**NEPA Planning Consistency Questions and Answers**

**Q.** **The LRTP Amendment Threshold Document identifies three principles/criteria you need to check when considering consistency for a FHWA action. If an amendment is not required for costs, do I need to consider all of the criteria before determining consistency?**

**A.** Yes, all three criteria must be assessed when considering consistency with the LRTP/TIP/STIP. The principles are project cost, timing (implementation dates) and project scope.

**Q.** **If you identify a six lane facility in your LRTP, the NEPA document is done and it is determined a six lane facility is needed, but you can only construct four in the interim, is an LRTP amendment needed?**

**A.** Construction of a four lane facility would be considered consistent with the LRTP as there are additional lanes indicated in the LRTP. If the reverse was being built, LRTP indicates six lanes and the PD&E identifies that eight lanes are needed, then an LRTP amendment would be required. However, consistency also considers cost and major scope changes in the assessment. This would not be considered a major scope change as it is being built as an interim project.

1. **For lane calls, if you reduce the number of lanes is it considered an amendment?**

**A.** See previous question.

**Q**. **Only cost increases are discussed in the LRTP Amendment Threshold Document. Will cost decreases require an LRTP amendment?**

**A.** If the cost decrease is due to a major scope change, an amendment would be required. If the decrease is due to a lower estimate, with no major scope change, an amendment would not be required. You would still need to consider the timing of the project to determine if that meets the amendment threshold criteria.

**Q**. **Please explain why there is no criteria for a major scope change if it a reduction in the scope, i.e. an interchange that is not needed?**

**A.** A major scope change requires an amendment regardless of reduction or increase in the project. The elimination of an interchange would be considered a major scope change.

1. **Is the LRTP Amendment Threshold document applicable for FTA projects?**

A. Yes, the LRTP Amendment Threshold document should be used to assess consistency for both highway and transit projects.

**Q.** **Are the terms “needs list” and “illustrative list” interchangeable when considering LRTP amendment?**

**A.** A definition of “illustrative project” is in 23 CFR 450.104 and means: an additional transportation project that may (but is not required to) be included in a financial plan for a metropolitan transportation plan, TIP or STIP, if reasonable additional resources were to become available. There is no federal definition of a “needs plan or list”. Generally, they are used interchangeably, however, some MPOs may consider an illustrative project to have a higher priority than a project in a needs plan. For the purposes of consistency, illustrative and needs projects would require an amendment, if the project had no phases in the plan previously, to move the project into the Cost Feasible Plan.

**UPDATED March 24, 2014**

**Q.** **Are projects that are not fully funded within a LRTP planning horizon to be shown in the cost feasible plan (CFP) for funded phases and in a needs and/or illustrative list for unfunded phases?**

**A.** Although a needs or illustrative list is not required, this would be the appropriate way to show unfunded phases in the LRTP. If the MPO LRTP has a Needs Plan, the Needs plan can be utilized to meet this requirement. The MPOs need to list the phases beyond the horizon of the LRTP, show an estimated project/phase cost, indicate a time frame when the project/phase is expected to commence (this can be a five or ten year range), and indicate a category or categories of funds expected to be used on the project (State, Federal, Local). If the MPO does not have a Needs Plan or a list of illustrative projects, the project phases will need to be described somewhere in the LRTP.

**Q.** **Illustrative projects for TALT, TRIP and State New Starts funds identified in LRTPs would appear, if funded, to fall under the “moving a new project from a Needs or Illustrative list to the CFP where no phases are currently listed in the CFP” category requiring a LRTP amendment?**

**A.** If no phases of the project have been amended into the LRTP, then an amendment would be required.

**Q.** **The LRTP revenue estimates identify the first five year period beyond the TIP as the 2021-2025 time period. This leaves a two year window between the end of the TIP and the beginning of 2021, i.e., 2019-2020. Should the thresholds relating to the first five years after the TIP be considered inclusive of the initial two years right after the TIP, 2019-2025?**

**A.** The one or two years between the TIP years and the first five years of the LRTP revenue forecasts will only apply to the MPOs that adopt their LRTPs in 2014 and 2015. Yes, for consistency purposes, they should be considered in the first five year band of the LRTP after the TIP.

**Q.** **The SIS CFP will be amended annually. Does this require that the MPO amend their LRTPs on an annual basis if there are SIS project changes?**

**A.** The MPO can choose to amend their plans if preferred, to update the SIS projects in their plans. However, MPOs will not be required to amend their LRTP CFPs, except for the major update which will still happen every five years. In addition, if a project being added to the SIS plan will require an action from FHWA or FTA, the MPO will be requested to amend their LRTP. If the MPO has to do an amendment for another reason, it is recommended they incorporate the SIS changes into that amendment.

