Index

A

AASHTO, 1-10
Act of God, 3-19
Act of war, 3-19
Administrative Procedure Act, 2-34, 3-46, 6-7
standing under, 6-9
Aesthetic concerns, 3-50
Air quality. See Clean Air Act; National Ambient Air Quality Standards
American Planning Association corridor mapping model law, 1-11
Antiquities Act, 3-47
Archeological resources, 2-33 to 2-34, 3-39 to 3-40, 3-47 to 3-48, 3-50
Archeological Resources Protection Act, 3-47 to 3-48
Army Corps of Engineers
CWA administration, 3-3 to 3-4, 3-5 to 3-11, 3-12
RHA administration, 3-31

В

Bankruptcy, 4-12 to 4-14 Bassett-Williams model, 1-11 Bettman model, 1-11 Bridge construction, 3-8, 3-31 Bridge management systems, 1-7 Bureau of Land Management, 3-36

С

California hazardous waste law, 4-16 to 4-17 Carbon monoxide emissions, 1-16 economic incentive programs for nonattainment areas, 1-19 to 1-20 NAAQS standards, 1-18 TCM requirements for nonattainment areas, 1-22 transportation plan conformity review, 1-26 Categorical exclusions, 1-14 CERCLIS, 3-19 Civil Rights Act (1964), 6-11 Class action lawsuits. 6-19 Clean Air Act conformity requirements, 1-22 to 1-28, 6-13 economic incentive program requirements, 1-19 to 1-20 enforcement of mitigation commitments, 3-52 federal role, 1-5 indirect source requirements, 6-13 to 6-14 litigation based on, 6-13 to 6-14 LRTP and, 1-3, 1-7 motor vehicle inspection rules, 1-21 SIP rules. 1-18 source control strategies, 1-15 to 1-16 standing issues, 6-9, 6-10 to 6-11 state role, 1-5 TCM provisions, 1-19, 1-28 to 1-29

TIP and, 1-3 on trans-boundary pollution, 1-18 See also National Ambient Air Quality Standards **Clean Water Act** administering agencies, 3-3 definition of pollutant discharge, 3-5 to 3-7, 3-15 EPA veto authority, 3-10 to 3-11 individual discharge permits, 3-9 to 3-11 jurisdiction, 3-3 to 3-7 litigation based on, 6-14 mitigation rules, 3-12 to 3-15, 3-48, 3-52 nationwide permit program, 3-7 to 3-8 programmatic general permits, 3-8 to 3-9 purpose, 3-3 regional permit program, 3-8 RHA and, 3-31 standing issues, 6-9, 6-10 transportation facility construction and operation liability, 5-6 to 5-8 water quality certification, 3-11 to 3-12, 5-8 Coast Guard, 3-31 Coastal Barrier Resources Act, 3-33 to 3-34 Coastal zone management, 2-6 legislation, 3-32 to 3-34 Coastal Zone Management Act, 3-32 to 3-33 **Code of Federal Regulations** CAA conformity requirements, 1-25 to 1-26, 1-27 federal-aid project reporting requirements, 1-6, 1-7 Colorado hazardous waste law, 4-17 Commerce Clause, 3-4, 3-5 Comprehensive Environmental Response Compensation and Liability Act administrative orders, 4-6 to 4-7 agreed order on consent, 4-6 CAA conformity exemptions, 1-26 cleanup cost liens, 4-20 to 4-21 condemnation defense, 4-5 to 4-6 defenses to cost recovery actions, 4-11 to 4-15 enforcement, 4-19 to 4-21 evaluation of site contamination under, 3-19 to 3-20, 4-7 to 4-10, 5-5 general notice letters, 4-6 identifying ownership of contaminated site, 4-10 Information System, 3-19 judicial review, 4-7 jurisdiction, 4-11 liability under, 3-17 to 3-18, 3-19, 4-3 to 4-5, 4-17 to 4-19, 5-3 to 5-6 National Contingency Plan and, 3-19, 4-4 purpose, 3-17, 4-5 recovery of cleanup costs under, 4-10 to 4-11 standard of causation, 3-18, 4-4 state analogs, 4-15 to 4-21 statutory defenses under, 3-19, 4-4 Superfund provisions, 3-17, 4-15 transportation facility construction and operation liability, 5-3 to 5-6 Condemnations, for land acquisition

