

INDIANA DEPARTMENT OF TRANSPORTATION

Driving Indiana's Economic Growth

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Michael R. Pence, Governor
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Memorandum

To: FHWA, INDOT, MPO, Consultant Community and Transportation Stakeholders

From: Rickie Clark, INDOT Office of Public Involvement

cc: Ken McMullen, INDOT Environmental Services

Date: Monday, June 17, 2013

Re: Map-21 changes to public review period for FEIS

Map-21 the Moving Ahead for Progress in the 21st Century Act was signed into law by President Obama on July 6, 2012. Funding surface transportation programs at over \$105 billion for fiscal years (FY) 2013 and 2014, MAP-21 is the first long-term highway authorization enacted since 2005.

Map-21 is a milestone for the U.S. economy and the Nation's surface transportation program. By transforming the policy and programmatic framework for investments to guide the system's growth and development, MAP-21 creates a streamlined and performance-based surface transportation program and builds on many of the highway, transit, bike, and pedestrian programs and policies established 1991.

The provisions signed into law as part of MAP-21 allow for the streamlining of the project delivery process. Effective October 1, 2012, as part of this streamlining process, MAP-21 allows the Final Environmental Impact Statement (FEIS) and the Record of Decision (ROD) to be combined in certain conditions. *Section 1319(b) of MAP-21, Accelerated Decisionmaking in Environmental Reviews requires, to the maximum extent practicable, and unless certain conditions exist, that the lead agency will develop a single document that combines the FEIS and Record of Decision (ROD).* As a result of this law, the previously required notice of availability for the FEIS per 23 CFR 771.125 has been removed and is no longer a requirement.

The Indiana Department of Transportation (INDOT) Public Involvement Procedures lays out INDOT's fundamental requirements for public involvement, established by Federal and State law and regulations and by INDOT policies. These public involvement procedures are jointly approved by INDOT and the Federal Highways Administration (FHWA) and reviewed as required by 23 CFR 450.210(a)(2). Federal laws pertaining to public involvement include:

- Code of Regulations, Title 23, Section 771 (CFR 771.111(h)(1) states: "Each State must have procedures approved by the FHWA to carry out a public involvement/public hearing program."

- 23 CFR 450.210(a)(2) states: "Public involvement processes shall provide for periodic review of the effectiveness of the public involvement process to ensure that the process provides full and open access to all and revision of the process as necessary."

INDOT and FHWA last updated and approved the public involvement procedures in August 2012. In this document the FEIS and ROD document and processes were separate activities with individual public involvement tasks designated for each document and process. **Due to the combination of the FEIS and ROD documents and processes, public involvement activities cited in the INDOT 2012 Public Involvement Procedures occurring between FEIS and ROD milestones, are no longer applicable due to MAP-21, federal legislation signed into law. However, upon combined FEIS/ROD approval, INDOT public involvement procedures require the following actions:**

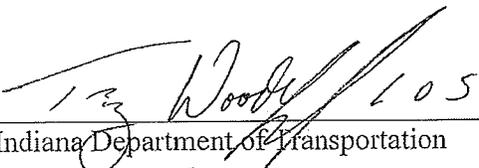
- Legal notice is published in local paper (twice) announcing combined FEIS/ROD
- FEIS/ROD document is made available in public repositories (electronic and physical locations)
- Notification of project stakeholders (electronic or correspondence)
- Combined FEIS/ROD notice does not require a comment period

Please note: All other public involvement activities (i.e. public hearings, public involvement plan and opportunities during EIS development) are still required. In addition, INDOT Environmental Services Division (Environmental Policy) should be consulted regarding EIS project development questions and/or concerns. INDOT Public Involvement Procedures will be updated in 2014 to reflect changes in federal law.

Document resources and contact information may be found via the following links:

- Environmental Policy: <http://www.in.gov/indot/2523.htm>
- Public Involvement: <http://www.in.gov/indot/2366.htm>

The purpose of this memorandum is to update the public involvement procedures to be consistent with MAP-21 which allows the FEIS and ROD to be combined in certain conditions. Please refer to MAP-21 Section 1319, Accelerated Decisionmaking in Environmental Reviews, for additional information and guidance.



 Indiana Department of Transportation
 Date: 6/17/13



 Indiana Division, Federal Highway Administration
 Date: 6/18/2013

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