CHAPTER 4

PROGRAMMING SCREEN

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CHAPTER 4

PROGRAMMING SCREEN

4.1   OVERVIEW

This chapter details the process for completing the Programming Screen of the Efficient Transportation Decision Making (ETDM) process. Early Screening aids the Florida Department of Transportation (FDOT) in the development of the FDOT Five-Year Work Program by identifying environmental considerations. The Five-Year Work Program is required by *Chapters 338 and 339, Florida Statutes (F.S.)* and lists the schedule of specific projects and services planned by FDOT. It includes projects from the State Transportation Improvement Program (STIP), Metropolitan Planning Organization (MPO)/Transportation Planning Organization (TPO) Transportation Improvement Programs (TIP), and Priority Lists of non-MPO/TPO areas.

As described in *Chapter 2, Section 2.3.1* of this *Manual*, a Programming Screen is required for all qualifying projects that will be included or are already included in the Five-Year Work Program but have not started the Project Development and Environment (PD&E) Study. It may be possible to complete relevant technical studies prior to initiating the PD&E Study to aid in addressing issues identified through the project screening events and to focus the PD&E Study scope of services. Refer to ***FDOT Work Program Instructions, Part III, Chapter 22, Planning***, for details. The scope of a project and its priority ultimately dictates how and in what year the project is programmed.

Importantly, the Programming Screen supports the project development process by concurrently addressing the following requirements:

1. Providing for early involvement of federal, state, and local agencies, as well as federally recognized Native American Tribes and the public, under *23 United States Code (U.S.C.) § 139*

2. Assisting with scope of services development for preparation of the PD&E phase environmental evaluation and documentation

3. Identifying studies that can be advanced prior to the PD&E phase

4. Distributing the Advance Notification (AN) package when applicable. FDOT uses the AN process to inform stakeholders about a proposed transportation action and to provide opportunity for their input and involvement in the project. This fulfills the project initiation notification as required by *23 U.S.C. § 139,* the *President's Executive Order 12372 (Intergovernmental Review of Federal Programs)*, and the *Governor's Executive Order 95-359 (Florida State Clearinghouse)*. The AN process may be initiated with the Programming Screen review or later, prior to beginning the PD&E Study. In addition, the AN may also provide notice of

FDOT's intent to apply for Federal-aid on a project, in which case the AN process includes the Federal Consistency Review as required by *15 Code of Federal Regulations (CFR) Part 930.* See Section 4.5.4.1 for more information about Federal Consistency Reviews.

5. Supporting federal requirements for potential Environmental Assessments (EAs) and Environmental Impact Statements (EISs), such as identifying Cooperating and Participating Agencies, developing a coordination plan, and preparing the project schedule.

During the Programming Screen, interaction with MPOs/TPOs, federal and state agencies, and participating Native American tribes occurs through the Environmental Technical Advisory Teams (ETATs). ETAT members use the Environmental Screening Tool (EST) to review project information, identify potential project effects, and submit comments to FDOT during the transportation planning process. This web-based Geographic Information System (GIS) database and mapping tool provides access to project information and data about natural, physical, cultural, and community resources in the project area. The ETAT members provide input about potential project effects on the natural, physical, cultural, and community resources specific to their area of expertise. These project effects include potential direct and indirect effects. The ETAT members may also provide cumulative effect considerations during the screening.

Figure 4-1 provides an overview of the Programming Screen process. In many cases, projects entering the Programming Screen have been previously reviewed during the Planning Screen, as described in *Chapter 3* of this *Manual*. The *Planning Screen Summary Report* documents the results of the earlier review and is available through the EST.
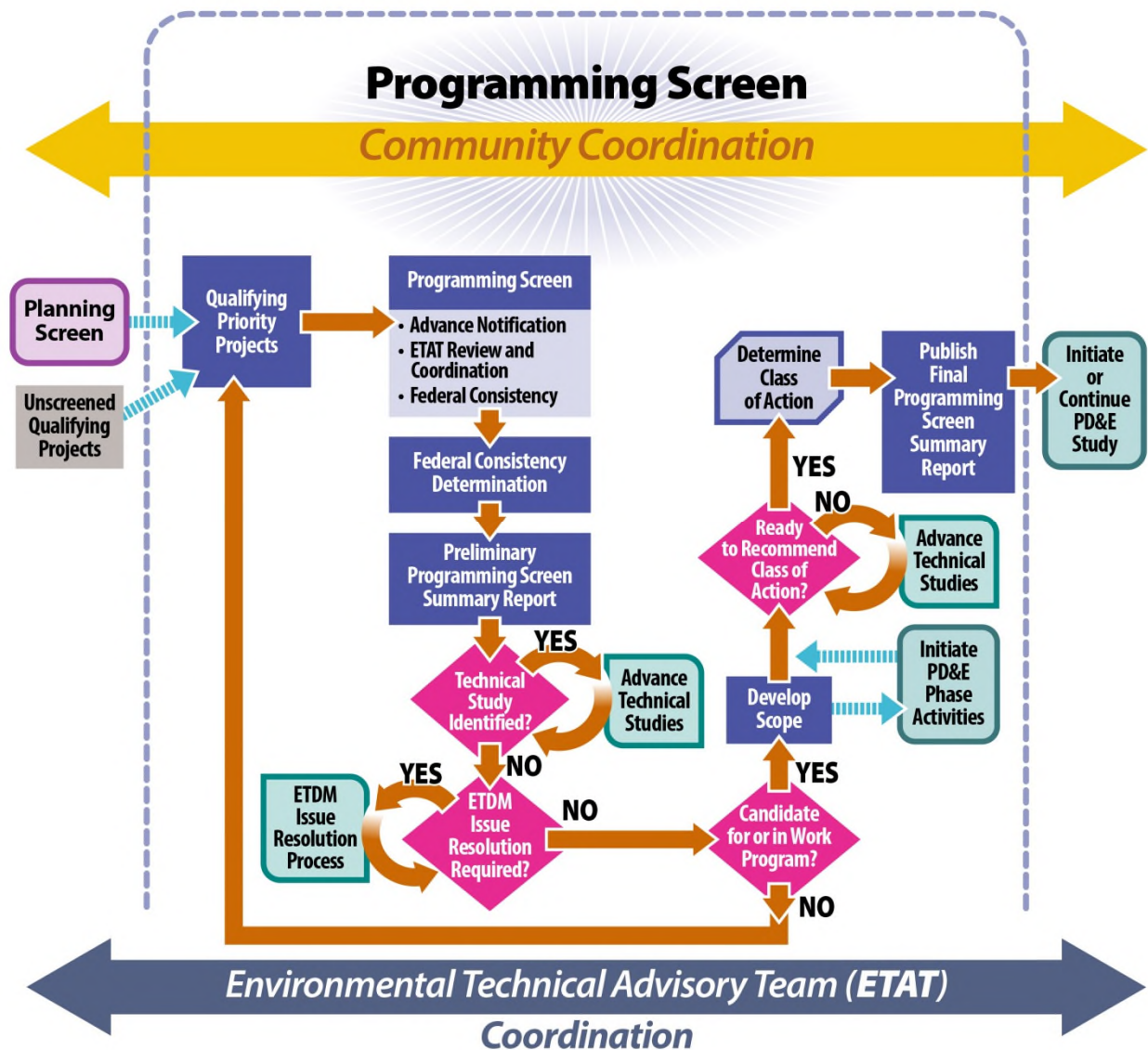
Figure 4-1: Programming Screen

At the beginning of the Programming Screen review, the respective FDOT District coordinates with OEM and enters project information into the EST. Once internally coordinated and ready, the FDOT ETDM Coordinator or PD&E Project Manager (if assigned) uses the EST to notify ETAT members to proceed with their Programming Screen review and inform interested parties through the ETDM Public Access Site. When the Programming Screen review is scheduled at the same time as the AN review, the email notification will initiate both processes.

The ETDM Public Access Site (*https://etdmpub.fla-etat.org/est/*) provides an opportunity for the public to view project information and maps. The public can submit project comments to the contact person listed on the website for the project or through other public involvement activities coordinated by FDOT.

The ***Preliminary Programming Screen Summary Report*** documents the results of the review. For federal projects, FDOT, as Lead Agency or in conjunction with the Lead Agency (see ***Section 2.5.10*** of this ***Manual***), reviews Programming Screen results to:

- Refine project alternatives (where applicable),

- Develop the PD&E Study scope of services, and

- Determine a Class of Action (COA).

The COA determination establishes the level of environmental documentation [e.g., Type 2 Categorical Exclusion (Type 2 CE) Environmental Assessment (EA), Environmental Impact Statement (EIS)] needed during the PD&E phase to satisfy the requirements of the ***National Environmental Policy Act (NEPA) of 1969*** and all other applicable federal and state laws and regulations. For projects using only state funds, the District determines whether the proposed project is a State Environmental Impact Report (SEIR) or Non-Major State Action (NMSA). SEIRs are typically screened through the EST and Non-Major State Actions, are normally not screened. Public agency projects receiving FHWA funding or requiring an FHWA action (completed by OEM), may be screened and processed as a Project Environmental Impact Report (PEIR). For more information about COA determinations, see ***PD&E Manual, Part 1, Chapter 2, Class of Action Determination for Highway Projects***. Refer to ***PD&E Manual, Part 1, Chapter 10, State, Local, or Privately Funded Project Delivery*** for these processes.

Publication of a ***Final Programming Screen Summary Report*** follows and documents the Lead Agency approval of the COA. The final report also supports development of a project's scope of service based on ETAT reviews, considerations, and recommendations received from the agencies.

4.2   PROGRAMMING SCREEN PROCESS

During the Programming Screen, FDOT provides opportunities for ETAT members and the public to comment on qualifying priority projects prior to being advanced to the PD&E phase. ETAT member comments assist with project scoping; identifying opportunities for avoidance, minimization, and mitigation; and highlighting potential "fatal flaws." Ideally, while developing the Five-Year Work Program, FDOT and the respective MPOs/TPOs should set sufficient time horizons into project schedules, because all qualifying projects must complete a Programming Screen prior to initiating the PD&E study.

ETDM Programming Screen reviews may or may not include the simultaneous delivery of the AN package. This optional timing helps to prevent duplicate reviews, additional work associated with reprocessing the AN package, while also providing up-to-date information throughout the entire project delivery process.

The following sections detail the steps of the Programming Screen, as shown in ***Figure 4-2***.

Qualifying Project

Prepare Project for Screening

Enter Project Information

Review GIS Analyses and Project Data

Update Project Information and Prepare Advance Notification (AN) Package

Programming Screen Event

Distribute Programming Screen Notification

Advance Notification Process

Evaluate Potential Project Effects

NON-ETAT Distribution

Federal Consistency Review with Local Comp Plan Consistency

ETAT Coordination

Publish Preliminary Programming Screen Summary Report

4 Years or MORE

YES

ETDM Issue Resolution Required? → ETDM Issue Resolution Process

NO

Ready to Advance to PD&E? — NO

If, while awaiting prioritization:
- It has been 4 years or longer and no project activities have occurred since the distribution of the AN; or
- project termini have expanded; or
- project concept(s) have changed

A project must go through a Programming Screen again.

YES

Develop Scope

NO

Ready to Recommend Class of Action? → Advance Technical Studies

YES

Determine Class of Action
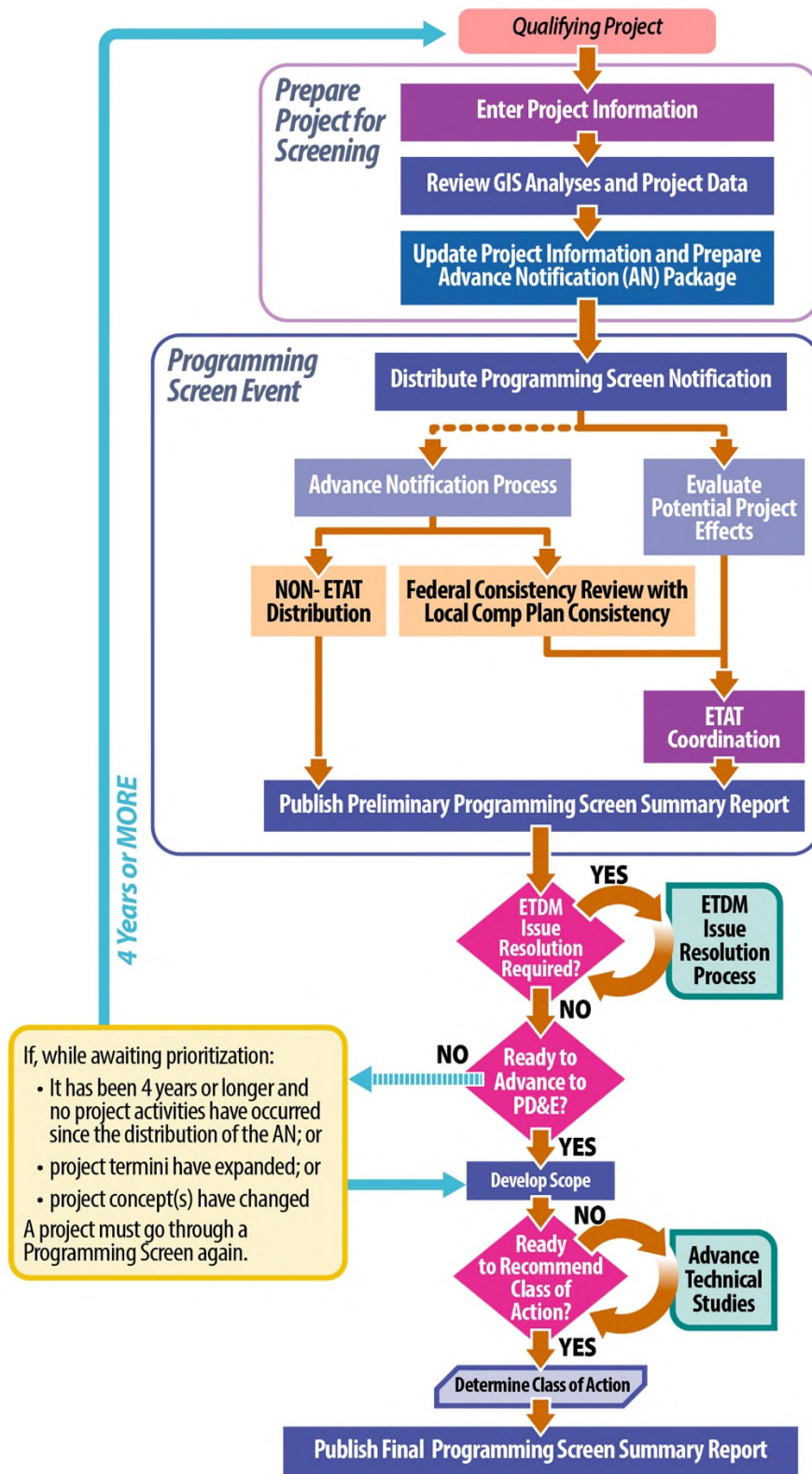
Publish Final Programming Screen Summary Report

Figure 4-2: Programming Screen Process Flow

4.3   PROGRAMMING SCREEN PROJECTS

The Programming Screen is required prior to initiating the PD&E Study for qualifying state and federal transportation projects that are either candidates for or included in the Five-Year Work Program.

