Summary of Caltrans Fifth Self-Assessment Under the Surface Transportation Project Delivery Pilot Program, June 2010

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 has been participating in the Pilot Program for almost three years and to date has submitted four self-assessment summary reports to FHWA. This report summarizes the findings of Caltrans' 5th self-assessment preceding FHWA's 5th audit, to be conducted from July 26-30, 2010.

Self-Assessment Scope and Methodology

Caltrans' 5th self-assessment includes a review of the following focus areas:

- Compliance with Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) Section 6002 "Efficient Environmental Review Process" requirements;

- Compliance with the cost-related "reasonableness" analysis requirements for noise barriers per 23 CFR 772;

- Caltrans' staff understanding of the guidance published by the FHWA and the U.S. Environmental Protection Agency related to identifying and assessing projects of air quality concern (POAQC) for particulate matter and the requirements for Interagency Consultation (IAC) for Conformity related to particulate matter;

- Compliance with the following Caltrans requirements:

    - Completion of Caltrans' "revalidation" form as evidence of compliance with 23 CFR 771.129;

    - Preparation of Environmental Commitments Records (ECRs) for projects;

    - Internal consistency of routine environmental assessments (EAs) and consistency with specific annotated outline requirements; and

    - Proper implementation of biological resources technical studies QC requirements.

Selection of these review elements continues Caltrans' practice of identifying a few key areas of focus for each self-assessment. As with previous self-assessments, review elements were selected by the self assessment team with input from Division of Environmental Analysis (DEA) Office Chiefs, Headquarters Environmental Coordinators, Division of Local Assistance, and the Legal Division.

In addition to these focus areas, this self assessment continues to review Caltrans' implementation of the commitments made in its Pilot Program Application and MOU, including compliance of environmental documents with selected federal laws, implementation of Caltrans' required environmental document QC activities, consistency of environmental documents with Caltrans' annotated outlines, and compliance of environmental project files with Caltrans' Uniform Filing System (UFS) requirements. Each self assessment also includes follow up on areas determined to need improvement from previous self-assessments and FHWA audits.

The findings of this self-assessment are based on the following primary reviews:

- A program-level review that assesses Caltrans' continued progress in implementing the commitments it made in its Pilot Program application and in the Pilot Program MOU. Caltrans' continued progress in implementing key program-wide Pilot Program tools was also reviewed;
- District/Region reviews including Capital and Local Assistance staff interviews and reviews of completed environmental document QC tools, project environmental files, and National Environmental Policy Act (NEPA) documents. Consistent with Caltrans' commitment to conduct quarterly and biannual reviews on key elements of the annual self-assessment, the reviews described below were conducted. The locations for District visits were chosen primarily based on the number of project environmental approvals in these Districts during the 8th through 11th quarters and the number of times that each of the Districts had been visited during previous self-assessments.
    - For each of the 8th through 11th quarter environmental document approvals, quarterly reviews were conducted for proper implementation of QC requirements, compliance with federal regulations, consistency with environmental document annotated outlines, legal sufficiency determinations, time metrics, and review of public meeting materials;
    - In December 2009, Districts 4, 6, 7, and 8 were visited to conduct file reviews and interview staff. Files for "in-progress" Pilot Program projects (projects without an environmental document approval) and projects with 8th and 9th quarter environmental document approvals were reviewed for consistency with the UFS. During these visits, 15 District staff working on environmental impact statements (EISs) under Section 6002 were also interviewed regarding their understanding of Section 6002 requirements. The results of these reviews/interviews were provided to the Environmental Deputy in each District so that they could communicate with District staff regarding areas that need improvement, as well as areas in which staff adherence to Pilot Program requirements is strong;

- In March 2010, Districts 1, 2, 4, 5, 6, and 8 were visited to conduct file reviews and interviews. As with the 2009 visit, files for in-progress projects and projects with 6th through and 10th quarter approvals were reviewed. In addition, interviews were conducted with 28 project generalists, seniors, and/or air quality specialists regarding their knowledge of Caltrans' revalidation process and the requirements related to project conformity for particulate matter. An additional 17 associate- and senior-level biologists were interviewed regarding practices related to documentation of Section 7 compliance. Informal conversations were also held with an unknown number of project generalists and seniors to gather information about public meeting materials, contents of project files, and other reviewed items.

- Identification of corrective actions, where this 5th self-assessment indicates that District/Region implementation of Pilot Program procedures and tools are not providing optimal results. Future self-assessments will assess the success of these corrective actions.
- Assessment of the effectiveness of the corrective actions identified in the 4th self-assessment; and
- 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, regulations, and policies.

Program-Level Review

Progress in Meeting Pilot Program Commitments

The fourth self-assessment identified one Pilot Program MOU commitment that was in progress during the period of that self-assessment. The progress achieved on that item, as well as on other MOU commitments, is summarized below:

- **QC review of technical studies prepared under Section 7 of the federal Endangered Species Act:** Updated Section 7 QA/QC procedures for the review of biological resources technical documents and the use of standardized annotated outlines (October 2005) for the preparation and review of biological technical studies were issued on October 26, 2009.
- **Performance measure 10.2.1(C)(i), "Assess change in communication among Caltrans, Federal, and State resource agencies and the public":** To monitor progress on Caltrans' relationships with federal and state resource agencies, a second survey was conducted in early 2010 with those federal and state resource agencies that it works with on Pilot Program projects. The results of this survey, and comparison with earlier survey results, are summarized under the "Progress in Meeting Pilot Program Performance Metrics/Effectiveness of Relationships with Agencies and the General Public" section, below.

Standard Environmental Reference Update

The SER and Chapter 6 of the Local Assistance Procedures Manual continue to be updated, as needed, to clarify Pilot Program requirements. These updates are based on observations and input from FHWA; the Headquarters Environmental Coordinators; NEPA Delegation Manager and staff; Environmental Management Office; Local Assistance; Legal Division; and District/Region managers and staff. Notable updates to the SER this year include modification of environmental Uniform File System requirements to better reflect the filing needs for a wide variety of project types, additions to Chapter 25 and 33 in response to FHWA audit input, and revisions to charging practices. Chapter 6 was updated via a Local Assistance Office Bulletin clarifying protocols for transmittals.

Accuracy of Quarterly Reports

The accuracy of the quarterly reports is reviewed each quarter. For the 8th through 11th quarterly reports, the majority of errors related to Section 7 and 4(f) approvals that were not reported during the quarters in which they occurred. The incidence of missing environmental document approvals or erroneous environmental approval dates was relatively low, with 11 environmental document approvals that were not reported during the quarter in which the approval occurred or that had erroneous environmental document approval dates; these 11 environmental documents comprised 12% of all environmental document approvals during the 8th though 11th quarters.

The rate of misreported environmental document approval dates declined over the past year with a 17% error rate for the 8th and 9th quarters and a 9% error rate for the 10th and 11th quarters. This lower error rate was likely due to greater familiarity of District staff with the NEPA tracking spreadsheet, regular reminders to District staff involved in quarterly reports regarding quarterly report quality control requirements, and refinements made to the quarterly report data gathering process. These refinements led to greater coordination between Headquarters and District staff involved in the quarterly reports, additional quality control steps in which data pulls and compilations are independently cross-checked, and consistent implementation of a series of steps by Headquarters and District staff to ensure corrections are incorporated into the NEPA tracking spreadsheet.

