

ROADMAP AND TRACKING TOOL FOR DEVELOPING AND IMPLEMENTING PROGRAMATIC AGREEMENTS

Webinar **MAY 23, 2016**







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, easilyaccessible web based template for state DOTs to clearly and concisely track the short- and long-term benefits of developing and implementing Programmatic Agreements.



Agenda



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 SessionModerator: Doug Delaney, WSP Parsons Brinckerhoff
2:20 PM	Thank You and Next Steps Tim Hill, Ohio DOT





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

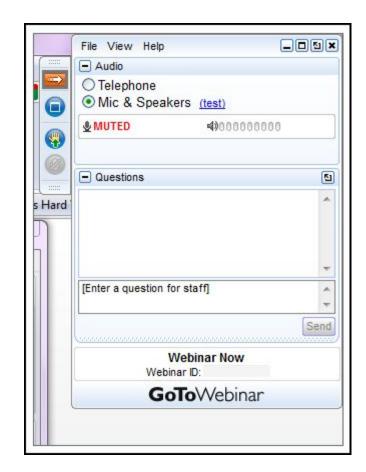




Questions



- 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

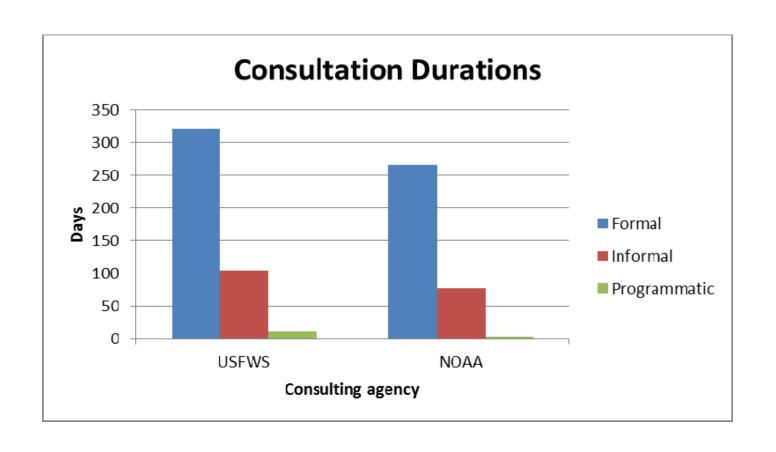


Washington has had PAs for over 27 years

- 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 Programmatics with Services

Individual and Programmatic Consultation Durations





Liaison Staffing Considerations



NOAA	2010- 2012	2013- 2016
Total consultations completed	61	57
Formals	24	10
Informals	37	10
Programmatics		37
Staff needed	4	1





USFWS	Old Programmatic	New Programmatic	
Years in place	5.7	1.3	
Total consultations completed	73	49	
Average consultation duration	36	10	



NEPA Programmatic

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

	2011	2012	2013	2014	2015**	2016
total # CEs approved	202	262	345	246	237	122
Programmatic CE	131	179	238	204	219	120
CE signed by FHWA	71	83	107	42	18	2
% Programmatic CEs	64.9%	68.3%	69.0%	82.9%	92.4%	98.4%
days of FHWA review/approval						
time*	994	1162	1498	588	252	28
months of FHWA						
review/approval time*	33	39	50	20	8	1

^{*} 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

ROADMAP OVERVIEW

Eric Beightel, WSP | Parsons Brinckerhoff

Programmatic Agreement Toolkit



Existing AASHTO Toolkit needed a refresh



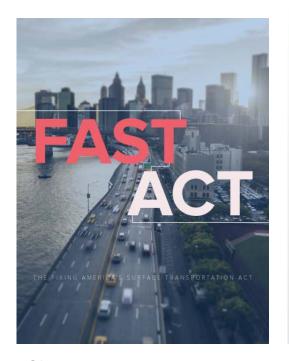




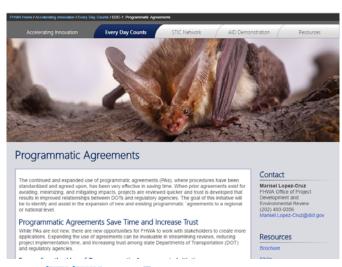
Programmatic Agreement Toolkit



- 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.



The content of the readmap is presented in a sequential manner with each section informing the next, providing a tutorial on considering, developing and implementing a PA. However, each section can stand on its own should the reader have questions about specific topics. Just click on a section above to go directly to that content.