CERCLA defense based on, 4-5 to 4-6 for mitigation purposes, 3-51 to 3-52 NEPA rules, 1-14 valuation of contaminated properties, 4-7 to 4-10 Conformity rules/process, 1-22 to 1-27 exemptions, 1-26 lapse and freeze provisions, 1-27 to 1-28 Congestion Mitigation and Air Quality Improvement Program, 1-28 to 1-29 Connecticut Environmental Protection Act, 6-12 Construction and operation of transportation facilities CERCLA liability, 5-3 to 5-6 CWA liability, 5-6 to 5-8 Construction site management, 3-16 Constructive use doctrine, 2-30 to 2-31 Contractual relationships, 4-5 Corridor mapping, 1-11, 1-12 takings law and, 1-12, 1-13 Corridor preservation advance acquisition, 1-13 to 1-14 categorical exclusion rules, 1-14 environmental law and, 1-14 to 1-15 objectives, 1-10 regulatory techniques, 1-11 to 1-13 requirements, 1-10 to 1-11 subdivision exactions and reservations, 1-11 takings law and, 1-11 Council on Environmental Quality, 1-14 environmental assessment rules, 2-12, 2-13, 2-14, 2-15, 2-17, 2-18 to 2-19, 2-22 to 2-23 "federal action" definitions, 2-4 lead agency rules, 2-24 to 2-25 mitigation rules, 2-20 purpose, 2-3 Critical habitat, 3-22 to 3-23

D

Data collection and management CERCLIS, 3-18 discovery techniques, 6-16 to 6-17 EIS administrative record, 2-23 to 2-24 for evaluation of potential site contamination, 3-20 FHWA requirements, 1-6 to 1-7 hazardous waste generator regulation, 5-11, 5-12, 5-13 management systems, 1-7 waste disposal, 5-5 to 5-6 De minimus settlements, 4-10 Department of Agriculture, 3-21, 3-29, 3-36 **Department of Transportation** Clean Air Act oversight, 1-5 CMAQ rules, 1-29 LRTP rules, 1-7 NEPA requirements, 2-3, 2-5 to 2-6 nondiscretionary actions, 2-5 to 2-6 transportation plan conformity review, 1-25

I-4

Department of Transportation Act Section 4(f) applicability, 2-30 to 2-31 basic requirements, 2-30, 2-34 consideration of alternatives under, 2-34 to 2-36 cost considerations, 2-35 to 2-36 cumulative effects consideration, 2-36 litigation based on, 6-13 mitigation rules, 3-50, 3-52 requirements to minimize harm, 2-36 to 2-38 resources protected by, 2-32 to 2-34 standing to bring suit under, 6-9 Discharge permits, 3-5 to 3-11 NPDES, 3-15 to 3-17, 5-6 to 5-8 Discovery process, 6-16 to 6-17 DOT Order, 3-29, 3-30 to 3-31, 3-49

Ε

Easements across contaminated site, 3-20, 4-7 for farmed wetlands, 3-29 scenic, 3-50 takings law, 1-12 Economic functioning TCM incentive programs, 1-19 to 1-20 TEA-21 requirements, 1-6 Eleventh Amendment, 4-14, 4-15 Eminent domain, 3-51 to 3-52 CERCLA defense based on, 4-5 to 4-6 **Endangered Species Act** administration of, 3-21 biological assessment under, 3-25 exemption clause, 3-26 federal actions and, 3-24 to 3-25 Habitat Conservation Plan, 3-26 to 3-27 habitat designation provisions, 3-22 to 3-23 incidental taking permit, 3-26 to 3-27 injunctions issues under, 6-4 to 6-5 listing process, 3-21 to 3-22 mitigation provisions, 3-49 NEPA and, 3-22 to 3-23, 3-27 principal provisions, 3-21 state legislation, 3-28 to 3-29 statutory development, 3-21 takings prohibition, 3-23 types of agency consultations, 3-24 to 3-25 **Endangered Species Committee**, 3-26 Energy and Water Development Appropriations Act (1992), 3-5 Environmental impact statements administrative record, 2-23 to 2-24 consideration of alternatives in, 2-17 to 2-18, 2-29 consultation requirements, 2-22 content, 2-3, 2-16 to 2-22 corridor preservation and, 1-14, 1-15