Corrective Action: The accuracy of quarterly reports will continue to be discussed frequently at monthly NEPA Delegation teleconferences, Hot Topics meetings, and Environmental Management Board meetings. Caltrans is also in the process of modifying the Central Region's File Maker Pro environmental database for statewide use, which will replace use of the NEPA tracking spreadsheet. The transition to this new system will begin later this calendar year.

Pilot Program Training

Caltrans' 2009/2010 update of the Pilot Program Training Plan, submitted to FHWA in September of 2009, identified all training courses to be offered to Caltrans environmental staff and technical specialists in support of the Pilot Program on an as-needed basis during fiscal year 2009/2010. These courses are available to both capital and Local Assistance environmental staff. With the exception of the FHWA-taught course Section 4(f) Evaluation for Advanced Practitioners, all of the training courses specified in the training plan were delivered during the fiscal year per the plan. The advanced practitioners' course, essentially a seminar on complex

Section 4(f) issues, was dropped by mutual agreement between Caltrans and FHWA in favor of a more expanded Section 4(f) Evaluation training, which was recently offered as a one- day course. Two two-day sessions of Section 4(f) Evaluation were taught by FHWA. Recent audit issues and a list of important topics were shared with the instructor prior to the training to ensure the course content met Caltrans' needs.

Additions to the Training on Demand internet website this year included:

- NEPA/404 MOU
- Introductory Course on Purpose and Need
- FHWA's "What is Transportation Conformity?"

Training on Demand modules are now accompanied by a completion certificate with instructions on recording training completion in the Learning Management System (LMS). Training on Demand modules are in progress for Section 4(f) Evaluation, Transportation Conformity in California, and How to Review an Environmental Document. These will be posted during fiscal year 2010/2011 once completed.

In addition, the Division of Local Assistance sponsored a three-day statewide Local Assistance Environmental Workshop on June 8-10, 2010 covering a wide range of topics to address specific Local Assistance needs and Pilot Program issues.

District/Region Review

Through Caltrans staff interviews and reviews of completed NEPA documents, selected technical studies, project environmental files, QC tools, and public meeting materials, the District/Region component of the self-assessment evaluated appropriate completion and documentation of compliance with federal environmental regulations and staff adherence to Caltrans' environmental document QC procedures and other Caltrans Pilot Program procedural requirements. Specifically, the following areas were reviewed:

- Compliance with SAFETEA-LU Section 6002 requirements,
- Compliance with the cost-related "reasonableness" analysis requirements for noise barriers;
- Caltrans' staff understanding of project conformity requirements for particulate matter;
- Completion of Caltrans' revalidation form;
- Preparation of project ECRs;
- Internal consistency of routine EAs and consistency with specific annotated outline requirements;
- Documentation and concurrence on class of action determinations;
- Proper documentation of compliance with federal requirements;

- Proper implementation of biological resources technical studies QC review requirements;
- Proper implementation of environmental document QC requirements, including proper use of the Environmental Document Review Checklist; internal Environmental Document Quality Control Review Certification Form; and QC checklist;
- Consistency of environmental documents with the environmental document annotated outlines;
- Legal sufficiency determinations and readiness for signature communications;
- Compliance of projects with environmental document approvals and "in-progress" projects with Uniform Filing System (UFS) requirements;
- Timeliness of environmental decisions;
- Effectiveness of the corrective actions implemented after the 4th self-assessment; and
- Progress in meeting the Pilot Program performance metrics.

Process for Self-Assessment and Areas Reviewed

A total of 60 8th through 11th quarter approved NEPA documents (31 EAs, 27 Findings of No Significant Impacts [FONSIs], one draft EIS, and one final EIS) were reviewed for one or more of the self-assessment elements listed above. As noted above, the project files for 6th through 10th quarter in-progress projects were also reviewed. The criteria used in selecting the environmental documents and projects files that were reviewed, as well as the methods used for reviews, are described for each element in the sections below.

Findings

The results of each of the 5th self-assessment review elements are summarized below. Corrective actions, where necessary, are identified immediately after the finding.

Compliance with Section 6002 Requirements

During the December 2009 and March 2010 District visits, eleven Section 6002 EIS files were reviewed to evaluate whether they contained appropriate documentation of the Section 6002 process including coordination plans, invitation letters to cooperating and participating agencies, responses to invitation letters, and public outreach materials used to advertise or offer opportunities to participating agencies and the public to provide input on various aspects of the project. All but two of the 11 project files had also been reviewed in April 2009 as part of the 4th self-assessment for Section 6002 compliance. In addition, 11 Associates and four Seniors who are working on Section 6002 EISs were interviewed in December 2009 regarding the Section 6002 process on their project and to assess their general knowledge of Section 6002 requirements. All but three of these staff were also interviewed regarding Section 6002 requirements in April 2009. The same general questions were asked in April and December 2009. If an appropriate answer was provided during the interviews in April 2009, the same question was not asked in December.

Based on the file reviews, a comprehensive group of public agencies has been invited or are in the process of being invited to act as participating agencies. All of the projects files except for

one contained coordination plans that were completed or in the process of being completed. The file that lacked a coordination plan is for a project that had undergone extensive coordination with agencies and the public during review under the California Environmental Quality Act. This project had recently been federalized, and project staff thought it would be confusing to share a coordination plan for activities that had already occurred. Based on the interviews conducted, project staff indicated that completed coordination plans had been or would be shared with the public and participating agencies.

Interviewed staff appeared to have greater knowledge of Section 6002 requirements than they had in April 2009. However, some staff still had misunderstandings regarding requirements. In one project file, participating agency material had been sent to agencies that did not respond to the participating agency invitation letter. One project file included a participating agency invitation letter to a State Legislator, and another included participating agency invitations s to non-governmental agencies.

***Corrective Action**:* Headquarters Division of Environmental Analysis recently hosted a Section 6002 videoconference to review Section 6002 requirements, discuss Section 6002 issues, and answer District questions. Environmental Coordinators have also held meetings on Section 6002 requirements with District seniors and generalists. District managers continue to encourage staff to take the on-demand training on Section 6002. Since July 2009, at least 21staff have taken this training. During monthly NEPA Delegation teleconferences, District staff also continue to share experiences and lessons learned on Section 6002 projects.

Compliance with "Reasonableness" Analysis Requirements for Noise Barriers

Files for a sample of 6th through 10th quarter approved quarter environmental document were reviewed to assess whether a reasonableness analysis had been conducted to determine feasibility of noise barriers. Projects were selected from Districts that were visited in March 2010 that had traffic noise impacts and feasible noise abatement based on a review of the projects' environmental documents. A total of 13 files were reviewed that met these criteria. All 13 projects had documented reasonableness analyses in their files.

