WASHINGTON DIVISION HELPS STREAMLINE ESA CONSULTATION FOR ER PROJECTS

The Washington State DOT (WSDOT) received a letter dated August 30, 2011 from the National Marine Fisheries Service (NMFS) formally agreeing to a streamlining measure developed in negotiation with the Washington Division and WSDOT staff. The NMFS rules allow for development of a “4(d) Rule” to document endangered species act (ESA) compliance for agency actions that generally contribute to the recovery of endangered species. The 4(d) Rule that WSDOT and WSDOT staff. The NMFS rules allow for development of a “4(d) Rule” to document endangered species act (ESA) compliance for agency actions that generally contribute to the recovery of species. The 4(d) Rule that WSDOT and WSDOT staff. The NMFS rules allow for development of a “4(d) Rule” to document endangered species act (ESA) compliance for agency actions that generally contribute to the recovery of species.

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CE PER MOU PROGRAMMATIC CONTINUES TO STREAMLINE PROJECT DELIVERY

The Washington Division Office recently completed the biennial review of the Categorical Exclusion Memorandum of Understanding (CE per MOU) which delegates signature authority on some CEs to the Washington State Department of Transportation (WSDOT). WSDOT was found to be substantially in compliance with the terms of the CE per MOU, and an action plan has been developed to address those areas which may require further training of WSDOT staff or minor modification of the terms of the CE per MOU. In addition to assessing compliance with the terms of the CE per MOU, we also assessed how effective it is as a streamlining tool.

The assessment found that 62% were signed by WSDOT under the CE per MOU. Of these, four (0.5%) were records of decision (RODs) for NEPA environmental impact statements (EISs), eight (1%) were Findings of No Significant Impact (FONIs) for NEPA environmental assessments (EAs), and the remainder (98.5%) were CEs. Of the 823 which were CEs, 62% were signed by WSDOT under the CE per MOU. The percentage of CE projects approved by WSDOT in accordance with the CE per MOU has increased by 21% since the last review was conducted. A revision to the CE per MOU was approved in 2009 to address the findings of the previous review.

The Federal Highway Administration (FHWA) Washington Division (WADIV) has developed the following Project Delivery Report which highlights some of the broad array of activities / initiatives / approvals we perform to assist the Washington State Department of Transportation (WSDOT) and local agencies in delivering projects.

The month of August was a month of major accomplishments. For over a decade, the Washington Division and WSDOT have partnered in delivering two major projects: 1) the Alaskan Way Viaduct Replacement and 2) the State Route (SR) 520 Floating Bridge Replacement.

On August 4, 2011 after years of analysis and public outreach, the record of decision (ROD) was signed for the $3.45 billion SR 520 floating bridge replacement — the world’s longest floating bridge. The ROD allows the project to move forward with final design, ROW acquisition, construction.

On August 22, 2011 the ROD for the Alaskan Way Viaduct Replacement project was signed after nearly 10 years of environmental review and analysis. This $1.96 billion project will be a 57-foot diameter, 1.7 mile long bored tunnel running under downtown Seattle. The tunnel will replace the double-deck waterfront viaduct damaged in the 2001 Nisqually earthquake.

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### Approval of Documented Categorical Exclusions

- **3rd/4th Quarters FY07:** 57
- **1st/2nd Quarters FY09:** 32
- **3rd/4th Quarters FY09:** 23
- **1st/2nd Quarters FY10:** 8
- **3rd/4th Quarters FY10:** 3
- **1st/2nd Quarters FY11:** 13
- **3rd/4th Quarters FY11:** 3

This chart shows the timeliness of approval of documented categorical exclusions (DCEs) semi-annually from FY2007 to FY2011.

As the chart depicts, we are approving the vast majority of DCEs within the first 10 days of receipt.

### Approval of R/W Cert 3s

- **3rd/4th Quarters FY07:** 11
- **1st/2nd Quarters FY09:** 2
- **3rd/4th Quarters FY09:** 1
- **1st/2nd Quarters FY10:** 4
- **3rd/4th Quarters FY10:** 6
- **1st/2nd Quarters FY11:** 3
- **3rd/4th Quarters FY11:** 1

This chart shows the timeliness of approval for right-of-way (R/W) Certifications 3 (Cert. 3s).

