FTA Procedures for Distribution and Filing of Environmental Impact Statements

Updated: August 2009

This note describes the procedures that FTA follows in filing draft, final, and supplemental environmental impact statements (EISs) with the U.S. Environmental Protection Agency (EPA), in accordance with the regulations of the Council on Environmental Quality (CEQ).

1. Signatures. When FTA and the transit agency that is the grant applicant, and other lead agencies, if any, are satisfied with the content of the draft or final EIS (including a supplemental draft or supplemental final EIS), the grant applicant arranges for the cover page of the document to be signed by: (a) the authorized official of the grant applicant; (b) the FTA Regional Administrator; and (c) other Federal, State, or local joint lead agencies, if there are any (e.g., FHWA, the State DOT).

In some cases, FTA seeks public comment on specific project-related issues of concern to FTA and requires that the transmittal letter sent out with the EIS explicitly solicit such comment. FTA will work with the grant applicant on a mutually acceptable transmittal letter in these cases.

2. Reproduction and Binding. The grant applicant arranges for the printing of the signed document and "burning" the signed document onto CDs or DVDs. The notice of intent (NOI) to prepare an EIS that FTA previously published in the *Federal Register* should have stated that the distribution of the documents would be by CDs, DVDs and the Internet except when an interested party requests a hard-copy. If the NOI so stated, then the grant applicant should assume that each recipient on the "Distribution List" will accept an electronic copy unless the recipient has previously indicated otherwise. However, if the recipient later requests a hard-copy, that request must be honored. Hard-copies must also be sent to public viewing locations such as libraries and local governmental offices. FTA, the U.S. Environmental Protection Agency (EPA), and the U.S. Department of the Interior also require a certain number of hard-copies each, as indicated below.

The number of copies produced must be sufficient to cover: (a) the "Distribution List" that is included in the document; (b) the grant applicant's needs; (c) FTA's needs; (d) any other lead agency's needs; and (e) a reasonable number of extra copies for requests received during the circulation period of the document. The number of extra copies that are needed will depend on the level of public interest in the project. A grant applicant should also post the document prominently on a project Web site on the internet. Public requests for copies are substantially reduced by such Web posting. The grant applicant should consider sending the executive summary in hard-copy along with any electronic-copy of the document, in accordance with the CEQ regulation at 40 CFR §1502.19.

FTA does not permit hard-copies of EISs to be distributed in loose-leaf form in three-ring binders because such documents appear temporary and unprofessional. FTA accepts EISs

that are spiral-wire bound, plastic-comb bound or "perfect bound." Double-sided printing of EISs should be used.

3. Distribution. The grant applicant then sends electronic copies or, if requested by the recipient, hard-copies of the signed EIS document to the parties named in the "Distribution List." Appendices and any technical reports that are labeled as part of the EIS (e.g., as Volume 2, 3, etc.) must be distributed with the EIS and are particularly suitable for electronic media, even when the main body of the document is in hard-copy form. Technical reports referenced in the EIS but not labeled as part of the EIS need not be sent out during the general distribution but must be made available for review upon request. An employee of the grant applicant agency, along with that person's contact information, must be listed in the front of the document as the contact person for technical reports, additional copies of the document, etc. An FTA contact person (usually the lead staff person in the FTA Regional Office) must also be listed with contact information.

The distribution list in the draft or final EIS must indicate the parties to whom the document will be distributed in electronic-copy or hard-copy form, as opposed to those parties that only receive notification of locations for viewing the document.

Draft EISs are distributed for comment on behalf of FTA to: (a) all Federal, State, local, or tribal governmental agencies identified as participating or cooperating agencies; (b) all businesses, organizations, interest groups, and members of the public known to have an interest in the proposed action through their participation in scoping or otherwise; and (c) any person, organization, or agency requesting a copy. The front pages of a draft EIS must indicate the contacts for the grant applicant and for FTA to whom comments should be sent.

Final EISs are distributed to: (a) all Federal, State, local, or tribal governmental agencies identified as participating or cooperating agencies; (b) any agency, business, organization, interest group, or member of the public that submitted substantive comments on the draft EIS in writing or at the public hearing; and (c) any person, organization, or agency requesting a copy.

