



U.S. Department  
of Transportation

**Federal Highway  
Administration**

# Memorandum

Subject: **INFORMATION:** Policy Revision to  
Support the Brownfields Economic  
Redevelopment Initiative

Date: **MAR 4 1998**

From: Director, Office of Environment and Planning

Reply to  
Attn. of: **HEP-40**

To: Regional Administrators  
Federal Lands Highway Program Administrator

In the light of the President's Brownfields Economic Redevelopment Initiative, the soon to be announced list of Brownfields Showcase Communities, and several ISTEA reauthorization issues concerning sustainable development, the FHWA has revised its existing policy on hazardous waste and contaminated sites. The new policy supports the Brownfields Initiative by encouraging participation in transportation projects that include the use and redevelopment of contaminated sites when appropriate. This revised policy replaces the policy set forth in the interim guidance issued in 1988, which emphasized the avoidance of all contaminated properties as a first consideration during the FHWA NEPA process and other related transportation development activities.

Attached is a discussion of the new policy on the use of contaminated properties and its relationship to the Brownfields Economic Redevelopment Initiative. The information contains background on the Initiative, including the participation of the DOT and the FHWA. In the near future, the FHWA will issue guidance on the revised policy that will supersede the 1988 interim guidance.

The Brownfields Economic Redevelopment Initiative, administered by the EPA, provides assistance and incentives to States, local communities, and the private sector for the assessment, clean-up, and economic reuse of contaminated properties known as brownfields. Brownfields are abandoned, idled, or under-used commercial, industrial, and institutional properties where redevelopment and reuse are complicated by light to moderate contamination from hazardous substances and wastes. These properties are most often in urban areas previously used by industrial and commercial operations that generated waste materials.

Please direct any comments or questions you may have on this policy change and information to the following members of my staff: Mr. Fred Bank at (202) 366-5004 or Mr. Sheldon Edner at (202) 366-9227.

Kevin E. Heanue

## **Federal Highway Administration Policy and Information on the Brownfields Economic Redevelopment Initiative**

Brownfields are abandoned, idled, or underused industrial and commercial properties where improvement or redevelopment is complicated by real or perceived contamination. President Clinton launched the Administration's Brownfields Initiative to empower States, communities, and other stakeholders in economic redevelopment to work together to assess, remediate, and sustainably reuse brownfield sites. The Initiative will expand the Environmental Protection Agency's (EPA) Brownfields Economic Redevelopment Program to over 300 municipalities by the year 2000, and pledges to increase Federal support by \$700 million. Furthermore, the President's Council on Sustainable Development has called for government at all levels to coordinate with the private sector and citizens to overcome impediments to the cleanup and use of brownfields.

Secretary Slater has pledged the support of the DOT for the Brownfields Initiative through the administration of the Department's financial and technical assistance programs. In communities having brownfield redevelopment plans, DOT will encourage State and local transportation agencies to develop their improvement programs in concert with site-remediation and redevelopment efforts. The Department will encourage transportation agency sponsors to consider brownfield properties when siting projects as part of the redevelopment efforts. Use of brownfield sites should occur only if those locations are consistent with the purpose and need of the transportation improvement being proposed and the cleanup and liability costs are reasonable when considering the cost and public benefit of the project. Transportation projects can support brownfields redevelopment, not only by using contaminated sites when appropriate, but also by providing access to these areas.

In concert with the Secretary's statement of support, the FHWA will encourage the appropriate use of brownfields in the transportation planning and project development processes. Actions to be taken by FHWA in the short and long-term are as follows:

### **Program and Policy Support**

#### Short Term Actions

The FHWA will provide support that encourages appropriate transportation access for brownfield redevelopment. The agency will seek to ensure that brownfield redevelopment is addressed as appropriate in the State and metropolitan transportation planning processes.

The FHWA is currently revising existing policy guidance to encourage acquisition and/or clean-up of land within brownfields for transportation purposes where such actions are feasible, reasonable, within acceptable limits of liability exposure, when cooperating partners are available, and when parties legally responsible for the contamination are pursued to the maximum extent practicable. Revision of the guidance is necessary

because the current document emphasizes the avoidance of all contaminated properties as a first consideration during transportation development activities.

In addition to the guidance revision, the FHWA Headquarters office will advise the field offices on the current brownfields pilot communities and EPA's soon to be announced list of Brownfield Showcase Communities. The Headquarters office will also disseminate information on Transportation-related brownfield success stories to field offices and on EPA's Brownfield Internet Homepage and the FHWA environmental website.

### Longer Term Actions

The FHWA will explore the development of working partnerships with a broad range of environmental, State, local and private sector partners interested in supporting the redevelopment of brownfields. These efforts will support actions by other Federal support agencies to achieve brownfield redevelopment, including partnerships with the Department of Housing and Urban Development and EPA.

The FHWA will work with States to identify State laws and procedures that support the ability of transportation agencies to cooperatively acquire, manage and/or utilize ROW in support of brownfield redevelopment. A compendium of best practices will be prepared to support State and local exploration of transportation strategies for supporting brownfield redevelopment.

## **Planning and Program Assistance**

### Coordination and Program Awareness in Short Run

The FHWA will provide technical assistance as needed on planning and developing transportation improvements utilizing Federal funds to communities considering brownfield redevelopment programs. Often, that assistance will include information and assistance on the federal planning requirements, such as coordination with metropolitan planning organizations and the State transportation departments, to ensure the community leaders' awareness of the metropolitan and statewide transportation improvement programs development processes.

### Long -Term Actions

The FHWA will develop or modify existing guidance, technical assistance activities and training to the States and local governments, including MPO's. This guidance will focus on the reuse of brownfields in relation to transportation purposes, where appropriate, as well as the need to coordinate with areas involved in brownfields redevelopment, especially the assessment pilots and Showcase Communities. Guidance will be produced in concert with other FHWA policy development activities to ensure coordination with other concerns, such as sustainability, smart growth, a global climate change.

The FHWA will seek to create cooperative partnerships between transportation, permit and resource agencies in the effective utilization and/or redevelopment of brownfields. In addition, opportunities to share innovative financing and other project responsibilities with other governmental agencies, as well as the private sector, will be explored to help the redevelopment activities. The FHWA will solicit examples of best practices of transportation investments that support or facilitate brownfield redevelopment and disseminate them to States and local governments.

The FHWA will also explore issues concerning liability and the level of clean-up necessary to make brownfields reusable. As a part of the technical assistance effort, the headquarters office will survey the States to produce a synthesis of brownfield clean-up efforts. Examples of technical clean-up practices and innovative agreements on liability will be made available for use as support during the analyses of brownfield redevelopment options.