# CHAPTER 5

# ADVANCING TO PROJECT DEVELOPMENT AND ENVIRONMENT (PD&E)

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# CHAPTER 5

## 5.1 OVERVIEW

During the Project Development and Environment (PD&E) phase, the Florida Department of Transportation (FDOT) performs preliminary engineering, conducts environmental analysis and public involvement activities, and prepares necessary studies and reports. During PD&E, FDOT continues to develop or refine alternatives; evaluates potential impacts to natural, physical, cultural, and community resources; and documents compliance with federal and state environmental laws.

FDOT has assumed Federal Highway Administration's (FHWA's) responsibilities for environmental review, consultation, and other actions required by applicable federal environmental law with respect to highway projects within Florida, pursuant to ***23 United States Code (U.S.C.) §327*** and a Memorandum of Understanding dated December 14, 2016, and executed by FHWA and FDOT. In general, FDOT's assumption includes highway and roadway projects in Florida whose source of federal funding comes from FHWA or which require FHWA approvals. For these projects, FDOT's traditional role of project sponsor has expanded to serve as Lead Agency with responsibility and liability for making applicable environmental decisions on projects. The program also allows FDOT to deepen its strong proactive working relationships and continue its commitment to work collaboratively with its federal resource agency partners to develop and implement innovative solutions.

Under this program, the Office of Environmental Management (OEM) performs Lead Agency functions for FDOT. OEM has assigned each District an OEM Project Delivery Coordinator (PDC) to assist with project delivery. The District should coordinate project activities that require OEM action or may need OEM support through the designated PDC. The PDC works closely with the District project team and provide support and guidance on FDOT policy and procedures, ***National Environmental Policy Act (NEPA)*** and other regulations. Some of the responsibilities of the PDC include but are not limited to: review of project information developed during Planning through the development of the Environmental Document; approval of Purpose and Need, Project Description, Preliminary Environmental Discussion, Class of Action determination, and the elimination of alternatives.

FDOT follows the requirements of ***23 U.S.C. §139*** for efficient environmental review and applies it to projects for which EISs are prepared. These requirements emphasize collaboration between federal, state, local and tribal government entities and the public when preparing EISs. ***23 U.S.C §139*** requires lead agencies to provide an opportunity for the public and participating agencies to provide input in the development of the purpose and need and the range of alternatives to be considered as early as practicable in the environmental review process. It states that the Lead Agency will also collaborate with the cooperating and participating agencies during the study process on study methodologies to be used, and level of detail required for the analysis of project alternatives. Consistent with ***23 U.S.C. §139***, FDOT uses the Efficient Transportation Decision Making (ETDM) process to begin early collaboration during the Planning Phase and to support the PD&E Study.

***23 U.S.C. § 168*** provides authority for, and encourages the integration of planning information and products into the ***National Environmental Policy Act (NEPA)*** process. Therefore, the results of the ETDM Programming Screen can be used to support the PD&E Study in the following ways:

- Provide the foundation for purpose and need
- Define the general travel corridor and/or general mode(s)
- Provide early input from stakeholders about project alternatives and, for Environmental Impact Statements (EISs), the elimination of unreasonable alternatives
- Provide planning-level consideration of potential direct, indirect, and cumulative effects
- Identify mitigation opportunities
- Define the affected environment (existing conditions)
- Identify anticipated permits and technical studies
- Identify advance technical studies, if appropriate
- Identify the anticipated environmental Class of Action (COA)
- Distribute the Advance Notification (AN)

Recommendations made during the ETDM Planning and Programming Screens are recorded in the Environmental Screening Tool (EST) and published in the ***Final Programming Screen Summary Report*** for use in the PD&E phase. The information collected during the ETDM process supports the PD&E Study by helping to inform the identification of project context and develop a focused and appropriate PD&E consultant scope of service.

At the completion of the PD&E phase, the environmental document is prepared, providing the environmental and engineering recommendations to guide final design.

This chapter describes the transition from the ETDM Programming Screen to the PD&E phase (see ***ETDM to PD&E Process Diagram*** on next page). ***Chapter 4*** of this ***Manual*** describes procedures for the Programming Screen. FDOT's ***PD&E Manual*** details the process and technical requirements for compliance with federal and state laws during the PD&E phase.

Entering the PD&E phase is defined as work occurring on the project after the official start date of the PD&E Study represented by project schedule and management (PSM) codes (Type 2 CE Start= 706, EA Start = 707, NOI-EIS Start=708, or SEIR Start = 709), The start of the PD&E Phase date is project-specific and determined by the Project Manager. It represents the date the consultant or in-house project team begins PD&E Study Activities, thus signaling the beginning of NEPA coordination and analysis for federally funded projects, and the beginning of coordination and analysis to support development of a State Environmental Impact Report for state-funded projects. For an EIS, Notice of Intent (NOI) serves as the official start date.

