

Partnering Agreement **FHWA/MoDOT Focus Area: Environment**

I. MoDOT and FHWA Roles and Responsibilities

- A. MoDOT's Role is to ensure Program Area Environment performs in accordance with state and federal laws and regulations while implementing the Mission, Values, and Tangible Results outlined in MoDOT's Tracker. MoDOT's Central Office environmental and historic preservation section has primary responsibility for this and also functions as a liaison between FHWA and MoDOT district offices, local governments, and/or project consultants. MoDOT will:
1. Offer invitations to FHWA for meetings when topics of mutual interest will be discussed
 2. Maintain a complete project file
 3. Involve FHWA in changes to environmental policies prior to implementation
 4. Provide consistent stewardship and oversight to the LPAs
 5. Cooperate and participate in program and project spot check reviews
 6. Confer with FHWA Division environmental staff when issues, questions, and concerns arise within the environmental program area
 7. Address all substantive comments made by FHWA either in the NEPA document or by documented discussion between the two agencies
 8. Collaborate with FHWA on the possibility of at least one process review each year
 9. Participate in FHWA risk assessment and determine if any performance action(s) are warranted and work with FHWA on the refinement of MoDOT's Tracker to ensure it aligns with MAP 21 measures.

B. FHWA's Role is to ensure Program Area Environment performs in accordance with federal laws and regulations while implementing FHWA's Performance Plan and required stewardship and oversight. FHWA will:

1. Offer invitations to MoDOT for meetings where topics of mutual interest will be discussed
2. Provide federal oversight of the Environmental Program area through program reviews, project reviews, spot checks, and other practical methods
3. Collaborate with MoDOT on the possibility of at least one process review each year
4. Work with MoDOT during the development of FHWA's performance plan to ensure it aligns with MAP 21 measures
5. Once the FHWA makes comments on a document and those comments are addressed, no supplemental comments will be provided unless changed circumstances make it imperative that additional substantive comments on critical issues are warranted.

C. The Program Area Environment tasks in the table below are considered the most important. MoDOT and FHWA will work as true partners to ensure success.

ACTIVITIES		RESPONSIBILITIES and ACTIONS		
Approval Action	Reference Document	Approving Agency, Timeframe	MoDOT	FHWA
Categorical Exclusion (PCE)	Programmatic CE	MoDOT, as needed FHWA, within 3 days	1) Central office notifies district of approval action (consult FHWA as needed) 2) Central office prepares report for FHWA (June and December)	Verifies use of the Programmatic CE when requested
Categorical Exclusion Letter (CE)	23 CFR 771	FHWA, within 2 weeks	Provides a letter explaining impact analysis and documentation for CE status to the FHWA prior to needed action	Requests additional information, provides comments or approval to MoDOT

ACTIVITIES		RESPONSIBILITIES and ACTIONS		
Approval Action	Reference Document	Approving Agency, Timeframe	MoDOT	FHWA
Open-Ended (documented) Categorical Exclusion (CE2)	23 CFR 771	FHWA, within 2 weeks	Provides a completed CE2 form and related documents to the FHWA prior to needed action	Requests additional information, provides comments or approval to MoDOT
Environmental Assessment (EA)	23 CFR 771	FHWA, within 4 weeks	Provides a complete submittal to the FHWA prior to needed action	Requests additional information, provides comments or approval to MoDOT
Finding of No Significant Impacts	23 CFR 771	FHWA, within 2 weeks	Provides a complete submittal to FHWA prior to needed action	Requests additional information, provides comments or approval to MoDOT
Purpose and Need for EIS	23CFR 771	FHWA, within 2 weeks	Provides a complete submittal to FHWA prior to needed action	Requests additional information and provides comments to MoDOT
Coordination Plan	SAFETEA-LU Section 6002	FHWA, within 2 weeks	Provides a complete submittal to FHWA prior to needed action	Requests additional information and provides comments to MoDOT
Environmental Impact Statement (EIS)	23 CFR 771	FHWA, within 8 weeks	Provides a complete submittal to the FHWA prior to needed action	Requests additional information, provides comments or approval to MoDOT, including legal sufficiency review when appropriate
Record of Decision	23 CFR 771	FHWA, within 2 weeks	Provides a complete submittal to FHWA prior to needed action	Requests additional information, provides comments or approval to MoDOT
EA, EIS, 4(f) revised to address FHWA comments	23 CFR 771	MoDOT, within 3 weeks* FHWA, within 4 weeks	Provides revised copies that clearly indicate the changes that were requested *from receipt of complete information from districts	Provides comments or approval to MoDOT including legal sufficiency review when appropriate

