

Summary of Caltrans Second Self-Assessment Under the Surface Transportation Project Delivery Pilot Program, June 2008

Introduction

Section 8.2.6 of the Caltrans/Federal Highway Administration (FHWA) Surface Transportation Project Delivery Pilot Program (Pilot Program) Memorandum of Understanding (MOU) requires Caltrans to perform a formal process review or “self-assessment” of its quality control and quality assurance (QC&QA) activities every six months for the first two years of the Pilot Program and no less than annually thereafter. Caltrans’ first self-assessment summary report, which preceded FHWA’s first audit on January 29-February 1, 2008, was completed in December 2007. This report summarizes the findings of Caltrans second self-assessment preceding FHWA’s second audit, to be conducted from July 28, 2008-August 1, 2008.

Scope of the Self-Assessment

This second self-assessment focused on reviewing Caltrans QC&QA activities under the Pilot Program to ensure that they are working, as intended, to meet Pilot Program requirements. The Pilot Program QC&QA program areas that were assessed include Caltrans’ environmental QC procedures, process for determining that environmental documents are ready for signature, legal sufficiency reviews, consistency with environmental document annotated outlines, project file documentation, proper environmental record keeping, and timeliness of environmental decisions. These QC&QA program areas were assessed by conducting the following:

- A program-level review to assess Caltrans’ progress toward implementing the commitments it made in its Pilot Program application and in the Pilot Program MOU. The effectiveness of key program-wide tools in meeting Pilot Program requirements was also reviewed.
- A District/Region review to assess the effectiveness of Caltrans QC&QA procedures in meeting Pilot Program requirements, as well as progress in Caltrans staff adherence to these procedures and in proper use of the QC&QA tools.
- Identification of corrective actions, where this second self-assessment indicates that District/Region implementation of Pilot Program QC procedures and tools are not providing optimal results. Future self-assessments will assess the success of these corrective actions.
- An evaluation of Caltrans’ progress toward meeting the performance measures identified in the Pilot Program MOU.

This self-assessment also includes a statement by the Caltrans Chief of the Division of Environmental Analysis concerning whether the QC&QA processes are ensuring that the responsibilities Caltrans has assumed under Part 3 of the Pilot Program MOU are being carried out in accordance with the MOU and all applicable federal laws and policies.

Program-Level Review

The program-level review includes an assessment of Caltrans' progress toward implementing its Pilot Program commitments, improvements made to the Standard Environmental Reference (SER), and a summary of how Caltrans monitors its resources to ensure Pilot Program success.

Progress in Meeting Pilot Program Commitments

Caltrans evaluated its progress in meeting commitments specified in the Pilot Program application and MOU. As part of the first self-assessment, Caltrans assessed its progress in meeting commitments specified in the Pilot Program application and concluded that it had met or was in the process of meeting all of them. Since that time, Caltrans has made further progress in meeting these commitments. Compliance with the following commitments is still in progress:

- **Expand the QC review of technical studies prepared under Section 7 of the federal Endangered Species Act:** Updated QC review guidance for Section 7 technical studies is expected to be completed in State fiscal year 08/09.
- **Statewide meeting for District Local Assistance Engineers and Local Assistance environmental staff:** Caltrans District Local Assistance Engineers (DLAEs) and District/Region Local Assistance environmental staff have had a number of opportunities to learn about and discuss the Pilot Program requirements including the March 2007 NEPA Delegation Workshop, a statewide Local Assistance environmental staff workshop held on June 2 and 3, 2008, the March 2008 Local Assistance Academy, and monthly DLAE teleconferences.

Caltrans also evaluated its progress in meeting each commitment specified in the Pilot Program MOU and has concluded that all applicable MOU commitments are being implemented.

Standard Environmental Reference Update

The SER has been updated in response to suggestions made by senior staff as part of the first self-assessment, as well as in response to input from District staff and the Headquarters Environmental Coordinators. In response to FHWA's first draft audit findings, Caltrans added a posting history to the home page of the SER in April 2008. This posting history is updated whenever a substantive change is posted on the SER and includes a listing of changes made to the SER, the date of the new posting, and a summary of the changes made. During this self-assessment, a number of District/Region environmental staff noted that the SER posting history makes it easier for them to stay up-to-date with the latest in Pilot Program requirements.