Understanding of Project Conformity Requirements for Particulate Matter

Seventeen staff including six air quality specialists and 11 associate- and senior-level generalists were interviewed in Districts 4, 6, and 8 to assess their knowledge of requirements for identifying and assessing Projects of Air Quality Concern (POAQC) and for the Interagency Consultation (IAC) process. All interviewed staff had some knowledge of these requirements. As would be expected, the generalists had a better understanding of the relationship of these requirements to Section 6004/6005 requirements under SAFETEA-LU than the air quality specialists. Conversely, the air quality specialists had a more clear understanding of the specific analytical/technical requirements for determining whether a project is a POAQC, than did the generalists. The air quality specialists also had better working knowledge of the evaluation methodologies for projects that are POAQC and those that are not.

Compliance with Caltrans' Revalidation Process

To document compliance with 23 CFR 771.129, Caltrans requires that all projects have a completed revalidation form prior to requesting major approvals from FHWA and if more than

three years have elapsed between a draft and final EIS. In addition to the two triggers specified under 23 CFR 771.129 for revaluation, Caltrans also requires this documentation for project changes, such as changes in project engineering/ design; changes to the environmental setting/circumstances, including changes in laws and regulations; and changes in the nature and severity of environmental impacts. To evaluate Caltrans' staff understanding of the revalidation process, eleven associate and senior generalists were interviewed in March 2010. In addition, a sample of 19 project files was reviewed in Districts 1, 2, 4, 5, 6, and 8. This sample was selected from the universe of Pilot Program projects with environmental document approvals through the 8th quarter that also had major approvals related to right-of-way acquisition, final design, and/or project "ready to list".

The interviewed staff had a good understanding of the revalidation process and requirements. Most Districts relied on regular communications with the design team or project manager or the District Local Assistance Engineer and Project Development Team meetings to learn about the timing of next major approvals and project changes. Some Districts also used spreadsheets and data bases to keep track and communicate these triggers. The file review indicated that not all projects had completed revalidation forms for all triggers. Some projects that had more than one major approval (such as right-of-way acquisition and final design) had at least one revalidation form in their files. The most common reason cited on the completed forms for revalidation was a change to the project. For most of the projects without a revalidation form(s) for all major approvals, the elapsed time from final environmental document approval to the next major approval was less than one year. Therefore, it appears that since a project change is more likely to trigger the need for additional evaluation or studies, staff tended to be more diligent about documenting the revalidation process when a project change was introduced as opposed to when a project progressed to the next major approval.

***Corrective Action**:* The requirements of the reevaluation process, including documentation of the process at each major milestone, will be discussed with the involved District staff and at upcoming NEPA Delegation teleconferences. The reevaluation process is covered in Caltrans Post-PAED Environmental Compliance training. This training was given twice this fiscal year to approximately 45 environmental staff.

Preparation of Environmental Commitment Records (ECR)

Caltrans requires that an ECR be completed for all state highway projects. The ECR tracks and documents the completion of environmental commitments through the project delivery process. Although completion of an ECR is not required for Local Assistance projects, Caltrans requires that local agencies develop a list of mitigation commitments for NEPA and other federal environmental laws and provide that list to the District Local Assistance Engineer. Files for a sample of 15 projects with approved final environmental documents were reviewed for the presence of an ECR. during District visits in March 2010. All except for two of the reviewed files had a completed ECR in the project file. Five ECRs were missing one or more environmental commitments listed in the environmental document.

***Corrective Action**:* The lack of an ECR on the two projects referenced above has been discussed with the involved District staff; ECRs for these projects will be completed. The ECR requirement will also be discussed at upcoming NEPA Delegation teleconferences.

Appropriate Documentation and Internal Consistency of Routine Environmental Assessments

The self assessment team reviewed a sample of twenty routine EAs that had been approved during the 6th through 10th quarters in Districts 1, 2, 4, 5, 6, and 8. The review focused on the following areas:

- EA text consistency with tables and figures included in the document;
- Identification of waters of the State and U.S.;
- Documentation of federal threatened/endangered species findings;
- Presence of required appendices; and
- Appropriateness of responses to comments.

All areas were found to be handled appropriately, with the exception of documentation of federal threatened/endangered species findings. There is more information about these findings and associated corrective actions in the section entitled "Section 7 of the federal Endangered Species Act", below.

Class of Action Concurrence

The Headquarters Environmental Coordinators email copies of all of their written class of action concurrences to Headquarters. To determine if all Pilot Program projects have a written class of action concurrence, the list of projects with a Begin Environmental Studies, Notice of Intent, or Class of Action Determination date from the beginning of the 8th quarter through the end of the 11th quarter was compared with the emailed class of action concurrences received from the Coordinators. This comparison indicated that the Headquarters Environmental Coordinators have issued a class of action concurrence for all of these projects.

Proper Documentation of Compliance with Federal Requirements

This element of the self-assessment focused on review of 28 final environmental documents approved during the 8th through 11th quarters for proper documentation of compliance with the federal regulations identified below:

Section 7 of the federal Endangered Species Act (ESA): The 28 final environmental documents were reviewed by Headquarters staff for compliance with Section 7. In addition, Headquarters biologists visited Districts 4, 6, 7, and 8 and reviewed nine of these projects for additional elements including review of the biological resources technical studies (Natural Environment Studies [NESs] and Biological Assessments) associated with these projects, interviewing the biologists who worked on these projects, and/or reviewing the project files. The Headquarters biologists also conducted one or more of these reviews for an additional 13 projects (for a total of 22 projects) that represented a sample of the following:

- Pilot Program EIS projects currently underway;

- Section 6005 Categorical Exclusion projects with Section 7 Biological Opinions or letters of concurrences approved since July 1, 2008; and

- Pilot Program complex and routine EAs approved in 2009 during quarter 7.

Of the 41 projects reviewed, all but two completed Section 7 compliance prior to final environmental document approval. Two projects are proceeding with Section 7 compliance concurrent with final design as part of a reevaluation process and will not proceed to construction until Section 7 compliance is completed. The final environmental documents for these two projects did not include documentation of reasonable assurance that Section 7 requirements could be met.

Sixteen of the reviewed final environmental documents involved approvals of Section 7 Biological Opinions and/or letters of concurrence. The Section 7 process for two of these projects was conducted appropriately but documentation of the Section 7 outcomes in the environmental document was incomplete. Neither environmental document included a discussion of the outcome of the Section 7 process, a copy of the Biological Opinion, or a summary of the mitigation/compensation requirements included in the Biological Opinion. Documentation for the other 14 projects was complete.

Two of the reviewed final environmental documents that had No Effect on listed species or their habitat/critical habitat used confusing language to document this conclusion ("no may effect" and "not likely to directly impact").

