



NEPA Assignment Course: Self-Assessments and FHWA Audit 101

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2016



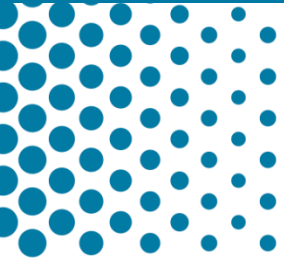
The environmental review, consultation, and other actions required by applicable federal environmental laws described in this training are carried out by FDOT pursuant to 23 U.S.C. §327 and a Memorandum of Understanding dated [INSERT DATE], executed by FHWA and FDOT.



Learning Objectives

- Lesson 1 – OEM Self-Assessment Process
- Lesson 2 – OEM and District Roles in Self-Assessment
- Lesson 3 – Connecting the dots... Self-Assessment and FHWA Audits
- Lesson 4 – FHWA Audit Process
- Lesson 5 – Preparing for FHWA Audits

Lesson 1: OEM Self-Assessment Process



OEM Self-Assessment Authority and Purpose

- FHWA and FDOT NEPA Assignment Program Memorandum of Understanding (MOU)
- FDOT has assumed responsibilities for the National Environmental Policy Act (NEPA) and related laws
- Annual Self-Assessments to ensure compliance with the law, MOU and FDOT's manuals and procedures
- OEM Quality Assurance/Quality Control Plan
- Identify Successful Practices and Opportunities for Improvement

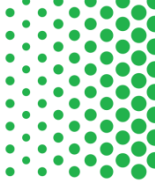


Scope of Self-Assessment Process

- Adherence to MOU and Performance Measures
- OEM Target Issues
- Issues from previous Self-Assessment and FHWA Audit
- 1st Self-Assessment
 - Respond to FHWA pre-audit questions
 - Determine if FDOT processes and systems are in place to meet MOU requirements
 - Provide a list of NEPA approvals and decisions (Type 1 CE, Type 2 CEs, EA, FONSI, DEIS, FEIS, FEIS/ROD, ROD) and Section 4(f) Determinations



MOU Performance Measures



A. Compliance with NEPA, FHWA NEPA regulations and other federal environmental statutes and regulations

- Maintain documentation regarding compliance with responsibilities assumed under this MOU.

B. QA/QC for NEPA Decisions

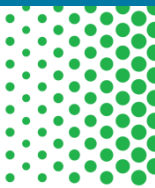
- Maintain internal QA/QC measures and processes, including a record of:
 - Completion of legal sufficiency reviews by FDOT's Office of General Counsel (OGC)
 - Compliance with FDOT's environmental document content standards and procedures, including those related to QA/QC



NEPA



MOU Performance Measures



C. Relationship with agencies and the general public



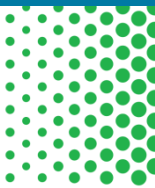
- Maintain communication considering timeliness and responsiveness among FDOT, federal and state resource agencies, Indian Tribes, and the public
- Provide opportunities for public involvement and comment
- Use NEPA issue resolution process, as appropriate

D. Increased efficiency and timeliness in completion of the NEPA process



- Compare time of completion of environmental document (e.g. NEPA documents and technical reports) approvals before and after assumption of responsibilities

OEM Self-Assessment Process



Planning



Up to
30 days



Evaluation



Up to
30 days



Reporting

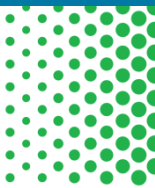


Up to 15 days

OEM Self-Assessment Process – Planning Stage

- Initiate Self-Assessment Review
- Select Review Team
- Notify Districts and Hold Kick-off Webinar
- Conduct Pre-Assessment Survey
- Select Target Issues





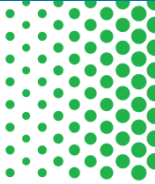
OEM Self-Assessment Process – Planning Stage

Initiating the Self-Assessment Review- OEM:

- Opens a self-assessment file
- Creates and obtains approval for a self-assessment plan
- Completes required fields in the Self-Assessment Tracking System



