

## **PART 1, CHAPTER 13**

### **REEVALUATIONS**

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## PART 1, CHAPTER 13

### REEVALUATIONS

#### 13.1 OVERVIEW

The reevaluation process outlined in this chapter establishes the framework to meet the Federal Highway Administration (FHWA) consultation requirement in **23 Code of Federal Regulations (CFR) § 771.129**, to consider the continued validity of the approved Environmental Document. This chapter provides guidance to ensure compliance with applicable federal and state laws prior to advancing a project to its next major phase [e.g., Design, Right Of Way (ROW) or Construction]. The reevaluation process also updates the status of project commitments made by the Florida Department of Transportation (FDOT) during prior project phases. The FDOT uses the same reevaluation process for state-funded projects as detailed in [Part 1, Chapter 10, State, Local, or Privately Funded Project Delivery](#).

In essence, a reevaluation assesses whether the approved Environmental Document remains valid for the subsequent federal action. Reevaluations must be conducted prior to advancing projects to the next major phase. The reevaluation documents what changes, if any, have occurred in the project, including changes in the design or scope of a project, new or modified laws and regulations, circumstances or project area changes or other new information affecting the project, to determine whether the Environmental Document remains valid or additional analysis is needed.

Project managers in phases subsequent to the Project Development and Environment (PD&E) phase (e.g., Design, Construction) should be aware that major changes to the project scope can impact production schedules, as these changes may require additional environmental analysis. This is particularly important for Design-Build projects where design changes and construction may advance concurrently. Consideration of the effects of major design changes on the project schedule should be considered prior to approving such changes since this can lead to project delays if not identified and addressed appropriately. Design Project Managers should, whenever possible, minimize project changes that could impact agreed upon mitigation or commitments made during the PD&E phase. Project Managers should recognize that changes may require additional interagency coordination or public involvement, as well as the identification of new impacts requiring additional evaluation.

#### 13.2 PROCEDURE

In accordance with **23 CFR § 771.129(a) and (b)**, Reevaluations for a Draft Environmental Impact Statement (DEIS) and a Final Environmental Impact Statement (FEIS) must be prepared when:

(a) A **written** evaluation of the DEIS shall be prepared by the applicant in cooperation with the Administration if an acceptable FEIS is not submitted to the Administration within three years from the date of the DEIS circulation. The purpose of this evaluation is to determine whether or not a supplement to the DEIS or a new DEIS is needed.

(b) A **written** evaluation of the FEIS will be required before further approvals may be granted if major steps to advance the action (e.g., authority to undertake final design, authority to acquire a significant portion of the ROW, or approval of the plans, specifications and estimates) have not occurred within three years after the approval of the FEIS, FEIS supplement, or the last major Administration approval or grant.

**Title 23 CFR § 771.129(c)** specifies that Reevaluations of approved Environmental Documents must occur, as follows:

(c) After approval of the ROD, FONSI, or CE, the applicant shall consult with the Administration prior to requesting any major approvals or grants to establish whether or not the approved Environmental Document remains valid for the requested Administration action. These consultations will be documented when determined necessary by the Administration.

Reevaluation of projects with an approved Environmental Document is required prior to requesting FHWA approval action (i.e., change in project phase: Design, ROW, Construction) or when major changes in project design, changes in issue/resource status, or changes in law have occurred.

Reevaluations are necessary, under the following circumstances:

1. Prior to requesting federal-aid authorization for subsequent project phases (Final Design, ROW, and Construction)
2. Any time there are major design/project changes including during a design-build project
3. Any time there are project changes due to changes in law or the passage of time
4. Any time a project changes from federal aid to state funded. Note: the federal process applies to all interstate projects.

Reevaluations to advance subsequent production phases may serve to advance a single or multiple project segments; however, the project limits covered in the approved final Environmental Document must be considered in the Reevaluation. If project limits are extended or reduced subsequent to approval of the final Environmental Document, then those changed limits are also considered in the Reevaluation.

FDOT is responsible for preparing the Reevaluation. A Design-Build Firm (DBF) cannot prepare a Reevaluation, make findings, or make **National Environmental Policy Act (NEPA)** or related decisions for the project. A DBF is only authorized to prepare information to support the preparation of the Reevaluation by the District (see [Design-Build Request for Proposals](#) boilerplate, available from the Office of Construction).

