Every Day Counts (EDC)
Arizona Local Public Agency (AZLPA) Stakeholder Council
Meeting Minutes

DATE: Thursday, March 8, 2018

TIME: 10:00AM - 2:00PM

LOCATION: Maricopa Association of Governments (MAG) – 302 N. 1st Ave, Phoenix, AZ 85003

WELCOME AND INTRODUCTIONS

Welcome by Mark Henige.

RECAP AND SUMMARY OF DECEMBER 7, 2017 MEETING AND TOPICS

General Discussion:

- The group spoke openly regarding expectations of Every Day Counts (EDC) meetings.
- All towns, tribes, counties and cities should have access to our discussions and information.
- Information starts at EDC, goes back to local agency, then back to EDC.
- Some participants feel that the EDC meetings have turned from being problem sharing/solving to information/presentations. The team needs revert to the original intent and goals of the group.
- Local Public Agencies are "change agents." The right people need to attend the meetings.

December 7, 2017 Speakers/Presenters:

- Tricia Lewis, Local Public Agency Program Supervisor. Presentation on initiating a project with LPA section, finding documents on our website and an update on the Highway User Revenue Fund (HURF).
- Korina Lopez, Intergovernmental Agreement Section Manager. Review of the process and timeline for preparing a draft Intergovernmental Agreement (IGA) and Joint Project Agreement (JPA). The process includes document review, approvals and determination letter.

DEC. 7, 2017 - MEETING ACTION ITEMS

Action Required by ADOT Staff:

- Review previous minutes and determine what has been a direct result from EDC meetings? What has been accomplished? What actions and results have been noted? (Completed)
- ADOT to develop a survey asking what topics/issues should be addressed. (Discontinued)

Action Required by EDC attendees:

- None at this time.

PARTICIPANT FEEDBACK AND OPEN DISCUSSION

Project Requests

- It was requested by EDC members for ADOT to supply a list of projects by region to members at each quarterly EDC meeting. Additionally, ADOT should give updates on projects at COG/MPO meetings and Technical Advisory Committee (TAC) meetings.

Communication

- Members believe communication should be improved between ADOT project managers, COG/MPO partners and cities/towns/tribes/counties. Each party thinks the other is looking into a project, but since all are very busy, at times, the project gets neglected.
- All parties involved should receive a report from the ADOT PM even if there is not much activity with the project. Always communicate.
- It is noted to send EDC meeting minutes to all LPAs. Send them out to as many as possible so they are aware of discussions at these meetings.

Status Sheet for Project Updates

- One issue mentioned was that status sheets should be sent to all parties. Status sheets should be consistent with the same information.
- Chris Bridges volunteered to develop a sample status sheet/tracking form for project updates. This would provide consistency as COG/MPO partners could all use the new template.
- EDC members would like LPA staff to fill out the status sheets on behalf of the PM if they cannot attend COG/MPO meetings. High level information to be reported on projects. Projects should stay on the status sheet through final voucher and closeout.

EDC Meeting Structure

- These meetings are a safe forum to discuss ideas and exchange information.
- It should be a forum for solutions and innovations. What are big picture items that pertain to everyone?
- Fewer presentations and training, more stories of best practices.
- Avoid discussing individual project issues.

History Matrix – Meeting Action Item

- Jennifer Catapano and Mark Henige presented an EDC History Matrix. The document outlined the number of times a topic was discussed at an EDC meeting. Percentages of topics discussed were shared with the team. This document is a visual representation of how often discussions on specific topics took place.

IDO DEVELOPMENT UPDATE

Financial Management Services – Presenter Patrick Stone

- Bridges can be funded with HURF funds.
- Moving forward with finance, the goal will be to close out phases in advance of final voucher.
- FHWA is now using electronic authorizations. AZPR2X form is not in use any longer.
- Jennifer Catapano, Jennifer Henderson, Tricia Lewis and Mark Henige will assist with following up on projects on the ADOT inactive list. Notifications will be made to locals for status updates.
- To save money on design fees, local agencies and ADOT need to work closely together on design and planning.
- Regarding local agency revolving accounts, Steve Boschen is not in favor of it.
- Questions posed:
  - "Why are overhead charges very different?"
  - "Why are they not consistent across all contractors?"
  - Answer:
    - Visit 23CFR – 172.9. There is not a way to standardize overhead costs.