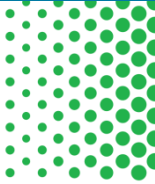
OEM Self-Assessment Process – Planning Stage



The Self-Assessment Review Team:

- OEM Director or designee appoints a self-assessment team comprised of
 - OEM QA/QC Coordinator
 - at least 2 OEM staff depending on the topics to be covered in the review
- Team will consult with Subject Matter Experts and consultants as needed
- Team members will coordinate with District personnel as needed after OEM Director notification and kick-off webinar
- Team will document interviews, file and record reviews and any work effort related to the self-assessment

OEM Self-Assessment Process – Planning Stage

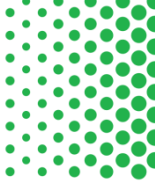


Notifying the Districts:

- Director of OEM sends notification announcing the statewide Self-Assessment to include a schedule and Review Team member names
- Kick-off webinar with the Districts to discuss the Self-Assessment process, established expectations, and specific timelines



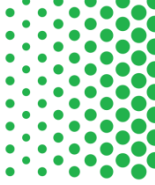
OEM Self-Assessment Process – Planning Stage



Conducting the Pre-Assessment Survey with following actions:

- Send to District Environmental Management Office Leadership
- Send to OEM supervisors and document reviewers
- Seven days to complete
- Tabulate results and report to OEM Management
- Supports identification of self-assessment target issues

OEM Self-Assessment Process – Planning Stage



Selection of Target Issues for Self-Assessment:

- Target Issues based on review of:
 - Data reports of Performance Measures status
 - Experience
 - Pre-assessment Survey results
 - Previous FDOT Self-Assessment recommendations
 - Previous FHWA audit findings, observations
- Director of OEM makes final determination of target issues

OEM Self-Assessment Process – Evaluation Stage

Determine Projects for Review:

- Population of projects subject to review is based on a list of NEPA approvals and decisions that FDOT certified compliant
- QA/QC Coordinator extracts random sample
- Team members assigned projects for review from the sample

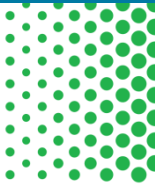


OEM Self-Assessment Process – Evaluation Stage

Self-Assessment Tools:

- Review sample of environmental documents and records in SWEPT and, if needed, in the District office to include:
 - Type 1 and Type 2 CEs
 - EAs with FONSI
 - DEIS, FEIS/ROD
 - Section 4(f) Determinations
 - Status of Environmental Certification forms

OEM Self-Assessment Process – Evaluation Stage (Continued)



- Onsite visits to District offices, as appropriate
- Interviews with District & resource agency staff and other stakeholders
- Weekly meetings during Evaluation Stage
- Final meeting to discuss and document findings and observations

OEM Self-Assessment Process – Reporting Stage

- Draft Report prepared by Self-Assessment Team within 7 days of evaluation stage
 - Findings
 - Observations
 - Non-Compliance Observations
 - Follow-up actions
- Circulated to involved Districts for a 7 day review
- Final Draft Report reviewed with OEM management and finalized, and sent to Districts with any observations
- Summary Report is developed, reviewed and approved by management, and provided to FHWA



Poll Question



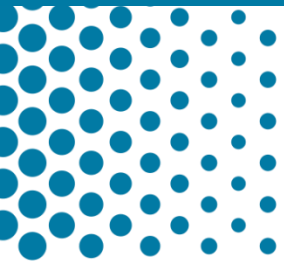
What is covered in a self-assessment?

Poll Question



A self-assessment team will review project files and documents, interview District staff as needed, and prepare a report of findings.

