

NON-FEDERAL PROJECTS

Module 4

Part 1, Chapter 10 (13)

Acronyms

- SEIR – State Environmental Impact Report
- NMSA – Non-Major State Action
- LAP – Local Agency Program
- ETDM – Efficient Transportation Decision Making
- SIS – Strategic Intermodal System
- SHS – State Highway System

Who conducts Non-Federal Projects?

- FDOT
- Other State Agencies
- Local Governments (City, County)
 - ▣ Local Agency Program (LAP)
- Local Transit Providers
- Private Developers

Matrix for ETDM Programming Screen for Major Transportation Projects Including Capacity Additions and Bridge Replacements

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Non-Federal Projects

System	Federal Dollars (FHWA or FTA transportation funds or required FHWA approval)			State Dollars (TRIP, Transit/Intermodal System Grants, etc)			Local Dollars Only		
	Responsible Agency (1)	ETDM Screening	Type of Environmental Document	Responsible Agency (1)	ETDM Screening	Type of Environmental Document	Responsible Agency (1)	ETDM Screening	Type of Environmental Document
State Highway System (SHS) on the Strategic Intermodal System (SIS)	FDOT	YES	NEPA	FDOT	YES	SEIR	FDOT	YES	SEIR
							Local (2)	YES (3)	SEIR
State Highway System (SHS) not on the Strategic Intermodal System (SIS)	FDOT	YES	NEPA	FDOT	YES	SEIR	FDOT	YES	SEIR
				Local (2)	YES	SEIR	Local (2)	YES (3)	SEIR
Highways not on State Highway System (SHS) but on the Strategic Intermodal System (SIS)	FDOT	YES	NEPA	FDOT	YES	SEIR	FDOT	YES	SEIR
	Local (2)	YES	NEPA	Local (2)	Local Option	Fed/State/Local Regulations (5)	Local (2)	N/A (4)	Fed/State/ Local Regulations
Highways not on State Highway System (SHS) and not on the Strategic Intermodal System (SIS)	FDOT	YES	NEPA	FDOT	YES	SEIR			
	Local (2)	YES	NEPA	Local (2)	Local Option	Fed/State/Local Regulations (5)	Local (2)	N/A (4)	Fed/State/ Local Regulations
Major Public Transit Projects (intermodal center, passenger rail, etc.) on or off the Strategic Intermodal System (SIS)	FDOT	YES	NEPA	FDOT	YES	SEIR			
	Local (2)	Local Option	NEPA	Local (2)	Local Option	Fed/State/Local Regulations (5)	Local (2)	N/A (4)	Fed/State/ Local Regulations
Non-Passenger Rail Projects, and non-highway Port and Airport Projects on the Strategic Intermodal System (SIS)	Local (2)	N/A (4)	NEPA	Local (2)	N/A (4)	Fed/State/Local Regulations (5)	Local (2)	N/A (4)	Fed/State/ Local Regulations

For example, if using only State Funds...

(TRIP, Grants, etc.)

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Major Project

SHS – YES

SIS – YES

Major Transit

SIS – YES or NO

Non-Federal Projects

FDOT

FDOT

Other

Lead Agency

ETDM Screening
Required

ETDM
Screening
Required

Optional

Conduct
ETDM
Screens

SEIR

SEIR

Must meet
Fed/State/
Local laws

Level of
Doc.

For example, if using only Local/Private Funds...

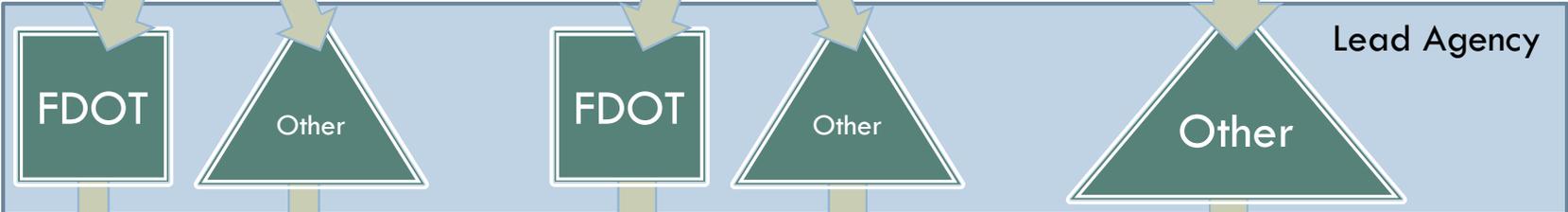
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Major Project
SHS – YES
SIS – NO

Highways
SHS – NO
SIS – YES

Major Transit
SIS – YES or NO

Non-Federal Projects



Legal Authority

- Florida Statutes
 - 334- Transportation Administration
 - 338- Fl. Intrastate Highway System
 - 339- Transportation Finance and Planning

- Florida Administration Code
 - Rule Chapter 14-88, F.A.C.