The findings of the District reviews are as follows (as noted below, not all 41projects were reviewed for each of the parameters below):

- **Use of appropriate language in the biological resources technical studies regarding the Section 7 conclusion**. Of the nineteen reviewed projects with Biological Assessments and/or NESs/NESs-Minimal Impact, seven did not include standard language regarding the outcome of the Section 7 process. Issues such as describing the Section 7 outcome using language that was inconsistent with Caltrans guidance, including an unnecessary jeopardy finding, using the language No Adverse Effect rather than No Effect , and not providing an effects conclusion were noted.
- **Consistency between the biological resources technical studies and the biological resources section of the environmental document**. Nine environmental documents were compared with their associated biological resources technical studies. All reviewed documents were found to be consistent relative to Section 7.
- **Section 7 species list in the project file**. Eighteen of the 20 reviewed project files contained a USFWS species list.
- **QC review of biological resources technical studies**. Based on the interviews conducted with District biologists, QC reviews of NESs and Biological Assessments are consistently following the Standard Biological Technical Document QC Process issued on August 26, 2009 by Headquarters Division of Environmental Analysis. This review process includes a peer review and reviews/signatures by a District biologist

and District Environmental Branch Chief. When asked whether the biological resource technical studies for State Highway and Local Assistance projects are reviewed to the same standards, all District biologists indicated that they were reviewed to the same standards. Responses indicated, however, that District biologists may be less involved in Section 7 follow through for Local Assistance projects than for State Highway System projects.

Corrective Action. These Section 7 issues have been and will continue to be discussed with the involved District staff, at NEPA Delegation teleconferences, Biological Consultancy group meetings, and – where appropriate – District management. Future teleconference/meeting discussions will include a summary of the findings of this self-assessment related to Section 7 compliance and documentation, discussion of the policy requirement to complete Section 7 prior to final environmental approval or provide assurance that the requirements of Section 7 can be met, and reminders that review standards and follow through expectations for state highway and Local Assistance biological resources technical studies are the same. One District will develop a corrective approach to ensure that Section 7 is completed prior to final environmental approval. In addition, the environmental document annotated outlines were recently updated to clarify environmental document disclosure expectations for Section 7 consultation outcomes.

Section 4(f). The 28 reviewed final environmental documents incorporated two individual Section 4(f) evaluations, one programmatic evaluation, and four de minimis findings. In all except for one document, compliance with Section 4(f) was appropriately documented. The environmental document that lacked any Section 4(f) discussion was for a project that terminated at a Section 4(f) resource.

Corrective Action. This Section 4(f) issue has been discussed with the involved District, and a Section 4(f) review is currently being undertaken as part of the re-evaluation process. If appropriate, a Section 4(f) finding or evaluation will be completed. Staffing and review protocol adjustments are also being made in this District to avoid similar oversights in the future.

Section 106. The 28 reviewed documents included seven findings of Adverse Effect and four findings of No Adverse Effect with Standard Conditions; the remaining findings were for No Historic Properties Affected. All of the documents appropriately documented compliance with Section 106.

Section 176(c) of the federal Clean Air Act (air quality conformity determinations): All 28 reviewed final environmental documents contained the required air quality conformity determination or disclosure that the project was located in an attainment area or was exempt from conformity.

Executive Orders 11990 and 11988: Of the 28 reviewed documents, 10 were for projects that affected wetlands and one was for a project that resulted in significant floodplain encroachment. Six out of the 10 final environmental documents contained the required "no practicable alternative finding" for wetlands. The project with the significant floodplain encroachment contained the required finding. Another reviewed final environmental document

included a Summary Floodplain Encroachment form that erroneously indicated that the project would result in a significant floodplain encroachment.

Corrective Action. Appropriate compliance with Executive Orders 11990 and 11988 has been and will continue to be discussed with the involved District staff and upcoming NEPA Delegation teleconferences and monthly Hot Topics teleconferences. Compliance with Executive Order 11990 will also be discussed at upcoming Biological Consultancy group meetings. Headquarters is also developing additional tools for use by District generalists to support inclusion of the proper documentation and language to comply with these executive orders in environmental documents.

Proper Implementation of Environmental Document Quality Control Requirements

The proper implementation of environmental document QC requirements was reviewed for all 60 8th through 11th quarter Pilot Program environmental document approvals. These QC requirements include completion of the environmental document review checklist (environmental document checklist), internal QC certification form, and QC checklist. Signed QC checklists are required in Districts 4, 7, 8, and the Central Region (as of December 1, 2009 in the Central Region) prior to environmental document approval.

Proper Use of Environmental Document Checklist. The environmental document checklist was completed for 58 of the 60 reviewed environmental documents. For two documents, a checklist was not prepared.

Proper Implementation of QC Requirements. The internal QC certification forms were reviewed for the following:

- **All QC reviews completed:** For 53 of the 60 8th through 11th quarter approved environmental documents, all of the required QC reviews were completed that are required by the internal certification form and the QC checklists. Technical specialist, editor, peer, NEPA QC, and/or environmental document preparer reviews were not conducted for four documents (two of the documents were for the same project). On a fifth project, a Deputy District Director approved a draft environmental document for circulation without all technical specialist comments having been addressed in the document. In approving the document, the Deputy District Director acknowledged that the comments would need to be addressed in the final environmental document prior to its approval.

  Three projects had incomplete QC checklists (one of which is also included above for not having completed all internal QC reviews). One was missing the Environmental Branch Chief signature, another was missing both the Branch Chief and the Office Chief signatures, and a third was missing the Deputy District Director signature.

- **Last review conducted by the Environmental Branch Chief**: For 59 of the 60 reviewed environmental documents, the Environmental Branch Chief was the last to review the environmental document. On one project, one technical specialist signed the internal certification form one day after the Branch Chief review.

- **QC reviews completed prior to environmental document approval**: For 59 of the 60 reviewed documents, the environmental document approval dates post-dated completion of the internal QC review process and the last date on the internal certifications forms. The specialist signature noted above (that post-dated the Branch Chief signature by one day) also was dated one day after the environmental document was approved.

  ***Corrective Action**:* Corrective discussions have occurred with the staff involved with these missing QC reviews, as well as with the appropriate District/Region Environmental Office Chiefs or Deputies. Staffing adjustments and upgrades to one District's QC process are pending. These requirements will continue to be discussed at monthly NEPA delegation teleconferences.

Consistency with the Environmental Document Annotated Outline

Based on an evaluation of the consistency of the 60 reviewed environmental documents with the applicable annotated outline, it was found that 56 generally followed the annotated outlines in terms of chapter and section organization. Of the four documents not following the annotated outline, two included NEPA and CEQA analyses and conclusions in the same chapter rather than in separate chapters (one of these "two documents" includes draft and final environmental documents for one project), one did not follow the prescribed order for environmental topics (but all pertinent topics were included), and another incorporated a completely different organization to satisfy the requirements of the CEQA lead agency and the other co-lead NEPA agency.

All 60 reviewed documents contained the required Pilot Program language on the document cover. All 27 approved FONSIs included the required Pilot Program language.

***Corrective Action**:* Corrective discussions have occurred with staff involved in the environmental documents not following the annotated outline. This topic will be discussed with District staff during upcoming NEPA delegation teleconferences. In addition, procedures are now in place to allow deviating from the annotated outline.

Legal Sufficiency Reviews

All three final EISs/final individual Section 4(f) evaluations approved during the 8th through 11th quarters had legal sufficiency reviews. All three draft EIS/draft individual Section 4(f) evaluations approved during this period had legal reviews. In all cases, the dates of the legal sufficiency findings/reviews were the same date or pre-dated the environmental document approval dates.

