

# Environmental Training for Florida Turnpike Enterprise

Opening Remarks



*August 2020*

The environmental review, consultation, and other actions required by applicable federal environmental laws described in this training are carried out by FDOT pursuant to 23 U.S.C. § 327 and a Memorandum of Understanding dated December 14, 2016 executed by FHWA and FDOT.

WHY  
ARE  
WE  
HERE?



# Office of Environmental Management



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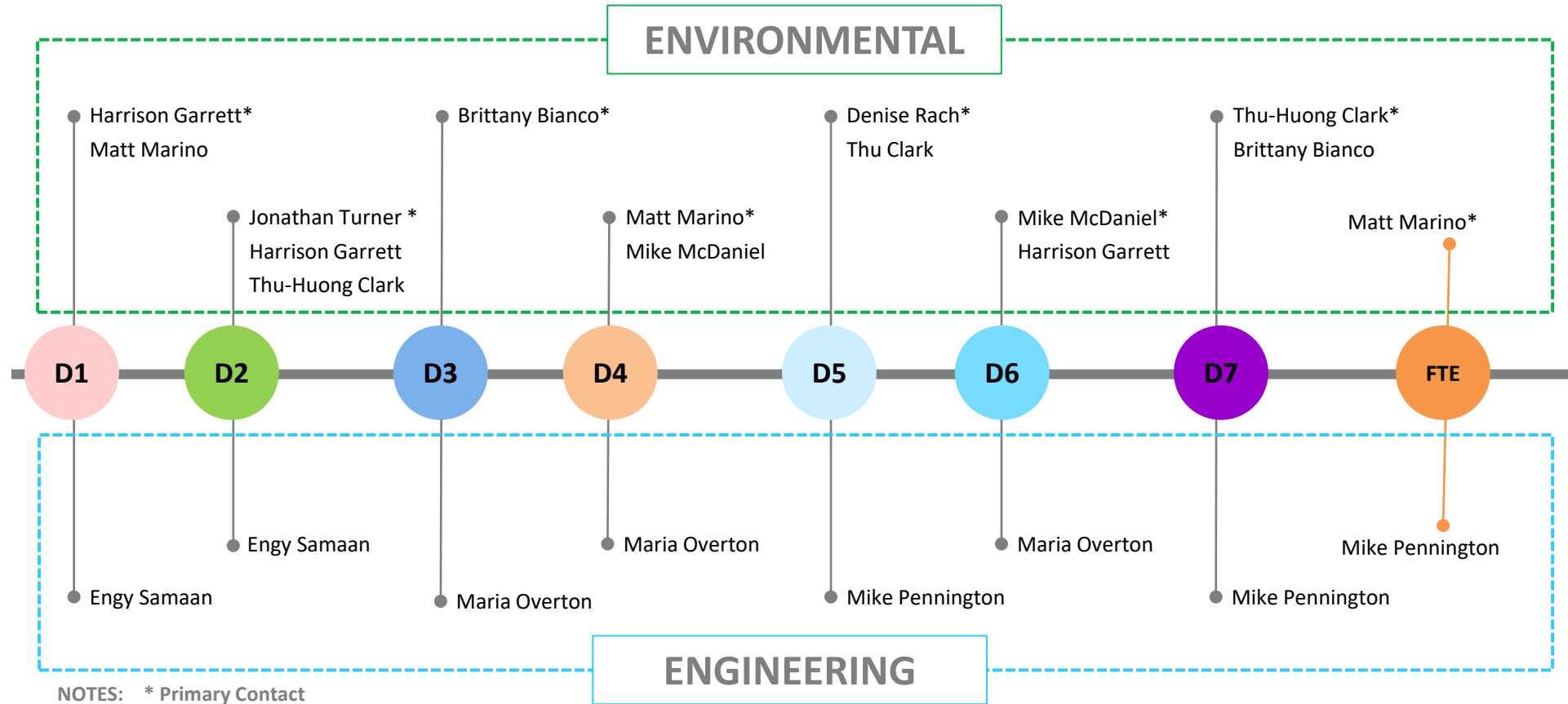
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July 24, 2020



# OEM Points of Contact



**OEM Director**  
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- Administrator Support to all Districts**
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  - Maria Overton
  - Peter McGilvray

- Office of General Counsel**
- Kathleen Toolan
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August 6, 2020