cumulative effects, consideration of, 2-20, 2-28 delegation of preparation to states, 2-12 to 2-13 exclusions and exemptions, 2-13 to 2-14 FONSI and, 2-12, 2-14 indirect effects, consideration of, 2-20 judicial review standards, 2-16, 2-27 to 2-28 mitigation and, 2-14, 2-20 to 2-21 project planning and, 2-4, 2-6 to 2-9 public participation, 2-14, 2-23 for Regional Development Plans, 2-6, 2-8 scope of project considerations, 2-14 to 2-16, 2-28 secondary effects, consideration of, 2-20 segmentation problems, 2-18 to 2-20 state requirements for, 2-25 to 2-29 statutory requirement, 2-3 to 2-4 supplemental, 2-22 to 2-23, 2-29, 6-7 to 6-8 TEA-21 requirements, 1-10 tiering, 2-15 to 2-16 worst case analysis, 2-21 Environmental justice, 6-11 to 6-12 **Environmental Protection Agency** air quality planning guidelines, 1-16 CAA administration, 1-18, 1-22, 1-25 to 1-26, 1-27 to 1-29, 6-10 CERCLA administration, 3-17, 3-18, 3-19, 4-3, 4-4, 4-6 to 4-7, 4-10 CWA administration, 3-3, 3-4 to 3-5, 3-6, 3-7, 3-10 to 3-11, 3-12, 6-10 delegation of authority, 2-6 designation of attainment/nonattainment areas, 1-16 to 1-17 economic incentive program requirements, 1-19 effluent limitation guidelines, 3-15 to 3-16 hazardous waste generator regulation, 5-11, 5-12 motor vehicle inspection rules, 1-21 RCRA authority and implementation, 3-17, 5-8, 5-10, 5-11, 5-12, 5-15 to 5-16 sanctions for CAA noncompliance, 1-18, 1-28 to 1-29 SIPs, 1-5 stormwater discharge rules, 3-16, 5-6 to 5-8 TCM rules, 1-19, 1-20 waste definitions and classification, 5-9 to 5-10 Environmental review requirements, 1-10 Equal protection, 1-13 Erosion control, 3-8, 3-49, 5-7 Exactions, subdivision, 1-11 takings law, 1-12 **Executive Order** DOT Order, 3-29, 3-30 to 3-31 floodplains management, 3-31 to 3-32 wetlands protection, 3-29 to 3-31 Wildlife Refuge System mission statement, 3-34

F

Federal-Aid Highway Act, 1-14, 3-49 litigation based on, 6-13 MPO provisions, 1-3 to 1-5 objectives, 1-4 Federal-Aid Project Agreement, 1-6 Federal Aviation Act, 6-15 Federal Aviation Administration, 2-12 Federal Emergency Management Agency, 3-32, 3-49 Federal financing of transportation projects defenses to CERCLA cost recovery actions, 4-14 mitigation reimbursements, 3-50 to 3-51 NHPA triggers, 3-38 to 3-39, 3-44 valuation of contaminated property, 4-7 to 4-10 Federal Highway Administration advance land acquisition rules, 1-14 archeological resource protection provisions, 3-48 delegation of authority to state, 2-12 to 2-13 DOT Act Section 4(f) implementation, 2-30 to 2-31, 2-32, 2-33 to 2-34, 2-36 floodplains management, 3-32 mitigation rules, 3-49 MPO rules, 1-6 to 1-7 NEPA exclusions, 2-13 to 2-14 NEPA requirements, 2-3, 2-4, 2-5, 2-6 NHPA compliance evaluations, 3-43, 3-44 noise abatement measures, 3-49 to 3-50 public hearing rules, 2-23 to 2-24 Refuge Act and, 3-35 reporting requirements, 1-6 to 1-7 segmentation rules, 2-19 STIP rules, 1-9 transportation conformity process flowchart, 1-24 wetlands mitigation projects, 3-13 Federal Implementation Plan, 1-17 Federal Land Policy and Management Act, 3-36 Federal Transit Act, 1-6, 1-25 to 1-26 **Federal Transit Administration** MPO rules, 1-6 NEPA rules, 2-4 STIP rules, 1-9 Federal Water Pollution Control Act. See Clean Water Act Ferry operations, 5-6 Fifth Amendment. See Takings Financing of transportation projects advance acquisitions, 1-14 CAA conformity requirements, 1-22, 1-25, 1-27 to 1-28 CMAQ provisions, 1-28 to 1-29 FHWA documentation, 1-6 to 1-7 intermodal transportation plans, 1-9 NEPA requirements, 2-3 to 2-4, 2-6 project planning activities, 2-4, 2-8 to 2-9 STIPs, 1-9 to 1-10 TIP role, 1-8 Finding of no significance, 2-12, 2-14 Fish and Wildlife Conservation Act, 2-22 Fish and Wildlife Coordination Act, 3-27 Fish and Wildlife Service, 3-3, 3-12, 3-14, 3-27 Endangered Species Act administration, 3-21 to 3-23, 3-24, 3-27

Refuge Act administration, 3-34, 3-35 Floodplain management, 1-12, 3-8, 3-31 to 3-32 Floodplains Executive Order, 3-31 to 3-32 Food Security Act, 3-29 Forest management and protection, 3-36, 3-37 Forest Service, 3-36 Freedom of Information Act, 6-16

G

Groundwater contamination, 3-15 TSDF monitoring, 5-14

Η

Habitat Conservation Plan, 3-26 to 3-27 Hazardous waste generator regulations, 5-10 to 5-12 notification obligations in accidental release, 5-4 to 5-5 RCRA coverage, 3-17, 5-8 to 5-16 state laws, 4-15 to 4-21 transporter regulation, 5-12 to 5-13 treatment storage and disposal facilities, 5-11, 5-12, 5-13 to 5-14 waste disposal documentation, 5-5 to 5-6 See also Comprehensive Environmental Response Compensation and Liability Act Highway Beautification Act (1965), 3-50 Highway Safety Act (1973), 1-4 to 1-5 Historic sites DOT Act Section 4(f) coverage, 2-32, 2-33 to 2-34 See also National Historic Preservation Act Housing and Urban Development Act (1965), 1-4 Hydrogeomorphic assessment, 3-5

