
200.00 PROJECT DEVELOPMENT PROCESS

200.50 ENVIRONMENTAL

ADOT Environmental Planning will prepare Categorical Exclusions (CE) with supporting surveys, technical reports, consultations and public involvement conducted by the CA agency.

In accordance with NEPA (42 U.S.C. § 4321 et seq.) and other relevant environmental laws and regulations, the CA Agency must prepare an Environmental Assessment (EA) or Environmental Impact Statement (EIS) including engineering technical reports, environmental technical studies, agency coordination, and public involvement for all FAHP projects. The CA Agency must prepare the NEPA documentation and analysis for ADOT approval.

NEPA approval is ADOT's responsibility that cannot be delegated to the CA Agency under the CA Agreement. Pursuant to 23 U.S.C. 326 and 23 U.S.C. 327, FHWA has entered into two Memorandum of Understanding agreements with ADOT, known as CE Assignment (326 MOU) and NEPA Assignment (327 MOU) respectively. These MOUs assign FHWA's authority for determining and approving CEs and NEPA documents to ADOT. The non-assigned air quality conformity determinations for projects prepared under the 327 MOU must be approved by FHWA.

Initiation

During the pre-planning of project design, the CA Agency must conduct early coordination with ADOT Environmental Planning for a preliminary determination of the proper NEPA "class of action" and level of NEPA documentation needed to be included in the LPA project data sheet.

For CE-level projects, the environmental review process may start during the pre-planning and continue into design. When the scoping documents (scoping letter or PA) are completed, the CA Agency must submit the scoping documents to the ADOT PM and Environmental Planning for review of pertinent environmental information. ADOT Environmental Planning will confirm the preliminary NEPA document determination made during the pre-planning or design contract phase and provide guidance to the CA Agency on environmental analysis.

Typically, DCRs are prepared for EA-level projects and require the development of project alternatives that will need to be analyzed during the NEPA review process.

The level of public involvement will be commensurate with the proposed action and conducted in compliance with NEPA requirements and the CA Agency's public involvement guidelines. The ADOT Public Involvement Plan should be followed if a public hearing is conducted.

NEPA Review Process

The CA Agency must prepare the project NEPA support documentation excluding any CE checklist. The CA and their consultant should closely coordinate scopes of work with ADOT Environmental Planning before beginning any surveys or technical reports. The CA Agency must provide this documentation to ADOT Environmental Planning for approval.

For projects requiring a CE, the CA Agency should obtain NEPA approval and/or coordinate with Environmental Planning before proceeding beyond the 60 percent design plans. If the CA Agency proceeds beyond the 60 percent design plans before obtaining NEPA approval, the CA Agency should provide the ADOT PM written notice by email. Without prior approval by ADOT, those design activities are considered “at risk” and may not be reimbursed if redesign is required due to environmental issues.

For projects requiring an EA or EIS, the CA Agency must obtain NEPA approval before proceeding beyond the 30 percent (or CA agency equivalent) design plans.

After NEPA approval, ADOT Environmental Planning will send a copy of the document to the CA Agency. When the CA Agency receives a copy of the NEPA approval, the CA Agency may begin final design. If any part of the scope of work changes after NEPA approval, the CA Agency must contact ADOT Environmental Planning for reevaluation.

The CA Agency must submit subsequent design plans to ADOT upon request of the State Historic Preservation Office (SHPO) for projects with a “no adverse effects” determination. As part of an ADOT environmental communication protocol, all parties involved in the environmental process should be included in project communications including but not limited to the Environmental Planner, ADOT Project Manager, applicable Certification Acceptance (CA agency) staff, ADOT technical team members, respective project consultants and/or sub-consultants and any applicable internal or external stakeholders involved with the project. All environmental staff should keep their team(s) actively engaged with project status announcements. This will prevent situations from escalating due to non or miscommunication.

Environmental Commitments

Before the ADOT PM requests authorization for construction from FHWA, the CA Agency must verify that the NEPA approval is still valid and that the environmental commitments are included in the final design plans and specifications as applicable. In accordance with 23 C.F.R. § 771.115, the CA agency must coordinate with ADOT Environmental Planning in advance of the construction authorization letter preparation to ensure the NEPA approval is still valid. To ensure that there is no delay in the construction authorization request the CA agency should coordinate with ADOT Environmental Planning at the PS&E stage.

In accordance with 23 C.F.R. § 635.309(j), the CA Agency must incorporate the environmental commitments into the PS&E exactly as approved in the project NEPA approval. The environmental commitments include project-specific mitigation measures, any required permits, and any required species handling guidelines. The CA Agency must adhere to and cannot change the approved environmental commitments without prior written consent from ADOT Environmental Planning. In accordance with 23 C.F.R. § 771.109(b)(1), 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.

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. This applies to pre- and post-bid activities. After NEPA approval, design changes may require reevaluation in accordance with 23 C.F.R. § 771.129.