Case Study:

Tennessee’s 2007 Environmental Procedures Manual provides a new resource for environmental analysis and documentation under SAFETEA-LU

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Genesis of Manual Update

2002

Beleaguered TDOT

• Public Frustrated with “Business as Usual”
  • State Route 840 – state funded project; serious environmental issues and public controversy
  • Other projects in planning stage encountering complaints by public; TDOT accused of not listening to local officials and the public

• Tennessee General Assembly Transportation Committee held hearings on TDOT’s business practices

• Tennessee Comptroller audited TDOT and commented on need for written procedures
Original Plan to Update NEPA Process Manual

Environmental Planning Division

- Obsolete NEPA Process Manual
- Plan to update the manual
  - Gap Analysis of TDOT’s existing process
  - Survey of other states for best practices
  - Outline for updating manual
- Administration change alters course of manual update
“Among complaints Bredesen heard on the campaign trail were that the department was arrogant, running roughshod over community objection to a high-profile road project in Knoxville and ignoring environmental guidelines leading to millions of dollars in fines for hazardous-waste violations.

— The Tennessean (January 5, 2003)

“The Tennessee Department of Transportation is committed to listening to communities, giving them a role in the transportation process, and to being responsive to their needs.”

— Commissioner Gerald F. Nicely
15 Project Case Study

Listening Sessions

- A comprehensive independent study by the University of Tennessee Center for Transportation Research
- “Listening Sessions” held around the state to gather community input on the projects
- The projects targeted for study had generated considerable controversy and had come to Governor Phil Bredesen’s attention while he was campaigning for office
- The Center was charged with the mission of providing an assessment upon which the department could base decisions for future action

5. Returned to Locals for further study/evaluation
6. Allowed to proceed with significant modifications
4. Cancelled
Statement of Commitment
TDOT uses “Context Sensitive Solutions” as a process to plan, design, construct, maintain and operate its transportation system in order to establish and achieve transportation, community, and environmental goals.

CSS Integration Action Plan
- Costs/Benefits of CSS
- Incorporate CSS principles into manuals
- Training Plan
- Communications Plan
- Stakeholder/Advisory Group
- Impact on project development process and each functional area
- Scale to different types/sizes of projects
- Tracking Commitments
“Don’t recreate the wheel...steal it!”

- Environmental managers from six state DOTs (Washington, Ohio, Texas, Kentucky, North Carolina and Florida) participated in the session to share innovative ideas with TDOT management and Environmental Division staff.

- The session provided the opportunity for Department-wide staff to learn from the experiences of other states that had gone through or were in the process of revising their environmental and project planning procedures.

- The Peer State participants were asked to describe how the NEPA process had been integrated into their project development process and to share best practices, pitfalls, lessons learned and suggestions for improvement.
Prior to Passage of SAFETEA-LU

The purpose of the agreement is to:

- Establish a coordinated planning and project development process for major transportation projects
- Ensure significant agency and MPO participation and involvement early and throughout the project development process
- Streamline the NEPA process
- Coordinate NEPA, permitting and Section 106 processes
- Implement environmental stewardship and environmental review process improvements
The Agreement establishes four (4) concurrence points:

1. Purpose and Need and Study Area
2. Project Alternatives to be Evaluated in the Environmental Document
3. Preliminary Draft Environmental Document
4. Preferred Alternative and Preliminary Mitigation

www.tdot.state.tn.us/tesa/default.htm
Evaluation for State Funded Projects

Tennessee Environmental Evaluation Report (TEER)

• No State Environmental Policy Act

• New TDOT Policy for state projects

• Required for Transportation Projects that:
  • Acquire at least one acre of new right-of-way; and
  • Do not constitute a major federal action.

• Two stage documentation with public input
A “how-to” guide for TDOT planners and staff, and consultants for:

- Evaluating Federally-funded as well as state-funded transportation projects;
- Standardizing work efforts and products and improving quality of documents;
- Facilitating development and review of documents; and
- Finding technical guidance on specific issues.
- Incorporating requirements of SAFETEA-LU Section 6002 as well as TESA:

Reviewed by TDOT, FHWA & Environmental Advisory Group
# Environmental Procedures Manual

1. Environmental Regulations & Review Process  
2. Project Identification & Development  
3. NEPA Process Options  
4. Early Coordination  
5. Impact Analysis  
6. Environmental Documentation  
7. Public Involvement  
8. Environmental Permits  
9. Environmental Commitments  
10. TEER

## APPENDICIES
- Acronyms  
- Helpful Websites  
- NEPA, CEQ, FHWA and SAFETEA-LU Regulations  
- Related Regulations  
- FHWA Technical Advisory  
- Sample Letters & Checklists

www.tdot.state.tn.us/environment/tepm.htm
Value of the Manual and Lessons Learned

Moving Forward

• A building block for Statewide Environmental Management System

• Orientation and training tool for staff and consultants, as well as local governments

• A resource for preparation of environmental evaluations of TN transportation projects

• A reference guide

• Example to other states
Questions