4.3.1 Identify Qualifying Projects

Qualifying projects come from a variety of plans. Some examples include:

- FDOT STIP

- FDOT Strategic Intermodal System (SIS) Plan

- FDOT Statewide Deficient Bridge List

- MPO/TPO Long Range Transportation Plans (LRTPs)

- MPO/TPO TIPs and Project Priority Lists

- Rural County Project Priority Lists

Annually, MPOs/TPOs develop a list of priority projects (TIP Priority List) derived from their LRTPs and other sources for consideration of inclusion in the Five-Year Work Program (refer to the FDOT Office of Policy Planning's ***Metropolitan Planning Organization Program Management Handbook*** for additional guidance on selecting MPO/TPO projects for inclusion in the Five-Year Work Program). Concurrently, FDOT selects priority projects from other plans and programs, including the SIS Plan and Statewide Deficient Bridge List, and also works with local governments in non-MPO/TPO areas to identify priority projects for inclusion in the Work Program.

FDOT ETDM Coordinators work with planners, FDOT MPO/TPO and Rural County Liaisons, managers, environmental staff and the District Statewide Acceleration Transformation (SWAT) team to identify transportation projects based on criteria such as project type, transportation system designation, potential funding source (federal, state, or local), and responsible agency. In this context, "transportation system designation" refers to whether a proposed project is part of the SIS or State Highway System (SHS), also called on-system. "Responsible agency" refers to the agency required to meet federal, state, and other applicable requirements. See ***Chapter 2, Section 2.3.1***, and ***Table 2.2*** of this ***Manual*** for specific examples of qualifying projects and guidance on how to apply the selection criteria.

Unlike a Planning Screen, a FDOT ETDM Coordinator (or Project Manager), not the MPO/TPO or other local agency, initiates and manages all Programming Screen reviews in the EST regardless of the project's location and whether it is on system or off system; therefore, in some cases the planning organization designation transitions from the

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purview of an MPO/TPO to that of FDOT. Refer to the ***ETDM Training*** website for instructions on screening projects in the EST.

4.3.2 Project Review Release Schedule

Based on the list of qualifying projects, FDOT ETDM Coordinators and PD&E Project Managers work with appropriate staff to develop/update a 12-month release schedule as described in ***Chapter 2 Section 2.3.2*** of this ***Manual***. Programming Screens should ideally occur one fiscal year prior to a the PD&E Study moving into the Five-Year Work Program. If a project is placed in the Five-Year Work Program before it completes a Programming Screen review, the project is still required to undergo Programming Screen prior to the PD&E Study being initiated. The schedule should be made available to the ETAT on the EST ETDM Calendar and updated as needed. FDOT Districts are also encouraged to hold periodic ETAT meetings (or webinars) to discuss projects included in their release schedule. The OEM Project Delivery Coordinators should be included in these meetings or webinars.

It is important to ensure that the ETAT has enough time to review and provide comments. Therefore, when scheduling a Programming Screen review, it is recommended that no more than two projects be released at a time, and that project releases be scheduled at least two weeks apart. In addition, four-five months should be allowed per project to provide time for reviews, public involvement activities, possible review extensions, and preparation of the ***Programming Screen Summary Report***.

4.3.3 Non-Qualifying Projects

FDOT and MPOs/TPOs can also use the EST to assist in identifying issues on non-qualifying transportation projects. These projects do not qualify for the ETDM process and are not intended to be released to the ETAT for a formal review (see ***Chapter 2*** for the criteria used to identify projects that qualify for the ETDM process). Instead, they are entered into the EST using the Area of Interest Tool with only enough information to generate the standardized EST GIS analyses (refer to the ***ETDM Training*** website for details). Moreover, the EST may be used as the local option for any case highlighted in the ETDM Review Matrix shown in ***Chapter 2***, ***Table 2-2,*** of this ***Manual*** where a formal screening is not applicable.

4.4   PREPARE PROJECT FOR SCREENING

In preparation for an ETAT review, FDOT enters transportation project information into the EST and runs the standardized GIS analyses while MPOs/TPOs and FDOT Community Liaison Coordinators (CLCs) gather and enter community data. For MPO/TPO projects, the FDOT project team works closely with the MPO/TPO to transition project sponsorship to FDOT. In addition, the ETAT representatives provide new and updated GIS data to the Florida Geographic Data Library (FGDL) for use within the EST, as available.

4.4.1 Identify Timeframe for Delivering the Advance Notification

The specific project and expected timeframe when the corresponding environmental study is slated to begin will be the determining factor as to whether the Programming Screen and AN will be reviewed together or separately. The AN process should be completed early enough to inform PD&E Scope of Services development, and near enough to the beginning of PD&E to provide timely notification to relevant public officials, and other stakeholders.

When the environmental study is scheduled to occur within two years of the Programming Screen review, the Programming Screen notification includes the AN package.

When the environmental study is not expected to begin within the two years of the Programming Screen review, the AN package is distributed separately. In that scenario, the FDOT Project Team distributes the AN package separately approximately one year prior to the start of the PD&E Study. This removes the need to process the same document multiple times (as there is a requirement to reprocess the AN if too much time has elapsed since it was originally distributed). It also provides an opportunity to communicate any new information that may have surfaced since the Programming Screen was completed.

For Federal-aid projects, the AN also begins the Federal Consistency Review process (see ***Section 4.5.4.1***).

4.4.2 Enter or Update Project Information

FDOT ETDM Coordinators work with other FDOT staff (for example the MPO Liaison) and MPO planners to enter or update project information in the EST and capture previous planning and public involvement activities as part of a general effort to link the Planning and PD&E phases. Previously completed Planning Studies should be uploaded as supporting documentation for the project in the EST. Information for projects not typically screened during the Planning Screen, such as bridge replacement projects or projects that result from amendments to adopted transportation plans is also entered.

To prepare a project for a Programming Screen review:

- Develop or refine the purpose and need for each qualifying project to be screened in accordance with the ***PD&E Manual, Part 2, Chapter 1, Project Description and Purpose and Need.*** Transportation planning data are used to assist in establishing the purpose and need. These data are drawn from LRTPs, MPO/TPO TIPs, corridor plans, subarea plans, analyses of travel and safety conditions, public sentiment, and other sources that help identify corridors and facilities where transportation improvements are needed. This information may be available from the MPO/TPO and other regional and local agencies. Staff preparing the purpose and need for the Planning Screen should coordinate with the MPO/TPO liaison or other appropriate planning staff to identify the proposed project purpose and need as they appear in the transportation plan. The initial purpose and need developed

during the Planning phase may change as the project advances since new information or public input may be identified, supporting an updated purpose and need. Only describe the appropriate purpose and need categories that are applicable to the project.

- Develop a project description that includes:

    o Project name

    o Name of the city(ies) and county(ies) where the project is located

    o Name of the planning organization responsible for the project

    o Limits of the proposed project, such as its logical termini and length

    o Description of the existing or general characterization of a new facility

    o Description of the proposed improvements. Provide as much information as available, such as the facility type, number of lanes, type of median, major structures, and potential right-of-way requirements (for example, a description of a road widening could indicate if the project intends to use existing right-of-way).

    o ETDM number of previous project(s) if this project replaces, supersedes, or includes a portion of a previously screened project

    o A brief description of pedestrian and bicycle accommodation

    o Navigational needs, for federally-aided or assisted projects involving bridges over waters

    o

Refer to ***PD&E Manual, Part 2, Chapter 1, Project Description and Purpose and Need*** and ***Chapter 3*** of this ***Manual*** for additional guidance on project descriptions.

- Enter information showing the location of each project alternative using the EST Map Editor or by uploading a GIS file. For Alternative Corridor Evaluation (ACE) process projects, delineate or refine general corridor alternatives (see ***Section 4.6*** for more information about the ACE process during the Programming Screen). Preliminary alternatives should offer potential solutions to the transportation problem identified in the purpose and need. The range of alternatives depends on the nature and scope of the project, as well as the context and intensity of potential impacts.

- Describe the project alternative(s). For each alternative, include information about the mode(s) served by the project, type of alternative (widening, new alignment, etc.), termini location, and length. Include the estimated cost of and the basis for the cost estimate, if available. When known, enter information about roadway

functional classification, existing and predicted Annual Average Daily Traffic (AADT), and presence within an Urban Service Area or on a SIS facility. In addition, highlight information from the Preliminary Environmental Discussion (PED), such as the potential for Section 4(f) involvement (for federal projects), number of potential relocations, relationship to any special, unique or significant features, community needs that will be impacted, and right-of-way involvement.

- Provide project plan consistency status information known to date and the steps toward achieving consistency, as appropriate. Consistency with the approved LRTP should be identified for projects in MPO/TPO areas. Also identify whether the project is included in the STIP and MPO/TPO TIP. For projects in non-MPO areas, identify consistency with the STIP. The requested information reflects the *Planning Requirements for Environmental Document Approvals* form that must be submitted with federal draft and final environmental documents (refer to the form found in the *PD&E Manual, Part 1, Chapter 4, Project Development Process*). Coordinate with FDOT District MPO/TPO or Rural County Liaisons and either MPO/TPO or local government planning staff to compile and complete consistency information. Additional guidance is available on the FDOT Office of Policy Planning web page at:

  http://www.fdot.gov/planning/policy/metrosupport .

- Indicate whether the project is being developed under the Local Agency Program (LAP) (LAP requires federal funds already allocated in the adopted Five-Year Work Program).

- Identify whether or not federal funds have been allocated for the project in the Five-Year Work Program. Add Financial Project Identification number(s), if known.

- Indicate whether the project is being developed through the ACE process.

- For federal projects, identify the Lead Agency and any Cooperating or Participating Agencies, as appropriate

- Designate Exempted Agencies (if applicable). Exempted Agencies are notified about the Programming Screen review but not expected to submit comments or act on the purpose and need. When making the decision to exempt an agency, consider the nature of a project. For instance, a landlocked project may not require a review from the United States Coast Guard (USCG). Additionally, the Federal Transit Administration (FTA) is automatically exempt from reviewing projects in the ETDM process, per their request (See *Section 2.3.4 Federal Involvement* of this *Manual* and *PD&E Manual, Part 1, Chapter 14 Transit Project Delivery* when preparing FTA projects for screening). Other agencies that may be exempt from a review include United States Forest Service, National Park Service, and Federal Railroad Administration (FRA). Pursuant to the *NEPA* Assignment MOU, FDOT, specifically OEM staff are taking over Federal Highway Administration (FHWA)

responsibilities during the ETDM process and therefore FHWA is not included in the ETDM process.

- Contact the Work Program Office to establish an ETDM identifier if not previously done for a Planning Screen (refer to ***Work Program Instructions Part III, Chapter 22***).

- Identify whether the AN package will be distributed with the Programming Screen review notification or separately.

- Summarize any public involvement activities and comments received about the project.

4.4.3 Designate Agency Roles

During the Programming Screen, agencies may request, or be invited, to serve as Cooperating or Participating Agency on a project. These designations describe various levels of involvement in the environmental review process. For federal projects, three important roles must be designated prior to the COA determination:

1. **Lead Agency** – The Lead Agency is the agency that has primary responsibility for the Environmental Document, determines the preferred alternative in the PD&E phase, and invites Cooperating and Participating Agencies. For potential EA and EIS projects, FDOT must provide invitations to appropriate potential Cooperating and Participating Agencies for their respective roles and document their responses, whether they accept or not. FDOT is the Lead Agency for non-federal FDOT projects with the applicable District providing Environmental Document approvals. For federal highway projects, FDOT serves as the Lead Agency under the *NEPA* Assignment Program with OEM providing Environmental Document approvals. When FDOT is not the Lead Agency and a Federal permit is needed or the project is a federal non-highway mode, another federal agency may be the Lead Agency and under *Title 23 U.S.C. § 139(c)(3)*. FDOT recommends whether or not a project will be processed as a federal or state project through consideration and coordination during the District SWAT team's planning meeting.