A review of Caltrans Legal Pilot Program practices was conducted during the week of April 26, 2010 by the following Caltrans Assistant Chief Counsels: David McCray (HQ-Sacramento), Lucille Baca (San Francisco), and Glenn Mueller (San Diego). Each Assistant Chief Counsel reviewed his/her office for the following: training, program resources, legal sufficiency review process, and litigation. These reviews are summarized below. No discrepancies were found during these reviews.

The attorneys performing legal sufficiency reviews received training in the following areas: conducting legal sufficiency reviews, Section 4(f) determinations, and Section 7 of the Endangered Species Act. Training is tracked in LMS and via a training matrix by the Assistant

Chief Counsel for each office. The Assistant Chief Counsels identify training opportunities and share those opportunities via email with the other Assistant Chief Counsels. Local university training programs and professional training organizations (Continuing Legal Education and Bureau of National Affairs) are primary source tools for training opportunities. This additional training is also tracked in LMS.

The Legal Division has provided or is providing training to approximately 15 attorneys so they will be able to perform legal sufficiency reviews. Our time sheet program allows the attorneys to track the amount of time they spend reviewing documents. Assistant Chief Counsels are monitoring the time spent on legal reviews and also tracking it via the Legal Division's Legal Information Computer System (LINCs) database.

All attorneys performing legal sufficiency reviews have read the Department Chief Counsel's October 15, 2007, memo entitled Procedures for Determining Legal Sufficiency of Environmental Documents under the NEPA Delegation Pilot Program. Attorneys verify the document receipt by using the Chief Counsel memo as a checklist and track the review process in the LINCs database. Two reviews were conducted during the period of this self-assessment and were done within the 30 day goal and the 10 day goal for subsequent reviews.

Litigation brought in both state and federal court by the Natural Resources Defense Council and two citizen groups is currently on going for one project in southern California. The State made all proper notifications identified in paragraph 6.2 of the Section 6005 MOU; FHWA is also a party to the federal case.

Ready for Signature Communications

In addition to the six draft/final EISs/Section 4(f) evaluations, one complex EA was approved during the 8th through 11th quarters. The Headquarters Environmental Coordinator provided written comments on all of these documents and written documentation notifying the Districts that the documents were ready for signature. As noted above, Legal also reviewed the draft EIS, as required, and provided a legal sufficiency determination for the final EIS.

Proper Use of Environmental Record Keeping System

During the December 2009 and March 2010 District visits, a sample of 49 files for approved Pilot Program environmental documents was reviewed for consistency with the UFS. In addition, a sample of 41 "in-progress" project files was reviewed. The approved project files included 6th through 10th quarter approvals in each of the Districts that was visited (all Districts except 3, 9, 11, and 12; one District 10 project file was reviewed in the Central Region offices). The project files reviewed were selected to include a range of staff involvement and project locations within the District/Region.

Of the 90 reviewed files, 70 were complete. Of the 20 incomplete files, three files had no tabs at all. The remaining were missing materials such as the final versions of technical studies and approved environmental documents and evidence of QC reviews such as the certification forms, environmental document checklist, and QC checklist.

During the December 2009 visit, 34 files were reviewed specifically for the presence of public meeting materials. Twenty-seven files were complete, but seven were missing some or all of the projects' public meeting materials.

***Corrective Action**:* Corrective discussions have occurred with staff involved in those projects with files that do not conform to UFS requirements. These staff have been reminded to provide UFS tabs in their project files and to make sure that project files are complete. The UFS requirements were also updated to provide additional flexibility and discretion in filing approaches to better reflect the filing needs for a broad range of projects. UFS requirements will also continue to be discussed with District staff during future NEPA delegation teleconferences. Peer reviews of files for accuracy and completeness has also been suggested to the Districts.

Timeliness of Environmental Decisions

The environmental timeframes for the last 35 SHS and Local Assistance EA and EIS projects approved by FHWA prior to enactment of California's Pilot Program waiver of sovereign immunity and 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 timeframes for all SHS and Local Assistance project approvals made by Caltrans since initiation of the Pilot Program.

This comparative analysis showed the following:

EAs/FONSIs

- **Begin Environmental Studies-Draft EA Approval:** For the first 11 quarters of the Pilot Program, the median timeframe from the date of commencement of field investigations and environmental surveys to the date the draft EA was signed was 30.9 months (for 79 projects), as compared to 40.4 months (for 31 projects) prior to the Pilot Program, a median time savings of 9.5 months.
- **Begin Environmental Studies-FONSI Approval:** For the first 11 quarters of the Pilot Program, the median timeframe from the date of commencement of field investigations and environmental surveys to the date the FONSI was signed was 38.2 months (for 50 projects), as compared to 52.2 months (for 31 projects) prior to the Pilot Program, a median time savings of 14 months.
- **Begin QC of Administrative Draft EA-Draft EA Approval:** For the first 11 quarters of the Pilot Program, the median timeframe from the date that the administrative draft EA was complete and the QC process began to the date that the draft EA was signed was 2.9 months (for 79 projects), as compared to 5.7 months (for 29 projects) prior to the Pilot Program, a median time savings of 2.8 months.
- **Begin QC of Administrative Final EA-FONSI Approval:** For the first 11 quarters of the Pilot Program, the median timeframe from the date that the administrative final EA was complete and the QC process began to the date that the FONSI was signed was 1.3 months (for 63 projects), as compared to 2.5 months (for 22 projects) prior to the Pilot Program, a median time savings of 1.2 months.

Draft and Final EISs

- **Notice of Intent-Draft EIS Approval:** For the first 11 quarters of the Pilot Program, the median timeframe from the date that the Notice of Intent (NOI) was published to the date the draft EIS was signed was 22.7 months (for three projects), as compared to 71.0 months (for eight projects) prior to the Pilot Program, a median time savings of 48.3 months.
- **Notice of Intent-Final EIS Approval:** For the first 11 quarters of the Pilot Program, only one project has achieved this milestone under the Pilot Program. This final EIS was approved in 36.9 months as compared to 193.9 months (for five projects) prior to the Pilot Program, a time savings of 157 months.
- **Begin QC review of Administrative Draft EIS-Draft EIS Approval:** For the first 11 quarters of the Pilot Program, the median review timeframe from the date that the administrative draft EIS was complete and the QC process began to the date that the draft EIS was signed was 7.4 months (for three projects), as compared to 10.0 months (for eight projects) prior to the Pilot Program, a median time savings of 2.6 month**s.**
- **Begin QC of Administrative Final EIS-Final EIS Approval:** For the first 11 quarters of the Pilot Program, the median review time from the date that the administrative final EIS was complete and the QC process began to the date that the final EIS was signed was 3.6 months (for two projects), as compared to 9.9 months (for four projects) prior to the Pilot Program, a median time savings of 6.3 months.

Note that for the EIS projects, the sample size is too small and the projects and their issues and circumstances too varied for these results to be considered a reliable indicator of likely time savings under the Pilot Program.

