NEPA Assignment Program
Quality Assurance/Quality Control Plan

December 22, 2016

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1 QUALITY ASSURANCE AND QUALITY CONTROL PROCESS

1.1 OVERVIEW

FDOT uses Quality Assurance and Quality Control (QA/QC) activities to monitor work processes to comply with applicable laws, rules, policies, procedures, and standards as established in the FDOT Organizational Development Office (ODO), **Quality Assurance Reporting Policy, Topic Number 260-030-005-a**. FDOT environmental procedures are contained within the **Efficient Transportation Decision Making (ETDM) Manual** and **Project Development and Environment (PD&E) Manual**. These manuals, combined with training and other guidance documents, form the foundation for QA/QC process for environmental reviews. These manuals describe FDOT processes for complying with Federal and State laws, rules and regulations.

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

FDOT executed the Memorandum of Understanding (MOU) on December 14, 2016 with FHWA which approved FDOT's application to participate in the NEPA Assignment Program with respect to highway projects within the State of Florida. The FDOT Office of Environmental Management (OEM) is responsible for management and administration of environmental reviews and approval of documents under NEPA Assignment.

In carrying out the responsibilities assumed under the MOU, FDOT is required to carry out regular quality control and quality assurance (QA/QC) reviews to ensure that the assumed responsibilities are being conducted in accordance with applicable laws, regulation and the MOU. The FDOT's QA/QC process outlined in section 8.2.4 of the MOU include:

- The review and monitoring of its processes and performance relating to project decisions,
- Completion of environmental analysis,
- Project file documentation,
- Checking for errors and omissions,
- legal sufficiency reviews, and
- Taking appropriate corrective action as needed.

OEM conducts annual self-assessments to determine if the FDOT is following its processes and procedures. In addition, FHWA audited FDOT annually the first four years of the NEPA Assignment Program to ensure that FDOT is meeting its obligations and attainment of the performance measures stated in the MOU. FHWA in coordination with FDOT, plans to develop and implement a monitoring process in support of the renewed MOU expected to be executed in December of 2021.

This QA/QC Plan describes FDOT QA/QC processes for environmental review and explains how FDOT carries out the reviews to ensure the assumed responsibilities under the NEPA Assignment requirements are being conducted in accordance with applicable law and the MOU. The QA/QC Plan describes FDOT's process for complying with performance measures stated in the MOU (***Section 2.2***) and identifies activities to support quality assurance reviews, self-assessments, and FHWA audits. QA/QC occurs at both project level and program level.

To carry out responsibilities assumed under the NEPA Program, OEM staff reviews draft Environmental Document submissions for completeness of analysis, compliance with federal and state law, regulations and requirements, consistency with Department and federal standards, errors and omissions and verifies the project file accurately supports the document using the Department's Electronic Review Comment (ERC) system. ERC is an application used to track the entire draft review process (comments and responses) for document, technical studies, and supporting materials in an online interactive database. All Districts use the ERC system. OEM uses ERC to provide comments to the District on draft Environmental Documents and supporting technical studies. The District project team responds to comments, collaborating with OEM as needed to resolve any issues. Once draft documentation is complete, it is uploaded to the StateWide Environmental Project Tracker (SWEPT) for inclusion in the environmental project file and administrative record, as appropriate.

QA/QC activities are supported by SWEPT. This interactive web-based application provides tools to support OEM staff in performing its responsibilities during the environmental process:

- Project Input/Setup - Create project contract Scopes of Services
- Project Dashboards - Track project schedules
- Quality & Performance Management - Record and report QA/QC results
- Team Management - Assign and notify review teams
- Project Documents – Maintain and provide access to the environmental project file of record

1.2 LINKING PLANNING AND NEPA

ETDM is part of FDOT's approach for Planning and Environmental Linkages (PEL), used to incorporate environmental considerations into transportation planning to inform

project delivery. MOU requirements relating to PEL are listed below (MOU, ***Section 3.2.1***).

- Planning and Environmental Linkages, ***23 U.S.C. §168***, with the exception of those FHWA responsibilities associated with ***23 U.S.C. §§134 and 135***
- Efficient Project Reviews for Environmental Decision Making ***23 U.S.C. §139***

ETDM provides tools creating linkages between land use, transportation, and environmental resource planning initiatives through early, interactive agency involvement. This is accomplished through an Environmental Technical Advisory Team (ETAT) assigned to the seven geographic FDOT Districts. Each ETAT includes representatives from the Metropolitan Planning Organizations/Transportation Planning Organizations (MPO/TPO), federal and state agencies and participating Native American tribes. ETAT members use the Environmental Screening Tool (EST) to review proposed projects (refer to the ETDM Manual for further explanation).

Under NEPA assignment, OEM assumes FHWA responsibilities in PEL typically through the ETDM process. The OEM staff performs quality reviews and formal approval and/or concurrence on the following specific milestones within the EST:

- Prescreening review
  - Purpose and Need
  - Project Descriptions
  - Preliminary Environmental Discussions (PEDs)
- During ETDM Screenings
  - Purpose and Need
  - Methodology Memorandums for the Alternative Corridor Evaluation process
  - Alternative Corridor Evaluation Reports
  - Elimination of unreasonable alternatives
  - Invitations for Participating and Cooperating agencies
  - Class of Action (COA) determinations
  - Adoption of planning products to be used during PD&E

By performing these actions, OEM is familiar with the project details, previous coordination and communication with stakeholders. The result is an understanding of the project context and issues identified during the screening events. The ETDM Manual details procedures and guidance for environmental screening conducted through the ETDM process. FDOT NEPA Environmental Document review process which incorporates the ETDM process is illustrated in Figure 1.

