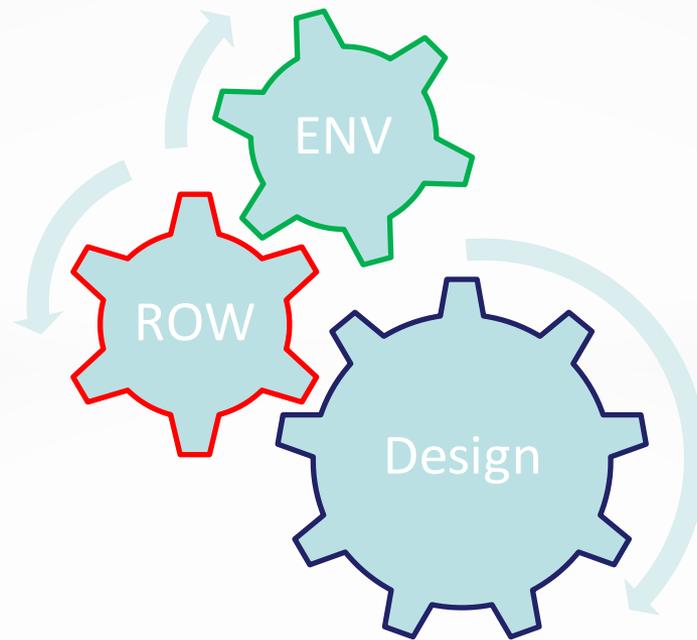


ADOT Environmental Planning Update

Federal-aid Highway Program

Local Public Agency Program

Certification Acceptance Agencies



Environmental in LPA CAA Projects

WHY ARE WE HERE?

Help Deliver the Federal-aid Highway Program

- ❑ Local Public Agencies pursue federal-aid highway funds to develop certain projects
- ❑ ADOT has a program management role and must make environmental approvals
- ❑ ADOT operates under two new Memorandum of Understanding (MOU) with FHWA for conducting environmental review
 - ❑ Everyone involved in the process should understand these MOUs
- ❑ The project development is complicated and things change over time
- ❑ Training was requested

Environmental in LPA CAA Projects

*Introductions Around the Room
Name and Role*

Environmental in LPA CAA Projects

*LPA Program
Roles*

Environmental in LPA CAA Projects

Certification Acceptance

- ❑ 23 U.S.C. § 117, Certification Acceptance (CA)
 - ❑ ADOT assumes FHWA responsibility through Stewardship Agreement and delegates to Certification Acceptance Agencies (CAA) *except environmental approval.*
- ❑ Program Agents
 - ❑ CA Agency (CAA) – Project Sponsor
 - ❑ FHWA – Funding and certain approvals
 - ❑ ADOT LPA Section – Program Administration
 - ❑ ADOT Project Management Group
 - ❑ ADOT Environmental Planning

Environmental in LPA CAA Projects

Certification Acceptance Manual

- ❑ “In accordance with 23 C.F.R. § 635.105(c)(3), the CA Agency must be adequately staffed and equipped to perform necessary work ...”
- ❑ Designated Personnel (per CAA Manual)
 - ❑ Designated Approval Authority
 - ❑ CA Liaison
 - ❑ Responsible Charge
- ❑ CAA must decide who is designated Person for Environmental related CAA approvals (Point of Contact)
 - ❑ Choice is per CA and per project. Inform ADOT ENV Planner.
 - ❑ Could be PM, ENV Coordinator, Liaison (CAA decision)

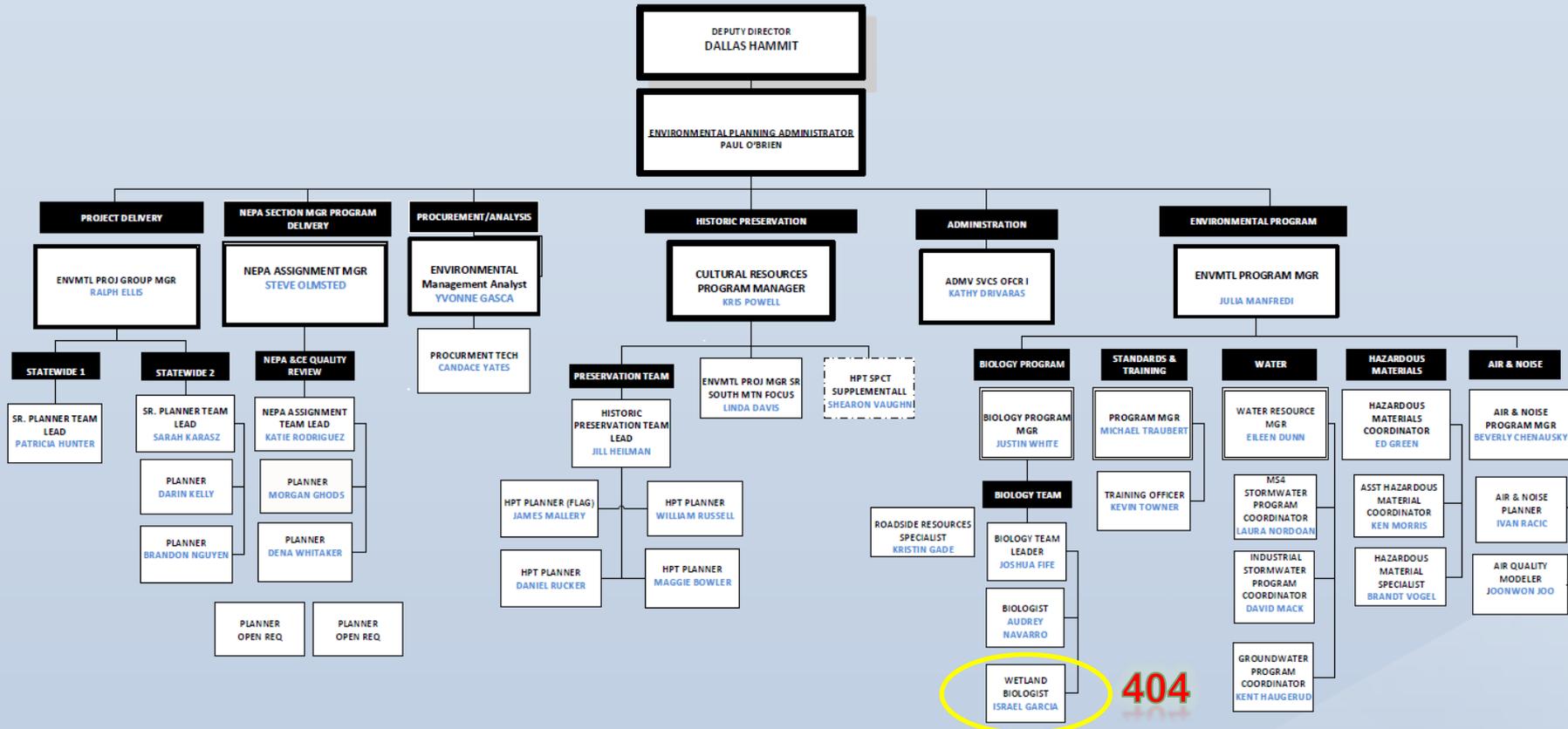
Environmental in LPA CAA Projects

ADOT Environmental Planning

- Environmental Planners
- Air Quality specialists
- Noise Technical Experts
- Archaeologists/Historic Preservation (SHPO)
- Biologists/404 permitting
- Hazardous Materials Specialists
- Water Resources

Environmental in LPA CAA Projects

ENVIRONMENTAL PLANNING ORGANIZATION CHART
EFFECTIVE SEPTEMBER 2019



404

Only recent change – Clean Water Act responsibility has moved to the Biology Team

ADOT - ENVIRONMENTAL PLANNING

PHOENIX 1611 W. Jackson, 85007, MD EM02 602-712-7767 (Phone) 602-712-3066 (Fax)		FLAGSTAFF 1801 S. Milton Rd, 86001, MD F500 928-779-7501 (Phone) 928-779-5905 (Fax)		TUCSON 1221 S. 2nd Ave, 85713, MD T100 520-388-4200 (Phone) 520-388-4255 (Conf)	
NAME	POSITION	PHONE	LOCATION	WORK DAYS	E-MAIL ADDRESS
O'Brien, Paul	Group Manager	602-712-8669/m: 480-356-2893	PHX	M-F	pobrien@azdot.gov
Manfredi, Julia	Env Programs Manager	602-712-7947/m: 602-291-3147	PHX	M-F	jmanfredi@azdot.gov
Drivasas, Kathy	ASO I	602-712-8079	PHX	M-TH	kdrivasas@azdot.gov
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Ellis, Ralph	Project Delivery Manager	602-712-7973/m: 602-463-1531	PHX	M-F	rallis@azdot.gov
Karasz, Sarah	Sr. Env Planner	520-388-4250/m: 520-334-8061	TUC	M-F	skarasz@azdot.gov
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Kelly, Darin	Env Planner	520-388-4254	TUC	M-F	dkelly@azdot.gov
Hunter, Patricia "Tish"	Sr. IPA Env Planner	520-388-4202	TUC	M-F/M-TH	phunter@azdot.gov
Vacant	Env Planner	602-712-6431	PHX	M-F	
Vacant	Env Planner		PHX	M-F	
Olmsted, Steven	Program Delivery Manager	602-712-6421/m: 480-202-6050	PHX	M-F	solmsted@azdot.gov
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Vacant	Env Planner	602-712-8633	PHX		
Powell, Kris	Cultural Resources Manager	602-712-2343	PHX	M-F	kpowell@azdot.gov
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Hellman, Jill	Sr. HPT Env Planner	602-712-6371	PHX		jhellman@azdot.gov
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Vaughn, Shearon	HPT Specialist - Supp. Services	602-712-6428	PHX	M-F	svaughn@azdot.gov
Vacant	HPT Specialist	602-712-4232	PHX	M-TH	
Vacant	HPT Specialist		PHX	M-F	
White, Justin	Bio/Roadside Resources Manager	m: 602-399-3233	FLG	M-F	jwhite@azdot.gov
Gade, Kris	Roadside Resources Specialist	m: 602-292-0301	TUC	M-F	kgade@azdot.gov
Fife, Joshua	Sr. Bio Env Planner	602-712-6819/m: 602-622-9622	PHX	M-F	jfife@azdot.gov
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Garcia, Israel	Bio - Env Planner	602-712-2334/m: 480-695-0347	PHX	M-F	igarcia2@azdot.gov
Cheshko, Steven	Intern	602-712-8987	PHX	M-F	schesko@azdot.gov
Dunn, Eileen	Water Resources Manager	602-712-8386/m: 602-245-0725	PHX	M-F	edunn@azdot.gov
Haugerud, Kent	Groundwater Protection Coordinator	m: 602-376-8532	FLG	M-TH	khaugerud@azdot.gov
Mack, David	Industrial Stormwater Program Coordinator	m: 602-376-7935	TUC	M-TH	dmack@azdot.gov
Laura Nordan	Municipal Stormwater Program Coordinator	602-712-6972	PHX	M-F	lnordan@azdot.gov
Green, Ed	Haz Mat Coordinator Lead	m: 602-920-3882	PHX	M-F	egreen@azdot.gov
Morris, Kenneth	Assistant HazMat Coordinator	m: 602-290-6107	PHX	M-F	kmorris@azdot.gov
Vogel, Brandt	Haz Mat Specialist II	602-712-4646	PHX	M-F	bvogel@azdot.gov
Chenausky, Beverly	Air/Noise Env Program Manager	602-712-6269	PHX	M-F	bchenausky@azdot.gov
Joo, Joonwon	Air - Env Modeler	602-712-7166	PHX	M-F	joo@azdot.gov
Racic, Ivan	Air/Noise Specialist	602-712-6161/m: 480-773-8497	PHX	M-F	iracic@azdot.gov
Traubert, Michael	Standards Implementation & Training Manager	602-712-7769	PHX	M-F	mtraubert@azdot.gov
Towner, Kevin	Env Training Officer III	602-712-6176	PHX	M-F	ktowner@azdot.gov

WiFi ACCESS: User: Guest Password: SedonaSharks84 (Userid & Password are case sensitive)

Administration - Contracts Manager: Paul O'Brien	ADMIN	Biology/Roadside Resources	BIO
Planning Teams		Water Quality	Water Quality
Project Delivery NEPA	Proj Del NEPA	Hazardous Materials	Haz Mat
Program Delivery NEPA	Prog Del NEPA	Air & Noise	Air & Noise
Historic Preservation Team	HPT	Training & Standards	Training & Standards
Vehicles:		Help# #'s	
AE16 - Tish Hunter & Sarah Karasz (Tucson) - 2005 Ford Taurus		Help Desk	602-712-7249
AE78 - Darin Kelly (Tucson) - 2006 Ford Taurus		Employee Services (Payroll & Travel)	602-712-7496
BP21 - Justin White (Flagstaff) - 2006 Ford Explorer SUV 4x4		Reddy Ice - John Navarro	602-722-5697
BT31 - Kent Haugerud (Flagstaff) - 2011 Chevy Silverado Crew Cb 4x4		DS Waters - Joey	602-284-3540
BT32 - Dave Mack (Tucson) - 2011 Chevy Silverado Crew Cb 4x4		Rusky Creland (SM FWY Public Calls)	602-712-7856
BT33 - Ken Morris (Phoenix) - 2011 Chevy Silverado Crew Cb 4x4		West Wing Vending	602-323-7560
BP75 - Matt Mallery (Flagstaff) - 2006 Dodge Caravan		ADT/Xerox Copier	602-346-3000
BP84 - Ed Green (Phoenix) - 2006 Chevy K1500 Ext Cb 4x4		Service/Toner - Pix	602-712-2079
		EP Team Room Phone	602-712-4668
		Small Conference Room	602-712-4668
		Large Conference Room	602-712-4668
Z:\ENV\Everyone\EPG Phone List\Updated EP Phone List.xlsx		UPDATED 5.31.19	