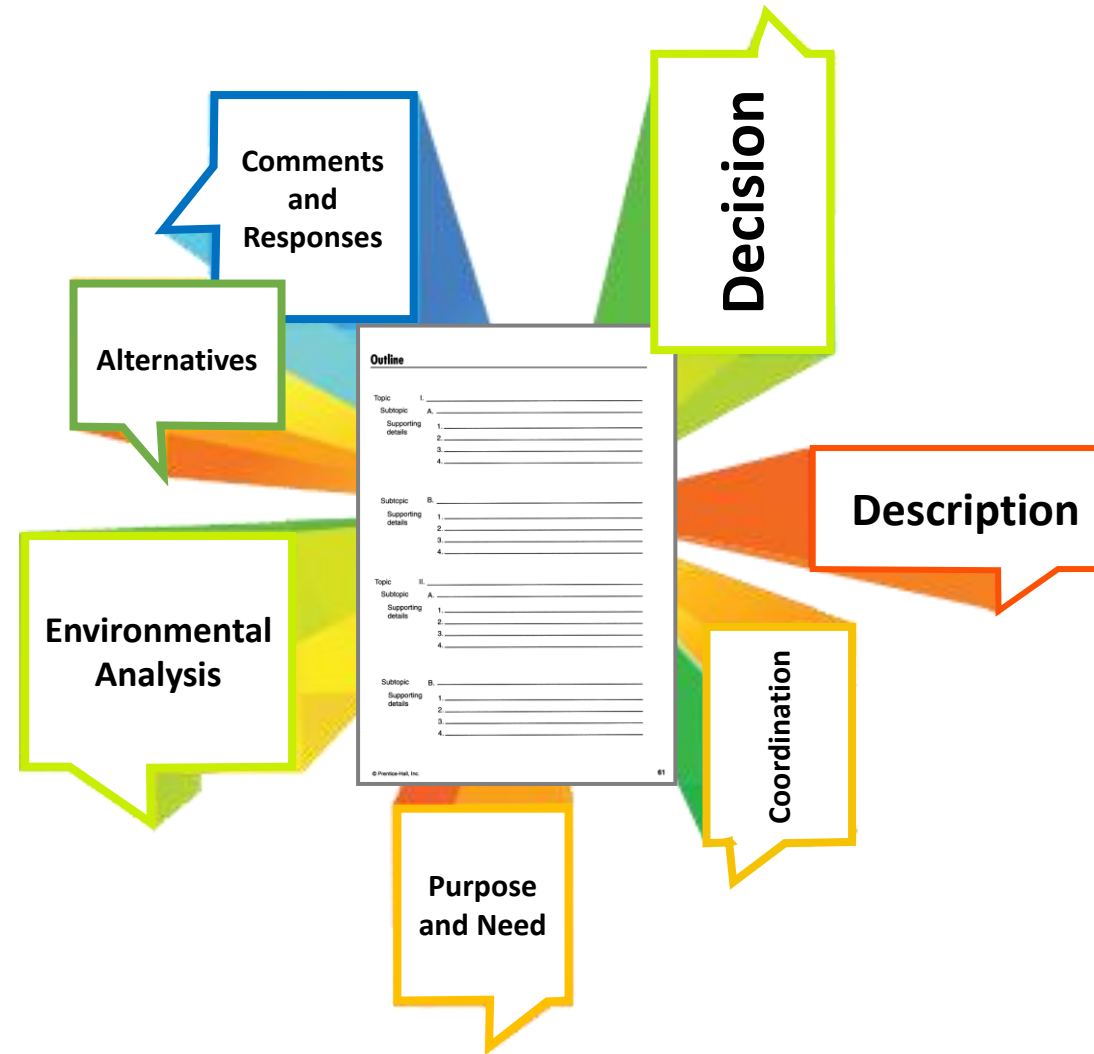
# What is NEPA?

- NEPA is a federal environmental program administered by the U.S. Department of Transportation
- Outlines national environmental policy and goals
- Establishes the **Council on Environmental Quality** in the Executive Office of the President
- Establishes provisions for federal agencies to enforce such policies and goals



# Major Components of NEPA

- Provides a procedural framework to evaluate a project's environmental impacts, and ways to avoid, minimize, or mitigate unavoidable impacts
- Requires environmental review, analysis and stakeholder input
- Documents the “project story”
- Results in an informed decision by the lead federal agency



# Surface Transportation Project Delivery Program

## Title 23 U.S.C. § 327 -- “NEPA Assignment”

Authorizes the Secretary of the United States Department of Transportation to assign to the States his or her responsibilities for:

- National Environmental Policy Act (NEPA)
- Environmental review, consultation or other actions required by Federal environmental laws

States can request responsibility for:

- Highway Projects
- Multimodal projects
- Public Transportation
- Railroad Projects

# Why NEPA Assignment

- Savings
  - Removes one layer of governmental review – FHWA
  - California, Texas and Ohio report a 25% to 30% overall time reduction
  - FDOT analysis:
    - Has seen similar time savings
    - Has seen a cost savings in the PD&E phase