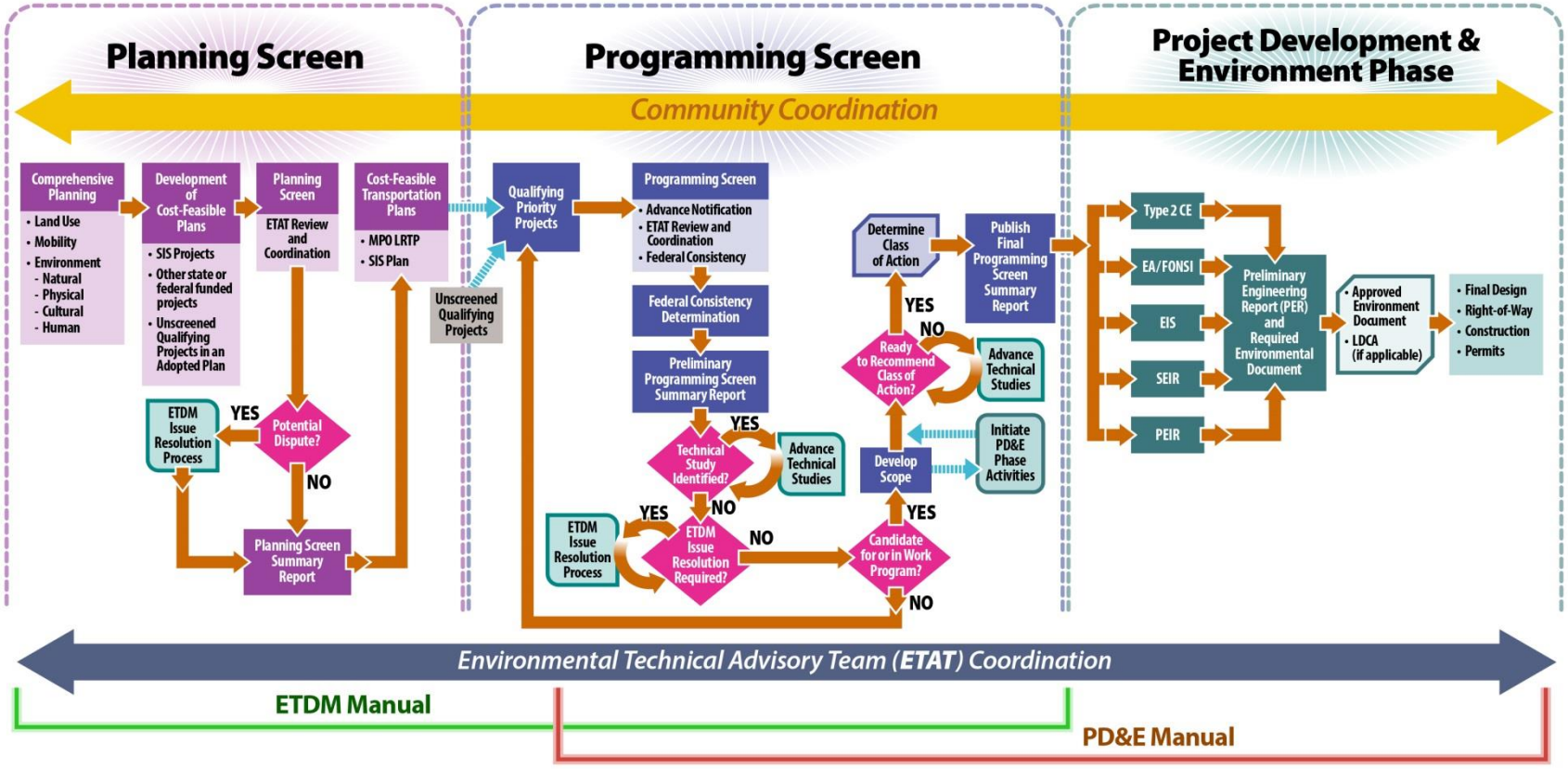


**Figure 5-1: ETDM to PD&E Process Diagram**

## 5.2 SCOPE OF WORK

The Programming Screen assists with identifying project issues and the actions needed during the PD&E phase to avoid, minimize, or mitigate potential project impacts and provide the foundation for the development of a project's scope of services. The results of the Programming Screen assist the PD&E Project Manager in developing a focused scope of services for the PD&E Study (consultant projects) or project work plan (in-house projects) including any technical studies required.