Ι

In-lieu fee mitigation, 3-12 to 3-13 Indian tribal governments, 1-9, 3-39, 3-44 archeological resource protection, 3-47 to 3-48 immunity from suit, 4-14 Industrial activities regulation, 3-16, 5-6 Injunctions to halt projects, 2-10 to 2-11, 6-3 to 6-6, 6-18 Intergovernmental Cooperation Act (1968), 1-4 Intermodal Surface Transportation Efficiency Act (1991) conceptual basis, 1-5 MPO requirements, 1-5 objectives, 1-5 Intermodal transportation, 1-5, 1-8 funding, 1-9 Interstate commerce, 3-4, 3-5 ISTEA CAA conformity provisions, 1-23 CMAQ program, 1-28 to 1-29 corridor preservation requirements, 1-10 to 1-11 litigation based on, 6-14 LRTP compliance, 1-7, 1-8 mitigation provisions, 3-51

MPO requirements, 1-9 STIP compliance, 1-8, 1-9

J

Joint and several liability, 3-18, 4-4, 4-19

L

Laches, 6-5, 6-18 to 6-19 Land and Water Conservation Act, 3-37 Lead agency issues, 2-24 to 2-25 Lead pollution, 1-16 Less than fee ownership, 4-7 Litigation administrative record, 6-3, 6-8 alternative dispute resolution, 6-20 to 6-21 based on local regulations, 6-15 to 6-16 class action suits, 6-19 defense strategies, 6-18 to 6-20 discovery process, 6-16 to 6-17 environmental justice claims, 6-11 to 6-12 possible sources of, 6-3, 6-13 to 6-16 preliminary injunctions, 6-3 to 6-6 project modification to avoid, 6-16 standard of review, 6-3, 6-6 to 6-8 standing issues, 3-46 to 3-47, 6-8 to 6-12 summary judgments, 6-20 Long-range transportation plans CAA compliance, 1-7 CAA conformity, 1-25 development of, 1-3 elements, 1-3, 1-7 objectives, 1-7 public involvement, 1-8 publication of, 1-8

М

Major Investment Study, 1-10 Management systems, 1-7 Mediation, 6-20 to 6-21 **Metropolitan Planning Organizations** boundaries, 1-4 designation/redesignation, 1-4 FHWA rules, 1-6 to 1-7 FTA rules, 1-6 intra-state coordination, 1-3 to 1-4 ISTEA/TEA-21 factors, 1-5 to 1-6, 1-9 limits of authority, 1-3 LRTP role, 1-3, 1-7 to 1-8 membership, 1-3, 1-4 multi-state coordination, 1-3 in nonattainment areas, 1-4 objectives, 1-3, 1-4 to 1-5 public participation, 1-4, 1-8

revocation of designation, 1-4 statewide planning activities, 1-9 TIP role, 1-3, 1-8 transportation plan conformity review, 1-25 Michigan Environmental Protection Act, 6-12 Migratory bird protection, 3-4, 3-27 to 3-28 Wetlands Reserve Program, 3-29 Migratory Bird Treaty Act, 3-27 to 3-28 Minnesota Environmental Rights Act, 6-12 Mitigation aesthetic concerns, 3-50 banking, 3-12 to 3-15 by creation, 3-12, 3-14 EIS's and, 2-14, 2-20 to 2-21 enforcement of commitments, 3-52 by enhancement, 3-12 evaluation of projects, 3-14 funding constraints, 3-50 to 3-51 governing statutes and authorities, 3-48 to 3-50 in-lieu fee, 3-12 to 3-13 noise impacts, 3-49 to 3-50, 3-51 by restoration, 3-12, 3-14 sequencing, 3-12 strategies, 3-12, 3-48 use of eminent domain for, 3-51 to 3-52 wetlands, 3-10, 3-12 to 3-15, 3-48 to 3-49, 3-51 Mitigation Bank Review Team, 3-13 Motor vehicle inspections, 1-21, 1-22 Multi-sector general permits, 3-16 Multi-state coordination among MPOs, 1-3