ENVIRONMENTAL PLANNING CONTACTS LIST

List of Environmental Planning staff with area of responsibility is maintained Available on request. It's not on the website so request an up-to-date version



Environmental in LPA CAA Projects

*National Environmental Policy Act
(NEPA)*

Environmental in LPA CAA Projects

ENVIRONMENTAL REQUIREMENTS

Environmental Review

- ❑ The over-arching environmental law
 - National Environmental Policy Act of 1969 (NEPA)

- ❑ NEPA requires the federal government (FHWA) to consider the environment in major federal “actions”
 - Mandates procedural steps (environmental review process) for projects significantly impacting the environment

Environmental in LPA CAA Projects

WHY WE NEED NEPA APPROVAL

Federal-aid Highway Program (FAHP) – “Actions”

- ❑ Federal Funding
 - ❑ Design, ROW, Construction (separate authorizations)
- ❑ Design Exceptions on the National Highway System (NHI)
 - ❑ Not likely to be a CAA project concern but there are some NHI routes that are local roads
- ❑ Change in Access on an Interstate Highway
 - ❑ Not likely to be a CAA project concern

Environmental in LPA CAA Projects

Hierarchy of Environmental Requirements for FAHP Projects

- ❑ Law: United States Code (USC)
 - ❑ NEPA, NHPA, ESA, CAA, CWA, etc.
- ❑ Regulations: Code of Federal Regulations (CRF)
 - ❑ Council of Environmental Quality (CEQ); [40 CFR 1500 – 1508](#)
 - ❑ FHWA Title 23 Highways – [23 CFR 771](#)
- ❑ FHWA Policy
- ❑ FHWA Headquarters Formal Guidance
- ❑ ADOT Guidance and Procedures
- ❑ CAA Manual

Environmental in LPA CAA Projects

NEPA Act – Overarching Environmental Law

NEPA – Provides a framework for addressing all other relevant laws



NEPA Umbrella - Environmental Review - NEPA Process

Title VI of Civil Rights Act of 1964

Executive Order 12898 (Environmental Justice)

23 USC Section 109 (Standards)

Clean Water Act (CWA)

Clean Air Act (CAA)

National Historic Preservation Act (NHPA)

Endangered Species Act (ESA)

US DOT Act – Section 4(f)

23 CFR 772 (Noise)

Comprehensive Environmental Response, Compensation and Liability Act (CERLA)

Safe Water Drinking Act (SWDA)

Public Hearing Requirements

Archaeological and Historic Preservation Act (AHPA)

Environmental in LPA CAA Projects

Three Types of NEPA Approval (Class of Action)

- ❑ Environmental Impact Statement (EIS) – Class I
 - Impacts are significant (*South Mountain*)

- ❑ Environmental Assessment (EA) – Class III
 - Significance of impacts is not clearly known (big projects/sensitive environment)

- ❑ Categorical Exclusion (CE) – Class II
 - Impacts are not significant (*preservation – majority*)

Environmental in LPA CAA Projects

ENVIRONMENTAL IMPACT STATEMENT – New South Mountain Freeway



Many formal requirements such as alternatives and their impacts need to be studied

Can take several years and significant funds to complete an EIS

Environmental in LPA CAA Projects

ENVIRONMENTAL ASSESSMENT – US 93 Two Lanes to Four Lanes



Alternatives developed and screened and a Build and No Build evaluated

Study impacts that may be significant

Can still take several years and significant funds to complete

Environmental in LPA CAA Projects

CATEGORICAL EXCLUSIONS

Pathways



Bridges



Preservation



Capacity

Safety



Environmental in ADOT Project Development

CATEGORICAL EXCLUSIONS

- ❑ Actions that are “categorically excluded” do not require formal steps needed for an EIS
 - ❑ EIS scoping
 - ❑ Purpose and Need
 - ❑ Alternatives
 - ❑ Public review
- ❑ A CE is a “determination” that answers a Yes or No question:
 - ❑ “Is the CE appropriate?” - Yes
 - ❑ “Is an EIS required?” – No

Environmental in ADOT Project Development

CATEGORICAL EXCLUSIONS

- ❑ FHWA has a [list of actions in regulation](#) which are normally categorically excluded from having to prepare an EA or EIS
- ❑ CEs are actions that based on past agency experience with similar projects FHWA *has determined* do not involve significant environmental impacts.
 - *Types of projects are listed* CEs in the regulations
 - Projects that match are pre-approved
- ❑ Match the project description to the description of the CE in the regulations
 - ❑ Project description used to determine CE is appropriate
 - ❑ Project description is part of considering “unusual circumstances”

Environmental in ADOT Project Development

CATEGORICAL EXCLUSIONS

Project Description (for CE determination)

- ❑ Important
 - Project Limits
 - Design concept – Pavement, bridge, shoulders, capacity, realignment, sidewalk, pathway, etc.
 - Scope – New ROW, cost
- ❑ Not Important for CE Determination
 - Design details
 - Quantities – X feet of this and that

Environmental in ADOT Project Development

CATEGORICAL EXCLUSIONS

Project Description – Legal Example (importance for CE determination)

- ❑ Plaintiffs contend that the ...Project ..was misclassified by the Defendants as a Categorical Exclusion (“CE”) ...
- ❑ The Defendants contend that the ...project qualifies as a CE under 23 CFR § 771.117(c)(22) because ...the project takes place entirely within the existing operational right-of-way.
- ❑ After review of the evidence ... the Court finds that Plaintiffs have failed to establish that any part of the ... project construction would go outside of the existing operational right-of-way. Therefore, it was reasonable for the Defendants to conclude that the project qualified as a CE under 23 CFR 771.117(c)(22).

Environmental in LPA CAA Projects

CATEGORICAL EXCLUSIONS

- ❑ CEs still need to consider “unusual circumstances” and other applicable environmental laws and regulations



Environmental in LPA CAA Projects

THE “OTHER” ENVIRONMENTAL LAWS

- For most projects the other environmental laws under the “NEPA umbrella” are most likely to be the critical path in the preparation of CEs:
 - ❑ Section 4(f) – Parks, Recreation areas, Historic Properties, Wildlife Refuges
 - ❑ National Historic Preservation Act
 - ❑ Clean Water Act – Army Corps Individual Permit
 - ❑ Endangered Species Act – Biology/consultation with USFWS

Environmental in LPA CAA Projects

RE-EVALUATIONS OF NEPA

FHWA Regulations

- ❑ 23 CFR 771.129
 - ❑ Paragraphs (a) and (b) applies specifically to EISs
 - ❑ 3 years from DEIS to FEIS or Next Step after FEIS

- ❑ 23 CFR 771.129(c)
 - ❑ “After the Administration issues a **CE** designation, the applicant must consult_...prior to requesting any major approvals ...**establish** whether or not the approved environmental document or **CE** designation **remains valid....**”
 - ❑ ADOT Environmental Planning signs the Federal-aid authorization request letter (“establish” this validation *at authorization*)

Environmental in LPA CAA Projects

Validation at Request for Authorization

- ❑ Included in CAA Manual page 30
- ❑ Common to All (CE/EA/EIS)
- ❑ Confirmation of no change in scope, ROW and/or project limits
- ❑ Confirm ENV commitments are complete and up to date
 - ❑ Biological Opinions have no date but Biology should check ESA list if the CE was approved more than six months earlier
 - ❑ 404 permits
 - ❑ Asbestos report in Maricopa County (12 months survey to bid advertisement)
- ❑ Validation Step is at the time of Request for Authorization
 - ❑ Timing is critical. *Validation is not the time to re-evaluate* if needed
 - ❑ Keep validation “on the radar”

Environmental in LPA CAA Projects

Re-Evaluations

- ❑ NEPA – After Approval
 - ❑ EA - 3 years from FONSI to Next Step [not in regulation]
 - ❑ CE - 5 years (little chance CE regulations would change)

- ❑ NEPA – Re-evaluation Common to All (CE/EA/EIS)
 - ❑ Included in CAA Manual page 30
 - ❑ After receipt of the NEPA approval, the CA Agency must contact ADOT Environmental Planning for an assessment of any design changes as changes could trigger additional environmental analysis under NEPA.
 - ❑ Change in scope, ROW and/or project limits
 - ❑ Includes additional ROW beyond previously cleared

Environmental in LPA CAA Projects

Re-Evaluations (ADOT defined Type)

- ❑ Formal - (More complex project, scope change, time elapsed)
 - ❑ Updated Environmental Document (NEPA approved)
 - ❑ EA Re-Evaluation (template)
 - ❑ CE Re-Evaluation (Re-Evaluation box on CE Checklist)

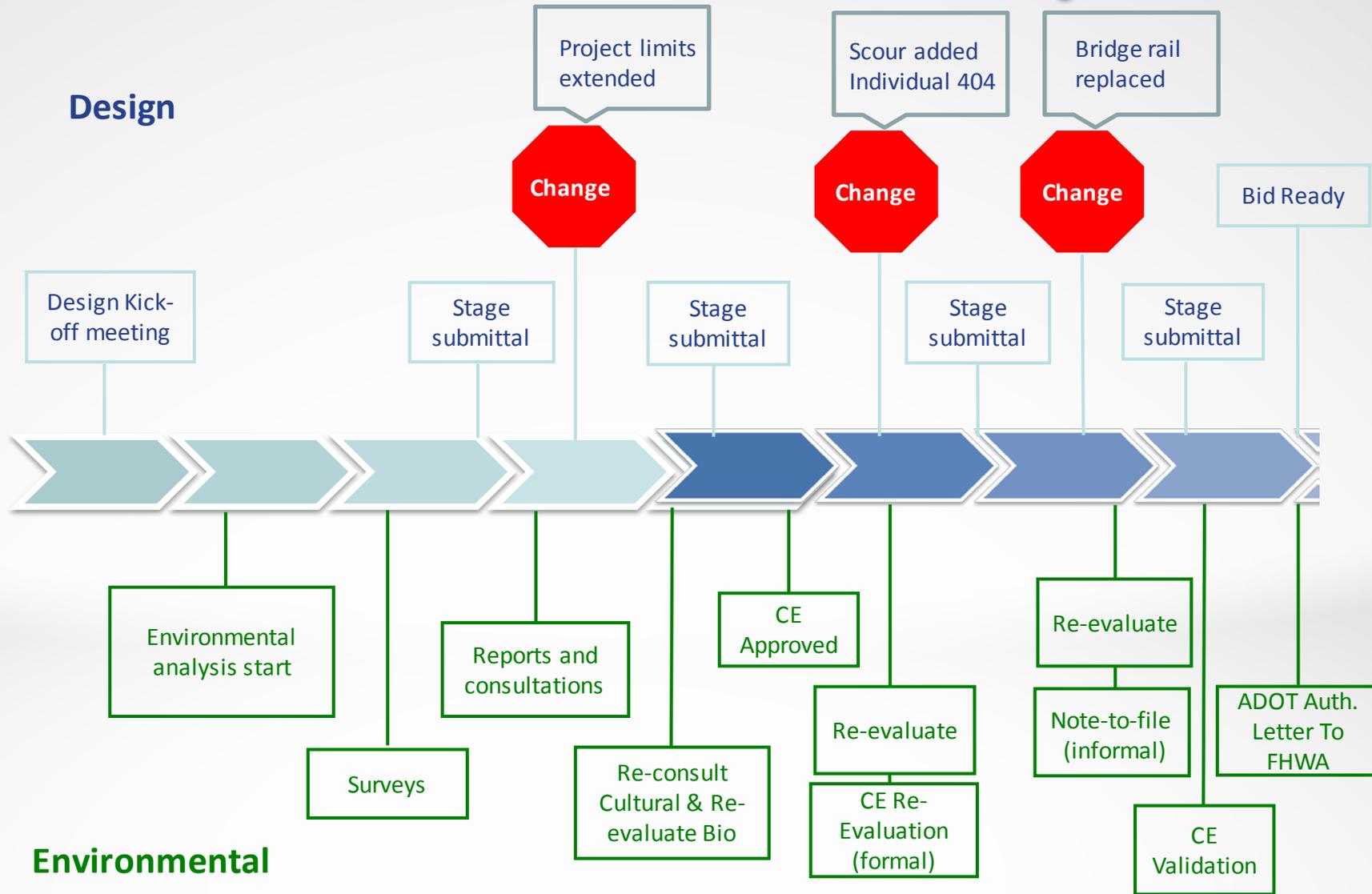
- ❑ Informal – (no substantial changes circumstances or analysis)
 - ❑ For validation of NEPA already approved
 - ❑ Note to File, Email, Phone Memo, etc.
 - ❑ Signature of authorization letter sufficient if NEPA recently approved

Environmental in LPA CAA Projects

Re-Evaluations - After NEPA Approval

- ❑ Changes
 - ❑ Additional scope
 - ❑ Extending project limits
 - ❑ Going outside project footprint (PS&E)
 - ❑ New Access
- ❑ Check back with ADOT (ENV Planner and PM)
 - ❑ Note to File, Email, Phone Memo, etc. likely sufficient
 - ❑ Only a substantial change would need a formal Re-Evaluation
- ❑ Documentation in File
 - ❑ Could be needed for change order approval (FHWA) if during construction

