Welcome & Overview
Improving business practices and growing the Nebraska economy

- Nov ‘15: Project Prioritization
- Feb ‘16: Project Prioritization Bridge Program
- June ‘16: NEPA Engagement
- Oct ‘16: NEPA Engagement

Entrepreneurial • Engaging • Empowering
Delivering the Transportation Innovation Act: Economic Opportunity Program
Delivering the Transportation Innovation Act: County Bridge Match Program
BNA/TIA: Now It’s Time to Deliver
Delivering transportation

**USDOT**

- FHWA and other sister agencies
  - Headquarters for national coordination
  - Field offices in each state for local delivery

**NDOR**

- Headquarters for state coordination, design and program administration
- District offices for local delivery
Accelerating project delivery
Emerging national trend: NEPA Assignment

Alaska
California
Florida
Ohio
Texas
Utah
Introduction to NEPA Process and NDOR Experience

Jason Jurgens, NDOR
What is NEPA?

Federal agencies are required to determine if their proposed actions have a significant environmental effects, and to consider the environmental and related social and economic effects of their proposed actions.
What is the purpose?

To improve decision making
How do you do that?

Consider social, economic and environmental factors

Reach out to public and resource agencies

Document decisions
Considerations are many and broad ranging.

Archeological and Historic Preservation Act  Clean Water Act
Endangered Species Act  American Indian Religious Freedom Act
Rivers and Harbors Act  National Historic Preservation Act
Native American Graves Protection and Repatriation Act  Environmental Justice
Clean Air Act  Research Conservation and Recovery Act
Floodplains and Wetlands  Safe Drinking Water Act
Comprehensive Environmental Response, Compensation and Liability Act  Farmland Protection Policy Act
Toxic Substances Control Act
Categorical Exclusion (CE)
Routine project actions, Majority of NDOR’s NEPA actions – 84 approved last year, 99% of all projects in last 6 years
Environmental Assessment (EA)

Don’t know if project will have significant impact

7 active EAs at NDOR, 1% of all projects in last 6 years
Environmental Impact Statement (EIS)
Significant impacts, currently no EIS action in NE
Last EIS was before 2010
Recent developments at NDOR

- Redefined FHWA and NDOR processing and approval responsibilities
  - CE Programmatic Agreement Implementation

- NDOR is now able to approve 75% of CEs, accelerating project schedules by 60 process days

- Continuing to work with FHWA to streamline process
Task Force charge

1. Explore ways to innovate and improve business practices at NDOR

2. Look at national trends to examine how transportation investments can help grow Nebraska
NEPA Assignment Program

Tim Hill, Administrator
Office of Environmental Services
OHIO
Natural and Human Infrastructure

- 3 feet of rain per year
- 57,000+ miles of rivers
- 2nd largest inventory of bridges in the US
- 34th in total area in US
- Development 3,600,000 ac.
- Forest 7,900,000 ac.
- Agriculture 13,600,000 ac.
- 4 National Scenic Rivers
- 483,000 ac. of wetland
- $2.2 Billion Annual Transportation Construction Program
- 3800+ historic properties on the National Register
- 39 amphibian species
- 59 mammal species
- 45 reptile species
- 7th most populated state in US
- $1.9 trillion of goods flow annually through the Ohio’s transportation system
- 57,000+ historic properties on the National Register
- 4 National Scenic Rivers
- $555 billion of goods originate in Ohio
- 1 day’s drive of 60% of the US and Canadian population
- 8th largest inventory of public roads in the US
- 2 federally listed bat species
- Thousands of parks

Ohio Department of Transportation
What is NEPA Assignment?

• Formal Assignment of FHWA’s NEPA responsibilities to a State who would assume:
  • All NEPA classes of action: CE, EA and EIS
  • All environmental laws, rules and orders
  • Under this program, ODOT is deemed to be FHWA on all projects for environmental matters.
What is NEPA Assignment?