Ν

National Ambient Air Quality Standards attainment/nonattainment areas, 1-16 to 1-17 criteria pollutants, 1-16 economic incentive programs for nonattainment areas, 1-19 to 1-20 ozone standards, 1-17 to 1-18 primary standards, 1-16 purpose, 1-16 secondary standards, 1-16 SIP compliance, 1-17 National Coastal Zone Management Program, 2-6 National Contingency Plan, 3-19, 4-4 defenses to CERCLA cost recovery actions, 4-11 to 4-12 National Environmental Policy Act, 1-10 administrative record rules, 2-23 to 2-24 applicability based on federal action, 2-3 to 2-9, 2-11 to 2-12 applicability to defederalized projects, 2-9 to 2-10 delegation of EIS preparation to state, 2-12 to 2-13 ESA and, 3-22 to 3-23, 3-27 exclusions and exemptions, 2-13 to 2-14 habitat protection under, 3-22 to 3-23 judicial procedure, 6-17

land acquisition for corridor preservation and, 1-14 to 1-15 lead agency rules, 2-24 to 2-25 NHPA and, 3-45 objectives, 2-3 preliminary injunction rules, 2-10 to 2-11, 6-4, 6-5 to 6-6 provisions, 2-3 to 2-4 significance of, 2-3 standard of judicial review, 6-6 to 6-8 standing to bring suit under, 6-9 state legislation modeled on, 2-25 to 2-29 statute of limitations, 6-19 See also Environmental impact statements National Flood Insurance Program, 3-32 National Forest Management Act, 3-36 National Highway System Designation Act (1995), 1-25 National Historic Preservation Act, 2-33 compliance evaluations, 3-42 to 3-45 consultation process, 3-40, 3-42 determination of adverse effects, 3-42 eligibility assessments under, 3-41 federal agency duty, 3-38, 3-46 federal undertaking as trigger for, 3-38 to 3-39, 3-43 to 3-44 literature review, 3-40 litigation based on, 6-14 mitigation rules, 3-50, 3-52 NEPA and, 3-45 preservation of federally-owned historic properties, 3-46 public comment provisions, 3-42 purpose, 3-38 resolution of adverse effects, 3-42 Section 106 procedural obligations, 3-39 to 3-40 standing to sue under, 3-46 to 3-47 statute of limitations, 3-47 National Marine Fisheries Service, 3-3, 3-27 Endangered Species Act administration, 3-21, 3-21 to 3-22, 3-24, 3-27 National monuments, 3-47 National Oceanic and Atmospheric Administration, 3-33 National Pollution Discharge Elimination System, 3-8, 3-11 to 3-12 delegation of authority to states, 3-15 jurisdiction, 3-15 permit requirements, 3-15 to 3-16 stormwater discharge rules, 3-16 to 3-17, 5-6 to 5-8 water quality standards, 5-8 National Register of Historic Places, 2-33, 3-39 to 3-40, 3-41 National Response Center, 5-5 National Wildlife Refuge System Administration Act, 3-34 to 3-35 Navigable waters, 3-3, 3-15 RHA provisions, 3-31 New Jersey hazardous waste law, 4-16 Nexus test, 1-12 Nitrogen dioxide emissions, 1-16 transportation plan conformity review, 1-26 Noise Control Act, 6-15 to 6-16

Noise impacts, 2-31 litigation based on, 6-15 to 6-16 mitigation, 3-49 to 3-50, 3-51 Nonattainment areas CAA conformity requirements, 1-25, 1-26 carbon monoxide standards, 1-18 deadline extensions, 1-18 definition, 1-16 designation of, 1-16 to 1-17 economic incentive programs in, 1-19 to 1-20 federal funding for, 1-6 motor vehicle inspection and maintenance requirements, 1-21 to 1-22 MPOs in, 1-4 NAAQS rules, 1-16 to 1-17 ozone standards, 1-17 to 1-18 TCM requirements, 1-19 to 1-22 TIP objectives, 1-3

0

Ozone, 1-16 economic incentive programs for nonattainment areas, 1-19 to 1-20 NAAQS standards, 1-17 to 1-18 TCM requirements for nonattainment areas, 1-21 to 1-22 transport region, 1-18 transportation plan conformity review, 1-26

Ρ

Parks, 3-50 DOT Act Section 4(f) coverage, 2-30 to 2-31, 2-32 Particulate emissions, 1-16 transportation plan conformity review, 1-26 Pavement management systems, 1-7 Procedural judicial review, 2-16 Program impact statements, 2-14 to 2-15

Q

Quality of life issues, in TEA-21, 1-6

R

Reasonable available control technology, 1-17, 1-18 Refuge Act. See National Wildlife Refuge System Administration Act Regional Development Plans, 2-6, 2-8 Regionally significant projects, 1-26 to 1-27 Registration, motor vehicle, 1-21 Resource Conservation Recovery Act enforcement, 5-15 to 5-16 hazardous waste generator regulations, 5-10 to 5-12 hazardous waste transporter regulation, 5-12 to 5-13 liability under, 3-17, 5-8 purpose, 3-17, 5-8, 5-9 treatment storage and disposal facility regulation, 5-11, 5-12, 5-13 to 5-14 underground storage tank regulations, 5-14 to 5-16 waste materials subject to, 5-9 to 5-10 Rivers and Harbors Act (1899), 3-3, 3-31