Effectiveness of Corrective Actions

The effectiveness of the corrective actions identified in the 4th self-assessment is summarized below:

- **Discuss Section 4(f) de minimis documentation irregularities with staff and update files.** District staff have indicated that the three project files reviewed during the 4th self-assessment with incomplete de minimis documentation have been updated with documentation that supports the de minimis findings. Of the 28 reviewed final environmental documents for this 5th self-assessment, six de minimis findings were made, all of which were appropriately documented in their environmental documents.
- **Implement steps to increase awareness of Section 6002 requirements.** Based on review of project files and interviews with staff involved in Section 6002 projects, it appears that staff knowledge and implementation of Section 6002 requirements has improved since the 4th self-assessment. Those projects reviewed during the 4th self-assessment that did not invite a comprehensive group of agencies to act as potential participating agencies have since sent out additional invitation letters. In addition, as noted above, DEA recently hosted a Section 6002 videoconference to review Section 6002 requirements, discuss Section 6002 issues, and answer District questions.
- **Update air quality training and increase awareness of transportation conformity requirements.** Based on the interviews conducted for this self-assessment on conformity requirements for particulate matter, it appears that staff understand the difference

between the process for obtaining conformity determinations and IAC. All of the staff interviewed demonstrated some knowledge of transportation conformity. Close to 75 environmental staff have taken Air Quality Basics training since July 2009. At least an additional 15 staff have taken FHWA's on-line "What is Transportation Conformity" training since July 2009. Air quality conformity continues to be an area of uncertainty for some individual environmental staff. Air Quality Basics training will continue to be offered to address this uncertainty. In addition, DEA is developing an air quality conformity Training on Demand module, which will allow staff to revisit requirements as necessary.

- **Implement steps to ensure that the Preliminary Environmental Studies forms document class of action and increase Local Assistance staff awareness of transportation conformity.** The PES issue was related to erroneously documenting a Section 6005 CE as a Section 6004 CE. During a recent review of Section 6004 files in all 12 Caltrans Districts in the fall of 2009, no Section 6005 CEs were noted as improperly designated as Section 6004 CEs. In addition, further awareness of conformity issues has been available to Local Assistance staff in the Caltrans Air Quality Basics training and was emphasized in a presentation by the Caltrans Air Quality specialist at the June 2010 Statewide Local Assistance Environmental Workshop.
- **Improve compliance with environmental document QC requirements.** Measures have been consistently implemented to ensure improved compliance with QC requirements. Corrective discussions occur with each staff involved in missing QC reviews or reviews out of sequence, as well as with the appropriate District/Region Environmental Office Chief or Deputy. These requirements and the importance of these reviews continue to be discussed at monthly NEPA delegation teleconferences. Despite these efforts, compliance with environmental document QC requirements declined from 100% during the 4th self-assessment period to 88% during the 5th self-assessment period. As noted above, staffing adjustments and upgrades to one District's QC process are pending to address QC irregularities.
- **Improve consistency with the environmental document annotated outline.** The percentage of environmental documents that were consistent with the annotated outline has slightly increased from 92% during the 4th self-assessment to 93% during this self-assessment. The number of approved documents that were reviewed increased by nearly 40% between the 4th and 5th self-assessment periods. Therefore, the percentage of consistent documents represents a substantially larger number of documents during this self-assessment period (56 documents) versus last self-assessment (33 documents).
- **Improve proper use of the record keeping system.** The percentage of complete project files increased from 67% during the 4th self-assessment to 78% during the 5th self-assessment.

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 1* presents each performance measure identified in the MOU, components and desired outcomes of the measures, tools for measuring performance, and the performance metrics (these metrics have not changed since the 4th self-assessment).

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 4th self-assessment summary report have been implemented.

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

- **Percent of final environmental documents that contain evidence of compliance with the requirements of Sections 7, 106, and 4(f)**: As discussed above, 89% (25 of 28 environmental documents) of the projects with final environmental documents approved during the 8th through 11th quarters completed compliance with Sections 7 (26 of 28 [93%])), 106 (28 of 28 [100%]), and 4(f) (27 of 28 [96%]) prior to final environmental document approval.

Attainment of Supportable NEPA Decisions

Legal sufficiency determinations are measured by:

- **Percent of final EIS/Section 4(f)s with legal sufficiency determinations completed prior to environmental document approval**: As discussed above, 100% of projects requiring a legal sufficiency determination obtained the required documentation prior to environmental document approval.

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

- **Percent of internal certification forms certifying consistency with the applicable annotated outline:** Fifty-eight of 60 (97%) projects with 8th through 11th quarter environmental document approvals 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:** Fifty-six of 60 (93%) reviewed documents generally followed the annotated outlines in terms of chapter and section organization. All 60 (100%) reviewed documents contained the required Pilot Program language on the document cover. All 27 approved FONSIs (100%) included the required Pilot Program language.
- **Percent of draft and final environmental documents for which the QC procedures are appropriately completed based on an independent review of the internal QC certification form and follow-up information.** The internal QC review process was properly completed for 53 of 60 (88%) environmental documents with 8th through 11th

quarter approvals. Seven environmental documents had missing reviews or reviews that were not completed in the proper sequence. Two of these projects had multiple QC review problems.

- **Percent of draft and final environmental documents with completed environmental document checklists:** 57 of 60 (95%) 8th through 11th quarter environmental documents had complete checklists.

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

- **Percent of sampled EA/EIS project files organized according to the established UFS:** As noted above, 70 of 90 reviewed files (78%) conformed to UFS requirements.

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 average evaluation ratings from agency surveys for each period and cumulatively over time:** Caltrans conducted its second survey of federal and state resource agencies that work with Caltrans on Pilot Program projects. In February 2010, a total of 54 resource agency staff members were asked the same questions that were included in the 2009 resource agency survey (some questions were slightly modified to provide more clarity). The results of the 2010 survey were compared with the Gallup Organization poll taken in 2006 prior to the start of the Pilot Program and the 2009 survey. This comparison provides some measurement of Caltrans' communication with the agencies over time.

  In all three surveys, ten questions were asked (see below). The response choices for question #1 ranged from *very capable* (rating of "5") to *very incapable* (rating of "1"). Questions #2-7 ranged from *strongly agree* (rating of "5") to *strongly disagree* (rating of "1"). Questions #8-10 ranged from *excellent* (rating of "5") to *poor* (rating of "1"). A comparison of the percent of "5" and "4" responses received for the 2006, 2009, and 2010 surveys is summarized below:

  1. How capable do you believe Caltrans has been in assuming the NEPA responsibilities of FHWA?: In 2006, 60% believed that Caltrans was very or somewhat capable, as compared to 90% in 2009 and 92% in 2010. This is a 32% improvement since 2006 and a 2% improvement between 2009 and 2010.
  2. Quality has suffered without FHWA oversight: 43% strongly or somewhat agreed in 2006 versus 32% in 2009 and 23% in 2010. This is a 20% improvement since 2006 and a 9% improvement over the last year.
  3. Caltrans is responsive to the concerns expressed by your resource agency: In 2006, 57% strongly or somewhat agreed, as compared to 69% in 2009 and 75% in 2010. This is an 18% improvement since 2006 and a 6% improvement since 2009.
  4. Caltrans has been more cooperative with agencies on existing programmatic agreements and MOAs as FHWA: In 2006, 30% strongly or somewhat agreed, as compared to 37% in 2009 and 47% in 2010. This is a 17% improvement over 2006 and a 7% improvement between 2009 and 2010.

