

### Agenda - Final-revised

## Climate, Environment & Infrastructure

Tuesday, May 9, 2023	10:00 AM	Council Chambers, Room 300
	Vice Mayor, Jan-Michele Kearney Councilmember, Seth Walsh	
	Councilmember, Jeff Cramerding	
	Vice Chairperson, Mark Jeffreys	
	Chairperson, Meeka Owens	

### PRESENTATIONS

NRDC Food Matters Initiative: Food Waste Reduction Recommendations in Cincinnati

### Madeline Keating, City Strategist, NRDC

Yvette Cabrera, Director, Food Waste, NRDC

### Our Regional Food System, with a Focus on Urban Agriculture in Cincinnati

Maddie Chera, Ph.D., Director of the Greater Cincinnati Regional Food Policy Council, at Green Umbrella

### AGENDA

1. <u>202301316</u> **RESOLUTION**, submitted by Mayor Aftab Pureval, Councilmember Owens, Vice Mayor Kearney and Councilmembers Cramerding, Harris and Walsh, from Emily Smart Woerner, City Solicitor, **EXPRESSING** the desire of the Mayor and Council that the City of Cincinnati continue advocating for improvements throughout the progressive design-build process that encourage the shared priorities of minimizing the urban footprint of the Brent Spence Bridge Corridor Project through further design enhancements.

**Sponsors:** Mayor, Owens, Kearney, Cramerding, Harris and Walsh

<u>Attachments:</u> <u>Transmittal</u>

**Resolution** 

Attachment A

2. 202301313 ORDINANCE submitted by Sheryl M. M. Long, City Manager, on 5/3/2023, AUTHORIZING the City Manager to take all necessary and proper actions to cooperate with the Director of the Ohio Department of Transportation to facilitate the performance of construction activities for Interstate 75 from Findlay Street to south of Marshall Avenue including interchanges to the new Western Hills Viaduct in connection with the Ohio Department of Transportation's Brent Spence Bridge Corridor project in the City of Cincinnati.

<u>Sponsors:</u> City Manager

#### <u>Attachments:</u> <u>Transmittal</u>

<u>Ordinance</u>

<u>Attachment</u>

3. <u>202301314</u> ORDINANCE submitted by Sheryl M. M. Long, City Manager, on 5/3/2023, AUTHORIZING the City Manager to take all necessary and proper actions to cooperate with the Director of the Ohio Department of Transportation to facilitate the performance of construction activities for Interstate 75 from Linn Street to Findlay Street in connection with the Ohio Department of Transportation's Brent Spence Bridge Corridor project in the City of Cincinnati.

<u>Sponsors:</u> City Manager

<u>Attachments:</u> <u>Transmittal</u>

Ordinance

Attachment

- 4. 202301315 ORDINANCE submitted by Sheryl M. M. Long, City Manager, on 5/3/2023, AUTHORIZING the City Manager to take all necessary and proper actions to cooperate with the Director of the Ohio Department of Transportation to facilitate the performance of construction activities for Interstate 75 and the Brent Spence Bridge and companion bridge over the Ohio River to Linn Street in connection with the Ohio Department of Transportation's Brent Spence Bridge Corridor project in the City of Cincinnati.
  - <u>Sponsors:</u> City Manager

<u>Attachments:</u> <u>Transmittal</u> Ordinance

Attachman

<u>Attachment</u>

**5.** <u>202301277</u> **MOTION**, submitted by Councilmember Owens, **WE MOVE** for the City Administration to submit an application to the Federal Highway Administration and / or Ohio Department of Transportation to have the City of Cincinnati formalized as a participating agency. (STATEMENT ATTACHED).

<u>Sponsors:</u> Owens

Attachments: Motion 202301277

<u>Attachment</u>

6. <u>202301262</u> **MOTION**, submitted by Councilmember Jeffreys, **WE MOVE** that the Administration report within thirty (30) days on the status of the updates the City is making to its hillside regulations. This update should include, but is not limited to, an update on: Funding sources to cover construction mishaps associated with construction within the hillside district. Regulations associated with stormwater runoff. Work that is being done to update CAGIS' Hillside Overlay District Map.

#### Attachments: Motion 202301262

7. <u>202301269</u> MOTION, submitted by Councilmembers Jeffreys and Cramerding, WE MOVE, that the Administration report back to Council within ninety (90) days on the cost and feasibility of design alternatives that prevent drivers from using a shared, bi-directional, center turn lane as a passing lane. Specifically, the Administration should take into consideration improvements that include, but are not limited to, implementing rumble strips in the center turn lane, using reflective pylons or concrete to create "islands" in portions of the turn lane, or paving the center turn lane with alternative materials like cobble stone. (STATEMENT ATTACHED).

<u>Sponsors:</u> Jeffreys and Cramerding

Attachments: Motion 202301269

8. <u>202301369</u> **PRESENTATION**, submitted by Councilmember Owens from Madeline Keating, City Strategist, The National Resource Defense Council, titled, NRDC's Food Matters Initiative: Food Waste Reduction Recommendations in Cincinnati.

<u>Sponsors:</u> Owens

Attachments: Presentation

**9.** <u>202301370</u> **PRESENTATION**, submitted by Councilmember Owens from Maddie Chera, Director, Greater Cinti Regional Food Policy Council, titled Our Regional Food System, with a Focus on Urban Agriculture In Cincinnati.

<u>Sponsors:</u> Owens

Attachments: Presentation

 10.
 202301371
 REPORT, submitted by Councilmember Owens from Maddie Chera Director, Greater Cinti Regional Food Policy Council, regarding Urban Agriculture.

 Sponsors:
 Owens

Attachments: Report

ADJOURNMENT



Date: May 3, 2023

To: Mayor Aftab Pureval, Councilmember Meeka D. Owens, Vice Mayor Jan-Michele Lemon Kearney, and Councilmembers Jeff Cramerding, Reggie Harris, and Seth Walsh

From: Emily Smart Woerner, City Solicitor

### Subject: Resolution – Brent Spence Bridge Vertical Design

Transmitted herewith is a resolution captioned as follows:

**EXPRESSING** the desire of the Mayor and Council that the City of Cincinnati continue advocating for improvements throughout the progressive design-build process that encourage the shared priorities of minimizing the urban footprint of the Brent Spence Bridge Corridor Project through further design enhancements.

ESW/CNS(dmm) Attachment 382517

#### RESOLUTION NO. \_\_\_\_\_ - 2023

**EXPRESSING** the desire of the Mayor and Council that the City of Cincinnati continue advocating for improvements throughout the progressive design-build process that encourage the shared priorities of minimizing the urban footprint of the Brent Spence Bridge Corridor Project through further design enhancements.

WHEREAS, the historic, bipartisan Infrastructure Investment and Jobs Act ("IIJA") has supported initiatives that have reconnected communities that were severed by highways in the 1950s and 1960s; and

WHEREAS, the Brent Spence Bridge Corridor ("BSBC") Project will address issues of both the past and present around road safety, environmental impact, and climate justice while emphasizing core themes of equity, sustainability, and job creation; and

WHEREAS, the Central Business District, the West End, and what is now Queensgate were significantly affected by the initial construction of the Brent Spence Bridge and the Mill Creek Expressway, which is a part of I-75; and

WHEREAS, the construction of the Mill Creek Expressway was, at the time of its inception, the second largest so-called "slum clearance" project in the nation and included the total demolition of the Kenyon-Barr neighborhood and the displacement of over 27,000 people in 9,800 families, 97 percent of whom were Black Cincinnatians; and

WHEREAS, since its construction in 1963, the BSBC has been a pivotal part of the national network for the transportation of goods such that nearly three percent of the national Gross Domestic Product (GDP) passes across the Brent Spence Bridge each year; and

WHEREAS, the BSBC Project is a once-in-a-century project that will have a substantial, long-term impact on the region, and thus should be constructed in an intentional way as to minimize displacement, correct issues and failures of the past, and ensure the maximum benefit to the City and the region; and

WHEREAS, intraregional transportation is changing rapidly, leading to an increase in people commuting to work, school, amenities, and other locations by bike, foot, or bus, which demonstrates the environmental imperative to build on the need to expand facilities to support multimodality; and

WHEREAS, improvements made to the BSBC design in 2022 will increase the connectivity between communities of Cincinnati; and

WHEREAS, encouraging and accommodating increased connectivity between communities is in line with both the climate action goals set by the 2023 Green Cincinnati Plan and the federal government's environmental justice goals set as part of the IIJA and Inflation Reduction Act; and

WHEREAS, the BSBC Project has been awarded \$1.635 billion in funding from the IIJA, with additional contributions from the Ohio Department of Transportation ("ODOT") and Kentucky Transportation Cabinet ("KYTC"); and

WHEREAS, the progressive design-build process adopted by ODOT is an approach that allows participants and stakeholders, including the Federal Highway Administration ("FHWA"), ODOT, KYTC, the design-build team, impacted municipalities, and the local community, to consider and address major project topics in an open format and create the basis of design, overall project requirements, and final design intent before substantial work begins; and

WHEREAS, continuing to explore the feasibility of incorporating additional innovative design concepts into the BSBC Project will place our region on a path towards success and further economic growth in the coming decades; and

WHEREAS, the City, ODOT, and FHWA have stated their shared commitment to ensuring that the BSBC Project is a world-class, innovative infrastructure improvement project; now, therefore,

BE IT RESOLVED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That the Mayor and Council express their support for the Administration's continued advocacy that the Brent Spence Bridge Corridor Project design explore all options to reclaim additional land throughout the corridor; and that the Mayor and Council further encourage the Administration to advocate for the Ohio Department of Transportation ("ODOT") to consider additional improvements throughout the existing progressive design-build process that could further reduce the width of the total right-of-way, streamline and reduce the footprint of downtown entry/exit points, improve existing pedestrian and bicycle access and safety, and potentially return additional developable land or greenspaces to public use, including reviewing and considering various innovative concepts submitted to ODOT, while either maintaining or reducing the current timelines, budget, and construction schedules.

Section 2. That the Administration continue its cooperative relationship with ODOT, while supporting and encouraging efforts to explore the feasibility of additional proposals with the understanding that this once-in-a-century infrastructure project will impact the future of Cincinnati's growth and development for decades to come.

Section 3. That the Mayor and Council request that the Administration and ODOT report back to Council on the outcome of ODOT's evaluation of external proposals, including that shown on Attachment A and any other public comments submitted for the Brent Spence Bridge Corridor Project that provide recommendations for achieving the City's goals.

Section 4. That copies of this resolution be spread upon the minutes of Council and provided to the Ohio Department of Transportation, Tammy Campbell – ODOT District 8, 505 S. State Route 741, Lebanon, OH 45036, tammy.campbell@dot.ohio.gov; the Kentucky Transportation Cabinet, Stacee Hans – KYTC District 6, 421 Buttermilk Pike, Fort Mitchell, KY 41017, stacee.hans@ky.gov; and the Federal Highway Administration, Laurie Leffler – FHWA Ohio Division, 200 North High Street – Room 328, Columbus, OH 43215, laurie.leffler@dot.gov.

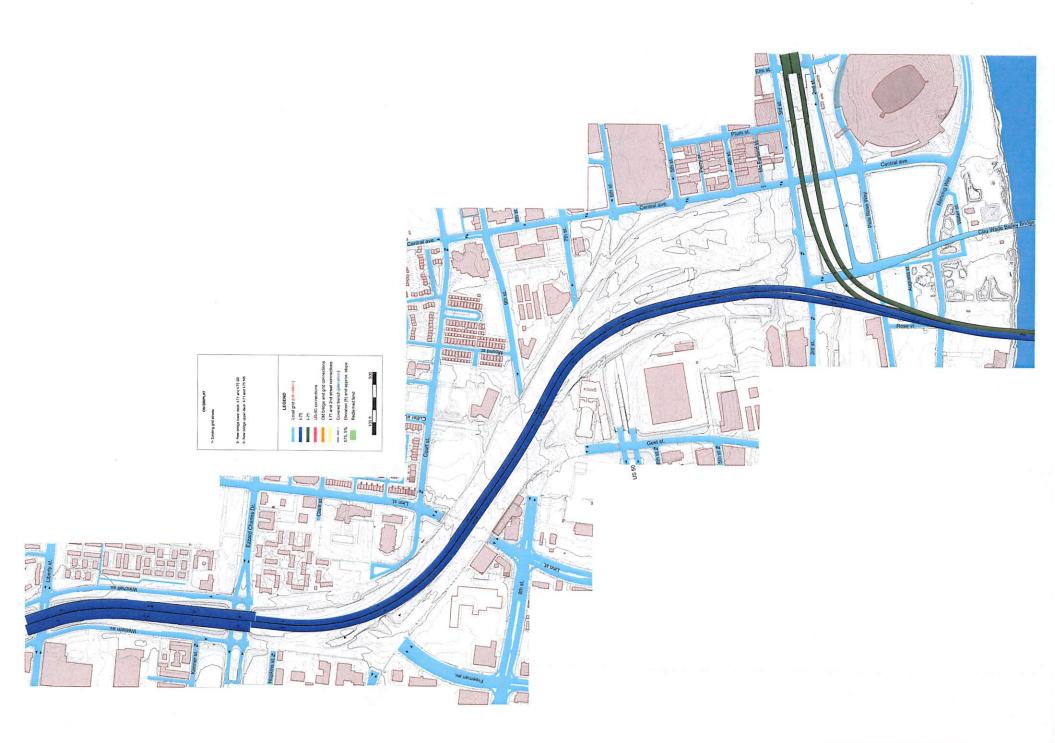
Passed: \_\_\_\_\_\_, 2023

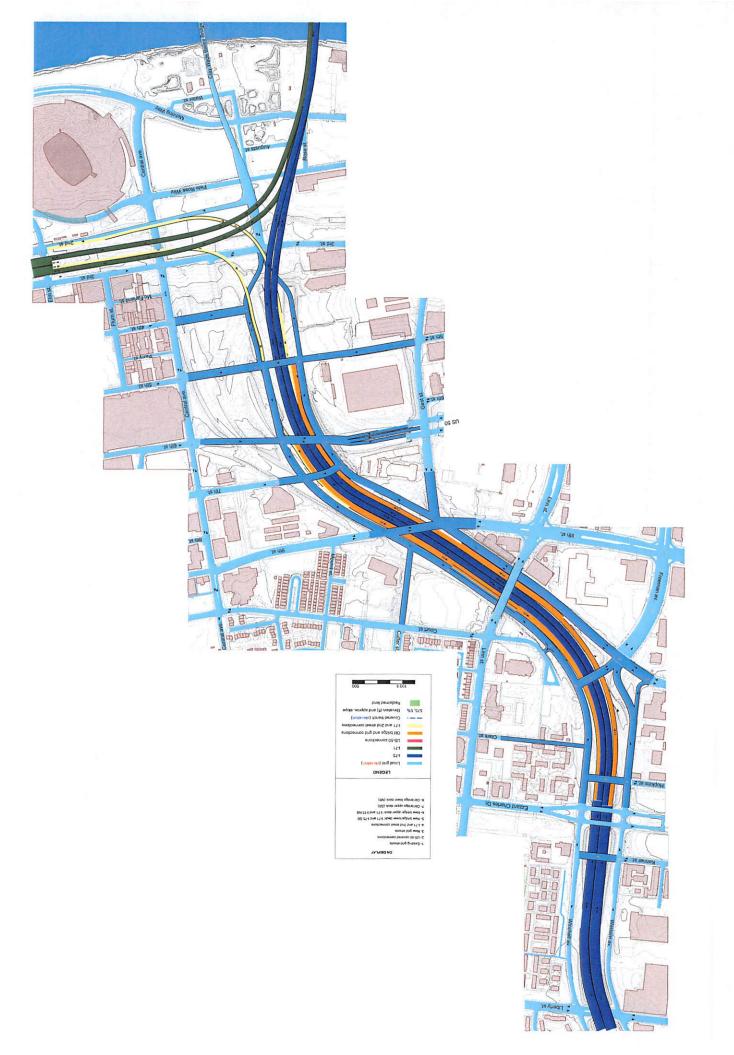
Aftab Pureval, Mayor

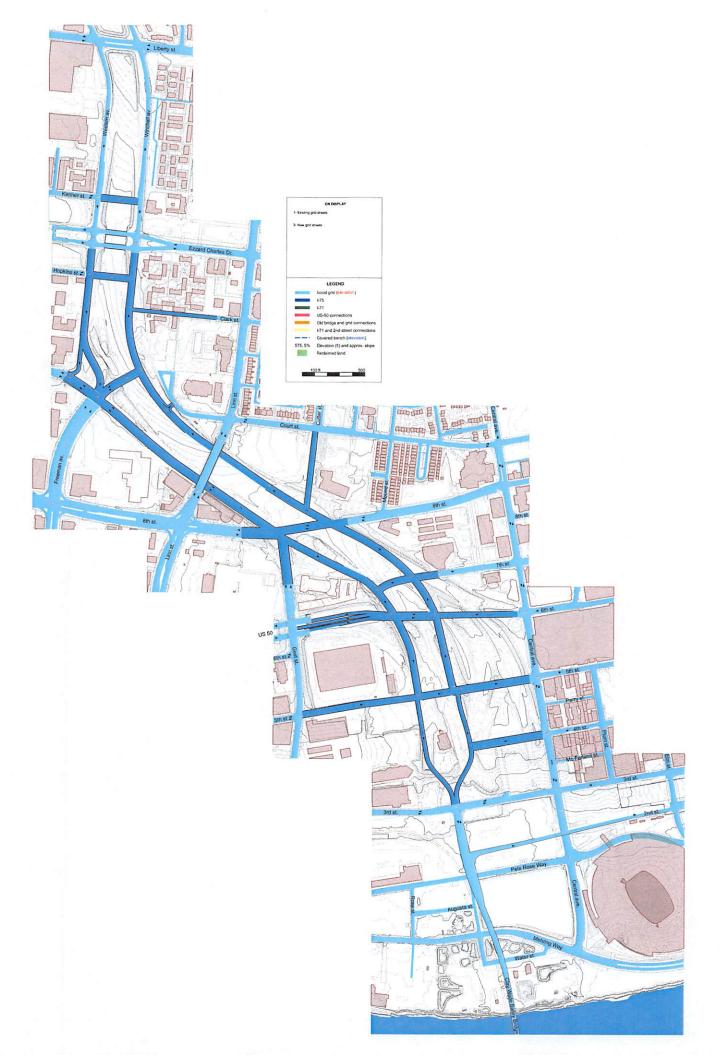
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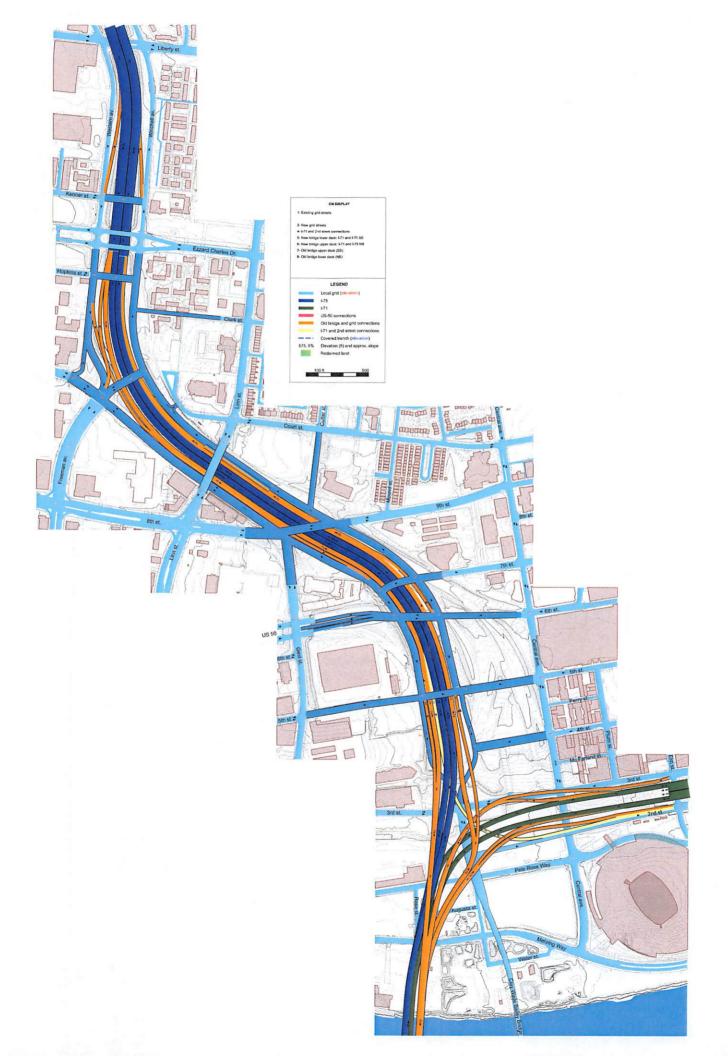
Attest: \_\_\_\_\_ Clerk

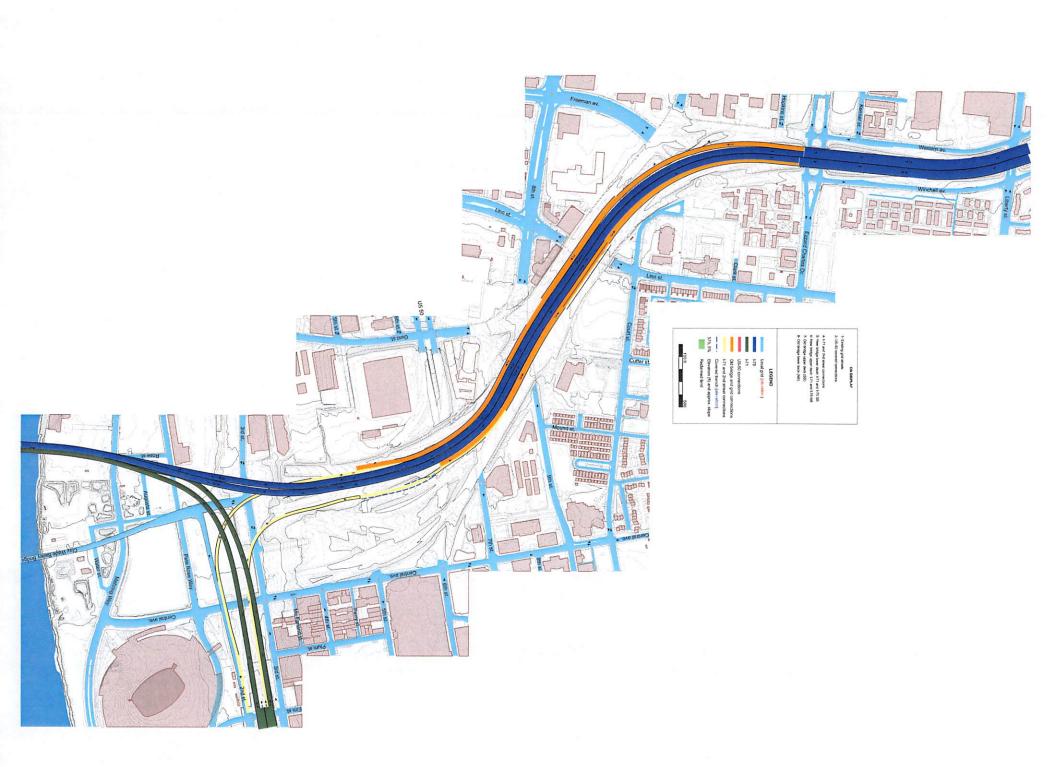
Submitted by Mayor Aftab Pureval, Councilmember Meeka D. Owens, Vice Mayor Jan-Michele Lemon Kearney, and Councilmembers Jeff Cramerding, Reggie Harris, and Seth Walsh.