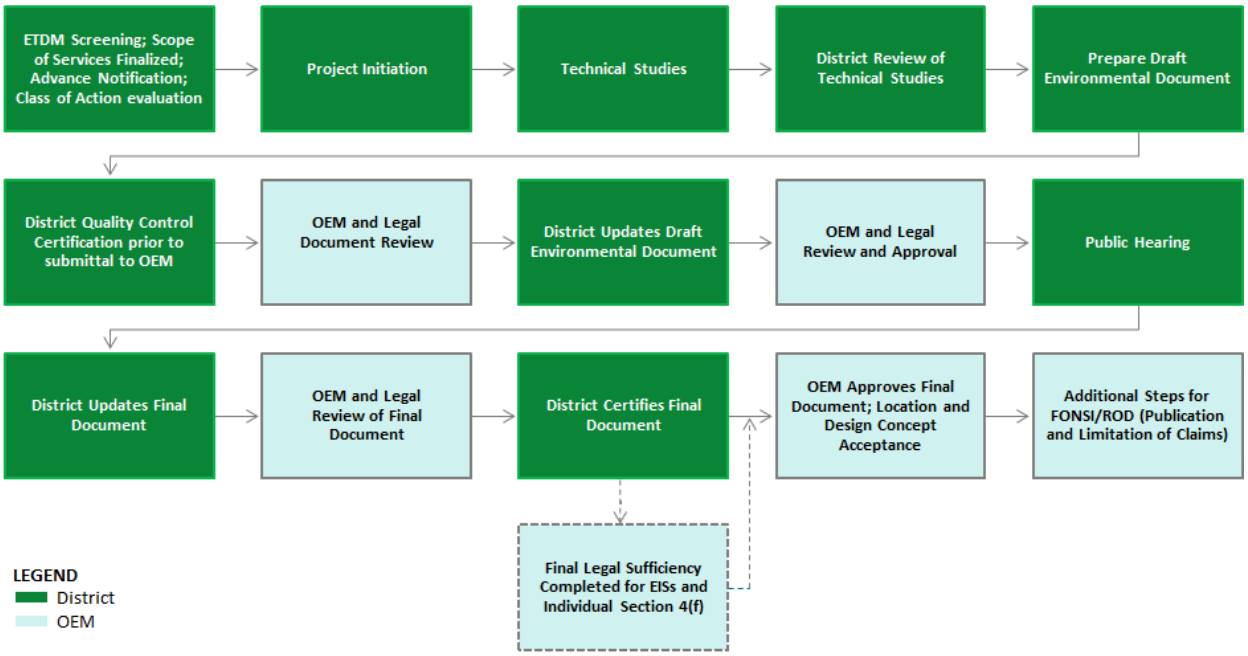

Figure 1 FDOT NEPA Environmental Document Review Process

1.3 NEPA DOCUMENT COMPLIANCE REVIEW AND MONITORING

This section addresses the MOU requirement for review and monitoring of FDOT processes and performance relating to project decisions (MOU, ***Section 8.2.4***).

1.3.1 District Quality Control for NEPA Documents

Quality Control (QC) for PD&E projects begins when the consultant selection process is completed. The selected consultant is required, though executed contract, to prepare a District acceptable QC plan before the consultant begins to work on the project. The consultant QC Plan consists of QC methodology, submittal requirements and provisions for adherence to the Plan. The consultant staff working on the project are required to follow the QC Plan when developing, evaluating and submitting Environmental Documents and supporting technical studies. Districts ensure the consultant QC Plan is followed on submittals by reviewing submittals for accuracy, completeness, and meeting applicable laws, rules, regulations, and procedures.

1.3.2 NEPA Document Review and Approval Process Overview

Under the NEPA Assignment Program, OEM reviews and approves Environmental Assessments (EA), Environmental Impact Statements (EIS), Type 2 Categorical Exclusions (CE), and Reevaluations. OEM review verifies the completion of environmental analysis based on the PD&E Manual. FDOT Districts complete and approve Type 1 CEs.

QC reviews occur at several steps during the development of Environmental Documents, as illustrated in ***Figure 2*** below. Districts complete QC review and submit the **Environmental Document Submittal Form** (# 650-050-15) verifying that QC was completed before submitting the document to OEM for review or approval. OEM and Office of General Counsel (OGC) staff perform technical and procedural reviews. OGC performs legal sufficiency reviews for Final Environmental Impact Statements (FEISs), Records of Decision (ROD), FEIS/RODs and Individual Section 4(f) evaluations before final document approval. The PD&E Manual details procedures for the Environmental Documents developed by FDOT.

1.3.3 Review of Type 2 CE, EA, and EIS

Quality assurance (QA) for Type 2 CEs, EAs, and EISs begins when the District and OEM Project Lead Review Team, consisting of Project Delivery Coordinators (PDCs) and Project Development Engineers, collaborate to discuss the project. The Districts conduct regular project coordination meetings with OEM Project Lead Review Team to provide updates on projects as they progress and allow for process discussions. The procedures established in the PD&E Manual help to ensure NEPA analysis are conducted in accordance with applicable laws and regulations.

The District develops technical studies that analyze potential impacts of project alternatives according to the PD&E Manual. The District Project Manager and District subject matter experts (SMEs) review technical studies as they are developed. The District project environmental staff leads development of the Environmental Document. When ready for OEM review, the District Project Manager uploads the draft documents into the ERC. Concurrently, the District Environmental Manager and Project Development Manager completes the **Environmental Document Submittal Form** within SWEPT.

OEM staff review documentation to check for completeness, errors and omissions, and review document compliance to applicable laws, regulations and policies in accordance with the PD&E Manual. When the Districts and OEM agree that the document is ready for approval, it is uploaded to SWEPT and processed for approval in accordance with the MOU.

This process is illustrated below in **Figure 2**.