\mathbf{S}

Scenic easements, 3-50 Segmentation of projects, 2-18 to 2-20 Soil survey and sampling, 3-8 Solid Waste Disposal Act, 5-9 Sovereign immunity, 6-19 defenses to CERCLA cost recovery actions, 4-14 to 4-15 Standard of review, 2-16, 2-27 to 2-28, 6-3, 6-6 to 6-8 Standing, 6-8 to 6-12 basis of injury for, 6-9 to bring contaminated site cleanup cost recovery actions, 4-21 to enforce RCRA, 5-16 environmental justice claims, 6-11 to 6-12 legal defense based on, 6-19 NEPA litigation, 6-9 NHPA litigation, 3-46 to 3-47 state law, 6-12 State Implementation Plan, 1-5, 1-30 CAA conformity requirements, 1-22 to 1-23, 1-26 CAA conformity review, 1-27 to 1-28 economic incentive programs in, 1-19 to 1-20 missing or inadequate, 1-18 NAAQS compliance, 1-17 to 1-18 planning procedures, 1-18 purpose, 1-17 reasonably available control measures, 1-20 TCM provisions, 1-19, 1-22 trans-boundary pollution controls, 1-18 State Transportation Improvement Program development of, 1-9 FHWA rules, 1-9 financial constraints, 1-9 to 1-10 FTA rules, 1-9 ISTEA objectives, 1-8, 1-9 MPOs and, 1-9 objectives, 1-9 rationale, 1-8 TEA-21 objectives, 1-8 to 1-9 TIP and, 1-3 Statute of limitations, 6-19 defense against injunctions, 6-5 NHPA litigation, 3-47 Stormwater management, 3-8 NPDES discharge permits, 3-16 to 3-17, 5-6 to 5-8 in transportation facility construction, 5-6 to 5-8 Subdivision control, 1-11 Sulfur dioxide emissions, 1-16 Superfund, 3-17, 4-15 Swampbuster legislation, 3-29

Т

Takings corridor preservation and, 1-11 to 1-13 Endangered Species Act provisions, 3-23, 3-26 to 3-27 nexus test, 1-12 rough proportionality test, 1-12, 1-13 **TEA-21** advance acquisition rules, 1-14 CAA conformity provisions, 1-23 CMAQ provisions, 1-28, 1-29 environmental review requirements, 1-10, 2-13 litigation based on, 6-14 LRTP compliance, 1-7, 1-8 mitigation rules, 3-49 NEPA requirements, 2-6 to 2-7, 2-8 STIP compliance, 1-8 to 1-9 Tiering, 1-14 Trans-boundary pollution, 1-18 **Transportation Control Measures** for carbon monoxide nonattainment areas, 1-22 Clean Air Act requirements, 1-5, 1-15, 1-16, 1-28 to 1-29 CMAQ provisions, 1-28 to 1-29 economic incentive programs, 1-19 to 1-20 EPA role, 1-19, 1-20 implementation in TIP, 1-20 to 1-21 motor vehicle inspection and maintenance, 1-21, 1-22 objectives, 1-18 for ozone nonattainment areas, 1-21 to 1-22 quantification of effects, 1-20 reasonably available control measures, 1-20 SIP provisions, 1-19 strategies, 1-18, 1-19 Transportation Equity Act for the 21st Century conceptual basis, 1-5 MPO requirements, 1-4, 1-5 to 1-6 objectives, 1-5 **Transportation Improvement Plan** CAA conformity review, 1-25, 1-27 to 1-28 development of, 1-3, 1-8, 1-25 project selection and prioritization, 1-8 public participation, 1-8 revision schedule, 1-3 TCM implementation, 1-20 to 1-21 **Transportation Management Areas** designation, 1-4 MPO objectives, 1-6 Transportation monitoring systems, 1-7 Treatment, storage, and disposal facilities, 5-11, 5-12, 5-13 to 5-14 Tulloch rule, 3-6, 3-7 U

Underground storage tanks, 5-14 to 5-16 Unified National Program for Floodplain Management, 3-32

Unified Planning Work Programs, 1-6 Uniform Relocation Assistance and Real Property Acquisition Policies Act, 6-13 Utility infrastructure, 3-8, 3-31