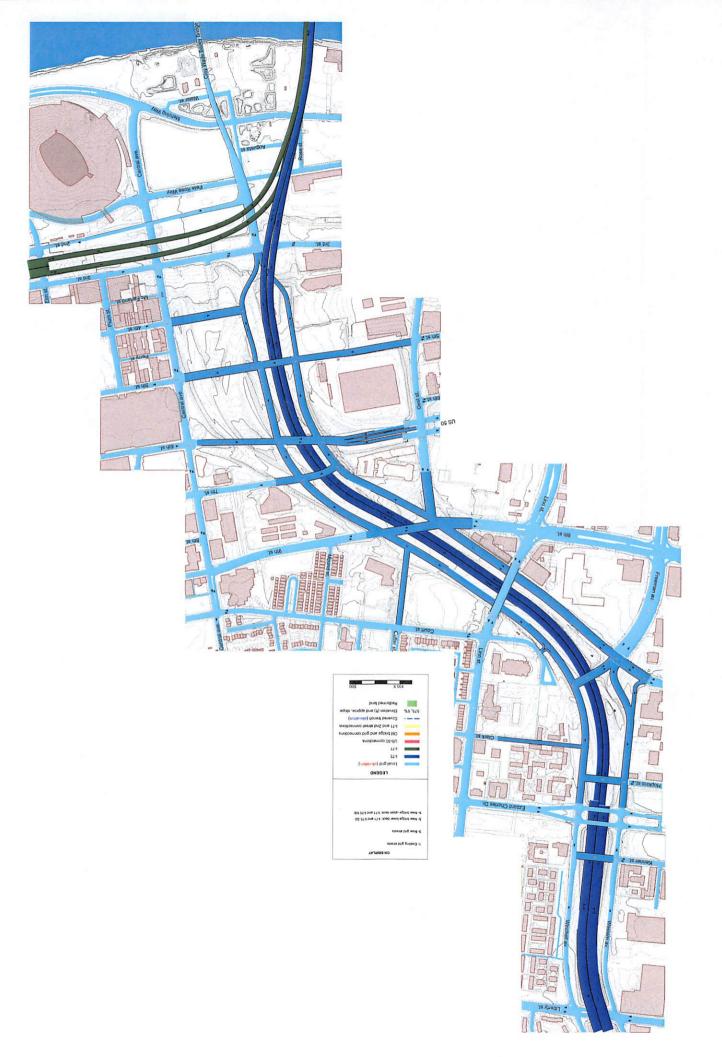


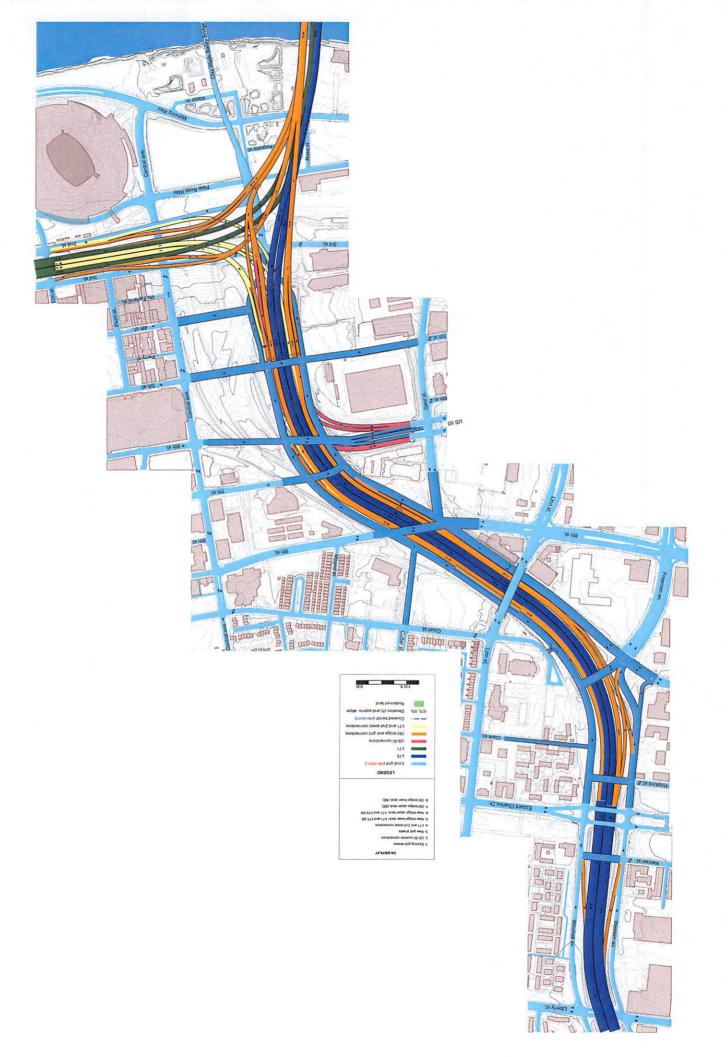


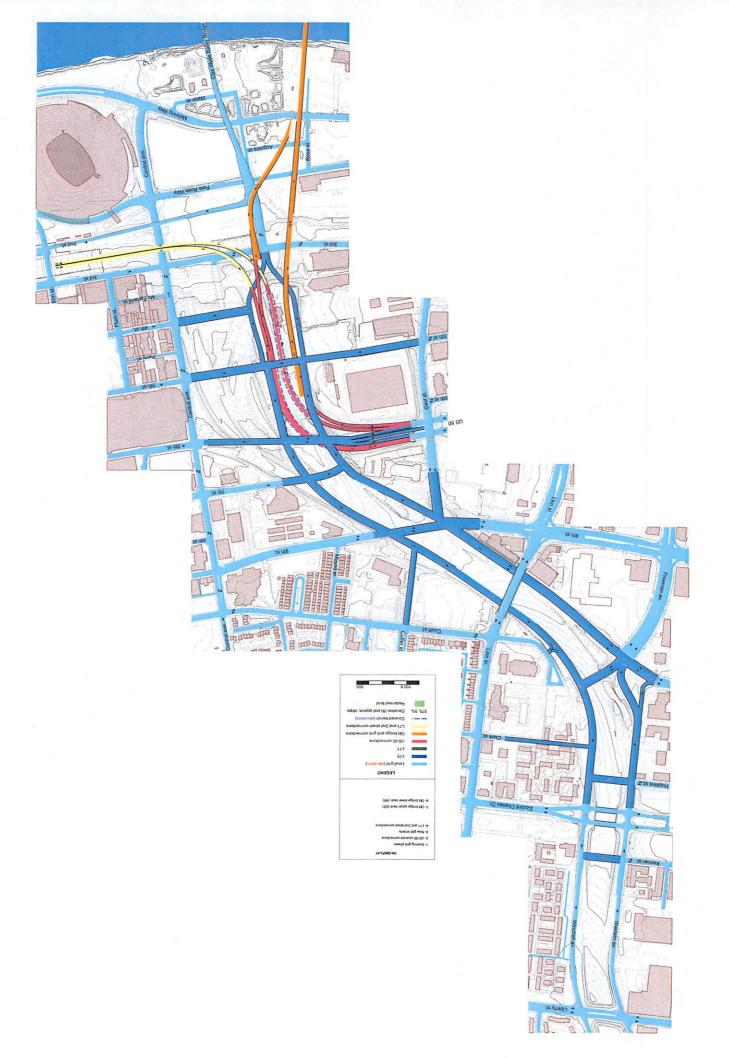














Date: May 3, 2023

202301313

To:	Mayor and Members of City Council	202301313
From:	Sheryl M. M. Long, City Manager	
Subject:	ORDINANCE – ODOT BRENT SPENCE BRIDGE – FINDLAY STR AVENUE	REET TO MARSHALL

Attached is an ordinance captioned as follows:

AUTHORIZING the City Manager to take all necessary and proper actions to cooperate with the Director of the Ohio Department of Transportation to facilitate the performance of construction activities for Interstate 75 from Findlay Street to south of Marshall Avenue including interchanges to the new Western Hills Viaduct in connection with the Ohio Department of Transportation's Brent Spence Bridge Corridor project in the City of Cincinnati.

This ordinance will allow the City to continue to collaborate with the Ohio Department of Transportation for the projects along the Brent Spence Corridor. This ordinance is specific to Phase I of the project with limits from Findlay Street to just south of Marshall Ave.

The Administration recommends passage of the attached ordinance/resolution.

Attachment I – Ordinance Attachment II - Brent Spence Bridge Corridor Projects map

cc: John S. Brazina, Director, Transportation and Engineering

**AUTHORIZING** the City Manager to take all necessary and proper actions to cooperate with the Director of the Ohio Department of Transportation to facilitate the performance of construction activities for Interstate 75 from Findlay Street to south of Marshall Avenue including interchanges to the new Western Hills Viaduct in connection with the Ohio Department of Transportation's Brent Spence Bridge Corridor project in the City of Cincinnati.

WHEREAS, the Ohio Department of Transportation ("ODOT") has identified the need to perform construction activities as part of the Brent Spence Bridge Corridor project including the reconstruction of Interstate 75 from Findlay Street to south of Marshall Avenue and construction of interchanges on Interstate 75 to connect to the new Western Hills Viaduct project (PID No. 114161) (the "Project"); and

WHEREAS, except as needed for temporary access, no transfer of City right-of-way is required for the Project, and no change in the use of City streets is expected to arise from the Project; and

WHEREAS, the State of Ohio shall provide one hundred percent of the eligible cost of the Project; and

WHEREAS, ODOT has requested that all necessary rights-of-way in the Project area be made available for the Project in accordance with current state and federal regulations; and

WHEREAS, the City's Department of Transportation & Engineering has reviewed and approved the proposed Project; and

WHEREAS, the extent of City streets and changes in their use are subject to review and approval by the City Planning Commission, but no changes requiring the commission's review have been identified at this stage of the Project; and

WHEREAS, upon completion of the Project, ODOT and the City desire for the City to continue its existing maintenance responsibilities for the right-of-way in the Project area, as applicable, and other duties required by applicable state and federal law; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That the City of Cincinnati consents to and shall cooperate with the Director of

the Ohio Department of Transportation ("ODOT"), on behalf of the State of Ohio, to facilitate the

performance of construction activities as part of the Brent Spence Bridge Corridor project including the reconstruction of Interstate 75 from Findlay Street to south of Marshall Avenue and construction of interchanges on Interstate 75 to connect to the new Western Hills Viaduct project (PID No. 114161) (the "Project").

Section 2. That the State of Ohio will assume and bear one hundred percent of the cost of the improvements proposed as part of the Project.

Section 3. That the City shall bear one hundred percent of the cost of those features, if any, requested by the City that ODOT and the Federal Highway Administration determine to be unnecessary for the Project; as of the date of this ordinance, no such features have been identified.

Section 4. That the City agrees to make available to ODOT all City rights-of-way required for the Project, including utility relocation, in accordance with current state and federal regulations and subject to any additional City approvals required for the encumbrance or acquisition of City property or change in use of City streets. The City acknowledges that all utility accommodation, relocation, and reimbursement in connection with the Project will comply with the current provisions of 23 C.F.R. 645 and the ODOT Utilities Manual.

Section 5. That, from time to time, change orders and extra-work contracts may be required to fulfill the Project, and ODOT shall provide written notice to the City, which shall process such as needed and contribute the City's share of the costs of those items; as of the date of this ordinance, no such costs have been identified.

Section 6. That, to the extent applicable and unless otherwise agreed, the City upon completion of the Project shall: (1) provide adequate maintenance for the Project in accordance with all applicable state and federal law, including, but not limited to, 23 U.S.C. Section 116; (2) provide ample financial provisions, as necessary, for any City maintenance responsibilities in connection with the Project; (3) to the extent required by state and federal law, maintain the right-of-way and keep it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

Section 7. That the City Manager is hereby authorized to enter into any agreements and process any change orders or extra-work orders connected thereto with the Director of ODOT, or ODOT-prequalified consultants, as necessary to complete the Project in accordance with the terms of this ordinance.

Section 8. That the City Manager is further authorized to execute any documents, upon the request of ODOT, necessary to allow ODOT to recover damages or exercise its rights and remedies under any contracts arising from any errors or omissions of any contractors or consultants.

Section 9. That the City Manager and the appropriate City officials are hereby authorized to take all necessary and proper actions to cooperate with the Director of ODOT to facilitate the Project.

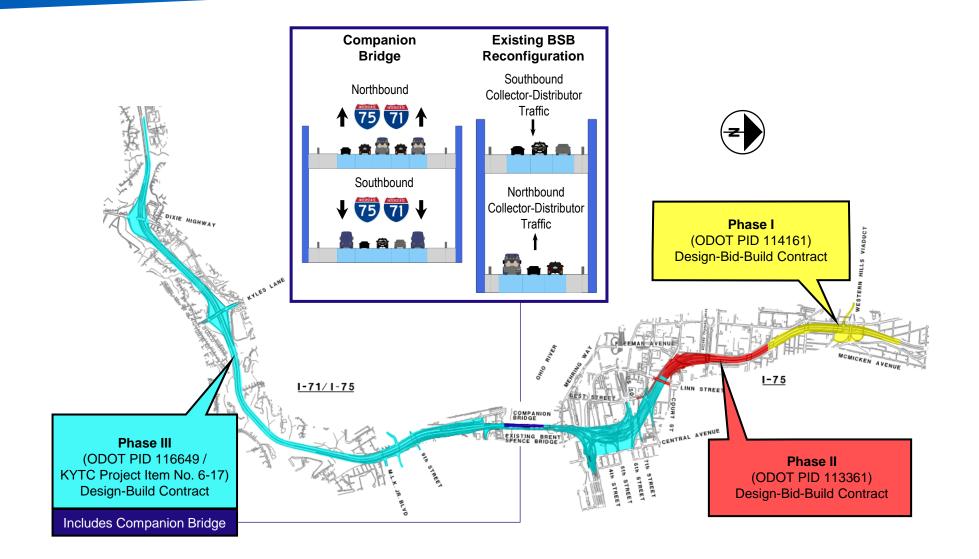
Section 10. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: \_\_\_\_\_, 2023

Aftab Pureval, Mayor

Attest: \_\_\_\_\_ Clerk

## **PROJECT DELIVERY**





Date: May 3, 2023

202301314

To:	Mayor and Members of City Council
From:	Sheryl M. M. Long, City Manager
Subject:	ORDINANCE – ODOT BRENT SPENCE BRIDGE – LINN STREET TO FINDLAY STREET

Attached is an ordinance captioned as follows:

**AUTHORIZING** the City Manager to take all necessary and proper actions to cooperate with the Director of the Ohio Department of Transportation to facilitate the performance of construction activities for Interstate 75 from Linn Street to Findlay Street in connection with the Ohio Department of Transportation's Brent Spence Bridge Corridor project in the City of Cincinnati.

This ordinance will allow the City to continue to collaborate with the Ohio Department of Transportation for the projects along the Brent Spence Corridor. This ordinance is specific to Phase II of the project with limits from Linn Street to Findlay Street.

The Administration recommends passage of the attached ordinance/resolution.

Attachment I – Ordinance Attachment II - Brent Spence Bridge Corridor Projects map

cc: John S. Brazina, Director, Transportation and Engineering

**AUTHORIZING** the City Manager to take all necessary and proper actions to cooperate with the Director of the Ohio Department of Transportation to facilitate the performance of construction activities for Interstate 75 from Linn Street to Findlay Street in connection with the Ohio Department of Transportation's Brent Spence Bridge Corridor project in the City of Cincinnati.

WHEREAS, the Ohio Department of Transportation ("ODOT") has identified the need to perform construction activities as part of the Brent Spence Bridge Corridor project including the reconstruction and widening of Interstate 75 north of the Linn Street overpass to the northern limits of the bridge over Findlay Street; the replacement of the Linn Street overpass with Interstate 75 and reconstruction of Gest Street from Freeman Avenue to U.S. Route 50; the elimination of the roadway connection from Gest Street to Linn Street; the replacement of pedestrian access from Gest Street to Linn Street; the replacement of the Ezzard Charles Drive bridge over Interstate 75; the reconstruction of portions of Western Avenue and the West Court Street cul-de-sac; and the construction of new Interstate 75 ramps to and from Freeman Avenue, Western Avenue, and Ninth Street (PID No. 113361) (the "Project"); and

WHEREAS, except as needed for temporary access, no transfer of City right-of-way is required for the Project, and no change in the use of City streets is expected to arise from the Project; and

WHEREAS, the State of Ohio shall provide one hundred percent of the eligible cost of the Project; and

WHEREAS, ODOT has requested that all necessary rights-of-way in the Project area be made available for the Project in accordance with current state and federal regulations; and

WHEREAS, the City's Department of Transportation & Engineering has reviewed and approved the proposed Project; and

WHEREAS, the extent of City streets and changes in their use are subject to review and approval by the City Planning Commission, but no changes requiring the commission's review have been identified at this stage of the Project; and

WHEREAS, upon completion of the Project, ODOT and the City desire for the City to continue its existing maintenance responsibilities for the right-of-way in the Project area, as applicable, and other duties required by applicable state and federal law; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That the City of Cincinnati consents to and shall cooperate with the Director of the Ohio Department of Transportation ("ODOT"), on behalf of the State of Ohio, to facilitate the performance of construction activities as part of the Brent Spence Bridge Corridor project including the reconstruction and widening of Interstate 75 north of the Linn Street overpass to the northern limits of the bridge over Findlay Street; the replacement of the Linn Street overpass with Interstate 75 and reconstruction of Gest Street from Freeman Avenue to U.S. Route 50; the elimination of the roadway connection from Gest Street to Linn Street; the replacement of the Ezzard Charles Drive bridge over Interstate 75; the reconstruction of portions of Western Avenue and the West Court Street cul-de-sac; and the construction of new Interstate 75 ramps to and from Freeman Avenue, Western Avenue, and Ninth Street (PID No. 113361) (the "Project").

Section 2. That the State of Ohio will assume and bear one hundred percent of the cost of the improvements proposed as part of the Project.

Section 3. That the City shall bear one hundred percent of the cost of those features, if any, requested by the City that ODOT and the Federal Highway Administration determine to be unnecessary for the Project; as of the date of this ordinance, no such features have been identified.

Section 4. That the City agrees to make available to ODOT all City rights-of-way required for the Project, including utility relocation, in accordance with current state and federal regulations and subject to any additional City approvals required for the encumbrance or acquisition of City property or change in use of City streets. The City acknowledges that all utility accommodation, relocation, and reimbursement in connection with the Project will comply with the current provisions of 23 C.F.R. 645 and the ODOT Utilities Manual.

Section 5. That, from time to time, change orders and extra-work contracts may be required to fulfill the Project, and ODOT shall provide written notice to the City, which shall process such as needed and contribute the City's share of the costs of those items; as of the date of this ordinance, no such costs have been identified.

Section 6. That, to the extent applicable and unless otherwise agreed, the City upon completion of the Project shall: (1) provide adequate maintenance for the Project in accordance with all applicable state and federal law, including, but not limited to, 23 U.S.C. Section 116; (2) provide ample financial provisions, as necessary, for any City maintenance responsibilities in connection with the Project; (3) to the extent required by state and federal law, maintain the right-of-way and keep it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

Section 7. That the City Manager is hereby authorized to enter into any agreements and process any change orders or extra-work orders connected thereto with the Director of ODOT, or ODOT-prequalified consultants, as necessary to complete the Project in accordance with the terms of this ordinance.

Section 8. That the City Manager is further authorized to execute any documents, upon the request of ODOT, necessary to allow ODOT to recover damages or exercise its rights and remedies under any contracts arising from any errors or omissions of any contractors or consultants.

Section 9. That the City Manager and the appropriate City officials are hereby authorized to take all necessary and proper actions to cooperate with the Director of ODOT to facilitate the Project.

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Section 10. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

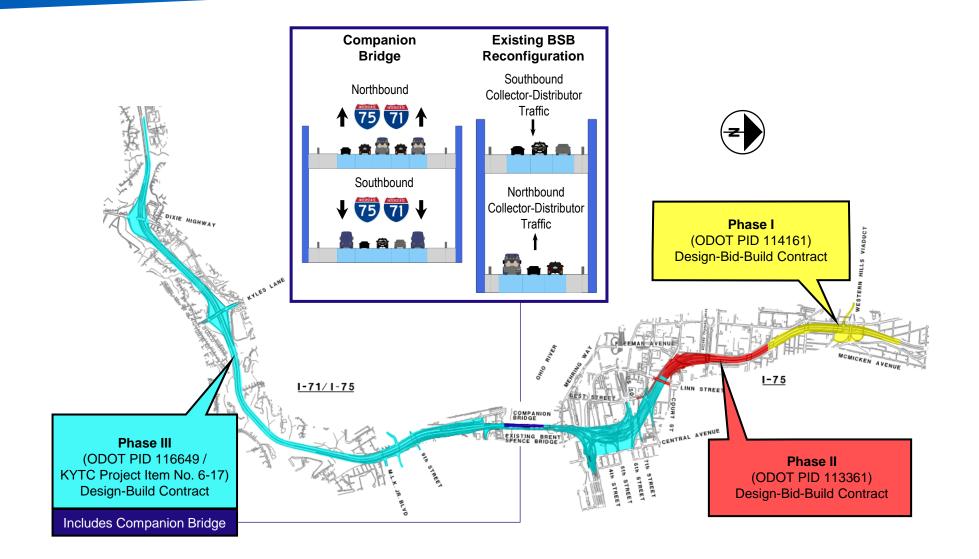
Passed: \_\_\_\_\_, 2023

Aftab Pureval, Mayor

Attest:

Clerk

## **PROJECT DELIVERY**





Date: May 3, 2023

To:	Mayor and Members of City Council	202301315
From:	Sheryl M. M. Long, City Manager	
Subject:	ORDINANCE – ODOT BRENT SPENCE BRIDGE – BRENT LINN STREET	SPENCE BRIDGE (KY) TO

Attached is an ordinance captioned as follows:

**AUTHORIZING** the City Manager to take all necessary and proper actions to cooperate with the Director of the Ohio Department of Transportation to facilitate the performance of construction activities for Interstate 75 and the Brent Spence Bridge and companion bridge over the Ohio River to Linn Street in connection with the Ohio Department of Transportation's Brent Spence Bridge Corridor project in the City of Cincinnati.

This ordinance will allow the City to continue to collaborate with the Ohio Department of Transportation for the projects along the Brent Spence Corridor. This ordinance is specific to Phase III of the project which within the City of Cincinnati, consists of the State of Kentucky to Linn Street overpass.

The Administration recommends passage of the attached ordinance/resolution.

Attachment I – Ordinance Attachment II – Brent Spence Bridge Corridor Projects map

cc: John S. Brazina, Director, Transportation and Engineering

**AUTHORIZING** the City Manager to take all necessary and proper actions to cooperate with the Director of the Ohio Department of Transportation to facilitate the performance of construction activities for Interstate 75 and the Brent Spence Bridge and companion bridge over the Ohio River to Linn Street in connection with the Ohio Department of Transportation's Brent Spence Bridge Corridor project in the City of Cincinnati.

WHEREAS, the Ohio Department of Transportation ("ODOT") has identified the need to perform construction activities as part of the Brent Spence Bridge Corridor project including the construction or reconstruction of the Brent Spence Bridge and the companion bridge over the Ohio River from the State of Kentucky to Linn Street in the City of Cincinnati (PID No. 116649) (the "Project"); and

WHEREAS, except as needed for temporary access, no transfer of City right-of-way is required for the Project, and no change in the use of City streets is expected to arise from the Project; and

WHEREAS, the State of Ohio shall provide one hundred percent of the eligible cost of the Project; and

WHEREAS, ODOT has requested that all necessary rights-of-way in the Project area be made available for the Project in accordance with current state and federal regulations; and

WHEREAS, the City's Department of Transportation & Engineering has reviewed and approved the proposed Project; and

WHEREAS, the extent of City streets and changes in their use are subject to review and approval by the City Planning Commission, but no changes requiring the commission's review have been identified at this stage of the Project; and

WHEREAS, upon completion of the Project, ODOT and the City desire for the City to continue its existing maintenance responsibilities for the right-of-way in the Project area, as applicable, and other duties required by applicable state and federal law; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That the City of Cincinnati consents to and shall cooperate with the Director of

the Ohio Department of Transportation ("ODOT"), on behalf of the State of Ohio, to facilitate the

performance of construction activities as part of the Brent Spence Bridge Corridor project including the construction or reconstruction of the Brent Spence Bridge and the companion bridge over the Ohio River from the State of Kentucky to Linn Street in the City of Cincinnati (PID No. 116649) (the "Project").

