

Section 2. Meeting Planning Requirements for NEPA Approval

The guidance in this section is used to determine TIP/STIP/LRTP/NEPA consistency for FHWA approval of a NEPA final environmental document so that a project can be advanced. Compliance with the NEPA process also requires consideration of *Section 1. Florida LRTP Amendment Thresholds*. In this section, the following acronyms are used:

CE – Categorical Exclusion	PCR – Project Commitment Record
CFP – Cost Feasible Plan	PD&E – Project Development and Environment Phase
CFR – Code of Federal Regulations	PE – Preliminary Engineering Phase (references PD&E and/or Design)
CST – Construction Phase	ROD – Record of Decision
ETDM – Efficient Transportation Decision-Making	ROW – Right of Way Phase
EST – Environmental Screening Tool	SIS-Strategic Intermodal System
FDOT – Florida Department of Transportation	STIP – State Transportation Improvement Program
FHWA – Federal Highway Administration	TIP – Transportation Improvement Program
FONSI – Finding of No Significant Impact	TPO – Transportation Planning Organization
LRTP – Long Range Transportation Plan	
MPO – Metropolitan Planning Organization	
NEPA – National Environmental Policy Act	

Coordination for Consistency and Project Delivery

Coordination and communication is critical to ensure consistency across all documents and to avoid unnecessary project delays. It is important for District Planning, Environmental, Work Program and SIS staff to coordinate seamlessly with FHWA and one another, as well as with the MPO/TPO throughout project development so that all projects meet consistency requirements by the time NEPA approval is needed from FHWA. In order to avoid delays in Federal NEPA or project authorization approvals, the planning documents should be verified at the onset of the PD&E process confirming the status of the project, identifying and then completing needed planning actions prior to final NEPA or project approval. The overall intent of planning consistency is to advance projects derived from transportation plans and clearly describe the steps towards implementation of those plans. Frequent coordination is a valuable aspect for effective project implementation.

Ensuring Consistency for NEPA Approval

The term “planning consistency” means that the LRTP, TIP, STIP, environmental documents and environmental reevaluations all reflect consistent project descriptions and information. Planning consistency must be met before a final environmental document decision (ROD, FONSI, or CE) can be approved by FHWA. For purposes of this guidance, a “project” is an action by the Department as described in the NEPA document to improve or maintain an existing roadway, or build a new roadway, which may include the following phases: PE, (in some instances the MPO may separate PD&E and

Design in the LRTP), ROW, and Construction. Additionally, a “segment” is defined as a smaller length of the project that can be built and function as a viable transportation facility until the rest of the project is constructed.

A NEPA document is consistent with the LRTP and STIP/TIP when:

- A. NEPA discussion of the project implementation reflects the planning documents in these areas: scope, cost, general funding sources, description, and logical termini.
- B. An amendment to either the LRTP or STIP/TIP is NOT needed.
- C. The limits in the NEPA document (logical termini) are addressed in the LRTP CFP or Needs Plan, regardless of the implementing constructible segments.

Modifications should occur to the STIP/TIP or LRTP prior to NEPA approval whenever possible. However, modifications may be completed after the NEPA signature in accordance with the state and MPO established planning procedures. The NEPA document must provide reasonable assurances that the changes will occur as noted in the Commitments and Recommendations Section of the NEPA document.

For the final NEPA document to be signed:

In an MPO area

- A. The project must be described within the LRTP. The description, at a minimum, must include roadway identification, termini, implementation time frame and full project cost.
- B. Ideally, all phases of the project will be funded in the LRTP CFP.
- C. At least one subsequent phase of the entire project must be in the LRTP CFP. If the next phase for the entire project is not in the CFP, then at least one segment of the project must be fully funded in the CFP through construction.
- D. The information that is then displayed in the TIP/STIP would depend on the timing of the programming for the next phase of the project implementation.

In a non-MPO area

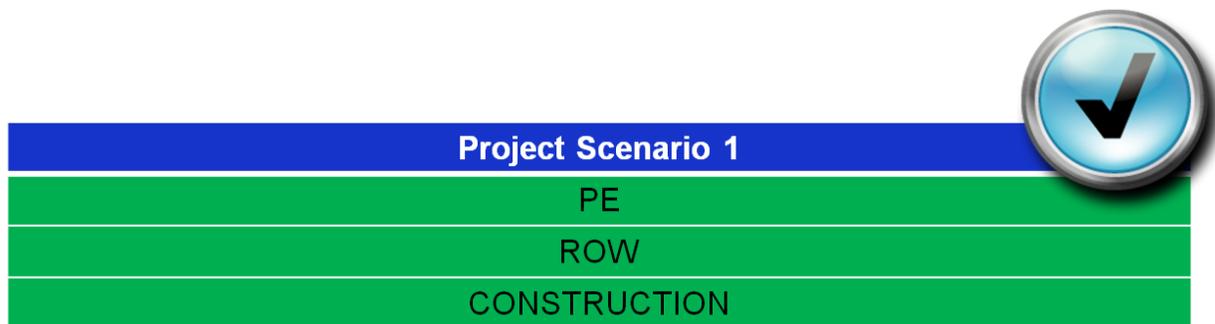
- A. The project must be consistent with the Florida Transportation Plan.
- B. If the project is on the SIS, the SIS 10-Year CFP may be used to show the project’s planned implementation. If the project is not on the SIS, other publically available long range considerations may be used to show the project’s planned implementation, such as local government comprehensive plans.
- C. The project or phase of a project must be in the STIP. If funding of the project is beyond the timeframe of the STIP, the STIP must contain an informational project with a description of the subsequent phase(s) as reflected in the SIS 10 Year Plan full project cost information or other long range public planning documents.

