



OHIO DEPARTMENT OF TRANSPORTATION

NEPA Assignment Self-Assessment #2 4/1/2016 through 3/31/2017

Prepared by the Ohio Department of Transportation, Office of Environmental Services

June 30, 2017

Executive Summary:

This Self-Assessment is to ensure the Ohio Department of Transportation (ODOT) is compliant with the 23 USC 327 Memorandum of Understanding (MOU) between ODOT and the Federal Highway Administration (FHWA). As required by Section 8.2.5 of the MOU, ODOT must submit a Self-Assessment Report prior to each FHWA annual audit. The current Self-Assessment was prepared for the first audit.

The Review Team conducted a self-assessment of ODOT’s environmental and NEPA processes, and of projects approved between April 1, 2016 and March 31, 2017. The Review Team reviewed projects from all 12 Districts and the Ohio Rail Development Commission, and conducted a survey with three state and three federal partner agencies, focusing on NEPA processes, roles, and responsibilities. The Review Team also assessed ODOT’s program management processes within the Office of Environmental Services (OES) and the Districts by using checklists.

Overall, ODOT is compliant with the MOU and all assumed laws and regulations. However, the Review Team identified several Observations and one instance of Non-Compliance.

Results of the Self-Assessment:

General Compliance Results				
Action Area	In compliance: Self-Assessment shows that the state is in compliance with these areas (Include Best Practices, if any).	Observations: Self-Assessment shows potential items that pose a clear and direct compliance issue with a law/regulation or one that if not addressed, could lead to a future full compliance issue.	Findings: Self-Assessment shows non-compliance with these areas.	Not Applicable: This area was not observed during this Self-Assessment period.
Clean Air Act (CAA), 42 U.S.C.	X			

Action Area	In compliance: Self-Assessment shows that the state is in compliance with these areas (Include Best Practices, if any).	Observations: Self-Assessment shows potential items that pose a clear and direct compliance issue with a law/regulation or one that if not addressed, could lead to a future full compliance issue.	Findings: Self-Assessment shows non-compliance with these areas.	Not Applicable: This area was not observed during this Self-Assessment period.
Compliance with the noise regulations at 23 CFR part 772	X			
Endangered Species and Habitat (<i>i.e.</i> Section 7 of the Endangered Species Act of 1973, Fish and Wildlife Coordination Act, 16 U.S.C., Migratory Bird Treaty Act, 16 U.S.C.)	X			
Section 106 of the National Historic Preservation Act of 1966	X			
Section 4(f) of the Department of Transportation Act of 1966			X (Single Occurrence)	
Native American Grave Protection and Repatriation Act (NAGPRA)				X
Farmland Protection Act (FPPA)	X			
Clean Water Act	X			
Wild and Scenic Rivers Act	X			
Land and Water Conservation Fund (LWCF) Act	X			

Action Area	In compliance: Self-Assessment shows that the state is in compliance with these areas (Include Best Practices, if any).	Observations: Self-Assessment shows potential items that pose a clear and direct compliance issue with a law/regulation or one that if not addressed, could lead to a future full compliance issue.	Findings: Self-Assessment shows non-compliance with these areas.	Not Applicable: This area was not observed during this Self-Assessment period.
E.O. 11990, Protection of Wetlands	X			
E.O. 11988, Floodplain Management	X			
E.O. 13690, Federal Flood Risk Management Standard (FFRMS)	X			
E.O. 12898, Environmental Justice	X			
Section 601 of 42YSC 200(d) (Title VI)	X			
Other		X (See Observations Section on Page 4)		

In Compliance:

The Review Team found ODOT’s Self-Assessment to be satisfactory overall. District staff illustrated their knowledge of policies and OES guidance documents and how to use them to produce NEPA documents compliant with the laws and regulations assumed under the 23 USC 327 MOU. ODOT has training, guidance, and agency agreements to detail the processes in place to ensure compliance with all state and federal regulations. In addition, all guidance documents are updated to facilitate any changes required by the MOU and NEPA Assignment. Since ODOT had robust programmatic agreements (PA) with various environmental agencies prior to NEPA Assignment (Categorical Exclusion PA, Section 106 PA, etc.), ODOT-OES and District staff have been able to easily continue NEPA studies and approvals with minimal changes, allowing ODOT to remain compliant.

Best Practices:

ODOT’s program management, document and records management, training program, and legal sufficiency review processes are compliant with the MOU and assumed laws. ODOT partnered with its resource agencies to develop escalation procedures in preparation for NEPA Assignment; however there has never been a need to implement these procedures.