Section 2. That the State of Ohio will assume and bear one hundred percent of the cost of the improvements proposed as part of the Project.

Section 3. That the City shall bear one hundred percent of the cost of those features, if any, requested by the City that ODOT and the Federal Highway Administration determine to be unnecessary for the Project; as of the date of this ordinance, no such features have been identified.

Section 4. That the City agrees to make available to ODOT all City rights-of-way required for the Project, including utility relocation, in accordance with current state and federal regulations and subject to any additional City approvals required for the encumbrance or acquisition of City property or change in use of City streets. The City acknowledges that all utility accommodation, relocation, and reimbursement in connection with the Project will comply with the current provisions of 23 C.F.R. 645 and the ODOT Utilities Manual.

Section 5. That, from time to time, change orders and extra-work contracts may be required to fulfill the Project, and ODOT shall provide written notice to the City, which shall process such as needed and contribute the City's share of the costs of those items; as of the date of this ordinance, no such costs have been identified.

Section 6. That, to the extent applicable and unless otherwise agreed, the City upon completion of the Project shall: (1) provide adequate maintenance for the Project in accordance with all applicable state and federal law, including, but not limited to, 23 U.S.C. Section 116; (2) provide ample financial provisions, as necessary, for any City maintenance responsibilities in connection with the Project; (3) to the extent required by state and federal law, maintain the right-of-way and keep it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

Section 7. That the City Manager is hereby authorized to enter into any agreements and process any change orders or extra-work orders connected thereto with the Director of ODOT, or ODOT-prequalified consultants, as necessary to complete the Project in accordance with the terms of this ordinance.

Section 8. That the City Manager is further authorized to execute any documents, upon the request of ODOT, necessary to allow ODOT to recover damages or exercise its rights and remedies under any contracts arising from any errors or omissions of any contractors or consultants.

Section 9. That the City Manager and the appropriate City officials are hereby authorized to take all necessary and proper actions to cooperate with the Director of ODOT to facilitate the Project.

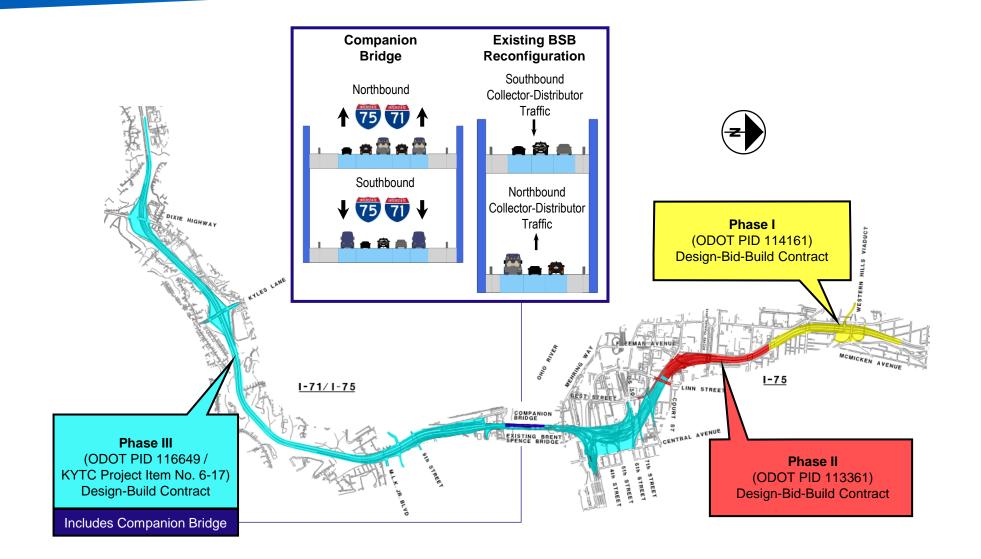
Section 10. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: \_\_\_\_\_, 2023

Aftab Pureval, Mayor

Attest: \_\_\_\_\_ Clerk

## **PROJECT DELIVERY**



# City of Cincinnati



801 Plum Street, Suite 348 Cincinnati, Ohio 45202

Phone: (513) 352-3466 Email: meeka.owens@cincinnati-oh.gov Web: www.cincinnati-oh.gov

Meeka D. Owens Cincinnati City Council

April 25, 2023

### MOTION

**WE MOVE** for the City Administration to submit an application to the Federal Highway Administration and / or Ohio Department of Transportation to have the City of Cincinnati formalized as a participating agency.

Jula L Councilmember Meeka D. Owens

### **STATEMENT**

The City of Cincinnati has long been involved in the reconstruction of the Brent Spence Bridge Corridor (BSBC) project, which runs through the urban heart of Cincinnati. Through the project development from 2005 to present, City staff has engaged with the Ohio Department of Transportation and provided feedback and guidance as to how the project impacts the local transportation network and residents' quality-of-life.

Federal Highway Administration regulations require that any Federal, state, tribal, regional, and local government agencies that may have an interest in a project must be invited to serve as participating agencies (*see* Attachment A (Letter from ODOT) and Attachment B (23 U.S.C. 139(d)(2))). The intent of a participating agency's role is to enhance interagency coordination, ensure that issues of concern are identified early, and encourage governmental agencies at any level with an interest in the proposed project to be active participants in the NEPA process.

Tammy K. Campbell, ODOT District 8 Deputy Director, took the important step to invite the City of Cincinnati to participate beyond the role of a traditional participating agency. We appreciate this new, innovative way to include local government stakeholders at the table.

However as one of Ohio's most populated metro areas, the City of Cincinnati has a major interest in the development in the BSBC project. Therefore, we believe it to be in the best interest for the City to formalize its role in the project as a participating agency. Taking this step expresses the City's commitment building the best bridge possible, and the promises we have made as a Council to our residents.



### OHIO DEPARTMENT OF TRANSPORTATION Jack Marchbanks, Ph.D., Director

Mike DeWine, Governor

District 8 505 S. State Route 741, Lebanon, OH 45036 513-933-6568 transportation.ohio.gov

September 13, 2022

Mayor Aftab Pureval City of Cincinnati 801 Plum Street, Suite 150 Cincinnati, OH 45202

Dear Mayor Pureval,

I am writing to thank you and your team at the City for your continued support and input into the efforts to complete the reconstruction of the Brent Spence Bridge Corridor (BSBC) within the City. The City's partnership on this project has been a tremendous benefit to us. Throughout the project development from 2005-present, City staff has engaged and supported our efforts by providing feedback and guidance with respects to the project and specifically how it impacts their transportation network.

FHWA's regulations require that any Federal, State, tribal, regional, and local government agencies that may have an interest in the project must be invited to serve as participating agencies. [23 U.S.C. 139(d)(2)]. The intent of a participating agency's role is to enhance interagency coordination, ensure that issues of concern are identified early, and encourage governmental agencies at any level with an interest in the proposed project to be active participants in the NEPA process. As one of Ohio's most populated metro areas, the City of Cincinnati's input into the BSB project is vital not only for Cincinnati's success, but for ODOT's as well. ODOT's view of the City goes beyond just a participating agency. ODOT considers the City of Cincinnati as a primary stakeholder and a vital partner in the development of this project.

FHWA expects the roles and responsibilities of participating agencies to include:

- Participating in the NEPA process at the start of the NEPA scoping process when participating agency identification occurs and invitations are sent. Agencies should provide input with regard to the development of the purpose and need statement, range of alternatives, methodologies, and the level of detail for the analysis of alternatives. The City was involved in this process beginning in 2005 until 2012 when the NEPA document was approved.
- Carrying out the agencies' obligations under other applicable laws concurrently with the review required under NEPA, unless doing so would impair the ability of the agency to carry out those obligations. (23 U.S.C. 139(d)(7)(A))
- Identifying, as early as practicable, any issues of concern regarding the project's potential . environmental or socioeconomic impacts.
- Providing meaningful and timely input on unresolved issues.
- Reviewing any proposed project schedule provided by the lead agencies and providing either concurrence and/or comments when a schedule is developed as part of the project's coordination plan or when a schedule is developed as part of enhanced technical assistance.
- Reviewing draft environmental documentation as established in the project coordination plan.

**Excellence** in Government ODOT is an Equal Opportunity Employer and Provider of Services To go beyond the traditional role of a participating agency, ODOT is looking for the City's continued cooperation as a true partner in the development of the BSBC project. ODOT's goals for the project are consistent with the City's previously expressed goals to improve pedestrian and bicycles access and safety as well as looking for opportunities for the use of green spaces and reclaimed land. Having the City's thoughts and expertise involved throughout the project development process is vital to the further development and accomplishment of these goals. Whether we are discussing aesthetics or providing thoughts on the selection of the Design-Build team, the City's expertise will help to ensure that this project is poised to meet the City's current and future goals for their community as well as ODOT's.

Again, thank you for your continued support on this vital project.

Sincerely,

amy K Capbell

Tammy K. Cappbell, P.E. District 8 Deputy Director

23 USC 139: Efficient environmental reviews for project decisionmaking and One Federal Decision Text contains those laws in effect on April 17, 2023

From Title 23-HIGHWAYS CHAPTER 1-FEDERAL-AID HIGHWAYS Jump To:

Source Credit Miscellaneous References In Text Codification Prior Provisions Amendments Effective Date Executive Documents

### §139. Efficient environmental reviews for project decisionmaking and One Federal Decision

(a) DEFINITIONS.-In this section, the following definitions apply:

(1) AGENCY.-The term "agency" means any agency, department, or other unit of Federal, State, location tribal government.

(2) AUTHORIZATION.-The term "authorization" means any environmental license, permit approval finding, or other administrative decision related to the environmental review process that is required under Federal law to site, construct, or reconstruct a project.

(3) ENVIRONMENTAL DOCUMENT.-The term "environmental document" includes an environmental assessment, finding of no significant impact, notice of intent, environmental impact statement, or record of decision under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(4) ENVIRONMENTAL IMPACT STATEMENT.-The term "environmental impact statement" means the detailed statement of environmental impacts required to be prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(5) ENVIRONMENTAL REVIEW PROCESS.-

(A) IN GENERAL.-The term "environmental review process" means the process for preparing for a project an environmental impact statement, environmental assessment, categorical exclusion, or other document prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seg.).

(B) INCLUSIONS.-The term "environmental review process" includes the process and schedule, including a timetable for and completion of any environmental permit, approval, review, or study required for a project under any Federal law other than the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et sec.).

(6) LEAD AGENCY.-The term "lead agency" means the Department of Transportation and, if applicable, any State or local governmental entity serving as a joint lead agency pursuant to this section.

(7) MAJOR PROJECT.-

(A) IN GENERAL.-The term "major project" means a project for which-

(i) multiple permits, approvals, reviews, or studies are required under a Federal law other than the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(ii) the project sponsor has identified the reasonable availability of funds sufficient to complete the project; (iii) the project is not a covered project (as defined in section 41001 of the FAST Act (42 U.S.C. 4370m)); and (iv)(I) the head of the lead agency has determined that an environmental impact statement is required; or

(II) the head of the lead agency has determined that an environmental assessment is required, and the project sponsor requests that the project be treated as a major project.

(B) CLARIFICATION.-In this section, the term "major project" does not have the same meaning as the term "major project" as described in section 106(h).

(8) MULTIMODAL PROJECT.-The term "multimodal project" means a project that requires the approval of more than 1 Department of Transportation operating administration or secretarial office.

(9) PROJECT.-

(A) IN GENERAL.-The term "project" means any highway project, public transportation capital project, or multimodal project that, if implemented as proposed by the project sponsor, would require approval by any operating administration or secretarial office within the Department of Transportation.

(B) CONSIDERATIONS.-In determining whether a project is a project under subparagraph (A), the Secretary shall take into account, if known, any sources of Federal funding or financing identified by the project sponsor, including

any discretionary grant, loan, and loan guarantee programs administered by the Department of Transportation.

(10) PROJECT SPONSOR.-The term "project sponsor" means the agency or other entity, including any private or public-private entity, that seeks approval of the Secretary for a project.

(11) STATE TRANSPORTATION DEPARTMENT.-The term "State transportation department" means and statewide agency of a State with responsibility for one or more modes of transportation.

#### (b) APPLICABILITY .-

(1) IN GENERAL.-The project development procedures in this section are applicable to all projects, including major projects, for which an environmental impact statement is prepared under the National Environmental Policy Act (42 U.S.C. 4321 et seq.) of 1969 and may be applied, as requested by a project sponse, and to the extent determined appropriate by the Secretary, to other projects for which an environmental document is prepared pursuant to such Act.

(2) FLEXIBILITY.-Any authorities granted in this section may be exercised, and any requirements established under this section may be satisfied, for a project, class of projects, or program of projects.

(3) PROGRAMMATIC COMPLIANCE.-

(A) IN GENERAL.-The Secretary shall allow for the use of programmatic approaches to conduct environmental reviews that-

(i) eliminate repetitive discussions of the same issues;

(ii) focus on the actual issues ripe for analyses at each level of review; and

(iii) are consistent with-

(I) the National Environmental Policy Act of 1959 (42 U.S.C. 4321 et seq.): and

(II) other applicable laws.

(B) REQUIREMENTS.-In carrying out subparagraph (A), the Secretary shall ensure that programmatic reviews-(i) promote transparency, including the transparency of-

- (I) the analyses and data used in the environmental reviews;
- (II) the treatment of any deferred issues raised by agencies or the public: and
- (III) the temporal and spatial scales to be used to analyze issues under subclauses of and (in:

(ii) use accurate and timely information, including through establishment of-

- (I) criteria for determining the general duration of the usefulness of the review; and
- (II) a timeline for updating an out-of-date review:

(iii) describe-

(I) the relationship between any programmatic analysis and future tiered analysis; and

(II) the role of the public in the creation of future tiered analysis;

(iv) are available to other relevant Federal and State agencies. Indian tribes, and the public; and (v) provide notice and public comment opportunities consistent with applicable resturements.

#### (C) LEAD AGENCIES.-

(1) FEDERAL LEAD AGENCY .-

(A) IN GENERAL.-The Department of Transportation, or an operating administration theract designated by the Secretary, shall be the Federal lead agency in the environmental review process for a project

(B) MODAL ADMINISTRATION.-If the project requires approval from more than 1 modal administration within the Department, the Secretary may designate a single modal administration to serve as the Federal lead agency for the Department in the environmental review process for the project.

(2) JOINT LEAD AGENCIES.-Nothing in this section precludes another agency from being or joint leading ency in accordance with regulations under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(3) PROJECT SPONSOR AS JOINT LEAD AGENCY.-Any project sponsor that is a State or local governmental entity receiving funds under this title or chapter 53 of title 49 for the project shall serve as a joint lead agency with the Department for purposes of preparing any environmental document under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and may prepare any such environmental document required in support of any action or approval by the Secretary if the Federal lead agency furnishes guidance in such preparation and independently evaluates such document and the document is approved and adopted by the Secretary prior to the Secretary taking any subsequent action or making any approval based on such document, whether or not the Secretary's action or approval results in Federal funding.

(4) ENSURING COMPLIANCE.-The Secretary shall ensure that the project sponsor complies with all design and mitigation commitments made jointly by the Secretary and the project sponsor in any environmental document prepared by the project sponsor in accordance with this subsection and that such document is appropriately supplemented if project changes become necessary.

(5) ADOPTION AND USE OF DOCUMENTS.-Any environmental document prepared in accordance with this subsection may be adopted or used by any Federal agency making any approval to the same extant that such Federal agency could adopt or use a document prepared by another Federal agency.

(6) ROLES AND RESPONSIBILITY OF LEAD AGENCY.-With respect to the environmental review process for any project, the lead agency shall have authority and responsibility-

(A) to take such actions as are necessary and proper, within the authority of the lead agency, to facilitate the expeditious resolution of the environmental review process for the project.

(B) to prepare or ensure that any required environmental impact statement or other occument required to be completed under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) is completed in accordance with this section and applicable Federal law:

(C) to consider and respond to comments received from participating agencies on matters within the special expertise or jurisdiction of those agencies; and

(D) to calculate annually the average time taken by the lead agency to complete all environmental doct ments for each project during the previous fiscal year.

(7) PROCESS IMPROVEMENTS FOR PROJECTS.-

(A) IN GENERAL.-The Secretary shall review-

(i) existing practices, procedures, rules, regulations, and applicable laws to identify imposiments to meeting the requirements applicable to projects under this section; and

(ii) best practices, programmatic agreements, and potential changes to internal departmental time if these that would facilitate an efficient environmental review process for projects.

(B) CONSULTATION.-In conducting the review under subparagraph (A) the Societary that these these appropriate, with the heads of other Federal agencies that participate in the environmental review process. (C) REPORT.-Not later than 2 years after the date of enactment of the Surface Transportation Report thorization Act of 2021, the Secretary shall submit to the Committee on Environment and Public Vicities of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes-

(i) the results of the review under subparagraph (A); and

(ii) an analysis of whether additional funding would help the Secretary mest the requirements applicable to projects under this section.

#### (d) PARTICIPATING AGENCIES.-

(1) IN GENERAL.-The lead agency shall be responsible for inviting and designating participating agencies in accordance with this subsection.

(2) INVITATION.-Not later than 45 days after the date of publication of a notice of intent to buy are an environmental impact statement or the initiation of an environmental assessment, the lead agency shall dentify any other Faderal and non-Federal agencies that may have an interest in the project, and shall invite such agencies to become participating agencies in the environmental review process for the project. The invitation shall det a seadline for responses to be submitted. The deadline may be extended by the lead agency for good cause

(3) FEDERAL PARTICIPATING AGENCIES. Any Federal agency that is invited by the lead agency to participate in the environmental review process for a project shall be designated as a participating agency by the lead agency unless the invited agency informs the lead agency, in writing, by the deadline specified in the invitation that the invited agency-

(A) has no jurisdiction or authority with respect to the project:

(B) has no expertise or information relevant to the project; and

(C) does not intend to submit comments on the project.

(4) EFFECT OF DESIGNATION.-

(A) REQUIREMENT.-A participating agency shall comply with the requirements of this section.

(B) IMPLICATION.-Designation as a participating agency under this subsection shall not imply that the participating agency-

(i) supports a proposed project; or

(ii) has any jurisdiction over, or special expertise with respect to evaluation of the project.

(5) COOPERATING AGENCY.-A participating agency may also be designated by a lead agency as a "cooperating agency" under the regulations contained in part 1500 of title 40, Code of Federal Regulations

(6) DESIGNATIONS FOR CATEGORIES OF PROJECTS.-The Secretary may exercise the authorities granted under this subsection for a project, class of projects, or program of projects.

(7) CONCURRENT REVIEWS .- Each participating agency and cooperating agency shall-

(A) carry out the obligations of that agency under other applicable law concurrently, and in conjunction, with the review required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), unless doing so would impair the ability of the Federal agency to conduct needed analysis or otherwise carry but those obligations; and

(B) formulate and implement administrative, policy, and procedural mechanisms to enable the signatorial ensure completion of the environmental review process in a timely, coordinated, and environmental reconsible manner.

(8) SINGLE ENVIRONMENTAL DOCUMENT.-

(A) IN GENERAL.-Except as inconsistent with paragraph (7) and except as provide identical programs to the the maximum extent practicable and consistent with Federal law, all Federal authorizations and the ask for an oper shall rely on a single environmental document for each kind of environmental document to each kind of environmental document of the load ask in the lead rest in of the load agents. (B) Use of Document-

(i) IN GENERAL.-To the maximum extent practicable, the lead agency shall develop any transmer end ments sufficient to satisfy the requirements for any Federal approval or other Federal develop for the context, including authorizations by other Federal agencies

(ii) COOPERATION OF PARTICIPATING AGENCIES.-Other participating agencies shall choose take vitro the land agency and provide timely information to help the lead agency carry out this subban lighter.

(C) TREATMENT AS PARTICIPATING AND COOPERATING AGENCIES (A Federal agency neutrinous) as a separation or take an action for a project, as described in subparagraph. By shell are two the the local sector sector sector ensure that the agency making the approval or taking the action is the static as being because no action or grave cooperating agency for the project.

(D) EXCEPTIONS.-The lead agency may waive the application or subparagraph (A) which respective a project if-(i) the project sponsor requests that agencies issue separate environmental cooper region

(ii) the obligations of a cooperating agency or participating agency under the Maticinal Brearch vanta. Policy Act of 1969 (42 U.S.C. 4321 et seq.) have already been satisfied with respect to the under the

(iii) the lead agency determines that reliance on a single environmental document as described in subparagraph (A)) would not facilitate timely completion of the anticommental review process to be a subpart.

(9) PARTICIPATING AGENCY RESPONSIBILITIES.-An agency participating in the environmental review process onder this section shall-

(A) provide comments, responses, studies, or methodologies on those areas when the source extension jurisdiction of the agency; and

(B) use the process to address any environmental issues of concern to the national

#### (10) TIMELY AUTHORIZATIONS FOR MAJOR PROJECTS .-

(A) DEADLINE.-Except as provided in subparagraph (C), all authorization clacks in a case stary for the construction of a major project shall be completed by not later than 90 days after You the only is assumed a record of decision for the major project.

(B) DETAIL.-The final environmental impact statement for a major project should not be an adequate evel of detail to inform decisions necessary for the role of the participating agencies and people they agencies in the environmental review process.

(C) EXTENSION OF DEADLINE.-The head of the lead agency may extend the deadline under subtrace subtrace (A) if-(i) Federal law prohibits the lead agency or another agency from issuing an approval or tierrest within the period described in that subparagraph:

(ii) the project sponsor requests that the permit or approval follow a different timelines or

(iii) an extension would facilitate completion of the environmental review and authorization process of the major project.

(e) PROJECT INITIATION .-

(1) IN GENERAL.-The project sponsor shall notify the Sacretary of the type of we be accordingly and part at location of the proposed project (including any additional information that the project sponsor of taking a base important to initiate the process for the proposed project), together with a statement of and Federal approvals anticipated to be necessary for the proposed project, for the purpose of informing the Department of a cordinate test environmental review process should be initiated.

(2) SUBMISSION OF DOCUMENTS.-The project sponsor may satisfy the requirement and an paregraph. (1) by submitting to the Secretary any relevant documents containing the information described in the Large application in the Federal Register announcing the preparation of an environmental review for the project.

(3) REVIEW OF APPLICATION.-Not later than 45 days after the date on which the Secretary receives notification under paragraph (1), the Secretary shall provide to the project sponsor a written response that as applicable-

(A) describes the determination of the Secretary-

(i) to initiate the environmental review process, including a timeline and an expected cate for the publication in the Federal Register of the relevant notice of intent: or

(ii) to decline the application, including an explanation of the reasons for that decision; or

(B) requests additional information, and provides to the project sponsor an accounting regarding mean documentation is necessary to initiate the environmental review process.

(4) REQUEST TO DESIGNATE A LEAD AGENCM-

(A) IN GENERAL.-Any project sponsor may submit to the Secretary a reduces to design static destating administration or secretarial office within the Department of Transportation with the explanate provided project to serve as the Federal lead agency for the project.

(B) SECRETARIAL ACTION.-

(i) IN GENERAL.-If the Secretary receives a request under subparagraph (A), the Secretary shall respond to the request not later than 45 days after the date of receive.

(ii) REQUIREMENTS.-The response under clause (i) shall-

(I) approve the request;

(II) deny the request, with an explanation of the reasons for the denial: or

(III) require the submission of additional information.

(iii) ADDITIONAL INFORMATION.-If additional information is submitted in accordance, with crause do(0), we Secretary shall respond to the submission not later than 45 days after the date of records

(5) ENVIRONMENTAL CHECKLIST.-

(A) DEVELOPMENT.-The lead agency for a project, to consultation with part to accord to the consultation with part of a statement of the consultation with the project sponsors identify potential current current of the statement of the project.

(B) PURPOSE.-The purposes of the checklist are-

(i) to identify agencies and organizations that can provide information about nature outstaat, and bus the resources;

(ii) to develop the information needed to determine the range of alternatives; and

(iii) to improve interagency collaboration to help expedite the permitting process for the set against the participating agencies.

