ROADMAP AND TRACKING TOOL FOR DEVELOPING AND IMPLEMENTING PROGRAMATIC AGREEMENTS

Webinar
MAY 23, 2016
WELCOME AND LOGISTICS
Overview

• This webinar is an introduction and opportunity to explore the newly created:

**Roadmap for Developing and Implementing Programmatic Agreements**

and the

**Programmatic Agreement Tracking Tool**

• Representatives from the Federal Highway Administration (FHWA), state Departments of Transportation (DOTs), and resource and regulatory agencies will share their experiences in developing and implementing Programmatic Agreements.
Overview

• The **Roadmap** is a user-friendly web-based tool that will guide practitioners through the process required to develop and implement a Programmatic Agreement.

• The **Tracking Tool** provides a user-friendly, easily-accessible web based template for state DOTs to clearly and concisely track the short- and long-term benefits of developing and implementing Programmatic Agreements.
### Agenda

<table>
<thead>
<tr>
<th>Time</th>
<th>Session</th>
<th>Presenters</th>
</tr>
</thead>
</table>
| 1:00 PM| Welcome and Logistics                      | Logistics: Doug Delaney, WSP|Parsons Brinckerhoff  
Welcome: Tim Hill, Ohio DOT |
| 1:10 PM| Purpose and Benefits of Programmatic Agreements | Marlys Osterhues, FHWA  
Chris Regan, Washington State DOT |
|        | Roadmap Overview                           | Eric Beightel, WSP|Parsons Brinckerhoff |
| 1:40 PM| Case Study: MassDOT & MassWildlife Partnership | Tim Dexter, MassDOT  
Dave Paulson, MassWildlife |
|        | Tracking Tool Overview                     | Tienna Kim, WSP|Parsons Brinckerhoff |
| 2:00 PM| Question and Answer Session                | Moderator: Doug Delaney, WSP|Parsons Brinckerhoff |
| 2:20 PM| Thank You and Next Steps                   | Tim Hill, Ohio DOT |

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*Images and logos are not included.*
GoTo Webinar Software Logistics

• You will be muted throughout this webcast to minimize background noise. Please submit your questions and comments in writing.

• Materials from this webinar will be available on AASHTO’s Center for Environmental Excellence website.

• Throughout the webcast, if you have technical difficulties, please contact:

  Doug Delaney  
  WSP | Parsons Brinckerhoff  
  delaneyd@pbworld.com
Questions

• If you have a question, please submit through the question pane.

• Please include the name of the presenter you would like to answer the question.

• We will compile these questions and ask them during the Q&A session.
WELCOME

Tim Hill, Ohio DOT
PURPOSE AND BENEFITS OF PROGRAMMATIC AGREEMENTS

Marlys Osterhues, FHWA
Chris Regan, Washington State DOT
What is a Programmatic Agreement?

- Defines the terms or the process for certain reviews or the treatment of identified resources.
- Establishes a process for consultation, review, and compliance with one or more federal laws.
- Focuses on environmental process reviews, data collection, and/or regulatory compliance.
What is a Programmatic Agreement?

• Spells out the terms of an agreement between a State DOT and other state, tribal and/or federal agencies.

• Part of a larger collection of programmatic approaches that includes:
  – Regional Permits,
  – Programmatic Consultations, and
  – Other alternative arrangements with resource and regulatory agencies
Examples/Types of Programmatic Agreements

• Cultural/Historic Preservation
  – Section 4(f) programmatic evaluations
  – “No potential to affect historic properties” memos

• Natural Resource Protection
  – ESA/Wetland Programmatic agreements

• NEPA/Environmental Review
  – Interagency Memoranda of Agreement/Understandings
Benefits of Programmatic Agreements

• Elimination of individual federal and state agency review of certain projects.
• Streamlined review of routine projects
• Quicker project turnaround with better environmental outcomes.
• Greater predictability on large or complex projects by following an agreed upon method or process to determine and address impacts.
Benefits of Programmatic Agreements

• Increasing trust among State DOTs and regulatory agencies.
• Minimizing potential “piecemeal” effects to resources that can occur when evaluating individual projects vs, program of projects;
• Freeing agency resources to address other high priority environmental issues and projects.
Cost Benefit Study

• Study conducted by Volpe, in partnership with FHWA, to analyze the benefits and costs of programmatic agreements (2015)

• Case Studies:
  - Oregon's statewide ESA Section 7 PA has resulted in estimated savings of $1.23 million over an 18 month period against implementation costs of approximately $350,000. Project review time decreased from an average of 200 days to an average of 29 days.
  - Ohio's statewide NHPA Section 106 PA has resulted in annual savings of over $1.5 million compared to early 2000 spending levels.
State of Practice