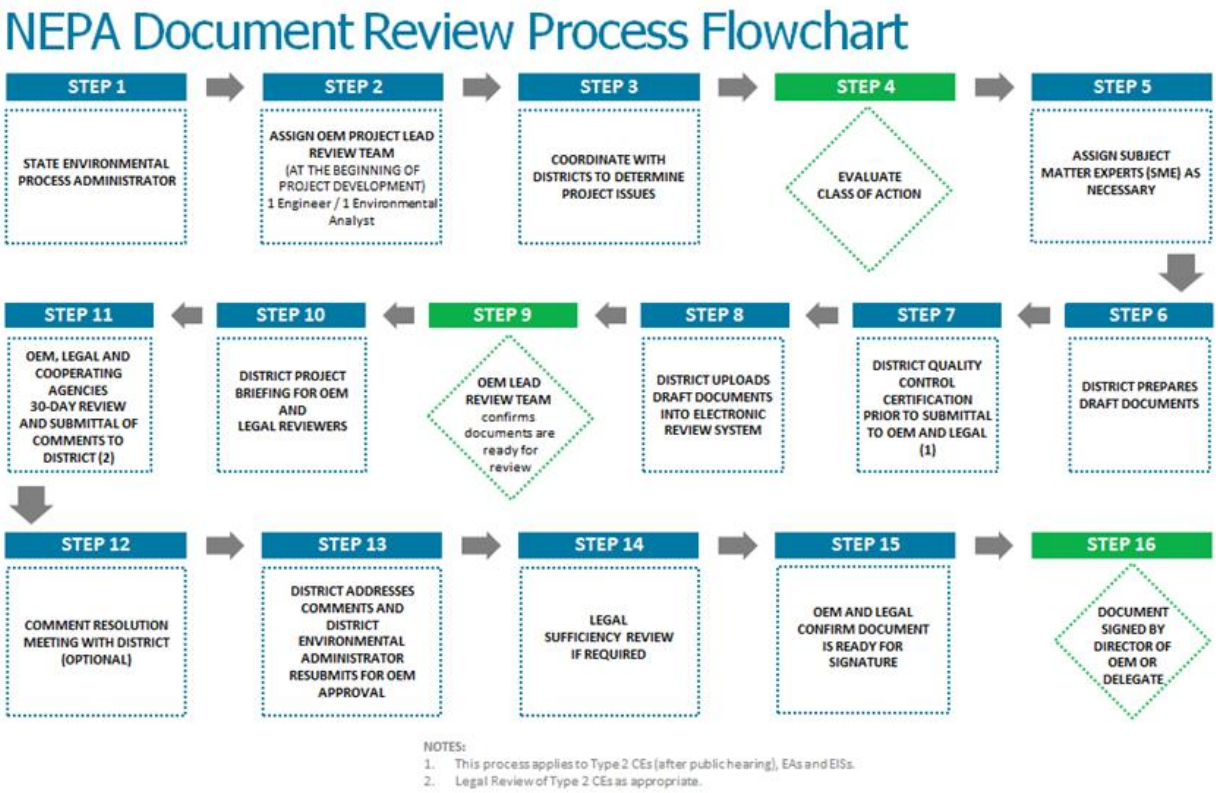

Figure 2 OEM NEPA Document Review Process

1. The OEM State Environmental Process Administrator receives notification that a project is beginning development of the Environmental Document (based on the Project Schedule and Management [PSM] start date for the COA).

2. The State Environmental Process Administrator verifies the appropriate OEM lead project coordinator and the State Environmental Engineer are assigned to the Project Lead Review Team. These contacts are assigned to specific Environmental Documents when the documents are routed through the NEPA Document Review Process.

3. The OEM Project Lead Review Team coordinates with the District project team to discuss project specifics and identify potential project issues.

4. The OEM Project Lead Review Team discusses the COA with the District project team. If the COA needs to be revised, the District uses the Environmental Screening Tool (EST) to re-process the COA for approval by OEM.

5. Based on the potential project issues, the Project Lead Review Team assigns subject matter experts (SME). If the project is an EIS or involves a Section

4(f) evaluation(s), a Legal Sufficiency Review will be required by OGC, and an OGC Attorney will be assigned to the Project Lead Review Team. Based on the unique project details, there may be other instances where a legal review is necessary. The Project Lead Review Team and the District will discuss the project with OEM management and OGC to make that determination. If legal review is necessary, the appropriate OGC attorney is assigned to the Project Lead Review Team.

6. The District project team prepares the draft document and supporting technical studies, completing documentation and environmental analysis according to procedures outlined in the PD&E Manual and as required in MOU ***Section 8.2.4***. The District regularly meets with the OEM Project Lead Review Team to discuss project status.

7. The District Environmental Manager and Project Development Manager conduct an initial quality control, checking for errors and omissions, verifying documentation is complete and consistent with the PD&E Manual. Upon completion of quality control review, the District Environmental Manager and Project Development Manager certify through a signed **Environmental Document Submittal Form** that the Environmental Document is ready for OEM and legal review.

8. The District Project Manager submits the Environmental Document and supporting technical studies to OEM and OGC for review.

9. The OEM Project Lead Review Team confirms that the document is ready for review.

10. The District Project Manager organizes a project briefing for OEM and OGC reviewers.

11. OEM and OGC have 30 calendar days to review and submit comments to the District. During the review period, OEM Project Lead Review Team coordinates with SME and legal staff. The Project Lead Review Team consolidates the comments and submits the combined comments to the District project team.

12. The District reviews the comments and if needed, the District may schedule a meeting with OEM reviewers to discuss resolution.

13. The District project team addresses the OEM review comments. The District Environmental Administrator resubmits the revised document to OEM for approval, with another Environmental Document Submittal form. The OEM Project Lead Review Team verifies that comments have been addressed.

14. The document is submitted to OGC for legal sufficiency review, if required. OGC, District Environmental Administrator, District Project Manager and OEM Project Review Team work together to address OGC comments.

15. The OEM State Environmental Process Administrator, State Environmental Programs Administrator, and OGC verify that the Environmental Document is complete and ready for signature and in the case of draft EA and Draft EIS projects, have received a legal sufficiency review and are ready for public availability.

16. The Director of OEM or delegate signs the Environmental Document. The project may then continue to the Public Hearing, if applicable. For EAs and EISs, the District addresses comments received from the public and updates the document. The final document goes through the review process beginning with step 13 and ends with the Director's signature of the approved final Environmental Document including FONSI or ROD, if applicable.

1.3.4 Review of Type 1 Categorical Exclusions

Type 1 Categorical Exclusions (CE) are actions listed in ***23 CFR § 771.117(c)*** or identified in ***23 CFR §771.117(d)*** and satisfies the criteria for CEs in the Council on Environmental Quality (CEQ) regulations (***40 CFR § 1508.4***). These actions are prepared in the District and reviewed and approved by the District Environmental Manager. These actions would not qualify for an EST screening and would not be reviewed by OEM before District approval.

The District staff prepares and completes evaluation of Type 1 CE projects. The District Environmental Manager reviews and approves the Type 1 Check List after reviewing supporting documentation and checking for errors and omissions and completion of applicable environmental analysis. The approval of Type 1 CE projects is as follows:

- Prepares a **Type 1 Categorical Exclusion Checklist**, ***Form No. 650-050-12*** that the project meets the criteria for a CE according to Part 1, Chapter 2 of the PD&E Manual.
- Documents the appropriate Type 1 CE action listed in ***23 CFR 771.117(c)*** or identified in ***CFR 771.117(d)*** and provides supporting analysis to complete the Type 1 CE checklist.
- Coordinates with appropriate resource agency personnel, if needed (such as coordination on historic resources, wetlands, listed species in order to verify the finding there is no potential to significantly impact certain environmental resources or because it may affect environmental permitting [PD&E Manual, Part 2 Chapters]).
- Documents the results of any analysis and coordination and places in the project file. This documentation includes the results of desktop and/or field review, agency

consultation, and any supporting documents and/or technical reports required to substantiate the responses on the checklist.

