

**Master Agreement
Implementing the Efficient Transportation Decision Making Process in Florida
October 7, 2003**

FDACS CONTRACT #

008439

Section 1: Purpose

On December 14, 2001 the US Army Corps of Engineers, US Fish and Wildlife Service, National Marine Fisheries Service, Natural Resource Conservation Service, US Environmental Protection Agency, US Coast Guard, Federal Transit Administration, Advisory Council on Historic Preservation, National Park Service, US Forest Service, Florida Department of Environmental Protection, Northwest Florida Water Management District (WMD), Suwannee River WMD, St. Johns River WMD, Southwest Florida WMD, South Florida WMD, Florida Fish and Wildlife Conservation Commission, State Historic Preservation Office, Metropolitan Planning Organization Advisory Council, Florida Department of Community Affairs, Florida Department of Agriculture and Consumer Services, the Florida Department of Transportation (FDOT) and the Federal Highway Administration (FHWA), collectively referred to as Environmental Technical Advisory Team (ETAT), signed a Memorandum of Understanding agreeing to develop an Efficient Transportation Decision Making (ETDM) Process in Florida. The agencies endorsed the ETDM concept and agreed to support, establish and implement the ETDM process within their respective agency to the extent feasible, within existing legal authority, staffing capabilities and budget.

Section 2: Agreement Framework and Regulatory Authority

This Master Agreement (MA) is entered into voluntarily by all parties and has been designed to outline how transportation projects in the state of Florida will be planned, programmed and developed using the ETDM process, pursuant to the laws and regulations cited in Appendix A. This Operating Agreement describes the ETDM Process, the interactive ETDM database and environmental screening tool, the creation of an Environmental Technical Advisory Team (ETAT) for each FDOT geographic District, the Planning and Programming Screens and automated summary reports, agency resource requirements, the ETDM Dispute Resolution Process, the training and educational components, the ETDM performance measures, and the calendar of milestones. It also includes language for agreement modifications and termination.

In addition to this MA, individual agency agreements will be developed with each respective agency as listed below. The purpose of the individual agency agreements is to identify, in greater detail, the Metropolitan Planning Organization (MPO) and FDOT deliverables and the specific agency reviews and responsibilities during the Planning and Programming Screens and Project Development phase. The individual agency agreements list, in a table format, the information to be uploaded into the ETDM database, the necessary Geographic Information Systems (GIS) datasets, the deliverables and review responsibilities of the MPO and FDOT, and the review responsibilities of the ETAT representatives.

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| ■ Appendix B – Federal Highway Administration | ■ Appendix L – US Forest Service |
| ■ Appendix C – US Corps of Engineers | ■ Appendix M – Florida Department of Environmental Protection |
| ■ Appendix D – National Marine Fisheries | ■ Appendix N – Five Water Management Districts |
| ■ Appendix E – Natural Resource Conservation Service | ■ Appendix O – Florida Fish and Wildlife Conservation Commission |
| ■ Appendix F – US Environmental Protection Agency | ■ Appendix P – State Historic Preservation Office |
| ■ Appendix G – US Coast Guard | ■ Appendix K – National Park Service |
| ■ Appendix H – US Fish and Wildlife Service | ■ Appendix Q – Metropolitan Planning Organization Advisory Council |
| ■ Appendix I – Advisory Council on Historic Preservation | ■ Appendix R – Florida Department of Community Affairs |
| ■ Appendix J – Federal Transit Administration | ■ Appendix S – Florida Department of Agriculture and Consumer Services |

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Section 3: ETDM Process

All major capacity transportation projects that are required by law to be contained in a Long Range Transportation Plan, or FDOT's Five-Year Work Program will be subject to the ETDM screening process, regardless of funding.

The ETDM Process creates linkages between land use, transportation, and environmental resource planning initiatives through early, interactive agency involvement, which is expected to improve transportation decisions and reduce the time, effort, and cost to implement transportation improvements. Program and project efficiency is gained by two environmental screening events that occur at the transportation planning and programming phases. In Metropolitan Planning Organization (MPO) areas, the Planning screen will occur during the development of the Metropolitan Planning Organization's (MPO) Long Range Transportation Needs Plan with the exception of the Florida Intrastate Highway System (FIHS) facilities. In MPO areas and Non-MPO areas, the Planning screen will occur during the development of the Florida Intrastate Highway System (FIHS) Cost Feasible Plan.