• Focus of FHWA’s Every Day Counts (EDC-2)
• Use of programmatic agreements is widespread
  – Over 500 programmatic agreements in place across the country
  – All 50 states have a programmatic agreement in place and 35 states have two or more
• Expanding use regional and national programmatic efforts
Washington State Programmatic Agreements

Chris Regan, NEPA/SEPA and Liaison Program Manager
May 23, 2016
Benefits of Programmatic Agreements

Washington has had PAs for over 27 years

- PAs build relationships that improve trust
- Allows both parties to expand beneficial aspects of our shared work:
  - Resources benefits
  - Collaboration on training
  - Increased trust and authority
- Lowers review/approval cost and time to process
ESA Programmatic Services with Services

Individual and Programmatic Consultation Durations

Consultation Durations

Days

Consulting agency

USFWS

NOAA

Formal
Informal
Programmatic
Liaison Staffing Considerations

**NOAA**

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<th>2010-2012</th>
<th>2013-2016</th>
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<tr>
<td>Total consultations completed</td>
<td>61</td>
<td>57</td>
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<tr>
<td>Formals</td>
<td>24</td>
<td>10</td>
</tr>
<tr>
<td>Informals</td>
<td>37</td>
<td>10</td>
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<tr>
<td>Programmatic</td>
<td>37</td>
<td></td>
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<tr>
<td><strong>Staff needed</strong></td>
<td>4</td>
<td>1</td>
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**USFWS**

<table>
<thead>
<tr>
<th></th>
<th>Old Programmatic</th>
<th>New Programmatic</th>
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<tbody>
<tr>
<td>Years in place</td>
<td>5.7</td>
<td>1.3</td>
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<tr>
<td>Total consultations completed</td>
<td>73</td>
<td>49</td>
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<tr>
<td>Average consultation duration</td>
<td>36</td>
<td>10</td>
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</table>
## NEPA Programmatic

### NEPA CE Approvals of WSDOT & Local Agency Projects: 2011-2016

<table>
<thead>
<tr>
<th></th>
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<th></th>
<th></th>
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</thead>
<tbody>
<tr>
<td>total # CEs approved</td>
<td>202</td>
<td>262</td>
<td>345</td>
<td>246</td>
<td>237</td>
<td>122</td>
</tr>
<tr>
<td>Programmatic CE</td>
<td>131</td>
<td>179</td>
<td>238</td>
<td>204</td>
<td>219</td>
<td>120</td>
</tr>
<tr>
<td>CE signed by FHWA</td>
<td>71</td>
<td>83</td>
<td>107</td>
<td>42</td>
<td>18</td>
<td>2</td>
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<tr>
<td>% Programmatic CEs</td>
<td>64.9%</td>
<td>68.3%</td>
<td>69.0%</td>
<td>82.9%</td>
<td>92.4%</td>
<td>98.4%</td>
</tr>
<tr>
<td>days of FHWA review/approval time*</td>
<td>994</td>
<td>1162</td>
<td>1498</td>
<td>588</td>
<td>252</td>
<td>28</td>
</tr>
<tr>
<td>months of FHWA review/approval time*</td>
<td>33</td>
<td>39</td>
<td>50</td>
<td>20</td>
<td>8</td>
<td>1</td>
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</tbody>
</table>

* This analysis assumes an average of 14 days for the FHWA Area Engineer to approve a CE.

** New Programmatic removes constraints, allowing WSDOT to sign >99% of CEs.
NHPA Section 106 Programmatic Agreement
So far this biennium (July 1, 2015 – Present)

362 Programmatic Consultations with Washington SHPO saved:

• 30-60 days of review; and,
• $250 per consultation
Programmatic Agreement Toolkit

• Existing AASHTO Toolkit needed a refresh

Introduction To Programmatic Agreement Tool Kit

Why a Tool Kit on Programmatic Agreements?