- Completes the document and submits it for review and approval by the District Environmental Manager, or delegate.

1.3.5 Review of Re-evaluations

Re-evaluations are required by ***23 C.F.R. §771.129*** and are conducted to assess whether the approved Environmental Document remains valid. The District prepares the Re-evaluation document in accordance with the PD&E Manual, Part I, Chapter 13. Depending on the outcome of that assessment, a Re-evaluation can be consultative for the project file or reviewed and approved by OEM.

Re-evaluations involve the following steps:

- Re-evaluations are initiated by the District through consultation with OEM and completion of a Re-evaluation Form.
- Consultation with OEM helps determine whether the Re-evaluation Form requires OEM's signature.
- If through consultation, the District may proceed with the project by documenting the results of the OEM consultation on the Re-evaluation Form, and placing it in the project file. An OEM signature on the form is not required. The District Environmental Manager or delegate reviews and approves the re-evaluation form after checking supporting documentation and completion of relevant environmental analysis.
- If OEM approval of the Re-evaluation is required, the District Environmental Manager or delegate reviews and approves the Re-evaluation form after checking supporting documentation and completion of relevant environmental analysis. Then, the District submits the completed Re-evaluation form and supporting documentation to OEM for review and approval through SWEPT. OEM approval is by the Director of OEM or delegate.

1.3.6 Legal Sufficiency Review Process

FDOT conducts legal sufficiency reviews (MOU ***Section 8.2.4***) of draft FEISs, draft FEISs/RODs, and Individual Section 4(f) evaluations, as required under Federal regulation [see ***23 C.F.R. §771.125(b)*** and ***23 C.F.R. §774.7(d)***]. These reviews are conducted by OGC or by contracted environmental counsel. These reviews assess the document to ensure compliance with legal standards, avoid litigation risk, and improve legal defensibility. Documents requiring a legal sufficiency review follow the document review process described in ***Section 1.3.2*** of this Plan. When legal sufficiency is required, FDOT intends to use the following process:

- OEM submits the applicable draft NEPA document or Section 4(f) evaluation to OGC.
- OGC assigns the document to an FDOT environmental attorney or contracted environmental counsel for review.
- The reviewing attorney prepares and submits to OEM written comments/ suggestions to improve the document's legal defensibility (attorney comments may be protected as attorney work product and is not be shared outside of FDOT's document preparation team).
- The reviewing attorney is available to discuss with OEM and District staff the resolution of comments/suggestions.
- Once the reviewing attorney is satisfied that OEM and District staff have addressed his or her comments/suggestions to the maximum extent reasonably practicable, the reviewing attorney provides OEM with written documentation that the legal sufficiency review is complete.
- OEM does not finalize the draft NEPA document before receiving written documentation from OGC that the document is legally sufficient.

1.3.7 Prior Concurrence Review Process

Some EISs may have impacts of unusual magnitude, high levels of controversy, major unresolved issues, emerging or national policy issues or issues for which Districts seek policy assistance. EISs requiring a prior concurrence review follow the document review process described in ***Section 1.3.2*** of this Plan. For these types of projects, prior concurrence, pursuant to ***23 C.F.R. §771.125(c)***, is obtained before proceeding with approvals under NEPA. Prior concurrence is a step in the project development process when OEM seeks a finding that the project and document in question are acceptable from a policy/program perspective. Prior concurrence may apply to FDOT approvals of Draft FEIS or FEIS.

The Districts and OEM collaborate to decide whether to seek prior concurrence on a case-by-case basis. To prepare for the prior concurrence review, the OEM managers (State Environmental Programs Administrator or the State Environmental Process Administrator or delegate) review the EIS seeking input from technical SMEs and OGC. Upon their recommendation, the Director of OEM transmits the request for prior concurrence to the Assistant Secretary of Engineering and Operations or delegate. The Assistant Secretary of Engineering and Operations or delegate, after consulting with OGC if desired, determines whether the project can proceed with the NEPA approvals. The outcome of Prior concurrence will be documented within SWEPT.

Constructive use under Section 4(f) always requires prior concurrence. For projects that are anticipated by FDOT to involve a constructive use, FDOT coordinates with FHWA

on the underlying policy issue before FHWA makes a final determination of a Section 4(f) constructive use.

1.3.8 Review of Local Agency Program Projects

LAP project Environmental Documents follow the document review process described in ***Section 1.3.2*** of this Plan for the applicable Environmental Document.

1.3.9 SWEPT Internal Controls (Quality Assurance System Checks)

The SWEPT System has been developed and enhanced to provide internal controls within the application requiring selections, documentation, analysis, explanation, or approvals required within the application before the NEPA document under development can move through the approval process. SWEPT has quality monitoring, checking and serves as a control tool to identify and capture potential errors and omissions through the use of various forms. The SWEPT system is actively maintained and updated routinely by the SWEPT Development Team. Recent examples of enhancements to SWEPT providing additional internal controls and monitoring capabilities within the system include:

- *The Type 1 Categorical Exclusion (CE) form is interactive and requires detailed explanation and/or documentation for required considerations before allowing user to proceed through the approval process and addition of planning consistency inclusion requirements.*

- *The Re-evaluation form enhanced to be more interactive and requires documentation and analysis support on required considerations before the user proceeds through the form. If documentation is not provided in SWEPT, user cannot complete review nor the approval process.*

- *Consultative Re-evaluation process enhanced requiring that prior to processing a consultative re-evaluation for approval, an uploaded PDF copy of the email from the PDC agreeing that OEM's signature is not required for the re-evaluation. This documentation must be attached to the Re-evaluation form on SWEPT. When answering "No" to the question "OEM Approval Required?", a message and button appear where you can upload the file or find it among previously uploaded SWEPT project files. If not previously uploaded, it will also be saved in the SWEPT project file folder. On the SWEPT Project Page, you can now generate an Excel spreadsheet containing a checklist of the project documents.*

- *Type 1 Re-evaluations are now completed within SWEPT. If an existing Type 1 Approval requires to be approved again, the user can now pre-load the existing approval, answers and documentation into the re-evaluation allowing the user to*

edit as necessary before subsequent approval. This ensures minimal additional key strokes and the potential introduction of manual data input errors.

