DEPARTMENT OF TRANSPORTATION

Federal Highway Administration Federal Transit Administration

[FHWA/FTA Docket No. 94-27]

Interim Policy and Questions and Answers on Public Involvement in Transportation Decisionmaking

AGENCIES: Federal Highway Administration (FHWA), Federal Transit Administration (FTA), DOT. **ACTION:** Notice; request for comments.

SUMMARY: This notice announces the joint FHWA and FTA Interim Policy on Public Involvement and Questions and Answers on Public Involvement in Transportation Decisionmaking. The Interim Policy outlines the principles the agencies intend to use in carrying out their responsibilities for assuring that State departments of transportation, metropolitan planning organizations, and transportation providers involve the public in transportation decisionmaking from the earliest stages of metropolitan and statewide transportation planning through federally-aided transportation project development and construction. The Questions and Answers on Public Involvement in Transportation Decisionmaking are agency guidance on public involvement.

DATES: Comments must be received on or before April 30, 1995. ADDRESSES: Written comments should

be sent to the Federal Highway Administration, Office of the Chief Counsel, Docket No. 94-27, Room 4232, HCC-10, 400 Seventh Street, SW., Washington, DC 20590. All comments received will be available for examination at the above address from 8:30 a.m. to 3:30 p.m., e.t., Monday through Friday, except Federal holidays. FOR FURTHER INFORMATION CONTACT: For the FHWA: Mrs. Florence W. Mills, Environmental Programs Branch (HEP-32), (202) 366-2062 or Mr. Robert J. Black, FHWA Office of the Chief Counsel (HCC-31), (202) 366-1359. For the FTA: Mrs. Jennifer L. Weeks, Resource Management Division (TGM-21), (202) 366-6510 or Mr. Scott A. Biehl, FTA Office of the Chief Counsel (TCC-40), (202) 366-4063. Both agencies are located at 400 Seventh Street, SW., Washington, DC 20590. Office hours for the FHWA are from 7:45 a.m. to 4:15 p.m., e.t., and for the FTA are from 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION: Recent statutes and regulations have increased

both the FHWA's and the FTA's longstanding responsibility for public involvement in transportation decisionmaking. The metropolitan and statewide planning provisions in sections 1024, 1025, and 3012 of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), Pub. L. 102-240, 105 Stat. 1914, 1955, 1962, and 2098, amended Title 23, U.S.C., and Title 49, U.S.C., chapter 53 (formerly the Federal Transit Act) by revising 23 U.S.C. 134 and the FTA's planning authorities. Title 23, U.S.C., and Title 49, U.S.C., govern the metropolitan transportation planning process. The ISTEA also established a new provision for statewide transportation planning at 23 U.S.C. 135. These statutes require that interested parties be afforded an opportunity for public comment on transportation plans and programs during the metropolitan and statewide transportation planning processes. The FHWA and the FTA revised their previous planning regulations to implement these changes and published the final regulations on October 28, 1993 (58 FR 58040). These planning regulations are found at 23 CFR Part 450.

There are three statutes and associated regulations governing public involvement during the environmental studies stage of highway and transit project development: (1) the National Environmental Policy Act (NEPA), Pub. L. 91-190, 83 Stat. 852, as amended (codified at 42 U.S.C. 4321 et seq.), implemented in regulations found at 40 CFR Parts 1500-1508); (2) 23 U.S.C 128; and (3) 23 U.S.C. 109(h). The FHWA and the FTA are in the early stages of revising their joint regulation on environmental impact and related procedures found in 23 CFR Part 771.

As part of an ongoing commitment to public involvement throughout the transportation planning and project development processes, the FHWA and the FTA are soliciting public input on this Interim Policy and guidance. The Interim Policy frames Federal policies on public involvement in actions of the FHWA and the FTA. The Questions and Answers provide additional information interpreting regulations with respect to public involvement. The FHWA and the FTA are particularly interested in comments on how their policy and guidance can effectively support State departments of transportation, metropolitan planning organizations, and transportation providers in developing and implementing locally effective public involvement processes and techniques which encompass all members of the public, including those who are currently under served by our

transportation system. The FHWA and the FTA also seek information on additional public involvement issues where guidance or technical information is needed. The two agencies are issuing this Interim Policy and guidance to start discussion on these topics. The Interim Policy and guidance are effective as of December 5, 1994. The final policy will reflect the comments received on the Interim Policy. Based on public and agency input, the two agencies will consider additional guidance in public involvement.

The text of the Interim Policy and the Questions and Answers follows.

FHWA/FTA Interim Policy on Public Involvement

"I know of no safe depository of the ultimate powers of society but the people themselves."—Thomas Jefferson Secretary of Transportation Federico

Peña's Strategic Plan establishes the objective of putting people first in all of the Department's endeavors. Consistent with this objective, it is the policy of the FHWA and the FTA to aggressively support proactive public involvement at all stages of planning and project development. State departments of transportation, metropolitan planning organizations, and transportation providers are required to develop, with the public, effective involvement processes which are custom-tailored to local conditions. The performance standards for these proactive public involvement processes include early and continuous involvement; reasonable public availability of technical and other information; collaborative input on alternatives, evaluation criteria, and mitigation needs; open public meetings where matters related to Federal-aid highway and transit programs are being considered; and open access to the decisionmaking process prior to closure.

To achieve these objectives, the FHWA and FTA commit to:

1. Promoting an active role for the public in the development of transportation plans, programs and projects from the early stages of the planning process through detailed project development.

2. Promoting the shared obligation of the public and decisionmakers to define goals and objectives for the State and/ or metropolitan transportation system, to identify transportation and related problems, to develop alternatives to address the problems, and to evaluate

the alternatives on the basis of collaboratively identified criteria. 3. Ensuring that the public is actively

involved in the development of public involvement procedures in ways that go