



Nebraska Department of Roads

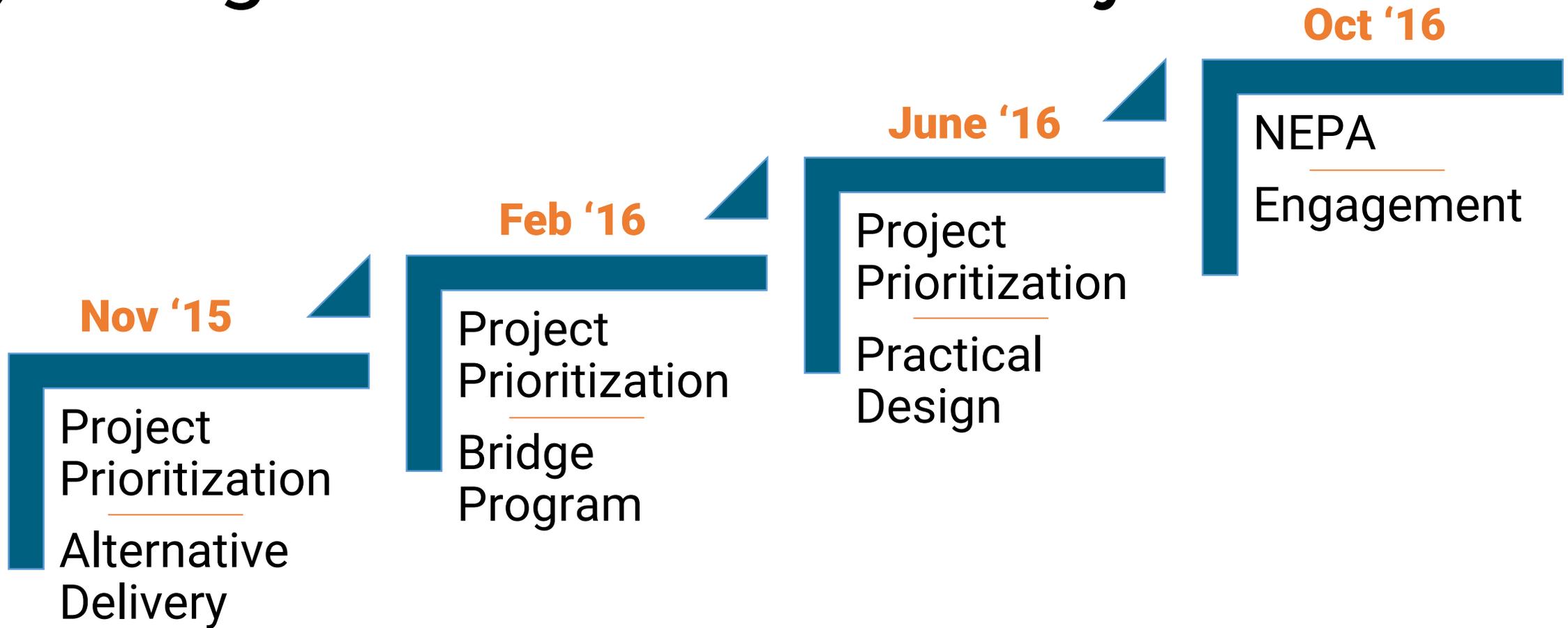
Innovation Task Force

October 6, 2016

Welcome & Overview



Improving business practices and growing the Nebraska economy



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

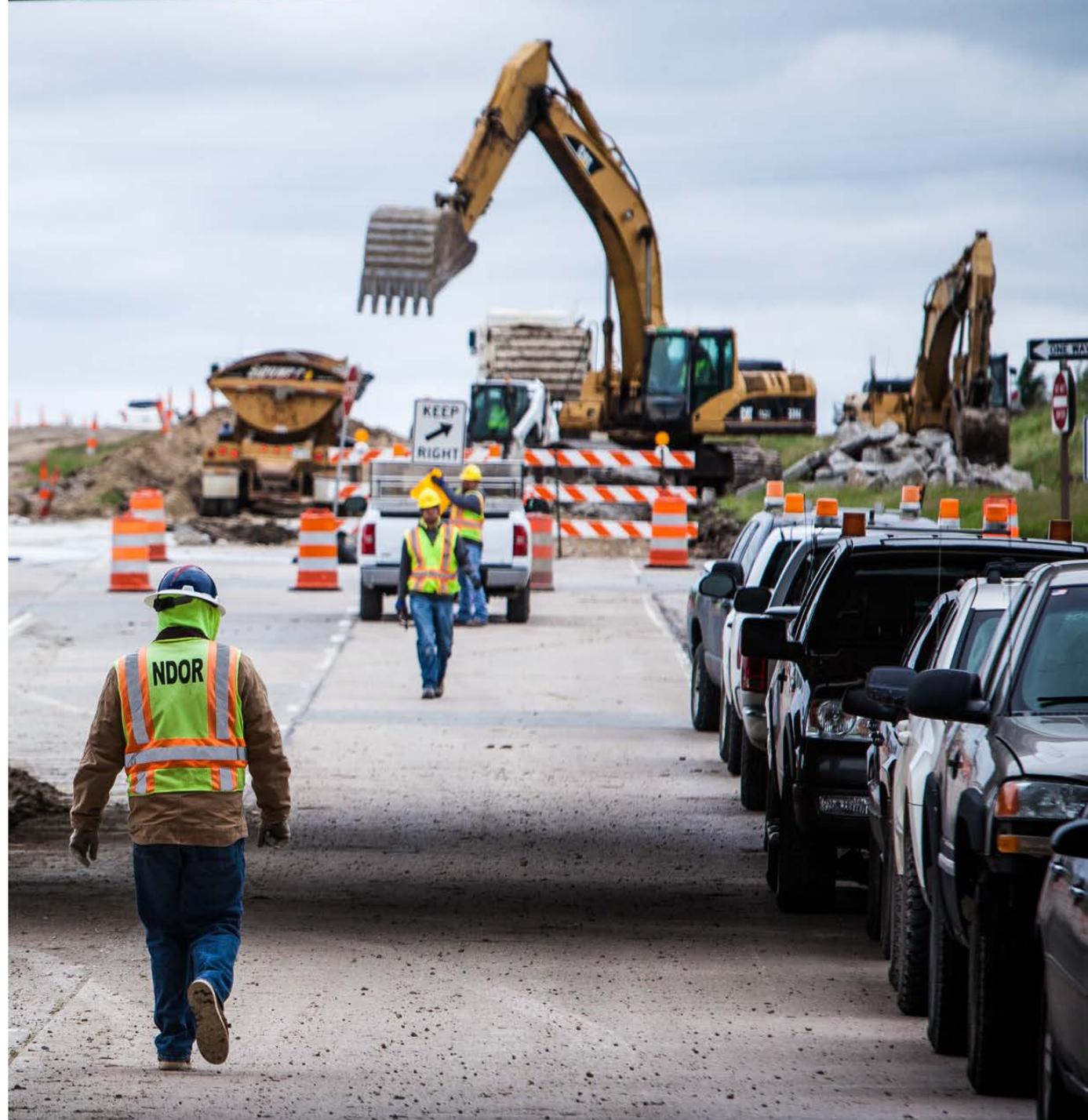
California

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 Environmental Justice
Protection and Repatriation Act Research Conservation and Recovery Act
Act Clean Air Act Wild and Scenic Rivers Act Coastal Zone Management Act
Floodplains and Wetlands Safe Drinking Water Act
Comprehensive Environmental Response, Compensation and Liability Act
Toxic Substances Control Act Farmland Protection Policy 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