- *SEIR have been implemented within SWEPT as an interactive form. This ensures that SIER are evaluated and documented appropriately and are consistent across the state.*
- *Type 2 Categorical Exclusion has been transformed from a District specific customized implementation of a Type 2 document to a consistent standalone SWEPT generated Type 2 document. The new Type 2 Categorical Exclusion (CE) document is interactive and requires detailed explanation and/or documentation for questions before allowing user to proceed.*

- *The Environmental Document Submittal (EDS) Form, the SWEPT internal routing sheet verifying that everyone within the document development, review and approval process completes their action, and is documenting in the project approval history. In addition, the EDS Form also requires specific data be provided in support of a specific Class of Action, such as Public Involvement Plans (PIPs), which are required and must be uploaded into SWEPT project file before user can complete the Form and Certification of Project to OEM for approval.*

- *Based upon the Class of Action and/or type of document, SWEPT controls ensure Office of General Counsel reviews for legal sufficiency are completed and submitted before environmental document can be submitted for final approval.*

- *Project Delivery Coordinators (PDCs) are assigned to each District, monitoring the document as it moves through the process, providing review of the environmental documents and providing assurances to the Environmental Process Administrators (EPAs) that the document is ready to enter the approval process. PDCs provide technical support and guidance, coordinate minor edits as needed, and work with Districts prior to document Certification for OEM approval.*

- *Several performance monitoring reports have been enhanced to proactively identify potential issues allowing for additional coordination with the PDCs and Districts should a tracked activity be shifting to undesirable results.*

- *SWEPT enhanced to provide a detailed SWEPT history record in every project file that shows the review and approval steps at the District and Central Office levels taken to ensure document compliance. The project file attributes describing the documentation uploaded in the electronic file have been enhanced to add additional details about the file such as upload date and identifying*

whether the file is an attachment to or technical material supporting the approved document.

- *The EPAs and PDCs have been added to the Minor Edit Process allowing them to use the SWEPT tool to return the environmental document to the District for minor edits without restarting the clock on the District review and approval process.*

- *SWEPT monitors and prompts action to the participants working on the environmental document, including delivery of reminder emails and an "in your face" alert system within SWEPT highlighting required actions.*

1.4 DATA MANAGEMENT AND RECORD RETENTION

FDOT maintains its project and administrative files pertaining to its NEPA Assignment Program responsibilities as required by law and FDOT's retention program per **PD&E Manual, Part 1, Chapter 15, Project File and Records Management**. To support its recordkeeping and retention responsibilities, SWEPT is used in conjunction with the Electronic Document Management System (EDMS), as defined in FDOT's **Information Technology Resource User's Manual, Procedure, Topic Number 325-000-002** (Chapters 12 and 13) as the environmental file system of record for NEPA Assignment Program projects.

FDOT has a **Records Management Procedure, Topic Number 050-020-025** established by FDOT's Office of Support Services. For documents pertaining to FDOT's discharge of responsibilities under the NEPA Assignment Program, FDOT complies with the requirements of FHWA Records Disposition Manual (Field Offices) Chapter 4 and ***FHWA Order No. 1324.1B***, issued July 29, 2013.

2 SELF-ASSESSMENT PROCESS

Section 8.2.5 of the MOU requires FDOT shall perform annual self-assessments[1] of its QA/QC process and performance to determine if its process is working as intended. If any process areas are identified as non-compliant, FDOT will take appropriate and timely corrective actions to address such areas. FDOT annually conducts self-assessments to gauge the effectiveness of its environmental procedures under the NEPA Assignment program. In compliance with the MOU, FDOT has

[1] As appropriate, the resulting self-assessment report will include a separate section to evaluate the process and performance of non-NEPA environmental processes which will not be included in the self-assessment summary report provided to FHWA.

developed a self-assessment framework that outlines MOU requirements, the process for conducting self-assessments and resulting reports.

2.1 SELF-ASSESSMENT OVERVIEW

FDOT annually conducts self-assessments to determine the Department's compliance under the NEPA Assignment Program MOU. Self-assessments are quality assurance reviews conducted using a variety of methods, including NEPA project file reviews based upon target topics, coordination with District environmental staff as needed, and assessment of NEPA performance in SWEPT.

2.2 MOU PERFORMANCE MEASURES

The MOU requires that FDOT monitor the performance measures identified in ***Section 10.2*** of the MOU and listed below:

A. Compliance with NEPA, FHWA NEPA regulations, and other Federal environmental statutes and regulations:

   i. Maintain documentation regarding compliance with responsibilities assumed under this MOU.

B. QA/QC for NEPA decisions:

   i. Maintain internal QA/QC measures and processes, including a record of:

      a. Completion of legal sufficiency reviews by FDOT's Office of General Counsel (OGC)

      b. Compliance with FDOT's Environmental Document content standards and procedures, including those related to QA/QC

C. Relationships with agencies and the general public:

   i. Maintain communication considering timeliness and responsiveness among FDOT, federal and state resource agencies, Indian Tribes, and the public.

   ii. Provide opportunities for public involvement and comment

   iii. Use NEPA issue resolution process, as appropriate.

D. Increased efficiency and timeliness in completion of the NEPA process:

i. Compare time of completion of Environmental Document (e.g., NEPA documents and technical reports) approvals before and after assumption of responsibilities

FDOT developed several metrics linked to these performance measures with targets, responsible parties, relevant process, desired outcome with the checking tool/indicator identified. These performance measures and metrics are defined and described in ***Appendix A*** of this plan. Metrics are monitored in SWEPT. A report is provided quarterly to management and an annual report is included in the Self-Assessment.

2.2.1 Performance Monitoring

OEM uses SWEPT to regularly monitor statewide performance.

- Performance measures are captured in real time as qualifying activities, described in ***Appendix A,*** are completed.
- Performance reports are continuously updated along with the performance measures and show results for the user defined reporting period.
- Performance reports can be created monthly, quarterly, annually, or for a customized duration, as determined by the person generating the report.
- Management actively monitors and reviews performance results monthly, quarterly, and annually.
- Performance reports from SWEPT are provided to OEM management quarterly highlighting successful practices and opportunities for improvement.
- Rating scale for quality assessment is color-coded, where Green means at or above target, Yellow means up to 10% below target, and Red means more than 10% below target.

