

# Federal Highway Administration

# Every Day Counts

## Innovation Initiative



## Programmatic Agreements FAQs

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### ***What are programmatic approaches?***

Programmatic approaches (PAs), which include programmatic agreements, streamline the process for handling routine environmental requirements for common project types. These approaches set procedures for consultation, review, and compliance with federal laws. PAs allow frequently repeated actions to be considered on a program basis rather than project by project.

### ***What are the objectives for implementing these programmatic approaches?***

PAs will help bring about consistency throughout the Agency. Personnel will be able to make better use of existing tools, identify any obstacles to deploying projects, improve soft-skills, identify best practices and experiences, and initiate a "leaning forward" approach. These approaches will also be instrumental in developing credible resources for State and Local partners.

### ***Where are programmatic approaches typically used?***

PAs can apply to programmatic agreements for any subject, Section 4(f) programmatic evaluations, "no potential to affect historic properties" memos, Memoranda of Agreement/Understanding (MOA/MOU), and other timesaving procedures.

### ***How can programmatic approaches shorten project delivery?***

PAs specify clear roles and responsibilities for those involved. This eliminates or reduces duplication of effort. PAs also standardize coordination and compliance procedures. They establish clear expectations for review timeframes and processing options. They also

bring about greater trust relationships among DOT and regulatory agency staff, which leads to more productive interactions among all stakeholders. Where staff and resources are limited, PAs are particularly helpful in simplifying procedures for projects with minor or no impacts.

***What kinds of programmatic approaches have been proven effective?***

The Utah statewide PA for Section 106 Consultation delegates part of the process to the State DOT. Another example is the Net Benefits Section 4(f) programmatic evaluation, which provides a streamlined alternative for addressing the 4(f) process when all parties agree the project outcome will enhance the protected resource. Memos or Memoranda of Understanding (MOUs) that lay out certain actions as having “no potential to affect historic properties” also save time.

***Can programmatic approaches help with National Environmental Policy Act (NEPA) requirements?***

Yes. PAs can help streamline compliance with the Endangered Species Act. Merger processes can enable agencies to fulfill the requirements of Section 404 of the Clean Water Act and NEPA concurrently. Several successful agreements have been executed between FHWA and Tribes.

***What are some examples of how programmatic approaches streamline NEPA responses?***

The Ohio Programmatic Biological Opinion for the Indiana Bat provides a tiered programmatic consultation approach to ODOT’s Statewide Transportation Program. A longstanding agreement in North Carolina allowed a merger process that allowed agencies to fulfill NEPA requirements and Clean Water Act requirements simultaneously. In North Dakota, a multi-party PA saved work by determining the geographic areas and types of projects that would be of interest to the Tribes.

***How does this initiative affect DOs that already have programmatic approaches?***

DOs with existing programmatic approaches should evaluate their existing agreements to identify opportunities for expansion. They might discover additional opportunities to streamline their approaches and improve their effectiveness. States that continue to develop and revise their PAs can offer best practices and new insights into the approaches that work best for particular situations.

***How should State DOTs and Divisions work together in these approaches?***

Divisions and State DOTs should explore which program areas could benefit from using programmatic approaches on a regional scale. Divisions should then coordinate with neighboring states to highlight and prioritize opportunities to create multistate and/or regional programmatic approaches.

***What is the role of FHWA and the Resource Center?***

FHWA will publicize the existing tools and resources available for developing programmatic approaches. FHWA will also develop case study examples and continue to document best practices. Both Headquarters and Resource Center staff will be available to provide technical assistance and guidance during the expansion, revision, or creation of new programmatic approaches.

***Will any training in programmatic approaches be provided?***

FHWA Headquarters and the Resource Center will provide training to Division Offices through virtual roundtables and webinars that will promote interactive discussions. On-site Division specific training will provide further training on technical aspects of the initiative. This training will also cover effective ways to deploy the initiative.

***What role will Division Offices play?***

All Division Offices will be asked to inventory and assess their programmatic approaches. Any out-of-date or deficient agreements will be revised. Where appropriate, new approaches will be developed or existing approaches amended to increase efficiencies while maintaining our agency’s commitment to stewardship.

***What is FHWA’s role in State and regional efforts?***

FHWA and the Resource Center (RC) will provide technical and administrative support for regional programmatic efforts. They will explore and evaluate cost share opportunities with State DOTs for innovative approaches. FHWA's Headquarters Resource Agency Liaisons' workload will be redirected to assist as needed so that these approaches are being used consistently across the nation.

***Some States have chosen not to take advantage of these approaches. How can DOs help?***

Many programmatic approaches have been available for years, yet some States have not fully taken advantage of their streamlining benefits. Where PAs have not been widely used, DOs should lead an effort with their State partners to develop and use effective programmatic approaches.

***What is the best way to encourage participation?***

There are many good ways. First, get Leadership buy-in. Work on any relationships that need attention, even if it is difficult. Bring items to trade to the table, and be willing to reset the table. Be open-minded and put all of your cards on the table. Be persistent, friendly, and fair. Test drive or pilot procedures. Keep personal feelings out of it

***Is FHWA working with AASHTO on this initiative?***

FHWA is working collaboratively with the American Association of State Highway and Transportation Officials (AASHTO) Center for Environmental Excellence to update the national inventory of programmatic approaches utilized across the country. In May and June 2010, AASHTO gathered all of the existing programmatic agreements from each of the State DOTs. FHWA and AASHTO representatives reviewed this inventory of existing programmatic approaches and highlighted the best practices on the AASHTO website.

***What tools are available to help me create, expand, or revise programmatic approaches?***

A wide range of tools and documents are available. Just visit these links:

AASHTO CEE Programmatic Agreement Library: [http://environment.transportation.org/pal\\_database/](http://environment.transportation.org/pal_database/)

AASHTO CEE Programmatic Agreement Toolkit:

[http://environment.transportation.org/documents/programmatic\\_agreement\\_toolkit/main.html](http://environment.transportation.org/documents/programmatic_agreement_toolkit/main.html) FHWA Streamlining Website, State Practices: <http://environment.fhwa.dot.gov/strmlng/es3stateprac.asp>

TRB report on "Agency Use of and Approach to FHWA Approved Programmatic Agreements":

[http://onlinepubs.trb.org/onlinepubs/archive/NotesDocs/25-25\(13\)\\_FR.pdf](http://onlinepubs.trb.org/onlinepubs/archive/NotesDocs/25-25(13)_FR.pdf)

State Transportation Liaison Funded Positions Study

<http://environment.fhwa.dot.gov/strmlng/fundedPositionsReport/report.asp>

***What is the expected long-term outcome of this initiative?***

This initiative should increase the number of dynamic, ongoing programmatic approaches in use nationally. Using programmatic agreements effectively should result in better decision-making. It will also improve and expedite transportation project delivery processes across the nation.