Maintenance of Adequate Resources

Caltrans uses a number of tools to identify and track resource needs related to the Pilot Program, including assignment of staff, use of data bases to track project hours expended on Pilot Program responsibilities, and regular review and updating of work plans for State Highway System projects. During this self-assessment, Caltrans seniors conveyed a high level of awareness related to the importance of and need to systematically track and provide adequate resources for

project-specific Pilot Program responsibilities. For Local Assistance projects, Headquarters Division of Local Assistance (DLA) tracks Pilot Program-related charges through use of a specific Expenditure Authorization. DLA is using this information to support a Budget Change Proposal for continuation of the limited term Local Assistance NEPA Delegation coordinator positions as may be needed in the future.

District Review

Through staff interviews, project environmental file reviews, and NEPA document reviews, the District/Region component of the self-assessment evaluated the effectiveness of the environmental document QC procedures in meeting Pilot Program requirements, including proper staff use of QC tools and adherence to QC procedures. The District/Region review also included evaluation of the procedures and tools themselves, to ensure that they are working effectively. A sample of NEPA documents and Categorical Exclusion (CE) determinations was also evaluated to determine if required federal findings, approvals, and consultations are being properly documented.

Specifically, the following areas were reviewed as part of the District/Region staff interviews and file and document reviews:

- Monitoring of conformance with QC procedures and tools;
- Proper use of environmental document QC preparation and review tools by Caltrans environmental staff, including the following:
 - Environmental Document Quality Control Review Certification Form, including completion of each required QC review;¹
 - Environmental Document Preparation and Review Tool checklist, and
 - Environmental document annotated outlines;
- Ready for signature communications;
- Legal sufficiency reviews;
- Consistency with environmental document annotated outlines;
- Proper documentation of compliance with federal requirements;
- Proper use of environmental record keeping system (Environmental Uniform File System [UFS]);
- Proper use of documentation tools for categorically excluded projects;
- Timeliness of environmental decisions;

¹ This review focused on the internal certification form since the purpose of the external certification form, for locally-sponsored projects, is to provide Caltrans staff with a better product to review. It is Caltrans' responsibility to ensure that all environmental documents meet FHWA standards and requirements.

- Effectiveness of the corrective actions implemented after the first self-assessment; and
- Progress in meeting the Pilot Program performance metrics.

Process for Self-Assessment and Areas Reviewed

In general, this self-assessment reviewed 18 NEPA documents that were approved during the second and third quarters (October 1, 2007-March 31, 2007) of the Pilot Program. These 18 NEPA documents were approved in seven of Caltrans' 12 districts. In addition, the files for the nine CE projects that were approved during the second and third quarters were also reviewed.

Districts 4, 7, 8, 12, and Central Region were visited in mid-May and early June 2008 as the majority of the environmental documents with second and third quarter approvals were prepared in these Districts/Region. A total of 25 project files were reviewed in these Districts based on a checklist of identified parameters. In addition, to follow up on the corrective actions identified in the first self-assessment, a random sample of ten additional files were reviewed in District 4.

The document preparers and oversight coordinators, seniors, peer reviewers, and NEPA QC reviewers associated with the environmental documents prepared in these Districts/Region were interviewed. All four Headquarters Environmental Coordinators were also interviewed. A total of 52 Caltrans staff were interviewed. Information was obtained from staff members through a series of set questions, as well as through open discussions.

This self-assessment did not include an evaluation of the accuracy of the quarterly reports submitted to FHWA. However, during this self-assessment, a few inaccuracies were noted in the second quarter report, including a Finding of No Significant Impact (FONSI) that was not included, a Section 4(f) de-minimis conclusion that was erroneously included, and a de-minimis conclusion that should have been reflected as an individual Section 4(f) evaluation.

Findings

The results of the staff interviews and project file and environmental document reviews are summarized below. Corrective actions, where necessary, are identified immediately after the finding.

Monitoring of Conformance with Quality Control Requirements

Caltrans staff are actively monitoring conformance with Pilot Program QC procedures in a number of ways, including the following:

- Ongoing and frequent communication between seniors and generalists regarding project QC processes, internal review comments received, and environmental document revisions required to respond to comments;
- Discussion at staff meetings regarding areas of the QC process that are working well and those that need more attention;

- Seniors systematically check the QC certification forms and environmental document review checklists to ensure that they are complete before recommending that documents are ready for signature and before signing CEs;
- District staff work closely with Headquarters Environmental Coordinators on complex projects to ensure that QC requirements are met;
- Headquarters Environmental Coordinators actively monitor conformance with QC procedures on the complex EA and EIS projects they review.

Caltrans staff are taking immediate actions on a project-by-project basis, as necessary, to correct unique irregularities that arise on specific projects.