During the Programming Screen, the FDOT ETDM Coordinator, the PD&E Project Manager (if assigned) and other staff members review and respond to comments received. They communicate with the Environmental Technical Advisory Team (ETAT) members as needed for more information and clarification regarding comments received. The FDOT ETDM Coordinator or PD&E Project Manager assigns a Summary Degree of Effect (SDOE) to each ETDM issue based on the comments received and other available information. They also begin to identify, refine, or transmit the results of technical studies or other work activities to be completed or advanced to the PD&E Study in support of the anticipated COA. The ETDM Coordinator or Project Manager publishes results of the Programming Screen in a ***Preliminary Programming Screen Summary Report***.

At the end of the Programming Screen, the ETDM Coordinator or PD&E Project Manager recommends the COA to the appropriate approving authority (see ***Section 4.9*** for more information about the COA determination process). For projects using Federal Highway Administration (FHWA) funds, there are three COAs defined in ***40 Code of Federal Regulations (CFR) § 1500-1508***, the regulations implementing ***NEPA***. FDOT meets these requirements through ***23 CFR § 771.115,*** which establishes the level of documentation required in the ***NEPA*** process for transportation projects with federal involvement: Categorical Exclusions (CEs), Environmental Assessments (EAs), and Environmental Impact Statements (EISs). For Type 2 CE, EA, and EIS highway projects the District proposes the COA through the EST. OEM considers the ETDM screening results and the District's recommendations, and makes the final COA determination. Type 1 CEs follow the procedures in the ***PD&E Manual, Part 1 Chapter 2*** and are approved by the District Environmental Manager. For other projects, the COA is determined by the appropriate Lead Agency, i.e., the organization primarily responsible for the environmental document and, for projects with federal involvement, providing approval. For FDOT projects identified as not using FHWA funds for any phase, a State Environmental Impact Report (SEIR) is prepared as a result of the PD&E Study. For more information about the environmental documents and procedures to establish a COA, see ***PD&E Manual Part 1, Chapter 2, Class of Action Determination for Highway Projects***, or ***PD&E Manual Part 1, Chapter 10, State, Local, Or Privately Funded Project Delivery.***

Activities, such as coordination requirements or performing additional analysis may be necessary to support selection of an appropriate environmental COA. These PD&E phase activities may begin prior to initiation of the PD&E Study. FDOT has the flexibility to identify funds and advance these activities before the COA is selected and the PD&E Study is

initiated. For detailed instructions, see ***FDOT Work Program Instructions, Part III, Chapter 23, Planning, Section A.4, Efficient Transportation Decision Making (ETDM).***

COA determinations are based upon information known when the COA recommendation is made to the Lead Agency. A COA determination is not mandatory prior to advancing a project to PD&E. There may be times when the COA is uncertain or in question after the ***Preliminary Programming Screen Summary Report*** has been published. A District may choose to complete additional studies or coordination prior to making the COA determination and submitting it to the Lead Agency for approval. After COA approval, the ***Final Programming Screen Summary Report*** is published.

The ***Final Programming Screen Summary Report*** documents the results of agency reviews and serves as a reference for PD&E Project Manager(s) as the project advances. The amount of time between the publication of the ***Preliminary Programming Screen Summary Report*** and the ***Final Programming Screen Summary Report*** can vary as the FDOT District works to identify the appropriate COA.

The results of the Programming Screen assist the PD&E Project Manager in developing a focused scope of services for the PD&E Study (consultant projects) or project work plan (in-house projects). After reviewing the Degrees of Effect (DOEs), SDOEs, and issue comments documented in the ***Preliminary Programming Screen Summary Report***, the PD&E Project Manager works with the FDOT ETDM Coordinator, the Environmental Manager, Project Development Engineer, OEM, and other appropriate engineering and environmental staff to determine the technical studies needed during the PD&E phase as well as permitting activities that could be advanced during the PD&E phase. In addition to ETAT comments and FDOT responses, the ***Final Programming Screen Summary Report*** provides information to assist with the transition to the PD&E phase, including the following:

1. Purpose and Need acceptance by the Lead Agency
2. COA acceptance by the Lead Agency
3. Identification of cooperating [under ***40 CFR §§ 1500-1508***) and Participating Agencies under ***23 U.S.C. § 139***.
4. Identification, and perhaps refinement of, alternatives, if more than one exists
5. Agency responses to a Preliminary Environmental Discussion (PED)
6. Lead Agency concurrence on unreasonable alternatives eliminated from the need for detailed ***NEPA*** analysis
7. Identification of anticipated technical studies and permits, if applicable
8. Summary of public comments, development of sociocultural effects evaluation, and identification of community desired features

9. Identification of future coordination activities

10. Recommendations for subsequent project phases

11. Results of planning studies that may have useful information to support the PD&E Study

Project recommendations made in the Programming Screen advance to the PD&E phase for further consideration. These may result in commitments or recommendations in the Environmental Document which are reviewed during each reevaluation (see ***PD&E Manual, Part 1, Chapter 13, Re-evaluations***). Refer to ***Chapter 4*** of this ***Manual***.