2. **Cooperating Agency** – According to the Council on Environmental Quality (CEQ) *(40 CFR § 1508.5)*, a Cooperating Agency is defined as any federal agency, other than a Lead Agency, that has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposed project or project alternative. A state or local agency of similar qualifications (or a Native American Tribe when the effects are on lands of tribal interest) may, by agreement with the Lead Agency(ies), also become a Cooperating Agency.

   Cooperating Agencies have a higher degree of authority, responsibility, and involvement in the environmental review process. Because the Cooperating Agencies have legal/jurisdiction requirements tied to the preparation of the

Environmental Document, the Cooperating Agencies must also concur on the elimination of alternatives. Cooperating Agencies must be included when establishing the schedule.

The CEQ regulations **[40 CFR § 1501.6(b)(3)]** allow a Cooperating Agency to "assume on request of the lead agency responsibility for developing information and preparing environmental analyses including portions of the environmental impact statement concerning which the Cooperating Agency has special expertise." An additional distinction is that, pursuant to **40 CFR § 1506.3(c)**, "a Cooperating Agency may adopt without re-circulating the environmental impact statement of a Lead Agency when, after an independent review of the statement, the Cooperating Agency concludes that its comments and suggestions have been satisfied".

Due to a programmatic approach agreed to by FHWA and the USCG (Shapley, 2007) the USCG will be designated as a Cooperating Agency for ETDM projects involving a bridge permit when FDOT is designated as the Lead Agency under the **NEPA** Assignment Program.

3. **Participating Agency** – Other agencies with expertise or jurisdiction relevant to the project that are invited by the Lead Agency (pursuant to **23 U.S.C. § 139**) to respond to requests for technical assistance, attend scoping and coordination meetings, attend joint field reviews, provide substantive and early input on issues of concern, scope agreements for issues and required technical studies, review Lead Agency-approved draft/final environmental documents. Designation as a Participating Agency does not indicate project support and does not provide an agency with increased oversight or approval authority above its statutory limits. It is not necessary to invite agencies as Participating Agencies that have only a tangential, speculative, or remote interest in the project. Examples of a Participating Agency include: federal, state, tribal, regional, and local government agencies. Nongovernmental organizations and private entities cannot serve as Participating Agencies.

   Per **23 U.S.C. §139(d)** the Lead Agency is responsible for inviting and approving Participating Agencies in the **NEPA** process. An agency may request to serve as a Participating Agency. The Lead Agency may invite agencies that are not ETAT members to be involved as Participating Agencies.

   Please note that while ETDM Master Agreements designate ETAT members as Participating Agencies, this is not analogous to the federal designation made by the Lead Agency pursuant to **23 U.S.C § 139, as amended** (refer to **PD&E Manual, Part 1, Chapter 3, Preliminary Environmental Discussion and Advance Notification** for additional information about Participating Agency responsibilities).

Prior to the Programming Screen review, the FDOT ETDM Coordinator or PD&E Project Manager identifies a potential Lead Agency to expedite the COA process. Alternatively,

a federal agency may also request the Lead Agency designation. For example, the USCG may serve as Lead Agency on a bridge project. The selection should be made based upon project type and funding source and, when FDOT is not the Lead Agency, in coordination with the applicable federal agency. FDOT must designate a potential Lead Agency prior to identifying potential Cooperating and Participating Agencies, or initiating an ACE process *Methodology Memorandum (MM)* review (when applicable). In cases where a project may fall under multiple agency jurisdictions (for example, a project has both transit and highway components), the FDOT ETDM Coordinator works with the applicable agencies to identify one as the Lead Agency and one as a Cooperating Agency. The potential Lead Agency becomes the official Lead Agency once the COA determination is made.

During the Programming Screen, an agency can request to be a Cooperating or Participating Agency during project review. Following the review period, FDOT Districts can recommend Cooperating or Participating Agencies to the Lead Agency. Upon receipt of the recommendation, the Lead Agency officially invites and approves the Cooperating and Participating Agencies. Cooperating and Participating Agencies may also be identified during the PD&E Study. *Table 4-1* identifies ETAT agencies that are most likely to be recommended as potential Lead, Cooperating, and Participating Agencies based on the COA. Invitations to Participating and Cooperating Agencies must be processed before submitting a proposed COA determination. The recommendations include requests received by FDOT from ETAT members to serve in one of these capacities during the review period. As appropriate, the Lead Agency accepts or declines the recommendations; the Lead Agency may also invite other ETAT members. The Lead Agency has 30 days to accept or decline the recommendations and send official invitations using the Manage Cooperating/Participating Invitations page in the EST. ETAT members have 30 days to respond to an invitation from the Lead Agency.

Table 4-1 Guidance for Identifying Potential Lead, Cooperating, and Participating Agencies

| ETAT Agency | Lead/ Joint Lead | Federal NEPA Environmental Document Class of Action Participation | | | | | |
| | | Cooperating Agency | | | Participating Agency | | |
		EIS	EA	Type 2 CE	EIS	EA	Type 2 CE
FL Department of Agriculture and Consumer Services							
FL Department of Economic Opportunity							
FL Department of Environmental Protection		✔	✔	✔	✔	✔	✔
FL Department of State					✔	✔	✔
FL Department of Transportation	✔	✔	✔				
FL Fish and Wildlife Conservation Commission		✔	✔	✔	✔	✔	✔
Northwest Florida Water Management District		✔	✔	✔	✔	✔	✔
Saint Johns River Water Management District		✔	✔	✔	✔	✔	✔
South Florida Water Management District		✔	✔	✔	✔	✔	✔
Southwest Florida Water Management District		✔	✔	✔	✔	✔	✔
Suwannee River Water Management District		✔	✔	✔	✔	✔	✔
Federal Rail Administration	✔	✔	✔				
Federal Transit Administration	✔	✔	✔				
National Marine Fisheries Service		✔	✔		✔	✔	✔
National Park Service		✔	✔		✔	✔	
Natural Resources Conservation Service		✔	✔		✔	✔	
US Army Corps of Engineers	✔	✔	✔	✔	✔	✔	✔
US Coast Guard	✔	✔	✔	✔	✔	✔	✔
US Environmental Protection Agency		✔	✔	✔	✔	✔	✔
US Fish and Wildlife Service		✔	✔		✔	✔	✔
US Forest Service		✔	✔		✔	✔	
Miccosukee Tribe of Indians of Florida		✔	✔		✔	✔	
Seminole Tribe of Florida		✔	✔		✔	✔	
Military Bases (Eglin, Whiting, etc.)	✔	✔	✔	✔	✔	✔	✔

4.4.4 Review Standardized EST GIS Analyses and Project Data

Standardized EST GIS analyses identify natural, physical, cultural, and community resources within a specified buffer distance of the proposed project alternatives to help

identify potential project effects. These analyses are performed automatically in the EST prior to a project being released for review. The analyses quantify and summarize the amount of resources (for example, wetlands acreage and demographic statistics) found within proximity to a transportation project (for example, 100-feet, 500-feet, or a quarter mile). The EST includes analyses that have been requested by the ETAT, FDOT, or MPO/TPO representatives to help in their review of potentially affected resources. The results of the buffer analyses are organized within the EST by topic (see **Section 2.6** of this **Manual** for a description of each) and reported along with topic-specific maps displaying the project location and selected environmental resources.

Prior to initiating the Programming Screen review, the FDOT project team studies the results of the EST GIS analyses, along with site visits, local knowledge, and any other available information sources, to gain an understanding of the project context and potential footprint of the proposed project and to support the development of the PED. It is important for the PED to include a clear, and where appropriate, actionable description of FDOT's perspective on the anticipated context and intensity of project involvement with an environmental issue or resource (refer to *PD&E Manual, Part 1, Chapter 3, Preliminary Environmental Discussion and Advance Notification*, for more information about PED). For projects on the SIS, the SIS Coordinators from the Systems Planning Office review the project for consistency with the SIS Plan. Once all data preparation steps are complete, the project status is updated in the EST to indicate that the project information is ready for final quality control review. The PD&E Project Manager (if assigned), environmental specialists, and ETDM Coordinator perform quality control reviews to verify the accuracy and completeness of all project information.

The mapped features should be consistent with the location described in the EST **Project Description** report. Confirm, for example, that:

1. The logical termini of alternatives recorded in the EST **Project Description** report match the beginning and ending locations on the map.

2. Project features follow an existing facility, such as a highway or rail line, if intended.

3. The project linework is digitized accurately in relation to other mapped features (e.g., if you intend for the project to go around a resource, verify the digitized linework shows that intent).

Specific data quality review procedures depend on project context and scope; refer to **Section 6.4** of this **Manual** for further guidance.

4.4.5 Develop the Preliminary Environmental Discussion

After reviewing the standardized EST GIS analyses and considering information supplied by local knowledge, planning studies, internal FDOT coordination, and other evaluations in the project area, FDOT prepares a PED. The PED conveys FDOT's knowledge of a project area and potentially affected resources prior to the Programming Screen review. When known, FDOT describes the quality, quantity, and importance of the resources in

the area. This involves a multi-disciplinary approach based on local knowledge, FDOT analysis, and may include a field review of the project for potential involvement.

FDOT uses the PED to inform the ETAT members and other agencies, as appropriate, of FDOT's initial assessment of a project's potential effects on the environment and how FDOT intends to address or evaluate these effects as the project advances. The PED provides ETAT reviewers with context to aid them in providing actionable comments. FDOT bases the PED on local knowledge, planning studies, previous screening information, and any other evaluations relevant to the project area. The PED may be provided at both the project and alternative level, but the Districts should develop alternative specific PEDs when multiple alternatives are screened. If applicable, the FDOT District can view their Summary Degrees of Effect (SDOEs) from previous screens as a starting point when developing the PED.

For additional instructions on completing a PED, refer to ***PD&E Manual, Part 1, Chapter 3, Preliminary Environmental Discussion and Advance Notification***.

4.4.6 Prepare Advance Notification Package

The AN process may be initiated with the Programming Screen review or later, prior to initiating the PD&E Study. For projects requiring federal funding, the desire to maintain federal funding eligibility, or involving a federal action, the AN also begins the Federal Consistency Review process under ***the Coastal Zone Management Act of 1972,*** which authorizes Florida to review certain federal activities for consistency with the adopted Florida Coastal Management Program (FCMP). ***Figure 4-3*** provides an overview of the AN process***.*** Refer to ***Section 2.3.4*** of this ***Manual*** and ***PD&E Manual, Part 1, Chapter 3, Preliminary Environmental Discussion and Advance Notification***, for more information about the AN process.

Prior to distributing the AN (either with the Programming Screen review or later), the FDOT ETDM Coordinator, Project Manager, or a member of the project team creates the AN package. The AN package consists of a cover letter, transmittal list, Application for Federal Assistance (if appropriate)[1], location maps, and a Fact Sheet. The AN Fact Sheet includes the project description, purpose and need, and PED (refer to ***PD&E Manual, Part 1, Chapter 3, Preliminary Environmental Discussion and Advance Notification*** for additional guidance). The AN package is created using the EST (with the exception of the cover letter and Application for Federal Assistance). Information entered for the Fact Sheet that corresponds to other reports in the EST (e.g., project description) is reflected in those reports. Any other reports or supporting materials used to develop the AN package should be uploaded to the EST for reference.

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[1] The SF-424 form is only required in the AN package if there are federal funds or the desire to maintain federal funding eligibility.

FDOT ETDM Coordinator Distributes Notification

Initiates 45-Day Review Period

ETAT, CLC, and other interested parties review potential project effects

Applicable state agencies review projects for consistency with the Florida Coastal Management Program, as it pertains to their agency authority. This includes Department of Economic Opportunity's compatibility with Local Government Comprehensive Plan.