2.2.2 Performance Actions

OEM monitors the SWEPT performance results to identify successful practices and, where needed, to take corrective action to improve performance, and ensure performance measures are being achieved. Follow-up actions are done as needed.

- Management uses the performance reports to identify opportunities to promote successful practices, as well as initiate conversations, proactively to work on less than optimal results, should any be identified.
- A Yellow will be monitored, but does not require action. A Red result will be flagged for management with some preliminary analysis. Management reviews and provides direction and possible action, as needed.
- Management determines what, if any, actions are needed to address performance results, depending on the unique circumstances.

- If performance actions are initiated, staff tracks and monitors the actions, reporting progress to management as a part of the regular quarterly performance reporting cycle.

2.3 SELF-ASSESSMENT SCOPE AND METHODOLOGY

2.3.1 Self-Assessment Scope

The scope of the self-assessment varies from year to year and includes issues identified from previous FHWA audits and FDOT self-assessments, and target topics based on current risks as determined by OEM management, staff, and FDOT leadership. A pre-set date range is applied each year. A sample of qualifying project actions will be reviewed from the reporting period.

2.3.2 Self-Assessment Methodology

The FDOT Self-Assessment methodology includes a planning phase, a program evaluation phase, and a report drafting phase. During the planning phase, OEM opens a new self-assessment in SWEPT, assigns a review team, and collects and analyzes data and other information from previous assessments (**Section 2.4.5**) for use during the evaluation phase.

During the evaluation phase, OEM uses SWEPT to identify Environmental Documents to review for compliance with applicable laws, regulations, FDOT procedures and the QA/QC process. OEM records review findings in SWEPT.

During the report drafting phase, a report of findings and recommendations is developed and distributed. Draft report is provided to Districts for a 2-week review period before OEM management finalizes report.

2.3.3 Self-Assessment Schedule

The self-assessment schedule is linked to the FHWA audit schedule. FDOT is required to submit the summary of the self-assessment report to FHWA at least 1 month prior to the beginning of the FHWA audit. This submission date drives the amount of time available throughout the planning, evaluation and approval process for the development of the self-assessment report and companion summary for FHWA.
The self-assessment schedule starts with a kick-off meeting and includes up to 60 days for planning, 60 days for environmental program evaluation, and 30 days for drafting and distributing the report. The process generally takes 180 days from beginning to end.

2.3.4 Self-Assessment Team

The Director of OEM or delegate appoints a self-assessment team at the beginning of each annual Self-Assessment review. The self-assessment team is comprised of the QA/QC Coordinator, project delivery coordinators and project development engineers as assigned.

2.3.5 Planning Phase

The planning phase prepares the self-assessment team to conduct a focused evaluation of the FDOT NEPA Assignment Program. This phase includes tasks that involve OEM personnel and may involve District personnel, and a review of various documents and reports. This phase takes up to 60 days to complete.

1. The QA/QC Coordinator is assigned the responsibility of planning and implementing the self-assessment process.

2. The QA/QC Coordinator creates and submits a self-assessment schedule and task list for approval. The schedule and task list shows steps from initiation through completion. For each step, the schedule and task list include task description, responsible self-assessment team member, due date, completion date, status of action and comments.

3. Self-assessment tracking is documented in SWEPT (See ***Section 3.6***).

4. An official Director Notification is sent to FDOT environmental offices statewide announcing the beginning of the self-assessment process. The notification contains:

    a. Purpose and authority for self-assessments,

    b. Names of the self-assessment team members,

    c. Brief overview of self-assessment process, including planning and fieldwork provisions, if any expected,

    d. Self-assessment schedule.

5. OEM management and staff develop target topics during the first half of planning phase with feedback from environmental leadership and Office of General Counsel.

6. The assigned Self-Assessment Review Team, including unit management, identifies policy criteria used to assess policy compliance of projects based on target topics.

7. The OEM Director and management review and approve the final target topics and review criteria (see details in ***Section 2.4.6)*** for the evaluation phase.

2.3.6 Target Topic and Criteria Development

Target topics change annually based upon current priorities and the status of findings from previous year Self-Assessments and FHWA Audit Reports. NEPA Performance results are also considered in identifying target topics. The process to develop target topics includes:

1. Compile list of previous year target topics, and topics considered but that did not make final list.
2. Survey OEM staff, including Project Delivery Coordinators, Project Development Engineers and Subject Matter Experts,
3. Survey FDOT Legal Office,
4. Survey Statewide District Leadership, and
5. OEM Management review of data from all sources and approval of final target topics

Criteria to evaluate each target topic is compiled from the PD&E Manual and/or the NEPA Assignment MOU. Criteria cover the required federal and state environmental provisions. The process to identify and compile criteria for each target topic involves:

1. OEM subject matter experts (SME) determine what PD&E Manual and/or MOU provisions may be used to evaluate given target topic,

2. OEM management and staff, including SMEs, meet to discuss and further develop criteria, and

3. OEM Director and management meet to review, discuss and finalize criteria.

2.3.7 Evaluation Phase

The evaluation phase of the self-assessment focuses on reviewing NEPA project files to determine if FDOT is carrying out the assumed environmental review responsibilities in accordance with the MOU and applicable federal laws and policies. For project assessments, qualifying projects will be selected as described below. This phase may take up to 60 days and includes the following:

1. Self-Assessment review team members are given 2-months to review project files, record preliminary findings in SWEPT, and meet with OEM management and team members to determine final findings to be recorded in SWEPT.

2. QA/QC Coordinator pulls a SWEPT report of NEPA approvals and decisions within a given timeframe, depending on approved self-assessment target issues.

3. The QA/QC Coordinator assigns projects in SWEPT to self-assessment team members.

4. Team members review project files, document their evaluation findings in SWEPT, and provide recommendations in SWEPT, which are then captured in the self-assessment report.

2.3.8 Director's Statement

Section 8.2.5 of the MOU requires a statement from the Director of OEM concerning whether the processes are ensuring that the responsibilities FDOT has assumed under this MOU are being carried-out in accordance with this MOU and all applicable Federal laws and policies, and a summary of FDOT's progress toward attaining the performance measures listed in Part 10 of the MOU (MOU ***Section 8.2.5***).

