ADOT Environmental Planning Update
Federal-aid Highway Program
Local Public Agency Program
Certification Acceptance Agencies

Fall 2019
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

Only recent change – Clean Water Act responsibility has moved to the Biology Team
List of Environmental Planning staff with area of responsibility is maintained Available upon request. It’s not on the website so request an up-to-date version

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**Access:** User: Guest Password: SouthernHills (User & Password are case sensitive)

**ADOT CONTACTS**

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Environmental in LPA CAA Projects

National Environmental Policy Act (NEPA)
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

  - 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

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)

NEPA Umbrella - Environmental Review - NEPA Process

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
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
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).
CEs still need to consider “unusual circumstances” and other applicable environmental laws and regulations.
Environmentai 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
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 a the time of Request for Authorization
  - Timing is critical. Validation is **not** the time to *re-evaluate* if needed
  - Keep validation “on the radar”
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

Design Kick-off meeting

Environmental analysis start

Surveys

Reports and consultations

Re-consult Cultural & Re-evaluate Bio

CE Approved

CE Re-evaluation (formal)

Re-evaluate

Note-to-file (informal)

ADOT Auth. Letter To FHWA

CE Validation

Stage submittal

Stage submittal

Stage submittal

Stage submittal

Bid Ready

Project limits extended

Scour added Individual 404

Bridge rail replaced

Change

Change

Change

Change

ADOT
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
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
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 the Program 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 Arizona;

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; and

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

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

Brandie 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 Statues: 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

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

<table>
<thead>
<tr>
<th>Level of NEPA Approval</th>
<th>Approval Authority</th>
<th>CE Classification</th>
<th>NEPA Documentation</th>
<th>Threshold of project impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Categorical Exclusion (CE)</td>
<td>Programmatic (ADOT Approved)</td>
<td>Group 1</td>
<td>Clearance Memo</td>
<td>No Impacts</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Group 2</td>
<td>Condensed Clearance Memo</td>
<td>Minor Ground Disturbance</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Group 2</td>
<td>CE Checklist</td>
<td>Ground Disturbance</td>
</tr>
<tr>
<td></td>
<td>Non-Programmatic (FHWA Approved)</td>
<td>Group 2</td>
<td>Condensed Clearance Memo</td>
<td>Minor Ground Disturbance</td>
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<tr>
<td></td>
<td></td>
<td>Group 2</td>
<td>CE Checklist</td>
<td>Ground Disturbance</td>
</tr>
</tbody>
</table>

**Old CE Process**

- Numerous Types of CE
- No-standard Descriptions and impact thresholds
**Environmental in LPA CAA Projects**

### CE and NEPA Assignment

One streamlined CE for all projects

<table>
<thead>
<tr>
<th>Level of NEPA Approval</th>
<th>Approval Authority</th>
<th>CE Classification</th>
<th>NEPA Documentation</th>
<th>Threshold of project impact</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Categorical Exclusion (CE)</strong></td>
<td>ADOT Approved</td>
<td>326 MOU c-list d-list</td>
<td>CE Checklist</td>
<td>“listed” CEs under 23 CFR 771.117(c) and (d)</td>
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<tr>
<td></td>
<td></td>
<td>327 MOU Individual CEs</td>
<td></td>
<td>Not listed in 23 CFR 771.117(d)</td>
</tr>
</tbody>
</table>
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
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
NEPA should be about actual protections and not excessive “paperwork.”