Environmental in LPA CAA Projects



Environmental in LPA CAA Projects

Re-Evaluations (Examples)

- ❑ EA completed 2010
 - ❑ 2019 Next Phase Project
 - ❑ Complete EA Re-Evaluation (template) for ADOT approval
- ❑ EA completed 2018
 - ❑ 2019 Final Design Completed
 - ❑ CAA confirms final design consistent with EA/mitigation included
 - ❑ Document Note to File/Memo
- ❑ CE completed March 2017
 - ❑ CAA confirms project limits changed and scope added (bridge rehab)
 - ❑ Document CE Re-Evaluation for ADOT approval

Environmental in LPA CAA Projects

Re-Evaluations (Examples)

- ❑ CE completed May 2019
 - ❑ CAA confirms final design consistent with CE/mitigation included
 - ❑ Document Note to File/Memo/Email

- ❑ Project in construction
 - ❑ CAA wants to modify project by adding 500' of paving
 - ❑ CAA notifies ADOT ENV Planner and ADOT PM of project change
 - ❑ ADOT Biologist notes no tree cutting due to seasonal restriction
 - ❑ Document Note to File/Memo/Email

Environmental in LPA CAA Projects

Re-Evaluations Guidance

- ❑ [ADOT CE Checklist Manual](#)
 - ❑ Appendix A
- ❑ FHWA Re-evaluations Guidance
 - ❑ [Joint Guidance, August 14, 2019](#)
 - ❑ [FHWA FAQs on Re-Evaluations Part 1](#)
 - ❑ [FHWA FAQs on Re-Evaluations Part 2](#)
 - ❑ [FHWA 1992 Project Development Process](#)

Environmental in LPA CAA Projects

CE Assignment and NEPA Assignment

Environmental in LPA CAA Projects

CE Assignment and NEPA Assignment

- ❑ Transfer of FHWA's environmental responsibilities under NEPA and other environmental laws to ADOT
 - An assignment of legal responsibility vs. delegation of authority
 - No change to any existing environmental laws
- ❑ ADOT is “decision maker” in federal environmental review process
 - Agency consultation: Lead federal agency
 - Section 106 and Section 7
 - Eliminates a layer of review (really layers of review)

Environmental in LPA CAA Projects

CE Assignment and NEPA Assignment

- ❑ CE Assignment
 - “326 MOU” signed January 3, 2018
 - All “listed” CEs (preservation/modernization projects)
 - 3 years with renewal
- ❑ NEPA Assignment
 - “327 MOU” signed April 16, 2019
 - EAs, EISs and “unlisted” CEs (expansion projects)
 - 5 years with renewal

Environmental in LPA CAA Projects

**MEMORANDUM OF UNDERSTANDING BETWEEN
THE FEDERAL HIGHWAY ADMINISTRATION AND THE
ARIZONA DEPARTMENT OF TRANSPORTATION CONCERNING THE
STATE OF ARIZONA'S PARTICIPATION IN THE SURFACE TRANSPORTATION PROJECT
DELIVERY PROGRAM PURSUANT TO 23 U.S.C. 327**

THIS MEMORANDUM OF UNDERSTANDING (MOU) entered into by and between the FEDERAL HIGHWAY ADMINISTRATION (FHWA), an administration in the UNITED STATES DEPARTMENT OF TRANSPORTATION (DOT), and the STATE OF ARIZONA, acting by and through its ARIZONA DEPARTMENT OF TRANSPORTATION (ADOT), hereby provides as follows:

WITNESSETH

Whereas, Section 327 of Title 23 of the United States Code (U.S.C.) establishes the Surface Transportation Project Delivery Program (Program) that allows the Secretary of the United States Department of Transportation (DOT Secretary) to assign and States to assume the DOT Secretary's responsibilities under the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq. (NEPA), and all or part of the DOT Secretary's responsibilities for environmental review, consultation, or other actions required by Federal environmental law with respect to highway, public transportation, railroad, and multimodal projects within the State; and

Whereas, 23 U.S.C. 327(b)(2) requires a State to submit an application in order to participate in the Program; and

Whereas, on June 29, 2018, prior to submittal of its application to FHWA, ADOT published notice of, and solicited public comment on, its draft application to FHWA required by 23 U.S.C. 327(b)(3), and addressed the comments received;

Whereas, Arizona Revised Statutes (A.R.S.) § 28-334(C) authorizes ADOT to participate in the Program; and

Whereas, on November 16, 2018, the State of Arizona submitted an application to FHWA with respect to highway projects in the Program;

Whereas, on February 11, 2019, FHWA published a notice in the Federal Register providing an opportunity for comment on its preliminary decision to approve ADOT's application to participate in the Program, and the views of other appropriate Federal agencies concerning ADOT's application to participate in the Program pursuant to 23 U.S.C. 327(b)(5); and

Whereas, the DOT Secretary, acting by and through FHWA has determined that ADOT's application meets the requirements of the Federal environmental laws and highway projects identified in the Program;

Now, therefore, FHWA and ADOT agree as follows:

IN WITNESS THEREOF, the parties hereto have caused this MOU to be duly executed in duplicate as of the date of the last signature written below.

STATE OF ARIZONA



John S. Halikowski
Director
Arizona Department of Transportation

Dated: 4/16/2019

FEDERAL HIGHWAY ADMINISTRATION



Brandye L. Hendrickson
Deputy Administrator
Federal Highway Administration

Dated: 4/16/2019



Environmental in LPA CAA Projects

NEPA Assignment legal requirements

- ❑ Consent to accept the jurisdiction of the Federal courts - Limited waiver of sovereign immunity (Arizona Revised Statutes: 28-334)
- ❑ Authority to enter into the Memorandum of Understanding (MOU) for each program (ARS 28-334)
- ❑ Certify that State laws comparable to Freedom of Information Act (FOIA) are in place
 - Arizona State Attorney General's Office

Environmental in LPA CAA Projects

ADOT must:

- ❑ Maintain appropriate staff and financial resources
- ❑ Report [CE Assignment Project Determinations](#)
 - ❑ NEPA determinations reported/posted online
- ❑ Perform QA/QC, self-assessment, coordinate FHWA monitoring and audits

Environmental in LPA CAA Projects

Appendix A – CE and Section 4(f) Determinations: April 1, 2018 – December 31, 2018

Report Number 2					
CE Determinations					
ADOT and LPA Projects					
Federal Project Number	TRACS Number	Project Location	CE Start Date	ADOT Approved	CE Classification
TEA ITO-0(202)T	SL675 01C	San Xavier Mission Gateway Path	4/7/2011	5/14/2018	c(3)
019-A (232) T	H8935 01C	Tubac - West Arivaca Rd	12/27/2016	5/15/2018	c(26)
GLN-0(253)T	T0076 01C	Camelback Rd. 51st Ave. - 91st Ave.	1/30/2018	5/21/2018	c(21)
SLS-0(204)T	T0165 01C	Juan Sanchez Blvd-10th Ave- Ave E	4/16/2018	5/21/2018	c(8)
GLN-0(257)T	T0071 01C	67th Ave, Glendale Ave. to Orangewood Ave.	1/30/2018	5/22/2018	c(3)
HSIP-PPM-0(264)D	T0146 01X	Pima County Sign Inventory And Panel Replacement	1/31/2018	5/22/2018	c(1)
AVN-0(221)T	SL738 01C	Van Buren Multi-Use Path 113th Ave to Agua Fria	5/13/2018	5/24/2018	c(24)
060-D (218) T	F0067 01C	2nd Street - El Camino Street	4/5/2018	5/25/2018	c(26)
CHN-0(240)D	T0099 01C	Chandler Heights Road; McQueen Rd -Gilbert Rd	1/16/2018	5/31/2018	c(24)
017-B(224)T	H8544 01C	Verde River Bridges, NB & SB, Str. #1731 & #505	3/3/2017	5/31/2018	d(13)
PVY-0(204)T	T0081 01C	Lincoln Drive, 32nd St. - Scottsdale Rd.	12/4/2017	6/4/2018	c(3)
CMAQ-GDY-0(211)D	T0136 01C	Elwood St-Cotton Ln-Estrella Pkwy	12/22/2017	6/7/2018	c(21)
HSIP-087-A(208)T	H8838 01C	Ruins Dr. at SR 87	10/11/2016	6/19/2018	c(27)

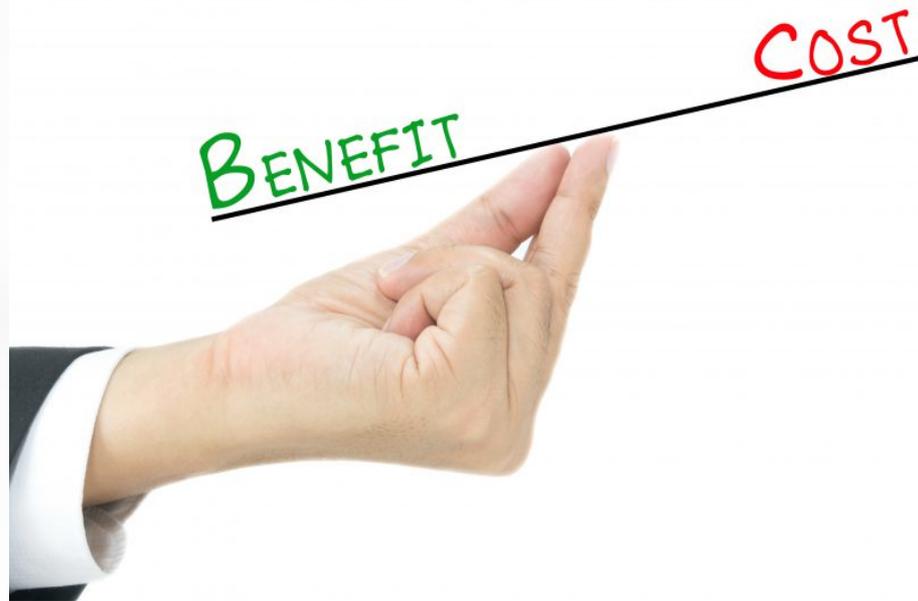
Environmental in LPA CAA Projects

FHWA retains:

- ❑ Project level air quality conformity determinations (327 MOU)
 - State can make a conformity determination for CE projects approved under 326 MOU
- ❑ Government-to-Government Tribal consultation (if requested)
- ❑ Monitoring (326) and audits (327) programs (not NEPA decisions)
- ❑ Excluded projects
 - I-11 Tier 1 EIS
 - Sonoran Corridor Tier 1 EIS
- ❑ Projects that cross international or state boundaries (327 MOU)

Environmental in LPA CAA Projects

WHY CE AND NEPA ASSIGNMENT?



Environmental in LPA CAA Projects

- ❑ MAP-21 CE Programmatic Agreement (PCE)
 - ❑ Signed new PCE Agreement in 2015
 - ❑ Some benefits with new MAP-21 CEs
 - ❑ But, fell short of expectations
 - ❑ Hit terminal velocity with process improvements
 - ❑ Drawbacks and Limitations:
 - ❑ Could not lead consultations (letters back and forth with FHWA)
 - ❑ Could not self-certify all CEs (allowed by FHWA HQ Guidance)
 - ❑ Could not make *any* Section 4(f) related decisions
 - ❑ Could not get more authority to make other “little decisions” i.e. needed concurrence for “minor amount of right-of-way”
 - ❑ Could not make decision on how to conduct re-evaluations
 - ❑ FHWA could override our CE selections

Environmental in LPA CAA Projects

FHWA Program Reviews

326 MOU – CE Assignment

- Review CEs – Files, decision documents, consultations, etc.
- Monitoring Report #1 – Fall 2018
- Monitoring Report #2 – Fall 2019

327 MOU – NEPA Assignment

- Review EAs/EISs – Files, decision documents, consultations, etc.
- Audit #1 – Start in 2019 go into 2020

Environmental in LPA CAA Projects

*ADOT Environmental Planning
Process and Procedure Updates*

Environmental in LPA CAA Projects

Old CE Process

Numerous Types of CE

No-standard Descriptions and impact thresholds

Level of NEPA Approval	Approval Authority	CE Classification	NEPA Documentation	Threshold of project impact
Categorical Exclusion (CE)	Programmatic (ADOT Approved)	Group 1	Clearance Memo	No Impacts
		Group 2	Condensed Clearance Memo	Minor Ground Disturbance
		Group 2	CE Checklist	Ground Disturbance
	Non-Programmatic (FHWA Approved)	Group 2	Condensed Clearance Memo	Minor Ground Disturbance
		Group 2	CE Checklist	Ground Disturbance

Environmental in LPA CAA Projects

CE and NEPA Assignment

One streamlined CE for all projects

Level of NEPA Approval	Approval Authority	CE Classification	NEPA Documentation	Threshold of project impact
Categorical Exclusion (CE)	ADOT Approved	326 MOU c-list d-list	CE Checklist	"listed" CEs under 23 CFR 771.117(c) and (d)
		327 MOU Individual CEs		Not listed in 23 CFR 771.117(d)

Environmental in LPA CAA Projects

ADOT STREAMLINED CE CHECKLIST

ADOT's CE

- ❑ CE is not an “Environmental Document” (per definition by Council of Environmental Quality regulations)
 - ❑ It is “documentation”
- ❑ A CE is “applied”
 - ❑ That means it answers a “yes” or “no” question
- ❑ There is no one “FHWA CE” form or template – up to the individual Divisions and States to work out

Environmental in LPA CAA Projects

CBI-CCH-0(203)T
SS986 03D
Davis Road Improvements

Agency Coordination/Public Involvement Analysis Sheet

	Date contacted	Method of notification	Comment	Response
Agency Scoping				
AGFD	2/27/13	Letter	Add comments from AGFD, that method of response was letter and date of letter. Indicate "(attached)"	No reply was sent to AGFD?
Department:			County should have scoped or at least gotten feedback on project from the City of McNeal, other County departments, emergency services, etc.	None
Local Municipality			sponsor	
Department: School	2/27/13	Letter	McNeal School	None
USFWS	2/27/13	Letter	Add comments from USFWS, that method of response was letter and date of letter. Indicate "(attached)"	None
Other				No reply was sent to USFWS?
Public Scoping/Coordination				
32 people	2/27/13	Letter		None

Public Meeting(s)

Public meeting not held
 Public meeting was held.

