



Florida Department of Transportation

RICK SCOTT
GOVERNOR

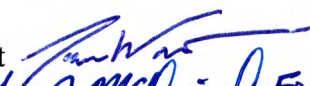
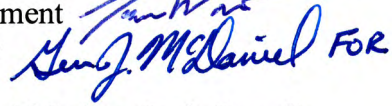
605 Suwannee Street
Tallahassee, FL 32399-0450

RACHEL D. CONE
INTERIM SECRETARY

OFFICE OF ENVIRONMENTAL MANAGEMENT BULLETIN 17-01
ROADWAY DESIGN BULLETIN 17-05

DATE: May 15, 2017

TO: District Directors of Transportation Operations, District Directors of Transportation Development, District Design Engineers, District Construction Engineers, District Geotechnical Engineers, District Structures Design Engineers, District Maintenance Engineers, District Roadway Design Engineers, District Traffic Operations Engineers, Program Management Engineers, District Project Development Managers, District Environmental Managers

FROM: Jason Watts, Director, Office of Environmental Management 
Michael Shepard, P.E., State Roadway Design Engineer  FOR

COPIES: Brian Blanchard, Courtney Drummond, Tim Lattner, David Sadler, Rudy Powell, Amy Tootle, Dan Scheer, Gregory Schiess, Stefanie Maxwell, Trey Tillander, Erik Fenniman, Nick Finch (FHWA), Buddy Cunill (FHWA), Chad Thompson (FHWA), Khoa Nguyen (FHWA), Jeffrey Ger (FHWA)

SUBJECT: PPM Updates for Implementation of NEPA Assignment

FDOT has assumed FHWA's responsibilities regarding the National Environmental Policy Act (NEPA) for highway projects on the State Highway System (SHS) and Local Agency Program (LAP) projects off the SHS. This is pursuant to the [Memorandum of Understanding \(MOU\)](#) between FHWA and FDOT (through the Office of Environmental Management) that was signed on December 14, 2016. As a result of the assumption of responsibilities, the *Plans Preparation Manual (PPM)* requires modifications to shift the environmental review responsibilities from FHWA to FDOT.

REQUIREMENTS

1. Replace Exhibit 20-B Contract File Index, Sheet 2 of 2, item number 4 in *PPM*, Volume 1, Chapter 20, with the following:
 4. The *Status of Environmental Certification* must be completed on all federally and state funded projects. For federally funded projects, use the Status of Environmental Certification for Federal Project, Form #650-050-13. For state funded only, non-federal eligible (NFE) projects, use the Status of Environmental Certification for State Funded Project, Form #650-050-14. The District Environmental Office must use the StateWide Environmental Project Tracker (SWEPT) to complete the Status of Environmental Certification Form.

When a federally funded project is strung with a NFE project the entire project contract becomes federalized; i.e., both the state funded project and the federally funded project must comply with all applicable federal laws, rules and regulations related to the federalized contract. In addition, the federally funded project is to be the lead project.

Regarding federal environmental compliance under NEPA, the project limits of the approved final environmental document will control the scope of compliance with NEPA requirements. NEPA requirements (including staging areas and Contractors' off-site activities) must only be met for that portion of the project included within the "logical termini" as described in the NEPA document associated with the federally funded portion of the federalized contract.

2. Replace item #4 (Interstate projects) from the list of factors to be considered in selecting FHWA oversight projects from *PPM*, Volume 1, Chapter 24, Section 24.2 with the following:
 - (4) Interstate projects:
 - (a) With Design Exceptions to the 10 controlling criteria
 - (b) For new or modified access points
 - (c) For major reconstruction and widening
3. Delete item #7 (Projects with an EIS) from the list of factors to be considered in selecting FHWA oversight projects from *PPM*, Volume 1, Chapter 24, Section 24.2.
4. Add the following final design activity item #11 to *PPM*, Volume 1, Chapter 24, Section 24.3:

11. Environmental Review

Pursuant to *Title 23 U.S.C., Chapter 3, Section 327* and the *Memorandum of Understanding (MOU)* executed on December 14, 2016, the Department has assumed FHWA's responsibilities under the National Environmental Policy Act (NEPA) for highway projects on the State Highway System (SHS) and Local Agency Program (LAP) projects off the SHS. Based on this MOU, the Department responsibilities include environmental review, interagency consultation, and other activities pertaining to the review or approval of NEPA actions. The Department is the Lead Federal Agency for highway projects, and approval authority is held by the State Office of Environmental Management (OEM).

5. Replace the first blue “Modification for Non-Conventional Projects” in *PPM*, Volume 1, Chapter 32, Section 32.1.1 with the following:

Modification for Non-Conventional Projects:
Delete the above paragraph and replace with the following: See the RFP for noise wall requirements. If an Alternative Technical Concept proposes changes to the horizontal or vertical alignments depicted in the Concept Plans, any associated required changes to the noise wall locations must also be addressed. Any modifications or additions to noise wall location and height requirements depicted in the RFP must be approved by the Department based on the information from a Noise Study Report Addendum (NSR Addendum) provided by the Design-Build Firm. The Design-Build Firm must coordinate with the noise specialist in the District Environmental Management Office to ensure proper public involvement occurs during final design. Changes will trigger a re-evaluation, which must be approved by the Department.