### 13.2.1 Reevaluation of Type 2 CE, EA with FONSI, and EIS Projects

Reevaluations are initiated by the District through consultation with the FHWA Transportation Engineer and completion of a **Reevaluation Form** to determine whether the Environmental Document remains valid. This consultation includes discussion of phase status, changes in design, existing conditions, issue/resource impact status, laws, or regulations that may affect the project, permitting, and commitments. It is important to begin the reevaluation process early enough to provide sufficient time for completion prior to the needed authorization.

Consultation with FHWA also helps determine whether the **Reevaluation Form** will require FHWA's signature. If through consultation no changes in impact are identified, the District may proceed with the project by documenting the results of the FHWA consultation on the **Reevaluation Form (Figure 13-2)**, and placing it in the project file. A FHWA signature on the form is not required. If FHWA requests to review the Reevaluation, the form is sent to them for signature.

If new significant impacts are identified, the District and FHWA should determine the level of analysis necessary and whether public involvement is required to advance the project. If the project is an EIS (draft or final), a SEIS may need to be prepared (**Section 13.2.1.3**).

#### 13.2.1.1 Reevaluation Preparation

The extent of Reevaluation documentation is contingent upon the project phase status, changes in impact, and the reason for the Reevaluation (e.g., design change). Documentation can be as simple as filling out the **Reevaluation Form in Figure 13-2** and verifying that there have been no changes. Additional information supporting the Reevaluation should be attached to the **Reevaluation Form** and placed in the project file.

If a Reevaluation reveals new or additional impacts to a resource (e.g., wetlands), coordination with the jurisdictional agency may be necessary, especially when a permit or permit modification may be needed.

The Reevaluation documents any changes in law or regulation, which have come into effect since the approval of the final Environmental Document or most recent Reevaluation, and FDOT's actions to comply with such changes, if any. It should document any change in project conditions or scope, and/or impact determinations. The Reevaluation should also document updates to the status of existing commitments and identify new commitments. Environmental commitments are reviewed as part of the Reevaluation process and will be incorporated into the project, as appropriate. Changes to PD&E commitments are also coordinated and documented on the [Project](#)

**[Commitment Record \(PCR\), Form No. 700-011-35, Procedure 700-011-035, Project Commitment Tracking.](#)**

### **13.2.1.1.1 Reevaluation Form**

The **Reevaluation Form (Figure 13-2)** is completed for Type 2 CEs, EAs with FONSI, EISs, and SEISs, and includes the following sections:

#### **Section 1 - General Information**

This section contains information about the approved Type 2 CE, EA with FONSI, EIS, ROD, or any supplemental environmental document and the segment(s) being advanced. Information provided under this section includes:

- a. The change in project phase(s) for which the project segment(s) is (are) being reevaluated [i.e., Preliminary Engineering, ROW, and Construction Advertisement].
- b. Document type [Class of Action (COA)] and date of approval of original Environmental Document.
- c. Project number(s): Federal-aid, Financial Management and Efficient Transportation Decision Making (ETDM) number(s) of the original approved document.
- d. Project name, location, and limits covered under the originally approved Environmental Document.
- e. Segment of highway being advanced: Federal-aid project number(s), Financial Management number(s), location and limits, and identify if federal or state-funded.
- f. Prior Reevaluations: A list of Reevaluations previously prepared for the project, the type, the date they were approved by the District, and the date FHWA concurred, if applicable. If FHWA concurrence was not required, then the date of consultation must be included.
- g. Project Segment Planning Consistency with the Transportation Improvement Program (TIP), State Transportation Improvement Program (STIP), and Long Range Transportation Plan (LRTP) Cost Feasible Plan (CFP). Planning consistency documentation is only required for Reevaluations which constitute a subsequent phase approval for advancement of the project to the next phase. For these types of Reevaluations, complete the table and include appropriate pages from these plans. If more than one segment is being advanced for different phases, this distinction must be specified. This table does not need to include phases which have already occurred. Guidance on how to complete this section is included in **[Part 2, Chapter 4, Project Description and Purpose and Need.](#)**
- h. Name and title of the FDOT Preparer

## **Section 2 – Evaluation of Changes in Impacts**

This section is used to document FDOT's evaluation of changes in impacts to affected issues/resources, as well as impacts to new issues/resources, which may have been identified.

If a change has occurred for a given issue/resource, then the analyst marks an "X" in the YES box. An explanation is then referenced in the COMMENTS column and supporting information provided as an attachment, discussing the nature of the change or updated information. This column should also include the title of the attachment and the page number (e.g., Attachment A, Page 10). If any new issues/resources are identified, they should be added to the form and addressed accordingly. If no change to an issue/resource has occurred, the analyst marks an "X" in the NO box.

