the environment, or significant new information becomes available concerning its environmental aspects. In such cases, the supplement or amendment shall be processed in consultation with TES with respect to the need for, or desirability of, recirculating the statement for the appropriate period. TES concurrence must be secured before issuance.

§ 520.32 Emergency action procedures.

The CEQ Guidelines allow modification of requirements in case of a national emergency, a disaster or similar great urgency. The processing times may be reduced, or if the emergency situation warrants, preparation and processing of a DEIS, FEIS, or negative declaration may be abbreviated. Such procedural changes, however, should be requested only for those projects where the need for immediate action requires processing in other than the normal manner.

§ 520.33 Timing of proposed NHTSA actions.

To the maximum extent practicable, no administrative action (i.e., any proposed action to be taken by the agency other than agency proposals for legislation to Congress, budget proposals, or agency reports on legislation) subject to this part and covered by an environmental impact statement shall be taken sooner than 90 days after a DEIS has been circulated for comment, furnished to the CEQ, and made public. Neither shall such administrative action be taken sooner than 30 days after the FEIS (together with comments) has been filed with CEQ, and made available to commenting agencies and the public. If the FEIS is filed within 90 days after a DEIS has been circulated for comment, furnished to the CEQ, and made public, the 30-day period and 90-day period may run concurrently to the extent that they overlap. The 90-day time period is measured from the date of publication in the Federal Register of the list of weekly filings of environmental impact statements with the CEQ, but the 30-day period is computed from the date of receipt by the CEQ.

§ 520.34 Comments on environmental statements prepared by other agencies.

(a) All requests for NHTSA’s views on a DEIS or a proposed action undergoing environmental review by another agency will be transmitted to the Associate Administrator for Planning and Evaluation for action or referral to TES where appropriate. Offices within NHTSA may be requested by the Associate Administrator for Planning and Evaluation to supply any pertinent information and comments for a coordinated agency response.

(b) NHTSA’s comments and the comments of any offices responding to a request by the Associate Administrator for Planning and Evaluation should be organized in a manner consistent with the structure of an environmental review set out in §520.21(e). NHTSA programs that are environmentally related to the proposed action under review should be identified so interrelationships may receive due consideration.

(c) Copies of NHTSA’s comments on environmental statements prepared by other agencies shall be distributed as follows:

(1) The original and 1 copy to the requesting agency;
(2) 1 copy to TES–70; and
(3) 5 copies to CEQ.

(d) Requests by the public for copies should be referred to the agency originating the statement.

ATTACHMENT 1—FORM AND CONTENT OF STATEMENT

1. Form. a. Each statement will be headed as follows:

DEPARTMENT OF TRANSPORTATION
NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

(Draft) Environmental Impact Statement

b. The heading specified above shall be modified to indicate that the statement also covers sections 4(f) of the DOT Act or 106 of the National Historic Preservation Act, when appropriate.

c. Each statement will, as a minimum, contain sections corresponding to paragraph 3 herein, supplemented as necessary to cover other matters provided in this Attachment.

d. The format for the summary to accompany draft and final environmental statements is as follows:
SUMMARY

(1) Name of Action. (Check one) ( ) Administrative Action. ( ) Legislative Action.
(2) Brief description of action indicating what States (and counties) are particularly affected.
(3) Summary of environmental impact and adverse environmental effects.
(4) List alternatives considered.
(5)(a) (For draft statements) List all Federal, State, and local agencies from which comments have been requested.
(b) (For final statements) List all Federal, State, and local agencies and other sources from which written comments have been received.
(6) Dates the draft statement and the final statement if issued were made available to the Council on Environmental Quality and the public.

2. Guidance as to content of statement. The following paragraphs of this Attachment are intended to be considered, where relevant, as guidance regarding the content of environmental statements. This guidance is expected to be supplemented by research reports, guidance on methodology, and other material from the literature as may be pertinent to evaluation of relevant environmental factors.

3. General content. The following points are to be covered:
   a. A description of the proposed Federal action (e.g., “The proposed Federal action is approval of a grant application to construct * * *”), a statement of its purpose, and a description of the environment affected, including information, summary technical data, and maps and diagrams where relevant, adequate to permit an assessment of potential environmental impact by commenting offices and the public.

   (1) Highly technical and specialized analyses and data should generally be avoided in the body of the draft impact statement. Such materials should be appropriately summarized in the body of the environmental statement and attached as appendices or footnoted with adequate bibliographic references.
   (2) The statement should succinctly describe the environment of the area affected as it exists prior to a proposed action, including other related Federal activities in the area, their interrelationships, and cumulative environmental impact. The amount of detail provided in such descriptions should be commensurate with the extent and expected impact of the action, and with the amount of information required at the particular level of decision making (planning, feasibility, design, etc.). In order to insure accurate descriptions and environmental considerations, site visits should be made where appropriate.