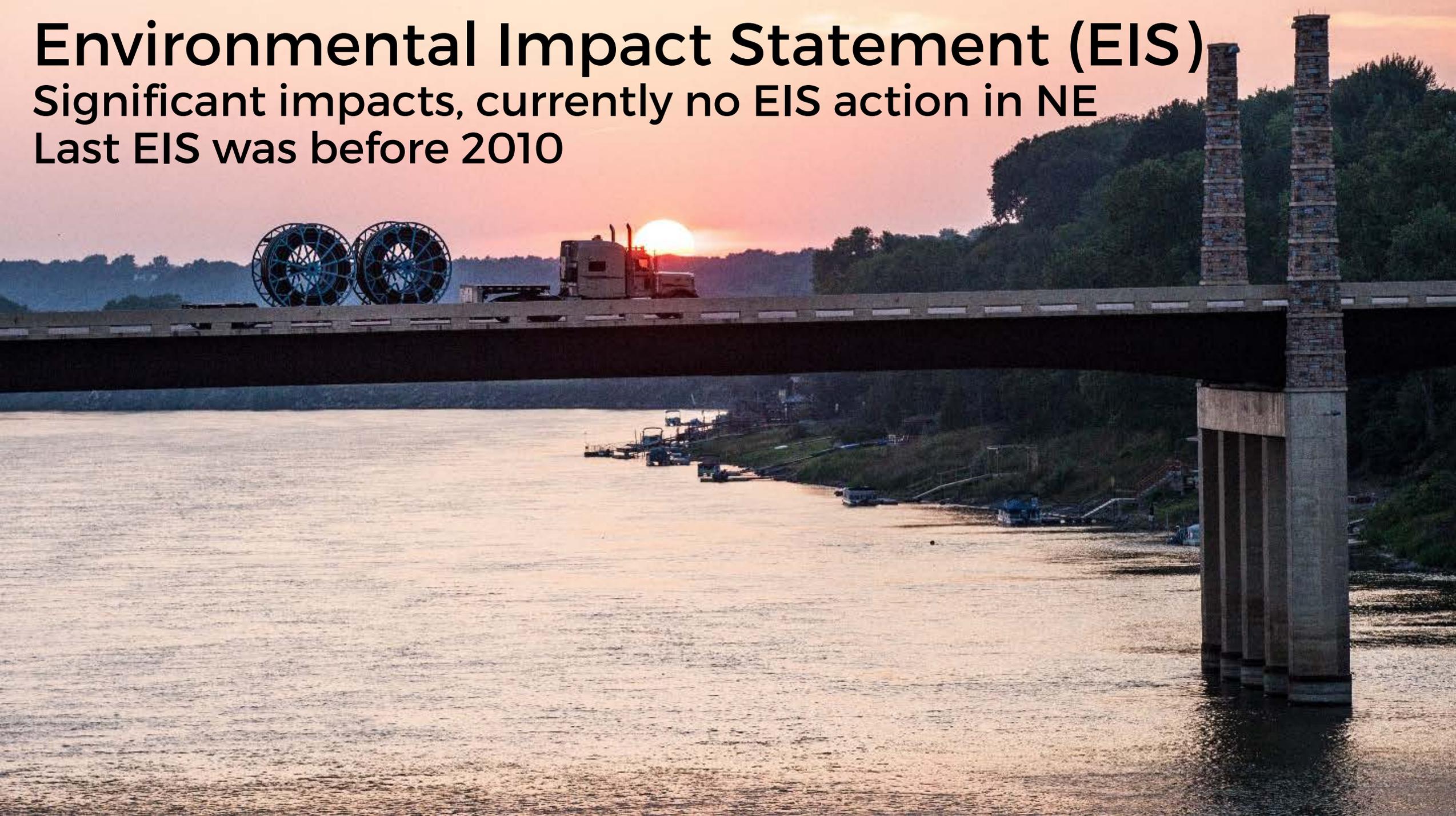
7 active EAs at NDOR, 1% of all projects in last 6 years



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
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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





OHIO DEPARTMENT OF
TRANSPORTATION

NEPA Assignment Program

Tim Hill, Administrator
Office of Environmental Services



John R. Kasich,
Ohio Governor

Jerry Wray,
ODOT Director

OHIO

Natural and Human Infrastructure



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

Benefits

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!

What can go wrong?

- 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.**

Changes made for NEPA Assignment

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



NEPA Assignment- Audits

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!