• ODOT assumes legal responsibility and liabilities to ensure compliance with all environmental requirements
  • ODOT agrees to be sued in Federal court

• ODOT’s Assignment does not change any current legal requirements

• Savings is from reduced reviews - not shortcutting process or legal requirements.
What is NEPA Assignment?

No coordination with FHWA on environmental projects/actions, except for:

• Tribal Coordination
• Projects over state lines
• Program Issues
• Training
• Audit/Performance Measurements

Under the NEPA Assignment program, ODOT assumes all of FHWA's responsibilities for environmental review, interagency consultation, and other environmental related actions in Ohio.
History

• 2005 - Originated in SAFETEA-LU

• Pilot program allowed Alaska, California, Ohio, Oklahoma, Texas

• 2007 - California seeks Assignment, 2007
History

• 2012 - Program expands under MAP-21
• 2014 - Texas the first State to apply

• 2014 - Ohio issues letter of interest in NEPA Assignment
• 2015- MOU between ODOT and FHWA
• First audit June thru August

• Alaska, Florida, Utah right behind us…
Benefits

• More efficient environmental review process
  • Time and cost savings by eliminating a layer of review
• More efficient project delivery program
• More efficient consultation between ODOT and our agencies

• Increased focus on local decision-making
• Continue ODOT’s leadership of our program
Cost savings from reduced review time in Ohio

$23 million each year from reduced review times
Benefits

Example of Time Savings on Medium Projects ($20M - $149M)

FHWA reviews:

- Purpose and Need (30 days)
- Feasibility Study (30 days)
- Alternative Analysis Report (30 days)
- Section 4(f) actions (45 days)
- Misc. env. Report (60 days)
- Review/approve final document (60 days)

Total time – FHWA can average over 390 review days per project.
Benefits

• Typical FHWA review for $20M - $149M project – 390 days.
• ODOT averages 12 of this type of project per year – 4,680 review days.
• 30% reviews performed concurrently – 1,404 project review days.
• 25% are considered critical path= 819 days of delay
• 3.9% inflation and delay costs = $5.7 million per year.
• Not factoring in our super-projects!
• ODOT will be legally responsible and liable for all NEPA decisions

• ODOT will defend in federal court

• Required for both on and off the State Highway System - pass thru federal monies are the same as ODOT spending them
What can go wrong?

• No more FHWA backstop “The feds are making us do it….”

  • ODOT has to make the right decisions, based on the required process and laws and stand by it.

• Failure - FHWA can take the program away.
Application Process

• Three phases:
  • Pre-Application, Application, MOU
  • Majority of application is describing current processes.
  • FHWA wants to know they’re turning it over to a competent organization.

• FHWA wants this program to be successful and for any state that participates in this program to be successful!
Changes made for NEPA Assignment

• **Sovereign Immunity Waiver**

  • Change State Law to accept Federal court jurisdiction with respect to the responsibilities being sought

  • “Limited Waiver”
Changes made for NEPA Assignment

• Comparable State laws

• Ensure the State’s public records laws are similar to FOIA and the State has the authority to carry out the responsibilities assumed.
Changes made for NEPA Assignment

- Need to address shortcomings in program.
- Requires a hard look. ODOT identified a few areas that required major overhaul. **FHWA will find it during audits.**
ODOT Changes:

• Update all manuals, guidance, etc. ODOT had 30 processes developed from scratch or updated. 16 more were developed post-Assumption.
• Establish QA/QC measures that can be tracked
• Updated Record Keeping schedules/process
• Set up conflict escalation processes with agencies
NEPA Assignment- Audit

Audit Purpose

• Assess ODOT’s discharge of the responsibilities it has assumed under MOU

• Primary mechanism to oversee compliance with MOU

• Ensures compliance with applicable Federal laws as well as ODOT policies/guidance

• Used to collect information for the USDOT Secretary’s annual report to Congress
Audit Afterthoughts
Audit Results

- Overall- positive review of ODOT’s program
- All areas were substantially complete and working well.
- Observations noted in:
  - Program Management
  - Documentation
  - Quality Assurance/Quality Control (QA/QC)
  - Performance Measures
What are we getting out of it?