5. Caltrans has not been as conscientious in adhering to Federal laws, rules, and regulations as FHWA: 28% strongly or somewhat agreed in 2006, compared to 40% in 2009 and 17% in 2010. This equates to an 11% improvement over 2006. This is also a significant improvement (23%) since 2009, which saw a 12% decline in opinion between 2006 and 2009.
6. Caltrans may not listen as well to resource agencies as did FHWA: In 2006, 25% strongly or somewhat agreed, as compared to 21% in 2010, a 4% improvement from 2006. However, this represents a 6% degradation in opinion between 2009 and 2010. (The ratings in the three years may not be directly comparable since this question was worded negatively in 2006 and 2010 and positively in 2009.)
7. Currently, how would you rate how well interagency coordination is working between Caltrans and your resource agency with respect to consultation and coordination responsibilities on Pilot Program projects under NEPA and other federal environmental laws?: In 2006, 43% rated this area as excellent or very good, as compared to 45% in 2010, a 2% improvement over 2006. However, this represents a 6% decline in opinion from the 2009 survey.
8. Currently, how would you rate the timeliness in which project resolutions are being reached with respect to Caltrans' consultation and coordination responsibilities on Pilot Program projects under NEPA and other federal environmental laws?: 37% thought timeliness was excellent or very good in 2006 as compared to 27% in 2010, a 10% degradation in opinion between 2006 and 2010. This area also showed a 13% decline between 2009 and 2010.
9. The NEPA and consultation processes are more efficient under Caltrans than they were under FHWA: 49% strongly or somewhat agreed with this statement in 2006, as compared to 41% in 2010, an 8% decline in opinion since 2006. This also represents a 3% decline in opinion over the last year.
10. Currently, how would you rate how well your agency's mission is being considered and met with respect to Caltrans' consultation and coordination responsibilities on Pilot Program projects under NEPA and other federal environmental laws?: In 2006, 43% thought excellent or very good, as compared to 39% in 2010, a 4% decline in opinion. This opinion remained static between 2009 and 2010.

Caltrans will be working with the resource agencies, as appropriate, over the coming year to address issues raised through the relationship survey.

- **Compare average evaluation ratings from public meeting surveys for each period and cumulatively over time:** The same public meetings materials survey that was undertaken for the third and 4th self-assessments was also administered for this self-assessment. This survey involved rating the quality of public meetings (including formal public hearings) that were held for 21 projects with 8th through 11th quarter environmental document approvals. As with the 4th self-assessment, public meeting materials were reviewed and interviews were conducted with each project generalist to gather information regarding project setting, major issues associated with the project, complexity of the project, and controversy associated with the project. These factors were

considered in rating the effectiveness of each of the public meetings against the six criteria identified below.

The following five-point scale was used to rate each factor:

- 1: Disagree strongly
- 2: Disagree somewhat
- 3: Neutral
- 4: Agree somewhat
- 5: Agree strongly

The following summarizes the factors that were rated and the rating results based on the five point scale for the 21 meetings that were reviewed.

- Public meeting notice or notice of opportunity for a public meeting meet SER requirements: **3.8 rating**
- Public meeting provided adequate opportunity for the public to register written and oral comments: **4.4 rating**
- Appropriate staff were available at the meeting to discuss the environmental issues as appropriate for the size and scope of the project**: 4.1 rating**
- Displays depicting the project and project alternatives were easily understandable to the lay public: **3.9 rating**
- Displays depicting project impacts were easily understandable to the lay public: **3.7 rating**
- Public meeting was accessible to the public: **4.6 rating**

The cumulative results are as follows (Please note that as explained in the 4th self-assessment report, the approach for these reviews was refined for the 4th self-assessment – ratings during the 4th self-assessment period were based not only on reviewing the public meeting materials but also on information from the project generalists on project characteristics such as setting, controversy, and issues.) , and therefore, the cumulative ratings for each self-assessment period may not be directly comparable.):

- Public meeting notice or notice of opportunity for a public meeting meet SER requirements (total projects = 56): **4.1 cumulative rating**
- Public meeting provided adequate opportunity for the public to register written and oral comments (total projects = 54): **4.3 cumulative rating**
- Appropriate staff were available at the meeting to discuss the environmental issues as appropriate for the size and scope of the project (total projects = 52)**: 4.4 cumulative rating**
- Displays depicting the project and project alternatives were easily understandable to the lay public (total projects = 43): **4.1 cumulative rating**

- Displays depicting project impacts were easily understandable to the lay public (total projects = 42): **3.8 cumulative rating**
- Public meeting was accessible to the public (total projects = 45): **4.4 cumulative rating**

- **Compare average evaluation ratings for impartial third-party public meeting review for each self-assessment period and cumulatively over time:** An impartial independent consultant third-party reviewer attended eight public meetings during the past year.

  The following five-point scale was used to rate each factor:

  - 1: Disagree strongly
  - 2: Disagree somewhat
  - 3: Neutral
  - 4: Agree somewhat
  - 5: Agree strongly

  The following summarizes the factors that were rated and the rating results for the eight meetings based on the five point scale.

  - The handouts provided clear information and were understandable to the public: **4.0 rating**
  - The visual aids (e.g., posters, figures, Power Point presentations, photographs, maps, etc.) were beneficial in helping me and other members of the public understand the project and its environmental impacts: **4.0 rating**
  - Overall, I was provided with the information I needed to understand the project: **4.3 rating**
  - Project staff conveyed their knowledge effectively: **4.4 rating**
  - Project staff responded to questions effectively: **4.3 rating**
  - Project staff treated participants with courtesy and respect: **4.9 rating**
  - Overall, I found this meeting to be valuable: **4.3 rating**
  - Overall, my opinion of the meeting was positive: **4.4 rating**

  The cumulative ratings for the 12 meetings that have been rated since the beginning of the Pilot Program are:

  - The handouts provided clear information and were understandable to the public: **3.8 rating**
  - The visual aids (e.g., posters, figures, Power Point presentations, photographs, maps, etc.) were beneficial in helping me and other members of the public understand the project and its environmental impacts: **4.3 rating**

- Overall, I was provided with the information I needed to understand the project: **4.3 rating**
- Project staff conveyed their knowledge effectively: **4.6 rating**
- Project staff responded to questions effectively: **4.5 rating**
- Project staff treated participants with courtesy and respect: **4.9 rating**
- Overall, I found this meeting to be valuable: **4.4 rating**
- Overall, my opinion of the meeting was positive: **4.5 rating**

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

- **Percentage of signed final document internal QC forms with public review comments box checked:** Twenty-seven of 28 (96%) reviewed final environmental documents approved 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 Pilot Program project. This metric will be evaluated, as appropriate, in future self-assessments.