• Date(s) and location(s): 3/21/2013 at McNeal School, mm/dd/yyyy
 • Number of attendees: 33
 • Method(s) of notification: Newspaper, direct mail, flyers distributed at school Provide copies to ADOT NEPA planner
 • Handout materials:
 No Yes—see attached Public Meeting Summary and Comments
 • Comments/Responses: 8 Comment Cards at mtg, 2 Comment Cards rec'd by mail, 1 email comment
 indicate if comments are attached and name of attachment.

Summarize all public scoping comments received in bullet form. Do not include any contact information for private individuals. Indicate range of dates and methods of comments. Indicate if attached.

List all County responses to comments in bullet format adjacent to the associated comment. Indicate date and method of reply, indicated if attached.

full name from public comment letter and Attachment 1 with actual letter. Keep the summary of the comment and County's response.

Delete public letter / response from attachments. Delete public meeting sign in sheet from attachments.

Use correct name
 correct all dates to mm/dd/yyyy format
 Only put in this column responses to scoping letter
 Only put in this column the County's responses to agency comment to scoping letter
 Add comments from AGFD, that method of response was letter and date of letter. Indicate "(attached)"
 Add comments from USFWS, that method of response was letter and date of letter. Indicate "(attached)"
 No reply was sent to AGFD?
 No reply was sent to USFWS?
 Provide copies to ADOT NEPA planner
 indicate if comments are attached and name of attachment.

What should protection of the environment look like? Perfecting paperwork?

“NEPA's purpose is not to generate paperwork-- even excellent paperwork--but to foster excellent action.”
- Council of Environmental Quality

Environmental in LPA CAA Projects



NEPA should be about actual protections and not excessive “paperwork.”

Were species impacts reviewed and environmental commitments included in the contract documents?

Environmental in LPA CAA Projects

CE Checklist:

- ❑ “Individual” CE form is no longer used
- ❑ Individually documented and approved CEs [unlisted in paragraph (d)] use the CE Checklist
 - ❑ “Other qualified project individually documented and approved under paragraph (d) “
 - ❑ Nothing is lost. Mainly repeated information eliminated.
 - ❑ Still place for “Other Considerations” that may need additional documentation

Type of CE - Choose <i>one</i> from (c) or (d) or Appendix A drop-down lists:	
(c) - list:	(d) - list:
If the project qualifies for a (c)(1) CE then no Technical Sections review is required and the CE is complete. Proceed to NEPA Compliance Certification and Categorical Exclusion Approval.	

Environmental in LPA CAA Projects

Updated CE Checklist -
first page

CAA and ADOT Project
Manager provide and
confirm the Project
Information (location
and scope)

ADOT ENV Planner
completes the CE
Checklist based on that
Project Information

Project Information:	
Project Name: ADOT Project Number: Federal-Aid Number: Estimated Project Construction Cost: Planning Requirements: <input type="checkbox"/> STIP/Line Item <input type="checkbox"/> ADOT Sub-program	Construction Project Administration ADOT <input type="checkbox"/> CA Agency <input type="checkbox"/> Categorical Exclusion Approval for FMIS 2A - (c) Listed <input type="checkbox"/> 2B - (d) Listed <input type="checkbox"/> 2C - (d) Unlisted <input type="checkbox"/>
CE Start Date: Click here to enter a date.	

Re-evaluation:	
<input type="checkbox"/>	This project has been re-evaluated pursuant to 23 CFR 771.129 due to a change in the project scope, location, or termini or because of the need to evaluate new impacts not previously considered, or because five years have passed since the date of the CE Approval. The information on this form reflects all updates to the project information.

Location and Limits:
CA Agency

Purpose and Description (scope of work):
CA Agency

Type of CE - Choose <u>one</u> from (c) <u>or</u> (d) <u>or</u> Appendix A drop-down lists:	
(c) - list: ADOT ENV Planning	(d) - list:
<input type="checkbox"/> (c)(1) Non-Construction	
If the project qualifies for a (c)(1) CE then no Technical Sections review is required and the CE is complete. Proceed to NEPA Compliance Certification and Categorical Exclusion Approval.	

Environmental in LPA CAA Projects

ADOT “STANDARD WORK” UPDATES

ADOT Process and Procedures

- ❑ Environmental Planning Updated Guidance (website)
 - ❑ [Guidance for Federal-aid Project – NEPA Guidance tab](#)
- ❑ LPA Manual Chapter 9 updated
 - ❑ Updated to reflect MAP-21 CE process and CE/NEPA Assignment
- ❑ ADOT Project Development Procedures (new LPA Section)
 - ❑ Project Initiation
 - ❑ Communication between CAA and ADOT
 - ❑ Contract scope of work
 - ❑ Project Description/Scope of Work

Environmental in LPA CAA Projects

ADOT “STANDARD WORK” UPDATES

ADOT Process and Procedures

- ❑ ADOT ENV Quality Control Plan
 - ❑ Updated review process and quality control checks
- ❑ New EA/EIS Guidance
 - ❑ Replace old EA Guidance
 - ❑ New EIS Guidance
 - ❑ New EA Re-Evaluation Template
- ❑ Environmental Commitments

Environmental in LPA CAA Projects

ADOT “STANDARD WORK” UPDATES

Section 4(f) Manual:

- ❑ Environmental Planning Updated Guidance (website)
 - ❑ [Guidance for Federal-aid Project – Section 4\(f\) and Section 6\(f\) tab](#)
- ❑ New Section 4(f) Manual
- ❑ New Forms
 - ❑ No Section 4(f) Property/Use Form
 - ❑ Applicability/Exceptions Form
 - ❑ Programmatic Section 4(f) Evaluation Templates
 - ❑ Historic Bridges
 - ❑ Net Benefit (Historic/Parks)
 - ❑ Two “minor use” programmatic evaluations (appendix)

Environmental in LPA CAA Projects

ADOT “STANDARD WORK” UPDATES

ADOT Process and Procedures

- ❑ Environmental Planning Updated Guidance (website)
 - ❑ [Guidance for Federal-aid Project – Technical Guidance tabs](#)
- ❑ ADOT Noise Requirements
- ❑ ADOT Air Quality Procedures
- ❑ Biology Procedures Updates
- ❑ Section 106 Programmatic Agreement Update (in progress)
 - ❑ New guidance to be put in place once the PA is updated.
 - ❑ Replaces old HPT Handbook

Environmental in LPA CAA Projects

ADOT “STANDARD WORK” UPDATES

Geotechnical Investigations:

- ❑ Now complete geotechnical “clearances” (if prior to project NEPA)
- ❑ NEPA (CE) not required prior to project NEPA approval
 - ❑ Preliminary Engineering - [23 CFR 636.103](#)
- ❑ Can be done in advance of project NEPA...however;
 - ❑ NHPA/ESA still covered
 - ❑ Clear “area” for geotechnical activities and access
 - ❑ Sensitivity for projects on federal lands easements and tribal lands (mainly ADOT projects)

Environmental in LPA CAA Projects

Project Initiation

Environmental in LPA CAA Projects

Project Initiation

- ❑ Initiation Request Letter from CAA to ADOT LPA Section
 - ❑ CAA Manual (Page 19)
 - ❑ Initial Project Description
 - ❑ “LPA Project Data Sheet”
 - ❑ “Class of Action” (most likely to be a CE)
 - ❑ Initial Project Schedule
- ❑ Call ADOT Project Delivery Manager questions as no ENV Planner is yet assigned at the time the PDS is being completed by the CAA



LPA PROJECT DATA SHEET

Project Name: _____ Sponsor Agency: _____
 Project Location: _____ Functional Class: _____
 Sponsor Contact: _____ Phone & Email: _____
 COG/MPQ: Select One... TIP ID: _____ Program FY: DESIGN CONST
 Administered By: CA SA (Fed \$) SA (Loc \$) ADOT Design By: ADOT Staff (In-House) Consultant

PROJECT ZONE (OPTIONAL) Description of work being completed including current status and beginning and end terms:
 For Scoping/Project Agreement (P.A. Completed): No Yes

PROJECT FUNDING (COMPLETE AS APPLICABLE)
 Note all costs below should match what is in the Regional TIP

Item	Source	Federal \$	Local \$	Total \$
ADOT Review/PDA Fee (formerly PMDR)	Select One...			\$ 0.00
Design (94.3% Fed/5.7% Local)	Select One...			\$ 0.00
Design Other (Local 100%/Overmatch)	Select One...			\$ 0.00
Construction (94.3% Fed/5.7% Local)	Select One...			\$ 0.00
Construction Other (Local 100%/Overmatch)	Select One...			\$ 0.00
ROW Acquisition	Select One...			\$ 0.00
Total Project Cost		\$ 0.00	\$ 0.00	\$ 0.00

Environmental Considerations (Identify scope and major risks to delivery)
 Class of Action (COA): No IGA IGA Re-evaluation

Right of Way (Identify scope and major risks to delivery)
 New Right Acquisition: No Yes

Utilities & Railroad (Identify scope and any major risks to delivery)

ESTIMATED SCHEDULE

Item	Completion Date
Project Initiation	
IGA Execution	
PE Authorization	
Kick-Off Meeting	
Stage I (15%)	
Stage II (30%)	
Env Clearance	
Stage III (60%)	
ROW Clearance	
Stage IV (95%)	
Utilities Clearance	
Bid Packet Ready	
Bid Advertisement	
Bid Award	
Construction Start	
Construction End	
Project End	

TOTAL DEVELOPMENT HOURS (ESTIMATE OF ADOT REVIEW HOURS)

Item	Review Hours
Design Review	
Scoping/Pre-Design	
Final Design	
Right of Way	
Environmental	
Total	0

LPA PROJECT DATA SHEET

A new "Class of Action" designation is located on the LPA PDS

Located on ADOT LPA website under [Project Initiation](#) under One-Stop Shopping



Environmental in LPA CAA Projects

LPA PROJECT DATA SHEET

Environmental Considerations (identify scope and major risks to delivery)				
Class of Action (COA):	CE	EA	EA Re-evaluation	

Most likely to be a CE
but confer with ADOT
ENV Planning if building
on new location or
taking substantial new
ROW

Environmental in LPA CAA Projects

Project Initiation

- ❑ ADOT ENV Planning First Step
 - ❑ ADOT Project Delivery Manager assigns to an ENV Planner
 - ❑ “Manager” of ENV process for ADOT
 - ❑ Name of ADOT ENV Planner is provided to ADOT LPA Section
- ❑ Response Letter From ADOT to CAA (LPA Section sends)
 - ❑ Name of ADOT ENV Planner is provided to CAA
- ❑ Planner receives notice of assignment and copy of initiation material
 - ❑ ENV Planner contacts CAA
 - ❑ ADOT ENV Project Data Sheet (PDS) prepared

Environmental in LPA CAA Projects

Project Initiation

- ❑ CAA Consultant Contracts
 - ❑ ENV can assist scope and hours review (upon request)
- ❑ Suggest use “Environmental PDS” to inform level of effort and consultant work
- ❑ Opportunity for ADOT Environmental Planning technical input
- ❑ Don’t want to over-scope or under-scope the project
- ❑ Examples (over and under)
 - ❑ Over - Full CE Checklist completed when only minimal required
 - ❑ Over - Air Quality and Noise Reports conducted when not needed
 - ❑ Under – Historic building inventory required (inadequate funding)

Certification Acceptance

Home (LPA)	One-Stop Shop	Communication Bulletins	Stakeholder Council
CA Recertification	HURF Exchange	Off-System Bridge	Contact Us

Project Resources

- + [Certification Acceptance Manual](#)
- + [Certification Acceptance Program - Computer Based Training](#)
- + [Certification Acceptance Agreements](#)
- + [Certification Acceptance Agency Matrix](#)
- [Environmental Project Data Sheet](#)
[Environmental Project Data Sheet](#)

Business

- [ADOT Business Coach On](#)
- [Business Engagement an](#)
- [Engineering and Construc](#)
- [Contracts and Specificati](#)
- [Project Management Serv](#)
- [Highway Maintenance](#)
- [Procurement](#)
- [Engineering Consultants](#)
- [Programs and Partnerships](#)
 - [Adopt a Highway](#)
 - [Border Liaison Unit](#)
 - [Every Day Counts Initiative](#)
 - [Grand Canyon State Logo S](#)
 - [Joint Project Agreement](#)