How to Use the Tool Kit

Please note that to make full use of the tool kit, you should have Adobe Acrobat installed on your computer (click here for a free download of Adobe Acrobat). Also, note that some of the external links are to very large files and may require several minutes to download if you are using a dial-up Internet connection.
• Did not reflect the current state of the practice
  – Heavily focused on 106 and Programmatic CE agreements
  – Did not reflect changes in MAP-21, FAST Act or the emphasis on PAs from FHWA’s Every Day Counts initiative
• Missing the implementation piece
Update Included Input from State DOTs

- Needed to reflect more recent experience and prioritize elements most important to practitioners
- Conducted electronic and phone surveys
- Expanded areas related to implementation and lessons learned
- Made the Roadmap a reference tool for experienced and new practitioners alike
Roadmap for Developing and Implementing a PA

- Web-based tool that guides the user through the steps in developing a PA
  - Users can advance through the sections in sequence or click on a section to navigate directly to a topic of interest.
Roadmap for Developing and Implementing a PA
CASE STUDY: MassDOT & MassWildlife PARTNERSHIP

Tim Dexter, MassDOT
Dave Paulson, MassWildlife
MassDOT & MassWildlife Coordination History

“The Old Days”
- MESA regulatory review conflicts
- Conservation vs. Transportation
- Inconsistent players
- Bad previous experiences
- Missed project advertisement dates
- No partnership on non-regulatory conservation issues
MassDOT – MassWildlife Interdepartmental Service Agreement

Solution
- Interdepartmental Service Agreement (ISA) - December 2008
  - Initial 3 Year Agreement
  - 1 dedicated position at Natural Heritage & Endangered Species Program

- Purpose
  - Streamline the regulatory review process pursuant to MESA

- Renewed in 2011 & 2014
  - Included funding for conservation projects
MassDOT – MassWildlife Interdepartmental Service Agreement

Regulatory Relationship

- Early project data coordination

- Streamline permit application reviews
  - Cut project review time from 30 days to 14 days
  - MassDOT sets review priorities

- Collaborate on avoidance/minimization techniques

- Innovative mitigation

- Develop creative solutions
Linking Landscapes for Massachusetts Wildlife

- Established 2010

- Collaboration
  - State/Federal Agencies, Universities, NGOs and the Public

- Objectives
  - Reduce wildlife-vehicle collisions and improve public safety
  - Enhance, protect, and restore habitats impacted by roads
  - Control invasive species within habitats of high conservation priority
  - Incorporate conservation priorities into transportation planning
  - Implement wildlife transportation research projects to inform transportation and conservation decision making
MassDOT & MassWildlife Partnership

LINKING LANDSCAPES
FOR MASSACHUSETTS WILDLIFE

http://www.linkiniglandscapes.info
Peregrine Falcon Nesting Boxes
American Kestrel Nesting Boxes
Orange Sallow Moth Habitat Management
Habitat Management: Invasive Species Removal
Wildlife Fencing and Signage
Moose Vehicle Collisions
Wildlife Crossing Structures
Wildlife Monitoring / Road Ecology Research
Conservation Opportunities
Model Partnership
Contact:

Tim Dexter
Wetlands & Wildlife Biologist
Environmental Services
MassDOT Highway Division
(857) 368-8794
timothy.dexter@state.ma.us

David Paulson
Senior Endangered Species Review Biologist
Natural Heritage and Endangered Species Program
Massachusetts Division of Fisheries and Wildlife
(508) 389-6366
david.paulson@state.ma.us
Programmatic Agreements Tracking Tool

• New tool in the Center’s Products & Programs
• Features
  – User Registration
  – Secure Collaboration
  – Search and Filter Programmatic Agreements (PA)
  – Upload and Share PAs
  – User Friendly, Accessible, and Organized
Programmatic Agreements Tracking Tool

- Registration
  - Limited to State DOT and FHWA members

![Programmatic Agreements Tracking form](image-url)
Programmatic Agreements Tracking Tool

- Filter and Search Agreements Posted by State DOTs and FHWA
  - Category
  - Agencies Involved
  - State/Region
  - Keyword search including PDF attachments
Programmatic Agreements Tracking Tool

- View Programmatic Agreement Listing
  - Sort by Posting Date, Category, Title or State/Region
Programmatic Agreements Tracking Tool

- View Programmatic Agreement Details
  - Key PA & Contact Information
  - Implementation Costs

Programmatic Agreement Details

<table>
<thead>
<tr>
<th>Title</th>
<th>Programmatic Agreement for the Review and Approval of NEPA Categorically Excluded Projects between the Federal Highway Texas Division and the Texas Department of Transportation</th>
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<tbody>
<tr>
<td>Posting Date</td>
<td>5/12/2016</td>
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<tr>
<td>Agencies Involved</td>
<td>Federal, State</td>
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<td>PA Effective Date</td>
<td>5/1/2010</td>
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<td>PA Termination Date</td>
<td>5/18/2020</td>
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Overview/Description

The agreement provides for expedient processing of CE level actions by Texas Department of Transportation (TxDOT) under the guidance and with the approval of FHWA, Texas Division. CE actions which exceed Blanket and Programmatic criteria are submitted to FHWA for review and approval.

