



SHORTENING
PROJECT DELIVERY

PROGRAMMATIC AGREEMENTS

Most environmental requirements are handled on a project-by-project basis rather than on a programmatic basis. This requires State and local Departments of Transportation (DOTs) to initiate repetitive submissions for routine actions that can considerably slow down a project's environmental review. Programmatic Agreements (PAs) were developed to streamline these repetitive processes, helping organizations save time and money, while maintaining appropriate consideration for the environment. Employing a PA helps organizations design projects that avoid, minimize and mitigate potential impacts, speed up environmental reviews and increase transparency between DOTs and regulatory agencies.

Programmatic Agreements are documents that establish a streamlined process for handling routine environmental requirements for commonly encountered project types. They should clearly specify roles and responsibilities between State DOTs and other resource and regulatory agencies for consultation, review and compliance with one or more federal laws concerning cultural and historic preservation, environmental review processes and natural resource protection and conservation. They usually set procedures for consultation, review and compliance with one or more federal laws.

Programmatic approaches include Memoranda of Agreement (MOAs), Memoranda of Understanding (MOUs), Regional Permits, Programmatic Consultations, letters of agreement and other agreements between resource and regulatory agencies regarding environmental process reviews, data collection and regulatory compliance.

This Every Day Counts (EDC) program seeks to expand the role of PAs, focusing on agreements with the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service (USFWS) and the NOAA's National Marine Fisheries Service.

BENEFITS

When procedures are standardized and agreed upon, work progresses more efficiently. Benefits include:

- ▶ Repetitive actions considered on a program basis rather than individually by project
- ▶ Projects are designed to specific standards, reducing confusion and repetitive communication between agencies
- ▶ A streamlined environmental review process, resulting in quicker project turnarounds
- ▶ Improved timeliness and quality of the environmental review process
- ▶ Minimized impacts on ecosystems, watershed scales and historic properties and bridges
- ▶ Limited staff and resources are able to focus on preservation and conservation rather than paperwork
- ▶ Consistent permit conditions, generating greater certainty
- ▶ Enhanced trust relationships among State DOTs and regulatory agency staff



CURRENT STATE OF THE PRACTICE

The initial EDC program to expand programmatic approaches successfully added scores of new agreements. Some of these new state-level agreements could be applied to other states or modified to include several states in a region, reducing the costs associated with initiating new agreements and updating existing agreements.

A recent example of this approach is the “Matrix” developed in Nebraska among the Federal Highway Administration (FHWA), Nebraska Department of Roads, Nebraska Game and Parks Commission (NGPC) and the USFWS for complying with both the Endangered Species Act and the Nebraska Nongame and Endangered Species Conservation Act. The Matrix identifies standardized effect determinations based on construction activity type and onsite species records/habitat conditions. It includes the development of standardized conservation conditions (measures) for all state- and federally-listed species. By implementing this agreement’s programmatic process, USFWS and NGPC agreed that Nebraska highway projects would not likely adversely affect federal and state listed endangered or threatened species.

In early 2012, the Washington State Department of Transportation (WSDOT) and FHWA finalized a Programmatic Consultation (PC) agreement with the National Marine Fisheries Service that builds on an existing USFWS PC. Together, the two PCs streamline WSDOT highway construction and maintenance projects that require Endangered Species Act (ESA) Section 7 compliance.

SUPPORT AND AVAILABLE TOOLS

To learn more about Programmatic Agreements, please visit:

- ▶ FHWA’s Every Day Counts Initiative Programmatic Agreement Web page, <http://www.fhwa.dot.gov/everydaycounts/edctwo/2012/local.cfm>
- ▶ AASHTO CEE Programmatic Agreement Library, http://environment.transportation.org/pal_database
- ▶ FHWA Transportation Liaison Community of Practice, <http://www.environment.fhwa.dot.gov/liaisonCOP/default.aspx>
- ▶ AASHTO CEE Programmatic Agreement Toolkit, http://environment.transportation.org/documents/programmatic_agreement_toolkit/main.html
- ▶ FHWA Streamlining Website, State Practices, <http://environment.fhwa.dot.gov/strmlng/es3stateprac.asp>
- ▶ TRB report on “Agency Use of and Approach to FHWA Approved Programmatic Agreements,” [http://onlinepubs.trb.org/onlinepubs/archive/NotesDocs/25-25\(13\)_FR.pdf](http://onlinepubs.trb.org/onlinepubs/archive/NotesDocs/25-25(13)_FR.pdf)

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Every Day Counts (EDC), a State-based initiative of FHWA’s Center for Accelerating Innovation, works with State, local and private sector partners to encourage the adoption of proven technologies and innovations aimed at shortening and enhancing project delivery