Environmental in LPA CAA Projects

BIOLOGICAL RESOURCES					
Y	N	[Type "X" to mark boxes]			
	X	ESA Species (list): None			
	X	Critical Habitat (list): None			
	X	Separate Biology Field Review Recommended?			
	X	Arizona Wildlife Linkage present and potentially affected by scope of project? (if yes, describe in Details below)			
X		AZ Game and Fish Online Tool Printout Obtained? (Attach 1 st page if available)			
	X	Agency Coordination? (Forest/Tribal/BLM—list):			
	X	Species surveys anticipated? (if yes, list species):			
	X	Potential for herbicide use as part of project? (6 months of work in project area, weedy staging areas, etc.)			
	X	Consultation with USFWS expected (informal or formal)?			
Documentation Type	BESF	BE, no species analyses	BE with species analyses (include details below)	Other (explain below)	X [Type "X" to mark boxes]
Deliverable(s) and due date(s): biology letter is part of project agency scoping. Deliverable due date is dependent on NEPA/Environmental Clearance schedule.					
Details: (Include timing and duration of surveys, explanation if species or critical habitat is/are nearby but not affected.) The project is located in Phoenix, Maricopa County, Arizona. It is located within a developed commercial urban-setting. The ADOT biologist will complete an in-house biological resources compliance documentation. No threatened/endangered or special status species were documented within the project area/vicinity locations.					Estimated hours for completion: 0
On-Call Consultant Signature & Date:					
Printed Name:					
ADOT Biologist (signature or record of approval) & Date:					
Printed Name: Audrey Navarro; 05/30/2019					

ADOT ENVIRONMENTAL PLANNING - PROJECT DATA SHEET (PDS)

Environmental in LPA CAA Projects

Environmental Project Data Sheet

- ❑ Opportunity for ADOT Environmental Planning technical input
- ❑ Don't want to over-scope or under-scope the project
- ❑ Whether or not an Environmental PDS was created do not start technical evaluations before checking with ADOT
- ❑ Include local Historic Preservation Officers

Environmental in LPA CAA Projects

Example - Environmental Project Data Sheet “right-sizing” the scope

- ❑ **“Project Scope:** The project scope of work consists of installing interface devices in existing traffic-control cabinets and on existing...poles, traffic-control cabinets, or mast arms. The new vehicle-detection equipment will be connected through existing conduit or by wireless communication....”
- ❑ “This UPBE is approved. In the future, for projects with no ground disturbance, a summary of the project including the scope and maps of the project location can be emailed to the biologist for confirmation of no effects on biological resources – a UPBE is not needed for projects without ground disturbance unless there is some other compelling reason to think there might be biological effects.” – ADOT Biologist
- ❑ With this description this project could have been approved with a (c)(1) CE appropriate [no technical review] and saved time and money

Environmental in LPA CAA Projects

Project Initiation

- ❑ CAA Project Kick-off Meeting
 - ❑ PDA in place, consultant contracts are in place...ready to begin environmental review work (start of the “process”)
 - ❑ Invite ADOT PM and ADOT ENV Planner
 - ❑ Invite “Techs” as needed
 - ❑ Do not start any technical reports until coordinating with ADOT technical area
 - ❑ Example unnecessary Air Quality Reports
 - ❑ Include local Historic Preservation Officers

Environmental in LPA CAA Projects

*Establish Good Communication and
Coordination*

Environmental in LPA CAA Projects

Communication and Coordination

- ❑ ADOT Project Development Procedures
 - ❑ LPA Section – Initiation steps and emphasis on coordination
- ❑ Establish communication protocol
- ❑ Follow the [ADOT Quick Reference Guide for Expediting Project Delivery of LPA Federal-aid Projects](#)
- ❑ TRB Report – SHRP2 Grant Program:
 - ❑ Constraint 5 – “ineffective internal communication”
 - ❑ Ineffective internal and external communication impacts the delivery of the LPA Program

Environmental in LPA CAA Projects

Sample LPA Project – “Why did it take a year to do the CE?”

- ❑ **November** - LPA initiated project. Safe Routes to School [(c)(1) CE]
- ❑ **December 9** – FHWA authorized PE funds
- ❑ **August 19** – LPA asked for the status of the environmental. There was no awareness of the project at Environmental Planning
- ❑ **September 9** – Environmental Planning informed the PM that they need basic project information to prepare a clearance
- ❑ **November 14** – Environmental Planning sent an email to the LPA Section noting that they had been waiting for the a scope of work
- ❑ **November 25** – CE was prepared and sent to LPA Section for project info confirmation
- ❑ **December 15** – CE was approved

Environmental in LPA CAA Projects

Sample LPA Project – “Why did it take a year to do the CE?”

Conclusion - You can see that most of the one year was spent in the black hole. There was some minor EPG delay between 11/26 and 12/15 for something at that point would have taken less than an hour to complete. But, overall this is reflective of a lack of execution of the overall process and not the ‘environmental clearance’ process. What appears lacking here is a solid initiation of the environmental clearance process and good basic communication and schedule awareness. - 2015

- ❑ ADOT is *much* better at tracking schedules now [ADOT PRO]
- ❑ Consistency with ADOT Project Management Group
- ❑ Communication and coordination amongst the collective project team can always be better
- ❑ Follow the simple advice in the Quick Reference Guide

Environmental in LPA CAA Projects

Communication and Coordination

- ❑ Follow the [ADOT Quick Reference Guide for Expediting Project Delivery of LPA Federal-aid Projects](#)

November
2017

QUICK REFERENCE GUIDE
FOR EXPEDITING PROJECT DELIVERY
OF LOCAL PUBLIC AGENCY (LPA) FEDERAL-AID
PROJECTS



ACRONYMS USED THROUGHOUT THIS GUIDE:

AA	ADOT Administration	LPA	Local Public Agency
ADOT	Arizona Department of Transportation	MPD	Multimodal Planning Division
AEP	ADOT Environmental Planner	MPO	Metropolitan Planning Organization
APM	ADOT Project Manager	NEPA	National Environmental Policy Act
CA	Certification Acceptance	NHPA	National Historic Preservation Act
CAA	Clean Air Act	NTP	Notice to Proceed
CE	Categorical Exclusion	PARA	Planning and Rural Assistance
CEP	Consultant Environmental Planner	PE	Preliminary Engineering
COG	Council of Government	PS&E	Plans, Specifications, and Estimates
CPM	Consultant Project Manager	QA	Quality Assurance
CWA	Clean Water Act	QC	Quality Control
EA	Environmental Assessment	RFQ	Request for Quotation
ECS	Engineering Consultant Services	ROW	Right-of-Way
EIS	Environmental Impact Statement	SA	Self-Administration
ESA	Endangered Species Act	SHRP	Strategic Highway Research Program
FAHP	Federal-Aid Highway Program	STIP	Statewide Transportation Improvement Plan
FHWA	Federal Highway Administration	TIP	Transportation Improvement Program
IGA	Intergovernmental Agreement	TRAC	Transportation Accounting System

OVERVIEW:

THIS LOCAL PUBLIC AGENCY (LPA) QUICK REFERENCE GUIDE

This guide was developed by the Arizona Department of Transportation (ADOT) with a grant from the Federal Highway Administration (FHWA) to implement the second Strategic Highway Research Program (SHRP2). This guide serves as an additional tool in **expediting LPA project delivery**, in particular environmental review in steps leading up to and through the National Environmental Policy Act (NEPA) process.

This guide focuses on the following key points:

- ✓ **ADOT's Environmental Planning** plays a key role in obtaining project NEPA approval and should be involved early in the development process to provide input on **scope, schedule and budget**.
- ✓ **Good communication** between the LPAs, the ADOT Project Manager, the ADOT Environmental Planner, and consultants is essential to **efficient and effective project development**.
- ✓ The three types of LPA project administration have different procedures for **procuring consultants**.
- ✓ **Manage the critical path** means accounting for the "other environmental laws" such as the National Historic Preservation Act (NHPA), Endangered Species Act (ESA), Clean Water Act (CWA), Section 4(f), Clean Air Act (CAA), etc. that typically dictate the environmental component of a project schedule.
- ✓ **Strong Quality Assurance (QA) and Quality Control (QC)** are important to prevent problems, as well as identify and correct problems early.
- ✓ ADOT staff should strive to provide **exceptional customer service** by having a **proactive approach to communication**.

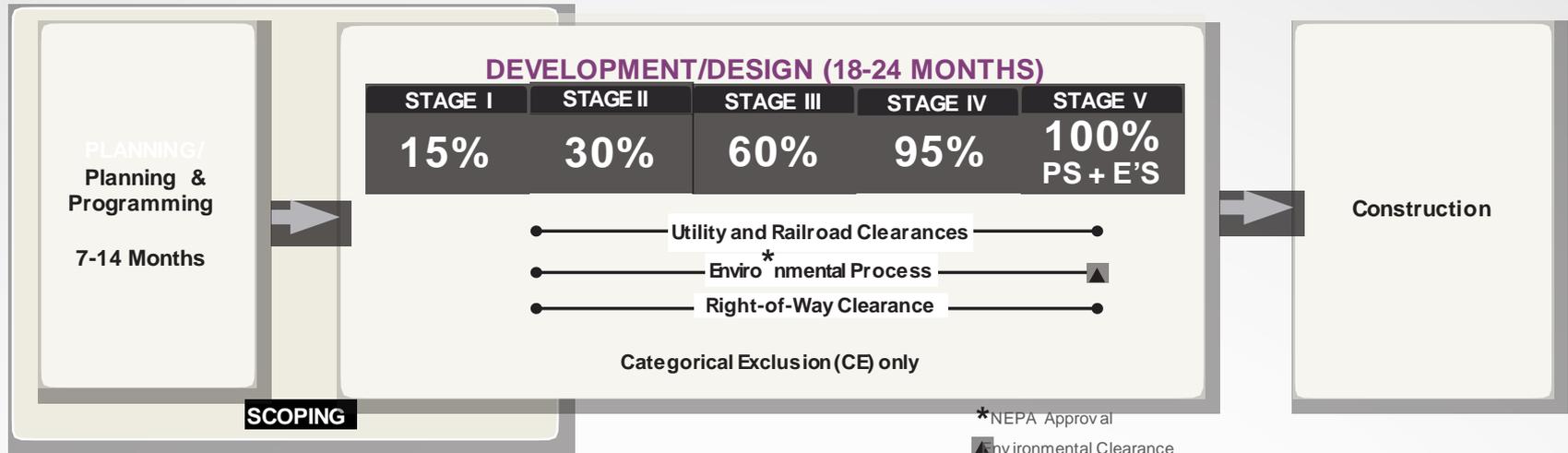
THE ADOT LOCAL PUBLIC AGENCY PROJECTS MANUAL

ADOT is tasked with administering the Federal-Aid Highway Program (FAHP) for LPAs. The [ADOT Local Public Agency Projects Manual](#) provides information and guidance to assist LPAs with projects funded under the FAHP, from planning to final acceptance. The manual outlines the ADOT and FHWA policies and procedures that federally-funded LPA projects must follow and provides references to contacts and resources throughout the project development process. Chapters of that manual are referenced in this guide for additional information.



KEY POINT: ADOT does not administer the development of all LPA projects but is responsible for all NEPA compliance for federally-funded LPA projects.

PROJECT DEVELOPMENT PROCESS:



NEPA APPROVAL AND ADOT ENVIRONMENTAL CLEARANCE:

NEPA Approval and the **ADOT Environmental Clearance** for final approval of environmental actions are separate approval steps.

NEPA Approval is the completion of the federal NEPA process as indicated by the approval of a CE, Environmental Assessment (EA), or Environmental Impact Statement (EIS). The NEPA Approval date is also the date after which FHWA can authorize design, right-of-way (ROW) acquisition and construction funding.

Environmental Clearance is an internal ADOT approval document sent from Environmental Planning to ADOT Contracts and Specifications Section for an ADOT construction administered project, to certify that the environmental process and documentation is complete, has been approved by the responsible agencies, and that the project is ready to advertise for bid. There is no separate Environmental Clearance for CA Agency projects as the CA Agency is responsible for ensuring there are no changes that affect the NEPA Approval and that all requirements are met before authorization for construction.

The Environmental Clearance can be issued concurrently or after the NEPA Approval date. For CE projects, the dates are usually concurrent. For EA and EIS projects, NEPA Approval will be in advance of final design, and the Environmental Clearance will be issued before advertisement for construction.

PLANNING AND PROGRAMMING:

ADOT Environmental Planning involvement can begin as early as preliminary scoping in **planning** and **programming**.

ADOT encourages LPAs to scope projects as thoroughly as possible to evaluate cost estimates before projects are included in a regional Transportation Improvement Program (TIP) to ensure that sufficient funding is secured. The ADOT Multimodal Planning Division (MPD) provides assistance to LPAs with preliminary scoping utilizing Planning and Rural Assistance (PARA) funds for qualifying rural LPA projects.

THE LEVEL OF PROJECT SCOPING DURING PLANNING AND PROGRAMMING SHOULD:

SHOULD:

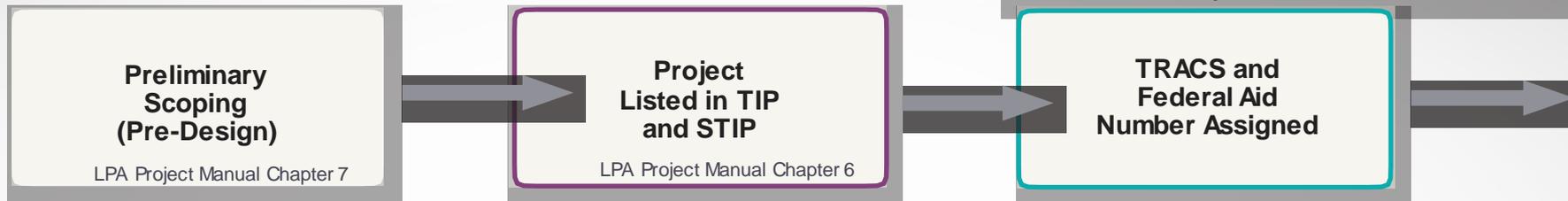
- Identify needs through local programming
- ✓ **Be commensurate** with the complexity of the proposed project
- ✓ Identify any environmental issues that will take time and funding to address
- ✓ Define project cost and budget sufficiently to allow the project to be programmed
- ✓ Be sufficient to support the environmental analysis required during the design phase

IMPORTANT PLAYERS IN PRELIMINARY SCOPING

- LPA
- MPO/COG Staff
- ADOT LPA Section
- ADOT MPD
- ADOT Environmental Planning
- ADOT District and Technical Staff

LPA sends letter to ADOT LPA Section Program Manager to initiate project

PLANNING AND PROGRAMMING



INITIATING ADOT ADMINISTERED PROJECT:

The LPA initiates the project with ADOT by sending a letter to the ADOT LPA Section Program Manager. The ADOT LPA Section Program Manager coordinates the assignment of the TRACS and Federal-Aid Number and project name with the ADOT Project Manager and the ADOT Environmental Planner. A letter containing the project information and its assigned personnel is sent back to the LPA.

