



Executive Office of the President
Office of Management and Budget



Executive Office of the President
Council on Environmental Quality

FACT SHEET: OMB/CEQ GUIDANCE ON APPLICATION OF ONE FEDERAL DECISION POLICY TO STATES UNDER THE SURFACE TRANSPORTATION PROJECT DELIVERY PROGRAM

Background:

- On August 15, 2017, President Trump issued [Executive Order \(E.O.\) 13807](#), which seeks to modernize the process for Federal environmental reviews and authorization decisions.
- E.O. 13807 established a [One Federal Decision \(OFD\)](#) policy, which sets a goal of completing environmental reviews for major infrastructure projects within an agency average of two years.
- E.O. 13807 directed the Council on Environmental Quality (CEQ) and the Office of Management and Budget (OMB) to “develop guidance for applying [OFD] whenever the lead agency is a State, tribal, or local agency exercising an assignment or delegation of an agency’s [National Environmental Policy Act (NEPA)] responsibilities.”
- Under the Surface Transportation Project Delivery Program established in 2005, the Secretary of Transportation is authorized to assign, and States to assume, the responsibilities of the Secretary under NEPA with regard to highway, public transportation, railroad, and multimodal projects within the State.
 - To date, State transportation agencies in Alaska, California, Florida, Ohio, Texas, and Utah have been assigned U.S. Department of Transportation’s (DOT) NEPA responsibilities. These agreements have been memorialized in Memoranda of Understanding between DOT and the States (State MOUs).
 - Each of the State MOUs expressly provides that the assuming State agency shall be subject to Executive Orders issued by the President of the United States.

What does this guidance do?

- Under the [guidance](#), States that undertake major infrastructure projects under a State MOU should implement the following elements of the OFD policy:
 - **Two-year Goal:** The lead State agency should seek to complete environmental reviews and authorization decisions for major infrastructure projects in not more than an agency-wide average of two years from the Notice of Intent to prepare an Environment Impact Statement (EIS) to the issuance of a Record of Decision (ROD).
 - **Establishing a Schedule:** The lead State agency should, in cooperation with participating Federal agencies, develop a Permitting Timetable that includes specific milestones for applicable environmental reviews and authorizations.
 - **Development of an EIS/ROD:** The lead State agency should coordinate development of a single EIS and a single ROD with cooperating and participating Federal agencies, with a goal of issuing all necessary authorization decisions for construction of the project within 90 days of a ROD.
 - **Process for Issue Resolution:** The lead State agency should ensure a process is in place to elevate instances in which a Permitting Timetable milestone is missed or extended.
- Under the guidance, States that sign future MOUs with DOT for delegation of NEPA responsibilities will be expected to comply with this OMB/CEQ guidance. State agencies are not subject to OMB Memorandum M-18-25 which establishes an accountability system to track Federal agency performance in the processing of environmental reviews and authorization decisions.

February 2019