The Programming Screen within MPO and non-MPO areas will be performed annually on the MPO's list of priority projects for inclusion into the Department's Five-Year Work Program, with the exception of the FIHS facilities. The FIHS facilities will be screened annually during the development of the FIHS Ten-Year Plan. The Programming Screen in the non-MPO areas will be performed on priority projects before they enter FDOT's Tentative Five-Year Work Program, which includes projects from the Statewide Bridge Replacement and Repair program and the FIHS Ten-Year Plan.

An Environmental Technical Advisory Team (ETAT) performs these screenings. ETAT consists of representatives from planning agencies, consultation agencies, and regulatory agencies that will be created for each of the seven FDOT geographic Districts. The ETAT representatives provide early agency comments on proposed transportation improvements. Their response or comments will be advisory during the early phases of transportation planning. The screenings allow for concurrent review of National Environmental Policy Act (NEPA) and permit issues as a part of the planning and project development process. As the projects move into the Work Program and the project development and environmental documentation phase, the ETAT representatives' role transitions to one of coordination within their respective agency to ensure expeditious agency response during both the NEPA and permit application processes. The ETDM GIS database or Environmental Screening Tool shall be used by the MPOs and the FDOT in developing, evaluating and prioritizing transportation plans and projects. The ETDM Process diagram is shown below.

"Efficient Transportation Decision Making"

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The ETDM process also includes the opportunity to combine agency public noticing and public involvement activities whenever possible. This relates to both the federal and state agencies involved in the National Environmental Policy Act (NEPA) and issuing of project permits. The individual agency agreements contained in the appendices identify opportunities and constraints for combining public noticing requirements and holding joint public hearings.

During the programming and project development phases the ETAT will serve as a cooperating agency and partner with FHWA and FDOT on all major capacity improvement projects. Responsibilities of the ETAT will include responding to requests for technical assistance, attending scoping and coordination meetings, attending joint field reviews, providing substantive and early input on issues of concern, scoping agreements for issues and required technical studies, reviewing draft/final environmental documents, and others as determined.

The State of Florida has developed a comprehensive digital information database, the Florida Geographic Data Library (FGDL), which is housed at the GeoPlan Center at the University of Florida. FDOT has developed an environmental screening application that utilizes the FGDL and provides for an interactive review of proposed transportation projects by ETAT representatives. This environmental screening tool will be accessed through the Internet and will perform standardized Geographic Information System (GIS) analyses and queries using information (data) contained in the FGDL along with the transportation planning and project information provided by MPO's and FDOT. The environmental screening tool will be used to:

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An agency ETAT representative will be responsible for coordinating and performing all agency actions to satisfy the statutory obligations of the representative's agency with respect to the planning and implementation of transportation projects. This responsibility will require diverse and excellent skills, and especially the ability to function effectively within the agency and to coordinate with other agencies in the ETAT. ETAT representatives will be involved with the full spectrum of agency actions related to transportation projects. The person selected for ETAT consequently should be:

- Able to anticipate agency actions required as projects proceed through phases and to prepare those responsible for a prompt, efficient participation in the project to minimize delays.

If an agency ETAT representative is unable to perform their duties, the agency will identify an alternate ETAT representative to complete the agency's regulatory or resource review responsibilities in the agreed upon timeframes.

Each FDOT District ETAT representative will be here after referred to as the "ETDM Coordinator" and will be responsible for the full implementation of Florida's ETDM process. The ETDM Coordinator duties include the following:

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- Coordinates and consults internally with District offices and externally with ETAT representatives in the review of federal and state legislation, federal and state regulations, environmental ordinances, rules, executive orders and internal agency procedures which affect the ETDM process.
- Conducts ETDM training and provides technical assistance to support ETAT representatives, the MPOs, and FDOT District Planning, FDOT Environmental Management and other offices, where appropriate. If the ETDM Coordinator is unable to perform their duties, the relevant FDOT District Office will identify an alternate ETDM Coordinator to complete the FDOT responsibilities in the agreed upon timeframes.