(f) PURPOSE AND NEED; ALTERNATIVES ANALYSIS.-

(1) PARTICIPATION.-As early as practicable during the environmental review process, the early agency she provide an opportunity for involvement by participating agencies and the public in defining the public beschool and the p

(2) DEFINITION.-Following participation under paragraph (1), the lead agency shall viable that organize on these and need for purposes of any document which the lead agency is responsible for preparal give the project.

(3) OBJECTIVES.-The statement of purpose and need shall include a clear statement of the objectives that the proposed action is intended to achieve, which may include-

(A) achieving a transportation objective identified in an applicable statewide or metropolitien transportance plan;
 (B) supporting land use, economic development, or growth objectives established in applicable Fadera catate,

local, or tribal plans; and

(C) serving national defense, national security, or other national objectives, as established on the score of a plans, or policies.

#### (4) ALTERNATIVES ANALYSIS.-

(A) PARTICIPATION .-

(i) In general.-As early as practicable during the environmental everyphones of the everyphone ever

(ii) COMMENTS OF PARTICIPATING AGENCIES.-To the maximum extent practicable and consistent with applicable law, each participating agency receiving an opportunity for involvement under clause () should mit the comments of the agency to subject matter areas within the special expertise or jurisdiction of the special expertise or jurisdiction of the special expertise.

(iii) EFFECT OF NONPARTICIPATION.-A participating agency that declines to participation and range of alternatives for a project shall be required to comply with the standule developed under subsection (g)(1)(B).

#### (B) RANGE OF ALTERNATIVES.-

(i) DETERMINATION.-Following participation under subparagraph (A), the load against the observation of a second se

(ii) USE.-To the maximum extent practicable and consistent with Federal law, the range or alternatives determined for a project under clause (i) shall be used for all Federal environmental reviews and cermit processes required for the project unless the alternatives must be modified-

(I) to address significant new information or circumstances, and the lead agended and decourse angles ancies agree that the alternatives must be modified to address the new information or circumstances) or

(II) for the lead agency or a participating agency to fulfill the responsibilities of the agency uncer the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) in a timely manner

(C) METHODOLOGIES.-The lead agency also shall determine, in collaboration with participating aganticant appropriate times during the study process, the methodologies to be used and the level of detail required in the analysis of each alternative for a project.

(D) PREFERRED ALTERNATIVE. At the discretion of the lead agency, the preferred alternative for a project after being identified, may be developed to a higher level of detail than other alternatives in order to facilitate a development of mitigation measures or concurrent compliance with other applicable laws if the lead agency determines that the development of such higher level of detail will not prevent the lead agency impartial decision as to whether to accept another alternative which is being considered in the environmental review process.

(E) REDUCTION OF DUPLICATION .-

(i) IN GENERAL.-In carrying out this paragraph, the lead agency shall reduce duplication, to the maximum extent practicable, between-

(I) the evaluation of alternatives under the National Environmental Policy Act of 1969 (42 U S C, 4321 et seq.); and

(II) the evaluation of alternatives in the metropolitan transportation planning process under section 334 or an environmental review process carried out under State law (referred to in this subparagraph as a "State environmental review process")

(ii) CONSIDERATION OF ALTERNATIVES. The lead agency may eliminate from detailed consideration as alternative proposed in an environmental impact statement regarding a project if, as detectine details the lead agency-

(I) the alternative was considered in a metropolitan planning process or a State environmental review process by a metropolitan planning organization or a State or local transportation edency, as applicable:

(II) the lead agency provided guidance to the metropolitan planning organization or State eccledal transportation agency, as applicable, regarding analysis of alternatives in the metropolitan planning process or State environmental review process, including guidance on the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and any other Federal law necessary for approval of the project;

(III) the applicable metropolitan planning process or State environmental review process included an opportunity for public review and comment:

(IV) the applicable metropolitan planning organization or State or local transportation agency rejected the alternative after considering public comments;

(V) the Federal lead agency independently reviewed the alternative evaluation approximitive evaluation approximities applicable metropolitan planning organization or State or local transportation agency matrix

(VI) the Federal lead agency determined-

(aa) in consultation with Federal participating or cooperating agencies, that the alternative to be eliminated from consideration is not necessary for compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); or

(bb) with the concurrence of Federal agencies with jurisdiction over a permit or approval required for a project, that the alternative to be eliminated from consideration is not necessary for any permit or approval under any other Federal law.

(g) COORDINATION AND SCHEDULING.-

(1) COORDINATION PLAN.-

(A) IN GENERAL.-Not later than 90 days after the date of publication of a notice of intent to prepare an environmental impact statement or the initiation of an environmental assessment, the lead agency shall establish a plan for coordinating public and agency participation in and comment on the environmental review process for a project or category of projects. The coordination plan may be incorporated into a memory and environmental category of under used under used ing. (B) SCHEDULE.-

(i) IN GENERAL.-The lead agency shall establish as part of such ocordination plan, after consultation with and the concurrence of each participating agency for the project and with the State in which the project is located (and, if the State is not the project sponsor, with the project sponsor), a schedule for completion of the environmental review process for the project.

(ii) FACTORS FOR CONSIDERATION.-In establishing the schedule, the lead agency shall consider factors such as-

(I) the responsibilities of participating agencies under applicable laws:

(II) resources available to the cooperating agencies;

(III) overall size and complexity of the project;

(IV) the overall time required by an agency to conduct an environmental review and make decisions under applicable Federal law relating to a project (including the issuance or denial of a permit or license) and the cost of the project; and

(V) the sensitivity of the natural and historic resources that could be affected by the project.

(iii) MAJOR PROJECT SCHEDULE. To the maximum extent practicable and consistent of the upplicable Forderal law, in the case of a major project, the lead agency shall develop, in concurrence with the project sponset, a schedule for the major project that is consistent with an agency average of not more than 2 years for the completion of the environmental review process for major projects, as measured from as applicable.

(I) the date of publication of a notice of intent to prepare an environmental impact statement to the report of decision; or

(II) the date on which the head of the lead agency determines that an environmental processment is required to a finding of no significant impact.

(C) CONSISTENCY WITH OTHER TIME PERIODS.-A schedule under subparagraph (B) shall be consistent with any other relevant time periods established under Federal law.

(D) MODIFICATION .-

(i) IN GENERAL.-Except as provided in clause (ii), the lead agency may led gifters to she tak a schedule established under subparagraph (B) for good cause.

(ii) EXCEPTIONS.-

(I) MAJOR PROJECTS.-In the case of a major project, the lead agency may lengthen a schedule uncer clause (I) for a cooperating Federal agency by not more than 1 year after the latest deadline established for the major project by the lead agency.

(II) SHORTENED SCHEDULES.-The lead agency may not shorten a schedule under clause (i) if doing so would impair the ability of a cooperating Federal agency to conduct necessary analyses or otherwise carry out relevant obligations of the Federal agency for the project.

(E) FAILURE TO MEET DEADLINE.-If a cooperating Federal agency fails to meet a deadline established under subparagraph (D)(ii)(I)-

(i) the cooperating Federal agency shall submit to the Secretary a report that describes the reasons why the deadline was not met; and

(ii) the Secretary shall-

(I) transmit to the Committee on Environment and Public Works of the Senate and the Coronattee on

Transportation and Infrastructure of the House of Representatives a copy of the report under clause (i) and (ii) make the report under clause (i) publicly available on the internet.

(F) DISSEMINATION.-A copy of a schedule under subparagraph (B), and of any modifications to the schedule, shall be-

(i) provided to all participating agencies and to the State transportation department of the State in which the project is located (and, if the State is not the project sponsor, to the project sponsor); and

(ii) made available to the public.

(2) COMMENT DEADLINES.-The lead agency shall establish the following deadlines for comment during the environmental review process for a project:

(A) For comments by agencies and the public on a draft environmental impact statement, a period of not more than 60 days after publication in the Federal Register of notice of the date of public availability of such document, unless-

(i) a different deadline is established by agreement of the lead agency, the project sponsor, and all participating agencies; or

(ii) the deadline is extended by the lead agency for good cause.

(B) For all other comment periods established by the lead agency for agency or public comments in the environmental review process, a period of no more than 30 days from availability of the materials on which comment is requested, unless-

(i) a different deadline is established by agreement of the lead agency, the project sponsor, and all participating agencies; or

(ii) the deadline is extended by the lead agency for good cause.

(3) DEADLINES FOR DECISIONS UNDER OTHER LAWS.-In any case in which a decision under any Federal law relating to a project (including the issuance or denial of a permit or license) is required to be made by the later of the date that is 180 days after the date on which the Secretary made all final decisions of the lead agency with respect to the project, or 180 days after the date on which an application was submitted for the permit or license, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives and publish on the Internet-

(A) as soon as practicable after the 180-day period, an initial notice of the failure of the Federal agency to make the decision; and

(B) every 60 days thereafter until such date as all decisions of the Federal again to be a non-the increasing the been made by the Federal agency, an additional notice that describes the bumbles in decision and the Federal agency that remain outstanding as of the date of the additional notice.

(4) INVOLVEMENT OF THE PUBLIC.-Nothing in this subsection shall reduce any tartely area based for part of comment in the environmental review process under existing Federal laws individual action action.

#### (h) ISSUE IDENTIFICATION AND RESOLUTION -

(1) COOPERATION.-The lead agency and the participating agencies shall not substance of the task start with this section to identify and resolve issues that could delay completion of the earlier memorial relitew process or don't result in denial of any approvals required for the project under applicable laws.

(2) LEAD AGENCY RESPONSIBILITIES. The lead agency shall make before store to fishburch to the log at a gencies as early as practicable in the environmental review process to a gordong block where the version socioeconomic resources located within the project area and the general locations of the version and the device in the version and the device in the version and the general location of the version and the devices including general has for the formation may be based on existing data sources, including general has for the formation are terms mapping.

(3) PARTICIPATING AGENCY RESPONSIBILITIES.-Based on information received from the lead agency, participating agencies shall identify, as early as practicable, any issues of concern regarding the project's point at on-victomental or socioeconomic impacts. In this paragraph, issues of concern include city issues that or the base of all provides any or prevent an agency from granting a permit of other approval that is inserted in the paragraph.

(4) ISSUE RESOLUTION.-Any issue resolved by the lead agency with the ophourtence of part treating agencies may not be reconsidered unless significant new information of throumstances appe

(5) INTERIM DECISION ON ACHIEVING ACCELERATED DECISION MAKING -

(A) IN GENERAL.-Not later than 30 days after the close of the public comment period on a chaft environmental impact statement, the Secretary may convene a meeting with the project on the order of the close of a generic and any relevant State agancies to ensure that all perfect and on some project on the secretary device and the project.

(B) DEADLINES.-The deadlines referred to in subparagraph (A) shall be those established under subsection (g), or any other deadlines established by the lead agency, in consultation with the project such strand other relevant agencies.

(C) FAILURE TO ASSURE.-If the relevant agencies cannot provide reasonable Failure is a contraction of a described in subparagraph (B) will be met, the Secretary may initiate the assure resonance and referral process described under paragraph (6) before the completion of the record of decision

(6) ACCELERATED ISSUE RESOLUTION AND REFERRAL-

(A) AGENCY ISSUE RESOLUTION MEETING.

(i) IN GENERAL.-A Federal agency of jurisdiction, project sponsor, or the stand of a stand share mich a project is located may request an issue resolution meeting to be conducted by the read organized

(ii) ACTION BY LEAD AGENCY.-The lead agency shall convene an issue resolution at a start of it with the relevant participating agencies and the project sponsor including the Governor only Bit is mesting was requested by the Governor, to resolve issues that could-

(I) delay completion of the environmental review process; or

(II) result in denial of any approvals required for the project under applicante carrier

(iii) DATE.-A meeting requested under this subparagraph shall be held by actilities than 0 indexe after under date of receipt of the request for the meeting, unless the lead agency determines that there is go be ballise to instend the time for the meeting.

(iv) NOTIFICATION.-On receipt of a request for a meeting under this subprograph, the large spectra inotify all relevant participating agencies of the request, including the lasue to be restricted and describe that meeting.

(v) DISPUTES.-If a relevant participating agency with jurisdiction over an approval required for a project under applicable law determines that the relevant information necessary to resolve the issue has not been obtained and could not have been obtained within a reasonable time, but the lead agency disagrees, the resolution of the dispute shall be forwarded to the heads of the relevant agencies for resolution.

(vi) CONVENTION BY LEAD AGENCY. A lead agency may convene an issue rasolution mecang an der this subsection at any time without the request of the Federal agency of jurisdiction project sphere rich the Governor of a State.

#### (B) ELEVATION OF ISSUE RESOLUTION .-

(i) IN GENERAL.-If issue resolution is not achieved by not later than 30 days after the date of a relevant meeting under subparagraph (A), the Secretary shall notify the lead agency, the heads of the relevant participating agencies, and the project sponsor (including the Governor only if the initial issue resolution meeting request came from the Governor) that an issue resolution meeting will be converted.

(ii) REQUIREMENTS.-The Secretary shall identify the issues to be addressed at the meeting and common the meeting not later than 30 days after the date of issuance of the notice.

(C) REFERRAL OF ISSUE RESOLUTION .-

(i) REFERRAL TO COUNCIL ON ENVIRONMENTAL QUALITY.-

(I) IN GENERAL.-If resolution is not achieved by not later than 30 days after the date of an issue resolution meeting under subparagraph (B), the Secretary shall refer the matter to the Ocunol on Environmental Quality. (II) MEETING.-Not later than 30 days after the date of receipt of a referral from the Secretary under subclause (I), the Council on Environmental Quality shall hold an issue resolution meeting with the lead agency, the heads of relevant participating agencies, and the project sponsor finducting the Governor only if an initial request for an issue resolution meeting came from the Governor.

(ii) REFERRAL TO THE PRESIDENT.-If a resolution is not achieved by not later than 30 days after the dots of the meeting convened by the Council on Environmental Quality under clause (i)(II), the Secretary shall refer the matter directly to the President.

(7) FINANCIAL PENALTY PROVISIONS.~

(A) IN GENERAL.-A Federal agency of jurisdiction over an approval required for a project under applicable, aws shall complete any required approval on an expeditious basis using the shortest existing applicable process.

(B) FAILURE TO DECIDE.-

(i) IN GENERAL.-If an agency described in subparagraph (A) fails to rander a decision under any Federal law relating to a project that requires the preparation of an environmental impact statement or environmental assessment, including the issuance or denial of a permit, license, or other approval by the date described in clause (ii), an amount of funding equal to the amounts specified in subclause (i) or (i) shall be reacting the agency, or equivalent office to which the authority for rendering the decision has been delegated by law by not later than 1 day after the applicable date under clause (ii), and once each week thereafter until a final decision is rendered, subject to subparagraph (C)-

(I) \$20,000 for any project for which an annual financial plan is required under subsection (h) or (i) of section 106; or

(II) \$10,000 for any other project requiring preparation of an environmental assessment or environmental impact statement.

(ii) DESCRIPTION OF DATE.-The date referred to in clause (i) is-

(I) the date that is 30 days after the date for rendering a decision as described in the project schedule established pursuant to subsection (g)(1)(B);

(II) if no schedule exists, the later of-

(aa) the date that is 180 days after the date on which an application for the permit. Idense, or approval is complete; and

(bb) the date that is 180 days after the date on which the Federal lead agency issues a decision on the project under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), or

(III) a modified date in accordance with subsection (g)(1)(D).

(C) LIMITATIONS.-

(i) IN GENERAL.-No rescission of funds under subparagraph (B) relating to an individual project shall exceed, in any fiscal year, an amount equal to 2.5 percent of the funds made available for the applicable agency office.

(ii) FAILURE TO DECIDE.-The total amount rescinded in a fiscal year as a result of a failure by an agency to make a decision by an applicable deadline shall not exceed an amount equal to 7 percent of the funds made available for the applicable agency office for that fiscal year.

(D) NO FAULT OF AGENCY.-A rescission of funds under this paragraph shall not be made if the lead agency for the project certifies that-

(i) the agency has not received necessary information or approvals from another entity, such as the project sponsor, in a manner that affects the ability of the agency to meet any requirements under State, local, or Federal law; or

(ii) significant new information or circumstances, including a major modification to an aspect of the project, requires additional analysis for the agency to make a decision on the project application.

(E) LIMITATION.-The Federal agency with jurisdiction for the decision from which funds are rescinded pursuant to this paragraph shall not reprogram funds to the office of the head of the agency, or equivalent office, to reimburse that office for the loss of the funds.

(F) AUDITS.-In any fiscal year in which any funds are rescinded from a Federal agency pursuant to this paragraph, the Inspector General of that agency shall-

(i) conduct an audit to assess compliance with the requirements of this paragraphic and (ii) not later than 120 days after the end of the fiscal year during which the rescission occurred, submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the reasons why the transfers were lavied, including allocations of resources.

(G) EFFECT OF PARAGRAPH.-Nothing in this paragraph affects or limits the application of cripbligation to comply with, any Federal, State, local, or tribal law

(8) EXPEDIENT DECISIONS AND REVIEWS.-To ensure that Redeval environmental decisions and reviews and expeditiously made-

(B) the President shall submit to the Committee on Transportation and Utificatructure of the House of Representatives and the Committee on Environment and Public Works of the Senate, not less frequently than once every 120 days after the date of enactment of the MAP-21, a report on the status and progress of the following projects and activities funded under this title with respect to compliance with employ ble require on its under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et secure

(i) Projects and activities required to prepare an annual financial plan under section 406(4

(ii) A sample of not less than 5 percent of the projects requiring preparation of an environmental impact statement or environmental assessment in each State

(i) PERFORMANCE MEASUREMENT. The Secretary shall establish a program to measure one record or program toward improving and expediting the planning and environmental review process. (j) ASSISTANCE TO AFFECTED STATE AND FEDERAL AGENCIES.

(1) IN GENERAL.-

(A) AUTHORITY TO PROVIDE FUNDS. The Secretary may allow a public entity receiving financial assistance from the Department of Transportation under this title or chapter 53 of title 49 to provide funds to Federal agencies (including the Department), State agencies, and Indian tribes participating in the environmental review process for the project or program.

(B) Use of FUNDS.-Funds referred to in subparagraph (A) may be provided only to support address that directly and meaningfully contribute to expediting and improving permitting and review processes, including plancing, approval, and consultation processes for the project or program.

(2) ACTIVITIES ELIGIBLE FOR FUNDING.-Activities for which funds may be provided under paragraph (1) include transportation planning activities that precede the initiation of the environmental review process, activities travely related to the environmental review process, dedicated staffing, training of agency personnel, information gathering and mapping, and development of programmatic agreements.

(3) USE OF FEDERAL LANDS HIGHWAY FUNDS. The Secretary may also use funds made available under section 204 <sup>1</sup> for a project for the purposes specified in this subsection with respect to the environmental review process for the project.

(4) AMOUNTS.-Requests under paragraph (1) may be approved only for the additional amounts that the Statistical determines are necessary for the Federal agencies, State agencies, or Indian tribes participating in the environmental review process to meet the time limits for environmental review.

(5) CONDITION.-A request under paragraph (1) to expedite time limits for environmental review may be approved only if such time limits are less than the customary time necessary for such review.

(6) AGREEMENT.-Prior to providing funds approved by the Secretary for dedicated staffing at an affected agancy under paragraphs (1) and (2), the affected agency and the requesting public entity shall enter into an agreement that establishes the projects and priorities to be addressed by the use of the funds.

(k) JUDICIAL REVIEW AND SAVINGS CLAUSE.-

(1) JUDICIAL REVIEW.-Except as set forth under subsection (I), nothing in this section shall affect the reviewability of any final Federal agency action in a court of the United States or in the court of any State

(2) SAVINGS CLAUSE.-Nothing in this section shall be construed as superseding, amending, boundlifting the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et sec.) or any other Federal environmental statute or affect the responsibility of any Federal officer to comply with or enforce any such statute.

(3) LIMITATIONS.-Nothing in this section shall preempt or interfere with-

(A) any practice of seeking, considering, or responding to public comment: or

(B) any power, jurisdiction, responsibility, or authority that a Federal, State, or local government agency, metropolitan planning organization, Indian tribe, or project sponsor has with respect to carrying out a project or any other provisions of law applicable to projects, plans, or programs.

(I) LIMITATIONS ON CLAIMS.-

(1) IN GENERAL-Notwithstanding any other provision of law, a claim arising under Federal law seeking judicial review of a permit, license, or approval issued by a Federal agency for a highway or public transportation conital project shall be barred unless it is filed within 150 days after publication of a notice in the Federal Register announcing that the permit, license, or approval is final pursuant to the law under which is a general action is taken, unless a shorter time is specified in the Federal law pursuant to which publication way is a twate biothory in the subsection shall create a right to judicial review or place any limit on filing a claim that a person has violated the terms of a permit, license, or approval.

(2) NEW INFORMATION.-The Secretary shall consider new information received after the close of a comment period if the information satisfies the requirements for a supplemental environmental impact statement under section 771.130 of title 23, Code of Federal Regulations. The preparation of a supplemental environmental impact statement when required shall be considered a separate final agency action and the deadline for filting a clean for judic id review of such action shall be 150 days after the date of publication of a notice in the Federal Register announcing such action.

(m) ENHANCED TECHNICAL ASSISTANCE AND ACCELERATED PROJECT COMPLETION-

(1) DEFINITION OF COVERED PROJECT.-In this subsection, the term "covered project" means a project-

(A) that has an ongoing environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(B) for which at least 2 years, beginning on the date on which a notice of intent is issued, have elaosed without the issuance of a record of decision.

(2) TECHNICAL ASSISTANCE.-At the request of a project sponsor or the Governor of a State in which a project is located, the Secretary shall provide additional technical assistance to resolve for a coverse project any outstanding issues and project delay, including by-

(A) providing additional staff, training, and expertise;

(B) facilitating interagency coordination:

(C) promoting more efficient collaboration; and

(D) supplying specialized onsite assistance.

#### (3) SCOPE OF WORK .-

(A) IN GENERAL.-In providing technical assistance for a covered project under this subsection, the Secretary shall establish a scope of work that describes the actions that the Secretary will take to resolve the outstanding issues and project delays, including establishing a schedule under subparagraph (B).

#### (B) SCHEDULE.-

(i) IN GENERAL.-The Secretary shall establish and meet a schedule for the completent of a growinit, approval, review, or study, required for the covered project by the date that is not later than 4 years after the date on which a notice of intent for the covered project is issued.

(ii) INCLUSIONS.-The schedule under clause (i) shall-

(I) comply with all applicable laws;

(II) require the concurrence of the Council on Environmental Quality and each participating agancy for the project with the State in which the project is located or the project sponsor, as applicable and

(III) reflect any new information that becomes available and any changes in circumstances that may result in new significant impacts that could affect the timeline for completion of any permit, approval, review, or study required for the covered project.

(4) CONSULTATION.-In providing technical assistance for a covered project under this subsection, the Secretary shall consult, if appropriate, with resource and participating agencies on all methods available to reactive the outstanding issues and project delays for a covered project as expeditiously as possible.

(5) ENFORCEMENT.-

(A) IN GENERAL.-All provisions of this section shall apply to this subsection, including the financial penalty provisions under subsection (h)(6).

(B) RESTRICTION.-If the Secretary enforces this subsection under subsection (h)(6), the Secretary may use a date included in a schedule under paragraph (3)(B) that is created pursuant to and is in compliance with this subsection in lieu of the dates under subsection (h)(6)(B)(ii).

(n) ACCELERATED DECISIONMAKING IN ENVIRONMENTAL REVIEWS.

(1) IN GENERAL.-In preparing a final environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), if the lead agency modifies the statement in response to comments that are minor and are confined to factual corrections or explanations of why the comments do not warrant additional agency response, the lead agency may write on errata sheets attached to the statement instead of rewriting the draft statement, subject to the condition that the errata sheets-

(A) cite the sources, authorities, and reasons that support the position of the agency and

(B) if appropriate, indicate the circumstances that would trigger agency reappraisal or further response

(2) SINGLE DOCUMENT.-To the maximum extent practicable, the lead agency shall expeditiously develop a single document that consists of a final environmental impact statement and a record of decision, unress-

(A) the final environmental impact statement makes substantial changes to the proposed action that a prolevant to environmental or safety concerns; or

(B) there is a significant new circumstance or information relevant to environmental concerns that bears on the proposed action or the impacts of the proposed action.