**ADDED: March 24, 2014**

**Q.** **How do I complete the planning consistency form?**

The Efficient Transportation Decision Making (ETDM) Environmental Screening Tool (EST) contains a tool that allows a District to input information that mirrors the Planning Consistency Form required for NEPA approval. Additionally, as a project is prepared to be screened for programming, the ETDM and PD&E Manuals state that projects should come from Long Range Transportation Plans (LRTP) and the State Transportation Improvement Program (STIP) and/or Transportation Improvement Programs (TIP).

The Planning Consistency Form, developed cooperatively by FDOT and the FHWA Florida Division, must be completed prior to submittal to FHWA for NEPA approval (which includes Location Design Concept Approval) to verify that a project meets the planning requirements in 23 CFR 450. While the Form is submitted with draft and final NEPA documents, the Form and supporting materials are not required to be incorporated into the NEPA document. For reevaluations, the Reevaluation Form contains a similar table and requires information similar to the Planning Consistency Form. The appropriate LRTP and TIP/STIP pages must be submitted to FHWA as supporting documentation for either form. For future phases not currently shown on the referenced plans, the form must also document planned steps towards implementation, including the anticipated fiscal years.

The purpose of the form is to succinctly explain how the project is being implemented and where to find the project in the planning documents. Follow the instructions below for completing the planning consistency table(s):

1. The **Currently Adopted Cost-feasible Plan (CFP)-LRTP** section is intended to document the project’s LRTP status.
2. **MPO/TPO area:** The expectation is that the full project is described in the LRTP CFP. At a minimum, at least the next phase of the project will occur within the CFP with the remainder referenced in the plan, or at least one segment is fully funded through construction. (see above for criteria)
3. **Non-MPO area:** Simply state that the project is not in a metropolitan area. Step(s) toward implementation must be described in the form. It is important to note if the project appears in the 10-year Strategic Intermodal System (SIS) plan since it provides information with regard to project implementation. All FDOT PD&E projects are consistent with the Florida Transportation Plan (FTP). Because the project lies in a non-MPO area, the NEPA document and Form are the centerpiece for describing project implementation. (see above for criteria) Other public long range documents, such as inclusion of the project in the adopted Transportation Element of the respective Local Government Comprehensive Plan, can be used to show planned project implementation.
4. The **TIP/STIP** section reflects the programming of a project and its segments, if applicable, and show steps towards implementation.
   1. The STIP Column should never be N/A – only “Y” or “N”.
   2. If “N”, use the “Comments” block to explain when phase will be implemented (i.e. when will it be “Y” and the fiscal year(s) of implementation)
   3. “N/A” should only be used in the TIP section when the project is outside an MPO boundary.
5. **For** **projects with segmented implementation:**

If the project is going to be divided into constructible segments, each segment should be described in the tables. For example, if the project is 15 miles long and the first constructible segment is 5 miles, then the table should clearly describe the other segment(s). It is not sufficient to simply state that the remaining 10 miles may be segmented at some point in the future. Again, it is important to identify the steps towards implementation of the project as a whole.

1. **No open ended projects.** Discuss all phases of the project and if segmented, discuss all segments and all phases for each segment.
2. **Provide copies** of the current LRTP, TIP and STIP pages where the project is discussed in them.

**ADDED: March 24, 2014**

**Q.** What do I need to show in the environmental document?

**A.** Full project implementation must be discussed in the NEPA document. Use of a project chart explaining the implementation should be included in the planning consistency section of the document. A map can also be helpful for understanding more complex project implementation. The project implementation whether in chart format or text must discuss the proposed project by termini, segment (if applicable), phase, funding amount, years, and potential funding sources. Funding sources should be noted at the broad level, such as federal, state, local, private.

**ADDED: March 24, 2014**

**Q.** What about project reevaluations?

**A.** Project reevaluation(s) will reflect updates to planning information and subsequent steps toward project implementation. For phases not previously funded when the NEPA document was approved, identifying funds for the next phase of the project is key for reevaluation approval. Needed changes to reflect LRTP and TIP/STIP consistency will be undertaken consistent with the criteria for LRTP Documentation and TIP/STIP Documentation stated above in the *Florida LRTP Amendment Thresholds*.

When submitting a reevaluation on a previously approved environmental decision (i.e. Type-2 CE, FONSI, ROD), if the reevaluation approval requested does not constitute a subsequent phase approval for advancement of the project to the next phase of development (i.e., Design, Right-of-way or Construction), then planning consistency documentation is not required at this time. However, planning consistency documentation will be required prior to and as a part of any reevaluation which is intended to advance a project to the next logical phase of development requiring approval by FHWA. Keep in mind that the intent of a Reevaluation is to validate the NEPA findings, update project information and advance the project.