# NEPA Assignment Saves Cost

## **A shorter PD&E Phase saves project costs and staff time**

- Time = money
- Less potential for changes in environmental conditions or laws
- Fewer document revisions
- A shorter PD&E phase reduces the probability of environmental or regulatory changes which can alter your design
- Fewer design changes reduce the number of reevaluations



# Why NEPA Assignment is good for us

**Puts FDOT in the Driver's Seat**, responsible for the fate of its own projects

Federal decision-making authority within FDOT

No reduction of environmental considerations

Saving staff time & effort by eliminating a layer of review and approval

Direct consultation between FDOT and federal regulatory agencies

More timely delivery of transportation projects to Florida's citizens

Efficient use of FDOT staff and resources

Realized cost savings can be applied to other FDOT projects

MEMORANDUM OF UNDERSTANDING BETWEEN  
THE FEDERAL HIGHWAY ADMINISTRATION AND THE  
FLORIDA DEPARTMENT OF TRANSPORTATION CONCERNING THE  
STATE OF FLORIDA'S PARTICIPATION IN THE SURFACE TRANSPORTATION PROJECT DELIVERY  
PROGRAM PURSUANT TO 23 U.S.C. 327

THIS MEMORANDUM OF UNDERSTANDING (hereinafter "MOU") is entered into by and between the FEDERAL HIGHWAY ADMINISTRATION (hereinafter "FHWA"), an administration in the UNITED STATES DEPARTMENT OF TRANSPORTATION (hereinafter "USDOT"), and the STATE OF FLORIDA, acting by and through its FLORIDA DEPARTMENT OF TRANSPORTATION (hereinafter "FDOT"), and hereby provides as follows:

WITNESSETH

**Whereas**, Section 327 of Title 23 of the United States Code (U.S.C.) establishes the Surface Transportation Project Delivery Program (hereinafter "Program") that allows the Secretary of the United States Department of Transportation (hereinafter "USDOT Secretary") to assign and States to assume the USDOT Secretary's responsibilities under the National Environmental Policy Act of 1969, 42 U.S.C. § 4321, et seq. hereinafter "NEPA," and all or part of the USDOT Secretary's responsibilities for environmental review, consultation, or other actions required by Federal environmental laws with respect to highway, public transportation, railroad, and multimodal projects within the state; and

**Whereas**, 23 U.S.C. § 327(b)(2) requires a State to submit an application in order to participate in the Program; and

**Whereas**, on April 15, 2016, prior to submittal of its application to FHWA, FDOT published notice of and solicited public comment on its draft application to participate in the Program as required by 23 U.S.C. § 327(b)(3), and addressed the comments received as appropriate; and

**Whereas**, the Florida Legislature passed House Bill 7027 and the Governor signed it into law on April 4, 2016 as Chapter 2016-181, Laws of Florida, allowing the State to participate in the Program; and

**Whereas**, on May 31, 2016, the State of Florida acting by and through FDOT, submitted an application to FHWA with respect to highway projects in the State of Florida; and

**Whereas**, on November 1, 2016, FHWA published a notice in the *Federal Register* and provided an opportunity for comment on its preliminary decision to approve FDOT's application and solicited the views of other appropriate Federal agencies concerning FDOT's application as required by 23 U.S.C. § 327(b)(5); and

**Whereas**, the USDOT Secretary, acting by and through FHWA pursuant to 49 CFR 1.85(a)(3), has determined that FDOT's application meets the requirements of 23 U.S.C. § 327 with respect to the Federal environmental laws and highway projects identified in this MOU.

**Now, therefore**, FHWA and FDOT agree as follows:

**PART 1. PURPOSE OF MEMORANDUM OF UNDERSTANDING**

**1.1 Purpose**

**1.1.1** This MOU officially approves FDOT's application to participate in the Program and is the written agreement required by 23 U.S.C. § 327(a)(2)(A) and (c) under which the USDOT Secretary may assign,

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# The Memorandum of Understanding

- **Written agreement whereby FDOT assumes responsibilities of the USDOT Secretary for federal environmental laws with respect to highway projects within the State of Florida**
- **The MOU identifies**
  - Responsibilities assigned to FDOT
  - Responsibilities retained by FHWA
  - Legal liability
  - Training Plan
  - Self-Assessment requirements
  - Audit process
- **FDOT to provide FHWA with quarterly listings of project approvals**

# How Florida benefits from NEPA assignment

- Receives time- and cost-savings – without compromising quality
- Is responsible for the fate of its own projects
- Has decision-making authority
- Directly consults with federal regulatory agencies
- Experiences more timely delivery of transportation projects
- Allows more efficient use of FDOT staff and resources
- Can apply cost savings to other FDOT projects



# Questions