(3) LENGTH OF ENVIRONMENTAL DOCUMENT-

(A) IN GENERAL.-Notwithstanding any other provision of law and except as provided in subparagraph (B), to the maximum extent practicable, the text of the items described in paragraphs (4) through (6) of section 1502,10(a) of title 40, Code of Federal Regulations (or successor regulations) of an environmental integet statement for a project shall be 200 pages or fewer.

(B) EXEMPTION.-An environmental impact statement for a project may exceed 200 pages. If the lead agency establishes a new page limit for the environmental impact statement for that project.

(0) IMPROVING TRANSPARENCY IN ENVIRONMENTAL REVIEWS.-

(1) IN GENERAL.-Not later than 18 months after the date of enactment of this subsection, the Secretary shall-(A) use the searchable Internet website maintained under section 41003(b) of the FAST Act-

(i) to make publicly available the status and progress of projects requiring an environmental assessment or an environmental impact statement with respect to compliance with applicable requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and any other Federal. State, critocal approval required for those projects; and

(ii) to make publicly available the names of participating agencies not participating in the development of a project purpose and need and range of alternatives under subsection (f): and

(B) issue reporting standards to meet the requirements of subparagraph (A).

(2) FEDERAL, STATE, AND LOCAL AGENCY PARTICIPATION.~

(A) FEDERAL AGENCIES.-A Federal agency participating in the environmental review or permitting process for a project shall provide to the Secretary information regarding the status and progress of the approval of the project for publication on the Internet website referred to in paragraph (1)(A), consistent with the standards established under paragraph (1)(B).

(B) STATE AND LOCAL AGENCIES.-The Secretary shall encourage State and local agencies participating in the environmental review permitting process for a project to provide information regarding the status and progress of the approval of the project for publication on the Internet website referred to in paragraph (1)(A).

(3) STATES WITH DELEGATED AUTHORITY.-A State with delegated authority for responsibilities under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) pursuant to section 327 shall be responsible for supplying to the Secretary project development and compliance status for all applicable projects

(p) ACCOUNTABILITY AND REPORTING FOR MAJOR PROJECTS.-

(1) IN GENERAL.-The Secretary shall establish a performance accountability system to track each major project.

(2) REQUIREMENTS.-The performance accountability system under paragraph (1) shall, for each major project, track, at a minimum-

(A) the environmental review process for the major project, including the project schedule:

(B) whether the lead agency, cooperating agencies, and participating agencies are meeting the schedule established for the environmental review process; and

(C) the time taken to complete the environmental review process.

(q) DEVELOPMENT OF CATEGORICAL EXCLUSIONS.-

(1) IN GENERAL.-Not later than 60 days after the date of enactment of this subsection, and every 4 years mereafter, the Secretary shall-

(A) in consultation with the agencies described in paragraph (2), identify the categorical exclusions described in section 771.117 of title 23, Code of Federal Regulations (or successor regulations), that would accelerate delivery of a project if those categorical exclusions were available to those agencies:

(B) collect existing documentation and substantiating information on the categorical exclusions described in subparagraph (A); and

(C) provide to each agency described in paragraph (2)-

(i) a list of the categorical exclusions identified under subparagraph (A); and

(ii) the documentation and substantiating information under subparagraph (B).

(2) AGENCIES DESCRIBED.-The agencies referred to in paragraph (1) are-

(A) the Department of the Interior;

(B) the Department of the Army;

(C) the Department of Commerce;

(D) the Department of Agriculture;

(E) the Department of Energy:

(F) the Department of Defense; and

(G) any other Federal agency that has participated in an environmental review process for a project, as determined by the Secretary.

(3) ADOPTION OF CATEGORICAL EXCLUSIONS.-

(A) IN GENERAL.-Not later than 1 year after the date on which the Secretary provides a list under paragraph (1) (C), an agency described in paragraph (2) shall publish a notice of proposed rulemaking to propose any categorical exclusions from the list applicable to the agency, subject to the condition that the categorical exclusion identified under paragraph (1)(A) meets the criteria for a categorical exclusion under section 1508.1 of title 40, Code of Federal Regulations (or successor regulations).

(B) PUBLIC COMMENT.-In a notice of proposed rulemaking under subparagraph (A), the applicable agency may solicit comments on whether any of the proposed new categorical exclusions meet the criteria for a categorical exclusion under section 1508.1 of title 40, Code of Federal Regulations (or successor regulations).

(Added Pub. L. 109–59, title VI, §6002(a), Aug. 10, 2005, 119 Stat. 1857 ; amended Pub. L. 112–141, div. A, title I, §§1305–1309, July 6, 2012, 126 Stat. 533–539 ; Pub. L. 114–94, div. A, title I, §1304(a)–(j)(1), Dec. 4, 2015, 129 Stat. 1378–1385 ; Pub. L. 117–58, div. A, title I, §§11301(a), 11525(h), Nov. 15, 2021, 135 Stat. 525, 607.)

#### EDITORIAL NOTES

### **REFERENCES IN TEXT**

The National Environmental Policy Act of 1969, referred to in subsecs. (a)(3)–(5), (7)(A)(i), (b)(1). (3)(A) (iii)(I), (c)(2), (3), (6)(B), (d)(7)(A), (8)(A), (D)(ii), (f)(4)(B)(ii)(II), (E)(i)(I), (ii)(II), (VI)(aa), (h)(7)(B)(ii)(II)(bb), (8), (k)(2), (m)(1)(A), (n)(1), and (o)(1)(A)(i), (3), is Pub. L. 91–190, Jan. 1, 1970, 83 Stat. 852, which is classified generally to chapter 55 (s4321 et seq.) of Title 42. The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of Title 42 and Tables.

The date of enactment of the Surface Transportation Reauthorization Act of 2021 and the date of enactment of this subsection, referred to in subsecs. (c)(7)(C) and (q)(1), are the date of enactment of div. A of Pub. L. 117–58, which was approved Nov. 15, 2021.

The date of enactment of the MAP-21, referred to in subsec. (h)(8)(B), is deemed to be Oct. 1, 2012, see section 3(a), (b) of Pub. L. 112-141, set out as Effective and Termination Dates of 2012 Amendment notes under section 101 of this title.

Section 204 of this title, referred to in subsec. (j)(3), was repealed and a new section 204 enacted by Pub. L. 112–141, div. A, title I, §1119(a), July 6, 2012, 126 Stat. 473, 489.

The date of enactment of this subsection, referred to in subsec. (o)(1), is the date of enactment of Pub. L. 114–94, which was approved Dec. 4, 2015.

Section 41003(b) of the FAST Act, referred to in subsec. (o)(1)(A), is section 41003(b) of Pub. L. 114–94, known as the FAST Act and also known as the Fixing America's Surface Transportation Act, which is classified to section 4370m–2(b) of Title 42, The Public Health and Welfare.

#### CODIFICATION

Section 6002(a) of Pub. L. 109–59, which directed that this section be inserted after section 138 of subchapter I of chapter 1 of this title, was executed by adding this section after section 138 of chapter 1 of this title, to reflect the probable intent of Congress and the amendment by Pub. L. 109–59, §1602(b)(6)(A), which struck out the subchapter I heading preceding section 101 of this title.

### **PRIOR** PROVISIONS

A prior section 139, added Pub. L. 90–495, §16(a), Aug. 23, 1968, 82 Stat. 823 ; amended Pub. L. 91–605, title I, §§106(b)(1), 140, Dec. 31, 1970, 84 Stat. 1716 , 1736; Pub. L. 94–280, title I, §125, May 5, 1976, 90 Stat. 440 ; Pub. L. 97–134, §10, Dec. 29, 1981, 95 Stat. 1702 ; Pub. L. 97–424, title I, §116(a)(3), Jan. 6, 1983, 96 Stat. 2109 ; Pub. L. 98–229, §8(a), Mar. 9, 1984, 98 Stat. 56 , related to additions to the Interstate System, prior to repeal by Pub. L. 105–178, title I, §1106(c)(2)(A), June 9, 1998, 112 Stat. 136 .

#### AMENDMENTS

2021-Pub. L. 117-58, §11301(a)(1), substituted "decision making and Directional Elements of the "decisionmaking" in section catchline. Subsec. (a)(2) to (5). Pub. L. 117--58. §11301(a)(2)(An (5) incided parts (2) and (1) in the second and former pars. (2) and (3) as (4) and (5), respectively. Former parel (4) and (3) recorder tec (1) and (3), respectively. Subsec. (a)(5)(B). Pub. L. 117-58, §11301(a)(2)(C), subscripted "precession, approximation of a nontimetable for and completion of any environmental permit" for "process for any completion or any environmental permit". Subsec. (a)(6). Pub. L. 117-58, §11301(a)(2)(A), reflexing reactions (a) as (6). Econemically (c) redesignated (9). Subsec. (a)(7). Pub. L. 117-58, §11301(a)(2)(D), added part. (7). Former part. (7), redakt real of (3). Subsec. (a)(8) to (11). Pub. L. 117–58, §11301(a)(2)(A), redesignated parents) to (8 metric), (2) (10), and (11), respectively. Subsec. (b)(1). Pub. L. 117–58, §11525(h)(1), inserted "(42 U S O. 4321 at seculitation instruction u363" Pub. L. 117--58. §11301(a)(3), inserted "Lincluding shajou provides." after "ad projects" and "to see the sted by a project sponsor and" after "applied,". Subsec. (c). Pub. L. 117-58, §11525(h)(2), inserted [42:0:3.0:4321 et securitation: Action 259] whoteever appearing. Subsec. (c)(6)(D). Pub. L. 117-58. §11301(a)(4)(A). addee subpari (Lik Subsec. (c)(7). Pub. L. 117-58, §11301(a)(4)(E), acced par (7). Subsec. (d)(8). Pub. L. 117–58, §11301(a)(5)(A)(i), substituted "environmental" for "NEEA" to heading. Subsec. (d)(8)(A). Pub. L. 117-58, §11301(a)(5)(A)(ii). Inserted "and except as provided in eulopacagraph (D)" after "paragraph (7)" and substituted "authorizations" for "permits" and sindle endocumental document for each kind of environmental document? for "single environment each men Subsec. (d)(8)(B)(i). Pub. L. 117-58. §11301(a)(5)(A)(iii). substance for vico mathematic and the single "an environmental document" and "authorizations" for "permits assued" Subsec. (d)(8)(D). Pub. L. 117-58, §11301(a)(5)(A)(iv) added subper (D) Subsec. (d)(10). Pub. L. 117-58, §11301(a)(5)(B), added part (10). Subsec. (g)(1)(B)(ii)(IV). Pub. L. 117-58. §11301(a)(6)(A)(1), substituted the required by an agency to conduct an environmental review and make decisions under applicable dedetable viriating to a project (including the issuance or denial of a permit or license) and the cost of for specule concercions of Subsec. (g)(1)(B)(iii). Pub. L. 117-58, §11301(a)(6)(A)(ii), added ci. (8i). Subsec. (g)(1)(D). Pub. L. 117-58, §11301(a)(6)(B). added subpar. (D) and sinuc out formal subpar. (D). Prior to amendment, text read as follows: "The lead agency may-"(i) lengthen a schedule established under subparagraph (B) for good cause; and "(ii) shorten a schedule only with the concurrence of the affected cooperating acendic Subsec. (g)(1)(E), (F). Pub. L. 117–58, §11301(a)(6)(C). (D). added subpar. (E) and reclease ated former subpar. (E) as (F). Subsec. (k)(2). Pub. L. 117-58, §11525(h)(3), inserted "(42 U.S.C. 4321 at seal," at least 4d of 1960 h. Subsec. (n)(3). Pub. L. 117-58, §11301(a)(7), added par. (3) Subsecs. (p), (q). Pub. L. 117-58, §11301(a)(8), added subsecs (p) and (d). 2015-Subsec. (a)(5). Pub. L. 114–94, §1304(a)(1), added par. (5) and struck out Extragology. (5). Hear to amendment, text read as follows: "The term 'multimodal project' means a project implact in whole or in part, under this title or chapter 53 of title 49 and involving the participation of more than one Department of Transportation administration or agency." Subsec. (a)(6). Pub. L. 114–94, §1304(a)(2), added par. (6) and struck bullformer par. (6) Phored amendment, text read as follows: "The term 'project' means any highway project guefacts neoperation capital project, or multimodal project that requires the approval of the Secretary." Subsec. (b)(3)(A). Pub. L. 114–94, §1304(b)(1), struck out initiate a rulemaking to "after ishali" in introductory provisions. Subsec. (b)(3)(B). Pub. L. 114-94, §1304(b)(2), added subpar. (B) and straduoun former subpar. (B) which related to programmatic compliance requirements. Subsec. (c)(1)(A). Pub. L. 114-94, §1304(c)(1). inserted ". or an operating administration thereof designated by the Secretary," after "Department of Transportation" Subsec. (c)(6)(C). Pub. L. 114-94, §1304(c)(2), added subpar. (C). Subsec. (d)(2). Pub. L. 114-94, §1304(d)(1), substituted "Not later than 45 days with the date of publication of a notice of intent to prepare an environmental impact statement or the lattacion of an environmental assessment, the lead agency shall identify" for "The lead agency shall identify as early as practicable in the environmental review process for a project," Subsec. (d)(8), (9). Pub. L. 114-94, §1304(d)(2), added pars. (8) and (9).

Subsec. (e)(1). Pub. L. 114–94. §1304(e)(1), inserted "(induction and control control control control project sponsor considers to be important to mitiate the encounter of the encounter of control encounter of the proposed project".

Subsec. (e)(3) to (5). Pub. L. 114-94, §1304(e)(2). added parts (Rino (5).

Subsec. (f). Pub. L. 114–94, §1304(f)(1). Inserted in Alcentromous Adalysis Lettin L. basis in the local contribution.
 Subsec. (f)(4)(A). Pub. L. 114–94, §1304(f)(2)(A), added subpert (A) and subover controls covers (A).
 Prior to amendment, text read as follows: "As early as practicable living the coverse action of a variable."

process, the lead agency shall provide an opportunity for product by participation agrices and the public in determining the range of alientatives to be considered for a project.

Subsec. (f)(4)(B). Pub. L. 114–94. §1304(f)(2)(B), designated existing provisional is used) invariant heading: substituted "Following participation under subce-agraph (A)" for 3-6 in the gase video don to der paragraph (1)", and added cl. (ii).

Subsec. (f)(4)(E). Pub. L. 114-94, §1204(f)(2)(C). added subport EU

Subsec. (g)(1)(A). Pub. L. 114–94, §1304(g)(1)(A). substituted "Not atertitian SUL a power or or of publication of a notice of intent to prepare an environmental impact statement or free instation of an environmental assessment, the lead abency" for "The lead energy".

Subsec. (g)(1)(B)(i). Pub. L. 114–94, §1304(g)(1)(B), substituted "shail establish as part of such coordination plan" for "may establish as part of the coordination plan"

Subsec. (g)(3). Pub. L. 114–94, §1304(g)(2), inserted land bublish optime busines of salph Representatives" in introductory provisions.

Subsec. (h)(4). Pub. L. 114–94, §1304(h)(1)(B). added par. (4). Former par. (4) rodes spatial (3). Subsec. (h)(5). Pub. L. 114–94. §1304(h)(1)(A). redesignated par. (4) as (1). Spatial definition of redesignated (6).

Subsec. (h)(5)(C). Pub. L. 114–94, §1304(h)(2). substituted i paragraph (6) don "baragraph (6) and ... Subsec. (h)(6). (7). Pub. L. 114–94, §1304(h)(1)(A), redesignated pars. (6) and (7) respectively. Former par. (7) redesignated (8).

Subsec. (h)(7)(B)(i)(I). Pub. L. 114–94. §1304(h)(3)(A) is substituted "is required to decisible of (i) of section 106" for "under section 106(i) is required".

Subsec. (h)(7)(B)(ii). Pub. L. 114-94, §1304(h)(3)(B), added of (ii) and strook out formar of (ii). Prior to amendment, text read as follows: "The date referred to in pleuse (i) is the factor?

"(I) the date that is 180 days after the date on which an apprication for the conditioned set of approval is complete; and

"(II) the date that is 180 days after the date on which the Federal lead agency issues a decision on the project under the National Environmental Policy Act of 1969 (42 U S C (421 start)).

Subsec. (h)(8). Pub. L. 114-94. §1304(h)(1)(A), redesignated par. (7) as (8).

Subsec. (j)(1). Pub. L. 114–94, §1304(i)(1), added par. (1) and struck out for set that the total amendment, text read as follows: "For a project that is subject to the environmental rectavity protect established under this section and for which funds are made available to a state times initiate or mapter 53 of title 49, the Secretary may approve a request by the State to provide "the sist index matching" this title or such chapter 53 to affected Federal agencies (including the Department of Transportation), State agencies, and Indian tribes participating in the environmental review process for the objects in that State or participating in a State process that has been approved by the State target for the total state. Such funds may be provided only to support activities that directly and meaningfully contribute to expediting and improving transportation project planning and delivery for projects in that State."

Subsec. (j)(2). Pub. L. 114–94, §1304(i)(2), inserted "activities directly related to the environmental review process," before "dedicated staffing.".

Subsec. (j)(6). Pub. L. 114–94, §1304(i)(3), added par. (6) and struck out former part (5). Drive to amendment, text read as follows: "Prior to providing funds approved by the Secretary for decidated staffing at an affected Federal agency under paragraphs (1) and (2), the affected Federal agency and the State agency shall enter into a memorandum of understanding that establishes the projects and priorities to be addressed by the use of the funds."

Subsecs. (n), (o). Pub. L. 114-94, §1304(j)(1), added subsec. (n) and (o).

**2012-Subsec.** (b)(2). Pub. L. 112–141, §1305(a)(1), inserted ", and any requirements established under this section may be satisfied," after "exercised".

Subsec. (b)(3). Pub. L. 112–141. §1305(a)(2), added par. (3).

Subsec. (c)(1). Pub. L. 112–141, §1305(b)(1), designated existing provisions as subpar. (A), inserted subpar. heading, and added subpar. (B).

Subsec. (d)(4). Pub. L. 112–141, §1305(c)(1), added par. (4) and struck out former par. (4). Prior to amendment, text read as follows: "Designation as a participating agency under this subsection shall not imply that the participating agency-

"(A) supports a proposed project; or

"(B) has any jurisdiction over, or special expertise with respect to evaluation of, the project." Subsec. (d)(7). Pub. L. 112–141, §1305(c)(2), added par. (7) and struck out former par. (7). Prior to amendment, text read as follows: "Each Federal agency shall, to the maximum extent practicable-

"(A) carry out obligations of the Federal agency under other applicable law concurrently, and in conjunction, with the review required under the National Environmental Policy Act of 1969 (42 U.S C. 4321 et seq.), unless doing so would impair the ability of the Federal agency to carry out those obligations; and

"(B) formulate and implement administrative, policy, and procedural mechanisms to enable the agency to ensure completion of the environmental review process in a timely, coordinated, and environmentally responsible manner."

Subsec. (e). Pub. L. 112–141, §1305(d), designated existing provisions as par. (1), inserted par. heading, and added par. (2).

Subsec. (g)(1)(B)(i). Pub. L. 112–141, §1305(e), inserted "and the concurrence of" after "consultation with".

Subsec. (h)(4) to (7). Pub. L. 112–141, §1306, added pars. (4) to (7) and struck out former par. (4) which related to issue resolution.

Subsec. (j)(6). Pub. L. 112-141, §1307, added par. (6).

Subsec. (I). Pub. L. 112–141, §1308, substituted "150 days" for "180 days" in pars. (1) and (2). Subsec. (m). Pub. L. 112–141, §1309, added subsec. (m).

STATUTORY NOTES AND RELATED SUBSIDIARIES

#### EFFECTIVE DATE OF 2021 AMENDMENT

Amendment by Pub. L. 117–58 effective Oct. 1, 2021, see section 10003 of Pub. L. 117–58, set out as a note under section 101 of this title.

### EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–94 effective Oct. 1, 2015, see section 1003 of Pub. L. 114–94, set out as a note under section 5313 of Title 5, Government Organization and Employees.

### EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112–141 effective Oct. 1, 2012, see section 3(a) of Pub. L. 112–141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of this title.

### IMPLEMENTATION OF PROGRAMMATIC COMPLIANCE

Pub. L. 114-94, div. A, title I, §1304(k), Dec. 4, 2015, 129 Stat. 1386 , provided that:

"(1) RULEMAKING.-Not later than 1 year after the date of enactment of this Act [Dec. 4, 2015], the Secretary [of Transportation] shall complete a rulemaking to implement the provisions of section 139(b)(3) of title 23, United States Code, as amended by this section.

"(2) CONSULTATION.-Before initiating the rulemaking under paragraph (1), the Secretary shall consult with relevant Federal agencies, relevant State resource agencies, State departments of transportation, Indian tribes, and the public on the appropriate use and scope of the programmatic approaches.

"(3) REQUIREMENTS.-In carrying out this subsection, the Secretary shall ensure that the rulemaking meets the requirements of section 139(b)(3)(B) of title 23, United States Code, as amended by this section. "(4) COMMENT PERIOD.-The Secretary shall-

"(A) allow not fewer than 60 days for public notice and comment on the proposed rule; and

"(B) address any comments received under this subsection."

### **EXISTING ENVIRONMENTAL REVIEW PROCESS**

Pub. L. 109–59, title VI, §6002(b), Aug. 10, 2005, 119 Stat. 1865, provided that: "Nothing in this section [enacting this section and repealing provisions set out as a note under section 109 of this title] affects any existing State environmental review process, program, agreement, or funding arrangement approved by the Secretary [of Transportation] under section 1309 of the Transportation Equity Act for the 21st Century [Pub. L. 105–178] (112 Stat. 232; 23 U.S.C. 109 note) as such section was in effect on the day preceding the date of enactment of the SAFETEA–LU [Aug. 10, 2005]."

#### **EXECUTIVE** DOCUMENTS

MEMORANDA OF AGENCY AGREEMENTS FOR EARLY COORDINATION

Pub. L. 112–141, div. A, title I, §1320, July 6, 2012, 126 Stat. 55%, provided that: "(a) IN GENERAL-It is the sense of Congress that-

"(1) the Secretary [of Transportation] and other Federal agencies with example a bit of the environmental review process should cooperate with each other and other agencies on excitor that the environmental review and project delivery activities at the earliest practicable time to the the example of the effort later in the process, head off potential conflicts, and ensure that bracking introduced a of development decisions reflect environmental values; and

"(2) such cooperation should include the development of policies and the unsegned of the unsegned of that advise planning agencies or project sponsors of studies or other information to essee able requires for later Federal action and early consultation with appropriate State and for a lagencies or other information in the second state lines.

"(b) TECHNICAL ASSISTANCE.-If requested at any time by a State or local planning openny the Set clary and other Federal agencies with relevant jurisdiction in the environmental review uppeaks shall the extent practicable and appropriate, as determined by the agencies, provide technical assistance to the State or local planning agency on accomplishing the early coordination activities described to subsection (d).

"(c) MEMORANDUM OF AGENCY AGREEMENT.-If requested at any time by a State or local datining againey, the lead agency, in consultation with other Federal agencies with relevant production to the

environmental review process, may establish memoranda of agreement with the properties of sole State, and local governments and other appropriate entities to accomplish the endproce determination described in subsection (d).

"(d) EARLY COORDINATION ACTIVITIES.-Early coordination activities shall include, to the maximum entent practicable, the following:

"(1) Technical assistance on identifying potential impacts and misphace is a resist acceleration age and fashion.

"(2) The potential appropriateness of using planning products and decisions of decisions and reviews.

"(3) The identification and elimination from detailed study in the environmental review process of the issues that are not significant or that have been covered by prior environmental reviews.

