

FHWA/MoDOT Partnering Agreement

Environmental Program

Roles and Responsibilities of FHWA and MoDOT:

The following activities require coordination between FHWA and MoDOT in order to attain reviews/approvals within the agreed timeframes. In this agreement, all reference to days denotes calendar days, unless otherwise noted. FHWA and MoDOT agree to work as true partners to ensure the success of the Environmental Program.

The following table identifies the various approval/review activities.

ACTIVITIES		RESPONSIBILITIES and ACTIONS		
Approval Action	Reference Document	Approving Agency, Review Timeframe	MoDOT	FHWA
Programmatic Categorical Exclusion (PCE)	23 CFR 771 Programmatic Agreement for CEs	FHWA, 3 business days	1) Central office notifies district of approval action (consult FHWA as needed) 2) Central office prepares report for FHWA (quarterly)	Verifies use of the Programmatic CE when requested Reviews quarterly submittal for risk-based stewardship and oversight purposes
Documented Categorical Exclusion (CE2) or revisions based on FHWA comments	23 CFR 771	FHWA, 2 weeks	Provides a completed CE2 and related source documents (such as surveys, studies, PI material, etc.) to FHWA prior to needed action	Requests additional information, provides comments or approval to MoDOT
Environmental Assessment (EA)	40 CFR 1500 23 CFR 771 TA 6640.8A	FHWA, 4 weeks	Provides a complete submittal to FHWA prior to needed action	Requests additional information, provides comments or approval to MoDOT
Finding of No Significant Impacts	40 CFR 1500 23 CFR 771 TA 6640.8A	FHWA, 4 weeks	Provides a complete submittal to FHWA prior to needed action	Requests additional information, provides comments or approval to MoDOT
NEPA Coordination Plan	SAFETEA-LU Section 6002 FAST Act Section 1304	FHWA, 2 weeks	Provides a complete submittal to FHWA prior to needed action	Requests additional information and provides comments to MoDOT
Classes of Action	23 CFR 771	FHWA, 2 weeks	Provides a complete submittal to FHWA prior to needed action	Requests additional information and provides comments to MoDOT

ACTIVITIES		RESPONSIBILITIES and ACTIONS		
Approval Action	Reference Document	Approving Agency, Review Timeframe	MoDOT	FHWA
Purpose and Need	40 CFR 1500 23CFR 771 TA 6640.8A	FHWA, 4 weeks	Provides a complete submittal to FHWA prior to needed action	Requests additional information and provides comments to MoDOT
Environmental Impact Statement (EIS) and FEIS/ROD combined	40 CFR 1500 23 CFR 771 TA 6640.8A	FHWA, 8 weeks	Provides a complete submittal to FHWA prior to needed action	Requests additional information, provides comments or approval to MoDOT
Record of Decision	40 CFR 1500 23 CFR 771 TA 6640.8A	FHWA, 4 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	40 CFR 1500 23 CFR 771 23 CFR 774 TA 6640.8A	MoDOT, 3 weeks* FHWA, 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
CE and EA/EIS Reevaluations	23 CFR 771	FHWA, 2 & 4 weeks, respectively	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, 4 weeks	Provides a complete submittal to the FHWA prior to needed action	Provides documentation to the Advisory Council on Historic Preservation and other consulting parties (tribes, historic organizations, etc.) requesting consultation determination and reviews and approves MOAs.
Section 4(f) de minimis	23 CFR 774	FHWA, 2 weeks	Provides a complete submittal to the FHWA prior to needed action	Requests additional information, provides comments or approval to MoDOT
Programmatic Section 4(f)	23 CFR 774	FHWA, 4 weeks	Provides a complete submittal to FHWA prior to needed action	Requests additional information; provides comments or approval to MoDOT

ACTIVITIES		RESPONSIBILITIES and ACTIONS		
Approval Action	Reference Document	Approving Agency, Review Timeframe	MoDOT	FHWA
Individual Section 4(f) Evaluation	23 CFR 774	FHWA, 6 weeks	Provides a complete submittal to FHWA prior to needed action	Requests additional information, provides comments or approval to MoDOT
Biological Assessment (BA) under ESA for LAA	ESA	FHWA, 2 weeks	Provides complete submittal to FHWA prior to needed action	Requests additional information, provides comments to MoDOT for revision and submits to US FWS
PEL Coordination Review Points	23 CFR 450 23 USC 168 PEL Questionnaire	FHWA, 2 weeks	Provides complete submittal to FHWA prior to needed action	Requests additional information, provides comments or approval to MoDOT
Final PEL Documentation	23 CFR 450 23 USC 168 PEL Questionnaire	FHWA, 4 weeks	Provides a complete submittal to the FHWA prior to needed action	Requests additional information, provides comments or approval to MoDOT
NEPA document public involvement material for EA/EISs	EPG 129	Concurrent with MoDOT review and determined by current schedule	Include FHWA on all correspondence outlined in the EPG	Provide comments or approval to MoDOT

**from receipt of complete information from districts*

This agreement will be reviewed and updated, as needed, on an annual basis.

IN WITNESS WHEREOF, the parties have entered into this Agreement on the date last written below.

FHWA:

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MISSOURI DEPARTMENT OF TRANSPORTATION:

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