Within 15 Days following the end of the Review Period

FDOT CLC Summarizes Public Involvement

State Clearinghouse Issues Federal Consistency Determination

FDOT ETDM Coordinator Publishes Preliminary Programming Screen Summary Report

Lead Agency Determines Class of Action

FDOT ETDM Coordinator Publishes Final Programming Screen Summary Report

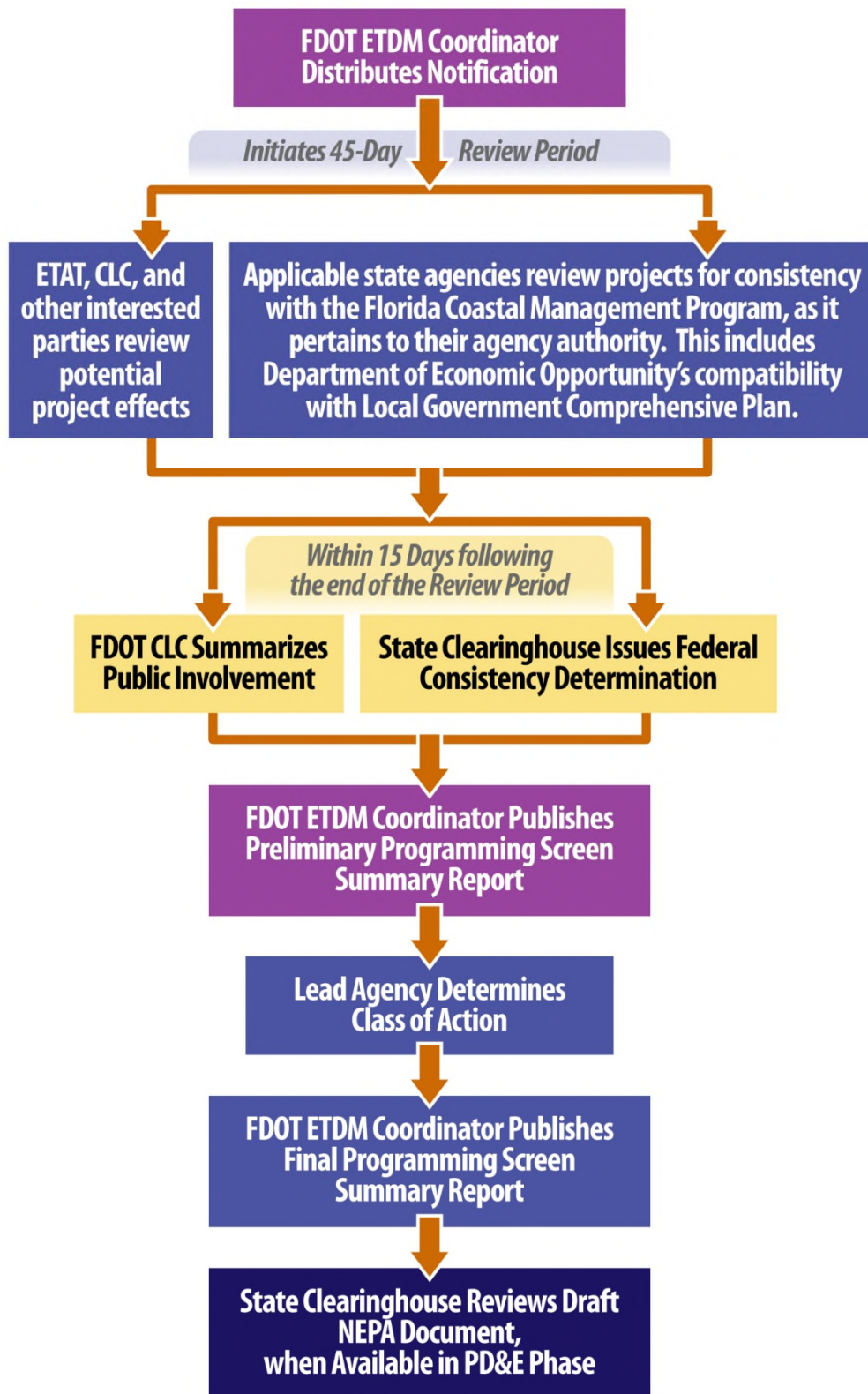**State Clearinghouse Reviews Draft NEPA Document, when Available in PD&E Phase**

Figure 4-3: ETDM Advance Notification Process

A transmittal list is a record of the recipients of the AN and must be provided in the AN package. Recipients of the AN include: ETAT members, Consistency Reviewers, elected officials, federally-recognized tribes, and other local, state, and federal agencies that need or have requested to be notified. The OEM maintains contact information on the EST for mandatory state and federal agencies and federally-recognized Native American Tribes receiving AN packages. The responsibility for adding local or project-specific contacts falls to the FDOT project team.

The AN package is available as a draft document for internal review. Once distributed and published through the EST, all users of the EST can view and download the AN package. The public may also view the AN package on the ***ETDM Public Access Site***. This makes it possible to distribute it upon request to non-ETAT members. Whenever possible, the AN package should be sent electronically after coordinating with the recipient. The AN package should be sent to Native American tribes according to their requested method of communication as established on the ***OEM Native American Coordination website***. More information about distributing the AN package through the EST is included below in ***Section 4.5.1***.

4.4.7 OEM Pre-Screening Review

The ETDM Coordinator or PD&E Project Manager is responsible for checking the data for completeness and accuracy. Coordination and review by other District representatives is strongly encouraged. Other District representatives may include the Environmental Manager, Administrator of the District Environmental Unit, District Project Development Engineer, and District Permits Coordinator for example. After the ETDM Coordinator or PD&E Project Manager verifies the project purpose and need, project description, and PED are complete and accurate, they use the EST to send the information to OEM for an independent review. The OEM Project Delivery Coordinators and Project Development Engineer review and provide comments about the project description, purpose and need, and PED before the screening event notification is distributed. OEM reviewers have up to 14 days to provide comments. This review may also include subject matter experts. OEM and the ETDM coordinator and Project Manager work together to resolve any comments provided. When the OEM review is complete, the ETDM Coordinator or PD&E Project Manager updates the information and distributes the Programming Screen Notification and begin the screening event.

4.5   PROGRAMMING SCREEN AND ADVANCE NOTIFICATION REVIEWS

Before initiating a Programming Screen review, the ETDM Coordinator should consider holding an online meeting or webinar to introduce the project to the ETAT. The meeting allows the ETDM Coordinator or PD&E Project Manager to present project details, highlight considerations, and communicate specific expectations to help the ETAT understand the project and provide quality comments. For assistance with setting up these meetings, contact the ETDM Help Desk by emailing *help@fla-etat.org*.

During the Programming Screen review and the AN commenting period, the public, ETAT members, and Consistency Reviewers (when applicable) have an opportunity to provide comments to FDOT about potential project effects, recommended technical studies and permits, and the need for further ETAT member involvement. The FDOT ETDM Coordinator also begins to work with FDOT CLC and, as appropriate, MPO/TPO ETDM Coordinators and CLCs to evaluate sociocultural effects.

4.5.1 Distribution of Notifications

After completing the OEM pre-screening review of project data, the FDOT ETDM Coordinator or PD&E Project Manager uses the EST to notify project stakeholders to proceed with their review. An email notification is automatically customized according to the type of review the recipient conducts and may be tailored further to include project-specific review instructions. When applicable, the email includes a link to the AN package. The email is sent to the following recipients:

- ETAT members

- FDOT CLC

- Interested parties who may set up notification preferences through the ETDM Public Access Site

- Advance Notification recipients (when applicable):

- State Clearing House (SCH)

- Agencies on the SCH contact list when the Consistency Reviewer of the agency is not the same as the ETAT reviewer (if the project requires a Federal Consistency Review)

- Other AN transmittal list recipients not included in the above, such as regional planning council and local government officials

Hardcopy notifications are also sent to some recipients who do not accept electronic transmittals.

Certain agencies may be exempt from performing a project review based on the type of project being screened and their jurisdiction. For example, a completely landlocked project may not require a review from the USCG. In these instances, the agency will still receive the Programming Screen review start notification and AN package but will be designated as exempt in the Fact Sheet and ***Preliminary Programming Screen Summary Report.***

4.5.2 Review Time Frame

As established in the ETDM agency operating agreements (AOAs), reviews occur for 45 calendar days following the distribution of the email notification from the EST. If additional review time is required, an ETAT member may request a 15-day extension. When needed, the ETAT member must submit a written request to the ETDM Coordinator within the initial 45-day comment period. Should a shorter extension period be necessary, it may be negotiated with the ETAT members; contact OEM for assistance. An extension applies to all reviewers and is announced via email. In some cases, such as an emergency response situation, FDOT may request a shorter ETAT review period. In these special cases, a shorter, project-specific time frame may be negotiated through discussion and approval by the FDOT ETDM Coordinator, OEM Director, and the affected ETAT reviewers. To initiate the request, the FDOT ETDM Coordinator discusses the schedule need with the OEM ETDM program administrator, who manages the ETDM agreements. The OEM ETDM program administrator initiates negotiations, if appropriate.

ETAT members may submit and edit comments at any time during the review period using the EST. After the review period ends, the ETAT can no longer submit comments on the EST or edit submitted comments. If an ETAT member needs to revise comments, the member should contact the ETDM Coordinator.

For projects involving a Federal Consistency Review determination (See **Section 4.5.4.1**), the SCH has 15 days following the end of the 45-day review period to complete their consistency review. An inconsistency finding by any review agency requires a discussion with the SCH and possibly initiation of the Issue Resolution process.

4.5.3 Programming Screen Review

Upon receipt of the Programming Screen notice, ETAT members review and provide comments about the purpose and need and about potential project effects to the natural, physical, cultural, and community resources related to their regulatory authority. Project effects include direct, indirect, and (when appropriate) cumulative. The following sections provide more specifics about each task.
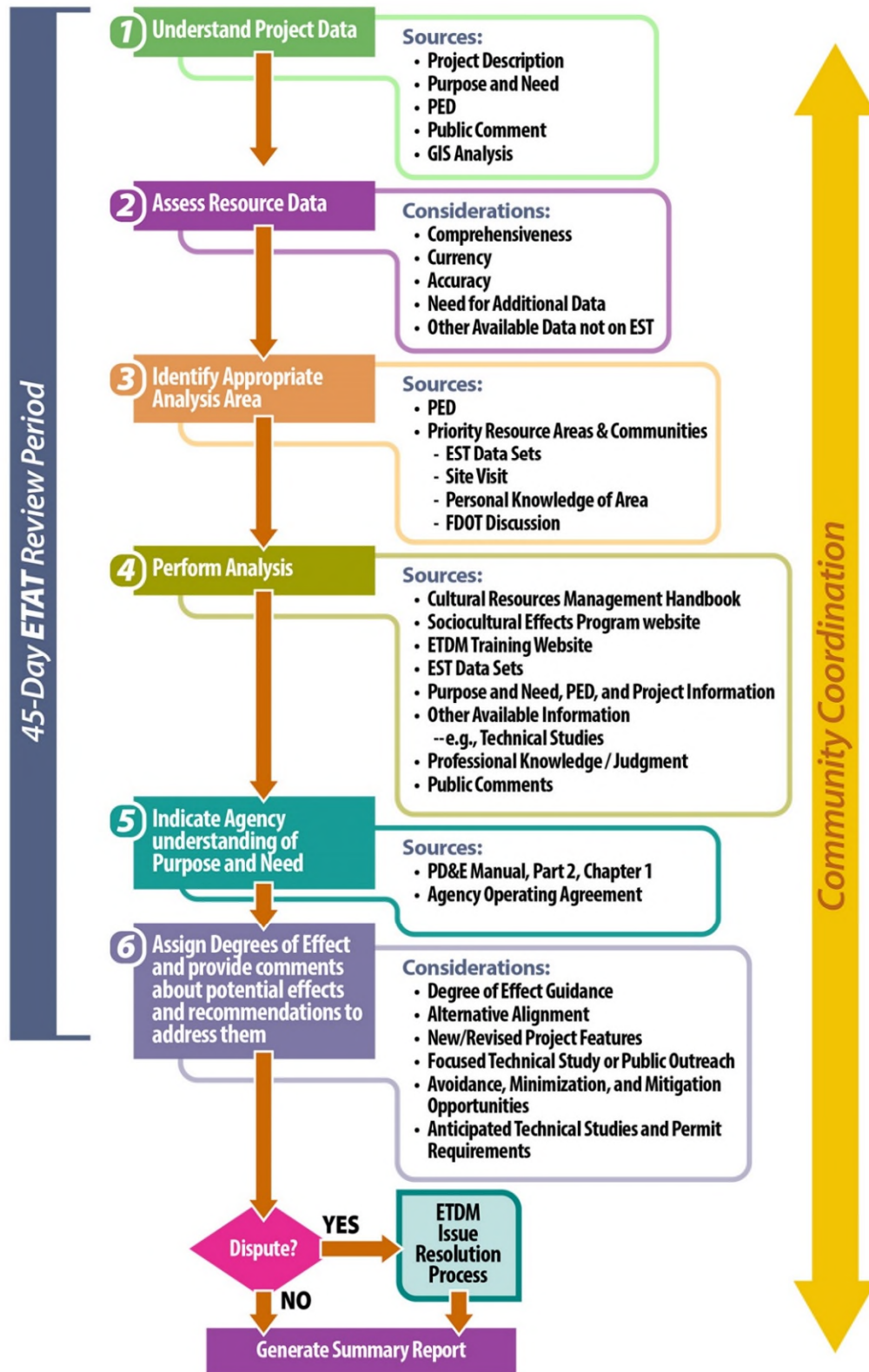
Figure 4-4: ETAT Review Tasks

4.5.3.1 ETAT Review Tasks

ETAT members perform the following tasks when evaluating a project during the Programming Screen (refer to *Figure 4-4* for a summary flow chart):

1. **Develop Understanding of Project –** Develop an understanding of the proposed transportation project by reviewing the project description, purpose and need, PED, EST GIS analyses and locational information, and comments from previous activities.

2. **Assess Resource Data –** Verify the information available in the EST is the best available; refer to *Chapter 6, Section 6.4.5.2* of this *Manual* for data review considerations. Identify information gaps or data needed to support further evaluation. ETAT members are expected to supplement the information in the EST with additional sources and personal knowledge, such as data gathered from site visits. If the ETAT members have relevant knowledge or information not already contained in the EST, provide and discuss such information.

3. **Identify Appropriate Analysis Area –** Typically, the analysis area for a project is influenced by the nature of the ETAT member's resources of interest, the project's context, and the potential for resource effects. The buffers used in the EST, range from 100 feet to one mile (5,280 feet) in width. These areas represent typical distances used by the ETAT to evaluate a variety of resources in different contexts, although the size of any individual study area depends on the nature of the project.

> To help carry forward information produced during the Planning phase to the environmental documents prepared during the PD&E phase, the ETDM process uses definitions consistent with *NEPA* as stated in *40 CFR § 1508.7 and § 1508.8:*
>
> *Direct effects…* are caused by the action and occur at the same time and place as the action.
>
> *Indirect effects…* are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable.
>
> *Cumulative effect* is the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (federal or non-federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.
>
> The terms "effects" and "impacts" are synonymous in CEQ regulations (*40 CFR §1508.8*) and are used interchangeably in this *Manual*.

4. **Perform Analysis –** Review projects for existing conditions and potential direct and indirect effects to jurisdictional resources. Assess the need for potential agency coordination in

subsequent project phases. Each ETAT member performs analyses consistent with the criteria and methodologies established by the member's organization for each specific resource.