Lesson 2: OEM and District Roles in Self-Assessment



Role of OEM



Quality Assurance / Quality Control (QA/QC)

CONSULTANTS

- Develop individual QC Plans for each project
- Adhere to QC Plan
- QC prior to document submittal
- Submit QC certification form with submittal
- Maintain QC markups and QC certification

Guidance:

- QA/QC Policy Topic No.: 001-260-001
- FDOT Project Management Handbook, Part 1, Chapter 16

Quality Assurance / Quality Control (QA/QC)

DISTRICTS

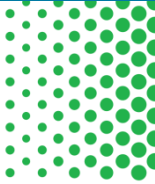
- Ensure consultant QC Plan is being adhered
- Use Electronic Review Comment (ERC) system
- Utilize technical reviewers and District resources
- Request OEM support when needed
- Maintain records of QC certifications, and, when requested, QC markups
- Upload Final Documents in SWEPT

District Role in Self-Assessment

- Participate in statewide Pre-Assessment Survey used to help determine target issues
- Answer questions and provide information as needed
- Use self-assessment process for continual improvement
- Collaborate with OEM to develop an Action Plan, if needed, within 20 days from publication of the final self-assessment report
- Implement approved Action Plan, if required
- Follow through to resolve any issues



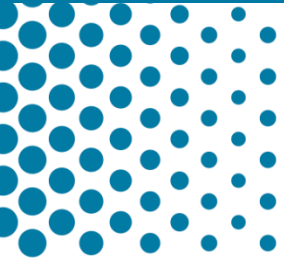
How does FDOT use Self-Assessment Results?



OEM

- Shares and promotes successful practices statewide
- Provides summary report to FHWA
- Identifies opportunities for improvement
- Reviews District Action Plan and advises if acceptable within 10 days of receipt
- Tracks and monitors Action Plan implementation

Lesson 3: Connecting the dots... Self-Assessment and FHWA Audits



Connecting Self-Assessment to FHWA Audit

- Self-Assessment must be completed before FHWA starts their audit
- Per the executed MOU, we must provide the summary report to FHWA at least 1 month prior to a scheduled FHWA audit on-site visit
- OEM submits a summary report of the self-assessment to FHWA that must contain a scope, methodology, successful practices, opportunities for improvement, any corrective actions, and a statement from the Director of OEM

Director Statement

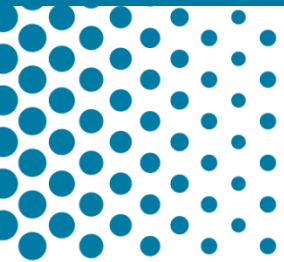
Based upon this 2017 Self-Assessment Report, I find FDOT has carried out NEPA Assignment environmental responsibilities in accordance to 23 U.S.C. §327, the Memorandum of Understanding dated [INSERT DATE], and all applicable federal environmental laws and policies. This Report shows FDOT's progress toward attaining the performance measures is meeting or exceeding expectations.

Poll Question



Self-assessments are not connected to the FHWA annual audit.

Lesson 4: FHWA Audit Process



Requirement for FHWA Audits

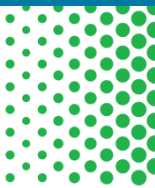
- Pursuant to 23 U.S.C. §327(g), FHWA is required to conduct four annual Program audits of the FDOT NEPA Assignment Program
- Audits will be used by FHWA to assess FDOT's compliance with the MOU, including:
 - Ensuring compliance with applicable federal laws and policies
 - Evaluating FDOT's progress toward achieving the performance measures in the MOU
- Audits will be used by FHWA to inform the USDOT Secretary's annual report to Congress

Focus of FHWA Audits – Seven Core Areas

FHWA **will** review the processes and procedures used to reach project decisions. The audit will focus on the fulfillment of NEPA assignment responsibilities in seven core areas:

- Staffing
- Technical Competency and Organizational Capacity
- Adequacy of Financial Resources
- Quality Assurance and Quality Control
- Attainment of Performance Measures
- Compliance with MOU requirements
- Compliance with Federal Laws and Policies.