RESPONSIBLE PARTY

- ADOT
- LPA
- FHWA
- Consultant

ADOT LPA Section Program Manager:

- Assigns TRACS and Federal Aid Number
- Contacts Project Management Group for Assignment of a Project Manager
- Contacts ADOT Environmental Planning Project Delivery Manager for assignment of an Environmental Planner

ADOT LPA Section Program Manager sends letter back to LPA with:

- TRACS and Federal Aid Number
- Name of ADOT Project Manager
- Name of ADOT Environmental Planner (cc ADOT Project Manager and ADOT Environmental Planner)

PROJECT IMPLEMENTATION

IGA^{1,2} Developed

LPA Project Manual Chapter 2

Federal Aid Authorized and Obligated for Preliminary Engineering (PE)³

LPA Project Manual Chapter 8

Development/Design (Final Scoping and PE)

LPA Project Manual Chapter 8

¹ IGA = Intergovernmental Agreement

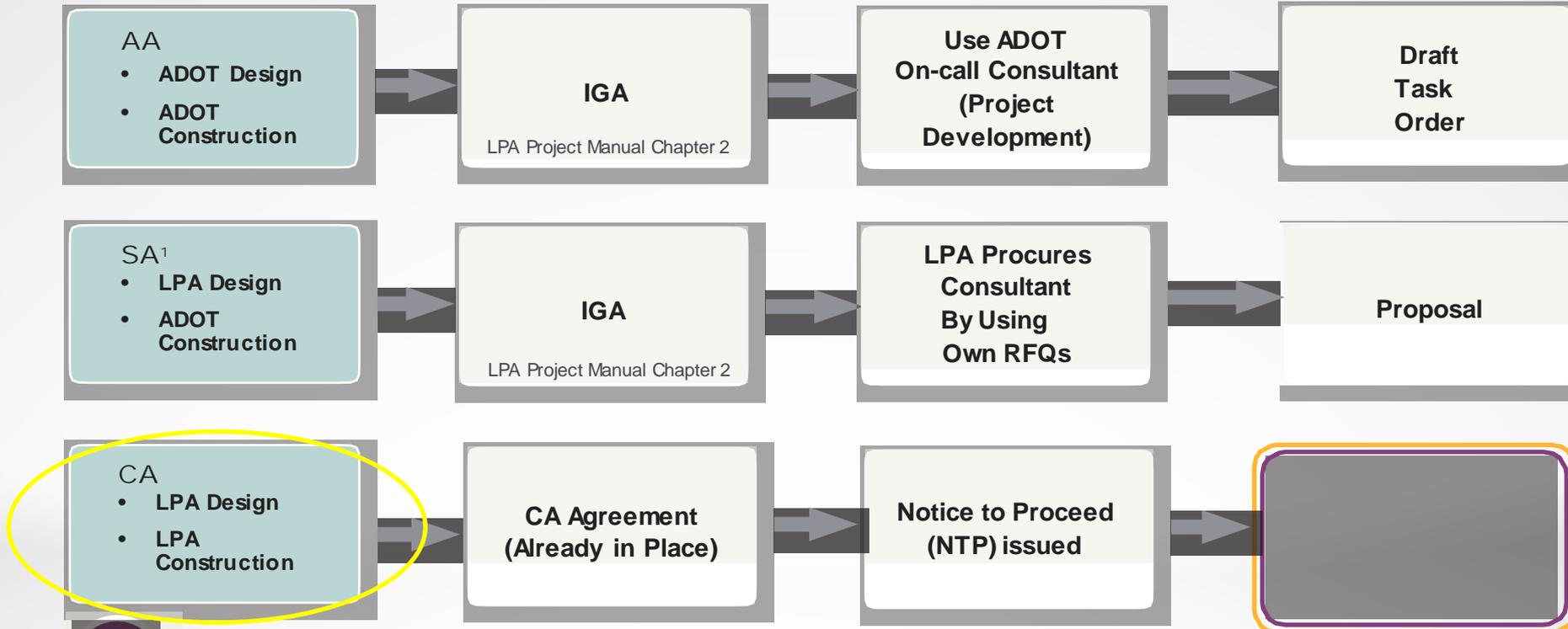
² LPA that is CA operates under CA Agreement

³ LPAs can self fund the PE and still request Federal-aid for construction

IGA AND CONSULTANT

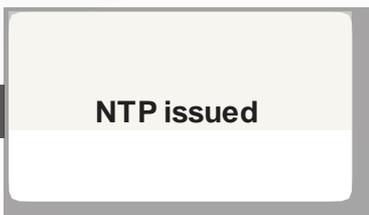
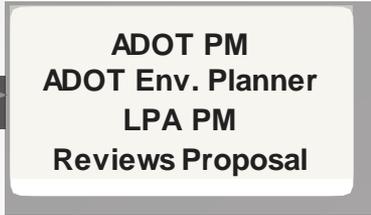
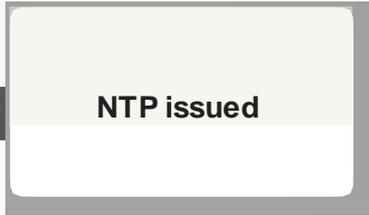
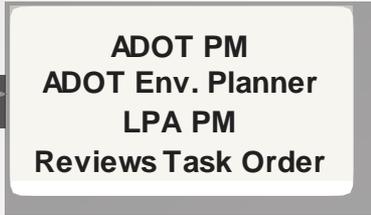
PROCUREMENT:

An **intergovernmental agreement (IGA)** needs to be in place for AA and SA LPA projects. The IGA defines the budgetary obligations of all parties involved in a project. IGA development provides an opportunity for **collaboration** and **coordination** between an LPA and ADOT on defining scope and outlining responsibilities. Consultant procurement is dependant on the type of project administration.



KEY POINT: CA Agencies do not have an IGA and operate their own consultant procurement process as approved by ADOT. Responsibilities are outlined in their **CA Agreement**.

¹ LPA desiring to pursue SA must apply with ADOT prior to initiating the consultant procurement process.



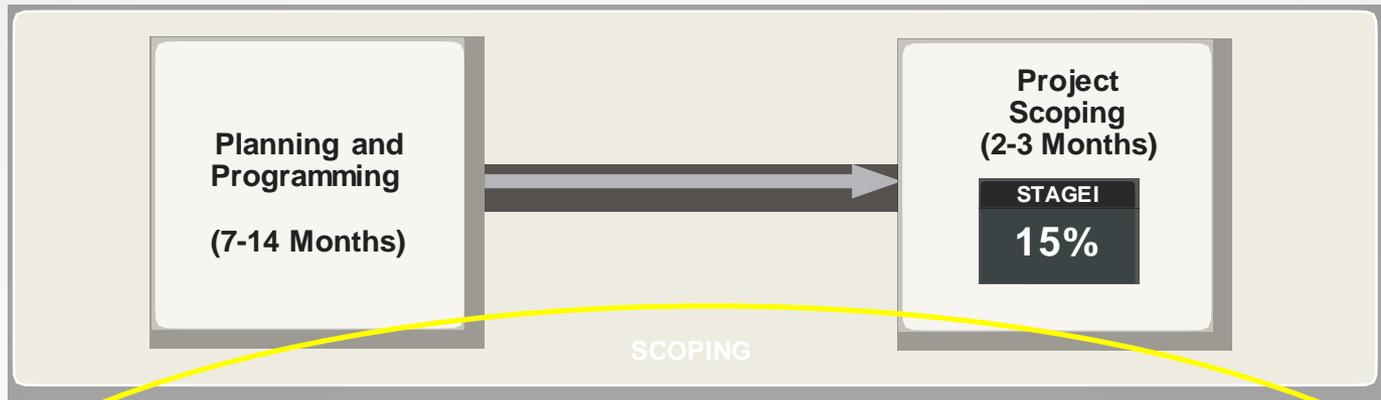
KEY POINT: In addition to the ADOT PM and LPA PM, ADOT Environmental Planners can review proposals from an environmental perspective.



SCOPING - PLANNING/PROGRAMMING AND PRELIMINARY

DESIGN:

The **ADOT Environmental Planner** should be involved early in the process to provide knowledge and insight on the project's scope, schedule and budget. The earlier that potential issues are identified, the more predictable the project development process will be.



DURING PLANNING AND PROGRAMMING (Pre-TIP)

- ✓ Environmental Planning can be contacted during preliminary scoping to assist the LPA prior to a project being programmed in the TIP.
- ✓ Environmental Planning can review the scope and budget as early as possible to avoid a project being under or over scoped.
- ✓ Environmental Planning contact information can be found at

<http://azdot.gov/business/environmental-planning/contact-us>

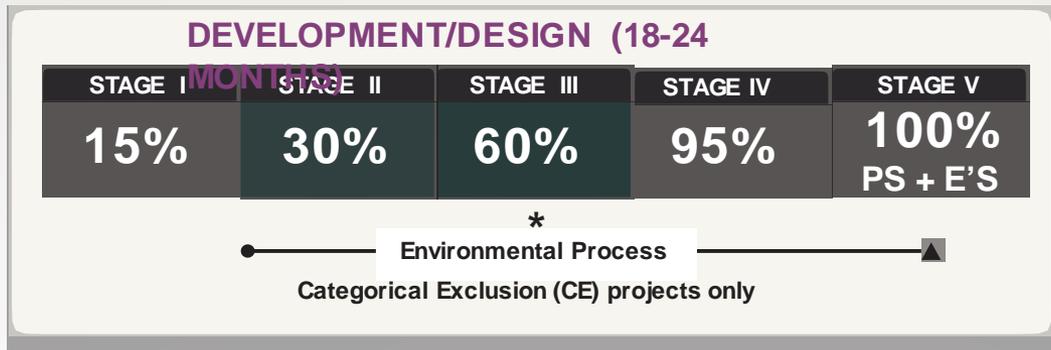
DURING PROJECT SCOPING (Post-TIP)

- ✓ The ADOT Project Manager and ADOT Environmental Planner attend the field review and kickoff meeting.
- ✓ The ADOT Environmental Planner can be contacted early and often to provide assistance on NEPA requirements.



KEY POINT: Timing of getting funding in place is critical. The process involves many steps, so financial planning is imperative to a project development schedule.

DEVELOPMENT/DESIGN PHASE:



* NEPA approval should normally be attained by 60% for projects processed as a CE. But, this may not always be possible. Proceed cautiously to 95% only with Environmental Planning approval. Discussions with Environmental Planning should be ongoing throughout the project. Environmental Planning can make a "risk assessment" for proceeding past 60% based on the impacts and relevant environmental issues. The goal is to avoid re-design that is the result of determinations made in the environmental review process.

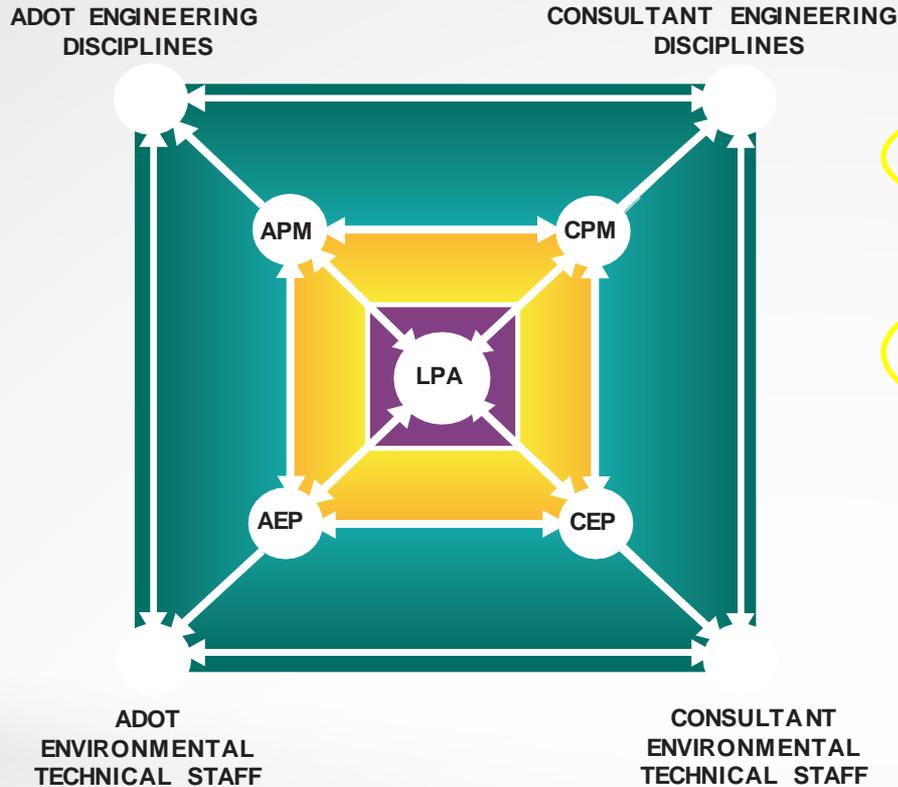
Preliminary Engineering (PE), the environmental review process, and NEPA approval occur within the Development/Design Phase.