Proper Implementation of Environmental Document Quality Control Requirements

Proper Use of Environmental Document Checklist. The internal environmental document preparation and review tool (checklist) was fully completed for 17 of the 18 (94%) environmental documents approved during second and third quarters, and partially completed for one document. The partially completed form was for an environmental document that was approved prior to completion of the first self-assessment summary report and before Caltrans implemented measures to reinforce the QC requirements with District/Region staff. Checklists were deemed to be complete if the content requirement check boxes were filled in. While nearly all of the checklists included documentation of page number references, the notation of page numbers is not considered relevant to ensuring the quality of the environmental documents, but is intended to facilitate easier document review.

Proper Use of Internal QC Form. The internal QC certification form was fully completed for 15 of the 18 (83%) environmental documents and nearly fully completed for the other three documents. One form lacked a peer reviewer (a peer review was conducted, but the reviewer forgot to sign the certification form), Section 4(f) (for a deminimis conclusion), and technical editor signature; one lacked only a peer review signature; and one was missing two technical specialist signatures. Two of the three nearly complete certification forms were for environmental documents that were approved prior to completion of FHWA's first audit and before Caltrans' measures to reinforce the QC requirements were fully in place.

Fourteen of the 16 (88%) QC certification forms that had peer reviewer signatures reflected independent peer reviews by a Caltrans staff member who had not participated in, supervised or performed technical specialist review of the project. On the one project (with draft and final document approvals during the second and third quarters of the Pilot Program) that did not have a peer review defined as independent, the peer reviewer also signed the QC form as a technical specialist for one environmental topic (Despite the reviewer's signature as a technical specialist, there was no technical study for this subject area, so that signature was not required.). For two projects, the peer reviewer was also the senior on the project, but their reviews were considered independent as the environmental documents were consultant prepared for locally-sponsored projects, and any Caltrans review of a local agency environmental document is an independent review.

The following irregularities were found on the forms that were considered fully complete:

- For three of the projects, the NEPA QC review occurred prior to document approval, but the NEPA QC reviewers signed the internal certification form after the environmental documents were approved due to documentation errors. For two of these projects, the NEPA QC reviewer inadvertently signed the incorrect line (the reviewer signed the “QA/QC Branch Review” line that the District had added to the form). On the third project, the NEPA QC reviewer completed the review prior to the document being approved, but forgot to sign the form. For all three projects, the NEPA QC reviewer signed other lines on the certification forms indicating that they had reviewed the document prior to document approval and verbally confirmed that they completed the required NEPA QC reviews and found the documents to be acceptable prior to the documents having been signed for approval. Corrective discussions have occurred with the individuals involved.
- Two of the forms had one missing technical specialist signature, and “NA” (not applicable) was not specified; however, upon checking these project files, no technical report was prepared for these environmental topics, and therefore, “NA” should have been specified on the form. Corrective discussions have occurred with the individuals involved.
- The individual Section 4(f) evaluation review certification for one project was signed by the project generalist, rather than the NEPA QC reviewer. However, the NEPA QC reviewer reviewed the entire document, including the Section 4(f) evaluation, and found the document to be acceptable before signing the certification form as the NEPA QC reviewer.
- One project had technical specialist, technical editor, and environmental document preparer certifications that were made after the environmental document was approved. Refer to the “Ready for Signature” section for further discussion of this project.

These irregularities did not adversely affect the content of the environmental document. With the exception of one project, all of the irregularities described above relate to inaccuracies in filling out the QC forms, rather than to problems with the QC process itself.

The improvement in compliance with environmental document QC requirements appears to be largely related to the natural progression of Caltrans staff adjusting to and becoming more proficient in complying with new requirements. Of the 15 environmental documents that had completed QC certification forms, ten were approved prior to completion of FHWA’s first audit and before Caltrans fully implemented measures to reinforce the QC requirements with District/Region staff. Two of the three projects with nearly-complete QC certification forms predated completion of the FHWA audit.

Consistent Use of Environmental Document Checklist and Internal QC Form. The consistency between the environmental topics checked on the environmental document preparation and review tool checklist and the signatures appearing on the internal QC certification forms for each document was checked. Some projects noted “NA” on the QC certification form if no technical study for that topic was prepared, but completed the checklist indicating content on the topic in the environmental document. This approach was not considered an inconsistency since the forms were completed properly, as intended. Considering completed

QC certification forms and checklists (incomplete forms and checklists are discussed above), only one project had an inconsistent checklist and certification form. For this project, with an environmental document approval that pre-dated the FHWA audit, a water quality assessment report was prepared and the environmental document checklist was completed for this topic, but the QC certification form incorrectly noted "NA".