Project Funding Scenarios

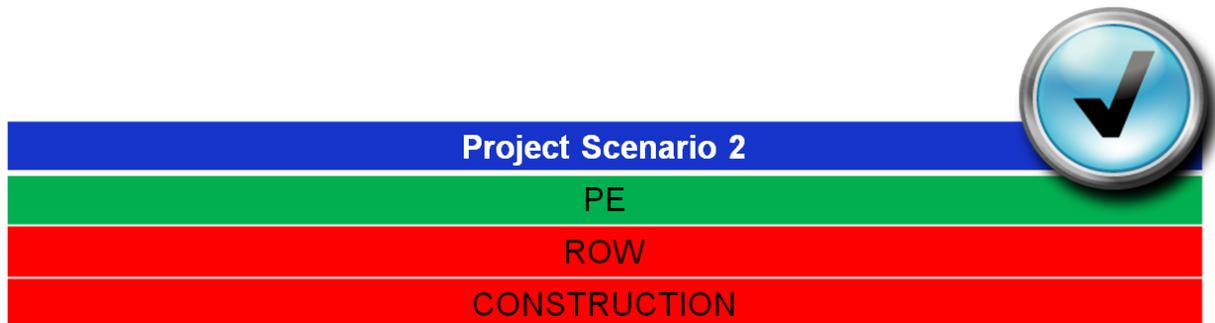
The project funding scenarios below depict when FHWA will provide NEPA approval. For these scenarios, green indicates a project/segment that is funded in the LRTP CFP and red indicates a project/segment not funded in the LRTP CFP.

Remember that these funding scenarios are a companion to the project descriptions. For approval, an acceptable funding scenario AND consistent project descriptions across documents are both necessary.

Project Scenario 1: In order for FHWA to sign a NEPA document, the ideal scenario for project implementation is full funding of Design (usually shown as PE), ROW, and CST for the entire project limits in the LRTP CFP.



Project Scenario 2: Alternatively, FHWA will also sign a NEPA document if PE for the entire NEPA limits is in the LRTP CFP.



Project Scenario 3: If it is known that the project will be implemented in segments at the time of NEPA approval, the ideal funding scenario for NEPA approval is for full funding of PE, ROW, and CST for all segments to be included in the LRTP CFP.



Project Scenario 3		
Segment 1	Segment 2	Segment 3
PE	PE	PE
ROW	ROW	ROW
Construction	Construction	Construction

Project Scenario 4: Alternatively, FHWA will also sign a NEPA document if funding of PE for the entire project limits is in the LRTP CFP.



Project Scenario 4		
Segment 1	Segment 2	Segment 3
PE	PE	PE
ROW	ROW	ROW
Construction	Construction	Construction

Project Scenario 5: Additionally, FHWA will also sign a NEPA document if funding of PE, ROW and CST is shown for one segment in the LRTP CFP.



Project Scenario 5		
Segment 1	Segment 2	Segment 3
PE	PE	PE
ROW	ROW	ROW
Construction	Construction	Construction

Project Scenario 6: For a project implemented in segments, FHWA will not approve a NEPA document if the only future phase funded in the LRTP CFP is PE for one segment (illustrated) or even PE and ROW for one segment. As shown in Project Scenario 5, approval will require funding of all phases for the entire segment.



Project Scenario 6		
Segment 1	Segment 2	Segment 3
PE	PE	PE
ROW	ROW	ROW
Construction	Construction	Construction

In summary, all phases of the project will ideally be fully funded in the LRTP CFP. The minimum expectation is that the entire project will be shown in the LRTP with at least the next phase fully funded in the CFP and other future phases described in the LRTP or, if implemented in segments, the LRTP CFP will have a segment fully funded through Construction with other segments described. There should be no “open ended projects”, which means all phases must be described in the LRTP. If you have funding scenarios 1 or 3, this requirement is satisfied as all phases are in the CFP. For funding scenarios 2, 4 and 5, the unfunded phases must be described in the LRTP (See 2012 LRTP Expectations Letter for more information). The information displayed in the TIP/STIP would depend on the timing of the programming for the next phase of the project implementation.

Project Specific Circumstances

In the rare instance that the planning products are not able to be updated due to the short timeframe between the start and end of the PD&E Study, FHWA will consider approving the document upon consultation with FDOT as early as possible to expedite project delivery. However, this approval is contingent upon the environmental document reflecting consultation with the appropriate agencies and providing reasonable assurance that the requirements will be met. For example, federal NEPA approvals will not occur until confirmation from an MPO is given that LRTP and TIP/STIP amendments will occur at the next regularly scheduled MPO Board meeting, or a date certain is mutually agreed upon. The NEPA document must also recognize that the changes will occur as noted in the commitments section. Approvals in this category will require the project commitment follow the FDOT Project Commitment Tracking Procedure #700-011-035a, and that its status be updated as the project advances. The status updates should be done through both the Project Commitments Record (FDOT form # 700-011-35) and project reevaluations. Periodically, reviews of the commitments will be completed and the project specific circumstances will be evaluated to determine appropriate solutions, if warranted.

References

1. Supplement to January 28, 2008 “Transportation Planning Requirements and Their Relationship to NEPA Process Completion” February 9, 2011 (revised April 7, 2011)
http://www.fhwa.dot.gov/planning/tpr_and_nepa/tprandnepasupplement.cfm
2. FDOT Project Development and Environment Manual
<http://www.dot.state.fl.us/emo/pubs/pdeman/pdeman1.shtm>
3. 2012 LRTP Expectations Letter
<http://www.dot.state.fl.us/planning/Policy/metrosupport/LRTPExpectations2012.pdf>
4. Frequently Asked Questions Related to Planning Consistency
<http://www.dot.state.fl.us/planning/Policy/metrosupport/NEPAQA.pdf>