

# Every Day Counts II

## Arizona Local Public Agency Stakeholder Council Meeting Minutes

**Thursday, September 4, 2014**

**TIME: 11:00AM - 3:00PM**

**ADOT Phoenix Maintenance District – 2140 W. Hilton Avenue, Phoenix, AZ 85009**

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FACILITATOR: Susan Anderson

NOTETAKER: Mary Navarrette

TIME KEEPER: Susan Anderson

ATTENDEES: Bahram Dariush/ADOT LPA Section, Susan Anderson/ADOT LPA Section, Mary Navarrette/ADOT LPA Section, Scott Omer/AZ MPD, Paul O'Brien/ADOT EPG, Marinela Konomi/ADOT EPG, Randy Everett/AZ FHWA, Sharon Gordon/AZ FHWA, Alan Hansen/AZ FHWA, Rebecca Yedlin/AZ FHWA, David Cremer/AZ FHWA, Keith Brann/Town of Marana, Keith Adam/RTAC, Paul Casertano/PAG, Ana Olivares/Pima County, Teresa Welborn/ADOT Partnering, Karen Lambertson/Cochise County, Dave Swietanski/Apache County, Debbie Albert/City of Glendale, Chris Bridges/CYMPO, Jason Kelly/NACOG, Madhu Reddy/ADOT Phoenix Construction District, Frank Marbury/City of Kingman. Charles Gutierrez/YMPO, Gloria Browne/Pima County, Julie Gadsby/ADOT Phoenix Construction District, Tremaine Wilson/AZ FHWA, Jennifer Christelman/Town of Marana

Welcome comments: Susan Anderson welcomed everyone to the meeting and went over the day's agenda. Susan discussed the survey that went out in July; thanked those that provided responses and addressed some of the issues from the responses. The survey was useful in defining the information to be shared today. Susan also mentioned that the Council should expect similar surveys to be sent prior to each of the next coming meetings, so the presenters can focus attention to the specific issues of concern for each of the remaining topics.

Furthermore, Randy Everett stated that today will be open discussion. FHWA Environmental Staff are here and it is a great opportunity to ask any questions.

Today's topic of discussion will be NEPA. Susan introduced Paul O'Brien from ADOT EPG to the members. Paul passed out an information packet regarding Environmental Planning (see attached)

AGENDA ITEM: NEPA and MAP 21 Changes

DISCUSSION: Paul briefed the council members on the changes that MAP-21 has had on the NEPA process, specifically to categorical exclusions. MAP-21 changes to categorical exclusions are defined in 23 CFR 771.117. It was noted that projects must satisfy parts (a) and (b) to qualify for a CE. There was no change under MAP-21 to that part of the regulation. Paul then explained specific changes that have gone through rulemaking that LPAs should be aware of that additional project could now qualify for a CE under 27 CFR 771.117(c) such as: projects that require emergency repairs, projects within the operational right-of-way, and projects with limited Federal assistance.

Paul also noted that there is another proposed rule that is still in rulemaking, that LPAs should be interested in. The rule would move the top three “d-listed” CEs to the “c-list” to an extent for projects that meet a proposed set of constraints. The three items are: (1) modernization of highways including auxiliary lanes and shoulders, (2) highway safety and traffic operational improvements, and (3) bridge reconstruction, rehabilitation and replacement and railroad grade separations.

The question was asked if all HSIP projects would fall under this new rule and only require a CE because they are safety projects. Paul responded that most HSIP projects would, but not necessarily all. Consider a roundabout project – it could have other issues that would require something more than a c-listed CE.

Another member asked if it was possible that a new bill will be introduced that could reverse all the changes being made under MAP-21. Randy noted that those that have completed the rulemaking process are in effect and have been signed into law. It is not expected that the next legislation would significantly change from what MAP-21 has put in place.

Rebecca mentioned that ADOT and FHWA will be updating their operating agreement and will be looking at several programs (like purchasing equipment) that rarely require an environmental CE, so that some activities may be able to obtain an automatic CE. Paul stated we will look to simplify the CE checklist as part of EPG process improvement.

To summarize, Paul noted that most LPA projects will qualify as “c-listed” CEs. The three environmental compliance requirements that could significantly delay a project are often due to: Section 4(f) – park and historic properties; Section 106 – cultural resources issues; or Section 404 – waters of the US and permitting from the Army Corps.