ACTIVITIES		RESPONSIBILITIES and ACTIONS		
Approval Action	Reference Document	Approving Agency, Timeframe	MoDOT	FHWA
Reevaluations and Updates	23 CFR 771	FHWA, 4 weeks	Provides a complete submittal to the FHWA prior to needed action	Requests additional information, provides comments or approval to MoDOT
Section 106 Compliance	36 CFR 800	FHWA, within 2 weeks	Provides a complete submittal to the FHWA prior to needed action	Provides documentation to the Advisory Council requesting consultation determination
Section 4(f) Inapplicability Statement	23 CFR 771	FHWA, within 2 weeks	Provides adequate documentation to support the request for inapplicability or programmatic approval prior to the needed action	Requests additional information, provides comments or approval to MoDOT
Programmatic Section 4 (f)	23CFR 771	FHWA, within 4 weeks	Provides a complete submittal to FHWA prior to needed action	Requests additional information; provides comments or approval to MoDOT.
Section 4(f) Statement	23 CFR 771	FHWA, within 6 weeks	Provides a complete submittal to the FHWA prior to needed action	Requests additional information, provides comments or approval to MoDOT, including legal sufficiency review when appropriate
Section 106 MOA	36 CFR 800	FHWA, within 2 weeks	Provides a complete submittal to FHWA prior to needed action	Signs MOA

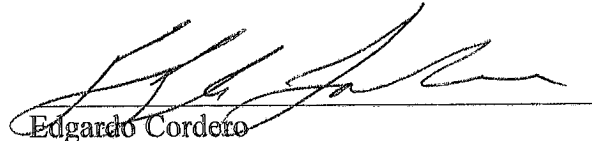
- II. **Ground Rules** MoDOT and FHWA agree to concentrate efforts in improving our work by following these ground rules:
- A. We will respect the roles and responsibilities of FHWA and MoDOT. We will respect each other by valuing the opinions of others and maintaining an open mind to suggestions. In addition, we will actively participate in scheduled meetings and collaborate on issues regarding MoDOT procedures and improvement projects.
 - B. We will communicate with each other directly by telephone, mail, e-mail, and more importantly in face-to-face conversations. Any direct communication from legislators, district offices, consultants, regulatory or resource agencies, and the general public regarding issues of mutual concern will be communicated immediately to the other agency.
 - C. We will participate in meetings, as needed, to discuss items of mutual interest and complex or controversial projects. Also as needed, we will participate in joint field visits to projects or to project related meetings.
 - D. It is understood that MoDOT district staff and consultants are not to ask FHWA environmental staff for approvals, NEPA classification decisions, or questions on any other environmental issue without involvement of MoDOT's central office staff. FHWA environmental staff, if contacted directly by MoDOT district staff or consultants, will redirect this submitted information to MoDOT central office environmental staff. Every effort should be made to ensure that MoDOT information provided to FHWA has the concurrence of both MoDOT districts and MoDOT central office.
 - E. Agreement on time frames for all EAs/EISs will be negotiated between resource agencies, MoDOT districts, consultants, FHWA, and MoDOT environmental section, either during negotiations with consultant or, if no consultant involvement, at the scoping meeting.
 - F. FHWA may ask MoDOT to provide project priorities when more than one EA or EIS or multiple CEs come in for review within the same timeframe.
 - G. Both agencies will strive toward producing high quality research, writing, and review of documents and correspondence based on the best available information.
 - H. Complete NEPA submittals to FHWA will mean appropriate forms and adequate documentation that details how conclusions were reached.

- I. FHWA and MoDOT will continually seek out opportunities for programmatic agreements and other streamlining opportunities.
 - J. We will participate in a bi-annual, or more often as needed, interagency meeting with coordinating agencies to discuss upcoming projects and issues, including document timeframes and streamlining efforts.
 - K. FHWA and MoDOT will revisit this agreement on an annual basis to make revisions as necessary.
- III. Conflict Resolution** In case of conflict, MoDOT and FHWA will resolve it at the lowest level closest to the issue. If an agreement cannot be reached, we agree to elevate the issue in the following manner:
- ~~A. MoDOT Environmental and Historic Preservation Manager/FHWA Program Development Team Leader~~
 - B. MoDOT State Design Engineer/FHWA Assistant Division Administrator
 - C. MoDOT Assistant Chief Engineer/FHWA Division Administration
- IV. Performance Evaluation** MoDOT and FHWA will measure our partnering progress and success by the following performance indicators:
- A. All actions described in section I are completed within the specified time frames at least 80 percent of the time.
 - B. All documented CEs, EAs, and EISs include a commitment record at least 80 percent of the time.
 - C. Completion of work activities in FHWA's annual performance plan with completion of at least 80 percent of the items.
 - D. Results of reviews in Environmental Program Areas.
- V. Communicating with Management** MoDOT and FHWA will keep management informed of our activities and how our agreement to partner is working by communicating important or controversial issues to management immediately as they arise. We will use the "no surprise philosophy" by providing management with updates as needed.

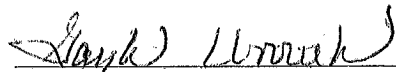
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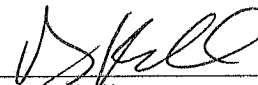
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