▲ Environmental Clearance required by this time (AA and SA projects only)

- ✓ Various **environmental analysis** may be required for NEPA approval. Coordination and communication between disciplines is essential in identifying the environmental resources and evaluating the project impacts on these resources. See Chapter 9 of the LPA Project Manual for discussion of the roles and responsibilities of various technical disciplines and their requirements.
- ✓ When there is a **change in scope and/or limits**, communicate this as soon as possible to address the consequences earlier rather than later. Changes in scope and/or limits may require additional studies/analysis that could be time sensitive which in turn may require additional funds to complete the work.
- ✓ If the budget changes and additional funds are needed, be aware that **securing additional funding can be complicated and take time.**

Local Public Agency Project
Manual Chapter 8:
Development/Design Chapter 9:
Environmental Clearances

COORDINATION AND COMMUNICATION:



APM - ADOT Project Manager
CEP - Consultant Environmental Planner
AEP - ADOT Environmental Planner
CPM - Consultant Project Manager

There are many different stakeholders that make up the project team, and each play a key role throughout the LPA project development process. **Communication between all players is essential in order to stay on schedule and within budget.**

Coordination and communication between all key players should be constant and ongoing throughout project development.

When a project requires a change of scope or an environmental issue arises, notify the design team. These issues may affect schedule, budget, and/or scope.

ENGINEERING/TECHNICAL DISCIPLINES

A variety of engineering/technical disciplines are involved in LPA projects. These disciplines include specialized personnel with expertise in areas including but not limited to: roadway design, structures, drainage, geotech, utilities, cultural resources, biology, water resources, socioeconomic impacts, hazardous materials, etc.

BEST PRACTICES:

PROJECT-SPECIFIC COMMUNICATION PROTOCOLS:

- ✓ **Create communication protocols upfront for all projects, so all project team members know the communication chain.** When sending out emails, letters or other written correspondence, keep appropriate parties in the loop. For example, the protocol may be that the ADOT Environmental Planner emails the consultant on a project issue and copies the ADOT Project Manager and the LPA Project Manager so they are informed. Likewise, others should copy the ADOT Environmental Planner, especially with time-sensitive issues.
- ✓ **When Communication Breakdowns Occur:** If individuals are not responsive to communication attempts via email within a reasonable time frame, follow up with a phone call. If the non-responsiveness continues, contact a senior staff member in order to keep the project moving.
- ✓ **NEPA decisions on LPA projects are communicated by the ADOT Environmental Planner assigned to the project.**

DOCUMENTATION:

Record keeping and documentation should be one of the most diligently executed tasks on federally funded projects. NEPA is a process-based law, and it is crucial that documentation of the activities and decision making throughout the process be complete.

- ✓ For **AA projects**, ADOT will maintain project records.
- ✓ For **SA and CA projects**, the LPA is responsible for maintaining project records but ADOT maintains the NEPA files.
- ✓ Files are to be maintained for **five years** following the project close out.

MANAGING THE CRITICAL PATH:

Regardless of the NEPA documentation for a project, there may still be required environmental analysis that must be performed and cannot be bypassed. A “c”-listed CE does not mean “no environmental work.”

- ✓ Work and approvals can include biological or cultural resource surveys, Section 106 consultation, Section 7 consultation, Section 4(f) evaluation, Section 404 permits, etc. (Unusual circumstances/other laws and regulations)

Consultation with outside agencies or permitting usually becomes the critical path.

Begin Environmental Work Early!

QA/QC AND CUSTOMER SERVICE:

Quality Assurance (QA):

System for ensuring a desired level of quality control in the development, production, or delivery of products and services.

Preventing Problems

Quality Control (QC):

System for verifying and maintaining a desired level of quality in technical analysis and documentation through careful planning and use of proper checking against standards and verification of products.

Identifying and Correcting Problems

The approach to projects should always be to keep quality in mind from their beginning. Strong QA/QC is important throughout project development in order to reduce or eliminate delays due to incomplete or inaccurate documents or the need to redo work to meet standards and design guidelines.

LPAs and consultants are encouraged to consult the ADOT Environmental Planning Quality Control Plan located on Environmental Planning's website.

CUSTOMER SERVICE

In all contact with customers, **ADOT staff should aim to exceed the customers' needs while representing the agency** by achieving the following goals:

- ✓ Deliver products and services at the agreed upon time
- ✓ Listen to, accept, and act upon feedback
- ✓ Assist in defining needs and requests
- ✓ Provide courteous, prompt and professional customer service
- ✓ Deliver the highest quality products and service with the goal of exceeding customer expectations

Exceptional customer service requires both responding well when customers contact them, but also taking the initiative to contact customers.

Proactive communication anticipates questions before they are raised or before issues occur.

REFERENCE

S:

Federal-aid Essentials for LPAs

<http://www.fhwa.dot.gov/federal-aidessentials/>

ADOT LPA Section

<https://www.azdot.gov/business/programs-and-partnerships/local-public-agency>

ADOT Programs and Partnerships with LPAs (LPA Manual)

<http://www.azdot.gov/business/programs-and-partnerships/LocalPublicAgency>

Information on ADOT Environmental Planning

<http://www.azdot.gov/business/environmental-planning>

KEY CONTACTS

ADOT LPA Section

<https://www.azdot.gov/business/programs-and-partnerships/local-public-agency/contact-us>

ADOT Project Management Services

<http://www.azdot.gov/business/ManagementServices>

<http://www.azdot.gov/business/ManagementServices/ProjectManagementGroup/contact-us>

ADOT Environmental Planning

<http://www.azdot.gov/business/environmental-planning/contact-us>

Environmental in LPA CAA Projects

ESCALATION

- ❑ Don't wait
- ❑ ADOT ENV Project Development Procedures – Sec. 4.5.5
 - ❑ “As a general rule, if no response is provided 5-days after an inquiry, the issue should be escalated to the next level supervisor until it is resolved. The ADOT Project Manager should be kept informed of the issue and included in the discussions.”

Environmental in LPA CAA Projects

Project Schedules

Environmental in LPA CAA Projects

SCHEDULE

- ❑ Typical But Dependent on the Complexity of project
 - ❑ CE – 3 to 12 months
 - ❑ EA – 1 to 3 years
- ❑ Regulation review timelines and coordination with of other agencies are critical [“other” laws]
 - ❑ Section 7, Section 4(f), Section 106, Section 404
- ❑ Re-evaluations: Changes in project scope or limits requiring technical updates and consultations
 - ❑ Note: Re-evaluation if needed has to happen before “Validation”

Environmental in LPA CAA Projects

COORDINATION TO HELP MEET PROJECT SCHEDULES

- Communicate changes quickly
- 100% footprint for ENV & ROW at 60% Design
- Identify ROW and (TCEs) early in Design
- Identify scope such as geotechnical work early
- Get funding in place quickly for additional work added to the project
- Escalate as needed

**TRACS No. F0238 SR 238 at Ralston Road
Current Schedule**

Deliverable	Due Date	Completion Date
Scoping letter to EPG/client	August 30, 2019	
Scoping letters out	September 16, 2019	
Geotech clearance	NA	
1st bio submittal due	November 2019	
Bio complete	December 2019	
1st hazmat submittal due	November 2019	
Hazmat complete	December 2019	
1st cultural submittal due	ADOT In-House	
Cultural complete	ADOT In-House	
1st noise submittal due	NA	
Noise complete	NA	
1st air submittal due	NA	
Air complete	NA	
1st 404 submittal due	NA	
404 complete	NA	
Clearance date	February 2020	
Bid date	August 2020	

Carrizo Wash (191 AP 323.4 F0150 01D, 191-D(202)T)

Environmental Schedule April 24, 2019

<u>DELIVERABLE</u>	<u>DELIVERABLE DATE</u>
Scoping letters to EP	04/26/2019
Scoping letters out	05/03/2019
Biological/404 site visit	May 2019
1st biological submittal	05/31/2019
EP comments on biological	06/19/2019
2nd biological submittal	06/21/2019
Biology complete	06/28/2019
1st hazmat submittal	06/07/2019
Hazmat complete	06/21/2019
1st 404 submittal	05/17/2019
EP comments on 404	05/31/2019
2nd 404 submittal	06/5/2019
404 submittal to Corps	06/12/2019
404 permit issued	06/28/2019
Cultural survey	Completed 04/10/2019
1st cultural submittal	04/30/2019
EP comments on cultural	05/07/2019
2nd cultural submittal w/consultation letters	05/13/2019
Cultural sent out for consultation	05/22/2019
Cultural complete	06/27/2019
Air/Noise documents	To be completed in-house by ADOT
Technical summary to EP	N/A
Anticipated clearance date	07/31/2019

Acoma Boulevard/Pima Drive HAWK
PROJECT NO: T0202 01D

Environmental Submittal Schedule 08/27/2019

<u>DELIVERABLE</u>	<u>DELIVERABLE DATE</u>
Scoping letters to EP	09/12/2019
Scoping letters out	09/26/2019
1st bio submittal due	11/8/2019
Bio complete	12/06/2019
Hazmat site visit	Oct/Nov 2019
1st HAZMAT submittal due	11/18/2019
HAZMAT complete	12/06/2019
Cultural complete	To be completed by ADOT
1st noise submittal due	To be completed by ADOT
Noise complete	To be completed by ADOT
Air complete	To be completed by ADOT
404 complete	To be completed by ADOT
Technical summary	12/09/2019
Anticipated clearance date	12/20/2019

Environmental in ADOT Project Development

*Federal Funds in
Development -
NEPA and Design*

Environmental in LPA CAA Projects

Federal Authorization for federal project development funds
 – Preliminary Engineering (PE)

Preliminary Engineering of CE projects is typically not limited because there are no significant impacts.

Be mindful of consultation that could affect an alternative design

GENERAL DESCRIPTION OF WORK					
NEW SIDEWALK AND BIKE LANES					
YOU ARE AUTHORIZED TO PROCEED WITH THE WORK CHECKED BELOW:					
<input checked="" type="checkbox"/> PHASE I: PRELIMINARY ENGINEERING - SCOPING, LOCATION STUDIES, ENVIRONMENTAL STUDIES AND PRELIMINARY DESIGN		<input type="checkbox"/> CONSTRUCTION - ADVERTISE FOR RECEIPT OF BIDS			
<input checked="" type="checkbox"/> PHASE II: PRELIMINARY ENGINEERING - FINAL DESIGN/PREPARATION OF CONTRACT PLANS		<input type="checkbox"/> CONSTRUCTION - PROCEED ON AN AGREED PRICE AND/OR FORCE ACCOUNT BASIS			
<input type="checkbox"/> ACQUISITION OF RIGHT-OF-WAY		<input type="checkbox"/> Other:			
FUNDING	TOTAL ESTIMATED PROJECT COST(\$)	FEDERAL PARTICIPATION AMOUNT(\$)	FEDERAL FUNDS(\$)	APPN CODE	RATIO(%)
PREVIOUS AUTHORIZATIONS:					
THIS AUTHORIZATION	\$79,533	\$79,533.00	\$75,000.00	L220	94.30% ✓
PROJECT TOTALS	\$79,533 ✓	\$79,533.00 ✓	\$75,000.00 ✓		
OTHER (SPECIFY)					
<p>This agreement is subject to the following award terms: http://edocket.access.gpo.gov/2010/pdf/2010-22705.pdf and http://edocket.access.gpo.gov/2010/pdf/2010-22706.pdf</p> <p>No preliminary design activities shall be undertaken that (1) have an adverse environmental impact, or (2) limit the choice of reasonable alternatives. Final design may proceed upon NEPA approval</p>					

Environmental in LPA CAA Projects

Why are Federal PE Funds and NEPA Related?