Corrective Action: Caltrans is evaluating its environmental document QC tools and procedures. One or both of the following actions will be implemented:

- Refinement of Pilot Program QC tools, procedures, and/or guidance for these tools and procedures to improve their clarity, their practicability in implementation, and their efficiency and effectiveness in developing an environmental document that meets federal standards and requirements;
- Additional training of staff to achieve 100% compliance.

Ready for Signature Communications

Caltrans seniors are using a variety of methods to communicate to the document signatory that routine EAs are ready for signature, including emails, transmittal memos submitted with the environmental document, verbal communications, and use of the Quality Control Checklist form. Based on interviews with the Headquarters Environmental Coordinators, they are using emails to communicate to the Districts/Regions that complex EAs and EISs are ready for signature. The Coordinators also indicated that Caltrans Legal notifies them by email regarding completion of legal reviews and achievement of legal sufficiency.

During the second and third quarters of the Pilot Program, one complex environmental assessment (EA) and one environmental impact statement (EIS) were approved; the EIS also included an individual Section 4(f) evaluation. The file for the complex EA contained written documentation from the Headquarters Environmental Coordinator notifying the District that the document was ready for signature. On the project with an approved EIS, miscommunication between the District environmental division and Legal resulted in the environmental document being signed before actual receipt of the legal sufficiency finding. This error was discovered quickly and with no substantive modification made, the environmental document was re-signed once legal sufficiency was received.

The internal QC certification form for the complex EA had technical specialist, technical editor, and environmental document preparer certifications that were made after the environmental document was approved. On this project, Headquarters and District management and staff conducted their reviews with the goal of meeting a December 31st deadline. The Headquarters Environmental Coordinator reviewed the EA without checking whether the internal certification form was complete, and District management signed the environmental document on December 31st without seeking confirmation that the required QC reviews had been completed and properly documented.

Corrective Action: In both Districts, environmental document Quality Control Checklists have been developed. These forms will be signed by the Environmental Branch Chief, Office Chief, and the Deputy Director for Environmental prior to the approval of all draft

and final environmental documents, individual Section 4(f) evaluations, and Records of Decision, certifying that the environmental document QC and review requirements have been met. Use of this form will be required effective June 26, 2008 in one District and July 1, 2008 in the other District.

Legal Sufficiency Review

Each legal office (Sacramento, San Francisco, Los Angeles and San Diego) conducted a self-assessment using the same series of questions. The self-assessment included a review of the following: training, program resources, legal sufficiency review process, and litigation process. During this time, one legal sufficiency review was completed and that review met the required time lines. The legal offices are using the Caltrans Legal Division Legal Information Calendaring (LINC)s system to track the legal sufficiency review process. The Assistant Chief Counsel for each office arranges and tracks training for their attorneys. No discrepancies were noted during this self-assessment.

Consistency with the Environmental Document Annotated Outline

The 18 environmental documents that were approved during the second and third quarters of the Pilot Program were independently reviewed for consistency with the applicable annotated outline. This review indicated that 17 of the 18 documents (94%) generally followed the annotated outlines in terms of chapter and section organization. The document not following the annotated outline was approved in October 2007.

All eighteen (100%) reviewed documents contained the required Pilot Program language on the document cover. However, one of these documents erroneously noted on the cover that the document was prepared by FHWA and Caltrans. All six (100%) second and third quarter approved FONSI's included the required Pilot Program language.

Corrective Action: Corrective discussions have occurred with staff involved in the environmental document not following the annotated outline. Staff involved with the environmental document cover irregularity have been reminded about the language that is required to appear on the cover of EAs and EISs. This topic was also discussed with District staff at the June 2008 NEPA Delegation teleconference.

Proper Documentation of Compliance with Federal Requirements

The 18 environmental documents approved during the second and third quarters of the Pilot Program were reviewed to determine if they appropriately documented compliance under the following regulations, as applicable:

- Section 4(f) of the U.S. Department of Transportation Act,
- Section 106 of the National Historic Preservation Act when State Historic Preservation Officer concurrence was required,
- Section 7 of the federal Endangered Species Act when a letter of concurrence or biological opinion was approved by the U.S. Fish and Wildlife Service or the National Marine Fisheries Service,
- Section 176(c) of the federal Clean Air Act through documentation of FHWA's air quality conformity determination, and
- Executive Orders 11990 and 11988.

The files for the nine CE projects were also checked for this documentation.

All of the reviewed project environmental documents and CE files contained the required documentation related to these federal regulations and executive orders with the exception of one approved CE project that does not yet have an air quality conformity determination from FHWA. Due to confusion over the terms “conformity” and “concurrence”, the District believed that the project had received a “conformity” determination from FHWA when, in fact, FHWA had only provided “concurrence” that the project was not a project of air quality concern (POAQC) for particulate matter. The absence of an air quality conformity determination from FHWA was brought to the attention of the District during the self-assessment, and the District immediately requested a conformity determination from FHWA.