Limited Focus of FHWA Audit

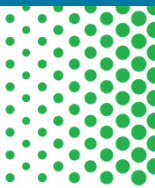


FHWA **will not** evaluate project-related decisions, as these are the sole responsibility of the State

Audit Support Plan

- Ensures FDOT is ready for FHWA audits
- Guides coordination and communication with FHWA
 - Provide needed information
 - Provide access to documents and records
 - Assist in coordinating staff interviews
- Keeps FDOT and OEM management aware of audit activities and reporting





OEM Audit Coordinator Responsibilities

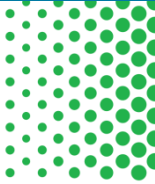
- Develops audit schedules with the FHWA Audit Coordinator in advance of audit
- Submits FHWA Summary Report (from the Self-Assessment)
- Tracks audit activities upon Notice of Audit
- Coordinates responses to pre-audit questions



OEM Audit Coordinator Responsibilities (Continued)

- Coordinates with Districts to make office arrangements for audit team visit
- Facilitates access to environmental information and personnel
- Coordinates and ensures timely OEM response to audit report
- Distributes FHWA audit report and conduct follow-up activities as needed

District Audit Responsibilities

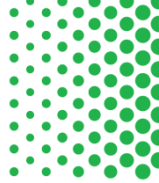


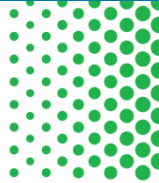
- Ensure staff and consultants are familiar with MOU
- Ensure staff and consultants understand what NEPA assignment means
- Work cooperatively with OEM Audit Coordinator and FHWA auditors
- Designate logistics contact person to assist with all on-site arrangements
- Designate primary District contact to work with OEM and FHWA audit team

District Audit Responsibilities (Continued)

- Refer FHWA to OEM for any requests regarding the FHWA program assessment review
- Timely response to FHWA audit request for follow-up actions
- Develop appropriate, responsive and timely action plans, if required
- Implement action plans until issues are resolved

Overview of FHWA Audit Process





STEP 01

Audit Initiation

FHWA & FDOT Audit Coordinators develop general audit schedule within 180 days of MOU anniversary date

FHWA initiates audit with Notification Letter & sends Pre-Audit Questions

FHWA & FDOT Audit Coordinators develop specific audit schedule at least 2 weeks prior to the scheduled audit

Director of OEM sends the Self-Assessment Summary Report to FHWA at least 1 month prior to start of audit

FDOT Audit Coordinator responds to pre-audit questions



STEP
02

Audit Visit

FHWA selects
Audit Team
(FDOT can
review and
comment on
team
composition)

Audit sample
selected from
NEPA
approvals and
decisions

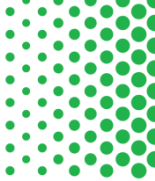
Audit Team
reviews OEM
files and records
and interviews
OEM staff as
appropriate

Audit Team
conducts
interviews and
collects
documentation
in the Districts

Audit Team
prepares report
with findings and
observations

STEP
03

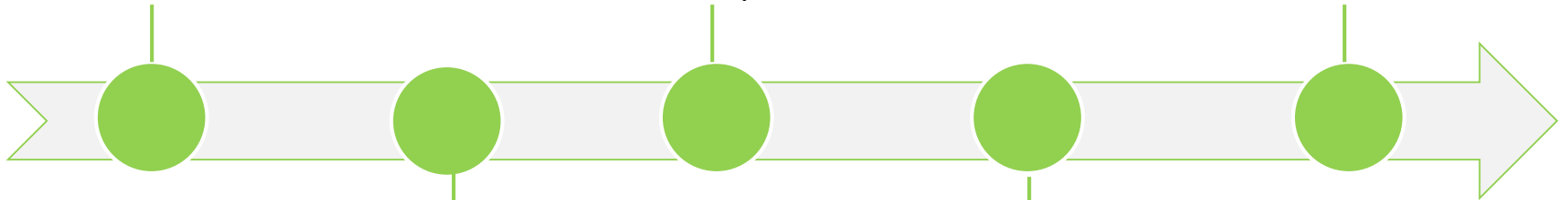
Audit Report



FHWA Audit Coordinator provides draft audit report to OEM for comment within 14 days

FHWA incorporates FDOT comments and publishes draft audit report in Federal Register for 30 day comment period