   (3) The statement should identify, as appropriate, population and growth characteristics of the affected area and any population and growth assumptions used to justify the project or program or to determine secondary population and growth impacts resulting from the proposed action and its alternatives (see paragraph 3c(2)). In discussing these population aspects, the statement should give consideration to using the rates of growth in the region of the project contained in the projection compiled for the Water Resources Council by the Bureau of Economic Analysis of the Department of Commerce and the Economic Research Service of the Department of Agriculture (the OBERS projection).

   (4) The sources of data used to identify, quantify, or evaluate any or all environmental consequences must be expressly noted.

   b. The relationship of the proposed action and how it may conform to or conflict with adopted or proposed land use plans, policies, controls, and goals and objectives as have been promulgated by affected communities. Where a conflict or inconsistency exists, the statement should describe the extent of reconciliation and the reasons for proceeding notwithstanding the absence of full reconciliation.

   c. The probable impact of the proposed action on the environment. (1) This requires assessment of the positive and negative effects of the proposed action is it affects both national and international human environment. The attention given to different environmental factors will vary according to the nature, scale, and location of proposed actions. Among factors to be considered should be the potential effect of the action on such aspects of the environment as those listed in Attachment 2, and in section 520.5(b), supra. Primary attention should be given in the statement to discussing those factors most evidently impacted by the proposed action.

   (2) Secondary and other foreseeable effects, as well as primary consequences for the environment, should be included in the analyses. Secondary effects, such as the impact on fuel consumption, emissions, or noise levels of automobiles or in the use of toxic or scarce materials, may be more substantial than the primary effects of the original action.

   d. Alternatives to the proposed action, including, where relevant, those not within the
short-term environmental gains at the ex-

proposed action involves tradeoffs between

brief discussion of the extent to which the

productivity. This section should contain a

maintenance and enhancement of long-term

term uses of man’s environment and the

out.

sible official shall see that they are carried

are included in the statement, the respon-

will be mitigated. Where mitigating steps

cluded for purposes of contrast should be a

unavoidable under the proposed action. In-

summarizing in one place those effects dis-

of NEPA). This should be a brief section

environmental goals set out in section 101(b)

health, or other consequences adverse to the

effacts which cannot be avoided (such as

purpose of the proposed action.

sufficiently detailed to reveal comparative

impacts. In each case, the analysis should be

ternal to different locations or designs or details of the proposed action

which would present different environmental

effected in the final statement. For instance,

ple of long-term losses, or vice versa, and

and a discussion of the extent to which the pro-

posed action forecloses future options.

g. Any irreversible and irretrievable com-

mitments of resources that would be in-

olved in the proposed action should it be

plemented. This requires identification of

sources” means not only the labor and mate-

als devoted to an action but also the nat-

ural and cultural resources lost or destroyed.

h. An indication of what other interests

and considerations of Federal policy are

thought to offset the adverse environmental

effects of the proposed action identified pur-

suant to subparagraphs (c) and (e) of this

paragraph. The statement should also indi-

cate the extent to which these stated coun-

tervailing benefits could be realized by fol-

owing reasonable alternatives to the pro-

posed action (as identified in subparagraph

(d) of this paragraph) that would avoid some

or all of the adverse environmental effects.

In this connection if a cost-benefit analysis

of the proposed action has been prepared, it,

or a summary, should be attached to the en-

vironmental impact statement, and should

clearly indicate the extent to which environ-

mental costs have not been reflected in such

analysis.

i. A discussion of problems and objections

raised by other Federal agencies, State and

local entities, and citizens in the review

process, and the disposition of the issues in-

olved and the reasons therefor. (This sec-

tion shall be added to the final environ-

mental statement at the end of the review

process.)

(1) The draft and final statements should

document issues raised through consulta-

tions with Federal, State, and local agencies

with jurisdiction or special expertise and

with citizens, of actions taken in response to

comments, public hearings, and other citi-

zens involvement proceedings.

(2) Any unresolved environmental issues

and efforts to resolve them, through further

consultations or otherwise, should be identi-

fied in the final statement. For instance,

where an agency comments that the state-

ment has inadequate analysis or that the

agency has reservations concerning the im-

acts, or believes that the impacts are too

adverse for approval, either the issue should

be resolved or the final statement should re-

lect efforts to resolve the issue and set forth

any action that will result.

