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Department of Transportation Issues Notice of Proposed Rulemaking on Departmental NEPA Procedures

11.25.20

The US Department of Transportation (DOT) has released a Notice of Proposed Rulemaking (NPRM) to update its National Environmental Policy Act procedures, which are currently found in DOT Order 5610.C, “Procedures for Considering Environmental Impacts.” The update would be the first substantive re-write of DOT’s NEPA procedures since 1985.

The NPRM comes on the heels of – and is designed, in part, to implement – recent Council on Environmental Quality amendments to NEPA’s government-wide implementing regulations. But it also raises issues specific to DOT’s NEPA practices, including changes to Categorical Exclusion procedures and agency roles and responsibilities that may be relevant to a wide variety of proposed projects.

In the coming days, a more detailed summary of the NPRM will be posted to our website. In the meantime, we would welcome the opportunity to discuss any questions you may have about its potential impacts on upcoming or ongoing projects. Please contact Matthew Adams, Brent Butzin, Allison Fultz, Peter Kirsch, Katie van Heuven, or Katherine Bourdon for more information.