## **Section 3 - Evaluation of Major Design Changes and Revised Design Criteria**

This section includes major design changes that have occurred since approval of the Environmental Document or most recent Reevaluation. The extent of the design change(s) and modification of impacts on the project area must be documented.

Examples of design changes include, but are not limited to:

1. Changes in typical section
2. Shifts in roadway alignment
3. Changes in ROW needs
4. Changes due to revised design criteria
5. New design variations or exceptions
6. Changing a bridge to a box culvert
7. Changes in drainage design and/or requirements

If no major design changes have occurred, then it should be documented.

## **Section 4 - Commitment Status**

This section identifies the project commitments including mitigation measures established in the approved Environmental Document along with their current status (completed, modified, added, or no longer applicable). Any changes in or to commitments require an explanation. New commitments can arise from a variety of sources, such as subsequent agency negotiations, permit requirements, or public

involvement. These commitments must be documented, i.e., listed, updated, and discussed. The Districts must review, verify, and update the [Project Commitment Record, Form No. 700-011-35](#) per *Procedure No. 700-011-035*, [Project Commitment Tracking](#). It is important that commitments made by the FDOT are documented. They must be tracked throughout the project, and satisfied at the appropriate phase of the project per *Procedure No. 700-011-035*, [Project Commitment Tracking](#).

### **Section 5 - Status of Permits**

This section identifies permits required for the project, provides a summary of their status, and documents any modifications since the Environmental Document or last Reevaluation. The status of the permit(s) should be commensurate with the phase of the project and the type of Reevaluation. For example, if the permit has been applied for, state the name of the permit, agency, date of application and number; if the permit has been issued state the name of the permit, agency, date of issuance, and permit number. The preparer of the Reevaluation must coordinate with the District Permit Coordinator to ensure complete documentation and timely permit issuance. If the permit for the advancing segment has not been issued, construction activities cannot begin.

### **Section 6 - Conclusion**

This section contains a statement about the Reevaluation of the project, the validity of the findings in the Environmental Document, new findings (if necessary), and a recommendation for project advancement.

If no changes affecting the original environmental determination have occurred, mark the box that states the following with an X:

- The above Environmental Document has been reevaluated as required by 23 CFR § 771.129. It has been determined that there have been no changes to the project that affect the original environmental determination. Therefore, the Administrative Action remains valid.

It is recommended that the project identified herein be advanced to the next phase.

### **Section 7 – Reviewer Signature Block**

The District Environmental Engineer/Manager will sign the Reviewer Signature Block and place it and any consultation documentation in the Project File.

### **Section 8 - FHWA Concurrence**

The District will mark the appropriate box with an X, and fill in the date of the consultation, if applicable.

The District submits the Reevaluation to FHWA, only if FHWA approval is required. The FHWA Division Administrator (or designee) approves the Reevaluation by signing the **Reevaluation Form**.

### **Section 9 - Attachments**

Other supporting information such as summaries of reports and documentation of stakeholder coordination should be listed and attached.

#### **13.2.1.2 Distribution of Approved Reevaluations**

When FHWA's signature is needed on the **Reevaluation Form**, the District sends the original and a copy to the FHWA Division Administrator for signature. A sample transmittal letter is provided as **Figure 13-3**.

Upon receipt of the signed **Reevaluation Form** from FHWA, the District will distribute the **Reevaluation Form** to the Design, ROW, and Construction offices, Cooperating Agencies, and others as appropriate. The District Environmental Office will also provide the date of the signed Reevaluation on the [Status of Environmental Certification for Federal Project, Form No. 650-050-13](#), as shown in **Figure 13-4**, which is required as part of the contract file for federal oversight projects.

#### **13.2.1.3 Supplemental Environmental Impact Statements**

A supplemental EIS may be necessary **[40 CFR § 1502.9(c)]** when changes, new information, or other project developments result in new significant environmental impacts which were not identified in the Environmental Document or a prior Reevaluation. In this situation, the District needs to coordinate with FHWA to define the scope of additional analysis necessary to allow the project to progress and prepare the SEIS using the same procedures for preparing EISs as described in [Part 1, Chapter 6, Draft Environmental Impact Statement](#) and [Part 1, Chapter 7, Final Environmental Impact Statement](#), respectively.

According to **23 CFR § 771.130(a)** the FHWA may determine that a SEIS is needed when:

- (1) Changes to the proposed action would result in significant environmental impacts that were not evaluated in the EIS; or
- (2) New information or circumstances relevant to environmental concerns and bearings on the proposed action or its impacts would result in significant environmental impacts not evaluated in the EIS.