Additionally, further guidance documents and training courses were offered to prepare and provide information to environmental staff and consultants. ODOT ensures all environmental staff and consultants who work on ODOT projects have the required training and/or prequalification for the work they are performing, and enforces the processes described in OES guidance materials. Furthermore, ODOT's record retention exceeds what is required by FHWA and Ohio Department of Administrative Services policies.

Observations (Areas of Concern):

All of ODOT's observations are minor issues that could potentially lead to future compliance concerns. ODOT is confident these issues have either already been addressed, or will be addressed and remedied in the immediate future.

- **Utilities and ROW:** Many districts need to improve with including enough information in the project details for all document levels so that the public and reviewers know whether or not there will be any Right-of-Way (ROW) or Utility impacts, either temporary or permanent.
- **Public Involvement:** Public Involvement continues to need improvement overall. For instance, several districts failed to include the NEPA Assignment Language on PI Materials; however, a lot of these instances were LPA projects. Additionally, a number of districts did not initiate contact with Emergency and Public Services as part of Public Involvement during the NEPA process. The DEC's were re-trained on this issue at a DEC Meeting held in early 2017.
- **Environmental Justice:** Including the EJ Form in the project file and the proper EJ Mapping is still an issue for several districts. OES has just developed a new Underserved Populations Guidance that will be released at the beginning of July 2017 which should significantly help in this area. This guidance will replace the EJ Guidance issued in June 2016.
- **Environmental Commitments:** ODOT also needs to improve the way Environmental Commitments are written. Some districts are including items in the CMS as ECs and some districts are not writing ECs in a manner that is enforceable and/or actionable. New guidance will help in this area and will be available July 2017.
- **File Management:** Statewide, some required documentation was mislabeled. Most of the mislabeled documents were uploaded by consultants or LPAs, therefore ODOT must be diligent by enforcing the guidance and checking to make sure all documents are uploaded correctly before NEPA approval.
- **Peer Review:** Though there were a few instances where it looked as if no Peer Review was conducted for D1 and higher level environmental documents OES has learned that there was some confusion in the districts regarding how to properly document the peer review in EnviroNet. Clarification has been provided and we feel confident this issue has been resolved and is now being handled appropriately.

Findings (Non-Compliance)

The Review Team identified two areas of non-compliance. There were two projects for which the District approved the environmental document without the project being approved on the STIP/TIP and one project for which the District approved the environmental document

without completing Section 106 coordination with the State Historic and Preservation Office (SHPO).

1. Fiscal Constraint:

OES did not find these two issues during our Self-Assessment but FHWA informed us of this during their Audit #2 project file review during our Self-Assessment review period.

- a. D07 approved a project without the project being approved on the STIP/TIP Amendment. The project was initially on the STIP/TIP. There was a TIP amendment due to a funding increase to include bike lanes, The DEC asked the D07 Ellis Coordinator if a STIP amendment was required and was informed one was not needed. Based on that direction, the DEC proceeded with approving the environmental document. ODOT will be meeting with MVRPC and the District to clarify that MVRPC TIP amendments are directly incorporated into the STIP. This is being done because MVRPC is not a signatory to the STIP modification/amendment procedures. ODOT will be meeting with MVRPC and the District to clarify that MVRPC TIP amendments are directly incorporated into the STIP.
 - b. D10 approved a project without the project being approved on the STIP/TIP. EnviroNet shows that the CE was approved with the project only listed on a pending STIP amendment. The STIP amendment was approved 3 months later. This is a clear violation of the federal requirements and one that surprised us. There have been many discussions in DEC meetings, NEPA chats, and OES has even held dedicated webinars on this subject. OES also spoke with planning engineers and P&E Administrators on this subject.
- 2. Section 106 and Section 4(f):** D12 approved a project that received a Non-Compliant because the Section 106 coordination with the SHPO was not finalized prior to project approval nor was the Section 4(f) process completed. The Section 106 effect determination was sent to SHPO, however, SHPO had a question that did not receive a response prior to project approval. The District and OES had developed a response, however, it was not forwarded to SHPO. The document was also approved before the Section 4(f) Exception email had been sent to the District by OES. SHPO ultimately concurred with ODOT's finding. The project has been re-evaluated in order to account for additional coordination with the SHPO (providing them with the answer to their question) and to complete the Section 4(f) Exception email.

General Improvement Opportunities:

The following are potential areas for improvement. All of these areas are currently compliant with the laws and regulations assumed by the MOU, but are suggested areas for improvement.

