on Environmental Quality Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act, as amended.

(c) DOT Order 5610.1C, Procedures for Considering Environmental Impacts, as amended on July 13, 1982 and July 30, 1985.

(d) Executive Order 11514, "Protection and Enhancement of Environmental Quality," March 5, 1970, as amended by Executive Order 11991, May 24, 1977.

2. *Action.* The Offices of Administration, Research, Technology, and Information Management, Policy and Program Development, Enforcement and Program Delivery, Chief Counsel and Civil Rights, Field Operations Service Centers, and Field Division Offices must ensure that the provisions of this Order are followed in the consideration of environmental effects of Federal Motor Carrier Safety Administration actions. Program managers must submit draft program guidance for implementing this Order to the Administrator for review and concurrence to ensure consistency with this Order.

3. *Changes.* Recommendations and amendments for improvement of these Federal Motor Carrier Safety Administration NEPA implementing procedures must be submitted to the Regulatory Development Division, MC-PRR, Office of Policy Plans and Regulation.

Table of Contents

Chapter 1. Introduction

- A. Purpose.
- B. FMCSA Policies.
- C. Scope.
- D. Applicability.
- E. Legal Basis.

1. National Environmental Policy Act of 1969 (NEPA).
 2. Council on Environmental Quality (CEQ) Regulations (40 CFR parts 1500–1508).
 3. Department of Transportation (DOT) Order 5610.1C, Procedures for Considering Environmental Impacts.
 4. Other relevant environmental statutes, laws, and Executive Orders.
 - F. Common Environmental Acronyms.
 - G. Use and Organization of this Order.
 1. Use.
 2. Organization.
- Chapter 2. FMCSA Responsible Parties, Duties, and Instructions for Implementing NEPA
- A. Responsible Parties for NEPA Implementation
 1. Administrator, Federal Motor Carrier Safety Administration.
 2. NEPA Liaison—Associate Administrator for Policy and Program Delivery (MC-P).
 3. Heads of Headquarters Offices and Divisions.
 4. The Office of Administration (MC-M).
 5. The Office of the Chief Counsel.
 6. FMCSA Program Staff.
 7. Field Operations Service Center Administrators.
 8. Heads of Units, Divisions, and Offices.
 9. The Field Environmental Quality Advisor (FEQA).
 10. Field Operations Service Center Program Staff.
 - B. FMCSA's Decisionmaking Process for NEPA Implementation.
 1. Normal Circumstances.
 2. Timing of Agency Action.
 - C. Planning and Early Coordination.
 1. Scoping.
 2. Environmental Planning Process.
 - D. Environmental Documentation.
 1. Actions Affected.
 2. Categorical Exclusions (CEs).
 3. Limitations on Using Categorical Exclusions.
 4. Environmental Assessment (EA).
 5. Finding of No Significant Impact (FONSI).
 6. Environmental Impact Statement (EIS).
 7. Agency Responsibility for Documents Prepared by Applicants or Proponents (See 40 CFR 1506.5).
 8. Documents Prepared by Contractors.
 9. List of Preparers.
 10. Reducing paperwork in preparation of environmental documents.
 11. Reducing delays in preparation of environmental documents.
 12. Supplementation.
 13. Signing FMCSA NEPA Documents.
 14. Signature.
 - E. Special Areas of Consideration.
- Chapter 3. Public Involvement, Legislative, and Interagency Coordination
- A. Citizen Involvement and Public Notice Process.
 1. Public Involvement (40 CFR 1506.6).
 2. Notice of Intent.
 3. Intergovernmental Review.
 6. Proposals for Legislation.
 1. Preparation.
 2. Processing.
 - C. Mitigating Measures.
 - D. Inter-Agency Coordination.
 1. Lead Agencies and Cooperating Agencies.

2. Distribution of Environmental Documents.
 3. Adopting Environmental Documents Prepared by Other Agencies.
 4. Review of Environmental Statements Prepared by Other Agencies.
 5. Pre-decision Referrals to the Council on Environmental Quality.
- Appendix 2—FMCSA Categorical Exclusions (CE)

Chapter 1. Introduction*A. Purpose*

This Order provides information pertaining to environmental planning and establishes policy and procedures to ensure timely environmental review for appropriate Federal Motor Carrier Safety Administration (FMCSA) actions. Furthermore, this Order addresses the policies and responsibilities for FMCSA's implementation of the National Environmental Policy Act of 1969 (NEPA), as well as other pertinent environmental regulations, Executive Orders, statutes, and laws.

B. FMCSA Policies

1. NEPA establishes broad Federal policies and goals for the protection of the environment and provides a flexible framework for balancing the need for environmental quality with other essential societal functions, including national defense. The FMCSA is expected to manage those aspects of the environment affected by FMCSA activities, comprehensively integrating environmental policy objectives into planning and decisionmaking. Meaningful integration of environmental considerations is accomplished by efficiently and effectively informing FMCSA planners and decisionmakers. The FMCSA will use the flexibility of NEPA to ensure implementation in the most cost-efficient and effective manner. The depth of analyses and length of documents will be proportionate to the nature and scope of the action, the complexity and level of anticipated effects on important environmental resources, and the capacity of FMCSA decisions to influence those effects in a productive, meaningful way from the standpoint of environmental quality.

2. The FMCSA will actively incorporate environmental considerations into informed decisionmaking, in a manner consistent with NEPA. Communication, cooperation, and, as appropriate, collaboration between government and extra-government entities is an integral part of the NEPA process. FMCSA personnel engaged in the NEPA process as participants, preparers, reviewers, and approvers will balance