A SEIS is not necessary under **23 CFR § 771.130(b)** when:

- (1) The changes to the proposed action, new information, or new circumstances result in a lessening of adverse environmental impacts evaluated in the EIS without causing other environmental impacts that are significant and were not evaluated in the EIS; or

- (2) The Administration decides to approve an alternative fully evaluated in an approved final EIS but not identified as the preferred alternative. In such a case, a revised ROD shall be prepared and circulated in accordance with **23 CFR § 771.127(b)**.

A Reevaluation may need to be done on an existing SEIS. In this case, it is important to coordinate closely with FHWA.

### 13.2.2 Type 1 Categorical Exclusion Projects

Type 1 CE reevaluations are not documented on the *Reevaluation Form*, but rather through re-submittal of the [Type 1 Categorical Exclusion Checklist, Form No. 650-050-12](#), when requesting federal authorization. A Type 1 CE reevaluation is a finding that the initial COA designation remains valid. The *Type 1 Categorical Exclusion Checklist*, found in [Part 1, Chapter 2, Federal Highway Administration Class of Action Determination](#), should be reviewed and updated. The results of the checklist are documented in the [Status of Environmental Certification for Federal Project, Form No. 650-050-13](#) (*Figure 13.4*) which must be provided to the District Federal-Aid Coordinator.

The District Federal-Aid Coordinator or the Federal-Aid Management Office notes this information on the *Federal-Aid Project Authorization/Agreement Form (PR-1240 Form)*, which is required as part of the federal-aid funding request package. Acceptance by FHWA of the *PR-1240 Form* authorizes the use of federal funds.

## 13.3 REFERENCES

23 CFR § 636, Design-Build Contracting

23 CFR § 771, Environmental Impact and Related Procedures

40 CFR §1502.9, Draft, Final, and Supplemental Statements

Federal Highway Administration. Federal-Aid Project Authorization/Agreement Form, PR-1240 <http://flh.fhwa.dot.gov/CFLHD/Chapter1/forms-templates/FormPR1240.pdf>

Florida Department of Transportation (FDOT). Design-Build Request for Proposals boilerplate  
<http://www.dot.state.fl.us/construction/DesignBuild/DBDocuments/DBDocsMain.shtm>

FDOT. Plans Preparation Manual, Topic No. 625-000-007 and 008  
<http://www.dot.state.fl.us/rddesign/PPMManual/PPM.shtm>

FDOT. Project Commitment Record Form, Topic No. 700-011-35  
<http://procnet.co.dot.state.fl.us/forms/informs/70001135.pdf>