ODOT-OES suggests:

- **Utilities and ROW:** A brief sentence indicating there will be no impacts should be included. ROW can determine other levels of the CE (such as farmland) so mentioning no ROW/Utility impacts, or including how much will be needed/impacted and what type of impacts lets the reader know certain environmental areas are compliant.
- **Public Involvement:** For projects that have the potential to impact people and projects with detours, Emergency and Public Services (such as schools, etc.) must be contacted during NEPA to determine if they have concerns with the closure and/or detour route(s). ODOT-OES reminded the Districts to follow the Public Involvement Manual which states if any road closures or detours will occur, emergency and public services must be contacted as part of public involvement during the NEPA process.

- **Environmental Justice:** Follow the newly developed Underserved Populations Guidance to ensure we are using proper outreach methods for these populations and including the appropriate mapping the project file.
- **Environmental Commitments:** Items found in the CMS should not be included as they are required per the contract. Also, the commitments should be written so that they are enforceable and actionable. This means each commitment, at a minimum, must include who is responsible, what they are responsible for, how they are to complete the commitment, and when the commitment should be completed or the duration of the commitment.
- **File Management:** ODOT recognizes the learning curve associated with following the File Management Guidance and has made recent extensive revisions to this guidance, as well as additional considerable enhancements to EnviroNet. ODOT-OES, Districts, and consultants working for ODOT must follow the processes outlined in the guidance. Naming conventions are for consistency and tracking purposes. Date fields are for tracking and to ensure NEPA decision documents are reviewed and approved in the correct order (and prior to NEPA approval). Additionally, all necessary documents must be uploaded to the project file.
- Thoroughly reviewing Local Public Agency (LPA) projects to ensure their utility and right-of-way processes match ODOT's. Local-sponsors may have different processes, and they could result in a non-compliance issue if not caught by ODOT.
- Ensuring responses to public comments occur in a timely manner, even if the LPA is responsible. Also, document all public comments and responses to those comments in the project file. If no comments were received, address in the remarks box.
- Not including ODOT Construction & Material Specification (CMS) items as environmental commitments since they are part of the normal process. The Review Team discovered some CMS items were added following instruction from OES, but ODOT staff addressed this discrepancy and the Districts will no longer receive that instruction.

Performance Measurements:

The following is a discussion on how ODOT complied with all other components of the MOU.

Compliance with NEPA and other Federal environmental statutes and regulations:

As discussed above, other than two isolated instances, ODOT is compliant with NEPA and other Federal environmental statutes and regulations.

Quality Control and Quality Assurance for NEPA decisions:

Quality control and quality assurance occurred for all required documents and NEPA approvals. ODOT conducted reviews for all technical reports and documents for each NEPA document level as well as peer reviews for all D-level and above documents. Districts or consultants prepared discipline specific reports and OES approved each report or technical document before the NEPA document was approved. ODOT also instituted a peer-review process for all D-level and above documents on March 24, 2016. Depending on the level, the document is either peer-reviewed at the district level (D1) or at OES (D2 and higher) for discipline specific reviews. All peer-review processes are documented in EnviroNet. If peer-review occurred after the interim guidance was issued and prior to the EnviroNet updates, a memo-to-file was included in the project file documenting peer-review.

Relationships with agencies and the general public:

ODOT conducted a survey with the Ohio Department of Natural Resources (ODNR), the Ohio Environmental Protection Agency (OEPA), the Ohio History Connection's State Historic Preservation Office (SHPO), the United States Army Corps of Engineers (USACE), the United

States Environmental Protection Agency (USEPA), and the United States Fish and Wildlife Service (USFWS) and discussed the results at our annual Partnering Meeting in January 2017. Overall, the responses were positive regarding the agencies' professional relationship with ODOT, the materials ODOT submits, and ODOT's compliance with the laws each agency regulates. The overall rating results were 3 Excellent Ratings, 1 Very Good Rating, and 2 Good Ratings. None of the agencies selected an overall rating of Fair or Poor. Based upon a request by the SHPO during Self-Assessment #1, ODOT held more team meetings on a regular basis to provide status updates and discuss any issues that arose throughout the year. They indicated these meetings are extremely beneficial and they feel they foster improved communication between the agencies.

Increased efficiency and timelines in completion of NEPA process:

U.S. Fish and Wildlife Service (USFWS) BA Processing

Though there have been no formal BAs processed during this review period, ODOT continues to move at much faster pace under NEPA Assignment. ODOT's Section 7 consultation process is much more streamlined because we are working directly with USFWS.