Renewal Cycle

Provisions are included for modifying the agreement.

Contact

Barbara Sokas
Senior Planner

Implementation Costs

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<tr>
<th>Description</th>
<th>Value</th>
<th>Unit</th>
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<tbody>
<tr>
<td>Time Spent Researching PA:</td>
<td>100</td>
<td>FTE Hours</td>
</tr>
<tr>
<td>Time Spent Developing PA:</td>
<td>250</td>
<td>FTE Hours</td>
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<tr>
<td>Time Spent in Meetings/Workshops:</td>
<td>29</td>
<td>FTE Hours</td>
</tr>
<tr>
<td>Time Spent Preparing Initial Training:</td>
<td>30</td>
<td>FTE Hours</td>
</tr>
<tr>
<td>Time Spent Conducting Initial Training:</td>
<td>40</td>
<td>FTE Hours</td>
</tr>
<tr>
<td>Time Spent Preparing Ongoing Training:</td>
<td>24</td>
<td>FTE Hours</td>
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<tr>
<td>Time Spent Conducting Ongoing Training:</td>
<td>48</td>
<td>FTE Hours</td>
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<tr>
<td>Time Spent Updating/Refining PA</td>
<td>24</td>
<td>FTE Hours</td>
</tr>
<tr>
<td>Direct Costs:</td>
<td>15,000</td>
<td>Direct Costs</td>
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<tr>
<td>Total Implementation Cost:</td>
<td>545 (FTE Hours)</td>
<td>15,000 (Direct Cost)</td>
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</table>
Programmatic Agreements Tracking Tool

- View Programmatic Agreement Details - Continued
  - Quantitative Benefits
  - Qualitative Benefits

### Quantitative Benefits

<table>
<thead>
<tr>
<th>Benefit</th>
<th>Value</th>
<th>Unit</th>
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<tr>
<td>Streamlined/Quicker Reviews</td>
<td>135,000</td>
<td>Construction Delay Costs Not Incurred</td>
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<tr>
<td>Avoidance of Permit Challenges</td>
<td>95,000</td>
<td>Construction Delay Costs Not Incurred</td>
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<tr>
<td>Reduced Mitigation Costs</td>
<td>45,000</td>
<td>Direct Costs</td>
</tr>
<tr>
<td>Reduced Formal/Agency Consultation</td>
<td>500</td>
<td>FTE Hours</td>
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<tr>
<td>Redirected Staff Time</td>
<td>500</td>
<td>FTE Hours</td>
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<tr>
<td>Reduced Formal/Agency Consultation (Agency)</td>
<td>120</td>
<td>FTE Hours</td>
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<td>Redirected Staff Time (Agency)</td>
<td>360</td>
<td>FTE Hours</td>
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<tr>
<td>Total Construction Delay Costs Not Incurred</td>
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<td>Direct and FTE Costs</td>
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### Qualitative Benefits

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<th>Benefit</th>
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<th>Unit</th>
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<tr>
<td>Custom Quantitative Benefits</td>
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<tr>
<td>Wetlands Preserved</td>
<td>3500</td>
<td>Acres</td>
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<tr>
<td>Endangered Species Habitat Preserved</td>
<td>1500</td>
<td>Acres</td>
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<table>
<thead>
<tr>
<th>Qualitative Benefits</th>
<th>Strongly Agree</th>
<th>Neither Disagree</th>
<th>Strongly Disagree</th>
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<tbody>
<tr>
<td>Increased Predictability/Certainty</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Increased Coordination/Communication</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Improved Relationships</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Improved Public Opinion</td>
<td>✓</td>
<td></td>
<td></td>
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<tr>
<td>Enhanced Project Outcomes</td>
<td>✓</td>
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</table>
Programmatic Agreements Tracking Tool

- Compare Agreements
  - Select up to 3 agreements for side-by-side comparison
Programmatic Agreements Tracking Tool

- Post and Share your Agency’s Programmatic Agreements
  - Create records in ‘draft’ status until ready to share with other users and agencies
  - Upload file attachments
Programmatic Agreements Tracking Tool

We look forward to your participation!

http://environment.transportation.org/PATracking/
QUESTIONS?
THANK YOU FOR ATTENDING THE WEBINAR

Programmatic Agreement Toolkit
http://environment.transportation.org/center/products_programs/programmatic_agreement.aspx