Legal Authority

- **Section 338.223, F.S.,** Proposed Turnpike Projects
- **Section 338.251, F.S.,** Toll Facilities Revolving Trust Fund
- **Section 339.125, F.S.,** Preliminary Engineering funds for revenue producing projects

- **Section 334.30, F.S.,** Public-Private Transportation Facilities

- **Rule Chapter 14-88, F.A.C.,** Toll Facilities Revolving Trust Fund Application Requirements

Legal Authority

- Florida statutes are under revision
- Best to read ... before you proceed!

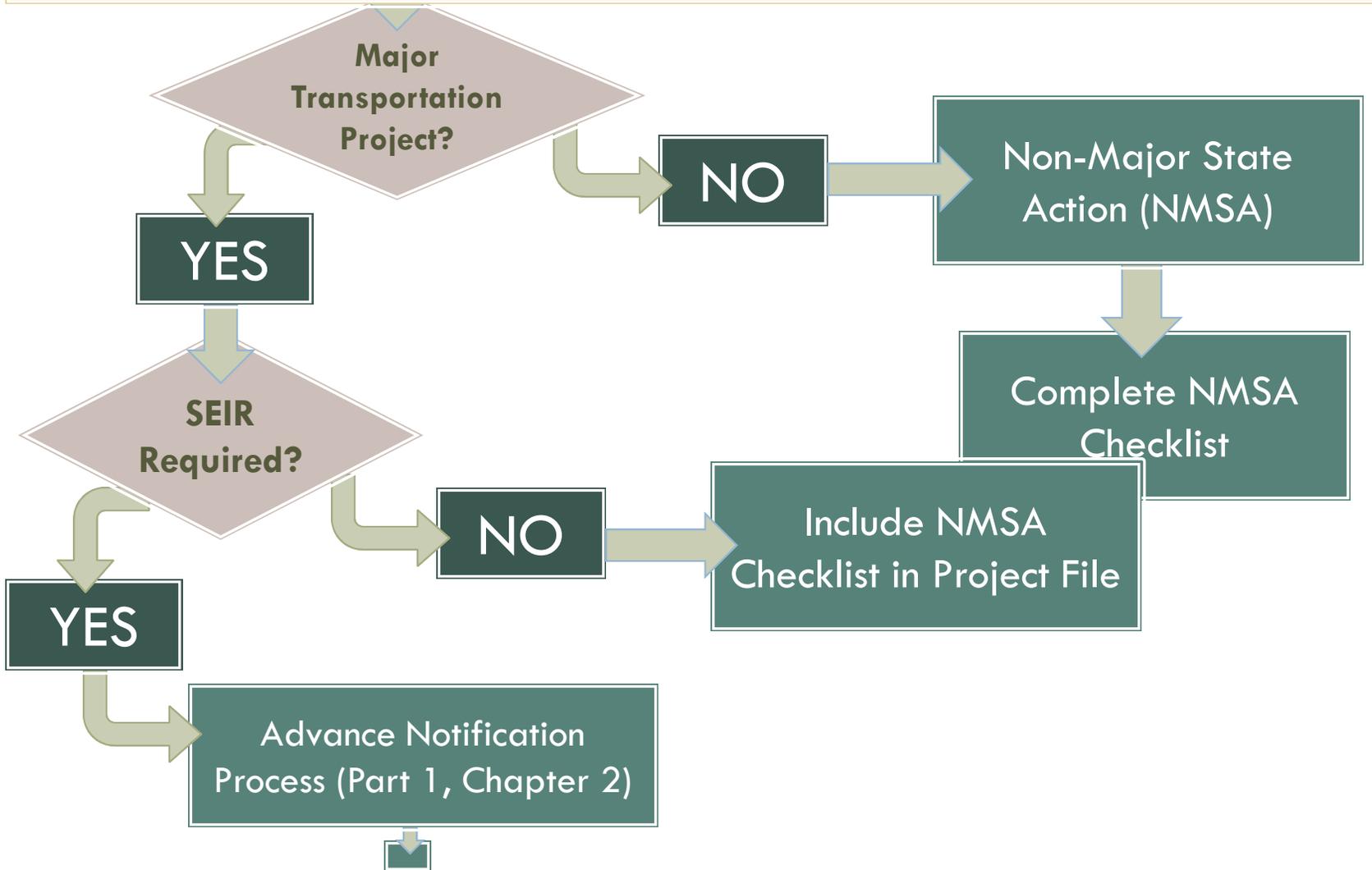
Federal/State Compliance

- Environmental Studies are Developed on *All Major* Transportation Projects
- Environmental Impacts are Evaluated on *Non-Major* Transportation Improvements

Regardless of Funding!