Section 9: Planning Screen

The Planning screen occurs every 3-5 years during the development of the MPO's Long Range Transportation Needs Plan (LRTP) in urbanized areas, with the exception of the FIHS facilities. In MPO and non-MPO areas, the Planning Screen occurs on the FIHS Cost Feasible Plan. FDOT staff will be responsible for uploading the FIHS project information into the ETDM GIS database in both rural and urban areas.

This review allows the ETAT to comment on the impact of projects very early in the planning process. It also allows the ETAT to provide plans, programs, and technical reports that are not contained in existing databases, but are an important part of an agency's resource management and protection initiatives and may affect a proposed project. This will enable planners to adjust project concepts to avoid or minimize adverse impacts and to identify mitigation alternatives and costs. Secondary and cumulative effects will be evaluated on a systemwide and project basis in connection with the Planning screen. The LRTPs are updated by the MPOs every three to five years, depending on the air quality designation by the U.S. Environmental Protection Agency. The FHHS Cost Feasible Plan is updated by FDOT every five years depending on funding and legislative issues. The Planning screen table contained in the respective agency appendices identifies the information available to the ETAT during the Planning screen (via the environmental screening tool). This table also addresses FHWA/FDOT and the ETAT's review and coordination responsibilities. The review will take place through the Internet and all comments will be entered directly into the environmental screening tool comment section and saved for subsequent review and use.

Section 10: Planning Summary Report

After the Planning screen is completed, a Planning Summary Report will be assembled by the MPO, in concert with ETDM Coordinator, or by the ETDM Coordinator in non-MPO areas. The ETDM Coordinator will resolve any problems that arise at this stage. This report will be automatically generated, to the extent feasible, and will summarize key information and recommendations on a system-wide basis for the LRTPs and Cost Feasible FHHS Plan. This summary report will also address secondary and cumulative impact analysis.

Section 11: Programming Screen

In MPO and non-MPO areas, the Programming Screen occurs annually on project priorities before they are adopted into the Department's Five-Year Work Program, with the exception of the FIHS facilities. FIHS facilities will be screened during the development of the FIHS Ten-Year Plan. FDOT staff will be responsible for uploading the FIHS project information into the ETDM GIS database in both rural and urban areas. The ETAT representatives will provide technical assistance and assist FDOT in scoping technical studies necessary to satisfy NEPA and obtain project permits during the project development process. The programming table in the respective agency appendix identifies the information available to the ETAT during the Programming screen (via the environmental screening tool). The review will once again take place through the Internet and all comments will be entered directly into the environmental screening tool comment section and saved for subsequent review and use.

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A Programming Summary Report will be produced by the ETDM Coordinator after the screening is completed. This report will be automatically generated, to the extent feasible, and will include an outline of the project's scope of work based on the ETAT reviews and available project information. The project's Class of Action Determination, (i.e., EA or EIS), degree of effect, summary of public comments, and dispute resolution issues will also be addressed in this report.

During the project development and environmental documentation of project impacts, the ETAT will continue to provide input and assist the FDOT in compliance with their respective legal and regulatory requirements contained in Appendix A of this MA. The objective is to satisfy NEPA requirements and permitting issues and concerns so that all reviews consider every issue and approvals of related agency actions are received concurrently. During this phase, FDOT shall prepare the applications for state and federal permits and state lands authorization. Permit applications shall be submitted to the appropriate agencies through ETAT review for permit approval concurrent with NEPA. The project development table in the respective agency appendix identifies the reports and coordination responsibilities for FDOT, FHWA and the ETAT representative(s). Project development and environmental studies may include a project web site for use in the coordination of project reviews and comments. The NEPA documents and permit applications will be developed using conceptual engineering information supported by technical studies such as the Preliminary Engineering Report, Pond Siting Report, Endangered Species Biological Assessment and Wetland Evaluation Report.

A Project Development Summary Report will be produced by the FDOT Project Manager at the conclusion of the NEPA phase. This report will be a collection and summary of pertinent information and documentation, including the preferred alternative for construction, a summation of all environmental impacts and inclusion of pertinent technical reports, a list of all commitments and recommendations, a summary of all project permitting stipulations and project mitigation. This report will be provided to and discussed with the FDOT Design Project Manager for their use in project scoping, contractual services and plans preparation.