Right-of-Way – Presenter Richard Erickson

- There is a new ROW coordinator and new ROW staff coverage map to view.
- Initiating of negotiations:
  - Speaking with and giving general information to a property owner is not considered initiation of negotiation.
  - Typically when a project is at 30% that is the optimal time to engage and involving property owners. You can start earlier as a courtesy; however the negotiation will not take place earlier.
- It was requested that Lou Malloque attend COG/MPO meetings to give a presentation on ROW. ROW is happy to offer full day training if necessary.
- 80% of local projects are delayed because of ROW or design. Locals need to plan accordingly.

Environmental Planning Group – Presenter Paul O'Brien

- Early communication with the PM regarding environmental scoping is very important.
- Sometimes environmental is needed even if it is a non-construction project. Be sure to communicate with your environmental point of contact to determine an accurate timeline.
- There are penalties for construction companies when they ignore mitigation.

Project Management Group, Steve Boschen

- Steve O'Brien is the new Project Management Group Manager
- As of March 2, 2018, 39 LPA and Certification Acceptance (CA) projects are to be delivered for 2017/2018 fiscal year. Only 1 has been delivered so far. How can we best work together to not deliver in the state fiscal year 4th quarter?

MARCH 8, 2018 MEETING - ACTION ITEMS

Action Required by ADOT Staff:

- Note all action items and results from previous meetings. Share with the team.
- ADOT LPA to consider providing project status information.
- Ask Lou Malloque with ADOT Right-of-Way to attend and present at a future COG/MPO meetings.
- Suggested topic for a future EDC meeting:
    - Low Bid Process.
    - What are other states doing?
    - Suggestions from FHWA?
- Look into Jason's Deli delivering lunch for future meetings.

Action Required by EDC attendees:

- Chris Bridges to lead the development of a project status tracking tool for project updates.
- Karen Lamberton to send a ROW Acquisition Process Flow Chart to be distributed.