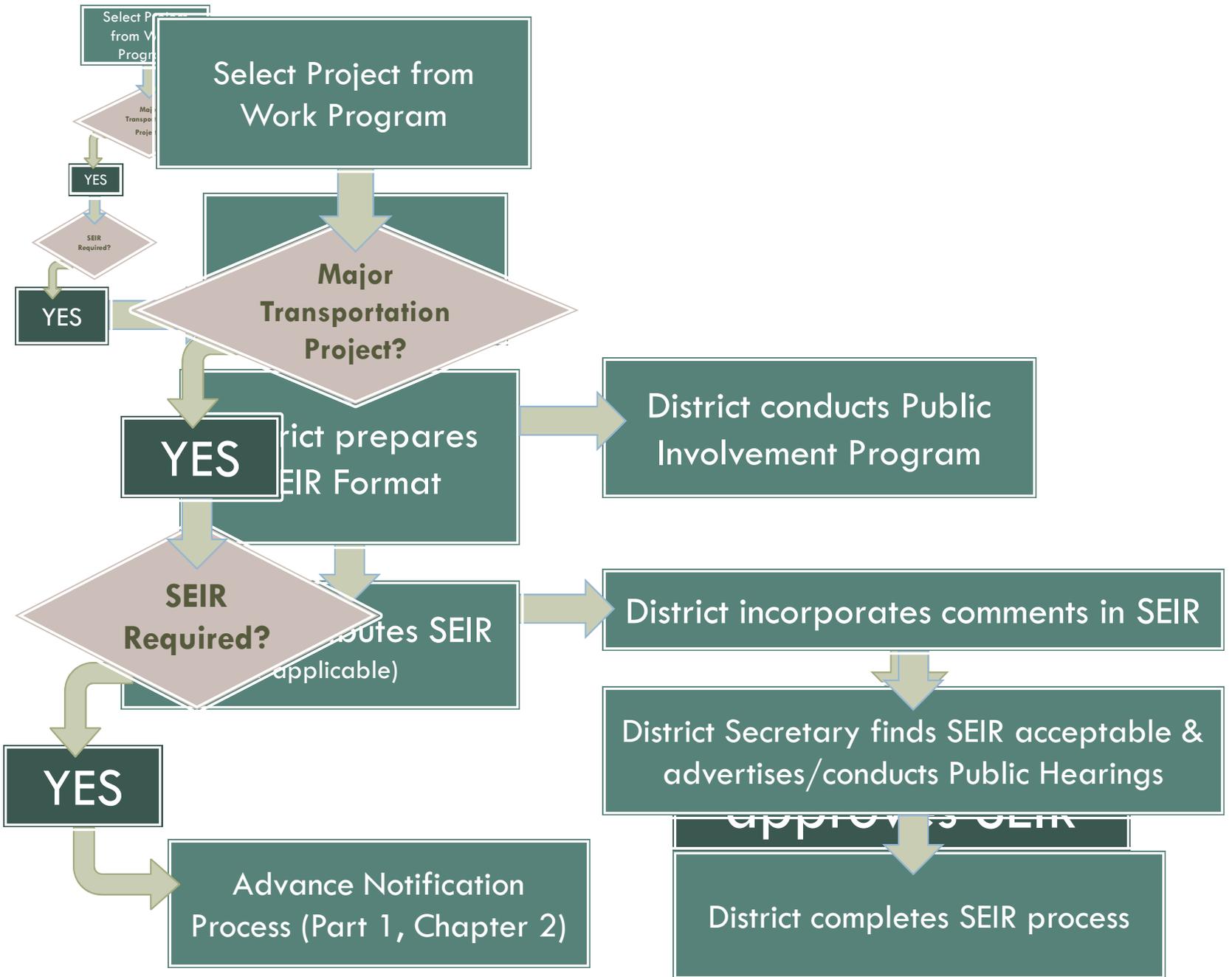
Self-Funded Process

Select Project from Work Program



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Non-Federal Projects



What Are The Requirements?

- Environmental and Engineering Studies
- Public Meetings and Hearings
- Design Standards & Specifications
- Right of Way Requirements

How do I know what to do?

- Step One: Determine if the Project has Federal Involvement
 - Funding at any stage
 - Actions
 - Permits
 - Approvals

How do I know what to do?

- Step Two: Financing – Who is funding the Project?
 - State
 - Local
 - Expressway Authority
 - Private
 - New Funding Option?

And then?