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

<table>
<thead>
<tr>
<th>Type of CE - Choose one from (c) or (d) or Appendix A drop-down lists:</th>
</tr>
</thead>
<tbody>
<tr>
<td>(c) - list:</td>
</tr>
<tr>
<td>(d) - list:</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Project Information:</th>
</tr>
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<tbody>
<tr>
<td>Project Name:</td>
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<tr>
<td>ADOT Project Number:</td>
</tr>
<tr>
<td>Federal-Aid Number:</td>
</tr>
<tr>
<td>Estimated Project Construction Cost:</td>
</tr>
<tr>
<td>Planning Requirements:</td>
</tr>
<tr>
<td>☐ STIP/Line Item</td>
</tr>
<tr>
<td>☐ ADOT Sub-program</td>
</tr>
<tr>
<td>CE Start Date: [Click here to enter a date.]</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>Construction Project Administration</th>
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<tbody>
<tr>
<td>ADOT ☐ CA Agency ☐</td>
</tr>
<tr>
<td>Categorical Exclusion Approval for FMIS</td>
</tr>
<tr>
<td>2A - (c) Listed ☐</td>
</tr>
<tr>
<td>2B - (d) Listed ☐</td>
</tr>
<tr>
<td>2C - (d) Unlisted ☐</td>
</tr>
</tbody>
</table>

Re-evaluation:

- 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 one from (c) or (d) or Appendix A drop-down lists:

- (c) - list
- (d) - list

- (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.
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
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
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)
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
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**

<table>
<thead>
<tr>
<th>Environmental Considerations (identify scope and major risks to delivery)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class of Action (COA):</td>
</tr>
</tbody>
</table>

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)
Project Resources

- Certification Acceptance Manual
- Certification Acceptance Program - Computer Based Training
- Certification Acceptance Agreements
- Certification Acceptance Agency Matrix
- Environmental Project Data Sheet
### Environmental in LPA CAA Projects

#### BIOLOGICAL RESOURCES

<table>
<thead>
<tr>
<th>Y</th>
<th>N</th>
<th>[Type “X” to mark boxes]</th>
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</thead>
<tbody>
<tr>
<td>X</td>
<td></td>
<td>ESA Species (list): None</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Critical Habitat (list): None</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Separate Biology Field Review Recommended?</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Arizona Wildlife Linkage present and potentially affected by scope of project? (if yes, describe in Details below)</td>
</tr>
<tr>
<td></td>
<td>X</td>
<td>AZ Game and Fish Online Tool Printout Obtained? (Attach 1st page if available)</td>
</tr>
<tr>
<td></td>
<td>X</td>
<td>Agency Coordination? (Forest/Tribal/BLM – list):</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Species surveys anticipated? (if yes, list species):</td>
</tr>
<tr>
<td></td>
<td>X</td>
<td>Potential for herbicide use as part of project? (6 months of work in project area, weedy staging areas, etc.)</td>
</tr>
<tr>
<td></td>
<td>X</td>
<td>Consultation with USFWS expected (informal or formal)?</td>
</tr>
</tbody>
</table>