ANNOUNCMENTS

2018 Meeting Date Planning

- June 14, 2018
- September 13, 2018
- December 13, 2018

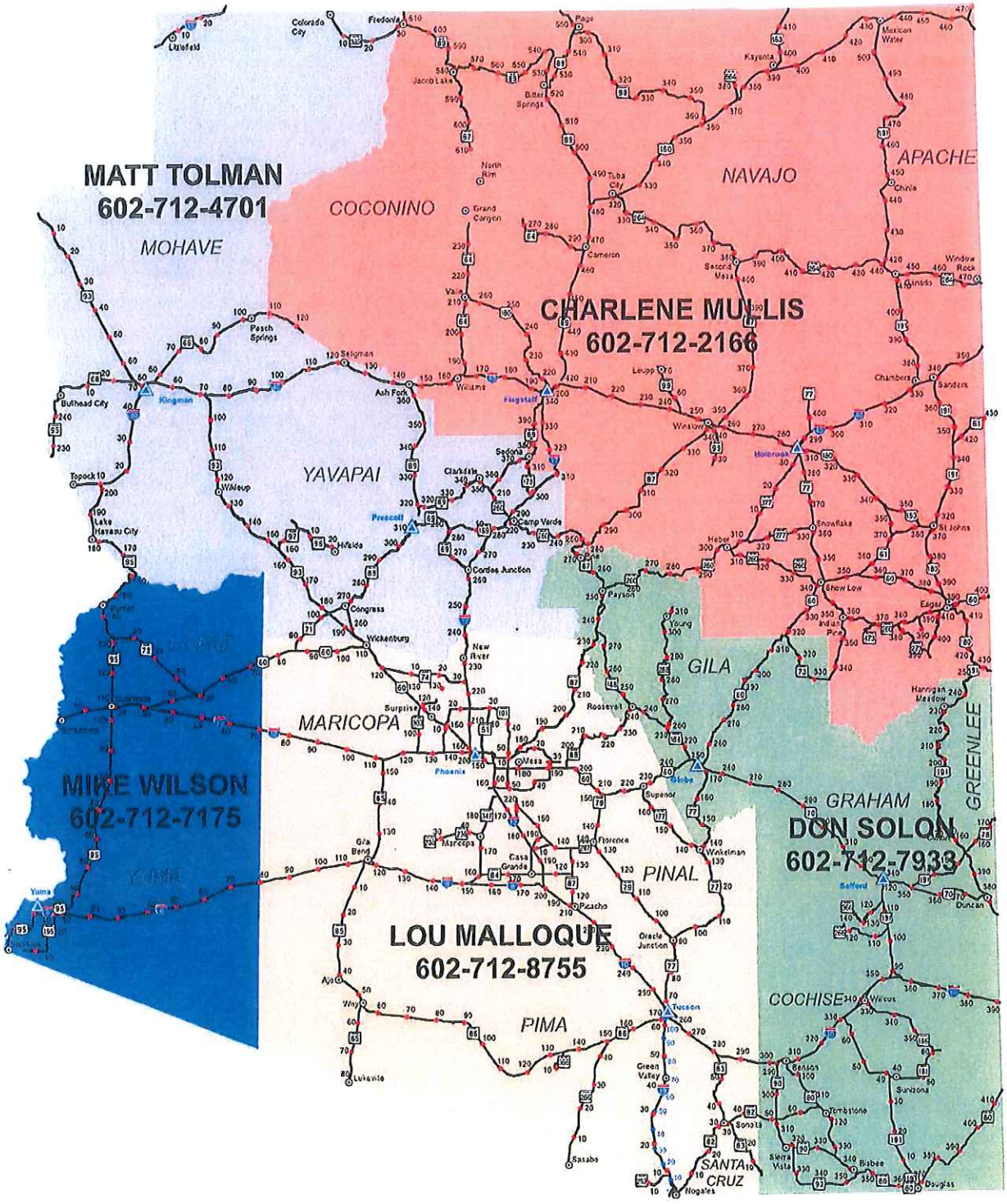
ADJOURN

March 8, 2018 at 2:00 pm

ATTACHMENTS

- Sign in sheet
- ROW documents
- Environmental documents

ADOT Right of Way Project Management Section LPA Coordinators



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Frequently Asked Questions
NEPA Assignment

What is NEPA Assignment?

Congress allows States to assume Federal Highway Administration (FHWA) environmental review responsibility under the National Environmental Policy Act (NEPA) under two programs:

- 23 U.S. Code § 326 - State assumption for categorical exclusions (CEs) – "CE Assignment"
  - Covers listed CEs
- 23 U.S. Code § 327 - Surface transportation project delivery program – "NEPA Assignment"
  - Covers unlisted CEs, Environmental Assessments (EA), and Environmental Impact Statements (EIS)
- ADOT has assumed responsibility for CEs and is pursuing NEPA Assignment

What does this cover?

- Arizona Department of Transportation (ADOT) acts as the Lead Federal Agency for environmental review and consulting with Agencies and Tribes
- Applies to all Federal-aid highway projects
- Applies to all NEPA classes of action:
  - Categorical Exclusions (CE)
  - Environmental Assessment (EA)
  - Environmental Impact Statement (EIS)
- NEPA Assignment does not change federal environmental protection standards and ADOT will continue to be responsible for complying with all federal environmental laws, rules and orders under the "NEPA Umbrella"
- ADOT will be solely legally responsible for environmental decisions under these programs
  - Arizona Revised Statues 28-334(C) has been amended to reflect this
- FHWA retains an auditing and monitoring role and the following responsibilities:
  - NEPA Assignment program level oversight, but no project-level assistance
  - Clean Air Act conformity determinations for EAs and EISs
  - Tribes retain the ability to request Government-to-Government consultation
  - Statewide and metropolitan planning
  - Excluded projects (some existing large studies and those that cross international or state lines)

Why is ADOT seeking NEPA Assignment?