FDOT. Project Commitment Tracking, Topic No. 700-011-035

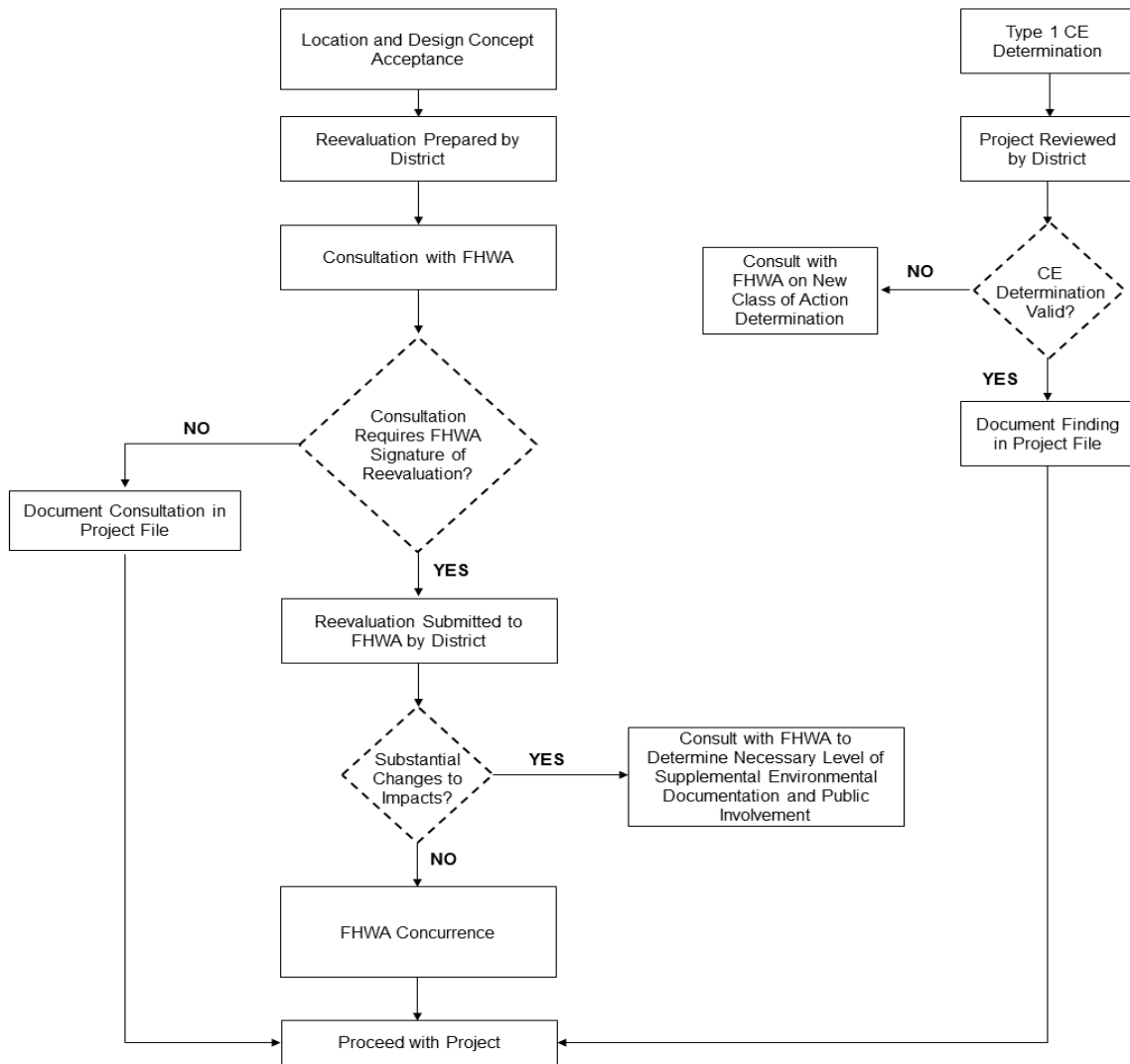
<http://fdotwp1.dot.state.fl.us/ProceduresInformationManagementSystemInternet/FormsAndProcedures/ViewDocument?topicNum=700-011-035>

U.S. Department of Transportation, Federal Highway Administration, October 30, 1987.  
Guidance for Preparing and Processing Environmental and Section 4(f) Documents,  
FHWA Technical Advisory T6640.8A

<https://www.environment.fhwa.dot.gov/projdev/impTA6640.asp>

## **13.4 HISTORY**

10/9/1998, 1/31/2007, 6/20/2011, 5/27/16



**FIGURE 13-1 Reevaluation Process**



## 2. EVALUATION OF CHANGES IN IMPACTS

	YES / NO		COMMENTS
<b>A. SOCIAL &amp; ECONOMIC</b>			
1. Social	<input type="checkbox"/>	<input type="checkbox"/>	_____
2. Economic	<input type="checkbox"/>	<input type="checkbox"/>	_____
3. Land Use Changes	<input type="checkbox"/>	<input type="checkbox"/>	_____
4. Mobility	<input type="checkbox"/>	<input type="checkbox"/>	_____
5. Aesthetic Effects	<input type="checkbox"/>	<input type="checkbox"/>	_____
6. Relocation Potential	<input type="checkbox"/>	<input type="checkbox"/>	_____
7. Farmland	<input type="checkbox"/>	<input type="checkbox"/>	_____
<b>B. CULTURAL</b>			
1. Section 4(f)	<input type="checkbox"/>	<input type="checkbox"/>	_____
2. Historic Sites/Districts	<input type="checkbox"/>	<input type="checkbox"/>	_____
3. Archaeological Sites	<input type="checkbox"/>	<input type="checkbox"/>	_____
4. Recreation Areas	<input type="checkbox"/>	<input type="checkbox"/>	_____
<b>C. NATURAL</b>			
1. Wetlands and Other Surface Waters	<input type="checkbox"/>	<input type="checkbox"/>	_____
2. Aquatic Preserves and Outstanding FL Waters	<input type="checkbox"/>	<input type="checkbox"/>	_____
3. Water Quality	<input type="checkbox"/>	<input type="checkbox"/>	_____
4. Wild and Scenic Rivers	<input type="checkbox"/>	<input type="checkbox"/>	_____
5. Drainage and Floodplains	<input type="checkbox"/>	<input type="checkbox"/>	_____
6. Coastal Zone Consistency	<input type="checkbox"/>	<input type="checkbox"/>	_____
7. Coastal Barrier Resources	<input type="checkbox"/>	<input type="checkbox"/>	_____
8. Protected Species and Habitat	<input type="checkbox"/>	<input type="checkbox"/>	_____
9. Essential Fish Habitat	<input type="checkbox"/>	<input type="checkbox"/>	_____
<b>D. PHYSICAL</b>			
1. Highway Traffic Noise	<input type="checkbox"/>	<input type="checkbox"/>	_____
2. Air Quality Analysis	<input type="checkbox"/>	<input type="checkbox"/>	_____
3. Contamination	<input type="checkbox"/>	<input type="checkbox"/>	_____
4. Utilities and Railroads	<input type="checkbox"/>	<input type="checkbox"/>	_____
5. Scenic Highways	<input type="checkbox"/>	<input type="checkbox"/>	_____
6. Construction	<input type="checkbox"/>	<input type="checkbox"/>	_____
7. Bicycles and Pedestrians	<input type="checkbox"/>	<input type="checkbox"/>	_____
8. Navigation	<input type="checkbox"/>	<input type="checkbox"/>	_____