#### Documentati on Type

<table>
<thead>
<tr>
<th>BESF</th>
<th>BE, no species analyses</th>
<th>BE with species analyses (include details below)</th>
<th>Other (explain below)</th>
</tr>
</thead>
<tbody>
<tr>
<td>[Type “X” to mark boxes]</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- **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
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 no start technical evaluations before checking with ADOT
- Include local Historic Preservation Officers
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](#)
This guide was developed by the Arizona Department of Transportation in coordination with the Federal Highway Administration as a SHRP2 product for Expediting Project Delivery.
<table>
<thead>
<tr>
<th>Acronym</th>
<th>Full Form</th>
</tr>
</thead>
<tbody>
<tr>
<td>AA</td>
<td>ADOT Adminstration</td>
</tr>
<tr>
<td>ADOT</td>
<td>Arizona Department of Transportation</td>
</tr>
<tr>
<td>AEP</td>
<td>ADOT Environmental Planner</td>
</tr>
<tr>
<td>APM</td>
<td>ADOT Project Manager</td>
</tr>
<tr>
<td>CA</td>
<td>Certification Acceptance</td>
</tr>
<tr>
<td>CAA</td>
<td>Clean Air Act</td>
</tr>
<tr>
<td>CE</td>
<td>Categorical Exclusion</td>
</tr>
<tr>
<td>CEP</td>
<td>Consultant Environmental Planner</td>
</tr>
<tr>
<td>COG</td>
<td>Council of Government</td>
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<tr>
<td>CPM</td>
<td>Consultant Project Manager</td>
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<td>CWA</td>
<td>Clean Water Act</td>
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<td>Engineering Consultant Services</td>
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<td>EIS</td>
<td>Environmental Impact Statement</td>
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<td>ESA</td>
<td>Endangered Species Act</td>
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<td>FAHP</td>
<td>Federal-Aid Highway Program</td>
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<td>IGA</td>
<td>Intergovernmental Agreement</td>
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<td>Local Public Agency</td>
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<td>Multimodal Planning Division</td>
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<td>Metropolitan Planning Organization</td>
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<td>NEPA</td>
<td>National Environmental Policy Act</td>
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<td>NHPA</td>
<td>National Historic Preservation Act</td>
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<td>Notice to Proceed</td>
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<td>Planning and Rural Assistance</td>
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<td>Plans, Specifications, and Estimates</td>
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<tr>
<td>SA</td>
<td>Self-Administration</td>
</tr>
<tr>
<td>SHRP</td>
<td>Strategic Highway Research Program</td>
</tr>
<tr>
<td>STIP</td>
<td>Statewide Transportation Improvement Plan</td>
</tr>
<tr>
<td>TIP</td>
<td>Transportation Improvement Program</td>
</tr>
<tr>
<td>TRACS</td>
<td>Transportation Accounting System</td>
</tr>
</tbody>
</table>
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.
The FHWA Arizona Division delegates authority to ADOT to administer federally-funded LPA projects through the FHWA and ADOT Stewardship and Oversight Agreement for Arizona. ADOT and FHWA follow the provisions and oversight responsibilities outlined in the Agreement to implement the FAHP. ADOT either administers the project (AA) or delegates administration of FAHP Projects to LPAs either through a Self-Administration Agreement (SA) or Certification Acceptance Agreement (CA).

**TYPES OF PROJECT ADMINISTRATION**

1. **ADOT Administration (AA):** ADOT manages the project development and administers construction.
2. **Self-Administration (SA):** LPA is authorized to manage one or more development activities of a specific project; however, ADOT administers construction.
3. **Certification Acceptance (CA):** LPA is authorized to manage most aspects of the development of the project and construction.

**KEY POINT:** The Stewardship Agreement is the over-arching authority for the FAHP in Arizona.
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.
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:

- 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

PlANNING AND PROGRAMMING:

**Preliminary Scoping (Pre-Design)**
LPA Project Manual Chapter 7

**Project Listed in TIP and STIP**
LPA Project Manual Chapter 6

**TRACS and Federal Aid Number Assigned**

**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.
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.

**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)

**IGA**
- Developed
- **LPA Project Manual Chapter 2**

**Federal Aid Authorized and Obligated for Preliminary Engineering (PE)**
- **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
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.

### IGA AND CONSULTANT PROCUREMENT:

<table>
<thead>
<tr>
<th>SA¹</th>
<th>LPA Design</th>
<th>ADOT Construction</th>
</tr>
</thead>
<tbody>
<tr>
<td>AA</td>
<td>ADOT Design</td>
<td>ADOT Construction</td>
</tr>
<tr>
<td>CA</td>
<td>LPA Design</td>
<td>LPA Construction</td>
</tr>
</tbody>
</table>

#### CA Agreement (Already in Place)

- **Notice to Proceed (NTP) issued**
- **LPA Procures Consultant By Using Own RFQs**
- **Use ADOT On-call Consultant (Project Development)**
- **IGA**
- **CA Agreement**

1. **Proposal**
2. **Draft Task Order**
3. **Notice to Proceed (NTP) issued**
4. **LPA Procures Consultant By Using Own RFQs**
5. **Use ADOT On-call Consultant (Project Development)**
6. **IGA**
7. **CA Agreement (Already in Place)**
8. **Notice to Proceed (NTP) issued**

#### Draft Task Order

- **Notice to Proceed (NTP) issued**
- **LPA Procures Consultant By Using Own RFQs**
- **Use ADOT On-call Consultant (Project Development)**
- **IGA**
- **CA Agreement (Already in Place)**

---

**KEY POINT:** CA Agencies do not have an IGA and operate under 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.
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.

