

VIRGINIA DEPARTMENT OF TRANSPORTATION

ENVIRONMENTAL DIVISION

INSTRUCTIONAL AND INFORMATIONAL MEMORANDUM

DIRECTED TO: District Environmental Planners District Environmental Managers District Assistant Environmental Managers District L&D Engineers District ROW Managers District LAP Coordinators District Project Managers	AUTHORITY: National Environmental Policy Act; 23 CFR 771.129(c)
GENERAL SUBJECT: National Environmental Policy Act	NUMBER: IIM-ED-701.1
SPECIFIC SUBJECT: Right of Way Re-Evaluation Process for National Environmental Policy Act Documents	DATE: 10/10/2023
	SUPERSEDES: EM-NEPA-701
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Changes are shaded.

BACKGROUND

In 2010, the formal Right of Way (ROW) Re-Evaluation process ([EQ 201](#)) requirement was removed for projects requiring a Programmatic Categorical Exclusion (PCE) for compliance with the National Environmental Policy Act (NEPA). However, the requirement that Environmental staff be advised of plan changes during all stages of project development remained (including ROW changes that might affect environmental clearances). District Environmental staff used varying methods to document this review. In order to standardize the ROW revaluation process and maintain a legally defensible NEPA program, this Instructional and Informational Memorandum (I&IM) requires that the EQ-201 will be used for all federally

funded or federally eligible projects with a ROW phase, including projects for which a PCE is completed.

PURPOSE

This I&IM prescribes the requirements for the ROW plan review process by District Environmental Sections for federally funded or federally eligible projects. For PCE, Categorical Exclusion (CE), Environmental Assessment (EA), and Environmental Impact Study (EIS) documents the established process for ROW Evaluations (EQ 201) is used.

SCOPE & APPLICABILITY

By regulation, FHWA retains NEPA approval on all federally funded projects. VDOT, as the recipient of federal funds, is required to oversee environmental compliance on its behalf, even if a project is administered by a local government. The requirements contained in this document apply to all Virginia Department of Transportation (VDOT) and Locally Administered Projects (LAP) NEPA documents (PCEs, CEs, EAs, and EISs).

REQUIREMENTS

The established ROW Re-evaluation ([EQ 201](#)) process shall be followed on both VDOT and locally administered projects. Prior to ROW authorization, the VDOT District Environmental Planner completes an EQ-201 (upon receipt of a PM-130 form) to evaluate the proposed ROW and confirm the validity of the NEPA decision. VDOT and locality staff shall complete the process detailed in I&IM-ED-704 *Procedures for Quality Assurance/Quality Control Reviews of National Environmental Policy Act Documents* for review and comment from the Central Office NEPA Programs Manager (or designee).