6. Delete the following blue “Modification for Non-Conventional Projects” box, which is the last blue box, from *PPM*, Volume 1, Chapter 32, Section 32.1.1:

Modification for Non-Conventional Projects:
Delete the above two paragraphs and replace with the following: Any NSR Addendum prepared during a Design-Build project must be prepared by the Department. See RFP for requirements.

7. Delete the blue “Modification for Non-Conventional Projects” box from *PPM*, Volume 1, Chapter 32, Section 32.2.

8. Replace the first paragraph of *PPM*, Volume 1, Chapter 32, Section 32.3 with the following:

The insertion loss is the level of noise reduction as a result of abatement. The desirable insertion loss is 10 dB(A) or more; however, the minimum insertion loss should be 5 dB(A) or more for at least two (2) impacted residential receptors to be considered for abatement to be considered reasonable. Additionally, at least one (1) benefited receptor at each noise wall location must meet the noise reduction design goal of 7 dB(A) or more to be considered reasonable. If a noise wall can meet the desired insertion loss for a cost of \$42,000 or less per benefited receptor site, the wall is considered cost reasonable. The statewide average unit cost

(per square foot) and the upper limit of the cost per benefited receptor to be used in determining cost reasonableness is established by the Environmental Management Office. As of the printing of this update the statewide average unit cost of noise walls to be used in the calculation of the cost/benefited receptor is \$30.00/ft². The *PD&E Manual* should be referenced for the latest unit cost update. Additional costs such as required additional right of way, special drainage features, special bridge support and special foundations associated with the installation of a noise wall should be added to the unit cost if appropriate. If these special features increase the cost per benefited receptor above \$42,000, the decision whether or not to provide a wall must be made in consultation with the District Environmental Management Office and the State Office of Environmental Management (OEM), pursuant to *Title 23 United States Code (U.S.C.), Chapter 3, Section 327* and a *Memorandum of Understanding (MOU)* dated December 14, 2016 and executed by FHWA and the Department (if appropriate). Any decision to eliminate a noise wall from consideration based on the additional cost of special features will require clear demonstration that the need for such special features are associated only with the noise wall and cannot be mitigated by other considerations.

9. Replace *PPM*, Volume 1, Section 32.5 with the following:

32.5 Final Noise Abatement Commitments

During the final design phase, the noise abatement locations, noise wall types, lengths and heights will be determined. The final noise abatement commitments must be documented in the environmental re-evaluation and the NSR Addendum prior to construction advertisement. The required data collection, analysis and documentation detailed in *Part 2, Chapter 17* of the *Project Development and Environment Manual* will be documented in the NSR Addendum. It should also contain a description of the methodology for selecting final noise wall dimensions including any evaluation matrix(s) used.

Modification for Non-Conventional Projects:

Replace the first two sentences of the above paragraph with the following:

Any modifications to noise abatement locations, noise wall types, lengths and heights must be documented in the NSR Addendum and approved by the Department prior to beginning noise wall construction.

A copy of the NSR Addendum, a summary of proposed noise wall and a summary of the public involvement regarding noise abatement that took place during the design effort will be provided to the District Environmental Management Office. The environmental management staff will ensure that the final noise abatement commitments are reflected in the reevaluation of the environmental document and will obtain concurrence from OEM, if appropriate.

BACKGROUND

The Department is removing FHWA from environmental review responsibilities as stated in *PPM*, Volume 1, Chapters 20, 24, and Chapter 32. Additionally as stipulated in the MOU, the Department is now using the StateWide Environmental Project Tracker (SWEPT) application to complete and approve environmental documents and forms.

Pursuant to **23 CFR 636.109** which governs how the NEPA process relates to Design-Build projects, the Design-Build team must not prepare the NEPA document or have any decision making responsibility with respect to the NEPA process. However, the Design-Build team may prepare technical information (e.g., noise studies) and possible mitigation actions (e.g., abatement measures) that support the Department's NEPA decision. As such, *PPM*, Volume 1, Sections 32.1.1, 32.2, and 32.5 are being revised to allow the Design-Build team to prepare noise studies. The Department must review and approve the noise study prior to the Design-Build team constructing the noise wall.

IMPLEMENTATION

Implementation of these changes is effective immediately.

CONTACT

Office of Environmental Management:

Victor Muchuruza, PhD, P.E., PTOE
State Environmental Development Engineer
(850) 414-5269
Victor.Muchuruza@dot.state.fl.us

Roadway Design Office:

Mary Jane Hayden, P.E.
Roadway Design Engineer
(850) 414-4783
MaryJane.Hayden@dot.state.fl.us

JW/MS/mjh