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.

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.

**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.

LPA Project Manual Chapter 6
DEVELOPMENT/DESIGN PHASE:

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

- 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.

* 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.

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

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.

APM - ADOT Project Manager
CEP - Consultant Environmental Planner
AEP - ADOT Environmental Planner
CPM - Consultant Project Manager
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!*
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.

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.

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

Federal-aid Essentials for LPAs
http://www.fhwa.dot.gov/federal-aidessentials/

ADOT LPA Section

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

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 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

<table>
<thead>
<tr>
<th>Deliverable</th>
<th>Due Date</th>
<th>Completion Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Scoping letter to EPG/client</td>
<td>August 30, 2019</td>
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<tr>
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<td>Geotech clearance</td>
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<tr>
<td>1st bio submittal due</td>
<td>November 2019</td>
<td></td>
</tr>
<tr>
<td>Bio complete</td>
<td>December 2019</td>
<td></td>
</tr>
<tr>
<td>1st hazmat submittal due</td>
<td>November 2019</td>
<td></td>
</tr>
<tr>
<td>Hazmat complete</td>
<td>December 2019</td>
<td></td>
</tr>
<tr>
<td>1st cultural submittal due</td>
<td>ADOT In-House</td>
<td></td>
</tr>
<tr>
<td>Cultural complete</td>
<td>ADOT In-House</td>
<td></td>
</tr>
<tr>
<td>1st noise submittal due</td>
<td>NA</td>
<td></td>
</tr>
<tr>
<td>Noise complete</td>
<td>NA</td>
<td></td>
</tr>
<tr>
<td>1st air submittal due</td>
<td>NA</td>
<td></td>
</tr>
<tr>
<td>Air complete</td>
<td>NA</td>
<td></td>
</tr>
<tr>
<td>1st 404 submittal due</td>
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<td>404 complete</td>
<td>NA</td>
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</tr>
<tr>
<td>Clearance date</td>
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<td></td>
</tr>
<tr>
<td>Bid date</td>
<td>August 2020</td>
<td></td>
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<tr>
<td>DELIVERABLE</td>
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<td></td>
</tr>
<tr>
<td>-------------------------------------</td>
<td>-----------------</td>
<td></td>
</tr>
<tr>
<td>Scoping letters to EP</td>
<td>04/26/2019</td>
<td></td>
</tr>
<tr>
<td>Scoping letters out</td>
<td>05/03/2019</td>
<td></td>
</tr>
<tr>
<td>Biological/404 site visit</td>
<td>May 2019</td>
<td></td>
</tr>
<tr>
<td>1st biological submittal</td>
<td>05/31/2019</td>
<td></td>
</tr>
<tr>
<td>EP comments on biological</td>
<td>06/19/2019</td>
<td></td>
</tr>
<tr>
<td>2nd biological submittal</td>
<td>06/21/2019</td>
<td></td>
</tr>
<tr>
<td>Biology complete</td>
<td>06/28/2019</td>
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</tr>
<tr>
<td>1st hazmat submittal</td>
<td>06/07/2019</td>
<td></td>
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<td>Hazmat complete</td>
<td>06/21/2019</td>
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<tr>
<td>1st 404 submittal</td>
<td>05/17/2019</td>
<td></td>
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<td>EP comments on 404</td>
<td>05/31/2019</td>
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<tr>
<td>2nd 404 submittal</td>
<td>06/05/2019</td>
<td></td>
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<tr>
<td>404 submittal to Corps</td>
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<td>04/30/2019</td>
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<td>EP comments on cultural</td>
<td>05/07/2019</td>
<td></td>
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<tr>
<td>2nd cultural submittal w/consultation letters</td>
<td>05/13/2019</td>
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<tr>
<td>Cultural sent out for consultation</td>
<td>05/22/2019</td>
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<td>Cultural complete</td>
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<tr>
<td>Air/Noise documents</td>
<td>To be completed in-house by ADOT</td>
<td></td>
</tr>
<tr>
<td>Technical summary to EP</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Anticipated clearance date</td>
<td>07/31/2019</td>
<td></td>
</tr>
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</table>
Environmental Submittal Schedule 08/27/2019

