

## Partnering Agreement FHWA/MoDOT Focus Area: Environment

### I. Roles and Responsibilities of MoDOT

MoDOT’s Role – Ensure Program Area Environment performs in accordance with state and federal laws and regulations while implementing the Mission, Values, and Tangible Results as outlined in MoDOT’s Tracker. MoDOT’s Central Office environmental and historic preservation sections will have primary responsibility for this and will also function as a liaison between FHWA and MoDOT district offices and/or project consultants. For our program area, the tasks in the table below are considered the most important and we will work with FHWA as true partners to ensure success. It is assumed that all documents and correspondence related to these tasks will be quality documents that are complete and accurate.

ACTIVITIES		MoDOT RESPONSIBILITIES and ACTIONS		
Approval Action	Reference Document	Approval Agency	Description of Action and Responsibility	Desired Timeframe
Categorical Exclusion (CE)	Programmatic CE	MoDOT	1) Central office notifies district of approval action after receipt of complete information from districts (may consult FHWA as needed) 2) Central office prepares report for FHWA	1) As needed 2) June and December
Categorical Exclusion (CE)	23 CFR 771	FHWA	Provide a letter explaining impact analysis and documentation for CE status to the FHWA prior to needed action.	Within 4 weeks from receipt of complete information from districts
Open-Ended (documented) Categorical Exclusion (CE2)	23 CFR 771	FHWA	Provide a completed CE2 form and related documents to the FHWA prior to needed action	Within 4 weeks from receipt of complete information from districts
Environmental Assessment (EA)	23 CFR 771	FHWA	Provide a complete submittal* to the FHWA prior to needed action	Within 6 weeks
Environmental Impact Statement (EIS)	23 CFR 771	FHWA	Provide a complete submittal* to the FHWA prior to needed action	Within 8 weeks
Section 4(f) Statement	23 CFR 771	FHWA	Provide a complete submittal* to the FHWA prior to needed action	Within 6 weeks

Section 4(f) Inapplicability Statement	23 CFR 771	FHWA	Provide adequate documentation to support the request for inapplicability or programmatic approval prior to the needed action	Within 2 weeks
Reevaluations	23 CFR 771	FHWA	Provide a complete submittal* to the FHWA prior to needed action	Same as time frame for document type
Programmatic 4 (f)	23CFR 771	FHWA	Provide a complete submittal to FHWA prior to needed action	Within 4 weeks
Section 106 Compliance	36 CFR 800	FHWA	Provide a complete submittal* to the FHWA prior to needed action	Within 2 weeks
Edits to EA, EIS, 4(f)	23 CFR 771	FHWA	Provide revised copies that clearly indicate the changes that were requested	Within 3 weeks from receipt of complete information from districts
Record of Decision	23 CFR 771	FHWA	Provide a complete submittal to FHWA prior to needed action	<b>Within 2 weeks</b>
Process Reviews	SAFETEA-LU Section 1904	FHWA	Collaborate with FHWA on the possibility of at least one process review each year	July partnering meeting
Strategic Business Planning	MoDOT Tracker and FHWA Performance Plan	MoDOT	Work with FHWA on the refinement of MoDOT's Tracker to ensure they line up and compliment the FHWA performance plan goals and measures.	Begin discussions in July

\* Complete submittals shall mean appropriate forms and adequate documentation that details how conclusions were reached.

## II. Roles and Responsibilities of FHWA

FHWA's Role – Ensure Program Area Environment performs in accordance with federal laws and regulations while implementing FHWA's Performance Plan and required stewardship and oversight. For our program area, the following tasks are considered the most important and we will work with MoDOT as true partners to ensure success:

ACTIVITIES		FHWA RESPONSIBILITIES and ACTIONS		
Approval Action	Reference Document	Approval Agency	Description of Action and Responsibility	Desired * Timeframe
CE	Programmatic CE	MoDOT	Verify use of the Programmatic CE when requested	Within 3 days
CE	23 CFR 771	FHWA	Request additional information, provide comments or approval to MoDOT	Within 2 weeks

CE2	23 CFR 771	FHWA	Request additional information, provide comments or approval to MoDOT	Within 3 weeks
EA	23 CFR 771	FHWA	Request additional information, provide comments or approval to MoDOT	Within 6 weeks
EIS	23 CFR 771	FHWA	Request additional information, provide comments or approval to MoDOT, including legal sufficiency review when appropriate	Within 8 weeks
Section 4(f) Statement	23 CFR 771	FHWA	Request additional information, provide comments or approval to MoDOT, including legal sufficiency review when appropriate	Within 8 weeks
Reevaluations and Updates	23 CFR 771	FHWA	Request additional information, provide comments or approval to MoDOT	Within 3 weeks
Section 106 Compliance	36 CFR 800	FHWA	Provide documentation to the Advisory Council requesting consultation determination	Within 2 weeks
Section 106 MOA	36 CFR 800	FHWA	Sign MOA	Within 2 weeks
Programmatic Section 4(f)	23CFR 771	FHWA	Request additional information; provide comments or approval to MoDOT.	Within 4 weeks
Edits to EA, EIS, 4(f)	23 CFR 771	FHWA	Provide comments or approval to MoDOT including legal sufficiency review when appropriate	Within 4 weeks
Process Reviews	SAFETEA-LU Section 1904	FHWA	Collaborate with MoDOT on the possibility of at least one process review each year	July partnering meeting
Performance Plan	FHWA Performance Plan, MoDOT Tracker	FHWA	Work with MoDOT during development of FHWA's performance plan to ensure it lines up and compliments MoDOT's Tracker	Begin discussions in July
Record of Decision Review	23 CFR 771	FHWA	Request additional information, provide comments or approval to MoDOT	Within 3 weeks
Purpose and Need for EIS	23 CFR 771	FHWA	Request additional information and provide comments to MoDOT	Within 4 weeks
Coordination Plan	SAFETEA-LU Section 6002	FHWA	Request additional information and provide comments to MoDOT	Within 4 weeks