Corrective Action: An air quality conformity determination was requested from FHWA for the CE project, discussed above, immediately upon discovery of the error. There have been discussions with involved District staff regarding the difference between POAQC concurrence and an air quality conformity determination. In addition, the District has reinforced the requirement that air quality conformity determinations must be obtained from FHWA prior to NEPA approvals. This topic was also discussed with District staff at the June 2008 NEPA Delegation teleconference.

Proper Use of Environmental Record Keeping System

The files for sixteen environmental documents and nine CEs with second and third quarter approvals were reviewed for consistency with the UFS. All 25 files were found to be consistent with the UFS requirements. Ten additional files were reviewed in District 4 as a follow up to the corrective actions undertaken in this District after the first self-assessment. Seven of the 10 District 4 files conformed to the UFS, and three did not.

Corrective Action: The Environmental Assessment Office Chief in District 4 is meeting with affected staff to reinforce the importance of using the UFS through the entire life of projects. The Office Chief will share this message with all environmental assessment seniors and staff. Until the next self-assessment, the Office Chief will also meet monthly with staff not currently meeting these requirements to review their active project files to assess consistency with the UFS and to require that files be corrected, where needed.

Proper Use of Categorical Exclusion Documentation Tools

Caltrans requires that a CE checklist be completed for each project that is categorically excluded. Of the nine reviewed CE projects, eight had completed CE checklists in their project files.

Corrective Action: The involved District has reinforced the requirement for a CE checklist with its seniors who sign CE determinations. This District is also developing additional tools to support staff in appropriately meeting all Pilot Program requirements.

Timeliness of Environmental Decisions

The environmental timeframes for the last 35 EA and EIS projects approved by FHWA prior to the initiation of the Pilot Program (and that were evaluated pursuant to Section 820.1 of the

California Streets and Highways Code) were compared with the 23 projects that had environmental document approvals during the first three quarters of the Pilot Program. This comparative analysis showed the following:

- Since initiation of the Pilot Program, a 69% time savings has been achieved for review of draft environmental documents. The 14 draft environmental documents approved by Caltrans completed review and approval in a median time of 1.9 months, as compared to 6.1 months for the documents approved by FHWA prior to the Pilot Program.
- A 67% time savings has been achieved for review of final environmental documents. The nine final environmental documents approved by Caltrans completed review and approval in a median time of 0.8 months, as compared to 2.4 months for the final documents approved by FHWA prior to the Pilot Program.

Effectiveness of Corrective Actions

The effectiveness of the corrective actions identified in the first self-assessment is summarized below:

- **Reinforce requirement for completion of the environmental document preparation and review tool and the QC review certification forms and use of the UFS system for all environmental files.** A variety of measures have been taken as detailed in Caltrans response to FHWA's second pre-audit request. These measures are summarized in *Attachment 1*.

Compliance with the environmental document review checklist, QC certification form, and uniform filing system requirements strongly improved in the second and third quarters:

- 17 of the 18 (94%) reviewed environmental documents had complete environmental document review checklists, as compared to 58% for the first self-assessment;
 - 15 of the 18 (83%) environmental documents had complete internal certification forms, as compared to 33% for the first self-assessment;
 - 32 of the 35 (91%) environmental document and CE files reviewed were consistent with the UFS, as compared to 84% for the first self-assessment.
- **Develop a new form for one District and require that this form be signed prior to approving all draft and final documents in order to certify that all environmental document QC process requirements have been met.** The following actions were taken:
 - January 2008: Quality Control Checklist form developed for one district requiring specific management-level certifications prior to approving all draft and final environmental documents.
 - April 2008: Quality Control Checklist form developed for optional District/Region similar to the one developed in January 2008.

The one District required to use the new QC form properly used the form for the one environmental document approval that it made in quarters two and three subsequent to the development of the form. As certified by the signatures on this form, this project met all environmental document QC requirements, including a complete environmental document

checklist, complete internal certification form, project file in conformance with the UFS, and environmental document that generally followed the applicable annotated outline.

