



UNITED STATES DEPARTMENT OF TRANSPORTATION

One Federal Decision - Fact Sheet

Issued on August 15, 2017, **Executive Order (EO) 13807: Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects** requires Federal agencies to process environmental reviews and authorization decisions for “major infrastructure projects” as **One Federal Decision** (OFD). The EO sets a government-wide goal of reducing the average time to complete required environmental reviews and authorization decisions for major infrastructure projects to not more than two years from publication of a notice of intent to prepare an environmental impact statement (EIS) to issuance of a record of decision (ROD) prepared under the National Environmental Policy Act (NEPA). The EO also requires all Federal authorization decisions for the construction of these projects to be completed within 90 days of the issuance of a ROD. One of the goals of the EO is to ensure that the Federal environmental review and permitting process for infrastructure projects is coordinated, predictable, and transparent. Specifically, the EO directs Federal agencies with a role in the environmental review and permitting process for a major infrastructure project to:

- Develop a **single permitting timetable** or **schedule** for the necessary environmental review and authorization decisions;
- Prepare a **single EIS**;
- Sign a **single record of decision**;¹ and,
- Issue all necessary authorization decisions **within 90 days** of ROD issuance.

A **major infrastructure project** is an infrastructure project for which multiple Federal authorizations will be required to proceed with construction, the lead Federal agency has determined that it will prepare an EIS under NEPA, and the project sponsor has identified the reasonable availability of funds sufficient to complete the project.

To achieve the two-year target, the **OFD Memorandum of Understanding for Major Infrastructure Projects** establishes a coordinated and timely process for environmental reviews of major infrastructure projects. It sets forth the agreement under which agencies will cooperate to complete environmental reviews and make authorization decisions for major infrastructure projects. It describes the permitting timetable milestones and roles and responsibilities for the lead, cooperating, and participating agencies.

Importantly, the OFD MOU identifies three concurrence points in the environmental review process where the lead Federal agency must request the concurrence of cooperating agencies with authorization decision responsibilities:

1. Purpose and need (prior to the issuance of the notice of intent)
2. Alternatives to be carried forward for evaluation (prior to detailed analysis in the draft EIS)
3. Identified preferred alternative (prior to the final EIS)

The concurrence points will prevent delays to the permitting timetable by ensuring agencies address key concerns and issues early in the process. Once a concurrence point is reached, lead agencies will request written concurrence, and cooperating agencies have 10 days to concur or non-concur. Concurrence means confirmation by each agency that the information is sufficient for that stage in the process, and the environmental review process may proceed.

The MOU also details an elevation and dispute resolution process to address any issues that may cause delay.

More Information

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¹ The lead agency may grant an exception to the single ROD requirement of E.O. 13807 when Federal law requires the lead agency to issue a combined FEIS/ROD.