Planning and Environment Linkages:
Accelerating Project Delivery through Interagency Relationships

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Contents

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Images:
Cover left – East Central Iowa Council of Governments

Cover right – Lumber River Council of Governments, North Carolina

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Introduction

Planning and Environment Linkages (PEL) establish coordination early in the transportation planning process. From the beginning steps of identifying a transportation problem, coordination across public agencies has a role in the planning process so that "environmental, community, and economic issues and concerns are appropriately considered and addressed."[1]

Coordination occurs during visioning, alternatives identification, public engagement, prioritization, project recommendations, scoping, project development, and final project delivery. Coordination can only happen when agencies collaborate—and that collaboration involves Tribal, federal, state, and local agencies along with members of the public and advocacy groups.

This issue brief focuses on the relationships that regional and rural planning organizations establish with state and local governments and examines how interagency relationships are connected to transportation and environment planning policies and federal requirements. The brief also explores the benefits of interagency coordination, challenges, and barriers for interagency relationships, and offers examples of how agencies have successfully partnered in the PEL process.

To prepare this brief, NADO Research Foundation staff reviewed United States Department of Transportation regulations, state department of transportation (DOT) PEL handbooks, PEL studies and project websites, and Transportation Research Board reports to better understand current partnerships and how interagency agreements support transportation and NEPA requirements.

PEL Foundations for Agency Coordination

At its heart, Planning and Environment Linkages are about collaboration and the integration of transportation planning and environmental review efforts, decision-making, and engagement. The very history of PEL is based on the concept of collaboration, going back to joint guidance issued by the Federal Highway Administration and Federal Transit Administration to encourage stronger linkages between transportation planning and the National Environmental Policy Act (NEPA). PEL authority dates to the 2005 SAFETEA-LU transportation authorization, with amendments and refinements under subsequent Moving Ahead for Progress for the 21st Century (MAP-21) and the FAST Act authorizations in 2012 and 2015, respectively. PEL was further clarified through the FHWA/FTA Joint Planning Rule in 2016. PEL supports relationship building through visioning, planning analyses, alternatives identification, public outreach, and planning decisions.[2]

In 2006, the National Cooperative Highway Research Program (NCHRP) completed report 8-36A, Task 48 *Improved Linkage between Transportation Systems Planning and the National Environmental Policy Act (NEPA)*. Section 6 of the report provides a succinct definition of what collaboration is. "Collaboration tends to refer to the act of working jointly to achieve a shared

vision or mission, using shared resources. Collaboration can enable agencies to accomplish something jointly that one agency could not accomplish alone." (6-1) The report states that "interagency collaboration represents one of the most challenging aspects of environmental streamlining and stewardship efforts." (6-2)[3] Forming new relationships and altering the existing ways of doing things may need to take place, and as a result, collaboration requires time, resources, and trust.

The NCHRP report identifies collaboration types or categories. These include:

- committees and working groups
- concurrence points
- conflict resolution
- environmental stewardship
- funding of resource/regulatory agency positions
- interagency agreements
- programmatic approvals

Examples of how agencies collaborate include co-development of goals and vision, establishment of interagency agreements, memoranda of understanding (MOUs), and agreements related to operations, funding, programs, and committees and working groups.

"By sharing information with partner agencies and stakeholders early in the planning process, transparency is created that can foster greater trust across agencies. It also creates conditions in which more efficient, effective, and sustainable approaches to projects can be identified." [4]

Becky Hjelm, Utah DOT GIS manager

Types of Interagency Partnerships

A starting point for understanding interagency relationships is knowing which agencies are typically invited to the table, how state requirements affect partnerships, what performance measures exist related to interagency partnerships, and what tools and trainings are offered on developing and maintaining regional partnerships. Agencies involved in PEL represent federal, Tribal, state, local, and regional levels. It can be beneficial to include agencies that may have a future role approval or permit determination. There are multiple sections of statute and regulations that authorize agencies to conduct PEL. These include 23 U.S.C. 168; 23 U.S.C. 139(f)(4)(E)(ii); 23 CFR 450.212(a)-(c) and 23 CFR 450.318 (a)-(d); and 40 CFR 1500.4(l) and 40 CFR 1501.12; 23 USC 169; 23 CFR 450 214 and 320. Depending on the goal of an agency's PEL approach and the PEL authority that is selected, there may be specific requirements for other stakeholder agencies to have opportunity to comment, for the comments to be considered, or for the agencies to concur that conditions are met.

State DOT PEL documents from Alaska, Arizona, Maine, Massachusetts, North Carolina, North Dakota, South Dakota, Ohio, Pennsylvania, Utah, Washington, Wisconsin, and Wyoming offer insight into who is involved in the PEL consultation process.