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



- 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



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













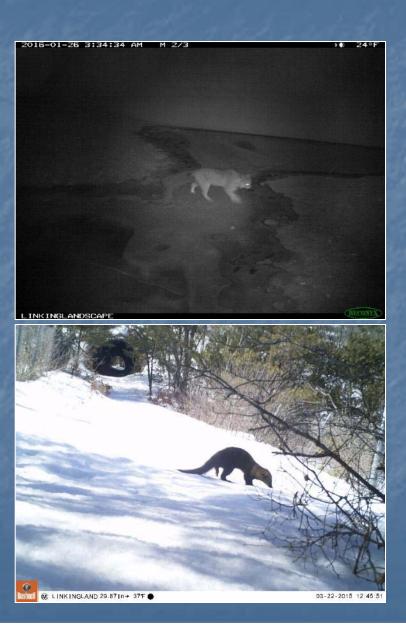
Wildlife Crossing Structures



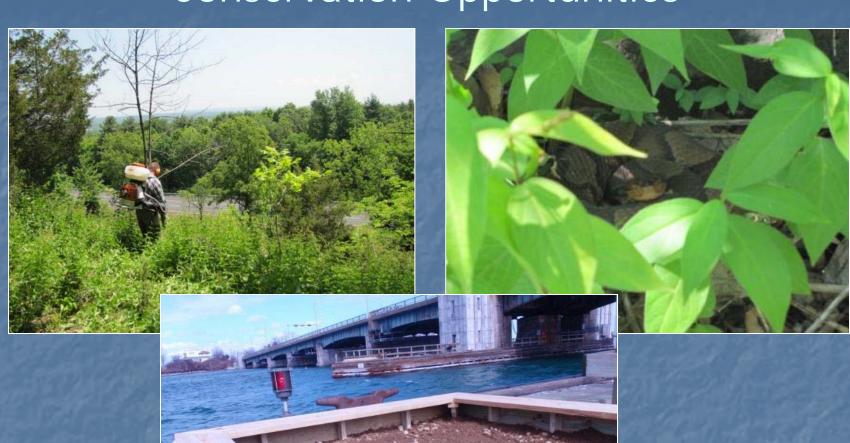


Wildlife Monitoring / Road Ecology Research





Conservation Opportunities



Model Partnership



Establishing a Transportation Liaison Program



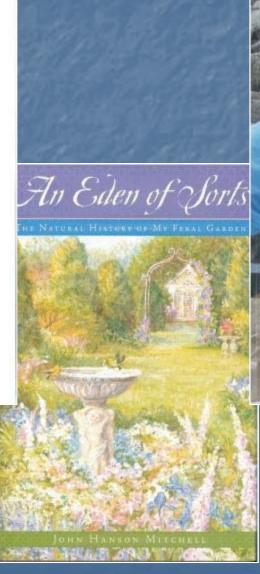


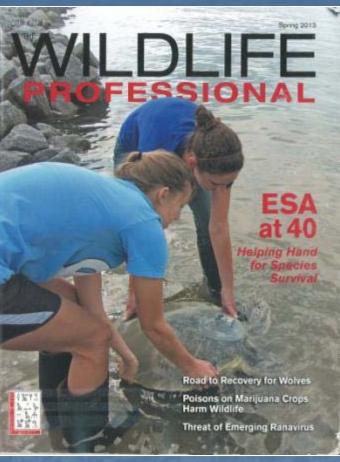


A How-To Guide for Agencies Interested in Getting Started



March 2013





Contact:

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

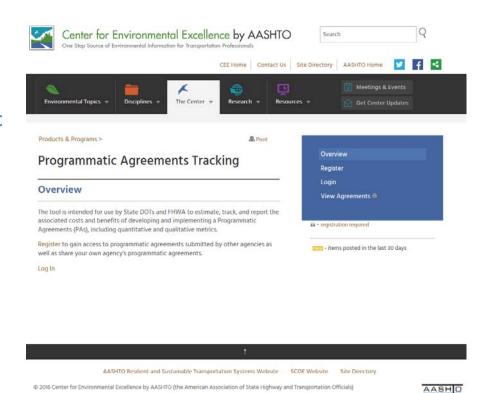
David Paulson
Senior Endangered Species Review Biologist
Natural Heritage and Endangered Species Program
Massachusetts Division of Fisheries and Wildlife
(508) 389-6366
david.paulson@state.ma.us