V

Volatile organic compounds, 1-16 trans-boundary pollution, 1-18

W

Waste management EPA definitions of wastes, 5-9 to 5-10 RCRA coverage, 5-9 See also Hazardous waste Wastewater treatment, NPDES jurisdiction, 3-15 Water Bank Act, 3-37 to 3-38 Water Quality Act (1987), 5-8 Wetlands CWA coverage, 3-3 definition, 3-3, 3-5 discharge permits, 3-5 to 3-6, 3-7 to 3-11, 3-15 to 3-17 draining, 3-6 dredging and filling activities in, 3-6 to 3-7, 5-6 exempt discharges in, 3-7 on farms, 3-29 Food Security Act provisions, 3-29 functional evaluation, 3-5, 3-14 land acquisition for corridor preservation, 1-15 mitigation, 3-10, 3-12 to 3-15, 3-48 to 3-49, 3-51 NPDES jurisdiction, 3-15 placement of pilings in, 3-6 public interest review criteria, 3-10 regulatory oversight, 3-3 to 3-5 restoration, 3-8 Water Bank Act, 3-37 to 3-38 Wetlands Executive Order, 3-29 to 3-31, 3-49 Wetlands Reserve Program, 3-29 Whole effluent toxicity, 3-16 Wild and Scenic Rivers Act, 2-32 to 2-33, 3-35 Wilderness Act, 3-37 Wildlife protection DOT Act Section 4(f) provisions, 2-32 Fish and Wildlife Coordination Act, 3-27 Migratory Bird Treaty Act, 3-27 to 3-28 National Wildlife Refuge System Administration Act, 3-34 to 3-35 See also Endangered Species Act

\mathbf{Z}

Zoning regulations, 6-15

Index of Cases

A

Airport Owners & Pilots Ass'n v. Hinson, 2-7 Aladdin, Inc. v. Black Hawk County, 4-8 Alaska Wilderness Recreation & Tourism Ass'n v. Morrison, 6-8 Alexander v. Sandoval, 6-11 American Mining Congress et. al. v. United States Army Corps of Engineers, 3-6 to 3-7 Appeal of Gaster, 3-51 Ashwood Manor Civic Association v. Dole, 3-30 Atlanta Coalition on the Transportation Crisis, Inc. v. Atlanta Regional Commission, 2-6, 2-8 Avoyelles Sportsmen's League v. Marsh, 3-6

В

Babbitt v. Sweet Home Chapter of Communities for Greater Oregon, 3-23 Bersani v. Robichaud, 3-11 B.F. Goodrich Co. v. Murtha, 5-5 Board of County Commissioners of Catron County v. FWS, 3-22 to 3-23 Boarhead Corp. v. Erickson, 3-47 Brooks v. Volpe, 6-5

С

Cappaert v. United States, 3-47 Chesapeake Bay Foundation, Inc. v. Virginia State Water Control Bd., 2-6 Chester Residents Concerned for Quality of Life v. Seif, 6-11 Citizens for Scenic Severn River Bridge, Inc. v. Skinner, 3-44 Citizens Organized to Defend Env't. Inc. v. Volpe. 2-5 to 2-6 Citizens to Preserve Overton Park v. Volpe, 2-24, 2-34 to 2-35, 2-36, 6-7 City of Alexandria, Va. v. Slater, 3-43 City of Alexandria v. Federal Highway Administration, 2-14 City of Boston v. Volpe, 2-9 City of Cleveland v. City of Brook Park, 6-15 City of David v. Coleman, 2-20 City of Hanly v. Kleindienst, 2-23 City of Monterey v. Del Monte Dunes at Monterey, Ltd., 1-12 to 1-13 City of Olath v. Stott, 4-8 City of Philadelphia v. Stepan Chemical, 4-12 City of Tenakee Springs v. Block, 2-16 Colorado River Indian Tribes v. Marsh, 3-46 Concerned Citizens Alliance v. Slater, 3-40, 3-44 Concerned Citizens on I-190 v. Secretary of Transp., 2-32 County of Suffolk v. Secretary of Interior, 2-24 Crounse Corp. v. Interstate Commerce Comm'n, 2-5

D

Defenders of Wildlife v. Andrus, 2-7 Delaney v. EPA, 1-20 Dickman v. City of Santa Fe, 2-19 to 2-20 Dolan v. City of Tigard, 1-12, 1-13 Dougals v. Babbitt, 3-22 Druid Hills Civic Association v. Federal Highway Administration, 2-37

Е

Eagle Foundation v. Dole, 2-35, 2-36 Enola v. United States Forest Service, 3-41 Environmental Defense Fund v. EPA, 1-27 to 1-28 Environmental Law Fund, Inc. v. Volpe, 6-5 Essex County Preservation Ass'n v. Campbell, 2-23

F

Fayetteville Area Chamber of Commerce v. Volpe, 2-17 to 2-18 Fund for Animals v. Clark, 6-4

G

Geer v. Federal Highway Administration, 3-52

Η

Hall County Historical Soc. v. Georgia Dep't of Transp., 3-45 Hamilton v. City of Austin, 6-4 Hickory Neighborhood Defense League v. Skinner, 2-36 Hoffman Homes, Inc. v. EPA, 3-4 Hoffman Homes. v. EPA Administrator, 3-4

Ι

Illinois Department of Transportation v. Parr, 4-8 Indian Lookout Alliance v. Volpe, 2-8