- **Revise environmental document QC form to clarify that the NEPA QC reviewer's signature is required for both draft and final environmental documents.**
 - April 3, 2008: Internal QC certification form updated and posted on SER, and email sent to affected staff notifying them of the change. The required NEPA QC review was completed for all 11 draft and 7 final environmental documents approved during the second and third quarters, and the NEPA QC reviewer completed the internal certification form for all projects. As noted above, three of the forms had NEPA QC reviewer signatures that post-dated the environmental document approval. In all three cases, the NEPA QC review had occurred prior to document approval, but errors were made in documentation. These three cases all occurred before updating the form.
- **Issue email to the Districts/Regions reminding them of the records retention requirements of section 8.3 of the Pilot Program MOU.**
 - January 25, 2008: Email sent by Headquarters to District/Region environmental deputies and staff reminding them of Pilot Program MOU records retention requirements.

Based on the District/Region interviews, staff appear to be aware of this requirement.

All corrective actions identified in the first self-assessment have been implemented and have been highly effective in correcting the problems they were intended to address.

Progress in Meeting Pilot Program Performance Metrics

This self-assessment also evaluated progress toward meeting the performance measures identified in section 10.2 of the Pilot Program MOU. *Attachment 2* presents each performance measure identified in the MOU, components and desired outcomes of the measures, tools for measuring performance, and the performance metrics. *Attachment 2* reflects minor modifications that Caltrans has made to a few of the metrics in order to more accurately reflect Pilot Program responsibilities, including those specified in Caltrans response to FHWA's request for pre-audit information.

For each component of these performance measures, progress toward meeting the associated performance measure metrics is summarized below:

Compliance with NEPA and Other Federal Laws and Regulations

Documented compliance with the environmental procedures and processes set forth in the Pilot Program MOU is measured by the following:

- **Percent of self-assessment reports submitted to FHWA:** 100% of the required self-assessment summary reports have been submitted to FHWA.

- **Percent of identified corrective actions that are implemented:** As discussed above, 100% of the corrective actions identified in the first self-assessment summary report have been implemented. These actions have been highly effective in correcting the problems they were intended to address.

Documented compliance with the requirements of federal laws and requirements is measured by:

- **Percent of draft and final environmental documents with completed checklists in file:** As noted above, 17 of the 18 (94%) reviewed environmental documents that were approved during the second and third quarters of the Pilot Program had complete environmental document review checklists.
- **Percent of projects with completed internal QC certification forms in files:** As noted above, 15 of the 18 (83%) reviewed environmental documents had complete internal QC certification forms.

Attainment of Supportable NEPA Decisions

Legal sufficiency determinations are measured by:

- **Percent of final EIS/Section 4(f)s with legal sufficiency determinations in file that pre-date the environmental document approval:** As discussed above, the one final EIS, which also included an individual Section 4(f) evaluation, approved during the second and third quarters of the Pilot Program, was originally signed before receipt of the legal sufficiency determination (0%).

Compliance with Caltrans environmental document content standards and QC review procedures is measured by:

- **Percent of projects with environmental document preparer signatures on internal certification form certifying consistency with the applicable annotated outline:** All 18 (100%) projects reviewed had certification forms signed by the environmental document preparer indicating that the document was prepared consistent with the applicable SER annotated outline.

Percent of sampled environmental documents that followed applicable annotated outline: Seventeen of the 18 reviewed documents (94%) generally followed the annotated outlines in terms of chapter and section organization. All eighteen (100%) reviewed documents contained the required Pilot Program language on the document cover. All six (100%) reviewed FONSI's contained the required Pilot Program language.

- **Percent of projects with completed and signed internal QC certification forms in file:** As noted above, 15 of the 18 (83%) reviewed environmental documents had complete internal QC certification forms.

Documentation of project records for projects under the Pilot Program is measured by:

- **Percent of sampled EA/EIS project files following established UFS:** Thirty-two of the 35 (91%) environmental document and CE files reviewed were consistent with the UFS.

Effectiveness of Relationships with Agencies and the General Public

The change in communications among Caltrans, federal and state resource agencies, and the public is measured by:

- **Compare data over time related to communications among Caltrans, Federal, and State resource agencies, and the public:** A Gallup poll surveying relationships with agencies under the Pilot Program has not yet been undertaken. Caltrans is in the process of developing an objective metric that will measure relationships with the public. This metric will be evaluated in future self-assessments.

Caltrans responsiveness to substantive comments received from public and interest groups on NEPA documents is measured by:

- **Percentage of final document internal QC forms with public review comments box checked:** All seven of the final environmental documents (100%) approved during the second and third quarters of the Pilot Program had certification forms that indicated that public review comments had been appropriately addressed.

Caltrans ability to effectively resolve external conflicts is measured by:

- **Date that formal conflict resolution process began to date resolution reached:** This metric cannot be measured since a formal conflict resolution process was not initiated on any of the reviewed projects. This metric will be evaluated, as appropriate, in future self-assessments.