ETAT resource needs, including personnel, equipment, review responsibility and agency funding requirements will be determined based on each office's existing resources and specific needs. The success of the ETDM Process will in part be based on the quality of the interactive ETDM database information, agency coordination and consultation, timeliness and regulatory nature of review comments, and technical assistance provided to satisfy NEPA and permitting requirements.

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Operating System

- Microsoft Windows 2000 (NT, 95, 98, will also work)

Hardware

- 700 MHz, Intel Pentium III or equivalent AMD Processor
- 1024 X 768 video card resolution
- 20 MB of free disk space
- 256 MB RAM (348 MB RAM recommended)
- 17-inch color monitor (19-inch recommended)
- Minimum of 128 KB Internet connection (T-1 recommended)
- Access to color printer recommended, but not required

Software

- Microsoft Internet Explorer, version 5.5 or higher

Section 16: ETAT Performance Standards

Agency performance standards include cooperating agency role and level of involvement, quality of submittals, number of revisions, timeframe for concurrent processing of NEPA documents and environmental permits, number of requests for substantive additional information, interagency communication and coordination, and review delays. Review guidelines include responding to FDOT submittals within 30 calendar days, providing specific information about data needs to bring about compliance with the respective legal and regulatory requirements contained in Appendix A, documentation of consultation process, documentation of all formal/informal commitments to protect resources and mitigate impacts and documentation of all actions designed to expedite NEPA and permit approvals.

Performance standards shall include:

- ETAT review of Planning and Programming Screens within 45 days
- FDOT response to comments and inquiries within 30 calendar days
- FDOT response to request for additional information within 30 calendar days
- Number of Requests for Additional Information (RAIs)
- Establishment of quality assurance protocols for digital information. Quality checks on system performed within 90 calendar days of completing field reviews and technical reports.
- Completion of Dispute Resolution Process within 90 calendar days.
- Review of all environmental documents and permit pre-applications within 30 calendar days.

Section 17: ETAT Dispute Resolution Process

The intent of the ETDM Dispute Resolution Process is to resolve conflicts at the agency ETAT level with as many opportunities for resolution as possible. The ETDM Dispute Resolution Process is shown in the flowchart following this section. The ETDM Dispute Resolution Process is specific to the Programming Screen that occurs on MPO and FDOT project priorities before they enter the FDOT Five-Year Work Program.

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If conflicts are identified during the early Planning Screen, the ETAT representatives and ETDM coordinator shall consult and resolve, where feasible, project conflicts and concerns before the approval of the relevant cost feasible Long Range Transportation Plan. However, if a conflict cannot be resolved and the project is added to the transportation plan, the project will be "flagged" as having unresolved agency conflict(s) and will be so identified if the project becomes a priority for inclusion in FDOT's Five-Year Work Program.

The Dispute Resolution Process begins with the ETDM Coordinator, who is responsible to work with the appropriate ETAT representatives to address all known conflicts or issues at the agency staff level. The following is a list "triggers" for initiating the ETDM dispute resolution process:

- Project is contrary to the Goals and Policies of the State of Florida
- Project is non-permittable
- Project is contrary to a state or federal resource agency's program, plan or initiative
- Project has significant environmental cost (apply a broad interpretation of the term cost) such as funding, environmental impacts, or quality of life
- Project Purpose and Need is disputable

The ETDM Coordinator will have the authority to make agency commitments, such as requiring specific technical studies, evaluating certain types of alternatives or evaluating specific mitigation options during the project development phase. If the conflict cannot be resolved by the ETDM Coordinator, then the Dispute moves into the Informal Dispute Resolution Process.