<table>
<thead>
<tr>
<th>DELIVERABLE</th>
<th>DELIVERABLE DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Scoping letters to EP</td>
<td>09/12/2019</td>
</tr>
<tr>
<td>Scoping letters out</td>
<td>09/26/2019</td>
</tr>
<tr>
<td>1st bio submittal due</td>
<td>11/8/2019</td>
</tr>
<tr>
<td>Bio complete</td>
<td>12/06/2019</td>
</tr>
<tr>
<td>Hazmat site visit</td>
<td>Oct/Nov 2019</td>
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<tr>
<td>1st HAZMAT submittal due</td>
<td>11/18/2019</td>
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<tr>
<td>HAZMAT complete</td>
<td>12/06/2019</td>
</tr>
<tr>
<td>Cultural complete</td>
<td>To be completed by ADOT</td>
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<tr>
<td>1st noise submittal due</td>
<td>To be completed by ADOT</td>
</tr>
<tr>
<td>Noise complete</td>
<td>To be completed by ADOT</td>
</tr>
<tr>
<td>Air complete</td>
<td>To be completed by ADOT</td>
</tr>
<tr>
<td>404 complete</td>
<td>To be completed by ADOT</td>
</tr>
<tr>
<td>Technical summary</td>
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<td>Anticipated clearance date</td>
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</tr>
</tbody>
</table>
Federal Funds in Development - NEPA and Design
Federal Authorization for federal project development funds – Preliminary Engineering (PE)

<table>
<thead>
<tr>
<th>GENERAL DESCRIPTION OF WORK</th>
<th>NEW SIDEWALK AND BIKE Lanes</th>
</tr>
</thead>
<tbody>
<tr>
<td>YOU ARE AUTHORIZED TO PROCEED WITH THE WORK CHECKED BELOW:</td>
<td></td>
</tr>
<tr>
<td>PHASE I: PRELIMINARY ENGINEERING - SCOPING, LOCATION STUDIES, ENVIRONMENTAL STUDIES AND PRELIMINARY DESIGN</td>
<td></td>
</tr>
<tr>
<td>PHASE II: PRELIMINARY ENGINEERING - FINAL DESIGN/PREPARATION OF CONTRACT PLANS</td>
<td></td>
</tr>
<tr>
<td>ACQUISITION OF RIGHT-OF-WAY</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>FUNDING</th>
<th>TOTAL ESTIMATED PROJECT COST ($)</th>
<th>FEDERAL PARTICIPATION AMOUNT ($)</th>
<th>FEDERAL FUNDS ($)</th>
<th>APPN CODE</th>
<th>RATIO (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>PREVIOUS AUTHORIZATIONS</td>
<td></td>
<td></td>
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<td></td>
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</tr>
<tr>
<td>THIS AUTHORIZATION</td>
<td>$76,533</td>
<td>$76,533.00</td>
<td>$75,000.00</td>
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<td>94.32%</td>
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<td>PROJECT TOTALS</td>
<td>$76,533</td>
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<td>$75,000.00</td>
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</tr>
</tbody>
</table>

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.


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.
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
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
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]
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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
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
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
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
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
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
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
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- 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
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.
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- 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.
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.
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
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Construction
Implement all ENV commitments during construction

CAAs are responsible for how ENV commitments are implemented

Installation of avoidance areas is an example
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Document implementation of ENV commitments during construction

CAAs are responsible for how ENV commitments are documented
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)
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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
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CA Agency Manual and Oversight and Monitoring Reviews
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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
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.
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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."
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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.”
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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.
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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
Questions?
Environmental in LPA CAA Projects

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