- A Cert. 3 occurs for parcels where not all rights have been obtained or there may be some displacements remaining.
- Our goal is to take action on / approve 90% of certification 3s within 10 days of receipt.
- Certifications that took longer than 10 days required negotiations that took additional time to finalize.
- Approval of certifications 1 and 2 have been delegated to WSDOT.
- In order to authorize the advertisement of a project for construction, the State must certify the R/W has been cleared, per 23 CFR 635.309.
- Certification 3s are to be used only in very unusual circumstances.

### Other Approvals/Actions

- Environmental Document Approvals:
  - Colombia Point South FONS approved on July 8, 2011 (6 days after receipt)
  - Bellevue to Lynnwood Improvement projects FONS approved on July 20, 2011 (same day approval)
  - SR 520, I-5 to Medina Bridge Replacement and HOV project ROD signed August 4, 2011
  - Alaskan Way Viaduct Replacement project ROD signed on August 22, 2011

- Access Actions:
  - East Link Light Rail Transit and I-5 Center Drive I/C Access were approved within 2 days of receipt

### Design Deviations

- I-405/south to SR 169 (Renton) Stage II Widening project: Horizontal clearance approved on September 12, 2011 (3 days after receipt)
- I-405/NE 6th Street to I-5 Widening and Express Toll Lanes:
  - Shoulder width approved on May 26, 2011 (1 day after receipt)
  - Cross slope approved on August 10, 2011 (same day of receipt)
  - Lane width approved on July 13, 2011 (same day of receipt)
- I-5/I-205 Interchange:
  - Shoulder width approved on April 11, 2011 (2 days after receipt)
  - Vertical Curve length approved on April 11, 2011 (2 days after receipt)

### Design Approvals

- I-5: SR 16 - I-5 Realignment and HOV Connections approved on April 21, 2011 (9 days after receipt)
- I-405/NE 6th Street to I-5 Widening and Express Toll Lanes approved on August 10, 2011 (same day approval)
- I-5/I-205 Interchange approved (2 days after receipt)
- Port of Vancouver Gateway Avenue Grade Separation (TIGER II project) approved (2 days after receipt)

### Timeliness of Authorizations / Modifications

#### Federal Fiscal Year 2011 Quarters 3 & 4 (April 1—September 30, 2011)

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<tr>
<th>Number of Days</th>
<th>1999</th>
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<th>2001</th>
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</table>

This table reflects the number of authorizations / modifications approved within certain timeframes since 1999.

- For FY2011 our approval is at 97%. The 97% exceeded our goal of 90%!
  (Note: The FY begins on October 1 and ends on September 30 of the following year.)

### NRT Visits TIGER Projects

FHWA’s National Review Team (NRT) visited Washington State in July and September 2011 to review the state’s five TIGER projects. The NRT is a team formed of FHWA national experts. The team’s goal is to ensure that the TIGER projects are built according to and in compliance with Federal regulations. The NRT assisted by Division staff conducted, respectively, TIGER I and TIGER II reviews. Both reviews concluded that WSDOT, the local agencies, and the FHWA Washington Division are providing excellent oversight to the projects. The five TIGER projects reviewed included: 1) the Mercer Corridor Project in Seattle ($30 Million); 2) the US 395 NSC SB Lanes in Spokane ($35 Million); 3) the South Park Bridge Replacement in King County ($34 million); 4) the East Foster Wells Road Extension Phase 2 in Franklin County ($1.01 million); and the West Vancouver Freight Access Project in Clark County ($10 million). All projects are currently under construction and progressing well.

### Status of Recovery Act Projects

- **Total:** 225
- **Closed:** 152
- **Active:** 73

The chart shows the current status of the Recovery Act projects. More than half of the ARRA projects have been closed. To date 96% of ARRA funding has been expended for a total of $471,956,313.00. A total of $489,494,321.00 is obligated.