

# Ohio Department of Transportation NEPA Assignment Program Audit #2 Close-Out Report

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

*12/19/17*

On December 28, 2015, ODOT assumed Federal Highway Administration's (FHWA) National Environmental Policy Act (NEPA) responsibilities and liabilities for the Federal-aid highway program funded projects in Ohio, specified in a Memorandum of Understanding (MOU) signed on December 11, 2015. As part of responsibilities specified in 23 U.S.C. 327, and amended by the Fixing America's Surface Transportation Act (FAST Act), the Ohio Department of Transportation conducted their second Self-Assessment and the FHWA Review Team conducted their second Audit of ODOT's environmental and NEPA processes, and of projects approved between April 1, 2016 and March 31, 2017. Both the self-assessment and the audit examined ODOT's performance under the MOU regarding responsibilities and obligations assigned therein.

Both review teams focused on NEPA processes, roles, and responsibilities as well as trends based on the findings from Self-Assessment and Audit #1. The ODOT Self-Assessment Review Team reviewed projects from all 12 districts, and conducted interviews with 3 districts (Districts 2, 3, and 8). The FHWA Audit Review Team reviewed projects from all 12 Districts, and conducted interviews with 3 Districts (Districts 1, 11, and 12). The ODOT Team assessed ODOT's program management processes by conducting a survey with state and federal resource agencies (Ohio Department of Natural Resources, Ohio Environmental Protection Agency, Ohio History Connection's State Historic Preservation Office, U.S. Army Corps of Engineers, U. S. Environmental Protection Agency, U. S. Fish and Wildlife Service). The FHWA Team also assessed ODOT's program management processes and interviewed two state resource agencies (Ohio Environmental Protection Agency Division of Air Pollution Control, Ohio History Connection State Historic Preservation Office) and one federal resource agency (U. S. Environmental Protection Agency Region V Office). Please refer to the "Ohio Department of Transportation NEPA Assignment Self-Assessment 4/1/16 through 3/31/17" and the "Surface Transportation Project Delivery Program FHWA Audit of the Ohio Department of Transportation August 6, 2016 through August 4, 2017" reports for details regarding the findings.

The following is ODOT's implementation of findings from both the ODOT Self-Assessment and FHWA's Audit #2.

Following the Self-Assessment and Audit, 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

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 #2 Report for review and consideration.

Both ODOT's Self-Assessment and FHWA's Audit #2 identified several areas for improvement from a statewide perspective. Those areas focused on: Environmental Commitments, Environmental Justice, and Public Involvement. All of these areas were identified during FHWA's Audit #1, as well. To address these areas, ODOT took the following actions over the past year:

**Environmental Commitments**

- ODOT-OES presented audit results and updated guidance at OTEC, at a DEC meeting and at a Consultant Environmental Update Meeting.
- ODOT-OES developed an interim guidance and training for writing environmental commitments and is currently developing more in-depth guidance.

**EJ:**

- ODOT-OES updated its guidance and training.
- ODOT-OES presented audit results and updated guidance at a DEC meeting and EUM.
- ODOT-OES completed development of EJ and Title VI on-line training that is expected to be available by January 2018.

**Public Involvement:**

- ODOT-OES presented audit results and updated guidance at a DEC and a Consultant Environmental Update Meeting. 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. This guidance will be submitted to FHWA for review by 02/15/18.
- ODOT developed a new PI comment system as a part of ODOT's website redesign project. The system is expected to be available by June 2018.

ODOT-OES held meetings with each district individually to review the Self-Assessment and audit results specific to their district and to discuss areas identified for improvement and what actions should be taken to address those areas. Below is a summary of areas in each district that were identified as needing improvement in both the first and second Self-Assessment and Audit:

|            |   |
|------------|---|
| District 1 | Following Minimum PI Requirements                                       |
| District 2 | Following Minimum PI Requirements<br>Following File Management Guidance |

|             |   |
|-------------|---|
| District 3  | Including more detail in Project Descriptions<br>Following Environmental Commitments Guidance   |
| District 4  | Following File Management Guidance  |
| District 5  | Following Environmental Justice/Underserved Populations Guidance  |
| District 6  | Following Minimum PI Requirements<br>Following Floodplain Guidance<br>Following Environmental Justice/Underserved Populations Guidance<br>Following Environmental Commitments Guidance<br>Following File Management Guidance<br>Including more detail in Project Descriptions |
| District 7  | Following Minimum PI Requirements   |
| District 8  | Following Environmental Commitments Guidance<br>Following Minimum PI Requirements<br>Following File Management Guidance   |
| District 9  | Following File Management Guidance<br>Following Environmental Commitments Guidance  |
| District 10 | Following Environmental Justice/Underserved Populations Guidance<br>Following Environmental Commitments Guidance  |
| District 11 | Following Minimum PI Requirements   |
| District 12 | Including more detail in Project Descriptions<br>Following Environmental Justice/Underserved Populations Guidance<br>Following Minimum PI Requirements<br>Following File Management Guidance<br>Following Environmental Commitments Guidance                                  |
| OES         | Following File Management Guidance<br>Ensuring Correct Dates are Entered  |

During the past year, in addition to sending emails via the OES Listserv, ODOT-OES provided various new guidance, clarification to existing guidance, and updated guidance at DEC and Environmental Update Meetings, during NEPA Chats, at LPA Days in some of the districts, as well as at OTEC and the Civil Rights Symposium. LTAP has also been including updates in their

quarterly newsletter. The most impactful changes include updated File Management and Documentation Guidance and several enhancements to EnviroNet to make meeting the file management and documentation requirements easier.

Overall, the districts, consultants, and LPAs have continued to improve and generally do what is asked of them as long as they are provided clear guidance. OES recognizes that the amount of guidance, as well as the manner in which the guidance is shared, is incredibly important to making sure the districts, consultants, and LPAs have the information they need to ensure success of the NEPA Assignment Program. Over the past year, ODOT-OES has changed to issuing guidance on a quarterly basis rather than providing each piece of guidance individually as it is developed. Below is a summary of areas in which each District showed improvement:

- District 1      Following File Management Guidance
- District 3      Including Documentation of all Decisions in Project File
- District 4      Including Appropriate Documentation  
Following Environmental Commitments Guidance
- District 5      Documentation of PI Activities  
Contacting Emergency & Public Services during NEPA
- District 7      Appropriate PI Activities for Title VI and EJ Populations
- District 9      Overall (However, OES was reviewing all projects for first 6 months)
- District 11     Following Environmental Commitments Guidance
- District 12     Including More Details in Project Descriptions, etc.

Additionally, the following items were identified as best practices during both the first and second Self-Assessment and Audit:

- District 5      Good example of PI
- District 7      Good DEC practices and documentation

**Conclusion:**

ODOT will continue to monitor the NEPA Assignment Program and update guidance and training as necessary. ODOT will pay particularly close attention to areas needing improvement that were identified in Self-Assessment and Audit #1 and #2 to identify areas of improvement and watch for trends.