#### AGENDA ITEM: Project Development

DISCUSSION: After the lunch break, Paul continued to discuss the NEPA process, as it relates to the project development process. He stressed the importance of pre-scoping to really understand and identify the environmental issues for a project. Most LPA projects can be scoped with a Scoping Letter (SL) or Project Assessment (PA); only very large or complicated projects would require a Design Concept Report (DCR). It was noted that some LPA projects are over-scoped, which results in excessive cost and effort being spent on a project than actually necessary. Marinela shared an example of a PA that contained information that well exceeded what was needed for the project.

Some members wanted to know who to call at ADOT for assistance when scopes of work and cost estimates are being prepared for projects. Scott Omer stated ADOT Staff is here to help. LPAs should always start with the ADOT Project Manager. If a PM is not assigned, please talk to the Regional Planner, LPA Section and the District Office. Regardless, do not hesitate to call ADOT when there are questions.

Paul also presented the overall NEPA review process, as outlined on a large flowchart. He suggested the typical timeline for completing review of a CE is anywhere from 4 to 12 months, provided the project does not involve any unusual circumstances. (The NEPA flowchart can be found at: <http://www.azdot.gov/docs/planning/nepa-process-flowchart.xls?sfvrsn=0>)

Paul also noted EPG staff gets the bulk of its review requests between November and May, as LPAs are getting projects ready for authorization in June. LPAs could submit their reports earlier to obtain more timely reviews and be out of the crunch time.

CONCLUSION: Members were divided into four break-out groups to recap the issues of the day. Members were asked to share the important issues they learned from the day's discussion, topics that each will disseminate back through their network. Also, members could note additional questions or suggestions for process improvement. Council members noted the following:

Learned:

- 1) LPA Projects Manual was recently updated
- 2) Escalation process / ADOT contacts were answered
- 3) The new CE's designations as part of MAP-21
- 4) LPA projects should be scoped commensurate with the level of effort; plan on PA or scoping letter
- 5) More insight on Local Agency Planning and Scoping issues
- 6) Pre-NEPA work is important to the success of the actual NEPA work (Pre-scoping)
- 7) Communication vital at pre-scoping particularly as locals still learning federal aid process
- 8) Review process (on ADOT side)
- 9) MAP-21 changes
- 10) CE – the first 3 categories in 23 CFR 771.117(d) are proposed to be moved to section (c)
- 11) LPA's sometimes and should be used by LPAs as a resource
- 12) Paul knows the NEPA process very well
- 13) Early and often communication make a real difference in the project development
- 14) Identify the best scoping practices
- 15) Don't be afraid of environmental

Questions:

- 1) Training opportunities in Tucson?
- 2) Why is a report that is good for Army Corp not good enough for EPG?
- 3) Next meeting follow-up what did ADOT do with our ideas?
- 4) Can we partner with Universities to fund archeological studies/digs on corridors planned for development 10-20 years out?
- 5) Prepare ADOT to respond more quickly to rule making on re-authorization. You know it is coming but AZ is slow on implementing MAP-21

Ideas:

- 1) Talk to AZ Game and Fish Wildlife Corridors Branch to see how they can help.
- 2) Add a pre-scoping contact/department area for pre-project development.
- 3) Changes to project that are an environmental mitigation e.g. enhances or improve wildlife connectivity should it trigger a scope of work change for EPG.
- 4) For ADOT to proactively participate with the Governor's 2009 initiative Arizona Geographic Information Council (AGIC) GIS Strategic Plan.

## Requests:

- 1) Allow for ROW process earlier in the Environmental process if and as possible.
- 2) Develop a Programmatic Document in ADOT concerning what constitutes the need for an EA/EIS/CE and what does not or the degree of Environmental Document required (Programmatic vs. Non- Programmatic CE, etc.).
- 3) An updated and accurate ADOT contact list of who the local agencies should call with environmental questions (to included PMs).
- 4) ADOT presence at planning meeting is very effective and should be maintained.
- 5) A template describing what scoping document is required for which situation with a best practice attachment.

The topic for next meeting will be Administration – Procuring Consultants. LPA Section will coordinate with LPA Program Manager and ECS staff to be present.

## NEXT MEETING:

The next meeting will be held on December 4, 2014 at 11:00AM at the ADOT Phoenix Maintenance District Office.

## ADDITONAL INFORMATION:

Below is the NEPA process link:

<http://www.azdot.gov/docs/planning/nepa-process-flowchart.xls?sfvrsn=0>

## Attachments:

Environmental Planning handout

Sign-in sheets