5. **Indicate Understanding of Purpose and Need –** Review the project's purpose and need and acknowledge understanding or ask for clarification from the District ETDM Coordinator. During the Programming Screen review, the Lead Agency indicates acceptance of the purpose and need. In the event the Lead Agency does not accept the purpose and need, the Lead Agency provides guidance with the objective of leading to its acceptance. Before determining a COA, the Lead Agency must accept the purpose and need. Under the *NEPA* Assignment Program, OEM provides purpose and need acceptance for federal highway projects.

   During this step, Consistency Reviewers enter their Federal Consistency Review determinations into the EST, as well.

6. **Provide Comments about Potential Effects and Recommendations to Avoid or Address Effects –** Comment on project concepts and alternatives based on analysis in Task 4. Be as specific as possible. Submit comments in the EST for each screened alternative for the topics identified in the AOA. Comments should not only list resources found within the standard EST buffer areas but reflect historical documentation, previous studies, site visits, and personal knowledge of the project area. For example:

   a) If potential direct and indirect effects could exist, comment on the type, quality, and sensitivity of the resources involved in relation to the resources' location to the proposed project and related activities. If the project does not impact resources of interest or a detailed evaluation is not necessary during the PD&E phase, indicate this as well.

   b) If there is a concern about potential cumulative effects, provide considerations to help the Lead Agency decide on the level of evaluation needed in the environmental document (see *Section 2.5* of this *Manual* for an explanation about the Lead Agency role). ETAT members are not expected to evaluate cumulative effects during the Planning and Programming Screen reviews nor assign Degrees of Effect (DOEs). Cumulative effects can be both positive and negative. See the *FDOT Cumulative Effects Evaluation Handbook* for more information.

   c) Provide information about agency plans, studies, or other data and regulatory information that may affect the project or are affected by the project. Fill in data gaps and validate data, as needed.

   d) Provide specific recommendations to address resource concerns which may arise during permitting, such as potential avoidance, minimization, or mitigation opportunities; be specific.

e) Specifically identify differences in potential jurisdictional resource impacts among alternatives.

f) Identify specific activities FDOT or other ETAT members can complete between the Programming Screen and the PD&E phase to answer questions, address concerns, or fill in data gaps (e.g., seasonal studies, site inspections, and advancing technical studies). Identify required permits or technical studies along with sufficient detail to document any unique conditions.

g) Indicate a DOE for each alternative and topic being reviewed. A DOE reflects the magnitude of both potential direct and indirect effects caused by a particular alternative to a resource. *Table 4-1* provides guidance for assigning a DOE. Include the rationale for selecting a DOE. More specific evaluation criteria should be used by each ETAT member for the resources under the member's jurisdiction.

h) Indicate the need for future coordination (e.g., permits and technical studies). Request Participating or Cooperating Agency status per the directives in *Section 4.4.2* of this *Manual* for consideration by the Lead Agency.

i) Identify technical studies, permits, authorizations, or approvals which may be required, and any potential concerns, or available mitigation opportunities.

4.5.3.2 ETDM Environmental Topics

ETAT members comment on the potential project effects to one or more of the following ETDM topics as defined by their respective AOAs and/or in accordance with their regulatory authority:

Social and Economic

- Social

- Economic

- Land Use Changes

- Mobility

- Aesthetic Effects

- Relocation Potential

- Farmlands

Cultural

- Section 4(f) Potential

Topic No. 650-000-002   March 16, 2006
ETDM Manual   Revised: September 6, 2019
Programming Screen

- Historic and Archaeological Sites

- Recreational Areas and Protected Lands

Natural

- Wetlands and Surface Waters

- Water Resources

- Floodplains

- Protected Species and Habitat

- Coastal and Marine

Physical

- Noise

- Air Quality

- Contamination

- Infrastructure

- Navigation

Special Designations

Within the EST, ETAT members use the *Special Designations* topic to identify involvement with any of the following:

- Outstanding Florida Waters

- Aquatic Preserves

- Wild and Scenic Rivers

- Sole Source Aquifers

Refer to **Chapter 2, Section 2.6**, of this **Manual** for additional explanation and guidance regarding each ETDM topic.

4.5.3.3 Assigning a Degree of Effect

ETAT representatives should use available information to evaluate and comment on the potential direct and indirect effects of a project. This includes using the data layers in the

EST, historical documentation, previous studies, site visits, communication with agency experts and FDOT District staff, as well as personal knowledge of the project area. The potential effects inform the DOE selection, which reflects the ETAT's understanding of potential magnitude of project effects on a resource, not the level of coordination involved in addressing the effect. The level of coordination with the ETAT during future project phases reflects the consultation requirements and considerations that need to be addressed, regardless of the DOE. The FDOT ETDM Coordinator, PD&E Project Manager, and the District SWAT team use DOEs and comments to help identify potentially critical issues and determine how to address them. Involve the OEM Project Delivery Coordinators if questions or conflicting comments exist. The ETAT comments, along with the internal coordination help the FDOT ETDM Coordinator and PD&E Project Manager assign a SDOE and assist the Lead Agency in determining an appropriate COA at the conclusion of the Programming Screen. When FDOT is not the Lead Agency, the ETDM Coordinator or PD&E Project Manager also coordinates with the Lead Agency representative to identify potential project effects and assign the SDOE.

Table 4-2 provides guidance on assigning a DOE. ETAT members are encouraged to develop specific guidance describing their organization's DOE selection criteria and coordinate it with FDOT for mutual understanding and partnering. This promotes consistency when ETAT members from the same organization assign a DOE.

Table 4-2: Potential Project Effects Degree of Effect Guidance – Programming Screen

Degree of Effect*	Guidance	
	ETAT Resources	**Sociocultural Resources**
Not Applicable/ No Involvement	The resource in question is not a part of, in any way involved with, or affected by the proposed alternative.	
Enhanced	The proposed alternative has a positive effect on the resource or can reverse a previous adverse effect leading to environmental improvement.	The proposed alternative has a positive effect. The affected public supports the proposed alternative.
None	Resources exist, but there is no potential impact by the proposed alternative.	The proposed alternative has been evaluated for sociocultural effects. Resources exist, but the proposed alternative has no potential for effects and there is no concern about the alternative.
Minimal	The proposed alternative has little potential for negative effects on the resources.	The proposed alternative has little potential for negative effects. Initial outreach reveals little or no concern about the alternative.
Moderate	Resources are potentially affected by the proposed alternative, but avoidance, minimization, or mitigation options are available and can be addressed during the PD&E phase.	Resources are potentially affected by the proposed alternative, but avoidance, minimization, or mitigation options are available.
Substantial	The proposed alternative potentially affects unique or sensitive resources. Avoidance, minimization, or mitigation options may be difficult to identify.	Potential effects on the resources are anticipated and/or are likely to be highly controversial.
Issue Resolution	Potential effects are anticipated to the degree that the proposed alternative may need to be modified or eliminated. Issue resolution is required before the project proceeds to final design.	

*Note: The Degree of Effect (DOE) reflects the potential magnitude of both direct and indirect project impacts.

The responsibility for performing Sociocultural Effects (SCE) evaluations and assigning a DOE to the six SCE topics (Social, Economic, Land Use Changes, Mobility, Aesthetic Effects, and Relocation Potential) rests with the MPOs/TPOs and FDOT. Public involvement activities assist in identifying concerns and desired project features. The FDOT and MPO/TPO CLCs should take a collaborative team approach during these evaluations. Much of the data preparation and initial analysis involved with SCE evaluations can be conducted prior to a Programming Screen review and made available to the ETAT as part of the PED. A Sociocultural Data Report (SDR) is generated automatically for the project when the standard GIS analysis is completed. This report often provides essential data and analysis that can be used for the PED. It can be summarized in the Programming Screen and used to support further analysis during PD&E. *PD&E Manual, Part 2, Chapter 4, Sociocultural Effects Evaluation*, the *FDOT Public Involvement Handbook*, and the *FDOT Sociocultural Effects Evaluation* web page provide guidance on identifying SCE topics and techniques for gathering public input.

For further guidance on how to evaluate cultural and historical resources, refer to *PD&E Manual, Part 2, Chapter 8, Archaeological and Historical Resources* and the *FDOT Cultural Resources Management Handbook*. For guidance on potential *Section 4(f)* considerations, refer to *PD&E Manual, Part 2, Chapter 7, Section 4(f) Resources*.

4.5.4 Advance Notification Review

Recipients of the AN package may provide input to FDOT about the AN package during the 45-day review period. ETAT members and Consistency Reviewers submit comments through the secure EST site. All other recipients email or mail comments to the contact provided on the AN cover letter or listed on the ETDM Public Access Site (*https://etdmpub.fla-etat.org*).

The FDOT ETDM Coordinator and the PD&E Project Manager review all provided comments to determine if any unresolved or conflicting comments exist. The OEM Project Delivery Coordinator may need to be involved if questions or conflicting comments exist. Reviewers failing to respond by the end of the review period, but having jurisdiction by law or anticipated to have an interest in the proposed action may be contacted directly (verbal, electronic, or written form) for input.

4.5.4.1 Federal Consistency Review

Federal Consistency Review refers to the authority given to Florida under the *Coastal Zone Management Act of 1972* to review certain federal activities for consistency with the adopted Florida Coastal Management Program (FCMP). Consistency reviewers assess project consistency based on the laws under their jurisdiction and issue their findings and recommendations to the Florida State Clearinghouse (SCH) managed by the Florida Department of Environmental Protection (FDEP), which issues the Federal Consistency Review determination on behalf of Florida. The FCMP addresses the

requirements of 24 Florida Statutes administered by nine state agencies and the five water management districts.

Projects requiring federal funding or the desire to maintain federal funding eligibility, or involving a federal action need a Federal Consistency Review determination. A state-funded project involving a federal action, such as a connection to an interstate, or a federal permit, also requires a Federal Consistency Review determination. When a federal permit is involved, consistency is verified and finalized during permitting.

Upon receipt of the Advance Notification, the Consistency Reviewers have 45 days to indicate a project's consistency with jurisdictional statutes and requirements as outlined under the FCMP. Inconsistency findings must cite the relevant statute's section under the agency's authority with which the project is inconsistent and identify actions that can be taken to resolve the conflict. Prior to issuing an inconsistency finding, the reviewing agency should immediately notify the SCH of identified problems.

At the end of the 45-day comment period, the SCH has another 15 days to review the Consistency Reviewers' comments in the EST. The SCH then submits a Federal Consistency Review determination with the FCMP. The SCH also issues a notice of inconsistency (when applicable). If the SCH finds the project to be inconsistent with the FCMP and an inconsistency determination is provided during the AN review, the project will go through the ETDM Issue Resolution process (see **Section 4.11**).

Additional information about the Federal Consistency Review process may be found in **PD&E Manual, Part 1, Chapter 3, Preliminary Environmental Discussion and Advance Notification** and **PD&E Manual, Part 2, Chapter 14, Coastal Zone Consistency**.

4.5.4.2 Other Interested Parties

Local or project-specific recipients of the AN package have the same 45-day review period to comment on the AN package. They send their responses to the project contact indicated on the cover letter.

4.5.5 ETAT Coordination

During the Programming Screen review, the ETDM Coordinator should monitor preliminary ETAT responses and conduct personal communication to clarify comments or respond to questions. Specifically, they should review relevant ETAT commentary to identify actions necessary to advance the project. Actionable ETAT commentary should be transmitted to the appropriate staff as the project advances. Following the screening event, the FDOT ETDM Coordinator, CLC, and PD&E Project Manager assess ETAT commentary to assign a SDOE for each topic and prepare the **Preliminary Programming Screen Summary Report**. The FDOT ETDM Coordinator works with the ETAT to gain a better understanding of identified concerns, clarify any instances where DOEs for a topic differed between ETAT members, and address commentary that raised additional questions or need for additional information. When differences in DOE

assignment occur between agencies for a topic, greater consideration should be given to the ETAT member with jurisdictional authority over the resource of concern. The OEM Project Delivery Coordinator may need to be involved if questions or conflicting comments exist.

Additionally, after the Programming Screen review, the ETAT member may be asked to:

1. Participate in identifying solutions to project concerns

2. Provide technical assistance during the PD&E phase and subsequent project phases

3. Serve as a Participating or Cooperating Agency

4. Review and approve the COA determination (if Lead Agency)

5. Provide feedback to FDOT regarding the **Preliminary and Final Programming Screen Summary Reports**.

4.5.6 Publish Preliminary Programming Screen Summary Report

The **Preliminary Programming Screen Summary Report** documents key recommendations and results from the review, including the assigned SDOE for each topic, the Federal Consistency Review determination, and comments received about the AN package (when available).

The FDOT ETDM Coordinator and PD&E Project Manager generate and publish the **Preliminary Programming Screen Summary Report** within 60 days from the end of the 45-day review period. The FDOT project team reviews comments, coordinates with the ETAT, and assigns a SDOE to all topics and alternatives based on project comments and ETAT DOE selections.

The SDOE represents the position of FDOT and is based on all known information about the project area, including ETAT member and public comments and other technical resources. There is no requirement to select the highest DOE assigned by an ETAT member. However, when assigning an SDOE lower than an ETAT member's assigned DOE the ETDM Coordinator or PD&E Project Manager should include a rationale for the decision. Coordination with an agency is expected when selecting a lower SDOE than an ETAT member's assigned DOE and should be documented in the EST during the development of the SDOE; email exchanges can be uploaded to the EST as a project attachment. The ETDM Coordinator or PD&E Project Manager should coordinate with the FDOT team to discuss the potential effects and reach consensus on the proposed SDOE before publishing the summary report.