- The federal government has recognized that environmental compliance can be delivered faster and with less cost with "one doer and decision-maker" over the current model of federal "project-level" oversight.
- To deliver safety and highway improvement projects faster to the public while preserving environmental quality.

Where has this been done before?

Originally only a pilot program, MAP-21 Section 1313 amended 23 U.S.C 327 and converted it into a permanent program in 2012. States currently under one or both of the programs:

- California (326 & 327)
- Alaska (327)
- Texas (327)
- Ohio (327)
- Florida (327)
- Utah (326 & 327)
- Nebraska (pursuing 326 & 327)

How will this change the environmental process?

- Federal, State and Local Agencies, land management agencies and Tribes will see minimal change in environmental review /compliance
    - ADOT already handles the environmental analysis and review process on a day to day basis
    - ADOT approved many CEs under programmatic agreement for years (not a discernable difference in the final products to those outside of Environmental Planning).
- ADOT will take the lead on all consultation and coordination

What are the requirements for DOT's entering into NEPA Assignment?

- NEPA Assignment (327)
    - Submit a formal application to FHWA Headquarters including scope of assignment; current and proposed information regarding staffing and organization; current and proposed environmental review procedure tools; new role under assignment; training; and resource requirements to assume federal environmental review responsibility. A notice of the availability of the ADOT application will be published in the Federal Register for public review for a 30-day comment period and will be posted on the ADOT website.
    - Prepare a formal MOU to be signed by the FHWA Administrator and ADOT with a 5-year term; publish a notice in the Federal Register that allows for public review of the draft MOU for a 30-day comment review period.

What is the schedule to acquire NEPA Assignment?

Go to the ADOT Environmental Planning website to keep up-to-date on the current schedule.

- CE Assignment – Memorandum of Understanding (MOU) signed by the FHWA Arizona Division and ADOT Deputy Director for Transportation on January 3, 2018.
- NEPA Assignment – Anticipated Summer 2018

What existing agreements will need to be amended or updated?

In addition to updating multiple internal ADOT environmental guidance and procedures, the following agreements will need to be amended:

- Programmatic Agreement Pursuant to Section 106 of the National Historic Preservation Act between ADOT, the Arizona State Historic Preservation Office (SHPO), FHWA and many signatories
- Joint Programmatic Agreement between ADOT and SHPO (liaison position)
- Memorandum of Agreement between ADOT, FHWA and the U.S. Army Corps of Engineers (liaison position)
- Memorandum of Agreement between ADOT and the U.S. Fish and Wildlife Service (liaison position)
- Memorandum of Understanding between ADOT, FHWA and the U.S. Forest Service
- Memorandum of Agreement between ADOT, FHWA and the Bureau of Land Management

How will this affect the certified Local Public Agencies (LPAs)?

- ADOT will continue to oversee the NEPA approval process on these projects.
- LPAs will work directly with ADOT for project NEPA decisions instead of ADOT as an intermediary with FHWA. Letters will be on ADOT letterhead instead of FHWA letterhead and NEPA approvals will come from ADOT.
- We anticipate that the LPA projects will gain some efficiencies from ADOT assuming NEPA Assignment.

Does NEPA Assignment affect other decisions on fed-aid projects?

- There will be no change to any federal environmental laws or regulations; ADOT becomes the decision maker and the lead in the environmental process for federal-aid highway projects.

Everyday Counts - Arizona Local Public Agency Stakeholder Council

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Maricopa Association of Governments (MAG) • 302 N. 1st Ave, Saguaro Conference Room • Phoenix, AZ 85003

Completion of this sign-in sheet is completely voluntary and helps the project team keep an accurate record of meeting attendees. Under state law, any identifying information provided below will become part of the public record and, as such, must be released to any individual upon request. Please print clearly.

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ADOT

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