To meet this requirement, the following example statement has been developed and will be included in the self-assessment report:

> *"Based upon this [Insert Year] Self-Assessment Report, I find FDOT has carried out NEPA Assignment environmental responsibilities in accordance to **23 U.S.C. §327**, the Memorandum of Understanding dated December 14, 2016, and all applicable federal environmental laws and policies."*

2.3.9 Self-Assessment Report

The QA/QC Coordinator prepares a self-assessment report. This report is submitted to OEM management for review and approval.

The self-assessment report drafting, and approval process s includes the following:

1. The QA/QC Coordinator drafts a report containing an evaluation of NEPA projects. The detailed evaluation will be covered in tables by target topics, and will include findings for successful practices, opportunities for improvement, and non-compliance observations, along with any recommendations.

2. The draft self-assessment report is circulated among self-assessment team members for review and revisions for a 5-business day review period.

3. The draft self-assessment report is circulated to Districts for a 14-business day review.

4. The revised draft self-assessment report is provided to OEM management for 5-business day final review before approval by the Director of OEM.

5. The final report is distributed to FDOT executive leadership, Districts and others, as appropriate.

2.3.10 Self-Assessment Actions Requiring Response

Section 8.2.4 of the MOU requires FDOT to take appropriate corrective actions, as needed. The following steps implement this MOU requirement.

1. The QA/QC Coordinator distributes corrective actions to the appropriate managers for review and action.

2. The action plan identifies the process changes identified to resolve the action, a proposed timeline for implementing the changes, and a feedback mechanism to monitor the effectiveness of the change(s).

3. The QA/QC Coordinator monitors the implementation of corrective actions until issues have been resolved and reports progress to OEM management and to FHWA as part of the annual FHWA audit.

3 FHWA MONITORING

Section 8.2.1 indicates FHWA will provide necessary and appropriate monitoring and oversight of FDOT's compliance with this MOU. FHWA's monitoring and oversight activities in years one (1) through four (4) of this MOU's term will primarily consist of an annual audit as provided at 23 U.S.C. § 327(g) and Part 11 of this MOU and evaluating attainment of the performance measures listed in Part 10 of this MOU. After the fourth year of FDOT's participation in the Program, FHWA will monitor FDOT's compliance with the Program. The FHWA's monitoring and oversight may also include submitting requests for information to FDOT and other relevant Federal agencies, verifying FDOT's financial and personnel resources dedicated to carrying out the responsibilities assumed, and reviewing documents and other information.

The FHWA monitoring process will be developed and implemented in 2021 or 2022. Once the FHWA monitoring process had been finalized, OEM will include as an addendum to the QA/QC Plan.

REFERENCES

Quality Assurance Reporting Policy, Topic Number 260-030-005-a.

Efficient Transportation Decision Making (ETDM) Manual

Project Development and Environment (PD&E) Manual.

Information Technology Resource User's Manual, Procedure, Topic Number 325-000-002

Records Management Procedure, Topic Number 050-020-025

HISTORY

- Original plan – Dec 2016 (revised July 12, 2017)
- Revised February 21, 2019
- Revised April 8, 2021

APPENDIX A NEPA Assignment Performance Measures Matrix

The following table presents the NEPA Assignment performance measures, sub-measures, performance targets, responsible parties, critical processes, desired outcomes, and tools and indicators.

MOU Performance Measure	OEM Sub-Measure	Target	Responsible Party	Critical Process	Desired Outcome	Tool/Indicator
A. Compliance with NEPA, FHWA NEPA regulations, and other federal environmental statutes and regulations: **i. Maintain documentation regarding compliance with responsibilities assumed under this MOU).**	**A.i.1.** Percent of final Environmental Documents that have supporting documentation in the project file supporting analysis and decisions for NEPA.	*95%*	District Environmental Administrator, Planning and Environment Manager, Environmental Manager, Project Development Manager, Project Manager	Conduct an analyses of physical impacts (e.g., noise, air quality, water quality, and contamination)	• Conduct assessments for noise, air quality, water quality and contamination in accordance with the PD&E Manual • Document analysis of physical impacts • Document agency coordination as appropriate	Checking Method: Relevant project documents accessible in SWEPT, as required per project specifics and the PD&E Manual. Formula: Total of final documents with supporting documentation (EIS, EA, Type 1 CE, Type 2 CE) / Total of final documents (EIS, EA, Type 1 CE, Type 2 CE)
				Conduct an analysis of the social impacts	• Conduct SCE evaluation in accordance with the PD&E Manual • Document analysis and results of SCE evaluation	
				Conduct an analysis of the natural impacts	• Conduct assessments for wetlands, coastal barrier resources, Outstanding Florida Waters (OFW), Wild and Scenic rivers, wildlife and habitat, and aquatic preserves in accordance with the PD&E Manual • Document analysis of natural impacts • Document agency coordination as appropriate	
				Conduct an analysis of impacts to historic and archaeological resources	• Document historical and archaeological properties and related impacts in the Environmental Document • Document coordination with appropriate agencies and entities	
				Conduct Section 4(f) analysis	• Document Section 4(f) evaluation • Document coordination with relevant agencies and entities	
				Document and Track Commitments	• Document all commitments in the Environmental Document • Transfer all commitments to future project phases • Update commitments at each reevaluation phase	