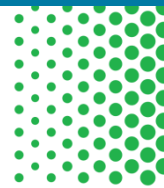
FHWA notifies FDOT when final audit report is posted in the Federal Register



OEM provides comments on the draft audit report to FHWA

FHWA incorporates comments from the Federal Register, finalizes, and publishes final audit report in Federal register





STEP
04

Audit Observations

OEM notifies Districts of FHWA observations, non-compliance observations and corrective actions, tracks implementation, and responds to FHWA

FHWA provides status update in next annual audit

FHWA, OEM, and Districts track implementation of corrective actions

OEM posts FHWA audit reports and tracks and monitors progress until actions are complete



Summary of FHWA Audit Process

- Appoints an audit coordinator
- Sends pre-audit questions for FDOT response prior to the audit
- Designates an audit team that selects a sample of NEPA decisions and approvals for review and evaluation
- Drafts report of findings and observations, and sends to Director of OEM for comment
- Posts to Federal Register for a period of 30 days for public comment
- Finalizes and publishes audit report in Federal Register
- Monitors corrective actions through FDOT self-assessments and future audits until issues resolved



Poll Question



Why does FHWA conduct audits?

Poll Question



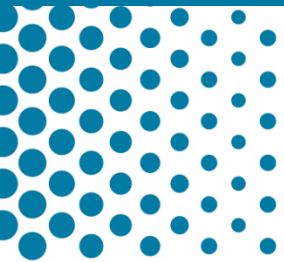
Three of the 7 core areas of a FHWA audit are Staffing, Quality Assurance and Quality Control, and Technical Competency and Organizational Capacity.

Poll Question



The FHWA audit team is responsible to select a sample of approved NEPA decisions and actions to assess, and:

Lesson 5: Preparing for FHWA Audits



How do you Prepare for the Audit?

- Understand the purpose of the audit
 - Understand the scope of the audit
 - Ensure that files are complete and contain all necessary documentation
 - Documentation and consistent record-keeping are key
- “If you did not document your action, it did not happen.”



How do you Assist with an Audit?

- Listen carefully to the auditor's questions and answer what is asked
 - Keep answers short, focused, and accurate
 - Provide answers based upon your expertise related to specific job duties
 - If you do not understand the auditor's question, ask for clarification
 - Ask for time to respond properly, as needed
 - State that you need to check on that issue and will respond within 24 hours

How do you Assist with an Audit?

- If you do not clearly recall the project details, let the auditor know you need to review the project file and get back with an immediate response the same day or within 24 hours.
- If the auditor has clarified a question that you still do not understand, refer the auditor to your supervisor for a response
- Always be courteous and professional with auditors
- If a conflict arises with an auditor, do not take action yourself. Notify your supervisor, who will notify the OEM Audit Coordinator



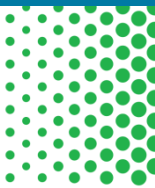
Poll Question



Making sure my environmental project files are complete and my work is documented, understanding the scope of the audit, and listening carefully to auditor questions so I may respond accurately will help me prepare for and assist with the audit.

Summary

- The MOU requires annual self-assessments to review performance measure results and compliance with NEPA and federal environmental laws
- The first self-assessment will focus on FHWA pre-audit questions and our readiness for NEPA assignment
- Self-assessments will have a planning phase, evaluation phase and reporting phase
- We are required to give FHWA a summary of the self-assessment report no later than 1 month before the FHWA audit



Summary (Continued)

- FHWA is required to conduct 4 annual audits by 23 U.S.C. §327(g) to determine if we are compliant to the MOU, laws and policies, and if we are achieving our performance measures
- Audits focus on our processes and systems that ensure our environmental documents comply with law and policy, NOT our project decisions
- A FHWA audit team will review project files, interview District employees, and draft and finalize a report to be posted in the Federal Register
- Employees should be prepared, cooperative, and focused during the audit visit



Questions

- If you have questions or need additional information, please contact:
 - ◆ Eric Whitehead, Quality Assurance and Quality Control Coordinator
 - ◆ Eric.Whitehead@dot.state.fl.us
 - ◆ (850) 414-5326