"(4) The identification of other environmental review and consultation requirements so that the lead and cooperating agencies may prepare, as appropriate, other required analyses and studies concurrently with planning activities.

"(5) The identification by agencies with jurisdiction over any permits related to the project of any and all relevant information that will reasonably be required for the project.

"(6) The reduction of duplication between requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and State and local planning and antirormental review requirements, unless the agencies are specifically barred from doing so by applicable law

"(7) Timelines for the completion of agency actions during the planning and environmental review processes.

"(8) Other appropriate factors."

### DELEGATION OF A REPORTING AUTHORITY

Memorandum of President of the United States, Jan. 31, 2013, 78 F.R. 8351 provided: Memorandum for the Secretary of Transportation

By the authority vested in me as President by the Constitution and the laws of the United States, including section 301 of title 3, United States Code, I hereby delegate to you the functions and authority conferred upon the President by section 1306 of the Moving Ahead for Progress in the 21st Century Act (MAP–21), Public Law 112–141, to make the specified reports to the Congress.

You are authorized and directed to notify the appropriate congressional committees and publish this memorandum in the Federal Register.

BARFOK OBAMA.

<sup>1</sup> See References in Text note below.

# City of Cincinnati



801 Plum Street, Suite 346A Cincinnati, Ohio 45202

Phone: (513) 352-3464 Email: mark.jeffreys@cincinnati-oh.gov Web: www.cincinnati-oh.gov

30120

Mark Jeffreys Councilmember

April 25, 2023

## MOTION

## Hillside Districts

WE MOVE that, the Administration report within thirty (30) days on the status of the updates the City is making to its hillside regulations. This update should include, but is not limited to, an update on:

- Funding sources to cover construction mishaps associated with construction within the hillside district.
- Regulations associated with stormwater runoff
- Work that is being done to update CAGIS' Hillside Overlay District Map

Mark Jeffreys

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# City of Cincinnati



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Phone: (513) 352-3464 Email: mark.jeffreys@cincinnati-oh.gov Web: www.cincinnati-oh.gov

Mark Jeffreys Councilmember

April 25, 2023

### MOTION

### Pedestrian Safety and Traffic Calming

WE MOVE, that the Administration report back to Council within ninety (90) days on the cost and feasibility of design alternatives that prevent drivers from using a shared, bi-directional, center turn lane as a passing lane. Specifically, the Administration should take into consideration improvements that include, but are not limited to, implementing rumble strips in the center turn lane, using reflective pylons or concrete to create "islands" in portions of the turn lane, or paving the center turn lane with alternative materials like cobble stone.

### **STATEMENT**

The Administration has been working to "right-size" many streets throughout Cincinnati as a part of its multi-year effort to calm traffic and make our streets safer for all road users. A typical method used to calm traffic is reducing the number of travel lanes. On streets like Glenway and Montana, this has meant reducing the number of travel lanes from four to three, with one shared, bi-directional, center turn lane. Unfortunately, some road users have used this center turn lane as a passing lane—a dangerous maneuver that puts all road users at risk. This motion hopes to give Council a better understanding of the costs and feasibility of different design choices that can be implemented to prevent certain road users from using the turn lane as a passing lane.

LEFF CEAMERDING

Councilmember Jeff Cramerding

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Cal 4/26 MM

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# NRDC'S FOOD MATTERS INITIATIVE

Food Waste Reduction Recommendations in Cincinnati

Cincinnati City Council CEI Committee Meeting May 4, 20



The Natural Resources Defense Council works to safeguard the earth: its people, plants and animals, and the natural systems on which all life depends.

Our work includes fighting climate change; eliminating toxic chemicals from the food we eat, the water we drink, and the air we breathe; protecting endangered species and wild places; and advancing urban sustainability and healthy cities.



**REDUCING FOOD WASTE RANKS #1**\*

in Project Drawdown's list of the TOP 100 most impactful interventions

## **TO ADDRESS CLIMATE CHANGE**

Reduced Food Waste 8-10% of global GHG emissions Source: UNEP

\*#1 most impactful solution in scenario 1 (2 degrees C temp rise by 2100), and #4 in scenario 2 (1.5 degrees C temp rise by 2100)

> \_\_\_\_\_\_ NRDC/Food Matters

## **FOOD RECOVERY HIERARCHY**

MOST PREFERRED

SOURCE REDUCTION Reduce the volume of surplus food generated

FEED PEOPLE Donate extra food to food banks, soup kitchens, and shelters

> FEED ANIMALS Use food scraps to feed livestock

INDUSTRIAL USES Provide waste oils for rendering and fuel conversion and food scraps for digestion to recover energy

> COMPOSTING Create nutrient-rich soil amendment

> > LANDFILL/INCINERATION Last resort disposal

**FOCUSING HIGHER UP ON THE HIERARCHY BRINGS GREATER ENVIRONMENTAL**, **CLIMATE**, **ECONOMIC, AND SOCIAL BENEFITS** 



NRDC/Food Matters



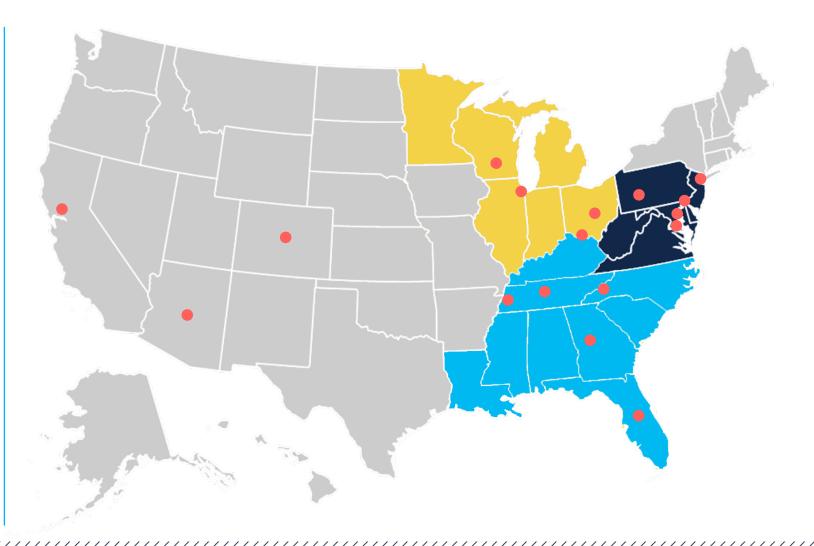
# **NRDC'S FOOD MATTERS INITIATIVE**

## **INTENDED OUTCOME**

Work with cities and counties to influence large-scale change around food waste across sectors, by implementing innovative policy and program solutions and promoting peer-to-peer knowledge sharing

## Cities we have engaged with:

Asheville | Atlanta | Austin | Baltimore | Chicago | Cincinnati | Columbus | Denver | Detroit | Jersey City | Madison | Memphis | Nashville | Oakland | Orlando | Philadelphia | Phoenix | Pittsburgh | Washington DC



NRDC/Food Matters Cincinnati's Food V

Policy Exam

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# CINCINNATI'S FOOD WASTE PREVENTION GOAL



# In the Green Cincinnati Plan, Cincinnati committed to 50% reduction in food going to landfill by 2030

Consistent with the UN Sustainable Development Goal Target 12.3 and the U.S. Food Loss and Waste Reduction Goal

## **CINCINNATI'S LEADERSHIP TO DATE**



MUFPP is an international agreement of Mayors aimed at tackling foodrelated issues at the urban level



ers Cincinnati's Food Waste

Resou

## FOOD WASTE GENERATION IN CINCINNATI

**225K** tons of food are landfilled each year in Cincinnati

**75%** comes from the three highest generating sectors: restaurants, food manufacturing and residential

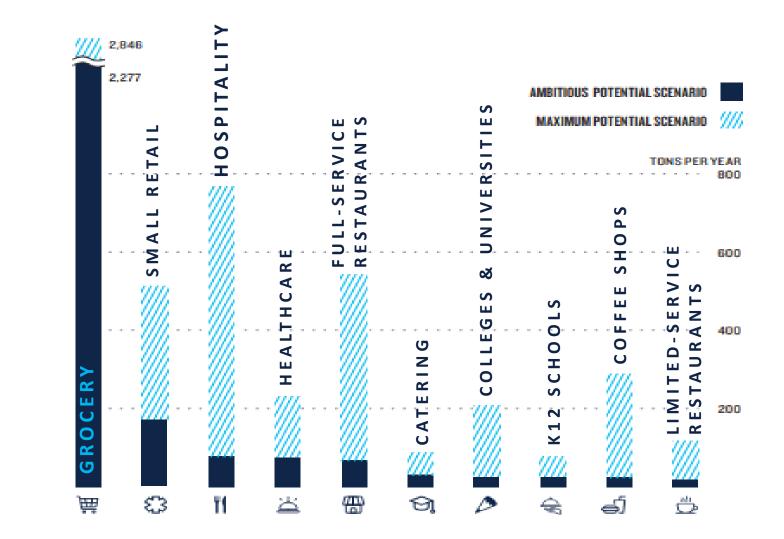


**Cincinnati's Food Waste** 

**33% RESTAURANTS 23% FOOD MANUFACTURING 18% RESIDENTIAL 7% FOOD WHOLESALERS 6% GROCERS & MARKETS 6% HEALTHCARE 3% EVENTS & RECREATION 2% HOSPITALITY 1% COLLEGES & UNIVERSITIES 1% K12 SCHOOLS** <1% CORRECTIONAL FACILITIES

Source: NRDC's Baseline Calculator

## **POTENTIAL FOR FOOD RESCUE BY SECTOR**



**Cincinnati's Food Waste** 

64

**5,7000** tons of surplus food that is going to waste could potentially be rescued

**60%** total potential comes from retail grocery stores and small retail/ corner markets

**Food manufacturers and processors** are a large component of Cincinnati's total food waste generation and may be an area of opportunity for food rescue and waste reduction through **high-visibility technical assistance or a peer-to-peer learning group**.

Partner with the county and surrounding communities on household reduction

**BASELINE RESULTS RECOMMENDATIONS** 

**RESTAURANTS** and small retail could be focus sectors for food scrap collection and meeting zero waste goals

There is high potential for **increased surplus food rescue**, especially from **wholesalers** and **grocers**. New food donors may need assistance to overcome barriers to donate additional surplus food. Local rescue organizations likely have information about what food is currently being donated and from where.

C/Food Matters Cincinnati's Food Waste Policy Examples Re

messaging and outreach.

## **Policy Opportunity:**

## Lead by example

- Can reduce the amount of food wasted throughout municipal operations;
- (2) Highlight the importance of reducing food waste to businesses, residents, and other community members; and
- (3) Demonstrate food waste reduction measures that businesses and other entities may voluntarily replicate.

## MUNICIPAL LEADERSHIP ON FOOD WASTE REDUCTION IN CITY OPERATIONS

Supporting NRDC resource:

## **Model Executive Order**

Template provides municipalities with "off-theshelf" model language and options to lead by example (LBE).

\*Will be released Summer 2023

## Key provisions of the model:

- Setting a food waste reduction target
- Designating staffing
- Mandatory best practice for:
  - municipal buildings and properties, including organics collection
  - municipal departments that serve food
- Special event permit application process
- Procurement laws and policies
- Employee benefits, education and recognition programs
- Municipal department strategies

Related GCP priorities:

\*

**City Operations | Food | Zero Waste** 

Matters Cincinnati's Food Waste

Policy Examples

Resource

**66** 

## **Policy Opportunity:**

# Mandatory reporting ordinance

Policy can require large surplus food generators to report the amount of food waste and surplus food they generate

## MANDATORY REPORTING FOR LARGE FOOD WASTE GENERATORS

Supporting NRDC resource:

## **Model Ordinance**

Template provides municipalities with "off-theshelf" model language that can be adapted and enacted by local municipalities to require reporting of food waste and surplus food generation from large food waste generators

## Key provisions of the model:

- Covered entities
- Reporting requirements
- Methods for quantifying food waste generation and surplus food donations
- Business education and compliance assistance
- Keys to equitable implementation

**Related GCP priorities:** 



Food | Zero Waste

NRDC/Food Matters Cincinnati's Food Waste

Policy Examples

Resou

## **Policy Opportunity:**

## **Compost procurement**

Policy can require the use of compost products where appropriate

## **COMPOST PROCUREMENT POLICY**

Supporting NRDC resource:

**Model Compost Procurement Policy** 

Template is easily adaptable with commentary provided explaining the benefits of each provision.

## Key provisions of the model:

- Purpose
- Municipal and state legal authority and policy support
- Definitions
- Procurement requirements (e.g. landscaping, construction, roads and highways)
- Compost sourcing and quality requirements
- Reporting

## Related GCP priorities:

\*

Resilience & Climate Adaptation | Natural Environment Food | Zero Waste

NRDC/Food Matters Cincinnati's Food Waste

Policy Examples

68⁄

## **ADDITIONAL POLICY EXAMPLES**

**Volume based pricing:** Policies that charge residents for the amount of trash generated and provide recycling and composting services for free (case study on slide 14).

**Organics ban:** Policies that mandate the amount of organics that can be disposed of and require diversion plans or organics hauling contracts for certain entities, including businesses (case study on slide 14).

Policy Examples

## **ADDITIONAL POLICY EXAMPLES**

**Mandatory food recovery program:** Policies that requires certain entities to have a plan for surplus food rescue

Local capacity grants for food waste reduction: Programs that provide small grants and technical support to local organizations and businesses to support food waste reduction efforts (case study on slide 15)

Policy Examples

# DENVER'S WASTE NO MORE INITIATIVE

- Applies to residents in multi-family buildings and all businesses and events
- Mandated subscription to composting and recycling services
- Applies to food waste producers
- <u>https://www.wastenomoredenver.or</u> <u>g/official-language</u>

# DENVER'S EXPANDED WASTE SERVICES

RESIDENTIAL

- Funding freed up from general fund
- Applies to single family homes and multi-family up to 7 units
- Up to 100% rebate for low-income residents
- Free compost and recycling carts
- Volume-based pricing:
  - 95 gallon: \$21/month
  - 65 gallon: \$13/month
  - 35 gallon: \$9/month

# Food Waste Innovation Grants for District Food Businesses



GOVERNMENT OF THE DISTRICT OF COLUMBIA CMURIEL BOWSER, MAYOR

Source: DSLBD, Food Waste Innovation Grant RFA 10-26[37]\_0.pdf

## DC FOOD WASTE INNOVATION GRANTS

•Virtual or in-person food waste assessment

•Compost Credit: 100 businesses selected for \$1,000 in credit for food scraps collection for composting.

Food Waste Innovation Grants: Food
Waste Innovation Grants for a total of
\$300,000 for the Fiscal Year 2022.

NRDC/Food Matters

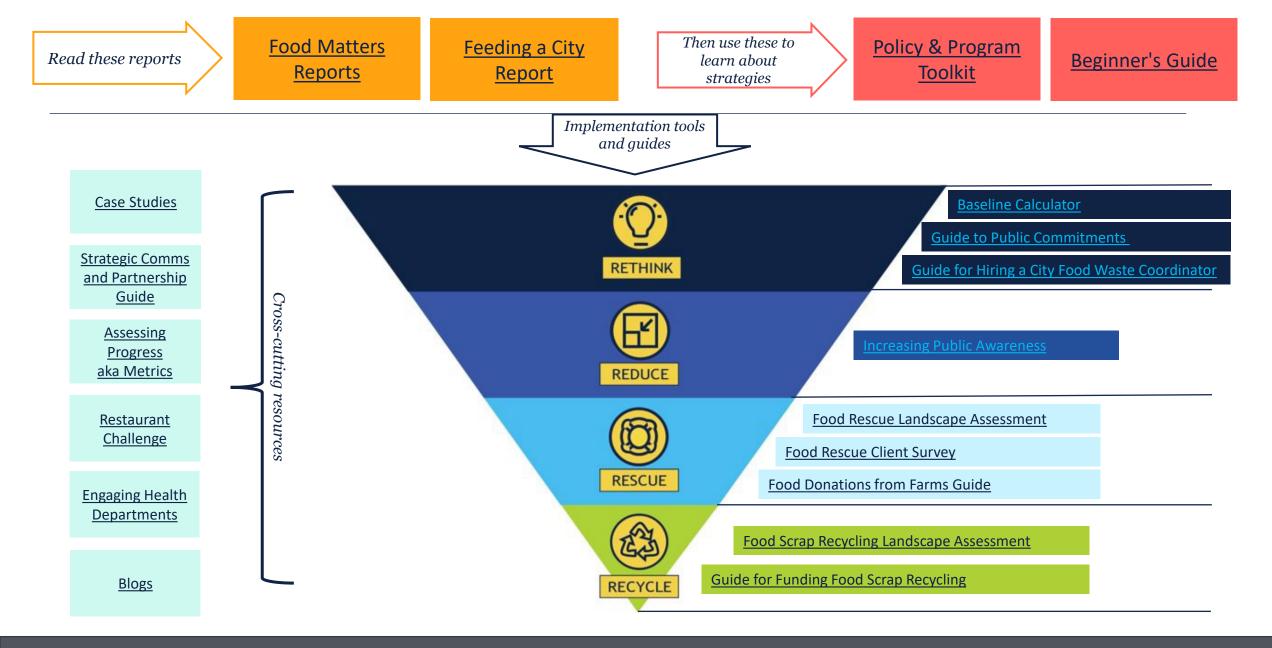
Cincinnati's Food Waste

**Policy Examples** 

Resources

### **RESOURCES AND DOWNLOADS**

- <u>Tackling Food Waste in Cities: A Policy and Program Toolkit</u>
- Model Ordinance on Mandatory Reporting for Large Generators (<u>landing page</u>):
  - <u>Model Ordinance on Mandatory Reporting for Large Food Waste Generators (PDF)</u>
  - Model Ordinance on Mandatory Reporting for Large Food Waste Generators, With Commentaries (PDF)
  - <u>Mandatory Reporting for Large Food Waste Generators Background Memorandum (PDF)</u>
  - Model Ordinance on Mandatory Reporting for Large Food Waste Generators Presentation (PDF)
- Model Compost Procurement Policy (<u>landing page</u>):
  - Model Compost Procurement Policy (PDF)
  - Modem Compost Procurement Policy with Commentaries (PDF)
- Model Executive Order on Municipal Leadership on Food Waste Reduction: This resource is forthcoming and we will send to Cincinnati team upon completion– projected for early Summer 2023.
- Pay-as-you-throw Model Policy: This resource is forthcoming and we will send to Cincinnati team upon completion– projected for early 2024.
- Input with Impact: A Case Study on Equitable and Inclusive Food Waste Grant-Making in Denver and Baltimore- Case Study (PDF)
- The Zero Food Waste Coalition



When you want to tackle policy, read these:

State Policy Reports

Model Compost
Procurement Policy
Re

Model Generator Reporting Ordinance 9 May 2023

**Our Regional** Food System, with a Focus on Urban Agriculture in Cincinnati

**Cincinnati City Council's Climate, Environment & Infrastructure** Committee



**Presenter:** Maddie Chera, Ph.D., Food Policy Council Director

### Greater Cincinnati Regional **Food Policy Council**



### AN INITIATIVE OF Green Umbrella

# **GIGENAL SUSTAINABILITY ALLIANCE**

facilitates collaboration among non-profits, businesses, educational institutions, and governmental entities to meet the environmental, social, and economic needs of today while preserving the ability of future generations to thrive

# Our Footprint



The Greater Cincinnati Region includes SW Ohio, N Kentucky, and SE Indiana.







# About Us



### Greater Cincinnati Regional Food Policy Council

AN INITIATIVE OF **Green Umbrella** 

We are a cross-sector collaboration of organizations and individuals, driving impact through advocacy and coordinated action.



photo c/o our partner, Civic Garden Center

## Our Vision is a resilient regional food system.

social, environmental, and economic resilience

### Urgency of the Work

adults experiencing food insecurity in Cincinnati >30%

farms lost across the tri-state in the past century >70%



# 



### **FPC/City Collaboration** From the Beginning



Local Food Action Team forms, under Green Umbrella, and begins 10% Local campaign volunteer-run, with administrative support from City of Cincinnati Office of Environment and Sustainability (OES) and others

Local Food Action Team

PEOPLE PLEDGED TO SHIFT 10% LO

#### 2013-2014

State of Local Food Report provides recommendations, 3-yr strategic plan leads to creation of Food Policy Council

#### 2016

partners, including Cincinnati OES, working on Food Waste Summit, Good Food Purchasing Program, and more

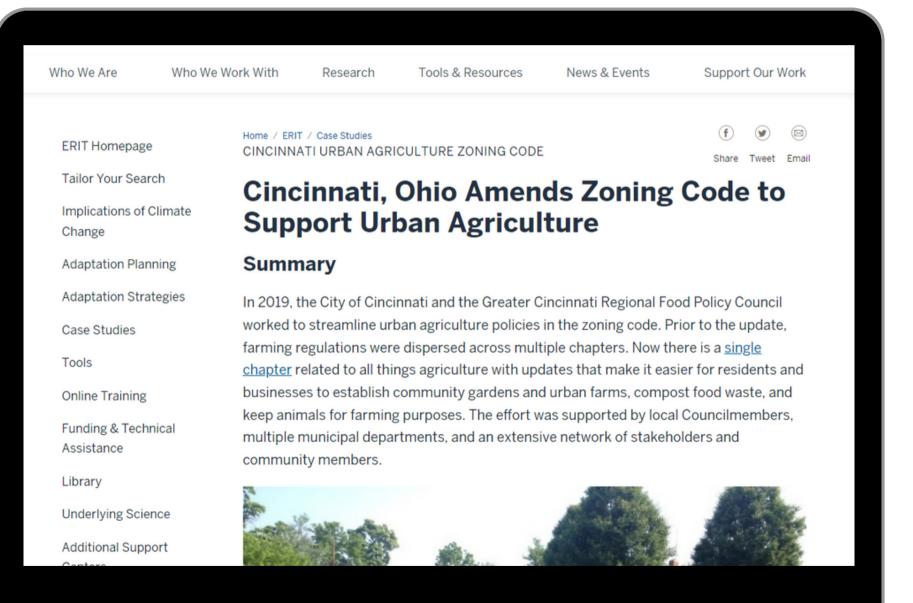


### 2017-2018

contributed to Green Cincinnati Plan, and regional planning and advocacy in KY and OH



### **FPC/City Collaboration** to Grow Cincinnati Urban Agriculture



In 2018, we contributed to revisions of the municipal code, to deliver on Green Cincinnati Plan goals and City Council directives, and working with several City offices as well as community stakeholders.



### **2022 Urban Agriculture Report:** Executive Summary

Cincinnati already has a well-established urban agriculture community, as well as a foundation of resources and expertise to guide and support urban agriculture pursuits of citizens and organizations.

There is growing interest in urban agriculture here, as well as growing need for further support from the City itself, as we strive to make our regional and local food systems more resilient and equitable in the face of the urgency of climate crisis, supply chain challengs, and nutritional insecurity.