Project Process Savings:

The following table outlines each environmental action that would have previously been submitted to FHWA for review prior to implementation of NEPA Assignment. The FHWA review time for most of the actions would have been 30 days except for the Section 4(f) de minimis impact finding and the Air/Noise Conformity (PM 2.5) documents which would have been for a 15 day non-objection period. Additionally, most items are submitted to FHWA more than once for back-checks, which is typically a 10 day review period. The overall reduction in project review time during our self-assessment period is an estimated 2415 days.

<i>Policy Actions that would have gone to FHWA for review/approval</i>	<i>Total # of Reviews</i>	<i># of FHWA Review Days</i>	<i># of FHWA Back-check Review Days</i>	<i>Total # Days Saved per Document</i>
<i>PDP Documents Reviewed</i>				
Draft Purpose & Need (D3 & higher)	4	30	15	180
Alternatives Evaluation Report (D3 & higher)	3	30	15	135
Feasibility Study (D3 & higher)	4	30	15	180
<i>NEPA Documents Reviewed/Approved</i>				
Categorical Exclusion (D3 & higher)	4	30	15	180
Environmental Assessment	0	30	15	0
Environmental Impact Statement	0	30	15	0
Environmental Assessment Re-Evaluation	0	30	15	0
Environmental Impact Statement Re-Evaluation	4	30	15	180
<i>Section 4(f)</i>				
De minimis Impact Finding	23	15	15	690
Programmatic Evaluation	1	30	15	45
Individual Evaluation	0	30	15	0
<i>Air/Noise Documents Reviewed</i>				
Air/Noise Conformity PM2.5 Documents Reviewed	5	15	15	150
<i>Ecological Actions</i>				
<i>Ecological Documents Reviewed</i>				
Biological Assessment and/or Biological Opinion (ESA - Sec 7)	1	30	15	45
<i>Other Actions</i>				
<i>EJAR Documents Reviewed</i>				
Environmental Justice Analysis Report	6	30	15	270
<i>Cultural Resources Actions</i>				
<i>Section 4(f) Documents Reviewed</i>				
De minimis Impact Finding	6	15	15	180
Adverse Effects sent to ACHP - effects	2	30	15	90
Adverse Effects sent to ACHP - MOU	2	30	15	90
Programmatic Evaluation	0	30	15	0
Individual Evaluation	0	30	15	0
TOTAL # DAYS SAVED				2415

The following table shows the estimated cost savings realized as a result of entering into NEPA Assignment. We used our Dashboard numbers as a starting point because the report includes the calculated numbers for all projects OES staff worked on during this review period, including actions for NEPA documents that were not approved during this review period.

During our Self-Assessment, we identified all approved projects that would have gone to FHWA for review and approval (Including all D3, EA, and EIS project, as well as the actions [such as 4(f), EJAR, etc.] for complex D1 and D2 projects). Then, of these projects, we identified which tasks were actually performed for each project and which of the actions would have gone to FHWA for review & approval (i.e., EJAR, AER, etc.).

From here, we took the numbers from our analysis and added them to the dashboard numbers to develop the total number of actions and whether they would have gone to FHWA for a 45

day review period or a 60 day review period, etc. The total cost savings realized as a result of NEPA Assignment during our Self-Assessment period is an estimated \$13.11 Million.

NOTE:

Data obtained from Ellis Query for project costs and from Dashboard Report for number of actions.

Assumed 15 day review for D2 level projects only because FHWA would have been involved to some degree (4(f), etc.) but we aren't sure to what degree.

Assumed 30 day review + 2-15 day backchecks for D3

Assumed 30 day review + 2-15 day backcheck for FS, AER, EA, EIS, and Re-Eval Documents.

Small = D2 and higher projects <\$20M

Medium = \$20M to <\$150M

Large = \$150M

Project Size	# of Actions	# Days Saved per Review	Total # Days Saved
Small	22	45	990
	6	60	360
	28	105	1350
Medium	18	45	810
	7	60	420
	25	105	1230
Large	2	45	90
	5	60	300
	7	105	390
TOTAL	60	315	2970

		# Days Saved	Amount Saved (Millions)
Small (<\$20M)		1350	
- Concurrent Reviews	35%	473	
		<hr/>	
		878	
- Critical Path Reviews	15%	132	\$5.70
Average Project Amount	\$10		
# Projects	40		
Total Cost (Millions)	\$400		
Inflation Rate	3.9%		
Annual Savings (Millions)	\$15.60		
# Months	12		
Monthly Savings (Millions)	\$1.30		
# Days	30		
Daily Savings (Millions)	\$0.04		