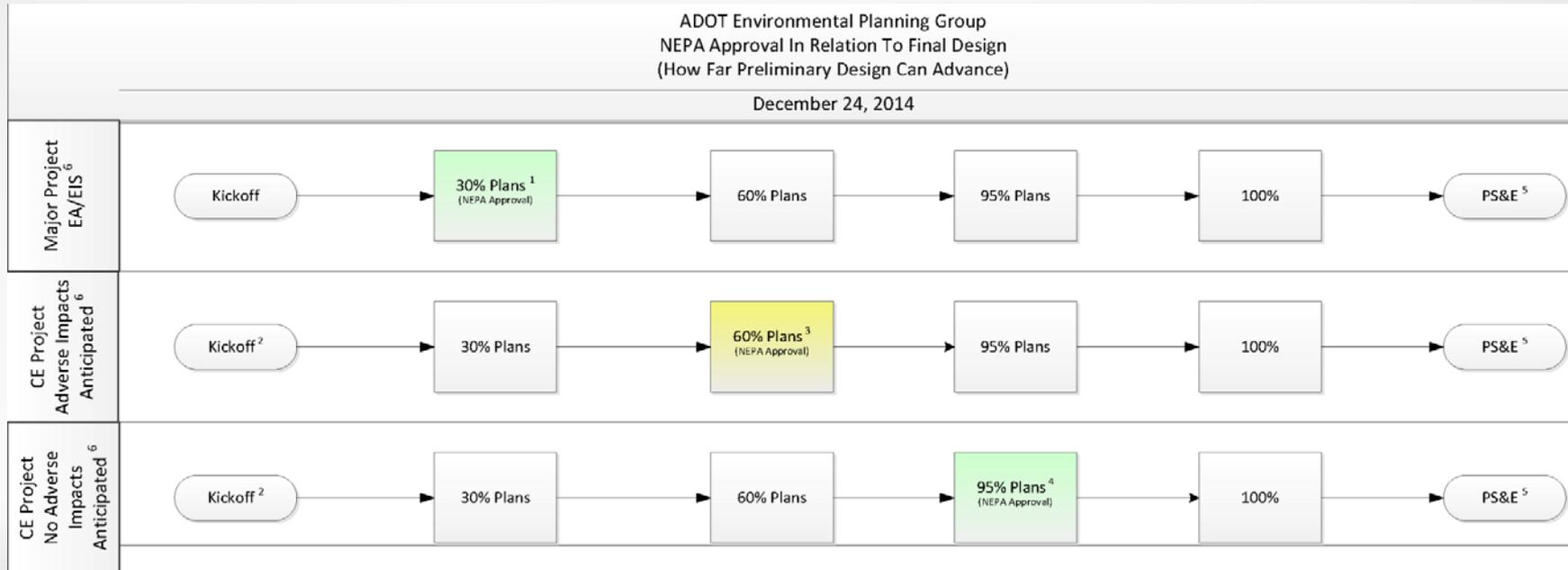
- ❑ 23 CFR 771.113 – Timing of Administration Activities
 - CE, FONSI or Final EIS required for Final Design
- ❑ 23 CFR 636 –Design-Build Contracting
 - NEPA approval is needed to advance Final Design (23 CFR 636.109)
 - ADOT may issue an RFQ and award a contract to a design-builder prior to NEPA approval (23 CFR 636.109)
 - No commitment to an alternative if still under consideration

Environmental in LPA CAA Projects

Federal Authorizations for PE Funds

- ❑ Two Phase – Major Project (Documented CE/EA/EIS)
 - Phase 1: Preliminary Design (30%) and NEPA
 - Phase 2: Final Design (needs NEPA approval)
- ❑ Single Phase – Minor (CE projects)
 - ❑ One authorization for - Preliminary Design, NEPA, Final Design
 - Consider environmental issues when advancing design past 60%
 - Do not complete a Final Design in advance of an EA (even NFA)

Environmental in LPA CAA Projects



- Details on this are on the [ENV Planning Project Development Procedures](#)
- Discuss with ENV Planner throughout project

Environmental in LPA CAA Projects



Sample Problem 1

Passing Lanes Project (CE)

Biology consultation

135 days formal consultation with USFWS did not delay design (no “put your pencils down” time)

Proceeded with Preliminary Design to 95% in advance of the CE approval.

Close project team coordination

Environmental in LPA CAA Projects

Sample Problem 2

Bridge Replacement Project (CE)

Historic Bridge

Programmatic Section 4(f) for Bridges

Proceeded with Preliminary Design to 95% in advance of the CE approval after Section 106 completion but in advance of completing Section 4(f).

Close project team coordination



Environmental in ADOT Project Development

FISCAL CONSTRAINT

FHWA Policy

- ❑ Fiscal constraint
 - ❑ [FHWA requirement \(policy\)](#)
 - ❑ Really “Planning” requirement in regulation
 - ❑ Typically not an issue for CAA projects which are programmed
- ❑ ”Before the FHWA (ADOT) can sign the final NEPA decision (i.e., ROD, FONSI, or CE), the proposed Project ("Project") as defined in the NEPA document must meet the following specific criteria.....Project or phases of the Project ...must be included in the fiscally constrained MTP...The Project or phase of the Project must be in the fiscally constrained TIP ...”
[FHWA 2011 Transportation Planning Requirements]

Environmental in ADOT Project Development

FIELD REVIEWS



Project Team should discuss ahead of time who should attend – consider need for technical staff

Identify issues that can influence the environmental clearance

Finalize scope of work and confirm anticipated level of environmental review

Environmental in ADOT Project Development

PUBLIC INVOLVEMENT



Responsibility of CAA

NEPA requirements – not technically required for most CEs

Typically scaled to the size of the project

Many forms of public involvement

Public Hearing typically required for an EA. ADOT Public Involvement Plan must then be followed

Environmental in ADOT Project Development

ENVIRONMENTAL JUSTICE & CIVIL RIGHTS



Individual CEs and
EA/EIS reviewed

ADOT Civil Rights Office
reviews

Executive Orders

Typically not an issue for
listed CE projects

Impact concern would
be for *disproportionate*
impact

Environmental in LPA CAA Projects

Plans Checking

Environmental in LPA CAA Projects

Final Plans Checking and Validation at Federal Authorization Request

- ❑ CAA is responsible for [checking final plans](#) (FHWA LPA video)
 - ❑ Consultant can perform the review
 - ❑ Outlined in CAA Manual
- ❑ Plans match CE and ENV Commitments included in contract
- ❑ Anticipate schedule
 - ❑ Complete review before “Validation” (Request for authorization) is sent
 - ❑ Coordinate with ADOT ENV Planner and ADOT PM
- ❑ Federal-aid Request for Authorization
 - ❑ ADOT PM submits letter (package) to FHWA
 - ❑ DocuSign letter outlines requirements met including environmental (CE is valid)
 - ❑ ADOT ENV Planner signs the letter

Environmental in LPA CAA Projects

PLANS CHECK – SAMPLE EMAIL

NEPA and Plans Review Email Template

e-mail template for transmitting verification of CE and plans review (delete)

To: ADOT Environmental Planner and ADOT Project Manager

SUBJECT: NEPA (CE) for XX-XXXX(000)/ YYXXX 01C Project Name

All,

The final plans and specifications were reviewed for consistency with the CE that was approved on xx/xx/xxxx.

Thank you,

Name

CAA Responsible Charge or Delegate

Environmental in ADOT Project Development

PLANS CHECKING

□ Purpose

- Projects can change during development, but the CE must be re-evaluated to reflect scope and/or limit changes. It is the CAAs responsibility to recognize changes that require re-evaluation when they occur (before validation)
- Determine who will be responsible for the review (CAA)
 - Ideally the CAA Environmental Coordinator, if available
 - Otherwise, the CAA Transportation Project Manager
- Review that the project description of latest approved CE document/re-evaluation (including environmental commitments) is consistent with the current plan set

Environmental in ADOT Project Development

□ How to do the Review - Overview

- Start by assembling copies of the relevant documents for review
 - Approved CE or most recent CE Re-evaluation
 - Project Vicinity Map on which CE based
 - Staged Plan Set on which approved CE based
 - Back up indicating location & acreage of new ROW (fee simple & permanent easements & TCEs)
 - Current, preferably, Final Plans (Plans, Special Provisions)
 - Any Notes to File or emails of evaluations of changes to project by ADOT ENV Planner issued after original Approved CE

Environmental in ADOT Project Development

- Resolve/clarify any discrepancies with ADOT ENV Planner
 - Notify ENV Planner via email with 1) a clear statement of the reason(s) for the request; and 2) any supporting documentation
- Send a CE Validation email to ADOT Project Manager and ADOT ENV Planner
 - ADOT has a suggested email template for CAA use

Environmental in ADOT Project Development

- ❑ Plan Reviews – For a more effective review, don't overlook the following less obvious actions or documents:
 - Not remembering the Stage Plan set/date on which the CE is based and the underlying assumptions at that time, particularly about the acreage and locations of new ROW (fee simple interest or permanent easements) or TCEs
 - Failing to implement any Design level changes listed in the approved Environmental Commitments
 - The draft ROW clearance is based on more acreage, parcels, easements, etc. than assumed for the CE

Environmental in ADOT Project Development

- Not evaluating a scope change that causes new ground disturbance on tribal lands, sensitive lands such as a wetland, or could cause a change in a permit, usually a 404 permit
 - Not alerting the ADOT ENV Planner when there is a significant increase in Federal funds, such as reclassification from local to federal. One CE type is based on the amount of funding.
- ❑ Plan Reviews – Special Provisions
- “Environmental Mitigation Measures” section associated with NEPA compliance must match those approved in the Environmental Commitments, unless approved by the ADOT ENV Planner

Environmental in ADOT Project Development

- Local environmental mitigation measures should be kept in separate sections of the Special Provisions.
- Don't forget to copy verbatim the preamble sentence at the start of the Environmental Commitments
- There is no need to attach the entire approved CE and Environmental Commitments. Only the environmental mitigation measures that are the responsibility of the contractor should be included in the bid package.
- CE Validation confirms that any required Permits, unless identified as “pending”, in Section III of the approved Environmental Commitments must either be an ACTUAL attachment in the Special Provisions (Section 404 permits) or have an associated specification (AZPDES 402) requiring it.

Environmental in ADOT Project Development

- CAAs may create their own compliance special provision/specification guidance for contractors for these permits, but it must be separate from the NEPA required environmental mitigation measures
- CE Validation confirms that any required Environmental Commitments Section IV Guidance, usually handouts or flyers are included.
- With ADOT Biology approval, CAA versions of mitigation language/handouts/flyers can be used.

Environmental in ADOT Project Development

FEDERAL AUTHORIZATION

Federal-aid Authorization Request (final design step)

- ❑ ADOT Project Manager submits authorization request to FHWA
- ❑ DocuSign letter that has all the submittal information
- ❑ ADOT ENV Planner signs the letter and meets 23 CFR 771.129(c) and 326/327 MOU requirements
- ❑ Final validation of CE should be a quick step
 - ❑ This needs good communication and awareness of when the authorization request will happen

Environmental in LPA CAA Projects

Construction

Environmental in LPA CAA Projects

DESIGN INTO CONSTRUCTION



Implement all ENV commitments during construction

CAAs are responsible for *how* ENV commitments are implemented

Installation of avoidance areas is an example

Environmental in LPA CAA Projects

DESIGN INTO CONSTRUCTION



Document implementation of ENV commitments during construction

CAAs are responsible for *how* ENV commitments are documented

Environmental in LPA CAA Projects

DESIGN INTO CONSTRUCTION



Data recovery prior to construction typically highly sensitive

Field work prior to construction but analysis and reporting typically completed after construction

Be mindful of monitors needed during construction (ENV commitment)

Environmental in LPA CAA Projects

CHANGES DURING CONSTRUCTION



Changes in construction may require Re-Evaluation

Temporary Access Road (green road) for rock cutting not included in the original clearance

Additional work needs to be cleared by ADOT

Note to File or Memorandum

Environmental in LPA CAA Projects

*CA Agency Manual and Oversight
and Monitoring Reviews*

Environmental in LPA CAA Projects

CAA GUIDANCE

CAA Manual

- ❑ [Environmental Section](#)
- ❑ CAA environmental requirements outlined

ADOT LPA Section Compliance and Oversight Monitoring

- ❑ Environmental component of monitoring plan updated
 - ❑ May 2019 Memo outlines three environmental areas
 - ❑ Consistent with CAA Manual

Environmental in LPA CAA Projects

Compliance

- ❑ 1) **In accordance with 23 C.F.R. 771.129(c), the CA Agency must verify the project actions (scope of work) at the time of authorization for federal funding have not changed from what is approved in the project NEPA document.**
 - ❑ Bullet 1 is simply verifying the project has not changed since NEPA approval and the scope of work matches the clearance. This is a project development step under "plans preparation" which is a CA Agency responsibility. An email or some other communication with the ADOT ENV Planner will suffice.

Environmental in LPA CAA Projects

Compliance

- ❑ 2) **In accordance with 23 C.F.R. 635.309(j), the CA Agency must verify the environmental commitments have been incorporated into the PS&E exactly as approved in the project NEPA document.**
 - ❑ Bullet 2 is in the CA Agency Manual: "Before the ADOT PM requests authorization for construction from FHWA, the CA Agency must verify that the environmental commitments are included in the final design plans or specifications."

Environmental in LPA CAA Projects

Compliance

- ❑ 3) In accordance with 23 C.F.R. 771.109(b)(1), the CA Agency must ensure that the project is constructed in accordance with the environmental commitments as approved in the NEPA documents and included in the contract and that implementation is documented in the project file.
 - ❑ Bullet 3 is in the CA Agency Manual: “The CA Agency must ensure that the environmental commitments assigned to the CA Agency and contractor are successfully implemented and documented in the project file.”

Environmental in LPA CAA Projects

Compliance

- ❑ 23 C.F.R. 771.109(b)(1) – [Final Rule 10/29/18](#)
 - ❑ New – The **project sponsor**, in cooperation with the Administration , is responsible for implementing those mitigation measures stated as commitments in the environmental documents prepared pursuant to this part unless the Administration approves of their deletion or modification in writing.
 - ❑ Old - It shall be the responsibility of the **applicant**, in cooperation with the Administration, to implement those mitigation measures stated as commitments in the environmental documents prepared pursuant to this regulation.

Environmental in LPA CAA Projects

ADDITIONAL TRAINING

- ❑ ADOT CE Assignment and NEPA Assignment
 - ❑ [One-hour CBT course available publicly](#)
- ❑ ADOT Technical Training
 - ❑ Plans Reading
- ❑ AASHTO TC3 Online classes
 - ❑ [CBT. Free to LPAs through LTAP](#)
- ❑ National Highway Institute
 - ❑ [Four-hour Introduction to NEPA](#)
- ❑ FHWA LPA Federal-aid Essentials Video Series
 - ❑ [Series of short videos including environmental modules](#)

Environmental in LPA CAA Projects

Questions?

Environmental in LPA CAA Projects

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