We Can Lead in Urban Agriculture

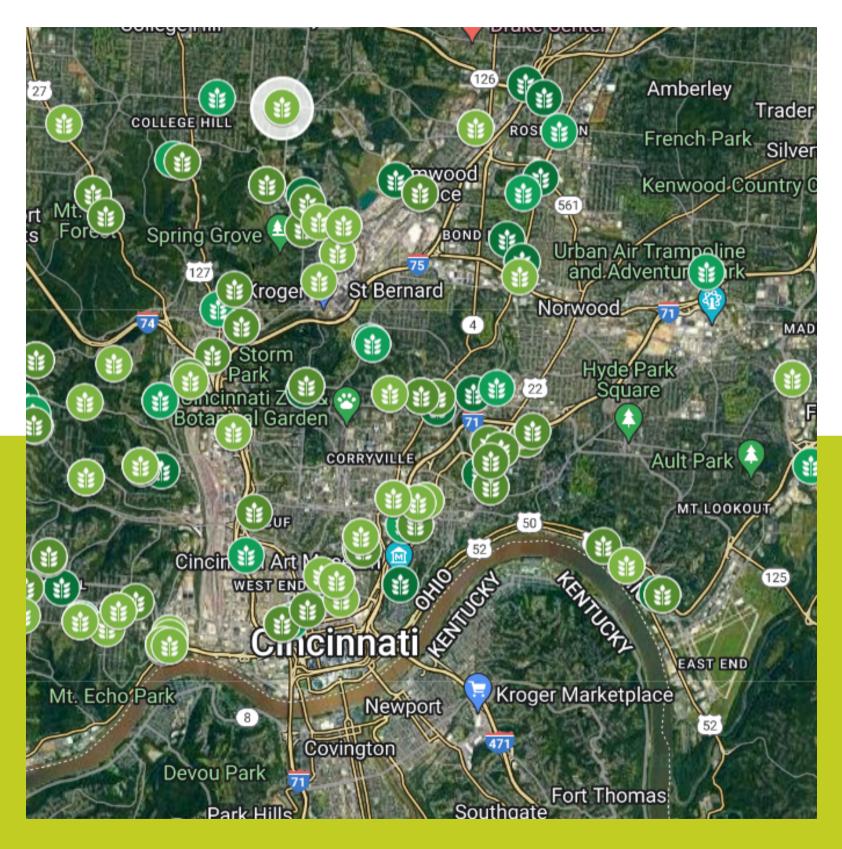
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The City's Program Addresses Citizens' Needs

The Urban Agriculture Program administered by the Office of **Environment and Sustainability** is popular and serving a diverse range of residents.

#### Our Goals Push Us to Keep Growing

Past investment by the City, along with recent commitments in the Green Cincinnati Plan and Milan Urban Food Policy Pact, support continued prioritization of urban agriculture.



Through the latter, the City has financially supported urban agriculture work since 2010, with small grants directly managed by OES starting in 2016. Awardees have included community gardens, market gardens, a farm co-op, food hubs, agricultural businesses and farmers markets. All awards follow a RFA process and offer reimbursement limited to site purchase, improvement, supplies, and equipment (no personnel costs are allowed).

### See sites supported 2018-2022.

### The Landscape **Cincinnati's OES Urban Ag Program**

In 2009 Cincinnati started the City's Urban Gardening Pilot Program, which has evolved into the City's Urban Agriculture Program.

### By the Numbers

### **Urban Agriculture Mini-Grants**

Equity is a priority. Equity indicators were added to tracking in FY2022.

### 38%

of 2022 applicants represent organizations whose leaders identify as Black or a Person of Color (POC)

#### 2023 Update:

81% of applicant sites are in low income locations.75% of applicant organizations are BIPOC-serving.

70%

is the average percentage of low income population based on 2022 applicant garden locations

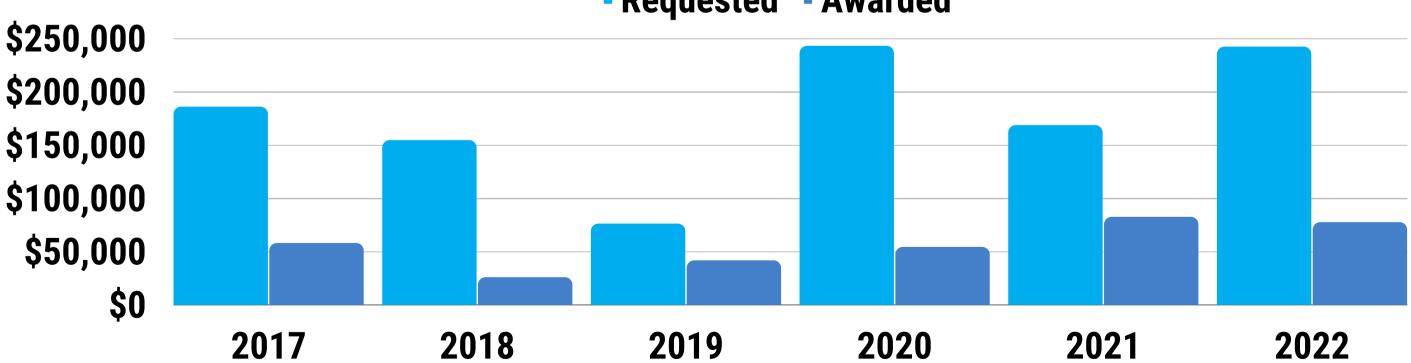
72%

of 2022 applicants serve more than 50% Black or POC community members

### By the Numbers

### **Urban Agriculture Mini-Grants**

There is great interest in and need for City support. Program applicants request much more than the program can fund, so there is room to grow.



#### Requested Awarded

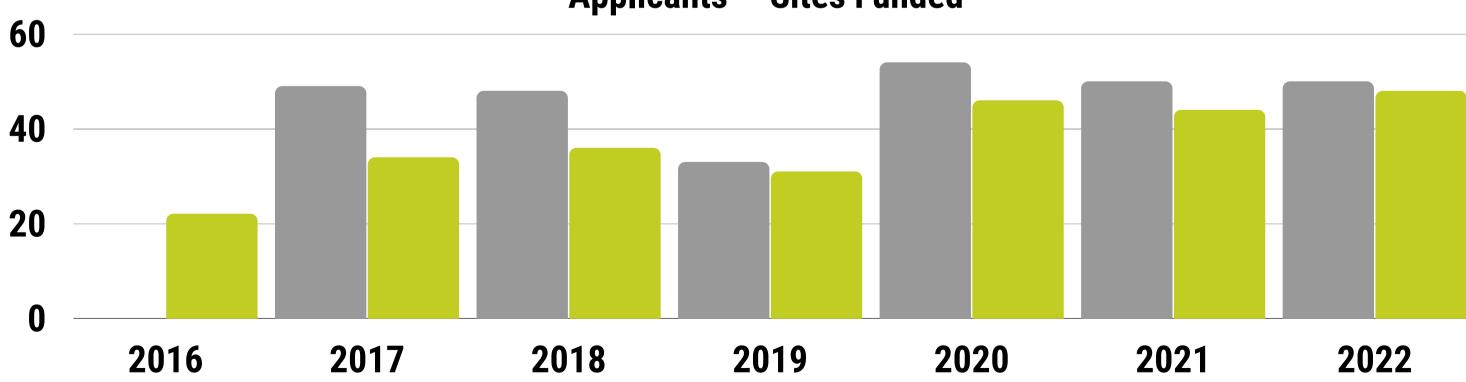
#### 2023 Update:

OES set a cap at \$1200 for requests, due to funding available. OES received \$44,564 in total requests.

### By the Numbers

### **Urban Agriculture Mini-Grants**

There is great interest in and need for City support. The program distributes funds to nearly as many sites as apply, attempting to address that need.



### - Applicants - Sites Funded

#### **2023 Update:** On average, OES funds about 7 new sites per year.

### **By the Numbers Over Time**

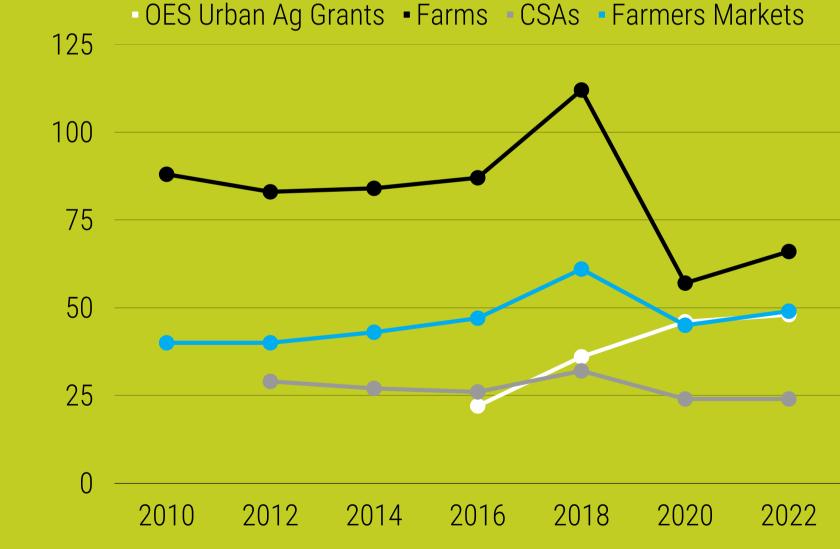
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Prior to the pandemic, local food had been enjoying a relative boom.

• Cincinnati's Urban Agriculture Program Continues to Grow **Even during COVID-19, OES continued to** address expanding need and to support local food production and distribution in city neighborhoods.

Note that this data is drawn from the Central Ohio River Valley Local Food Guide and is therefore limited by self-reporting of local food businesses and outlets.

### **OES support of urban agriculture grew,** while other access points dipped.



### **Civic Garden Center** of Greater Cincinnati

With the highest population of Hispanic immigrants in Cincinnati, The Carthage Community Garden has overcome some barriers of growing your own food in a new country. Immigrants from Guatemala, Nepal, Mexico, and Honduras are among the experienced growers at this garden and what keeps the comradery building is Ann's ability to bring these communities together as they share the same passion for growing local food. Educating gardeners who are dedicated to their own ways of growing food can be difficult, but she makes a continued effort to not only educate, but to learn new gardening techniques and cultural crops important to new Americans.Food brings us together and having the ability to grow our own is essential.

### Spotlights & Stories



### Spotlights & Stories



Aiken Students prepare and plant garden beds

Aiken's School-Based Community Garden is an outside classroom laboratory created by students.

The course curriculum includes studies in Agriculture, Food, and Natural Resources; Animal and Plant Science; Global Economics and Food Markets; and Nursery and Greenhouse Management.

### Aiken High School Agriculture Career Tech Pathway



•

how we work

TOGETHER WE build networks, build capacity, amplify stories, and change policies.

# Our Policy Priorities







### Farms and Land Use

Local farms are the bedrock of our food system.

### Access & Education

The ability to consume nutritious food is a key social determinant of health.

### Infrastructure

A strengthened local and regional food supply chain will increase resilience and economic growth for Cincinnati-area communities.





### Institutions

Institutions create and expand markets for local food by vastly expanding their local food purchases.

### **Needs & Recommendations**

Milan Urban Food Policy Pact Workstream:

#### Governance



### Lead Cohesive Food Systems **Planning & Coordination**

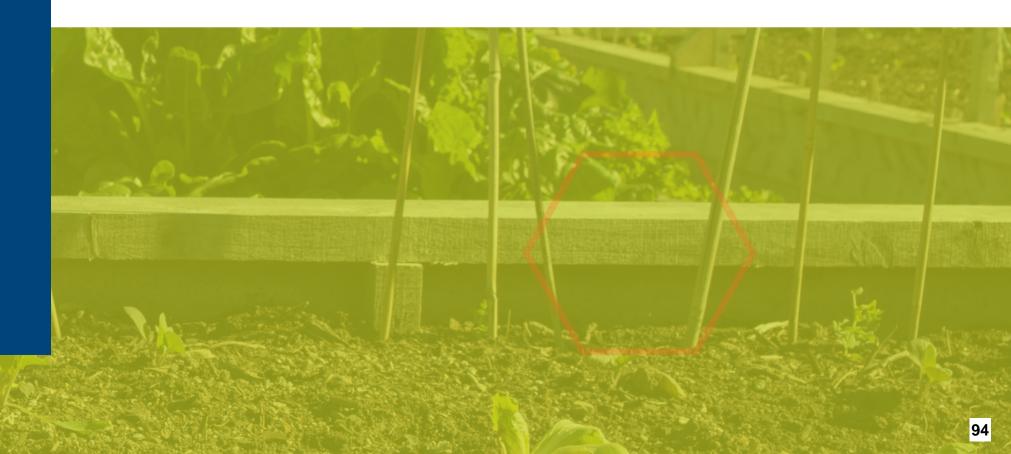
Create a role within the City government focused on aligned allocation of resources in support of a resilient food system, including urban agriculture, emergency food distribution, food business startup funding, and more. Integrate food metrics into CincyInsights.



### **Needs & Recommendations** Milan Urban Food Policy Pact Workstream: **Sustainable Diets & Nutrition**

### **Use City Money to Serve Healthy,** Local Food to City Employees

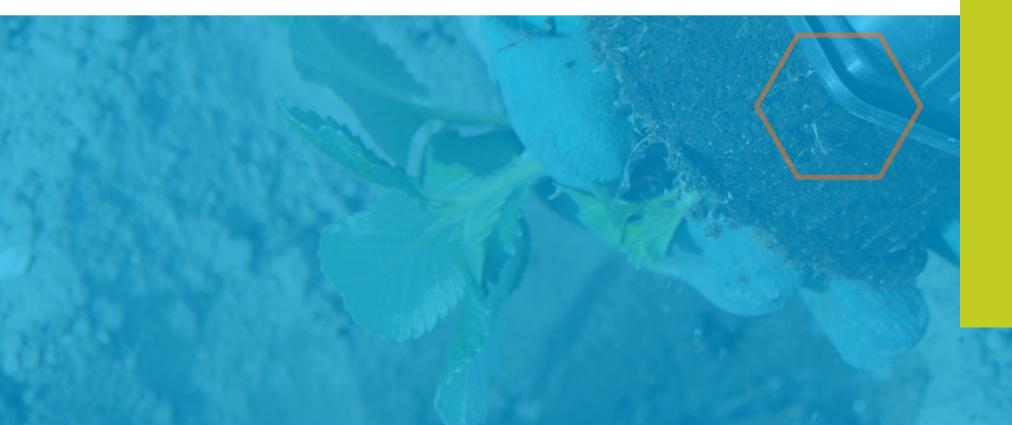
Adopt values-based purchasing and healthy catering guidelines, prioritizing the purchase and service of locally produced and healthy food products throughout City operations and include communitysupported agriculture (CSA) in the City's Healthy Lifestyle benefits.



### **Needs & Recommendations**

Milan Urban Food Policy Pact Workstream:

**Social & Economic Equity** 



### **Prioritize Small and BIPOC-Owned Food Businesses**

Fund training for small and marginalized producers and value-added businesses, including on administrative topics like tax requirements and incorporation, and on food safety practices and planning. Prioritize land access for BIPOC-owned operations.



### **Needs & Recommendations**

Milan Urban Food Policy Pact Workstream:

### **Food Production**



### **Invest in Youth and Workforce Development**

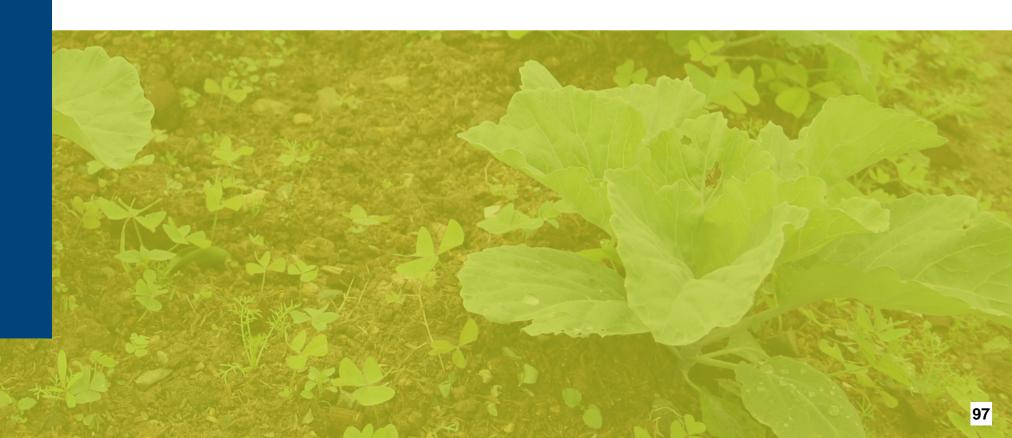
Support young people in training for and pursuing food production and processing careers by creating and funding a workforce development program specifically for agriculture, which would also help meet urban agriculture's primary resource need.



### **Needs & Recommendations** Milan Urban Food Policy Pact Workstream: **Food Supply and Distribution**

### Make Access Easy and **Invest in Infrastructure**

Prioritize support of community-driven projects to increase food access throughout the city, including hyperlocalized food hubs, increased cold storage, specialized distribution networks, and ease of permitting for farmers markets.



### **Needs & Recommendations**

Milan Urban Food Policy Pact Workstream:

### **Food Waste**



### **Support Food Waste Reporting and Composting Efforts**

Consider policy that mandates reporting of food waste as the first step toward waste reduction. Invest in neighborhood-level composting projects and food transformation & redistribution efforts, emphasizing the benefits to residents.





### **Next Steps**

Build on the foundation we already have and use the City's tools and resources to make our regional food system more resilient.



#### Expand Existing Programming

Grow the City Urban Agriculture Program through the addition of support staff and increased funding earmarked for annual urban agriculture grants and training.

#### **Track Performance**

Incorporate indicators into CincyInsights with attention to Milan Urban Food Policy Pact metrics and the priorities of the Green Cincinnati Plan.



#### Connect Opportunities

Utilize various platforms to engage with residents about food issues and support projects that connect resident needs like food, housing, and transportation.

### **FPC/City Collaboration** To Continue Building a Resilient Regional Food System





















We are here to be a resource and build the capacity of our region to fulfill our vision of resilience.

Please utilize us!

# Thank You! Please reach out any time.



Maddie Chera, PhD

Director maddie@greenumbrella.org

www.cincinnatiregionalfood.org



# Urban Agriculture

2022 Report

#### www.cincinnati-oh.gov/oes

# city of CINCINNATI

### Contents



**Executive Summary** About the Report The Landscape By the Numbers Spotlights & Stories Needs & Recommendations Next Steps Resources Acknowledgments

### **Executive Summary**

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Past investment by the City, along with recent commitments in the Green Cincinnati Plan and Milan Urban Food Policy Pact, support continued prioritization of urban agriculture.

### **About the Report**

**Prepared for the Office of Environment and Sustainability (OES)** 

OES commissioned the Greater Cincinnati Regional Food Policy Council, our region's convening body for food systems collaboration, to prepare this report over the fall and winter of 2022.

The report draws on data from the City's Urban Agriculture Program, public databases and research, the Central Ohio River Valley (CORV) Local Food Guide, archival data, and the extensive network of the Food Policy Council's partners and members.

Maddie Chera, Director of the Food Policy Council, prepared the report, under the guidance of Robin Henderson, OES's Program Manager for Urban Agriculture, Food Waste, and Food Policy.

### Greater Cincinnati Regional Food Policy Council

AN INITIATIVE OF Green Umbrella

3

## **About the Report**

### What It Can Do

#### Understand Change Over Time

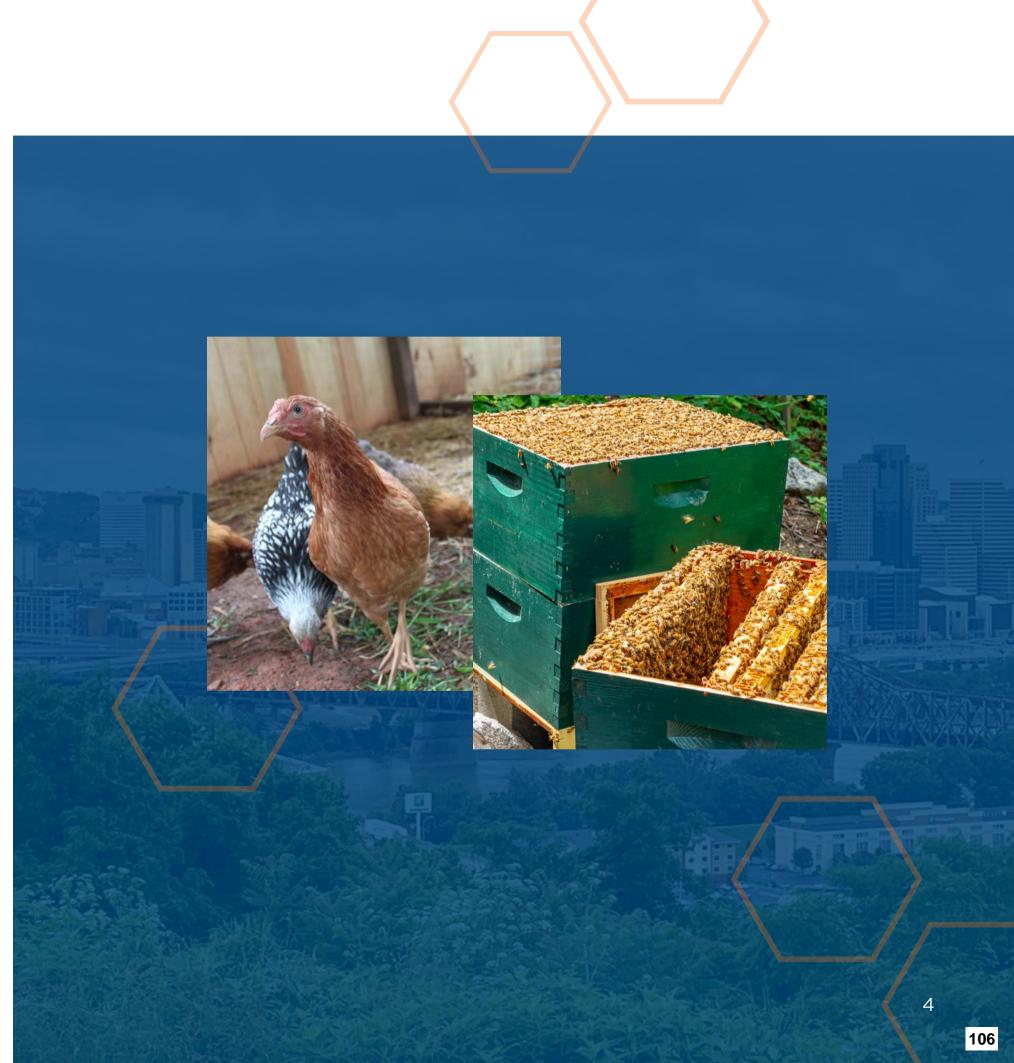
Previously the Green Umbrella Local Food Action Team, and subsequently, the Food Policy Council, have tracked indicators related to regional food production and consumption since 2010. Updating these records helps us monitor existing indicators of our region's food system resilience.

#### • Expand Our Purview with **Equity as a Focus**

New indicators can help us assess our performance from an equity perspective, so we can move resources to those organizations and neighborhoods that need it most.

### Inform Decision-Making

Approval and implementation of the Green Cincinnati Plan, the Milan Urban Food Policy Pact, City budgeting, and future Urban Agriculture funding are best served by being data-driven.



### **The Landscape** Agriculture Across Ohio

The subscription of the same provide the second

All data from 2017, date of last <u>Census of Agriculture</u> with fully analyzed and published results.

### \$118 million

sales of OH produced food locally through retailers and restaurants<u>\*</u>^

#### **Farm Consolidation**

Across Ohio, the number of farms has decreased by 70% over the last century.<sup>+</sup>

#### Land Use

Ohio's acreage in production has dropped by 42% in the past century, too.<u>+</u>

### \$80 million

direct-to-consumer sales by Ohio producers<u>\*</u>^

#### **Farmer Demographics**

34% of Ohio farmers are over 65 years old, and 58% find their primary occupation off-farm.<u>§</u>

107



#### **Urban Agriculture Matters**

Research has identified several roles urban agriculture can play in the postindustrial city:

- act as an answer to urban food deserts,
- serve as representations of ethnic identity,
- deliver social change and blight prevention,
- provide educational tools for students and community members,
- model creation of indirect economic opportunities in neighborhoods through hands-on training of transferable skills, and
- help minimize the food insecurity of underserved and underrepresented populations.<u>\*</u>

### What is "urban agriculture"?

There is no single definition (even by the U.S. Dept. of Agriculture), but urban agriculture can include community gardens maintained by neighbors, residential agriculture in backyards and on rooftops and balconies, projects connected to institutions like churches and schools, and commercial production by businesses growing within a city. Urban agriculture includes horticulture, animal husbandry, and other techniques like hydroponic, aeroponic, and aquaponic facilities, vertical production, and composting.

## The Landscape **Assets in Cincinnati**

We have institutional resources and individual expertise to leverage, as well as connections beyond the City to agricultural networks, like OH Ecological Food and Farming Association, OH Farmers Market Network, and National Sustainable Agriculture Coalition.