- Step Three: Determine the Lead Non-Federal Agency
 - Funding Source
 - Actions Being Taken
 - Type of Project

Major vs. Non-Major Projects

- Step Four: Major or Non-Major State Project?
 - ▣ Major = (SEIR) State Environmental Impact Report
 - ▣ Non-Major = (NMSA) Non-Major State Action

District has authority to decide

What qualifies as “Major”?

Section 13-2.2.1

- New Freeway / Expressway
- New Access – Substantial Level of Use Change
- New / Reconstructed Arterial Highway
- New Beltway
- Added Interchanges
- New Bridge – New Access
- Major Transit System

What Qualifies as “Non-Major”?

- Require Environmental Evaluation
 - ▣ NMSA Checklist
- Excluded from SEIR Process
- No Public Hearing required
 - ▣ District determines public involvement if necessary (i.e. potential controversy)

State Environmental Impact Report (SEIR)

Section 13-2.5

- **Required:**
 - State funded
 - Private entity designs and/or build where FDOT becomes the owner
 - Qualifying Conditions
- **Private Funding –**
 - Early involvement by the District is essential
 - COA is determined by the District
 - Level of documentation is determined by District
- **Environmental Documentation:**
 - Federal Environmental Documents (EA/EIS) may serve as SEIR
 - A SEIR **cannot** serve as an EA/EIS

SEIR vs. Federal Project

- ❑ Advance Notification per Part 1, PD&E Manual
- ❑ Note as 100% Non-Federally Funded
- ❑ Fewer Alternatives
- ❑ No Coastal Zone Consistency Review
- ❑ No Section 4(f)
- ❑ No Section 106

SEIR

Section 13-2.5

- Approved by District Secretary
- Distribution - District's Discretion
- Final Document = State Environmental Impact Report (SEIR)
- A Fed EIS or EA may act as a SEIR but not the other way around

SEIR Transition to Federally Funded Project

Section 13-2.9

- District and Lead Federal Agency Consultation
 - EA/EIS ?
 - Right of Way ?
 - NEPA?
- *When in Doubt, Go the Federal Route!*

**NON-MAJOR STATE ACTION
CHECKLIST**

Financial Project No. _____
Review Performed By: _____
Date Field Review Performed: _____

Project Description:

YES NO

- Is this a major transportation project? (13-2.3.1)
- Will the project cause adverse impacts to local traffic patterns, property access, community cohesiveness, or planned community growth or land use patterns?
- Are there substantial impacts to air, noise, or water quality?
- Are there substantial impacts to wetlands?
- Are there significant floodplain encroachments See Part 2, Chapter 24, Floodplains of the PD&E Manual.
- Are endangered and threatened species and their critical habitat affected by the project?
- Are there significant amounts of right-of-way being acquired or significant amounts of relocations involved with the project?
- Are properties protected under Chapter 267, F.S. adversely affected as determined in consultation with the State Historic Preservation Officer?
- Are there any known potentially significant contamination sites?
- Is there a potential for public controversy on the project?
- Is a Public Hearing needed in accordance with Part 1, Chapter 8 of the PD&E Manual?
- Is there a potential for substantial controversy on environmental grounds?
- Are there commitments on the project?

Comments: *(If YES is marked, please explain)*

Based upon this project evaluation, it has been determined that the project is a Non-Major State Action project.

Reviewer: _____ Date: / /

LOCAL AGENCY PROGRAM (LAP)

Local Agency Program (LAP)

- Department provides oversight for Local Agencies to plan, develop, design, acquire right of way, and construct transportation facilities
- Any Federally-funded project in the Department's Five-Year Work Program may be a LAP project
- All LAP projects must be in TIP & STIP
- Major Lap projects must be in the LRTP

Local Agency Program (LAP)

- Local Agency could be a ...
 - ▣ Counties
 - ▣ Municipality
 - ▣ MPO
 - ▣ Expressway or transportation authority
 - ▣ Road and bridge district
 - ▣ Regional governmental unit
- If qualified, the Local Agency will receive one of the following certification types:
 - ▣ Full administration of all project types (except for Environmental Class of Action Determination and Right of Way Certification)
 - ▣ Project Specific (limited to a project type)
 - ▣ Risk-Based (determined on a project-by- project basis)

Local Agency Program (LAP)

- To get certified, the agency must complete/submit:
 - ▣ Local Agency Certification Qualification Agreement (Form No. 525-010-33)
 - ▣ Local Agency's Organization Chart
 - ▣ Narrative addressing its capabilities, staff, and experience in the specific areas where certification is requested, focusing on previous "Federal experience" (i.e., Community Development Block Grants, managing Federal grants, etc.)
 - ▣ Transmittal letter signed by an appointed or elected official of the Local Agency
 - ▣ Copy of its latest Single Audit Report
 - ▣ Completed Administrative Checklist
 - ▣ Interview by the District LAP Administrator