## 5.3 ETAT COORDINATION DURING PD&E

Coordination between the PD&E Project Manager, District environmental staff, OEM, and the ETAT members continues throughout the PD&E phase. As issues are encountered or technical studies are developed, the PD&E Project Manager, OEM and District environmental staff coordinate with the ETAT members to resolve concerns, review products, discuss preliminary findings, or identify mitigation opportunities. This coordination keeps the ETAT members informed of a project's progress and the consideration of their comments into the project's development. The PD&E Project Manager, in coordination with the FDOT ETDM Coordinator, may upload completed technical studies to the EST for a 30-day ETAT review and comment period; relevant ETAT members are notified by email of a document's availability.

While the ETAT members generally stay informed about projects through the above mechanisms, all ETAT organizations assign a specific individual to act as the liaison between FDOT and the respective organization on transportation projects, regardless of phase. The assigned ETAT member can be a resource for initiating contact and identifying methods to resolve project issues.

In instances where there are designated Cooperating and/or Participating Agencies, there are higher levels of responsibility and involvement in the environmental review process (refer to the ***PD&E Manual, Part 1, Chapter 3, Preliminary Environmental Discussion and Advance Notification, Section 3-2.4.1 Agency Roles***). Coordination and scheduling requirements established in ***23 U.S.C. § 139(g)*** are met following procedures found in the ***PD&E Manual, Part 1, Chapter 6, Environmental Assessment*** and ***Chapter 8, Draft Environmental Impact Statement.***

Regardless of the role or designation, ETAT representatives coordinate with other staff and resources within their agency to review products and assist in resolving project issues.

## 5.4 PUBLIC INVOLVEMENT

The PD&E Project Manager is responsible for the development and implementation of a PD&E Public Involvement Plan to comply with federal and state law and FDOT procedures. Knowledge gained from evaluating sociocultural effects of project alternatives during the

Planning and Programming Screens can be used to help develop the PD&E Public Involvement Program. For more information, refer to the ***PD&E Manual Part 1, Chapter 11, Public Involvement*** and ***Part 2, Chapter 4, Sociocultural Effects Evaluation*** and ***FDOT Public Involvement Handbook***.

## 5.5 HANDLING UNRESOLVED ISSUES

Any agreements, understandings, and/or recommendations resulting from the ETDM Issue Resolution process in the Planning or Programming Screens are documented and accompany the project as it advances into PD&E. Advancing and coordinating a recommended project technical study during or prior to the PD&E phase is one of the options to clarify and resolve a resource concern in the ETDM Issue Resolution process. When selected, the PD&E Project Manager, FDOT ETDM Coordinator, OEM, and/or FDOT environmental staff, as appropriate, coordinate with and involve the ETAT member that raised the potential dispute throughout the development of the technical study. The PD&E Project Manager, FDOT Environmental Manager, OEM, and other environmental staff work with the agency to develop the scope and methodology of the study, as well as gather input and receive technical assistance. Upon completion of the technical study, the ETAT member reviews and comments on the document, addressing recommended solutions to handle the issue.

If there are unresolved issues for federal highway projects undergoing ***NEPA*** review, then the issue resolution process established under ***23 U.S.C. § 139*** will be applicable. This process establishes a series of forums for issues to be resolved. If not resolved, issues are advance to these forums. The process also includes potential financial penalties for unexcused delays by participating agencies. The outcomes of these activities should be recorded in the final PD&E document and communicated to the applicable ETAT member.

See ***Chapter 2, Section 2.7*** of this ***Manual*** for more information about the ETDM Issue Resolution process.

## 5.6 REFERENCES

23 CFR § 139. Efficient Environmental Reviews for Project Decisionmaking.

23 U.S.C. Highways.

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

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Florida Department of Transportation. 2012. Procedure Number 700-011-035-a, Project Commitment Tracking.

Florida Department of Transportation. 2015. Public Involvement Handbook, Accessed at http://www.fdot.gov/environment/pubinvolvement.shtm on 4/21/2017.

Florida Department of Transportation. 2016. Project Development and Environment Manual. Accessed at http://www.fdot.gov/environment/pubs/pdeman/pdeman1.shtm on 4/21/2017.

Moving Ahead for Progress in the 21st Century Act (MAP-21). 2012.

National Environmental Policy Act of 1969 (NEPA).

## 5.7 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***