TRACKING TOOL OVERVIEW

Tienna Kim, WSP | Parsons Brinckerhoff



- New tool in the Center's Products & Programs
- Features
 - User Registration
 - Secure Collaboration
 - Search and Filter ProgrammaticAgreements (PA)
 - Upload and Share PAs
 - User Friendly, Accessible, and Organized









- Registration
 - Limited to State DOT and FHWA members

Programmatic Agreements Tracking

Register		
3	Agreements is limited to State DOT and FF will be used only for interaction with the F	
Please enter your e-mail	address below to verify your agency's acce	ess.
E-mail Address:		
	Submit	

Register	
Your email address has been va Please complete the registratio	
	* - required
First Name: *	
Last Name: *	
Title: *	
Agency: *	
Phone: *	
E-mail Address: *	JamesParker@dot.state.co.us
Preferred Contact Method: *	● Email ○ Phone
Password: *	Password must be at least 8 characters long and include at least one special character, one capital letter, and one number.
Password Confirmation: *	
	Submit Clear Form







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

Use the drop down menus to narrow the list of agreements. Sort your list by clicking on a column title. Click on the title to view more details about the programmatic agreement. Search Filters Category



View Agreements

Use the drop down menus to narrow the list of agreements. Sort your list by clicking on a column title. Click on the title to view more details about the programmatic agreement.

Search Filters		
Category	•	1
Agencies Involved	☐ Air Quality	
State/Region	☐ Endangered Species Act	
Keyword	☐ Interagency ☐ Land Management	
Reyword	□ Navigation (USCG)	
	□NEPA	
	Planning and Environmental Linkages Section 106	
	Section 100	
	Wetlands	
	Wildlife	







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

H	1 b bl	Page size: 10 ▼	4 ite	ms in 1 pages
Select	Posting Date ▼	Category	Title	State/Region
	05/12/2016	NEPA	Programmatic Agreement for the Review and Approval of NEPA Categorically Excluded Projects between the Federal Highway Texas Division and the Texas Department of Transportation	TX
	04/01/2016	Land Management	Amendment #2 - Memorandum of Understanding between the Arizona Department of Transportation, FHWA and the Bureau of Land Management, Arizona	AZ
	03/13/2016	Section 106	First Amended Programmatic Agreement among the FHWA, the Massachusetts State Historic Preservation Officer and the Advisory Council on Historic Preservation Regarding Implementation of Minor Highway Bridge Projects	MA
	07/26/2013	Land Management	Memorandum of Understanding Related to Activities Affecting the State Transportation System National Forest Service (NFS)/Bureau of Land Management (BLM) Public Lands in the State of Colorado	KS
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- View Programmatic Agreement Details
 - Key PA & Contact Information
 - Implementation Costs

« Back to Agreements Listing

Programmatic Agreement Details

Title

Programmatic Agreement for the Review and Approval of NEPA Categorically Excluded Projects between the Federal Highway Texas Division and the Texas Department of Transportation

Posting Date	Categories	State/Region
5/12/2016	NEPA	TX
Agencies Involved	PA Effective Date	PA Termination Date

Overview/Description

The agreement provides for expeditious 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 Sokes Senior Planner

Implementation Costs

	FTE = F	Full Time Equivalent
	Value	Unit
Time Spent Researching PA:	100	FTE Hours
Time Spent Developing PA:	250	FTE Hours
Time Spent in Meetings/Workshops:	29	FTE Hours
Time Spent Preparing Initial Training:	30	FTE Hours
Time Spent Conducting Initial Training:	40	FTE Hours
Time Spent Preparing Ongoing Training:	24	FTE Hours
Time Spent Conducting Ongoing Training:	48	FTE Hours
Time Spent Updating/Refining PA	24	FTE Hours
Direct Costs:	15,000	Direct Costs
Total Implementation Cost:	545 (FTE Hours) 15,000 (Direct Cost)	







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

Quantitative Benefits

	Value	Unit
Streamlined/Quicker Reviews:	135,000	Construction Delay Costs Not Incurred
Avoidance of Permit Challenges:	95,000	Construction Delay Costs Not Incurred
Reduced Mitigation Costs:	45,000	Direct Costs
Reduced Formal/ Agency Consultation:	500	FTE Hours
Redirected Staff Time:	500	FTE Hours
Reduced Formal/ Agency Consultation (Agency):	120	FTE Hours
Redirected Staff Time (Agency):	360	FTE Hours
Total Construction Delay Costs Not Incurred:	219,000	Direct and FTE Costs
Custom Quantitative Benefits		
Benefit	Value	Unit
Wetlands Preserved	3500	Acres
Endangered Species Habitat Preserved	1500	Acres