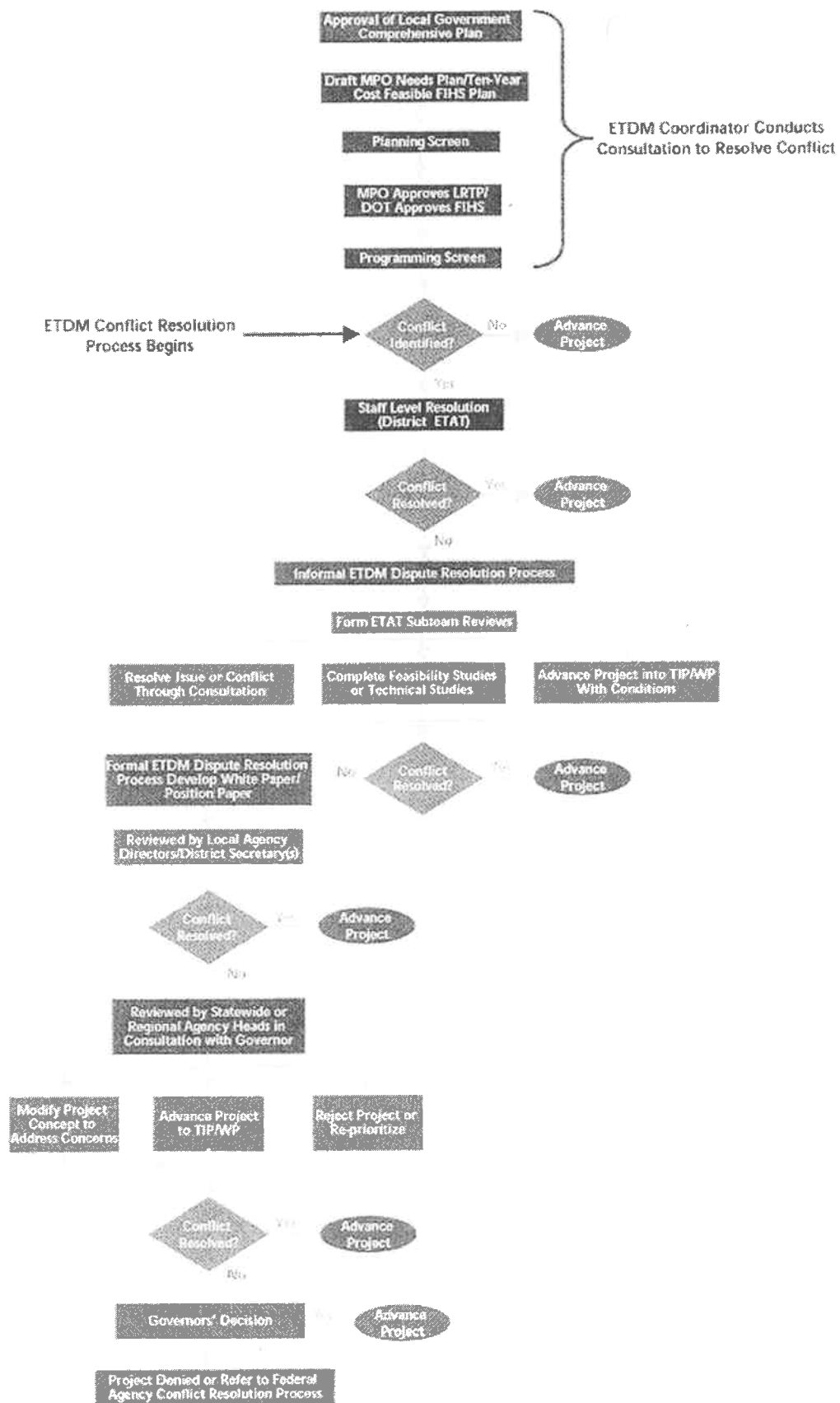
The Informal Dispute Resolution Process involves a subteam or subunit of the ETAT that will be responsible for reviewing dispute issues. Participation in a subteam is at the discretion of each agency depending on level of interest or concern, but the subteam shall include those agencies that identified the concerns for a given project. The ETAT subteam will undertake a course of action to address identified conflicts and issues, which may include the following: 1) resolve the issue or conflict through consultation and document the resolution; 2) complete a feasibility or technical study for ETAT representative to review; 3) Advance project into TIP/WP with specific "flags" and/or recommendations to be addressed during the PD&E phase. Any agreements, understandings and/or recommendations resulting from these proceedings shall be incorporated into the descriptive materials that accompany the project as it moves through the work program. If the conflict remains unresolved, it will then enter the more Formal ETDM Dispute Resolution Process.