		# Days Saved	Amount Saved (Millions)
Medium (\$20M-\$149M)		1230	
- Concurrent Reviews	30%	369	
		<hr/>	
		861	
- Critical Path Reviews	25%	215	\$1.87
Average Project Amount	\$40		
# Projects	2		
Total Cost (Millions)	\$80		
Inflation Rate	3.9%		
Annual Savings (Millions)	\$3.12		
# Months	12		
Monthly Savings (Millions)	\$0.26		
# Days	30		
Daily Savings (Millions)	\$0.01		

		# Days Saved	Amount Saved (Millions)
Large (>\$150M)		390	
- Concurrent Reviews	30%	117	
		<hr/>	
		273	
- Critical Path Reviews	25%	68	\$5.55
Average Project Amount	\$250		
# Projects	3		
Total Cost (Millions)	\$750		
Inflation Rate	3.9%		
Annual Savings (Millions)	\$29.25		
# Months	12		
Monthly Savings (Millions)	\$2.44		
# Days	30		
Daily Savings (Millions)	\$0.08		

TOTAL SAVINGS \$13.11 Million

Self-Assessment Scope

The Self-Assessment is designed to ensure environmental documents prepared and approved following the execution of the NEPA Assignment MOU between FHWA and ODOT were compliant with the MOU and assumed laws and regulations. Furthermore, the review ensures all projects were approved at the appropriate document level and that all corresponding NEPA activities were conducted in accordance with federal and state regulations. The checklists indicate all areas reviewed for compliance and the associated results. Each district has a checklist based on project reviews. The statewide checklist is based on ODOT's projects overall. Finally, there is one overall ODOT program management checklist.

OES selected 15% of C1 and C2 documents approved between April 1, 2016 and March 31, 2017 to review for each District. All D-level projects approved within the review period were reviewed. The Review Team reviewed projects based on the Project-Specific Checklist and combined all responses into District checklists to reflect the overall results. Districts 2, 3, and 8 also received a more in-depth review which included an interview. Interview questions focused on policies and procedures so the Review Team could obtain a well-rounded view of information on both program management and projects in relation to NEPA Assignment compliance. ODOT also conducted agency surveys with ODNR, OEPA, SHPO, USACE, USEPA, and USFWS.

Self-Assessment Review Team:

Erica Schneider, Assistant Environmental Administrator
Kevin Davis, Environmental Policy Section Supervisor
Doug App, NEPA Documents Coordinator
Veronica Trecuzzi, NEPA Documents Coordinator

Larry Hoffman, Major Projects Coordinator
Heather McColeman, Major Projects Coordinator
Amanda Foley, Environmental Specialist/Permits Coordinator
Jacque Annarino, NEPA Assignment & Public Involvement Coordinator

Previous Self-Assessment Resolution/Follow up

Immediately following Self-Assessment #1 and Audit #1, the ODOT Team met with executive leadership to brief them on the initial findings. Afterward, ODOT-OES presented the results at a District Environmental Coordinators (DEC) meeting and at a consultant Environmental Update Meeting (EUM). Both of these meetings offered ODOT-OES an opportunity to provide an overview of the review's findings. The goal of this initial outreach was to provide the state's environmental workforce an opportunity to start addressing the review findings while OES continued to develop and refine an overall implementation plan to address the review findings in more detail. Each district was sent a copy of the ODOT Self-Assessment and FHWA's Audit #1 for review and consideration.

ODOT-OES held meetings with each district individually to review the Self-Assessment and audit results specific to their district and to discuss what action should be taken to address the areas identified for improvement. All districts were provided information regarding areas for improvement but three districts were placed on action plans to correct areas deemed to need improvement.

Both ODOT's Self-Assessment #1 and FHWA's Audit #1 identified several areas for improvement from a statewide perspective. Those areas focused on: EJ and Title VI, Public Involvement and overall NEPA documentation. To address these areas, ODOT took the following actions:

EJ and Title VI:

- ODOT-OES presented audit results and updated guidance at a DEC meeting and EUM.
- ODOT-OES (key staff) attended Title VI training held by ODOT's Office of Diversity, Opportunity, and Inclusion.
- ODOT-OES (key staff) participated in a national meeting on EJ and incorporated information from this conference into our guidance and training.
- ODOT-OES updated its guidance and training to merge and emphasize Title VI for NEPA actions.
- ODOT-OES began the development of EJ and Title VI on-line training that is expected to be available by June 2017.

Public Involvement:

- ODOT-OES presented audit results and updated guidance at a DEC meeting and EUM. At these meetings, ODOT-OES re-emphasized the PI process and documentation required.
- ODOT updated the PI minimum requirements and guidance after a considerable amount of coordination with ODOT's environmental and communications staff. Additional changes to the PI guidance are being made and the guidance, as a whole, will be resubmitted to FHWA for approval by June 2017.
- ODOT-OES stepped up coordination and oversight with the districts on their PI activities. This was done to increase awareness and training statewide.