Qualitative Benefits

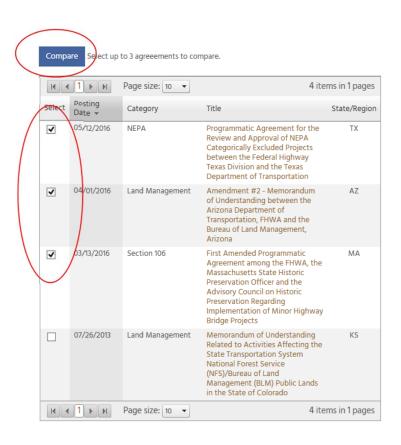
Strongly Agree Neither Disagree Strongly Agree Agree or Disagree Disagree		
Certainty: Increased Coordination/ Communication: Improved Relationships: Improved Public Opinion: ✓		Agree Agree or Disagree
Communication: Improved Relationships: ✓ Improved Public Opinion: ✓		✓
Improved Public Opinion: √	-	✓
	Improved Relationships:	✓
Enhanced Project Outcomes: ✓	Improved Public Opinion:	✓
	Enhanced Project Outcomes:	✓







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











- 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







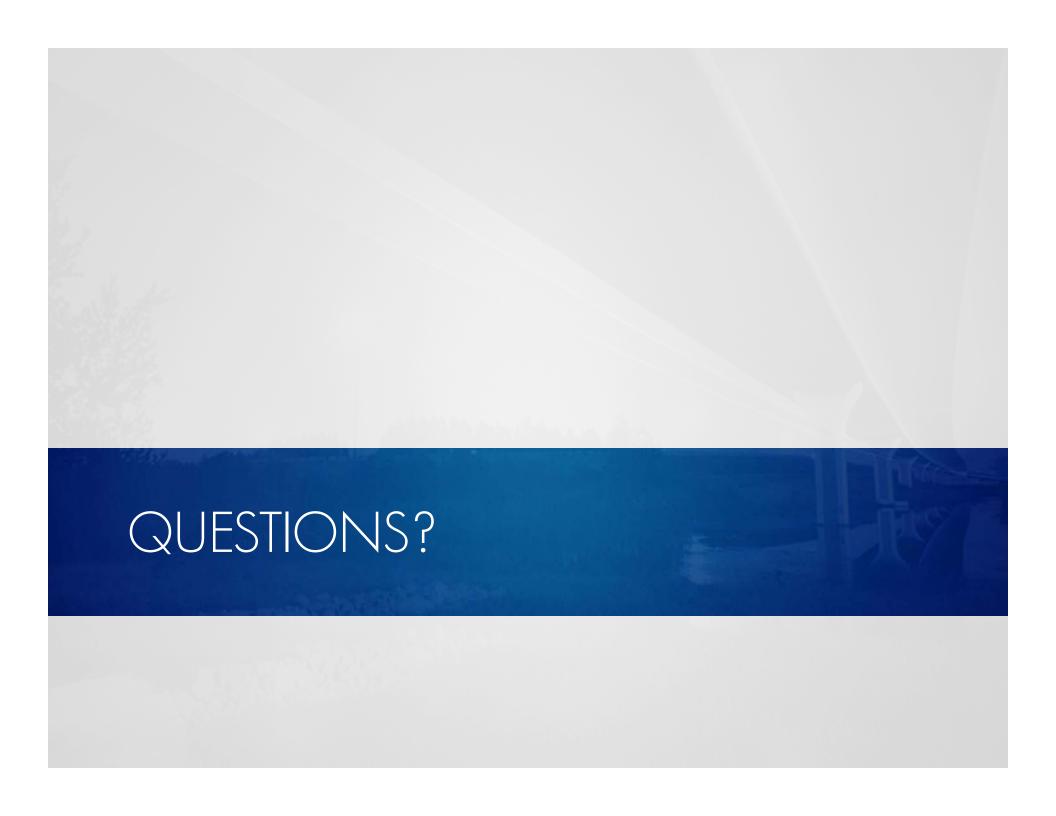




We look forward to your participation!

http://environment.transportation.org/PATracking/





THANK YOU FOR ATTENDING THE WEBINAR

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