Timely Completion of NEPA Process

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

- **For State Highway System and Local Assistance projects, compare median time from begin QC of administrative draft environmental document to draft environmental document approval before and after delegation:** As indicated above, a median time savings of 2.8 months has been achieved for the QC review and approval of draft EAs (5.7 months for pre-Pilot Program projects versus 2.9 months for Pilot Program projects) and a median time savings of 2.6 months for the QC review and approval of draft EISs (10.0 months for pre-Pilot Program projects versus 7.4 months for two Pilot Program projects with approved draft EISs).
- **For State Highway System and Local Assistance projects, compare median time from begin QC of administrative final environmental document to final environmental document approval before and after delegation:** As indicated above, a median time savings of 1.2 months has been achieved for the QC review and approval of FONSIs (2.5 months for pre-Pilot Program projects versus 1.3 months for Pilot Program projects) and a median time savings of 6.3 months for the QC review and approval of EISs (9.9 months for pre-Pilot Program projects versus 3.6 months for the two Pilot Program projects with an approved final EIS).
- **For State Highway System and Local Assistance projects, compare median time from begin environmental studies/Notice of Intent to draft environmental document approval before and after delegation:** As indicated above, a median time savings of 9.5 months has

been achieved from begin environmental studies to the date the draft EA was signed (40.4 months for pre-Pilot Program project versus 30.9 for Pilot Program projects), and a median time savings of 48.3 months for the corresponding timeframe for draft EISs (71.0 months for pre-Pilot Program projects versus 22.7 months for three Pilot Program projects with approved draft EISs).

- **For State Highway System and Local Assistance projects, compare median time from begin environmental studies/Notice of Intent to final environmental document approval before and after delegation:** As indicated above, a median time savings of 14.0 months has been achieved from begin environmental studies to the date the FONSI was signed (52.2 months for pre-Pilot Program projects versus 38.2 for Pilot Program projects). A time savings of 157 months for the corresponding timeframe for the sole project that completed both a draft and final EIS under the Pilot Program (193.9 months for pre-Pilot Program projects versus 36.9 months for one Pilot Program project). As mentioned earlier, for EIS projects the sample sizes are considered too small and the projects and their issues and circumstances too varied for these results to be considered a reliable indicator of likely time savings under the Pilot Program.

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

- **For State Highway System and Local Assistance projects, compare median time from submittal of biological evaluations/biological assessments to receipt of biological opinions before and after delegation:** Thirty-two biological opinions that had consultations without FHWA involvement have been approved by the USFWS or NMFS 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 5.7 months from the submittal of the Section 7 documentation to the resource agency, as compared to a median time of 11.0 months for the 25 formal Section 7 consultations completed immediately prior to the Pilot Program, a time savings of 5.3 months.

The 5th self-assessment period acceptable performance goal of 95% was met for five of the nine percentage-based performance metrics. Those not meeting the performance goal included percent of documents evidencing compliance with the requirements of Sections 7, 106, and 4(f) (89%); percent of sampled environmental documents that followed the applicable annotated outline (93%); percent of draft and final environmental documents for which QC procedures are appropriately implemented (88%); and percent of sampled EA/EIS project files organized according to the established UFS (78%). As compared to the 4th self-assessment, performance improved in the areas of consistency with the annotated outlines and the UFS but degraded slightly in the areas of compliance with federal regulations prior to final environmental document approval and implementation of QC procedures. Caltrans will work with the involved Districts/Regions to determine the underlying causes of the performance measure problems and will adjust its staffing, procedures, or practices as necessary to address these performance measure problem areas.

Statement by Chief, Division of Environmental Analysis

Based on this 5th 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' transportation projects comply with NEPA and other federal environmental regulations. I am actively engaged in adjusting staffing, procedures, and practices where necessary to ensure Caltrans meets its responsibilities under the Pilot Program.

Signed: _____

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

Date: 6-25-2010

Attachment 1

Pilot Program Performance Measures (June 2009)

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	Self assessment report submitted to FHWA	Percent of self assessment reports submitted to FHWA
		Caltrans implements corrective actions as necessary	List of corrective actions identified in self assessment and in response to FHWA audit deficient findings	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 final environmental documents contain evidence of compliance with requirements of Section 7, Section 106, and Section 4(f)	Self assessment review to determine if final environmental documents contain evidence of compliance with Section 7, Section 106, and Section 4(f)	Percent of final environmental documents that contain evidence of compliance with requirements of Section 7, Section 106, and Section 4(f)
Attainment of supportable NEPA decisions	Legal sufficiency determinations made by counsel on FEISs and individual Section 4(f) determinations	100% of FEISs and individual Section 4(f)s determined to be legally sufficient	Legal sufficiency determination completed, prior to environmental document approval	Percent of FEISs and individual Section 4(f) determinations with legal sufficiency determinations completed prior to environmental document approval
	Compliance with Caltrans environmental document content standards and procedures	Content Standards: Annotated Outline *State Highway System (SHS):* 100% of NEPA documents follow applicable annotated outline *Local Assistance*: 100% of NEPA documents started after publication of LAPM Chapter 6 follow the applicable annotated outline	Annotated Outline Environmental document preparer signature on internal QC certification form certifying consistency with annotated outline	Annotated Outline Percent of internal QC certification forms certifying consistency with annotated outline

Performance Measure	Components of Measure	Desired Outcome	Tool/ Indicator to Measure Outcome	Metric
			Self assessment team evaluation of a random sample of District/Region environmental documents	Percent of sampled environmental documents that followed applicable annotated outline
		Procedures: QA/QC 100% of EAs and EISs follow environmental document review QA/QC procedures	QA/QC Environmental documents for which the QA/QC procedures are appropriately completed, based on an independent review of the Internal QC certification form and follow-up information	QA/QC Percent of DEDs and FEDs for which the QC/QC procedures are appropriately completed, based on an independent review of the Internal QC certification form and follow-up information
		Procedures: ED Checklist 100% of draft and final environmental documents have completed environmental document review checklists	ED Checklist Completed environmental document review checklists for DEDs and FEDs	ED Checklist Percent of DEDs and FEDs with completed checklists
	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 organized according to the established filing system

Performance Measure	Components of Measure	Desired Outcome	Tool/ Indicator to Measure Outcome	Metric
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	Agency Resource agency poll	Agency Compare average evaluation ratings for each period and cumulatively over time
			Public Self assessment evaluation of public meeting material evaluation	Public Compare average evaluation ratings for each self assessment period and cumulatively over time
			Impartial third-party public meeting reviewer evaluation of a sample of public meetings on project environmental issues	Compare average evaluation ratings for each self assessment period and cumulatively 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 QC process to DED approval before and after delegation Compare median time from begin Admin. FED QC process to FED approval before and after delegation
			Time taken to prepare draft and final documents for: - SHS projects - Local Assistance projects	Compare median time from begin environmental studies/NOI to DED approval before and after delegation Compare median time from begin environmental studies/NOI 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 assessments to receipt of biological opinions before and after delegation