If an ETAT member indicates an Issue Resolution DOE, the FDOT ETDM Coordinator or PD&E Project Manager begins coordination with the ETAT member to seek a mutually agreeable avoidance and minimization option. If they cannot identify a mutually agreeable

option, the ETDM Coordinator, in consultation with OEM (or other Lead Agency representative when FDOT is not the Lead Agency), assigns Issue Resolution as the SDOE and initiates the ETDM Issue Resolution process. See *Chapter 2, Section 2.7*, of this *Manual* for more information about the ETDM Issue Resolution process.

In the event that no reviews are received on a specific ETDM topic assigned to an ETAT member through an executed AOA and there appears to be involvement with a resource under their jurisdiction, the FDOT ETDM Coordinator or PD&E Project Manager should contact the respective ETAT member(s) and ask for comments. If the member does not have comments or concerns regarding the topic, the member should indicate this in the EST. The outcome of those efforts and the FDOT's knowledge regarding the topic should be the basis for determining the SDOE. If coordination attempts fail, the FDOT ETDM Coordinator should seek assistance from OEM and other FDOT staff (particularly the PD&E Project Manager) to help with the assessment and to provide the basis for the SDOE determination; documentation of a non-responsive member should be provided in the EST to support the project record.

During the development of the *Preliminary Programming Screen Summary Report*, it may be determined, when multiple alternatives are screened, that a particular alternative should be eliminated from further consideration. For instance, an alternative that does not adequately meet the purpose and need of the project or is found to be unreasonable can be eliminated with justification, documentation, and concurrence by OEM (or other Lead Agency representative when FDOT is not the Lead Agency).

When the AN process is completed after the Programming Screen review and before the COA determination, the FDOT project team responds to AN comments in the EST and then re-publishes the *Preliminary Programming Screen Summary Report*. The project phase cannot be changed in the EST from Programming Screen to Project Development until the summary report is re-published.

When the FDOT ETDM Coordinator publishes a *Preliminary Programming Screen Summary Report*, ETAT members, OEM, Consistency Reviewers, relevant MPO/TPO and local government staff, and interested public (*https://etdmpub.fla-etat.org*) are notified that the report is available.

4.6   ALTERNATIVE CORRIDOR EVALUATION (ACE) PROCESS

FDOT uses the ACE process to identify, evaluate, and eliminate alternative corridors on qualifying projects prior to the PD&E phase. The decisions made in ACE can be used to:

- Refine the purpose and need for a project

- Determine the project area

- Define general travel modes or corridors (including logical termini)

- Describe general environmental setting for a project

- Identify preliminary environmental impacts and environmental mitigation

- Develop and refine a range of alternatives to be refined in detail during the PD&E Study

- Document elimination of unreasonable alternatives

The ACE process links planning and **NEPA**. However, adoption and use of ACE decisions in the **NEPA** process is subject to a determination by the Lead Agency. (Note that OEM makes this determination and performs other Lead Agency actions under the **NEPA** Assignment Program.)

The ACE process is typically performed as part of the Planning or Programming Screens, prior to the PD&E phase. Alternatives should support the purpose and need for a project in accordance with all applicable laws and regulations, through the balancing of engineering, environmental, and economic aspects while considering comments received through the Programming Screen. The Districts should use the ACE process in support of potential Environmental Impact Statement (EIS) and certain Environmental Assessment (EA) projects. The ACE process may also be used to eliminate corridors that are part of the State Environmental Impact Report (SEIR). Different corridors are often considered when a new route is needed between two locations and may include multimodal options. Corridors can be identified that largely avoid sensitive environmental areas and still satisfy the identified transportation need. Projects that typically require the ACE process include the following:

- New alignments – new roadways; new roadway connections or extensions; new transit and rail lines

- Major realignments

- Major bypasses – truck bypasses; city/town bypasses

- Other types of projects based on consultation with the Lead Agency

Additionally, new alignments or major realignments for freight corridors (that are not bypasses), and bicycle or trail corridors may be evaluated using the ACE process.

The FDOT process for early planning and evaluation of transit projects in Florida is documented in the **Transit Concept and Alternatives Review (TCAR) Guidance**. The TCAR process is a uniform approach for advancing transit projects by linking early planning work to the PD&E and FTA Project Development processes. See ***PD&E Manual, Part 1, Chapter 14, Transit Project Delivery***, for guidance on corridor analysis for transit projects.

The ACE process identifies and evaluates corridor alternatives using the **Methodology Memorandum (MM)** reviewed and agreed upon by the project stakeholders (local, state, tribal and federal agencies). The results of the ACE are documented in the **Alternative**

Corridor Evaluation Report (ACER). The ***ACER*** may be used in the ***NEPA*** process to support a federal decision to eliminate corridors from further study that are not feasible or do not meet the purpose and need for the project. Resource agency coordination in the ACE process is accomplished through the ETDM screening process. The ETDM screening facilitates demonstration and documentation that alternatives considered during the ACE process received support from regulatory and resource agencies and affected stakeholders. Public input regarding the development of the ACE is received using public meetings and outreach.

The level of detail in the analysis of an ACE is higher than that used to prepare a typical planning product but less than that of a PD&E Study. The ACER must establish and document criteria and the public involvement process used to evaluate and eliminate alternatives that are not feasible or do not meet the purpose and need for the project. Such documentation is essential to incorporate ***ACER*** results into the NEPA process.

Many transportation projects may already have existing corridor options from completed action or master plans, for example, projects located on the existing SIS. These analyses should be evaluated and considered prior to advancing into the ACE process. Decisions made in these action or master plans should be included in the project documentation, and during the PD&E phase, should become part of the ***NEPA*** project record (e.g., project file, environmental document, etc.). All planning products incorporated into the ***NEPA*** process must follow the conditions of ***23 U.S.C. § 168*** as discussed below in ***Section 4.7***.

The ACE process varies depending on whether it is started in the Planning Screen, Programming Screen, or PD&E. ***Figure 4-4*** outlines the ACE process when conducted during the Programming Screen. The following sections further describe the ACE process when conducted during the Programming Screen. For details about ACE during the Planning Screen, see ***Chapter 3*** of this ***Manual***. For information about the ACE process during the PD&E phase, refer to ***[PD&E Manual, Part 1, Chapter 4, Project Development Process](#)***.

Qualifying corridor examples:
- New alignments
- Major realignments
- Major bypasses
- Consultation with Lead Agency
- Previously screened ACE projects

Need to complete Alternative Corridor Evaluation (ACE)

EST Internal Assessment

Define or carry forward alternative corridors (area, swath, general alternatives)

EST GIS results (SDR, SCE, standard EST analyses)

ETDM Programming Screen

Create / Update Advance Notification package

Standard ETDM Programming Screen

Stakeholder review - 45 days (ETAT, Lead Agency, Public)

Lead Agency concurrence on the elimination of any unreasonable alternatives

Preliminary Programming Screen Summary Report (≤ 60 days)

Methodology Memo (MM) review – 30 days for agency review:
- Local government (understood)
- Agency partner (understood)
- Lead Agency (concur)

Republish Preliminary Programming Screen Summary Report with ACE MM

Apply methodology and use tools to refine corridor alternatives (Land Suitability Mapping, etc.)

Refine and/or eliminate alternative corridors and attach Alternative Corridor Evaluation Report (ACER)

30-Day ETAT Review of ACER

Lead Agency approval of ACER and concurrence on the elimination of any unreasonable alternative

Final Programming Screen Summary Report with ACER

Lead Agency acceptance of Class of Action determination

Project Development and Environment Process
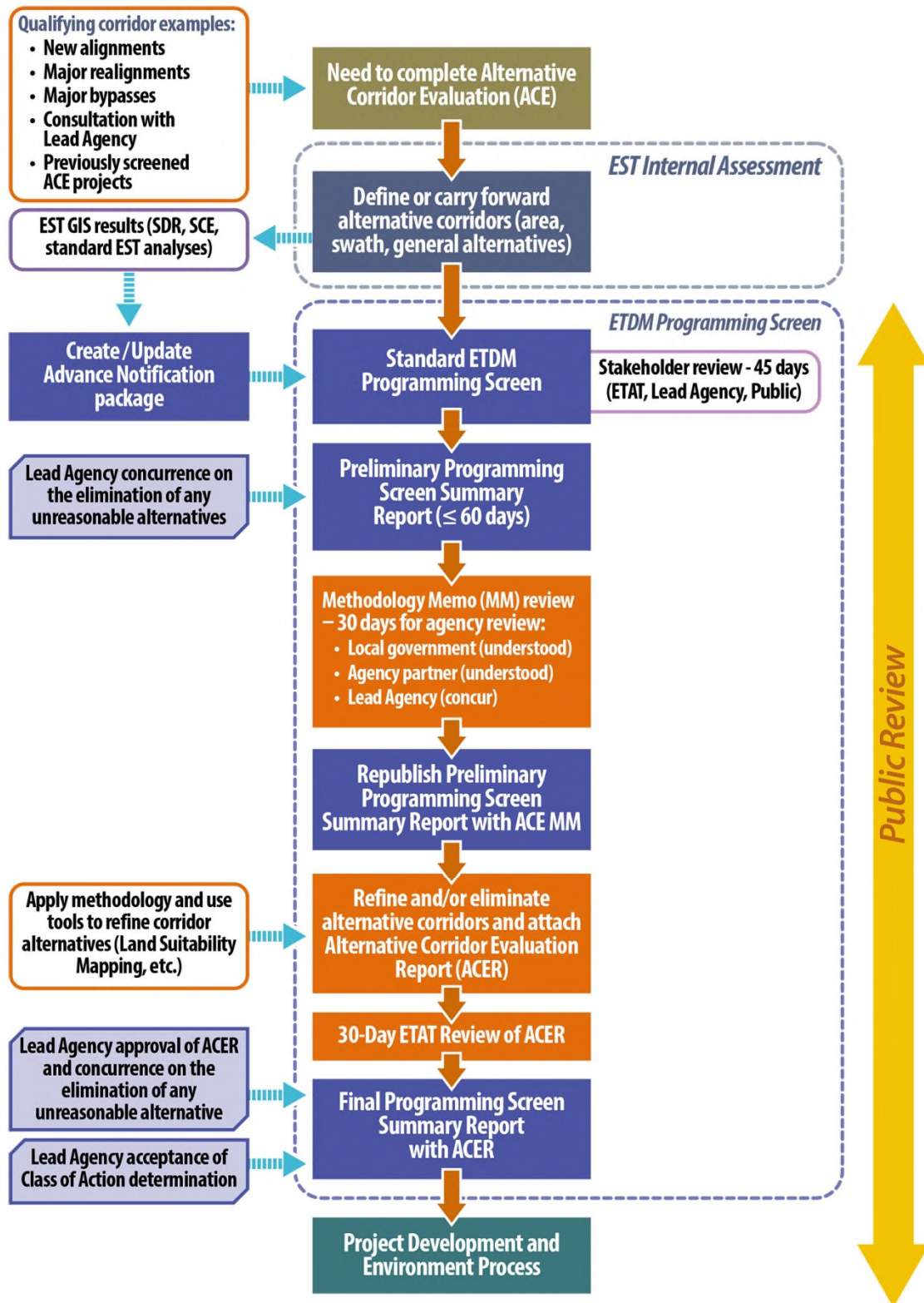
Public Review

Figure 4-5: ACE Process During the Programming Screen

4.6.1 Identify the Need to Complete the ACE Process during Programming Screen

The ACE process may begin or continue during the Programming Screen. FDOT makes the determination of designating a project to go through the ACE process in coordination with the Lead Agency. Projects with the potential for multiple corridor alternatives requiring detailed analysis in PD&E are typically recommended. The Districts can use ACE for non-federal projects at their discretion.

4.6.2 Define Initial Corridors

Regardless of when the District begins the ACE process, the next step is to define corridors. Based on initial data collection effort, the District should identify and define a range of alternative corridors (including alternative modes) that would address the project's purpose and need. The corridors can range from swaths to broad corridors to narrower alignments. The naming of each corridor or alternative should remain consistent throughout the ACE and be carried through the PD&E phase. The District should also consider corridor alternatives from previously completed planning activities such as planning-level corridor/subarea/feasibility studies, multimodal corridor plans, vision plans, or master plans that might inform the ACE process. If no corridor alternatives were previously developed, the District must define initial corridors within the ACE study area. The District can add additional corridors at its discretion after consideration of known environmental issues, comments from ETAT members, and the ability of the corridor to meet the purpose and need for the project.

When evaluating major urban corridors, the District must consider the need for public transportation systems, facilities and services, and alternative corridors that will address multimodal transportation needs consistent with *Major Urban Corridor Studies Policy, Topic No. 000-725-010*. Such consideration can include analysis for reasonable corridors based on the presence of alternative transportation modes and the feasibility of developing an interconnected multimodal transportation system. Multimodal options that must be considered include, but are not limited to, fixed guide way facilities and expanded bus service with supporting facilities. The policy requires each major urban corridor study to determine if there is justification for continued consideration of public transportation systems, and facilities or services in conjunction with the development of the corridor.

Consideration of alternative transportation modes, particularly in urban areas, should also include the need for bicycle and pedestrians facilities. See *PD&E Manual, Part 2, Chapter 3, Engineering Analysis* for more guidance.

When continuing the ACE process from the Planning Screen, FDOT uploads the resulting corridor alternatives to the EST prior to the beginning of the Programming Screen. These reflect the changes presented in the *Alternative Corridor Evaluation Report (ACER)*, which can be found on the EST as an attachment to the *Project Description* report*.* If the project began as a study area analysis, by the time it reaches the Programming Screen, more refined corridor alternatives replace the study area.