(3) The statement should reflect that every

effort was made to discover and discuss all

major points of view on the environmental

effects of the proposed action and alter-

atives in the draft statement. However,

where opposing professional views and re-

sponsible opinion have been overlooked in

the draft statement and are raised through
the commenting process, the environmental effects of the action should be reviewed in light of those views. A meaningful reference should be made in the final statement to the extraordinary magnitudes. This portion of the statement should demonstrate compliance with the Supreme Court’s statement in the Overton Park case, as follows:

The very existence of the statute indicates that protection of parkland was to be given paramount importance. The few green havens that are public parks were not to be lost unless there were truly unusual factors present in a particular case or the cost or community disruption resulting from alternative routes reached extraordinary magnitudes. If the statutes are to have any meaning, the Secretary cannot approve the destruction of parkland unless he finds that alternative routes present unique problems.


d. If there is no feasible and prudent alternative, description of all planning undertaken to minimize harm to the protected area and statement of actions taken or to be taken to implement this planning, including measures to maintain or enhance the natural beauty of the lands traversed.

(1) Measures to minimize harm may include replacement of land and facilities, providing land or facilities, provision for functional replacement of the facility (see 49 CFR 25.267).

(2) Design measures to minimize harm; e.g., tunneling, cut and cover, cut and fill, treatment of embankments, planting, screening, maintenance of pedestrian or bicycle paths and noise mitigation measures all reflecting utilization of appropriate interdisciplinary design personnel.

e. Evidence of concurrence or description of efforts to obtain concurrence of Federal, State or local officials having jurisdiction over the section 4(f) property regarding the action proposed and the measures planned to minimize harm.

f. If Federally-owned properties are involved in highway projects, the final statement shall include the action taken or an indication of the expected action after filing a map of the proposed use of the land or other appropriate documentation with the Secretary of the Department supervising the land (23 U.S.C. 317).

g. If land acquired with Federal grant money (Department of Housing and Urban Development open space or Bureau of Outdoor Recreation land and water conservation funds) is involved, the final statement shall include appropriate communications with the grantor agency.

h. TGC will determine application of section 4(f) to public interests in lands, such as easements, reversions, etc.
1. A specific finding by the Administrator that there is no feasible and prudent alternative and that the proposal includes all possible planning to minimize harm to the 4(f) property is involved.

5. Properties and sites of historic and cultural significance. The statement should document actions taken to preserve and enhance buildings, structures, and objects of historical, architectural, archaeological, or cultural significance affected by the action.

a. Draft environmental statements should include identification, through consulting the National Register and applying the National Register Criteria (36 CFR part 800), of properties that are included in or eligible for inclusion in the National Register of Historic Places that may be affected by the project. The National Register is published in its entirety each February in the Federal Register. Monthly additions and listings of eligible properties are published in the Federal Register the first Tuesday of each month. The Secretary of the Interior will advise, upon request, whether properties are eligible for the National Register.

b. If application of the Advisory Council on Historic Preservation's (ACHP) Criteria of Adverse Effect (36 CFR part 800) indicates that the project will have an effect upon a property included in or eligible for inclusion in the National Register of Historic Places, the draft environmental statement should document the effect. Evaluation of the effect should be made in consultation with the State Historic Preservation Officer (SHPO) and in accordance with the ACHP's criteria of Adverse Effect (36 CFR part 800).

c. Determinations of no adverse effect should be documented in the draft statement with evidence of the application of the ACHP's Criteria of Adverse Effect, the views of the appropriate State Historic Preservation Officer, and submission of the determination to the ACHP for review.

d. If the project will have an adverse effect upon a property included in or eligible for inclusion in the National Register of Historic Places, the final environmental statement should include either an executed Memorandum of Agreement or comments from the Council after consideration of the project at a meeting of the ACHP and an account of actions to be taken in response to the comments of the ACHP. Procedures for obtaining a Memorandum of Agreement and the comments of the Council are found in 36 CFR part 800.

e. To determine whether the project will have an effect on properties of State or local historical, architectural, archaeological, or cultural significance not included in or eligible for inclusion in the National Register, the responsible official should consult with the State Historic Preservation Officer, with the local official having jurisdiction of the property, and where appropriate, with historical societies, museums, or academic institutions having expertise with regard to the property. Use of land from historic properties of Federal, State and local significance as determined by the official having jurisdiction thereof involves section 4(f) of the DOT Act and documentation should include information necessary to consider a 4(f) determination (see paragraph 4).

6. Impacts of the proposed action on the human environment involving community disruption and relocation. a. The statement should include a description of probable impact sufficient to enable an understanding of the extent of the environmental and social impact of the project alternatives and to consider whether relocation problems can be properly handled. This would include the following information obtainable by visual inspection of the proposed affected area and from secondary sources and community sources when available.