- ODOT-OES coordinated with ODOT's Office of Roadway Engineering and Office of Communications to update and roll out new minimum PI requirements for communicating Maintenance and Operations of Traffic issues to the public.
- ODOT approved a new PI comment system. This system will be part of ODOT's website redesign project and will be available by June 2017.
- ODOT-OES provided specific one-on-one targeted training with three districts (those that had the highest number of findings regarding PI issues).

NEPA Documentation:

- ODOT-OES presented audit results and updated guidance at a DEC meeting and EUM. At these meetings, ODOT-OES re-emphasized the process and documentation required.
- ODOT-OES began development of detailed guidance on how to properly develop a Purpose and Need Statement as this area continues to have a high number of comments. This guidance will be available by November 2017.
- ODOT-OES will roll out new Purpose and Need on-line training. This class will be available by June 2017.
- ODOT-OES provided specific one-on-one training with two districts (those that had the highest number of findings regarding NEPA documentation).
- ODOT-OES will be asking for the districts that had overall very positive review findings (District 7 and 11) to present their documentation approaches to the other DEC's. This will allow for a peer-to-peer training and learning opportunity.
- ODOT-OES stepped up coordination and oversight with the districts on their NEPA documentation and overall PDP management. Staff in OES was reassigned to help coach districts in overall PDP management. This was done to increase awareness and offer training statewide.
- ODOT-OES will provide EnviroNet Skype Labs as needed for focus areas like documentation of PI, de minimis, etc.). These trainings will be available via the WEB and will be quick, focused training sessions with the goal of increasing awareness and knowledge on various tasks. These labs will be available beginning in the fall 2017.
- ODOT-OES presented a Wetland Findings Statement training module in advance of enhancements to EnviroNET as part of a DEC Meeting and EUM
- ODOT made changes to require consultant certification to ensure prequalified staff have reviewed and managed documents prior to submittal to ODOT. This certification will help to ensure the staff who are fully trained in environmental are the ones who have to "certify" that the necessary documentation was developed by them.

District-Specific Action Plans:

The ODOT Self-Assessment and FHWA Audit #1 identified a number of opportunities to improve ODOT's overall environmental performance. Based on these reviews, three ODOT districts showed a negative performance trend or had an overall higher number of issues than others in specific areas. For these three districts, ODOT-OES developed targeted action plans to help them improve in these specific areas. For all three districts, ODOT-OES first briefed the district management team, then followed up with discussions and training for the environmental staff. Following is a summary of the identified issues and corrective action plan put into place for each of these three districts:

District 9

Self-Assessment

- One Finding of Non-Compliance
- Several Observations in various areas were identified

FHWA Project File Review

- Several Valid Comments related to Documentation, Public Involvement, Environmental Commitments, EJ and Title VI,

Areas for Improvement

- Include more detail in Purpose & Need Statements such as quantifiable desirable conditions in addition to the existing conditions
- Include more detailed discussion regarding alternatives and reasons for elimination of alternatives such as type of impacts that would occur
- Include more detailed discussion of Section 106 determination and impacts
- Include all agency correspondence in project file
- Include all public involvement documentation in project file
- Include environmental commitment for obtaining Waterway Permits, if applicable, and name responsible party
- Ensure endangered species present is appropriately marked
- Follow Section 4(f) Guidance and SOPs and use standard language and templates provided by OES
- Follow File Management and Documentation Guidance for where documents are to be uploaded into EnviroNET
- Include Environmental Commitment to contact emergency and public services 14 days prior to start of construction
- Address MOT as part of Public Involvement during NEPA
- Follow PI Minimum Requirements especially as they related to Title VI and EJ populations and be sure to include documentation of these activities in the project file
- Follow Floodplain Guidance and include appropriate documentation in the project file

Action Plan

- One-on-one training and follow up in-person with OES staff to assess the level of understanding on the part of the district staff (focus on CE, PI, Sec 4(f), and PDP).
- All C2 Level and above documents must be peer reviewed at the district and then submitted to OES for review prior to approval until May 28, 2017, at which time we will re-assess whether or not to continue with the in-depth reviews, whether or not to require that district environmental staff retake training courses, and whether or not to add items to district environmental staff performance evaluations.