When the ACE process begins in the Programming Screen, the project team defines corridor alternatives. While these corridor alternatives are still rather conceptual, they provide enough detail to allow analysis. Standard GIS analyses are run against this geometry (see *Section 4.4* of this *Manual, Prepare Project for Screening*, for more information) and the project team develops the AN package (see *Section 4.4.4, Prepare the Advance Notification Package* of this *Manual*).

4.6.3 Decide to Advance Project

The District considers the involvement and potential impacts to the environment and the presence of issues that may prevent development of the project to decide if the project should be advanced. In making decisions, the District may perform GIS analysis and field observations; and consider potential permitting mitigation options, known environmental issues in the area, early project stakeholders' comments, and other data and information that would help the determination of the appropriate level of detail of analysis for the range of alternatives being considered. Once the decision has been made to advance the project, the District defines the goals for the ACE process (e.g., performing an action plan level corridor analysis or determining reasonable alternatives for the PD&E Study).

4.6.4 Conduct Standard EST Programming Screen

Following OEM's pre-screening review (*Section 4.4.7*), the Programming Screen review proceeds as described in *Section 4.5.* For ACE process reviews, the ETDM Coordinator assigns SDOEs following ETAT review and then publishes a *Preliminary Programming Screen Summary Report* (see *Section 4.5.5* of this *Manual*).

4.6.5 Develop Methodology Memorandum (MM)

Using the Programming Screen results, the District develops or refines the *MM* detailing the goals of the evaluation, the alternatives analysis methodology, how coordination with stakeholders will occur, and the basis for decision-making. The evaluation criteria may include purpose and need evaluation, engineering feasibility (i.e., traffic operational and safety performance measures, design components, urban design issues and opportunities, constructability, maintainability, utility conflicts), construction costs, avoidance of potential environmental impacts (social-economic, cultural, natural, and physical environmental resources), consistency with and/or impact on adopted plans, and other unique issues specific to the study area. Under the *NEPA* Assignment Program, the District project team coordinates with OEM regarding the analysis methodology. The *MM* integrates local land use plans, public involvement and ETAT member commentary, and Planning phase analyses, as well as highlights specific data, tools (e.g., Land Suitability Mapping and Corridor Analysis Tool), and timelines to govern corridor refinements. The *MM* includes:

   1. Background

      a. Contact personnel

      b.　Basic project information

          i.　Include any previous planning studies or relevant information

          ii.　Include any known issues of concern

      c.　Brief project description

      d.　Brief purpose and need of the project

2.　Goals and objectives of the ACE

      a.　Provide the status in project delivery

      b.　Define the goals and objectives of the study

      c.　Identify the decision points/milestones

3.　Methods to analyze the alternatives and make decisions

      a.　Describe needs for alternative modes such as transit, freight, or pedestrian/bicycle facilities

      b.　Describe alternative corridors

      c.　Describe data needs

      d.　Describe criteria to evaluate and screen alternative corridors

      e.　Describe the data analysis tools [i.e., EST, Land Suitability Mapping (LSM), Quantum, etc.]

4.6.6 Conduct Methodology Memorandum Review

When the ACE process is conducted as part of the Programming Screen, the District submits the *MM* to the OEM PDC for a 14-day review before the *MM* is sent out to the ETAT for review through the EST. The ETAT members have 30 days to provide comments and indicate if the *MM* is understood. The District then revises the *MM*, as necessary, to address any comments received before sending the document for Lead Agency review. Depending on the nature of the ETAT comments, the Lead Agency may recommend that the ETAT review the revised *MM*.

In certain situations, the *MM* may need to be reviewed by project stakeholders more than once. This may take place when one or more of the following apply:

1. There is a change in project termini (expanded).

2. There is a change in purpose and need.

3. There is a change in project concept(s) (e.g., number of lanes, adding interchanges, etc.).

4. There is a change in supporting data that may affect the methodology and any resulting decisions made from it (e.g., population changes, economic changes, land use changes, etc.).

5. When stakeholder input results in significant revisions to the methodology.

After the Lead Agency accepts the *MM*, the FDOT ETDM Coordinator republishes the ***Preliminary Programming Screen Summary Report*** with the approved *MM* to document concurrence.

4.6.7 Refine Corridors

The District evaluates the corridors using initial data and the criteria established and agreed upon in the MM. In studying the alternatives and considering input from ETAT and other project stakeholders, the District may refine corridors, eliminate corridors, or develop additional corridors to avoid potential environmental effects. The refinement of corridors to avoid potential environmental effects also considers the corridor vision, purpose and need, public input, and engineering and economic feasibility. Alternative corridors that do not meet the purpose and need are eliminated from further study through the ACE process and documented in an ***Alternative Corridor Evaluation Report*** or ***ACER***. Alternative corridors that meet purpose and need are developed to a conceptual planning level sufficient to evaluate their benefits and impacts relative to the purpose and need for the project. Preliminary design for alternative corridors that are recommended for further studies is done during the PD&E phase.

4.6.8 Prepare Alternative Corridor Evaluation Report

The **ACER** summarizes the alternative corridors analysis and documents the alternatives that are eliminated from further study or otherwise carried forward to the PD&E Study (pursuant to ***23 U.S.C. § 168*** and ***Appendix A of 23 CFR Part 450***). The **ACER** documents the basis for eliminating alternatives. Documentation regarding the elimination of alternatives in the **ACER** must be included in the project file for the **NEPA** process. Therefore, it is critical to properly document the methodology, data, analysis, public and agency involvement, and resulting planning decisions in the **ACER** to ensure that these analyses meet requirements for use in the **NEPA** process. The **ACER** should document assumptions supporting planning analysis such as travel demand forecast year, forecast method and its rationale, and future year data. Additionally, the **ACER** should document policy assumptions related to land use, socio-economic factors, transportation costs, and the transportation network that were used to develop and evaluate alternatives. The **ACER** should document recent, current or near future planning studies or projects located

in the vicinity and discuss their relationship with the ACE. The **ACER** should also document unresolved project issues with the public, stakeholders or agencies and how they will be addressed in the subsequent phases of project development, if known. The ACER will include the following standard statement on the cover page:

This planning product may be adopted into the environmental review process, pursuant to Title 23 USC § 168, or the state project development process.

The following outline is recommended for the **ACER** contents:

1. Introduction

2. Purpose and Need

3. Existing and Future Conditions

4. Alternatives Evaluation Methodology

5. Initial Corridors and Alternatives

6. Alternatives Evaluation

7. Public Involvement and Agency Coordination

8. Recommendations

9. Appendices

When completed, the **ACER** is uploaded into the EST and sent to the OEM PDC for a 14-day review prior to being distributed to the ETAT for review and comment. The ETAT members have 30 days to acknowledge their understanding of the ACER and submit comments in the EST. After ETAT review, the **ACER** is submitted to the Lead Agency for concurrence. Under the **NEPA** Assignment Program, the ACER is submitted to OEM for acceptance and concurrence.

The Lead Agency considers the **ACER** for adoption and reviews the recommendations of the alternatives eliminated from further study or considered for additional study in the subsequent PD&E phase. When the ACE process is conducted during the Programming Screen, the District makes a formal request for adoption through the EST.

4.6.9 Publish Preliminary Programming Screen Summary Report

The Lead Agency and Cooperating Agencies must concur with any eliminated corridor alternatives not advancing into the PD&E phase. The ETDM Coordinator publishes a **Preliminary Programming Screen Summary Report** after uploading the **ACER** and receiving Lead Agency and Cooperating Agency concurrence on any corridor alternatives recommended for elimination.

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During the PD&E phase, the environmental document summarizes and references the *ACER* (see *PD&E Manual, Part 1 Chapter 4, Project Development Process*).

4.7 LINKING PLANNING AND ENVIRONMENTAL REVIEW

Linking Planning and Environmental Review, also known as Planning and Environmental Linkages (PEL) provides a connection between planning-level and environmental review decisions. Planning decisions and the environmental review process should be seamlessly integrated to eliminate duplication of both analysis effort and data, and minimize delays in project delivery. The benefit of linking planning decisions and the PD&E Study is the ability to reuse data gathered, methodology developed, results obtained, and decisions made during the Planning phase to streamline the project delivery by minimizing duplication of efforts and data. Other benefits include the ability to identify environmental issues before developing the Scope of the PD&E Study and focus the analyses and technical studies conducted during the PD&E Study to issues that have potential to impact the project's delivery and recommendations.

Pursuant to *23 U.S.C. § 168* and *23 C.F.R. § 450.318*, results or decisions from a system-level corridor or subarea planning study may be used in the NEPA analysis if they meet certain conditions. *Appendix A of 23 CFR Part 450 - Linking the Transportation Planning and NEPA Processes* details how to adopt or incorporate by reference information from transportation planning into *NEPA* documents and/or environmental review process under existing laws. *Appendix A of 23 CFR Part 450* is intended to be non-binding and voluntary.

The ACE process and ETDM screening may produce products which can be adopted for use in the *NEPA* process. Pursuant to *23 U.S.C. § 168(c)(1)*, the following decisions from a planning product for a transportation project may be adopted or incorporated by reference into the NEPA process:

1. Whether tolling, private financial assistance, or other special financial measures are necessary to implement the project;

2. A decision with respect to general travel corridor or modal choice, including a decision to implement corridor or subarea study recommendations to advance different modal solutions as separate projects with independent utility;

3. The purpose and need for the proposed action;

4. Preliminary screening of alternatives and elimination of unreasonable alternatives;

5. A basic description of the environmental setting;

6. A decision with respect to methodologies for analysis; and/or

7. An identification of programmatic level mitigation for potential impacts of a project, including a programmatic mitigation plan developed in accordance with *23 U.S.C. § 169*, that the relevant agency determines are more effectively addressed on a national or regional scale, including:

    a. Measures to avoid, minimize, and mitigate impacts at a national or regional scale of proposed transportation investments on environmental resources, including regional ecosystem and water resources; and

    b. Potential mitigation activities, locations, and investments.

The following planning analyses from a planning product for a transportation project, codified in *23 U.S.C. § 168(c)(2)*, may be adopted or incorporated by reference into the NEPA process:

1. Travel demands;

2. Regional development and growth;

3. Local land use, growth management, and development;

4. Population and employment;

5. Natural and built environmental conditions;

6. Environmental resources and environmentally sensitive areas;

7. Potential environmental effects, including the identification of resources of concern and potential direct, indirect, and cumulative effects on those resources; and

8. Mitigation needs for a proposed project, or for programmatic level mitigation, for potential effects that the Lead Agency determines are most effectively addressed at a regional or national program level.

The degree to which information, analyses, or decisions from the planning process can be adopted or incorporated by reference into the *NEPA* process depends upon how well the planning products meet standards applicable under the *NEPA* and associated implementing regulations (*23 CFR Part 771 and 40 CFR §§ 1500-1508*). The relevant agency in the environmental review process may adopt or incorporate by reference decisions from a planning product when the Lead Agency determines that the conditions set forth in *23 U.S.C. § 168(d)* and restated below are met:

1. The planning product was developed through a planning process conducted pursuant to applicable federal law.

2. The planning product was developed in consultation with appropriate federal and State resource agencies and Indian Tribes.

3. The planning process included broad multidisciplinary consideration of systems-level or corridor-wide transportation needs and potential effects, including effects on the human and natural environment.

4. The planning process included public notice that the planning products produced in the planning process may be adopted during a subsequent environmental review process in accordance with this section.

5. During the environmental review process, the relevant agency has:

    a. Made the planning documents available for public review and comment by members of the general public and federal, state, local, and tribal governments that may have an interest in the proposed project;

    b. Provided notice of the intention of the relevant agency to adopt or incorporate by reference the planning product; and

    c. Considered any resulting comments.

6. There is no significant new information or new circumstance that has a reasonable likelihood of affecting the continued validity or appropriateness of the planning product.

7. The planning product has a rational basis and is based on reliable and reasonably current data and reasonable and scientifically acceptable methodologies.

8. The planning product is documented in sufficient detail to support the decision or the results of the analysis and to meet requirements for use of the information in the environmental review process.

9. The planning product is appropriate for adoption or incorporation by reference and use in the environmental review process for the project and is incorporated in accordance with, and is sufficient to meet the requirements of, the **NEPA** and **40 CFR § 1502.21** [as in effect on the date of enactment of the *Fixing America's Surface Transportation (FAST) Act*].

10. The planning product was approved within the 5-year period ending on the date on which the information is adopted or incorporated by reference.

Linking planning and *NEPA* does not mean the planning products should be prepared to a level comparable to a *NEPA* analysis. Pursuant to *23 U.S.C § 134(q), 23 U.S.C. § 135(k), 49 U.S.C. §5303(q)* and *49 U.S.C. § 5304(j)*, transportation plans and programs are exempted from *NEPA* review. Environmental evaluations that are conducted during

the Planning phase are not required to address all regulatory requirements that should be addressed by the **NEPA** analysis.

If the planning product to be adopted into the **NEPA** analysis is older than five years (from the date the product was approved), the information used to prepare the planning study must be reviewed to check whether conditions or planning context have changed since approval of the planning product. If the conditions or planning context have not changed, the PD&E Study may use the information from the planning product and explain why that information is valid to the **NEPA** decision-making process. The Lead Agency must be consulted when making this decision.

4.8   ADVANCING THE PROJECT TO PD&E

Based on the results of the **Preliminary Programming Screen Summary Report** and any ACE process activities, the FDOT ETDM Coordinator and PD&E Project Manager or the District SWAT Team members, work with FDOT management (and MPO/TPO management if the project is in an MPO/TPO area) to determine whether to advance the project to the PD&E phase. Should FDOT decide to delay moving the project forward, a COA determination and subsequent publishing of the **Final Programming Screen Summary Report** is not required until the project advances. Delays may occur as a result of project reprioritization, funding availability, or when uncertainty exists regarding the appropriate COA.