Timely Completion of NEPA Process

Timely NEPA document approvals under the Pilot Program are measured by:

- **Compare median time from administrative draft environmental document to draft environmental document approval before and after delegation:** As indicated above, a 69% time savings has been achieved for review and approval of draft environmental documents. The 14 draft environmental documents approved by Caltrans during the first three quarters of the Pilot Program were approved in a median time of 1.9 months, as compared to 6.1 months for documents approved by FHWA prior to the Pilot Program.
- **Compare median time from administrative final environmental document to final environmental document approval before and after delegation:** As indicated above, a 67% time savings has been achieved for review and approval of final documents since initiation of the Pilot Program. The nine final environmental documents approved by Caltrans during the first three quarters of the Pilot Program were approved in a median time of 0.8 months, as compared to 2.4 months prior to the Pilot Program.

Timely completion of interagency consultations under the Pilot Program is measured by:

- **Compare median time from submittal of biological evaluations/biological assessments to receipt of letters of concurrence or biological opinions before and after delegation:** Ten letters of concurrence or biological opinions, that had consultations without FHWA involvement, have been approved by the U.S. Fish and Wildlife Service or the National Marine Fisheries Service under Section 7 of the federal Endangered Species Act, since

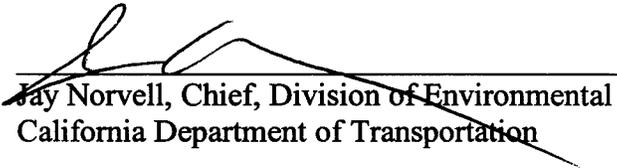
initiation of the Pilot Program. The median time that was required for these approvals was 3.5 months from the submittal of the Section 7 documentation to the resource agency, as compared to a median time of 11.4 months for the 24 Section 7 consultations completed immediately prior to the Pilot Program. Therefore, a 69% time savings has been achieved for these approvals since initiation of the Pilot Program.

The second self-assessment period acceptable performance goal of 85% was met for all percentage-based performance metrics, with the exception of the percent of projects with completed internal QC certification forms (2% below goal set for this self-assessment period) and the percent of final EIS/Section 4(f)s with legal sufficiency determinations in the project file that pre-date the environmental document approval (100% below goal since the only EIS/individual Section 4(f) approved was originally signed without receipt of the legal sufficiency determination).

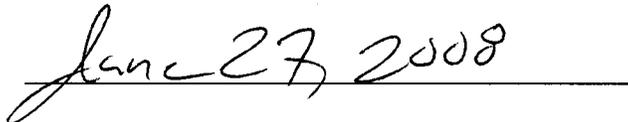
Statement by Chief, Division of Environmental Analysis

Based on this second self-assessment of Caltrans QC&QA processes under the Pilot Program, I find that Caltrans processes are working to ensure that the responsibilities Caltrans has assumed under part 3 of the Pilot Program MOU are being carried out in accordance with the Pilot Program MOU and all applicable federal laws and policies. This self-assessment indicates that, although Caltrans Pilot Program QA&QC processes are not yet being implemented as intended 100% of the time, Caltrans' NEPA documents and decisions meet all applicable federal laws, requirements, policies, and standards.

Signed: _____


Jay Norvell, Chief, Division of Environmental Analysis
California Department of Transportation

Date: _____



Attachment 1

Corrective Actions Implemented by Caltrans Based on the First Self-Assessment Findings

Caltrans implemented the following measures to reinforce the requirement to complete the environmental document checklist and QC review certification form and use the UFS for all environmental files:

- January 4, 2008: Email sent by Headquarters to District/Region environmental deputies and staff summarizing findings of first self-assessment and highlighting areas that need improved compliance.
- The need for completing QC certification forms completely and accurately prior to environmental document approval on every project was emphasized in both the December and January NEPA Delegation teleconferences, at the November and March Environmental Board meetings, at the January and February Hot Topics meetings, and at the January and April Project Delivery Advisory Committee meetings.
- April 3, 2008: Email sent by Headquarters to District/Region environmental deputies and affected staff notifying them of improvements made to the QC certification forms and the environmental document review checklist. Internal and external QC certification forms and environmental document review checklist updated to address issues identified by staff use, self-assessment, and FHWA audit.
- April 2008: Headquarters provided a 2-hour training session to some of its environmental generalists as part of the larger Generalist Training Workshop on updates to the Pilot Program environmental document QC tools.
- April 28, 2008: Email sent by Headquarters to environmental associates and seniors statewide and District/Region environmental deputies notifying them of an update to Chapter 38 of the SER that clarifies Pilot Program environmental document QC requirements and revisions to QC tools.
- April 10, 16, 29, May 13 and 22; and June 5 and 11: Local Assistance NEPA training course, given to local agencies, consultants, and Caltrans Local Assistance staff, includes discussion of the Pilot Program QC requirements.
- Ongoing: Informal networking between Headquarters and the Districts/Regions and within the Districts/Regions reinforcing environmental document QC requirements.