District 10

Self-Assessment

- Satisfactory, No Findings of Non-Compliance
- Several Observations in various areas

FHWA Project File Review

- Overall, did well
- One valid comment related to Public Involvement

Areas for Improvement

- Environmental Commitments
 - Include environmental commitment for obtaining Waterway Permits, if applicable
 - Do not include CMS items as environmental commitments
- Public Involvement
 - Follow Public Involvement Manual
 - Follow up on Public Involvement activities
 - Include NEPA Assignment Language on all PI materials
 - Ensure all documentation is uploaded to project file or memo to file if no comments received
 - Follow EJ Guidance and ensure correct mapping and documentation is uploaded into the project file
 - Ensure Title VI requirements are being met

Action Plan

- Meet with OES staff in-person to review project examples and discuss areas for improvement in-depth as it relates to Public Involvement
- Based on recent project examples there is a need to also retake the Section 106 course and follow up in-person with OES staff to review project examples and discuss areas for improvement in-depth as it relates to Section 106

District 12

Self-Assessment

- Satisfactory, no findings of non-compliance
- Several Observations in various areas were identified

FHWA Project File Review

- Overall, good job.
- Several valid comments regarding Environmental Commitments, Public Involvement, and Floodplains
- Three best practices identified
 - Public Involvement for Floodplains was through District 12 website posting. Summary of Floodplain Impacts was posted on the ODOT District 12 website
 - Well written P&N
 - DEC prepared notification to PM regarding Environmental Commitments and documented this in project file

Areas for Improvement

- Include more detail in the following areas:
 - project descriptions
 - Logical Termini
 - Independent Utility
 - Alternatives Analysis
 - Efforts to identify historic properties
 - Public Involvement
- Ensure mapping is included in project file and that it is appropriate
 - Farmland
 - EJ

- Public Involvement
 - Follow the Public Involvement Manual and ensure Minimum Requirements are being met
 - Follow File Management and Documentation Guidance
 - Include all PI materials in project file
 - Ensure Title VI requirements are met
 - Address MOT during NEPA
- Environmental Commitments
 - Ensure all appropriate items are included as an Environmental Commitment (aesthetics, PID 22213)
 - Ensure all environmental commitments requested by agencies are addressed
 - Do not include non-relevant commitments
 - Environmental Commitments to obtain Waterway Permits should name responsible party
- Follow Floodplain Guidance and ensure appropriate documentation and mapping is included in project file
- Ensure all relevant documents are in the project file

Action Plan

- One-on-one training and follow up in-person with OES staff to assess the level of understanding on the part of the district staff (focus on including more detail, ensuring appropriate mapping is included in the project file, PI, Environmental Commitments, Floodplains, and documentation).

District Summaries:

As mentioned above, the ODOT Self-Assessment and the FHWA Audit #1 identified a number of opportunities to improve ODOT's overall environmental performance. Based on these reviews, nine ODOT District offices had good results overall but there were areas identified for improvement. For these nine districts, ODOT-OES brought these items to their attention and provided guidance and coaching regarding how to improve. For these nine districts, ODOT-OES held discussions with the environmental staff. Following is a summary of the areas identified for improvement:

District 1

ODOT Self-Assessment

- Overall did great, no Findings of Non-Compliance
- Observation Areas were Documentation and Public Involvement

FHWA Project File Review

- Overall, did great
- Two valid comments regarding lacking documentation (one for an LPA project)

Areas for Improvement

- Follow File Management Guidance
 - Naming Conventions & Dropdowns
 - Uploading documents into EnviroNET
- Follow Public Involvement Manual & Guidance
 - Ensure meeting the minimum requirements
 - Addressing MOT

- Including proper EJ mapping
- Include all PI activity documentation in project file - even for lower level projects
- Ensure NEPA Assignment Language is included on PI Materials (even for LPA projects)

District 2

ODOT Self-Assessment

- Overall, did well, No Findings of Non-Compliance
- Observation Areas were Documentation and Public Involvement

FHWA Project File Review

- Overall, did great
- One instance of non-compliance regarding PI not meeting minimum requirements
 - PI was completed but no documentation uploaded to EnviroNET

Areas for Improvement

- Public Involvement
 - Follow PI Manual for minimum requirements and be sure to document all PI in project file
 - Address MOT and contact emergency and public services during NEPA
- File Management
 - Follow File Management and Documentation
 - PI items listed above
 - Finalize all documents and use correct completed/approved date
 - Be sure all documents are uploaded and follow guidance for naming conventions and when to check "Part of CE"
 - Upload all documents immediately (i.e., as they are developed and/or received) with the appropriate date

District 3

Self-Assessment

- Satisfactory, No Findings of Non-Compliance
- Several Observations in various areas