**Time savings**
- USFWS PA processing, several other agency agreements....
- Project processing savings ($5.6 million in first 4 months)

**Risk Management**
- ODOT can update our guidance/processes....
- It’s our risk to manage...
Helpful Input

• Helpful to understand concerns that others had w/ODOT.
  • If anyone had concerns, they even helped us in addressing those areas.

• We had support for the limited waiver of ODOT’s Sovereign Immunity and during the Application and MOU comment periods.

• FHWA and all our partners helped ODOT continue to improve and ensure positive performance of this program!
NEPA Assignment
Surface Transportation project delivery program

Tim Hill, Administrator
Office of Environmental Services
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Emerging national trend

$19M annual savings

Balance accountability, risk and savings
Facilitated Discussion

• Reaction to emerging trend?

• Concerns?

• Positive outcomes?
County Bridge Match Program

Moe Jamshidi
NDOR Deputy Director
Overview

• Promote innovative solutions
• Up to $40M to repair and replace deficient county bridges
• Consult with county officials
• Voluntary program
• Program details to Legislature by December 2016
• Program terminates June 30, 2023
Came to you first –
Followed your advice

Keep it simple
Focus on innovation
Working Group members

- Larry Dix, NACO Executive Director
- Steve Riehle, Hall County, President NACE
- Chris Jacobsen, Custer County
- Steve Mika, Saunders County
- Kevin Barta, Knox County
- Tim Ryan, Keith County
- Denny Wilson, Sarpy County
- Moe Jamshidi, NDOR
- Mark Traynowicz, NDOR
- Mick Syslo, NDOR
- Andy Cunningham, NDOR
- Larry Legg, NDOR
Allocation based on NACO Districts
Structurally Deficient Bridges

<table>
<thead>
<tr>
<th>Percentage Range</th>
<th>Districts</th>
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<tbody>
<tr>
<td>25-30%</td>
<td>Panhandle</td>
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<tr>
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<tr>
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<td>2-5%</td>
<td>Northeast</td>
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<tr>
<td>5-10%</td>
<td>Southeast</td>
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</tbody>
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Innovation examples

• Include time/cost saving measures
• Cooperation between multiple counties
  • Bundling of multiple bridges
  • Hydraulic studies by drainage basin
• New technology
• Potential to change future bridge construction and/or maintenance
Innovation examples, continued

• Close bridges/roads – don’t need all of them
• Construct using county forces
• Corrosion resistant substructures
• Simplicity
• Others? Proposals will expand list
Selection process

• Bridge projects submitted by counties during a Request for Proposal
• County prioritizes their submitted projects
• Selection process to determine funded projects
Scoring criteria

0-20 pts  Innovation
0-10    Cost or Time Savings
0-10    Sustainability/Transferability of Innovation
0-10    Long-Term Maintenance Savings
0-20    Project Significance/Risk
0-20    Needs (by percentage in NACO District)
0-10    Equity
Funding

• 55% Match Program (State) funds
  • Up to $150,000 per bridge (State funds)
• 45% County funds

• Engineers and ROW will be funded entirely by county
• Matching funds for bridge construction costs
Timeline

• 5 working group meetings
• Initial phase of program
  • Fall 2016: RFP advertised – funding for this cycle announced
  • Winter 2016: Proposals due
  • Early 2017: Final selection of initial program
• Future call for projects
Questions?
Customer Service
Be Entrepreneurial
Be Engaging
Be Empowering
We want to hear from you.

Build Nebraska Act
The Next 10 Years

Transportation Innovation Act
Gathering data to inform engagement and improve customer satisfaction

- LPA survey
- Customer satisfaction survey
- Outreach to contracting and consulting partners
- PI/Environmental process survey
- Freight Plan – additional engagement
- Process improvements
Facilitated Discussion

• Who should we reach out to?

• How do we best reach stakeholders? The public? Lessons from private sector or other agencies?

• Effective engagement approaches?

• What topics most need to be addressed?
Lightning Round
Thank You