1. An estimate of the households to be displaced including the family characteristics (e.g., minorities, and income levels, tenure, the elderly, large families).

2. Impact on the human environment of an action which divides or disrupts an established community, including where pertinent, the effect of displacement on types of families and individuals affected, effect of streets cut off, separation of residences from community facilities, separation of residential areas.

3. Impact on the neighborhood and housing to which relocation is likely to take place (e.g., lack of sufficient housing for large families, doubling up).

4. An estimate of the businesses to be displaced, and the general effect of business dislocation on the economy of the community.

5. A discussion of relocation housing in the area and the ability to provide adequate relocation housing for the types of families to be displaced. If the resources are insufficient to meet the estimated displacement needs, a description of the actions proposed to remedy this situation including, if necessary, use of housing of last resort.

6. Results of consultation with local officials and community groups regarding the impacts to the community affected. Relocation agencies and staff and other social agencies can help to describe probable social impacts of this proposed action.

7. Where necessary, special relocation advisory services to be provided the elderly, handicapped and illiterate regarding interpretations of benefits, assistance in selecting replacement housing and consultation with respect to acquiring, leasing, and occupying replacement housing.

b. This data should provide the preliminary basis for assurance of the availability of relocation housing as required by DOT
7. Considerations relating to pedestrians and bicyclists. Where appropriate, the statement should discuss impacts on and consideration to be given in the development of the project to pedestrian and bicycle access, movement and safety within the affected area, particularly in medium and high density commercial and residential areas.

8. Other social impacts. The general social groups specially benefited or harmed by the proposed action should be identified in the statement including the following:
   a. Particular effects of a proposal on the elderly, handicapped, non-drivers, transit dependent, or minorities should be described to the extent reasonably predictable.
   b. How the proposal will facilitate or inhibit their access to jobs, educational facilities, religious institutions, health and welfare services, recreational facilities, social and cultural facilities, pedestrian movement, facilities, and public transit services.
   c. Conformity to adopted noise standards, setting forth his views on the impacts of the project on the wetlands. The statement shall reflect sufficient analysis of the effects of the proposed action on attainment and maintenance of any environmental standards established by law or administrative determination (e.g., noise, ambient air quality, water quality) including the following documentation:
      a. With respect to water quality, there should be consultation with the agency responsible for the State water pollution control program as to conformity with standards and regulations regarding storm sewer discharge sedimentation control, and other non-point source discharges.
      b. The comments or determinations of the offices charged with administration of the State’s implementation plan for air quality as to the consistency of the project with State plans for the implementation of ambient air quality standards.
      c. Conformity to adopted noise standards, compatible, if appropriate, with different land uses.
10. Energy supply and natural resources development. Where applicable, the statement should reflect consideration of whether the project or program will have any effect on either the production or consumption of energy and other natural resources, and discuss such effects if they are significant.
11. Flood hazard evaluation. When an alternative under consideration encroaches on a flood plain, the statement should include evidence that studies have been made and evidence of consultations with agencies with expertise have been carried out. Necessary measures to handle flood hazard problems should be described. In compliance with Executive Order 12296, and Flood Hazard Guidelines for Federal Executive Agencies, promulgated by the Water Resources Council, or how such requirements can be met during project development.
12. Considerations relating to wetlands or coastal zones. Where wetlands or coastal zones are involved, the statement should include:
   a. Information on location, types, and extent of wetlands areas which might be affected by the proposed action.
   b. An assessment of the impacts resulting from both construction and operation of the project on the wetlands and associated wildlife, and measures to minimize adverse impacts.
   c. A statement by the local representative of the Department of the Interior, and any other responsible officials with special expertise, setting forth his views on the impacts of the project on the wetlands, the worth of the particular wetlands areas involved to the community and to the Nation, and recommendations as to whether the proposed action should proceed, and, if applicable, along what alternative route.
   d. Where applicable, a discussion of how the proposed project relates to the State coastal zone management program for the particular State in which the project is to take place.
13. Construction impacts. In general, adverse impacts during construction will be of less importance than long-term impacts of a proposal. Nonetheless, statements should appropriately address such matters as the following identifying any special problem areas:
   a. Noise impacts from construction and any specifications setting maximum noise levels.
   b. Disposal of spoil and effect on borrow areas and disposal sites (include specifications where special problems are involved).
   c. Measures to minimize effects on traffic and pedestrians.
14. Land use and urban growth. The statement should include, to the extent relevant and predictable:
   a. The effect of the project on land use, development patterns, and urban growth.
   b. Where significant land use and development impacts are anticipated, identify public facilities needed to serve the new development and any problems or issues which would arise in connection with these facilities, and the comments of agencies that would provide these facilities.