**FIGURE 13-2 Reevaluation Form (Page 2 of 3)**

**3. EVALUATION OF MAJOR DESIGN CHANGES AND REVISED DESIGN CRITERIA** (e.g., Typical Section Changes, Alignment Shifts, Right of Way Changes, Bridge to Box Culvert, Drainage Requirements, Revised Design Standards)

**4. COMMITMENT STATUS**

**5. STATUS OF PERMITS**

**6. CONCLUSION**

If no changes affecting the original environmental determination have occurred check the following:

The above Environmental Document has been reevaluated as required by 23 CFR § 771.129 It has been determined that there have been no changes to the project that affect the original environmental determination. Therefore, the Administrative Action remains valid.

It is recommended that the project identified herein be advanced to the next phase.

**7. REVIEWER SIGNATURE BLOCK**

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
District approving authority or designee

\_\_\_\_\_  
/ /  
Date

**8. FHWA CONCURRENCE**

FHWA signature required?  Yes  No (date of consultation)\_\_\_\_\_

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Federal Highway Administration, Division Administrator

\_\_\_\_\_  
/ /  
Date

**9. ATTACHMENTS**

**FIGURE 13-2 Reevaluation Form (Page 3 of 3)**

(DATE)

Division Administrator  
Federal Highway Administration  
Florida Division  
3500 Financial Plaza, Suite 400  
Tallahassee, Florida 32312

RE: Project Reevaluation

Name of Project  
Location of project  
ETDM Number (if applicable)  
Financial Management Number  
Federal Aid Number  
The limits of the project of the approved Environmental Document  
The segment(s) being advanced and their phase(s)

Dear Mr./Ms.:

As required by 23 CFR § 771.129 and in accordance with the Florida Department of Transportation's Project Development and Environment Manual, enclosed please find two signed originals of the Reevaluation Form for the referenced project. Following your review, please return one signed original to the District for our files.

Please advise soonest when this office may proceed with this important project.

Sincerely,

District Environmental Office

**FIGURE 13-3 Reevaluation Transmittal Letter**

**STATUS OF ENVIRONMENTAL CERTIFICATION  
FOR FEDERAL PROJECT**

Financial Management No. \_\_\_\_\_

Federal Aid No. \_\_\_\_\_

Project Description (include project title, limits, and brief description of the proposed scope of work): \_\_\_\_\_

This project is a Categorical Exclusion under 23 CFR § 771.117 and per Florida's Programmatic Agreement for Categorical Exclusions effective October, 2015:

A Type 1 Categorical Exclusion per  (c)\_\_\_\_ or  (d)\_\_\_\_ as determined on \_\_\_\_\_

A Type 2 Categorical Exclusion approved on \_\_\_\_\_

The final environmental document for this project was a (check one):

A Finding of No Significant Impact under 23 CFR § 771.121 approved on \_\_\_\_\_

A Record of Decision under 23 CFR § 771.127 approved on \_\_\_\_\_

A reevaluation in accordance with 23 CFR § 771.129 was (check one):

Approved on \_\_\_\_\_

Not required.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Environmental Administrator or designee

**FIGURE 13-4 Status of Environmental Certification For Federal Project**