The Formal ETDM Dispute Resolution Process involves the development of an "Issue Paper/Position Paper" to be reviewed by locally responsible ETAT member agency heads and the FDOT District Secretary. A Position Paper will be completed by the relevant FDOT District Office, and the Issue Paper will be completed by the Agency(s) that have raised the issue or dispute.

If the dispute cannot be resolved by the local agency heads, (District management serving as lead for FDOT management purposes), then the dispute moves to the statewide or regional agency heads. The statewide and regional agency heads will review all relevant project information, including any technical reports and studies before rendering a decision. The agency heads will make the final decision in consultation with the Governor. The course of action may include the following:

- Modify project concept to resolve environmental concerns and issues
- Advance project into next phase
- Reject project

If the conflict is not resolved by the statewide and regional agency heads, the Governor will then be asked to render a final decision.



Detailed Dispute Resolution Diagram

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Nothing in this Agreement affects the statutorily prescribed duties and obligations of any party to the agreement or any party's responsibility or ability to discharge fully such duties and obligations under all applicable laws and regulations. The dispute resolution process will seek to fulfill all statutory obligations in seeking solutions to complex issues among agencies.

Participation by the U. S. Army Corps of Engineers in the Dispute Resolution Process is entirely voluntary and any resolution must be agreed to by the U. S. Army Corps of Engineers and no other entity's decision is final.

Section 18: Regulatory and Statutory Changes

The ETAT agencies will work with FHWA and FDOT to identify any mutually agreed upon changes in federal or state laws, rules, or regulations that are needed as a result of the implementation of the ETDM process. The federal agencies in the ETAT and FHWA will also act as joint lead federal agencies to promote regulatory or statutory changes to federal laws. All parties to this agreement will support the proposed changes, as necessary.

Section 19: Training and Educational Programs

A training program will be jointly developed by FDOT and the University of Florida GeoPlan Center with the participation of ETAT representatives from each respective agency to fully explain the ETDM process, NEPA and permit documentation and the use of the environmental screening tool. An educational component will also be developed to inform non-governmental organizations, local governments, and citizens of the new ETDM process and how they can participate and affect the transportation decision-making process.

Section 20: Master Agreement Modification

This Master Agreement is between FDOT, FHWA and each signing agency. Any changes, amendments, corrections, or additions to this agreement, shall be executed and approved by the same officials (or their designees) who execute and approve this original agreement and applicable appendices in accordance with applicable laws. This MA shall become effective upon signing the agreement and/or the applicable appendix. Any party may terminate its participation in this agreement upon sixty (60) days written notice to the ETDM Coordinator, provided that the party requesting termination has provided sufficient notice and opportunity for remedy of issues and dispute resolution.

Section 21: Period of Performance

A period of performance for this agreement shall be for five (5) year increments of time, beginning from the date of the final signatures. The agreement will be renewable for five-year increments by modification of this agreement.

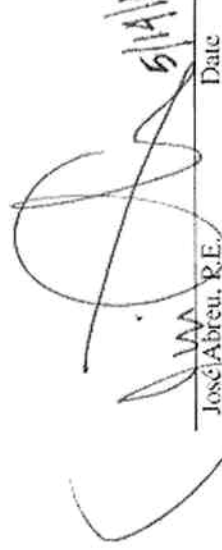
Section 22: Calendar of Milestones

It is anticipated that the ETAT representatives will meet annually with the FDOT to review program issues and concerns. The ETDM Coordinators will be responsible for informal and formal communication and program monitoring of the ETDM process. The ETAT representatives are also responsible for identifying program deficiencies or concerns they may have with the ETDM process and communicating those issues to the ETDM Coordinators.

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Section 23: Signature


In witness thereof, the parties hereto have caused this Master Agreement to be executed in counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.



José Abreu, P.E.
Secretary
Florida Department of Transportation


5/14/04

Date



James E. St. John
Florida Division Administrator
Highway Administration

Date



Mike Gresham
Director, Division of Administration
Florida Department of Agriculture and
Consumer Services

Date

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