Performance Measure	Components of Measure	Desired Outcome	Tool/ Indicator to Measure Outcome	Metric
Compliance with NEPA and other Federal laws and regulations	Maintain documented compliance with procedures and processes set forth in the Pilot Program MOU for the environmental responsibilities assumed under the Pilot Program.	Caltrans performs self assessments as required by the MOU Caltrans implements corrective actions as necessary	Self assessment report submitted to FHWA Subsequent self assessments and FHWA audits	Percent of self assessment reports submitted to FHWA Percent of identified corrective actions that are implemented
	Maintain documented compliance with requirements of all Federal laws and regulations being assumed (Section 106, Section 7, etc).	100% of draft and final environmental documents have completed environmental document review checklists 100% of quality control reviewers are certifying compliance with Federal requirements on the QC certification form	Completed environmental document review checklists in file for draft and final environmental document Completed Internal QC certification form in file	Percent of draft and final environmental documents with completed checklists in file Percent of projects with completed internal QC certification form in file
Attainment of supportable NEPA decisions	Legal sufficiency determinations made by counsel on FEISs and individual 4(f) determinations	100% of FEISs and individual 4(f)s determined to be legally sufficient	Legal sufficiency determination in file	Percent of FEIS and individual 4(f)s with legal sufficiency determinations in file that pre-date environmental document approval
	Compliance with Caltrans environmental document content standards and procedures	<u>Annotated Outline State Highway System (SHS):</u> 100% of NEPA documents follow applicable annotated outline <u>Local Assistance:</u> 100% of NEPA documents started after publication of LAPM Chapter 6 follow the applicable annotated outline	<u>Annotated Outline</u> Environmental document preparer signature on internal QC certification form certifying consistency with annotated outline	<u>Annotated Outline</u> Percent of projects with environmental document preparer signature on internal QC certification form certifying consistency with annotated outline

Performance Measure	Components of Measure	Desired Outcome	Tool/ Indicator to Measure Outcome	Metric
		<u>QA/QC Procedures</u> 100% of EAs and EISs follow environmental document review QA/QC procedures	Self assessment team evaluation of a random sample of District/Region environmental documents <u>QA/QC Procedures</u> Internal QC certification form is complete and filed appropriately	Percent of sampled environmental documents that followed applicable annotated outline <u>QA/QC Procedures</u> Percent of projects with completed and signed Internal QC certification form in file
	Documentation of project records for projects under the Pilot Program	100% of EA and EIS projects follow the established Environmental Uniform Filing System	Self assessment team evaluation of a random sample of District/Region EA/EIS files	Percent of sampled EA/EIS project files following established filing system
Monitor relationships with agencies and the general public (Effectiveness of relationships with agencies and the general public)	Assess change in communication among Caltrans, Federal and State resource agencies, and the public	Communications remain consistent or improve over time	<u>Agency</u> Gallup poll <u>Public</u> Under development	Compare data over time
	Maintain effective responsiveness to substantive comments received from the public, agencies, and interest groups on NEPA documents	100% of final environmental document QC certification forms certify that all public review comments have been appropriately addressed	NEPA QC reviewer signature on final document QC certification form and public review comments box checked	Percent of signed final document internal QC certification forms with public review comments box checked
	Maintain effective NEPA conflict resolution processes whenever appropriate	Formal conflict resolution processes lead to timely conflict resolution	Length of time in formal conflict resolution process for: - NEPA/404 - Section 7	Date that formal conflict resolution process began to date resolution reached

Performance Measure	Components of Measure	Desired Outcome	Tool/ Indicator to Measure Outcome	Metric
Timely completion of NEPA process	Compare time to completion for environmental document approvals before and after July 1, 2007	Timely document approvals	Time taken to review and approve draft and final documents for: - SHS projects - Local Assistance projects	For SHS and Local Assistance projects: Compare median time from begin Admin. DED District QC process to DED approval before and after delegation Compare median time from begin Admin. FED District QC process to FED approval before and after delegation
	Compare time to completion for key interagency consultations formerly requiring FHWA participation before and after July 1, 2007	Timely agency consultation	Time taken for Section 7 consultation	Compare median time from submittal of biological evaluations/biological assessments to receipt of letters of concurrences/BOs before and after delegation