Federal Agency involvement varies by project location. For example, the U.S. Forest Service or National Marine Fisheries Service may be involved depending on whether they have jurisdiction, or a permit or an approval action. State DOTs consistently consult with the following federal agencies.[5]

- Bureau of Land Management
- U.S. Department of Transportation
- Environmental Protection Agency (EPA)
- U.S. Army Corps of Engineers
- U.S. Fish and Wildlife Service
- U.S. Forest Service
- National Marine Fisheries Service
- National Park Service
- National Resources Conservation Service
- U.S. Coast Guard

A wide net is cast for **State Agency Involvement**. In Alaska, the state Department of Transportation & Public Facilities (DOT&PF) environment manager and engineering staff are invited to participate in discussions about transportation projects. Beyond transportation agencies, the departments of Environment Conservation, Natural Resources, and Fish and Game receive an invitation.[6] In the State of Washington, the freight office within Washington State DOT (WSDOT) is included in planning.[7] Although each state has a different title for its natural resources, water resources, or environment conservation office, the participation is consistent. For several states, the Historic Preservation Commission or equivalent office is included.[8] North Dakota and South Carolina specifically mention state departments of health for solicitation of views and input. [9] [10] Wyoming's Teton County PEL Study mentions participation of the Wyoming Office of State Lands, State Historic Preservation Office, and Department of Environmental Quality. North Carolina's extensive interagency planning process, which was established in 2004, incorporates the state Departments of Agriculture and Consumer Services and Commerce.[11]

Tribal participation is encouraged, and an invitation for tribal participation is required through 23 CFR 450.212/318 (Transportation Planning Studies and Project Development), 23 U.S.C. 168 (Integration of Planning and Environmental Review), and 36 CFR Part 800 (Protection of Historic Properties) which implements Section 106.[12] Tribal stakeholders include Tribal Historic Preservation Officers, federally recognized tribes, Alaska Native villages, Regional Corporations, or Village Corporations, and Native Hawaiian Organizations. A 2021 Pennsylvania DOT PEL Study provides an example of how outreach is conducted and lists tribal agencies that received

letters of invitation as part of the outreach process. The letters explained study issues, options under consideration, and details about the PEL study.[13]

The 2021 U.S. 2 Westbound Trestle PEL Study for the Everett, Washington, region documents tribal involvement in Section 7 of the PEL report.[14] During the Trestle PEL Study, the WSDOT reached out to five Tribes. One of the Tribes has fishing rights in the area and WSDOT acknowledges that, as sovereign nations, all of the Tribes may have comments on economic, cultural, or environmental impacts. Tribes were invited to participate as Resource Agency Committee and Technical Working Group members and individual meetings were held. Tribal coordination consisted of presenting project briefings to the Tribes, requesting feedback, and identifying significant issues, such as project configurations that could significantly affect cultural resources.

Regional Organizations play a variety of roles in transportation, and as a result, their roles in PEL may differ from state to state. Rural planning organizations (RPOs) and regional transportation planning organizations (RTPOs) often conduct regional-level rural transportation planning and support statewide planning by assisting with local official outreach, conducting public engagement, synthesizing transportation needs, prioritizing potential projects for future consideration by the state, and assisting local governments with transportation issues. Their PEL roles include (or could include) participating in vision, goal setting, and strategy sessions; identifying local priorities; hosting public involvement sessions, performing stakeholder outreach and forging relationships; data collection, mapping, and analysis; and information sharing and coordination with advocacy groups.[15] Other RDOs, economic development districts, and councils of government might have less of a role in supporting rural transportation planning; however, they could contribute information about regional economic development efforts or connect to potential stakeholders to support a state's PEL process.

Local Agencies and Community Stakeholders involved in PEL studies range from civic and community associations to nonprofit advocacy groups such as the Audubon Society, recreation trail committees, businesses, school districts, ports, and public transportation systems.

Advocacy groups and interested citizens are an important part of the PEL interagency equation. The Maine DOT Gateway 1 strategic corridor plan conducted in the mid-2000s provided several opportunities for public engagement., They formed town response panels that consisted of 7 to 15 individuals from the 21 communities that had signed an MOU with Maine DOT to participate in the planning process and one of the processes' three working groups: town response panels, a steering committee, or a regional subcommittee. The process brought together local governments and environment and historic preservation sectors, highway-oriented businesses, and housing interests.[16]

Benefits of Interagency Relationships

Building partnerships across agencies results in not only streamlining, time savings, environmental protection, and technical advantages, but also the benefits that result from building personal networks and trusting relationships with agencies at all levels. As Oregon DOT's 2012 PEL Guidance notes, benefits include more positive working relationships, better information on environmental issues, and reduction of potential conflict by engaging interested parties early in the process.[17] Taking steps to reduce the potential for conflict is one way in which PEL can accelerate transportation project delivery.