When advancing a project to PD&E, it must be included in a long range plan (e.g., LRTP in an MPO area) or priority list (if in a non-MPO area) and be in the TIP/STIP. The PD&E phase must be in the adopted Five-Year Work Program in the year the PD&E Study is scheduled to begin. The project must use the ETDM identifier as described in the **_Work Program Instructions Part III Chapter 22, Planning_**. Additionally, prior to requesting **NEPA** approval, at a minimum, the next phase of the entire project must be fully funded in the TIP or STIP; or if the project has multiple segments, at least one segment must be fully funded all the way through construction.

A project may advance if less than four years have elapsed since the project was reviewed and no changes have occurred regarding the project's concept or termini.

Recipients of the Programming Screen Notification and/or AN must be notified when one or more of the following conditions occur:

1. It has been four years or longer and no project activities have occurred since the distribution of the AN,

2. There is a change in project termini (expanded), and/or

3. There is a change in project concept(s) (e.g., new or revised alignments, addition of a new interchange, addition of express lanes)

If the project has **not** entered the PD&E phase, the AN must be reprocessed and will include an updated Programming Screen. An updated AN package is prepared in

accordance with ***PD&E Manual, Part 1, Chapter 3, Preliminary Environmental Discussion and Advance Notification***. On federal highway projects, the District must coordinate with OEM.

The Project Manager, in coordination with the ETDM Coordinator, updates project information in the AN package in the EST, and sends the updated package to the recipients of the original AN. The cover letter should reference the earlier AN (including the State Application Identifier number) and include the reason(s) the new AN is being transmitted.

If the project has entered the PD&E phase, the project is not required to go back through the Programming Screen. Instead, the District will prepare a project status fact sheet and distribute it to the same recipients of the Programming Screen and/or AN. See ***Chapter 2, Section 2.3.10*** of this ***Manual*** for more information about rescreening projects. See ***PD&E Manual, Part 1, Chapter 3, Preliminary Environmental Discussion and Advance Notification*** for information about the project status fact sheet.

4.9　BEGIN DEVELOPING PD&E SCOPE OF SERVICES

At the end of the Programming Screen, the FDOT project team and District SWAT team members begin to identify technical studies which may be needed for the scope of services in the PD&E phase. The scope of services reflects the activities necessary to complete the PD&E Study and focuses on addressing the considerations raised and technical studies identified by the ETAT during the review. It is important when writing the scope of services for an EA not to assume that the decision will be a Finding of No Significant Impact (FONSI), but rather that the result could be either a FONSI or the need to prepare an EIS. The ***Programming Screen Summary Report*** lists project recommendations and anticipated permits and technical studies. ***Chapter 5*** of this ***Manual*** provides additional guidance for transitioning to the PD&E phase.

4.10　DETERMINE CLASS OF ACTION

Transportation projects involving a federal action must comply with ***NEPA*** and require a COA determination. The process for identifying the appropriate COA generally occurs after the publication of the ***Preliminary Programming Screen Summary Report***. There may be instances when it is prudent to delay the COA in order to perform additional studies or coordination prior to or during the PD&E Study to better inform the COA determination. The FDOT ETDM Coordinator and PD&E Project Manager and others as appropriate consult with the Lead Agency to determine the COA. OEM serves as the Lead Agency for federal highway projects. This is a critical decision to the advancement of a project and should be fully considered prior to entering the COA proposal in the EST. The three COA determination categories as defined in ***23 CFR 771.115*** are Categorical Exclusions (CEs), EAs, and EISs. The environmental document for FDOT non-federal projects is a State Environmental Impact Report (SEIR), and is typically also reviewed through the EST The environmental document for local projects is a PEIR and may also be screened through the EST. These five documents and procedures for determining the

appropriate COA are described in detail in ***PD&E Manual, Part 1, Chapter 2, Class of Action Determination for Highway Projects, PD&E Manual, Part 1, Chapter 10, State, Local, or Privately Funded Project Delivery***, or ***PD&E Manual, Part 1, Chapter 14 Transit Project Delivery***.

The FDOT ETDM Coordinator uses the ***Environmental Class of Action Recommendation Form*** in the EST to identify the potential for significant impact per EST topic per ***Section 4.5.3.2*** of this ***Manual*** and propose a COA to the Lead Agency for approval. The ETDM Coordinator should work with the District Environmental Manager and others to confirm the proposed COA. If it is anticipated a project may an EA or EIS, the District should contact OEM directly. The Lead Agency receives recommendations to approve the COA for federal projects. The District Environmental Manager, or designee approves recommendations to complete SEIRs. The local agency approves recommendations to complete PEIRs. Once the Lead Agency approves the proposed COA, it becomes part of the project record and is published in the ***Final Programming Screen Summary Report***.

The COA can be modified as needed. However, all modifications require concurrence from the Lead Agency.

4.11 PUBLISH FINAL PROGRAMMING SCREEN SUMMARY REPORT

FDOT publishes the ***Final Programming Screen Summary Report*** following the COA determination by the Lead Agency and the updating of the scope of service outline. For ACE process projects, the ***Final Programming Screen Summary Report*** is renamed to ***Final Programming Screen Summary Report with Alternative Corridor Evaluation Report*** and also contains Lead Agency concurrence on the ***MM*** and agreed upon eliminated alternatives. The ***Final Programming Screen Summary Report*** contains any updates to information previously published in the ***Preliminary Programming Screen Summary Report***. If the AN process is completed after the COA determination, the FDOT project team re-publishes the ***Final Programming Screen Summary Report*** to document the comments and responses.

Upon publication, an email to access the ***Final Programming Screen Summary Report*** is automatically submitted to original project notification email recipients. The email identifies changes made since the previous publication. The report is available for public review on the ETDM Public Access Site (*https://etdmpub.fla-etat.org/est/*). ETAT members review the report and provide comments, if applicable, within 30 days of notification.

4.12 ISSUE RESOLUTION PROCESS

ETAT commentary regarding potential project effects during the Programming Screen offers an opportunity to find solutions to complex issues among agencies by identifying mutually agreeable activities or conditions that will address a resource of concern while meeting transportation needs.

A strong commitment exists among the participants in the ETDM process to make every reasonable attempt resolve issues within the ETAT, prior to elevating them to higher level management. To meet this commitment, potential issues should be addressed as early as possible to make the best use of agency skills and resources. Projects with unresolved issues following the ETAT review and publication of the Preliminary Programming Screen Summary Report require commencement or continuation of the ETDM issue resolution process.

The informal issue resolution process begins when the ETDM Coordinator in consultation with the Lead Agency assigns an "Issue Resolution Process Required" SDOE during a Programming Screen review. When assigning the SDOE, the ETDM Coordinator uses all known information including comments and DOEs from ETAT members and the information in the PED as previously prepared by the FDOT. The ETDM Coordinator reviews the potential issue commentary to determine its consistency with the definition of "Issue Resolution Process Required" (see *Table 4-1*) and in conjunction with the disputing agency's regulatory authority. Initially, the FDOT ETDM Coordinator works with the appropriate ETAT representative(s) to informally resolve the issue(s) at the agency staff level before elevating the discussion to the Formal Issue Resolution process. Refer to *Chapter 2, Section 2.7,* of this *Manual* for issue resolution procedures.

4.13 SUMMARY OF PROGRAMMING SCREEN ACTIVITIES

The ETDM process involves participants from a wide range of professions. As detailed throughout this chapter, ETDM process participants are engaged in a variety of activities to accomplish a Programming Screen. The list below provides a quick reference, summarizing the activities of these participants during a Programming Screen. For details, refer to the preceding sections of this chapter, and *Chapter 2, Section 2.5, ETDM Coordination* of this *Manual*.

4.13.1 Programming Screen Preparation

ETDM Project Information (FDOT)

- Facilitate timely information flow between FDOT and MPOs/TPOs and local governments (as applicable).

- Identify priority projects for inclusion in the Five-Year Work Program.

- Identify and develop review schedule of qualifying transportation projects.

- Develop or update project descriptions and purpose and need for candidate projects.

- Document planning consistency information in coordination with FDOT District MPO/TPO or Rural County Liaison.

- Map the location of each project.

- Identify previous studies and documents that can be included with project reviews.

- Prepare PEDs and ANs.

- Enter information into the EST or coordinate with the GeoPlan Center to upload batch files of project data.

- Perform quality assurance check of project data and mappings (including project geometry and termini).

- For SIS projects, work with the SIS Central Office to ensure candidate projects are consistent with Florida transportation goals and objectives.

ETAT Member Resource Data (ETAT members and GeoPlan Center)

- Identify new or updated environmental resource information and coordinate with the GeoPlan Center to upload or secure these GIS files.

- Perform quality assurance check of information provided to the GeoPlan Center after it has been made available through the EST.

Sociocultural Data (FDOT or MPO/TPO)

- Identify activities to gather information to support the SCE Evaluation.

- Gather or identify sociocultural data required for SCE Evaluation.

- Enter sociocultural data into the EST or coordinate with the GeoPlan Center to upload or secure GIS files.

- Perform quality assurance checks of sociocultural data and mappings (including project geometry and termini).

4.13.2 Programming Screen Reviews

ETAT members perform the following tasks for their resources; the FDOT CLC performs the tasks for the six SCE topics:

- Conduct project reviews of potential direct and indirect effects using the EST.

- Recommend cumulative effects considerations as appropriate.

- Conduct purpose and need reviews.

- Recommend potential avoidance, minimization, and mitigation opportunities.

- Identify required technical studies and permits.

- Electronically submit comments within the 45-day review period.

- Review and comment on *MMs* and *ACERs* within 30 days, when requested.

Lead agencies perform these additional tasks during the Programming Screen reviews:

- Review provided project planning consistency information i.e., LRTP, State Transportation Improve Program (STIP), and Transportation Improvement Program (TIP).

- When applicable, review and comment on AN package and assist with scoping activities.

- Review, comment, and approve the *MM*, within 30 calendar days when requested.

- Approve elimination of unreasonable alternatives not meeting the purpose and need or evaluated through application of the approved methodology *MM* and documented in the *ACER*.

- Invite Participating and/or Cooperating Agencies, as appropriate.

- Review and approve the Class of Action (COA) for the environmental document development in the *NEPA* study.

- Review and adopt planning products for use during *NEPA*.

4.13.3 ETAT Coordination

The FDOT ETDM Coordinator, Project Manager, or designee performs the following tasks during the Programming Screen:

- Initiate Programming Screen and send AN packages.

- Promote awareness of the proposed project, including the purpose and need and the project description, and how the public can provide input.

- Coordinate with ETAT members to ensure timely reviews of direct and indirect effects.

- Monitor relevant ETAT commentary to identify actions necessary to advance the project.

- Identify actionable commentary from the ETAT and transmit it to the appropriate staff as the project advances.

- Communicate responses about transportation issues to the community during the Planning and Programming Screens.

- For ACE process projects, coordinate reviews and Lead Agency concurrence for *MM* and *ACER*.

- Participate in discussions regarding potential project effects or clarification of comments, as needed.

- Conduct or participate in ETAT meetings and webinars.

- Participate in issue resolution activities, if needed.

- Initiate technical studies to support consultation process, if needed.

- Convey to the ETAT members about how project plans or concepts have been adapted to address their concerns, or discuss their comments when necessary.

4.13.4 Programming Screen Summary Report

The FDOT ETDM Coordinator, Project Manager, or designee, performs the following tasks related to developing and publishing the *Programming Screen Summary Report*:

- Review and respond to commentary received during the Programming Screen review.

- Incorporate the SCH Federal Consistency Review determination.

- Assign an SDOE to each ETDM resource topic.

- Summarize public comments received during the review.

- Develop the Scope of Service for the PD&E phase.

- Publish the Preliminary Programming Screen Summary Report.

- Determine the COA in conjunction with the Lead Agency.

- Coordinate with appropriate FDOT District staff to identify potential candidate projects for the Five-Year Work Program.

- Publish the Final Programming Screen Summary Report.

- Provide results of the Programming Screen and AN to the PD&E project team, MPO/TPO and local governments (as applicable), and with the interested public.

4.14 REFERENCES

15 CFR Part 930. Federal Consistency with Approved Coastal Management Programs.

23 CFR Part 450, Appendix A. Linking Transportation and NEPA Processes.

23 CFR Part 771. Environmental Impact and Related Procedures.

23 U.S.C. (as amended). "Highways"

40 CFR §§ 1500-1508. Council on Environmental Quality Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act. 1978.

49 U.S.C. "Transportation"

Chapter 338, Florida Statutes. Florida Intrastate Highway System and Toll Facilities.

Chapter 339, Florida Statutes. Transportation Finance and Planning.

Coastal Zone Management Act of 1972.

Executive Order No.12372, "Intergovernmental Review of Federal Programs," Federal Register (FR) 47, Page 30959 (47 FR 30959) (1982).

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4.15 HISTORY

03/2006: Original publication

07/2013: Updated to reflect current practices

12/2015: Updated to reflect current requirements and practices

05/2017: Updated to incorporate requirements of the Memorandum of Understanding dated 12/14/2016 and executed by FHWA and FDOT concerning the State of Florida's participation in the Surface Transportation Project Delivery Program pursuant to *23 U.S.C. § 327*

03/2019: Pen and ink updates to FDOT website links

09/2019: Updated to reflect current requirements and practices

07/2020: Pen and ink edits incorporating PD&E Manual updates