OHIO DEPARTMENT OF TRANSPORTATION

NEPA Assignment

Surface Transportation project delivery program

Tim Hill, Administrator
Office of Environmental Services
Tim.Hill@dot.ohio.gov
614-644-0377



John R. Kasich,
Ohio Governor

Jerry Wray,
ODOT Director

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
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**Came to you first –
Followed your advice**



**Keep it simple
Focus on innovation**

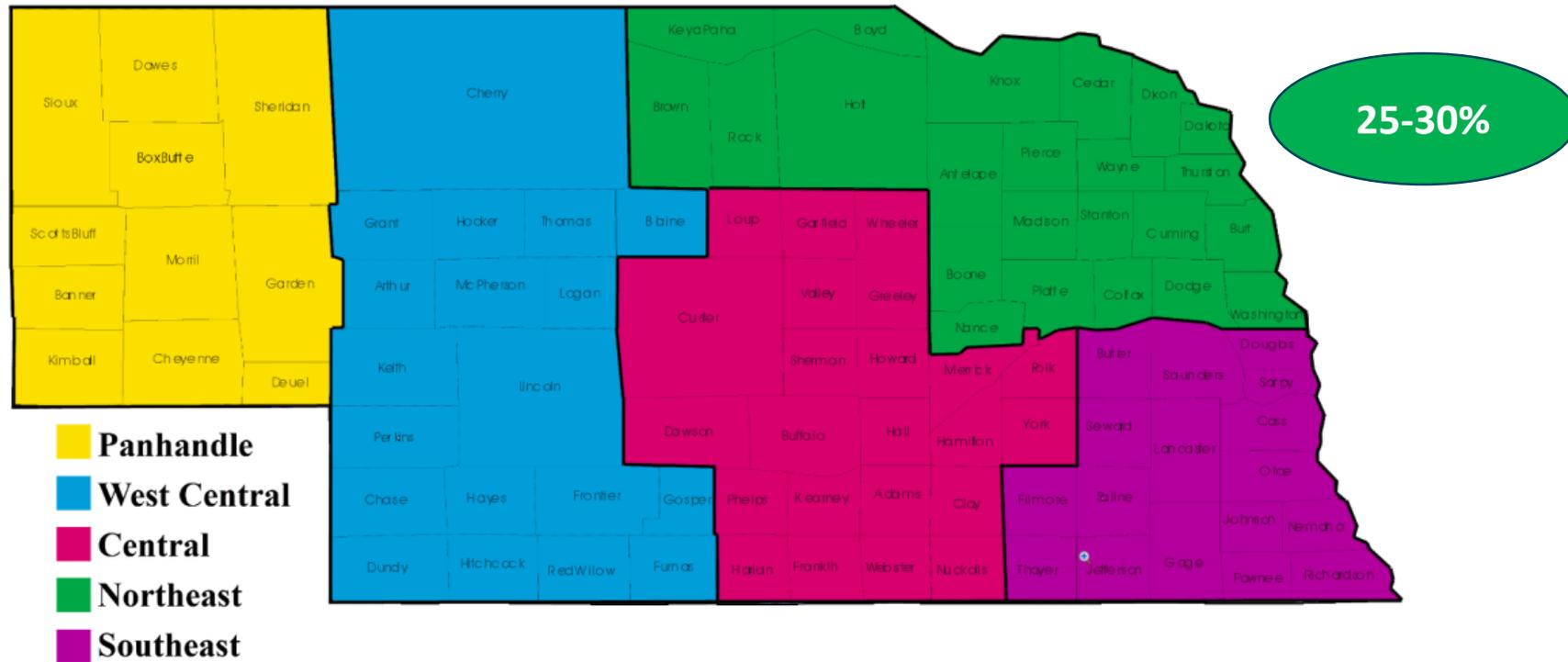
Working Group members

- 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



2-5%

5-10%

15-20%

40-45%

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
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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





Nebraska Department of Roads

Innovation Task Force

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?
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Lightning Round



Thank You





Nebraska Department of Roads

Innovation Task Force