\* Agreement on time frame for all EAs/EISs negotiated between resource agencies, MoDOT districts, consultants, FHWA, and MoDOT environmental section, either during negotiations with consultant or, if no consultant involvement, at the scoping meeting.

### III. Ground Rules

We agree to concentrate efforts in improving our work by following these ground rules:

- We will respect each other by valuing the opinions of others and maintaining an open mind to suggestions. In addition, we will actively participate in scheduled meetings and collaborate on issues regarding MoDOT procedures and improvement projects.
- We will communicate with each other directly by telephone, mail, e-mail, and more importantly in face-to-face conversations. Any direct communication from legislators, district offices, consultants, regulatory or resource agencies and the general public regarding issues of mutual concern will be communicated immediately to the other agency.
- We will participate in a regularly scheduled quarterly meeting co-chaired by the MoDOT Environmental and Cultural Resources Manager and the FHWA Program Development Team Leader and other technical staff “as needed” to discuss items of mutual interest and complex or controversial projects. Each partner on an alternating basis will take minutes of this meeting.
- It is understood that MoDOT district staff and consultants are not to ask FHWA environmental staff for approvals or NEPA classification decisions without involvement of MoDOT’s Central Office staff. FHWA environmental staff, if contacted directly by MoDOT district staff or consultants will redirect this submitted information to MoDOT Central Office environmental staff. Every effort should be made to ensure that MoDOT information provided to FHWA has the concurrence of both MoDOT districts and MoDOT Central Office.
- We will make decisions by following a thorough discussion of the issue using appropriate communication methods. Decisions should be made within a two-week period following discussions and shall be appropriately documented.
- We will actively participate in scheduled meetings; add value to the discussion and refrain from personal agendas. As needed, we will participate in joint field visits to projects or to project related meetings.
- We will agree upon set timeframes for all new EA’s and EIS’s. Agreement will be reached during negotiations with consultant or at first scoping meeting with the District. Negotiation of timeframes will include MoDOT District, Central Office, participating agencies, FHWA Division, and Resource Center staff as necessary.
- Once comments are made by the FHWA on a document and those comments are addressed, FHWA will not provide supplemental comments unless circumstances have

changed and it becomes imperative that additional substantive comments on critical issues are warranted.

- MoDOT will address all substantive comments made by the FHWA either in the document or by documented discussion between the two agencies.
- We will participate in an annual, or more often as needed, interagency meeting with coordinating agencies to discuss upcoming projects and issues, including document timeframes and streamlining efforts.
- MoDOT looks to FHWA to provide information concerning their “National” perspective in an effort to add value to MoDOT’s activities.
- FHWA looks to MoDOT to provide project priorities when more than one Environmental Assessment or Environmental Impact Statement comes in for review within the same timeframe.
- FHWA and MoDOT will continually seek out opportunities for Programmatic Agreements and other streamlining opportunities.
- As FHWA develops their Performance Plan and as MoDOT refines Tracker Tangible Results, both agencies will collaborate to align the plans as they apply to the environmental area.
- FHWA and MoDOT will participate in an annual re-evaluation of this partnering agreement.

#### IV. **Conflict Resolution**

In case of conflict, we will resolve it at the lowest level by discussion between the MoDOT Environmental/Historic Preservation Manager and the FHWA Program Development Team Leader. If we cannot reach an agreement within two weeks we agree to elevate the issue in the following manner:

- Elevate the discussion to the MoDOT state design engineer / FHWA environmental review engineer
- MoDOT director of program development / FHWA assistant division administrator

#### V. **Performance Evaluation**

We will measure our partnering progress and success by the following performance indicators:

- All actions described in sections I and II are completed within the specified time frames 80 percent of the time.
- All NEPA documentation provided and approved prior to beginning final design plans.
- All significant projects (those with identified funding) are not delayed in the NEPA process 80 percent of the time.
- All EAs and EISs include a commitment record at least 80 percent of the time.


VI. **Communicating with Management**

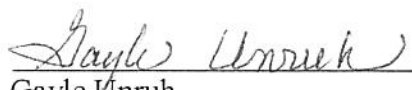
We will keep management informed of our activities and how our partnering is working by:

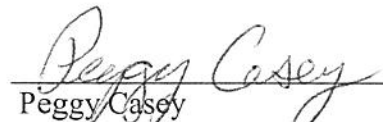
- Share minutes of quarterly MoDOT/FHWA staff meetings with noted action items.
- Annual Summary Report concerning the actions taken within the stated time lines.
- Annual report concerning conflicts which have been elevated for consideration above the MoDOT environmental and historic preservation manager / FHWA Program Development Team Leader.

DATE: May 13, 2011

  
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