

**POLICY RESOLUTION PR-7-06**  
**TITLE: FAA OVERSIGHT OF ENVIRONMENTAL IMPACT STATEMENTS**

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**WHEREAS**, the Federal Aviation Administration does not allow State aviation agencies to prepare Environmental Impact Statements (EIS) for airport projects; and

**WHEREAS**, under FAA policy, all EISs must be managed directly by the FAA. The airport sponsor is responsible for contracting with the EIS consultant, but the consultant's work is directly supervised by FAA. The airport sponsor is not allowed to direct the work of the consultant. This relationship is reflected in FAA's model MOU for relationships with airport sponsors on EIS projects:

Unless otherwise directed by the FAA, any and all work performed by the Contractor and its Subcontractors in preparation of the EIS shall be submitted directly to the FAA, and upon request of the FAA, to the Sponsor. The Sponsor may communicate with the Contractor and its Subcontractors during the development of the EIS, but no prior review or discussion of data or analyses developed by the Contractor or Subcontractor as related to the EIS shall be afforded the Sponsor. In no case will the Sponsor discuss, review, modify, or edit the Contractor's work or the work of its Subcontractors prior to submission to the FAA, or be provided the opportunity to do so. All suggestions for modifications or changes to such sections recommended by the Sponsor shall only be made to the FAA.

**WHEREAS**, this policy limiting the role of airport sponsors in preparation of an EIS applies to all airport sponsors, including aviation agencies within State departments of transportation (DOTs); and

**WHEREAS**, this relationship is much different from the State DOT relationship with FHWA on highway projects. For highway projects, State DOTs not only contract with the EIS consultants, but also are responsible for directly managing and overseeing the EIS consultants' work in the NEPA process, subject to FHWA oversight; and

**WHEREAS**, the requirement for direct FAA management of the EIS can lengthen the amount of time needed to conduct the EIS. Allowing the State DOT's aviation agency to manage the preparation of the EIS would more expeditiously move an EIS through the process; and

**WHEREAS**, empowering the State DOT's aviation agency in the EIS process will make them more responsible and responsive to agencies, the public and the project proponents. This expanded role would preserve FAA's ultimate decision-making role, as well as FAA's responsibility for oversight of the NEPA process; it would simply give State DOT aviation agencies a greater role in the preparation of EISs for airport projects, similar to the role that State DOTs already play for highway projects; and

**WHEREAS**, an expanded role for State DOT aviation agencies (similar to State DOT roles on EISs for highway projects) role would be consistent with Section 102(2)(D) of NEPA, which allows a "State agency or official with statewide jurisdiction" to prepare an EIS, subject to federal agency oversight and guidance.

**NOW, THEREFORE, BE IT RESOLVED**, by the American Association of State Highway and Transportation Officials that FAA policy be modified to clarify that State agencies with statewide jurisdiction – including, aviation agencies within State DOTs – can prepare EISs under FAA supervision, as allowed under NEPA Section 102(2)(D).