FHWA Project File Review

- Overall, did great
- No valid comments

Areas for Improvement

- Include more detail in project descriptions
- Include NEPA Assignment Language
- Include documentation of all decisions in the project file
- Include all environmental commitments - especially those stemming from agency and stakeholder comments
- Review plan notes carefully

District 4

Self-Assessment

- Overall did well, No Findings of Non-Compliance

- Observation areas were EJ Mapping and Documentation

FHWA Project File Review

- Overall, did great
- No valid comments
- Two best practices
 - Good example of Programmatic Wetlands Finding
 - PI documentation included good Sec 106 Resource discussion

Areas for Improvement

- Include entire project area in mapping for all NEPA study areas (EJ)
- Include all PI activity documentation in project file
- Follow File Management Guidance for naming conventions
- Do not include CMS items as environmental commitments

District 5

Self-Assessment

- Overall, did great. No Findings of Non-Compliance
- Areas of Observation were Documentation and Public Involvement

FHWA Project File Review

- Overall, did great.
- Two valid comments regarding Wetlands Findings and Public Involvement
- Two best practices identified
 - Well written P&N
 - Good example of PI activities commensurate with scope of project

Areas for Improvement

- Use block group for EJ mapping, rather than census tract
- Document all PI activities in project file
- Address MOT and contact emergency and public services during NEPA
- Environmental Commitments to obtain Waterway Permits should name responsible party

District 6

Self-Assessment

- Satisfactory, No Findings of Non-Compliance
- Several Observations in various areas

FHWA Project File Review

- Overall, great job.
- Two valid comments regarding PI - Floodplains and Eco - Wetlands
- One best practice identified
 - Good example of a P&N for a bridge rehab project

Areas for Improvement

- Include more detail in project descriptions
- Follow PI and Floodplain public notice requirements
- Address MOT and include Environmental Commitment to contact emergency and public services 14 days prior to start of construction

- Include greater detail regarding PI and all upload all PI activity documentation in project file
- Include Environmental Commitment for locals to obtain Waterway or Floodplain Permits, if applicable
- Include documentation in project file for wetlands impacts discussions
- Follow File Management and Documentation Guidance for naming conventions and use drop-downs

District 7

Self-Assessment

- Overall, excellent job. No Findings of Non-Compliance.
- Observation areas were Public Involvement (EJ & Title VI) and File Management and Documentation

FHWA Project File Review

- Overall excellent job.
- All projects were in compliance
- Two best practices were identified
 - Commitments checklist included in project file and emailed from DEC to PM
 - DEC did nice job of informing PM of environmental concerns with potential scope changes including possible requirements related to installation of ADA curb ramps

Areas for Improvement

- More extensive PI activities required for Title VI and EJ populations
- Follow File Management and Documentation Guidance for naming conventions

District 8

Self-Assessment

- Overall, good job. No Findings of Non-Compliance.
- Observation areas were Public Involvement and Documentation

FHWA Project File Review

- Overall, good job.
- Four valid comments related to Public Involvement (Floodplains), Environmental Commitments, Section 4(f) and documentation for ESA (typo)
- Two best practices identified
 - Public Awareness commitments included in Environmental Commitments Section of D1 CE for Construction Phase
 - Good alternatives discussion

Areas for Improvement

- Include appropriate maps in project file
- Public Involvement
 - Follow PI Manual for minimum requirements
 - Document all PI in project file
 - Address MOT and contact emergency and public services during NEPA
 - Ensure LPAs are following PI minimum requirements
- Include all decision documents in project file

- Follow File Management and Documentation Guidance for naming conventions and ensure consultants are doing so as well

District 11

Self-Assessment

- Overall, great job. No findings of non-compliance.
- Areas of concern were public involvement and environmental commitments

FHWA Project File Review

- Overall, good job.
- Two valid comments regarding Environmental Site Assessments and Wetland Findings Statement

Areas for Improvement

- Ensure Title VI requirements are being met
- Environmental Commitments to obtain Waterway Permits should name responsible party
- Ensure documentation is correct and free from typos (Ex: new ROW should have been no ROW)
- Ensure wetland findings statement is included, if applicable

ORDC

ODOT Self-Assessment

- Overall, excellent job
- No Findings of Non-Compliance

FHWA Project File Review

- Overall, excellent job
- All projects were in compliance

Areas for Improvement

- Keep up the good work!

Conclusion:

ODOT continues to monitor the NEPA Assignment Program and updates guidance and training as necessary. ODOT pays particularly close attention to areas needing improvement that were identified in both the Self-Assessment and Audit #1. We expect to see these trend in a positive direction moving forward but recognize that the results may not show in Self-Assessment & Audit #2.