4. Filing at EPA. The grant applicant sends 7 hard-copies and 5 electronic copies of the signed document to the FTA Office of Planning and Environment (TPE) in Washington, D.C. at the address below. The grant applicant or FTA Regional Office should notify TPE in advance of an impending EIS distribution so that TPE can make the necessary arrangements for filing with EPA. The copies sent to TPE should be addressed to:

Director
Office of Planning and Environment
TPE-30; Room E45-333
Federal Transit Administration
1200 New Jersey Avenue, SE
Washington, DC 20590

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TPE will deliver five of the hard-copies to EPA as the formal filing. The other copies of the document sent to TPE are retained for use in FTA headquarters offices. The FTA Regional Office also needs several electronic copies and two hard-copies, typically.

The filing of the EIS at EPA must be "concurrent with its distribution." FTA interprets this requirement to mean that a copy in appropriate format to each person, organization, and agency on the distribution list must be in the hands of the U.S. Postal Service or a commercial delivery service such as Federal Express (Fedex) or United Parcel Service (UPS) before FTA will file the document with EPA. The grant applicant (not a consultant) must inform TPE when the actual mailing out, not just the printing, of the document has been completed. This information may be included in the transmittal of the documents to TPE, or by email to nepaliaison@fta.dot.gov. TPE must sign a statement, when filing the EIS at EPA, that the EIS distribution has occurred in accordance with the CEQ regulation at 40 CFR §1506.9. FTA will delay filing the EIS until the mailing out has been completed. If there is any doubt about the timing of the distribution, FTA will check with other agencies on the "Distribution List" to ascertain when the EIS was received and, if necessary, adjust the comment period appropriately.

5. *Federal Register* Notice of Availability of the EIS. FTA does not publish its own *Federal Register* notice of availability separate from the EPA notice. (By contrast, FTA does publish the required notice of intent to prepare an EIS in the *Federal Register* at the start of the EIS process.) EPA composes its *Federal Register* notice from the information on the signed cover and abstract pages of the document. The EPA notice of availability of the EIS will appear in the *Federal Register* on Friday of the week following the week in which TPE files the EIS at EPA. For example, if a grant applicant wanted the notice of availability to appear in the *Federal Register* on Friday, January 23, 2009, then the grant applicant must complete the reproduction and distribution process described above so that TPE can file the EIS at EPA during the preceding work-week, i.e., Monday, January 12 through Friday, January 16, 2009. TPE must receive its copies of the EIS and the distribution confirmation no later than noon on a Friday in order for the notice to appear in the *Federal Register* on the following Friday.

6. Public Notification. The grant applicant must advertise the availability of a draft or final EIS (including a supplemental draft or supplemental final EIS) in at least one newspaper of general circulation in the project area prior to or simultaneously with the EPA *Federal Register* notice. For a draft EIS, advertisement of the public hearing to be held during the circulation period must also appear in a local newspaper at least two weeks in advance of the public hearing. Normally, a single advertisement is used to announce both the availability of the document and the public hearing. For a draft EIS, the newspaper advertisement of its availability and the abstract page of the document itself must identify the address of the applicant to which written comments are to be sent.

7. Special Note on Distribution to DOI. The U.S. Department of the Interior (DOI) is unique in that it handles the internal distribution of all EISs to its component agencies, such as the National Park Service and the U.S. Fish and Wildlife Service, from a central office. Therefore, as part of the distribution process, the grant applicant should send copies of EISs in the quantities described below, to:

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Director, Office of Environmental Policy and Compliance
U.S. Department of the Interior
Main Interior Building, MS 2340
1849 C Street, NW
Washington, DC 20240

It is unnecessary to send copies of the EIS to any other office or bureau within DOI. The DOI quantities are as follow: (a) 12 copies of a draft EIS and 6 copies of a final EIS for projects in the eastern U.S. including MN, IA, MO, AR, and LA, and for projects in AS, GU, HI, PR, VI and the Trust Territories; (b) 18 copies of a draft EIS and 9 copies of a final EIS for projects in the western U.S. westward of the western boundaries of MN, IA, MO, AR, and LA; and (c) 16 copies of a draft EIS and 8 copies of a final EIS for projects in AK.

For DOI, electronic copies of environmental documents or the documents' location on the project Web site may be furnished in lieu of hard-copies. However, one hard-copy must be submitted for DOI's official file. For those sending copies on CDs or DVDs, the total number of hard-copies and electronic copies sent must equal the requested number of copies.

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