### City Support Through Policy and Funding

The City has financially supported urban ag efforts since 2010, and in 2019, **City Council-approved** motions (2017) led to the adoption of Chapter 1422 on Urban Agriculture within the Cincinnati Zoning Code.\*

Civic Garden Center of Greater Cincinnati (CGC)

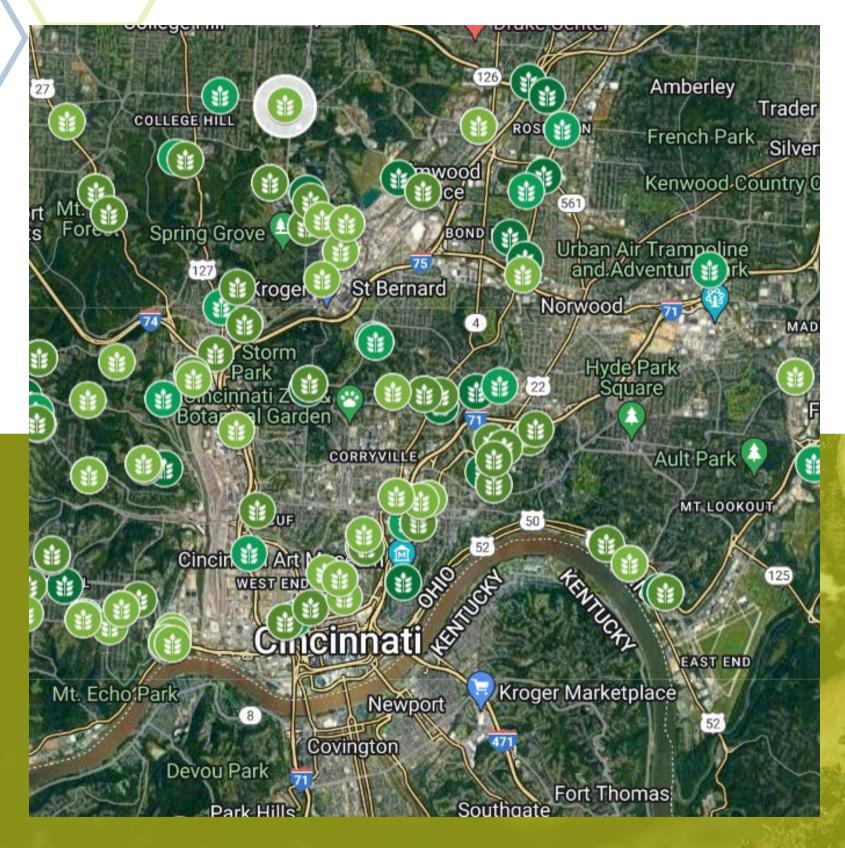
CGC was founded in 1942 during the Victory Gardens movement. It offers hands-on and virtual education for kids and adults and supports 65 community gardens in the tristate area.

Turner Farm Community Garden Program

The program is committed to connecting people to their food & growing strong communities through sustainable biological agricultural practices, collaborative work, experiential learning and civic engagement.

#### Formal Education and Training

In addition to CGC, **University of Cincinnati and Cincinnati State both offer** Horticulture programs, and other groups, including Turner Farm, Gorman Heritage Farm and the **Greater Cincinnati Regional Food Policy Council support** additional training opportunities.



### See sites supported 2018-2022.

## The Landscape **Cincinnati's OES Urban Ag Program**

Through the latter, the City has financially supported urban agriculture work since 2010, with small grants directly managed by OES starting in 2016. Awardees have included community gardens, market gardens, a farm co-op, food hubs, agricultural businesses and farmers markets. All awards follow a RFA process and offer reimbursement limited to site purchase, improvement, supplies, and equipment (no personnel costs are allowed).

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of 2022 applicants represent organizations whose leaders identify as Black or a Person of Color (POC)





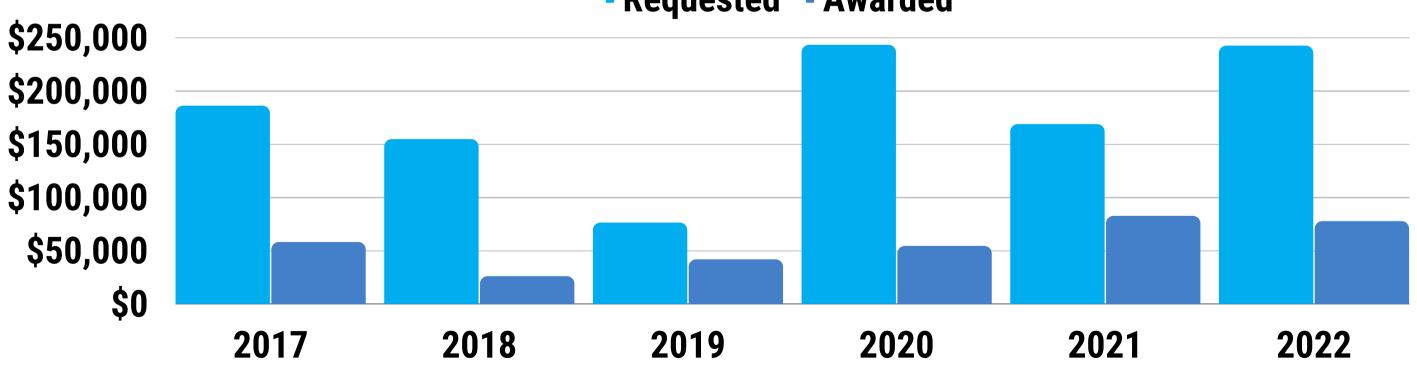
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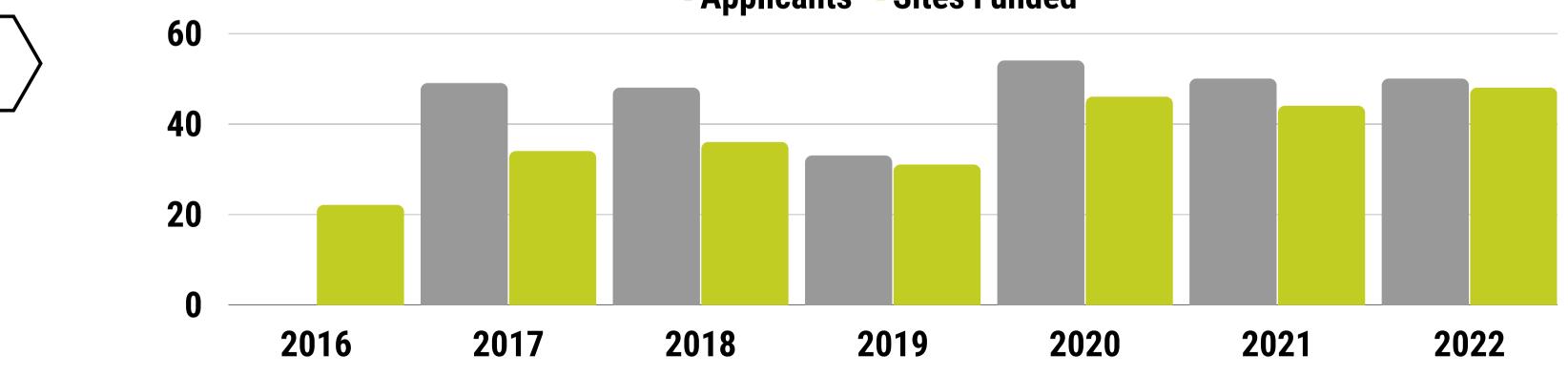
### Requested Awarded





## **Urban Agriculture Mini-Grants**

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### Applicants Sites Funded





## Farms, Markets, and More

- farms in the area supply the citizens 66 of Cincinnati and neighboring towns
  - 42 supply a range of produce
  - 26 offer meat

24

**49** 

Community Supported Agriculture (CSA) programs offer weekly "shares" of local food to supporter/subscribers

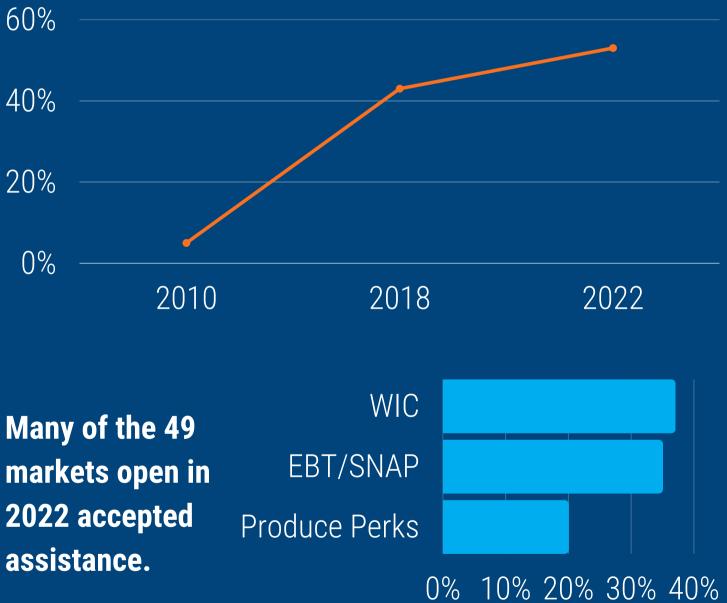
farmers markets offer fresh food and community in neighborhoods and nearby towns, including 14 year-round Note that this data is drawn from the Central Ohio River Valley Local Food Guide and is therefore limited by selfreporting of local food businesses and outlets.

- 60% 40%
- 20%
- 0%

assistance.



### More and More Farmers Markets Accept Assistance



### **Community Gardens and Nutrition Incentives**

community gardens are affiliated with the Civic Garden Center of Greater Cincinnati

(a portion of these are usually supported with City Urban Agriculture grants, varying year-to-year)

180

65

urban agriculture sites have sought funding from the City's Urban Agriculture funding throughout the program's history

31+

\$1.1M+

locations throughout the region currently served by Produce Perks Midwest (Healthy Harvest Mobile Market only counts once, but travels to multiple locations)

in fruit and vegetable purchases supported through Produce Perks Midwest programming across Southwest Ohio



economic activity generated across the region through Produce Perks Midwest programming\*

## By the Numbers **Over Time**

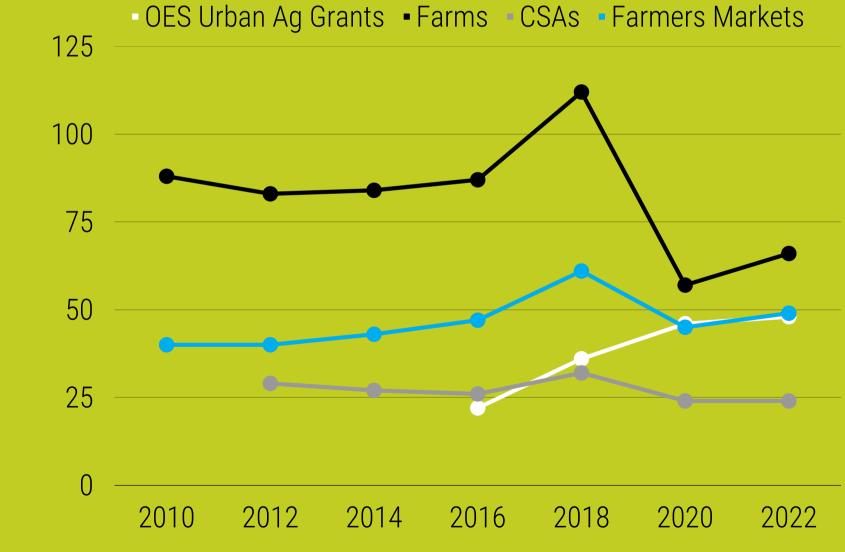
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With the highest population of Hispanic immigrants in Cincinnati, The Carthage Community Garden has overcome some barriers of growing your own food in a new country. Immigrants from Guatemala, Nepal, Mexico, and Honduras are among the experienced growers at this garden and what keeps the comradery building is Ann's ability to bring these communities together as they share the same passion for growing local food. Educating gardeners who are dedicated to their own ways of growing food can be difficult, but she makes a continued effort to not only educate, but to learn new gardening techniques and cultural crops important to new Americans.Food brings us together and having the ability to grow our own is essential.

## Spotlights & Stories



## Spotlights & Stories



Students at Gamble Elementary fill up seedling starters in their outdoor learning area.

Students get outside in an outdoor learning area, which includes an outdoor classroom and a garden space.

In Fall 2021, lessons included: what plants need to grow • the plant cycle • the nitrogen cycle • "planted seeds for our day" by growing around and saying a positive affirmation

### **Gamble Montessori Elementary Schooll**

### Turner Farm Community Garden Program: Price Hill & Three Sisters

#### **Price Hill Community Garden**

- Participation of immigrant and refugee families through the Santa Maria Community Services Women's Group
- Teaching organic gardening best practices through classroom-based and in-garden classes
- Emphasizing collaborative work and shared harvests
- Family-centered gardening programs at PH Branch Library
- Cultivation support and shared harvests at PH Recreation Center People's Garden & Orchard

**Three Sisters Garden** 

- Hispanic families with a focus on their culinary traditions
- Innovative high-yield organic farming technique
- A collaboration with Price Hill Will





## Spotlights & Stories







## Spotlights & Stories



Aiken Students prepare and plant garden beds

Aiken's School-Based Community Garden is an outside classroom laboratory created by students.

The course curriculum includes studies in Agriculture, Food, and Natural Resources; Animal and Plant Science; Global Economics and Food Markets; and Nursery and Greenhouse Management.

### Aiken High School Agriculture Career Tech Pathway



**University of Cincinnati Urban Agriculture course** 

In Fall 2022, students in this course visited and worked at Tikkun Farms, Civic Garden Center, Walnut Hills **Redevelopment Foundation, and 80 Acre Farms. They** donated and planted more than 400 plants in community gardens and logged over 25 worker hours in the community.





## **Spotlights & Stories**

## Spotlights & Stories



"Healthy soil is the confluence of earth, atmosphere and us."

Rose Hill Farm in Spring Grove Village was created by David Chal and his family in 2020 based on biodynamic principles of managing the farm as a holistic system, striving to enhance the health of each natural process and synergize the life of the whole. They sell seasonal vegetables grown with purpose and harvested at the peak of freshness, taste, and nutrition

### Rose Hill Farm Spring Grove Village



## **Needs & Recommendations**

Milan Urban Food Policy Pact Workstream:

### Governance

### **Actions from the Pact:**

facilitate collaboration across city agencies and departments; strengthen urban stakeholder participation; support local and grassroots initiatives; develop urban food policies and plans and a disaster risk reduction strategy



## Lead Cohesive Food Systems **Planning & Coordination**

Create a role within the City government focused on aligned allocation of resources in support of a resilient food system, including urban agriculture, emergency food distribution, food business startup funding, and more. Integrate food metrics into CincyInsights.



## **Needs & Recommendations** Milan Urban Food Policy Pact Workstream: **Sustainable Diets & Nutrition**

## **Use City Money to Serve Healthy, Local Food to City Employees**

Adopt values-based purchasing and healthy catering guidelines, prioritizing the purchase and service of locally produced and healthy food products throughout City operations and include communitysupported agriculture (CSA) in the City's Healthy Lifestyle benefits.

### Actions from the Pact:

address non-communicable diseases associated with poor diets; develop sustainable dietary guidelines; explore regulatory and voluntary instruments to promote sustainable diets in public facilities; commit to achieving universal access to safe drinking water



# Needs & Recommendations

Milan Urban Food Policy Pact Workstream:

## **Social & Economic Equity**

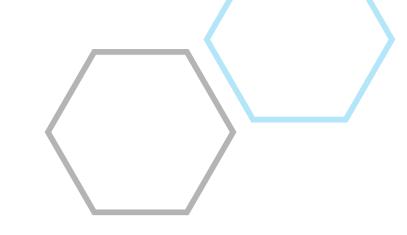
### **Actions from the Pact:**

use forms of social protection systems such as cash and food transfers, food banks, community food kitchens, emergency food pantries, etc., to provide access to healthy food for all citizens; encourage and support social and solidarity activities; promote networks and support grassroots activities; promote participatory education, training and research



## Prioritize Small and BIPOC-Owned Food Businesses

Fund training for small and marginalized producers and value-added businesses, including on administrative topics like tax requirements and incorporation, and on food safety practices and planning. Prioritize land access for BIPOC-owned operations.



## **Needs & Recommendations**

Milan Urban Food Policy Pact Workstream: **Food Production** 

### **Actions from the Pact:**

promote and strengthen urban and peri-urban sustainable food production; apply an ecosystem approach to guide holistic and integrated land use planning and management enabling secure access to land for sustainable food production; provide services to food producers in and around cities; support short food chains; improve waste and water management and reuse in agriculture



## **Invest in Youth and Workforce Development**

Support young people in training for and pursuing food production and processing careers by creating and funding a workforce development program specifically for agriculture, which would also help meet urban agriculture's primary resource need.



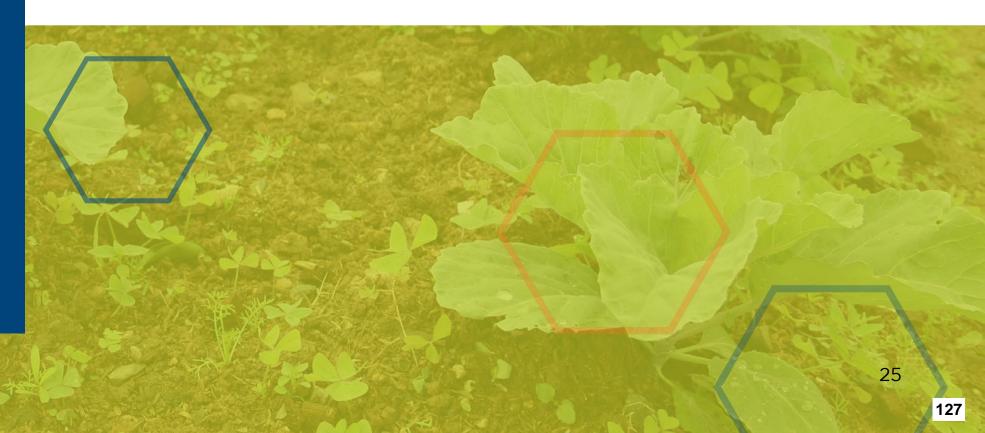
## Needs & Recommendations Milan Urban Food Policy Pact Workstream: Food Supply and Distribution

## Make Access Easy and Invest in Infrastructure

Prioritize support of community-driven projects to increase food access throughout the city, including hyperlocalized food hubs, increased cold storage, specialized distribution networks, and ease of permitting for farmers markets.

### **Actions from the Pact:**

review and strengthen food control systems; ensure seasonal and local food consumption by linking peri-urban and near rural areas transport and logistics; develop green public procurement and trade policy to facilitate short food supply chains; support for municipal public markets



## **Needs & Recommendations** Milan Urban Food Policy Pact Workstream:

## Food Waste

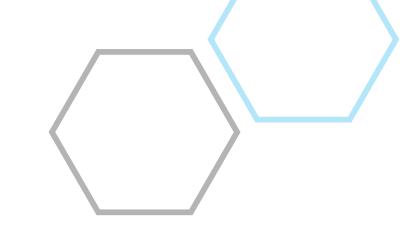
### **Actions from the Pact:**

adopt a circular economy approach; raise awareness of food loss and waste; recover and redistribute food



# Support Food Waste Reporting and Composting Efforts

Consider policy that mandates reporting of food waste as the first step toward waste reduction. Invest in neighborhood-level composting projects and food transformation & redistribution efforts, emphasizing the benefits to residents.





Build on the foundation we already have and use the City's tools and resources to make our regional food system more resilient.

### Expand Existing Programming

Grow the City Urban Agriculture Program through the addition of support staff and increased funding earmarked for annual urban agriculture grants and training.

### Track Performance

Incorporate indicators into CincyInsights with attention to Milan Urban Food Policy Pact metrics and the priorities of the Green Cincinnati Plan.

### Connect Opportunities

Utilize various platforms to engage with residents about food issues and support projects that connect resident needs like food, housing, and transportation.

# Resources

#### <u>Cincinnati Urban Agriculture Program</u>

Seeks to convert vacant parcels into agricultural spaces, such as community gardens, foraging sites and market garden businesses, as well as provide financial support to such sites.

#### Greater Cincinnati Regional Food Policy Council

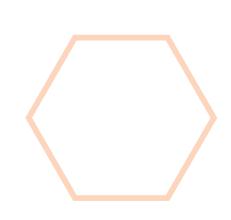
An initiative of Green Umbrella, working through collective impact to advance the vision of a resilient regional food system.

#### <u>CPS Outside</u>

An impact team of Green Umbrella formed in Fall 2019 to work towards the vision that all Cincinnati Public Schools' students have equitable access to outdoor experiences and environmental education.

#### • The Common Orchard Project

A project incubated by Green Umbrella, working to install and maintain hundreds of small orchard plantings and growing "commonly held" resources by educating communities on fresh food and urban land management.



Our Zoning Code Amendment for urban agriculture in Cincinnati featured by national program hosted at Indiana University.

A regionally recognized nonprofit model that has been teaching people how to grow food and care for the environment since our founding in 1942 during the Victory Gardens movement.

Students learn the relationship between horticulture and ecological processes and develop a forward-looking approach toward the environment.

#### Environmental Resilience Institute Case Study

#### Civic Garden Center of Greater Cincinnati

#### University of Cincinnati BS in Horticulture

#### <u>Cincinnati State Sustainable Agriculture</u> **Management Certificate**

A program that leads to career opportunities in specialty crop growing operations, farmers' markets, and other urban agriculture initiatives, with students involved in continuous hands-on learning at a local farm throughout the program.

#### A Cincinnati Food & Farming History

This interactive, hyperlinked timeline documents some of the major food, farming, and businessrelated histories of the Ohio, Kentucky, and Indiana Tri-State region

#### Edible Ohio Valley

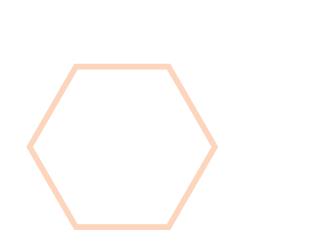
A quarterly magazine about the people that grow, raise, and produce food close to home around Cincinnati and Dayton, Ohio, Northern Kentucky, and Southeast Indiana.

#### <u>Central Ohio River Valley Local Food Guide</u>

The first local food guide was published in 2008 by a group at Imago Earth Center. A small but dedicated team has annually published a guide to local food resources for the region since then.

#### Ohio Food Policy Network

A grassroots network that represents interested people and organizations who share values and a common vision for the food system in Ohio.



## <u>Ohio Ecological Food and Farming</u> <u>Association</u>

Since 1979, cultivating a future in which sustainable and organic farmers thrive, local food nourishes our communities, and agricultural practices protect and enhance our environment.

#### USDA Urban Agriculture

The 2018 Farm Bill established the Office of Urban Agriculture and Innovative Production (UAIP) to better focus on the needs of urban farmers. USDA's Natural Resources Conservation Service (NRCS) leads the USDA-wide office.

#### <u>National Sustainable Agriculture Coalition</u>

An alliance of grassroots organizations that advocates for federal policy reform to advance the sustainability of agriculture, food systems, natural resources, and rural communities.

#### Additional Reading

Peer-reviewed research articles and institutional reports on urban agriculture.

## Acknowledgments

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Recognition and gratitude go to the original and past stewards of this land, the descendants of whom are among those who continue to care for and cultivate our area today. We acknowledge the Hopewell, Adena, Miami, Shawnee, and Osage peoples, whose unceded and stolen territories included the land which is now Cincinnati. In addition, we recognize the many generations of people, including farmers and food system workers with Black, Indigenous, Latinx, immigrant, Appalachian, women, LGBTQIA+, and other identities, who have built up our regional food system in the Central Ohio River Valley. We continue to bear a responsibility to each other and to local ecological systems, and by practicing resilient urban agriculture together, we have strength in unity.

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