J

James City County, Va. v. Environmental Protection Agency et al., 3-11 James River v. Richmond Metropolitan Authority, 3-44 Joseph v. Adams, 2-12

K

Kaiser Aluminum & Chemical Corp. v. Catellus Development Corp., 5-3 KeyTronic Corp. v. United States, 4-11 Kleppe v. Sierra Club, 2-4, 2-7 to 2-8, 2-14 to 2-15, 2-20, 2-28

L

Laguna Greenbelt, Inc. v. United States DOT, 2-21, 2-23 Louisiana Environmental Society, Inc. v. Coleman, 2-30, 2-37 Lucas v. South Carolina Coastal Council, 1-12 Lujan v. National Wildlife Federation, 6-9

М

Macht v. Skinner, 2-4, 2-10 Marbled Murrelet v. Babbitt, 3-23 Marsh v. Oregon Natural Resources Council, 2-11, 2-12, 2-16, 2-23, 6-7 to 6-8 Maryland Conservation Council v. Gilchrist, 2-5 Matter of Chicago, Milwaukee, St. Paul & Pacific Railroad Company, 4-13 McDowell v. Schlesinger, 6-19 Medford v. Marinucci Bros & Co., 6-15 Missouri Highway and Transportation Commission v. Keeven, 3-51 Monroe County Conservation Council v. Adams, 2-31 Morongo Band of Mission Indians v. Federal Aviation Admin., 3-44 Murphy v. Town of Waterford, 4-8

Ν

Named Individual Members of San Antonio Conservation Soc'y v. Texas Highway Dept., 2-9 National Indian Youth Council v. Watt, 3-44 National Mining Association v. U.S. Army Corps of Engineers, 3-7 National Parks & Conservation Ass'n v. Federal Aviation Admin., 2-12 National Trust for Historic Preservation v. Blanck, 3-46 National Wildlife Federation v. Adams, 3-30 National Wildlife Federation v. Appalachia Regional Commission, 2-15 New Hampshire Motor Transport v. Town of Plaistow, 6-16 Nollan v. California Coastal Commission, 1-12

0

Ober v. U.S. EPA, 1-20

Ρ

Palm Beach County v. Wright, 1-13 Pennsylvania v. Union Gas, 4-15 Provo River Coalition v. Pena, 6-4 Pueblo of Sandia v. United States, 3-41, 3-44

R

Reardon v. United States, 4-20 to 4-21 Redevelopment Agency of the City of Panama v. Thrifty Oil Company, 4-8 Ringsred v. City of Duluth, 3-39 Robertson v. Methow Valley Citizens Council, 2-20 to 2-21

\mathbf{S}

Save Barton Creek Ass'n v. Federal Highway Admin., 2-8 Save Our Community v. United States EPA, 3-6 Save our Dunes v. Pegues, 2-6 Save our Sycamore v. Metropolitan Atlanta Rapid Transit Authority, 2-15 to 2-16 Save Our Wetlands, Inc. v. Orleans Levee Bd., 6-12 Scottsdale Mall v. State of Indiana, 2-9 to 2-10 Seminole Tribe of Florida v. Florida, et al., 4-14 to 4-15 Sierra Club v. Department of Transportation, 2-31 Sierra Club v. Hardin, 6-19 Sierra Club v. Hodel, 2-7 Sierra Club v. Morton, 3-46, 6-9 Sierra Club v. Slater, 3-10 Solid Waste Agency of Northern Cook County (SWANNC) v. United States Army Corps of Engineers, 3-4 Stop H-3 Association v. Coleman, 2-33, 2-36 Stow v. United States, 6-18 Strycker's Bay Neighborhood Council v. Karlen, 6-7 Swain v. Brinegar, 2-18

Т

Tennessee v. Brandon, 4-8 to 4-9 Tennessee Valley Auth. v. Hill, 6-4 Thomas v. Peterson, 2-19 Thompson v. Fugate, 3-43 Town of Hingham v. Slater, 3-43 to 3-44 Tyler v. Cisneros, 3-47

U

United States v. Berkeley, 6-15 United States v. Bestfoods, 5-3 United States v. Riverside Bayview Homes, Inc., 3-3 to 3-4 United States v. Students Challenging Regulatory Agency Procedures, 6-9 United States v. Wilson, 3-4, 3-6

V

Ventling v. Bergland, 2-16 Vermont Yankee Nuclear Power Corp. v. Natural Resources Defense Council, Inc., 2-17 Village of Los Ranchos De Albuquerque et al. v. Barnhart et al., 3-30

W

Washington State Department of Transportation v. Washington Natural Gas Co., 4-14 Weintraub v. Rural Electrification Administration, U.S. Department of Agriculture, 3-38 Whitman v. American Trucking Association, Inc., 1-17 Winnebago Tribe of Nebraska v. Ray, 2-5 WSDOT v. Washington Natural Gas Co., 4-12