> "Early consultation with resource and regulatory agencies can help integrate resource agency goals and plans into the transportation planning process."
>
> *WV 9 Berkeley Springs to Martinsburg PEL Study Report, August 2021, p. 73*

Alaska DOT&PF emphasizes that PEL has benefits that range from improved project delivery timeframes to stronger agency relationships, earlier identification of key environmental resources to better funding arrangements. Other benefits include the development of project delivery information for the Statewide Transportation Improvement Program (STIP) or metropolitan Transportation Improvement Program (TIP) and better outcomes during design and delivery, clarified project definition, and enhanced grant opportunities.[18]

In a 2021 NADO Research Foundation PEL query, regional agencies and state DOTs were asked the questions "Have partnerships with local governments, state agencies, federal agencies, or stakeholder groups assisted your organization with Planning and Environment Linkages?" The

majority of the 22 respondents stated that yes, partnerships have assisted their organizations.[19] The benefits mentioned by respondents include:

- Data sharing among agencies so that the latest information is used
- Establishment of a state protocol or guidance for partnering with agencies
- Information sharing with advocacy groups
- Invitations from the state to regional agencies to provide input
- Participation in project development meetings
- Partnering with advocacy groups has helped to get past years of stalemates
- Partnering with and using expertise from colleges and universities

Interagency collaboration benefits can be overshadowed by challenges if organizations are not prepared. To understand how to address barriers, knowing the types of challenges that are likely to surface is key to setting a planning framework that is responsive.

Addressing Challenges and Barriers

Casting back to NCHRP Report 8-36A, Task 48 *Improved Linkage between Transportation Systems Planning and the National Environmental Policy Act (NEPA)* report, challenges are common and typically fall in one of four categories: individual, organizational, societal, and systematic. Individual challenges center on turf, autonomy, and a sense of responsibility. Organizational barriers may stem from differences between transportation and environmental agencies and the cultures, history, and professional languages of both. Societal and systematic challenges include hurdles originating from shared power, different ideologies, history of past conflict, lack of progress, or lack of human resource skills, staffing, or time (6-4).[20]

As specific examples, transportation and environmental agency managers may not fully understand the overall process from planning through project design. Professionals at each agency may be familiar with their home agency's processes but less familiar with the internal commitments and constraints of partner agencies. As the NCHRP report states, "Linking planning and NEPA in a systematic and streamlined manner is likely to work best when all participants start from a common and comprehensive understanding of the entire process and the roles and responsibilities of each agency." (1-2)[21] Process mapping and outlining decision-making steps are two ways to bring partners to the table and establish an understanding of project flow from the outset.

Taking the time to share information about each agency's role and establishing formal conflict resolution processes are steps that Wisconsin DOT and Wisconsin Department of Natural Resources have found helpful. Wisconsin DOT has also funded transportation liaison positions within the Wisconsin DNR to bolster its commitment to coordination across state department lines. Wisconsin's departments formalize the relationship through a cooperative agreement signed by the department secretaries.[22] Other states have also implemented similar liaison

positions and agreements. The 2019 *Study on the Effectiveness of Benefits of Transportation Liaisons* found that in nine states making use of liaison positions (CA, CO, FL, MN, NC, OH, PA, SC, and WA), beneficial outcomes included accelerated project delivery, expedited work processes, and strengthened responsiveness and relationships.[23]

Summary

Interagency relationships form the backbone of the PEL process. Each state has its own protocols, guidance, and agreements to conduct PEL. RPOs and RTPOs may have formal roles within the state structure and participate in PEL practices based on state requirements. New Hampshire, New York, and North Carolina are examples of three states where the regional and state relationship is fostered to encourage regional participation early in the planning and environmental review process.[24]

The resources and references in this brief provide ideas on which agencies to invite to the table that may not currently be involved, examples of how the PEL process is documented, and the benefits that come from understanding partner agency cultures and histories. Finally, personal relationships should not be underestimated—they are critical for bolstering agency-to-agency relationships.

Washington State DOT I-405 Corridor Program Lessons Learned

- Keep it simple
- Do it as fast as you can, so that the people assigned don't change
- Get the right people to the table to begin with
- Personal relationships matter a lot
- Have some fun along the way

Source: FHWA Environmental Review Toolkit Case Studies, Washington DOT I-405 Corridor [25]

Resources

In addition to the end note references, the following resources informed this PEL issue brief.

American Association of State Highway and Transportation Officials Center for Environmental Excellence
Practitioners Handbook 10 - Transportation Planning Process to Support NEPA Process
https://environment.transportation.org/wp-content/uploads/2021/05/practitioners_handbook10.pdf

Advisory Council on Historic Preservation Section 106 guidance
https://www.achp.gov/protecting-historic-properties

U.S. Department of Transportation, Federal Highway Administration
Environmental Review Toolkit: PEL Peer Exchange August 14 – 15, 2019
https://www.environment.fhwa.dot.gov/env_initiatives/pel/publications/PEL_Peer_Exchange_DC_Aug2019.aspx#va

U.S. Department of Transportation, Federal Highway Administration
The Transportation Process Planning Briefing Book
https://www.fhwa.dot.gov/planning/publications/briefing_book/

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[4] https://environment.transportation.org/case_study/utah-dots-web-mapping-tool-helps-link-planning-environmental-decisions/

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U.S. Department of Transportation, Federal Highway Administration. (n.d.). Environmental Review Toolkit Case Studies: Maine Department of Transportation: Gateway 1 Strategic Plan.
https://www.environment.fhwa.dot.gov/env_initiatives/pel/case_maine2.aspx

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