MOU Performance Measure	OEM Sub-Measure	Target	Responsible Party	Critical Process	Desired Outcome	Tool/Indicator
B. QA/QC for NEPA decisions: **i**. *Maintain internal QA/QC measures and processes, including a record of:* ***a. Completion of legal sufficiency reviews by FDOT's Office of General Counsel***	***B.i.a.1.*** Percent of FEISs, FEIS/RODs, and individual section 4(f) determinations reviewed for legal sufficiency prior to Environmental Document approval.	100%	Office of General Counsel	Final legal sufficiency review completed	Legal sufficiency reviews performed by FDOT Office of General Counsel for final EISs and Individual Section 4(f) evaluations before final document approval	Checking Method = In SWEPT, the date of legal sufficiency determination occurs before Environmental Document approval date. Formula: Total of FEIS, FEIS/ROD, and Individual 4(f) Determinations reviewed prior to approval / Total of FEIS, FEIS/ROD, and Individual 4(f) Determinations reviewed overall
B. QA/QC for NEPA decisions: **i**. Maintain internal QA/QC measures and processes, including a record of: **b. Compliance with FDOT's Environmental Document content standards and procedures, including those related to QA/QC**	***B.i.b.1***. Percent of draft Environmental Documents submitted with the District environmental document submittal form	95%	District Environmental Manager and Project Development Manager	NEPA decisions made in accordance with PD&E Manual	• Environmental documents sufficiently complete to begin formal review • Document District completion of Quality Control activities on Environmental Documents	Checking method: Environmental document submittal forms recorded in SWEPT Formula: Total Number of draft documents submitted with form / Total Number of draft documents submitted overall
	B.i.b.2. Percent of draft Environmental Documents certified by the District and accepted for document review by OEM at first submittal.	80%	District Environmental Manager and Project Development Manager	NEPA decisions made in accordance with PD&E Manual	• Environmental documents sufficiently complete to begin formal review • Verification by OEM of District Quality Control activities on Environmental Documents	Checking Method: SWEPT reports number of times document submittal form provided before OEM confirms document is ready to begin review Formula: Total Number of draft documents certified and accepted at first submittal / Total Number of draft documents certified and accepted overall
	B.i.b.3. Percent of Environmental Documents approved by OEM on first submission of final Environmental Document	85%	OEM Management Team	NEPA decisions made in accordance with PD&E Manual	Obtain approval of NEPA document	Checking Method: SWEPT reports number of times submitted before approval Formula: Total Number of final documents approved on first submittal for OEM approval / Total Number of final documents submitted for approval
C. Relationships with agencies and the general public: **i. Maintain communication considering timeliness and responsiveness among**	***C.i.1.*** *Percent* of Advance Notifications are transmitted to mandatory recipients pursuant to Part 1, Chapter 3 of the PD&E Manual	100%	District Environmental Project Manager	AN package is transmitted mandatory recipients per PD&E Manual Part 1 Chapter 3	Provide opportunity for input to Native American Tribes and all parties who receive AN transmittals.	Checking Method: AN Transmittals distributed through the EST Formula: Total Number of ANs transmitted to mandatory recipients / Total Number of ANs transmitted overall

MOU Performance Measure	OEM Sub-Measure	Target	Responsible Party	Critical Process	Desired Outcome	Tool/Indicator
FDOT, federal and state resource agencies, Indian Tribes, and the public.	***C.i.2.*** *Average* agency rating of 4 or higher on a 5 point scale for quality of communications with FDOT.	4	District Environmental Project Manager	Federal and state resource agency coordination accomplished through Environmental Technical Advisory Teams (ETATs).	FDOT responsiveness to agency comments remains consistent or improves	Checking Method: ETDM Agency Survey Results Formula: Calculate average agency ratings of Question 3 (Actual Survey Text: Please rate the quality of the District's communication with your agency. This relates to responsiveness, availability, and free exchange of information. It applies to formal or informal communication.)
	C.i.3. Average agency rating of 4 or higher on a 5 point scale for how well FDOT works with the agency.	4	District Environmental Project Manager	Federal and state resource agency coordination accomplished through Environmental Technical Advisory Teams (ETATs).	FDOT responsiveness to agency comments remains consistent or improves	Checking Method: ETDM Agency Survey Results Formula: Calculate average agency ratings of Question 4 (Actual Survey Text: Please rate how well the District works with your agency. This relates to the level of respect, trust, and support between your agency and FDOT.)
C. *Relationships with agencies and the general public:* ***ii. Provide opportunities for public involvement and comment***	***C.ii.1.*** Percent of projects that include a Public Involvement Plan, as required. .	100%	District Environmental Project Manager	Public Involvement activities conducted in compliance with the PD&E Manual	• Consider population characteristics and potential public involvement approaches • All projects where required have a Public Hearing • All projects requiring Public Hearings have met Public Hearing notification requirements • Develop a Public Involvement Plan	Checking Method = Relevant project document(s) accessible in SWEPT include PIP, as required per project specifics and the PD&E Manual. Formula: Total Number of project files with a PIP / Total Number of project files requiring a PIP overall (approved Type 2 CE, EA, EIS)
	C.ii.2. Percent of those projects, which required a Public Involvement Plan that have documented compliance with the plan.	100%	District Environmental Project Manager,	Public Involvement activities conducted in compliance with the PD&E Manual	• Summarize public involvement activities within the environmental document • Consider population characteristics and potential public involvement approaches • Develop a Public Involvement Plan and hold meeting	Checking Method = Relevant project document(s) accessible in SWEPT including evidence of meeting, as required per project specifics and the PD&E Manual. Formula: Total Number of projects certified in compliance / Total Number of projects requiring public involvement (approved Type 2, EA, and EISs)
C. *Relationships with agencies and the general public:* ***iii. Use NEPA issue resolution process, as appropriate.***	*C.iii.1. Percent of formal issue resolutions that are initiated according to the time lines established in* ***23 U.S.C. § 139.***	100%	Director of OEM	Lead agency initiation of meeting not later than 21 days after the date of receipt of the request for the meeting, unless the lead agency	• Timely initiation of formal issue resolution process • Resolution of issue. • Prevent elevation of issue.	Checking Method: Compare date of requested meeting with meeting date. Formula: Total Number of formal issue resolutions that satisfy specified

MOU Performance Measure	OEM Sub-Measure	Target	Responsible Party	Critical Process	Desired Outcome	Tool/Indicator
				determines that there is good cause to extend the time for the meeting.		timelines / Total Number of formal issue resolutions overall
D**. Increased efficiency and timeliness in completion of the NEPA process:* ***i. Compare time of completion of environmental document (e.g., NEPA documents and technical reports) approvals before and after assumption of responsibilities	***D.i.1.*** Percent of time savings in months for completion of NEPA approvals (Type 2 CE, EA, FONSI, DEIS, FEIS, FEIS/ROD, ROD) and Section 4(f) Determinations before and after assumption of responsibilities under the MOU.	25%	OEM	Completion and approval of NEPA documents	Timely environmental document approvals.	Calculation Method: Compare actual project schedule milestones reported in SWEPT to baseline data provided by FHWA. Formula: Total Number of Months to complete NEPA approvals after NEPA Assignment / Total Number of Months to complete NEPA approvals before NEPA Assignment