

Summary of Caltrans Sixth Self-Assessment under the Surface Transportation Project Delivery Pilot Program, September 2011

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 over four years and to date has submitted five self-assessment summary reports to FHWA. This report summarizes the findings of Caltrans’ 6th self-assessment that focuses on issues surrounding Pilot Program National Environmental Policy Act (NEPA) documents approved during the 12th through 15th quarters of the Pilot Program (April 1, 2010 through March 31, 2011). This 6th self-assessment precedes FHWA’s 6th audit scheduled for October 17-21, 2011.

Self-Assessment Scope and Methodology

Caltrans’ 6th self-assessment includes a review of the following focus areas:

- Compliance with Section 4(f) de minimis and programmatic evaluation requirements including type of assessment, evaluation content, and procedures;
- Compliance with Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) Section 6002 “Efficient Environmental Review Process” requirements;
- Caltrans’ staff understanding of the following:
 - U.S. Environmental Protection Agency’s Transportation Conformity Rule (40 CFR 93.105) related to the requirements for Interagency Consultation (IAC) for particulate matter;
 - FHWA’s Interim Guidance Update on Mobile Source Air Toxic (MSAT) Analysis in NEPA; and
 - Caltrans’ methodology for analyzing cumulative and growth-related indirect impacts;
- Clear documentation of compliance with Caltrans’ “revalidation” process as evidence of compliance with 23 CFR 771.129; and
- Compliance with Caltrans’ requirement related to completion of an Environmental Commitments Record (ECR) or equivalent for all NEPA projects.
- In-depth reviews of 22 environmental documents and eight Categorical Exclusions (CEs) approved during the 12th through 15th quarters. The documents that were reviewed were randomly selected from those that were approved in the Caltrans Districts that were visited in 2010 and 2011 for this self-assessment. The CEs that were reviewed were approved in those Districts that were visited in 2011. These reviews entailed comprehensive and critical evaluations of the environmental documents and CE supporting documentation for compliance

with NEPA and FHWA regulations and all other applicable Federal environmental laws. The environmental documents were also reviewed for internal consistency, clarity, and readability.

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, Legal Division, and Division of Local Assistance.

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 summarizes feedback received from a group of four to ten associate/senior staff in each District on their views of the Pilot Program, its benefits, and how it could be improved. The program-level review also 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, approved NEPA documents, and project environmental files for approved and "in-progress" NEPA documents (in-progress documents are those that have not yet been approved). 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 12th through 15th quarters, the number of times that each of the Districts had been visited during previous self-assessments, and self-assessment findings for the Districts in previous self-assessments and audits.
 - For each of the 12th through 15th 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 November and December 2010, Districts 3, 4, 6, 7, 11 and 12 were visited for file reviews and interviews of staff. Files for Pilot Program projects with 12th and 13th quarter environmental document approvals and for in-progress projects were reviewed for consistency with the UFS. During these visits, 27 District staff were also interviewed regarding their understanding of Caltrans' methodology for analyzing cumulative and growth-related indirect impacts. 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 May 2011, Districts 1, 4, 5, 7, 8, and 11 were visited. Files for projects with 12th through 15th quarter approvals and in-progress projects were reviewed. In addition, interviews were conducted with 25 project generalists, seniors, and air quality specialists regarding their knowledge of the requirements related to project conformity for mobile source air toxics and interagency consultations for projects of air quality concern for particulate matter. 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 6th 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 5th 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

Group Discussions on the Effectiveness of the Pilot Program

In each of the Districts visited in May 2011, group discussions were held with four to ten senior/associates regarding their views of the Pilot Program, its major benefits and weaknesses, and what improvements could be made to the Program. The staff involved in these discussions generally found the Program's greatest strengths to be more efficient environmental document approval processes, more organized files, streamlined environmental document approval timeframes, improved standardization of environmental documents and compliance processes statewide, and improved staff training on environmental compliance requirements. Areas cited as needing improvement included amount of documentation needed for very simple projects and number of QC forms that need to be completed. The input received during the group discussions will be shared with District/Region environmental managers and will be used to develop future Pilot Program improvements.

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 merging of the two air quality conformity checklists into one form for brevity, revisions to the CE checklist for clarity, description of the new

Noise Protocol, improvements to the revalidation form, and revisions to the environmental document annotated outlines.

Accuracy of Quarterly Reports

The accuracy of the quarterly reports is reviewed each quarter. For the 12th through 15th quarterly reports, 27 environmental document or other related federal environmental approvals were not reported during the quarter in which the approval occurred and two reported approvals were not for delegated projects. These misreported 29 approvals comprised 24% of all reported approvals during the 12th through 15th quarters. The rate of misreported environmental document approval dates increased over time with a 9% error rate during the 10th and 11th quarters, 14% during the 12th and 13th quarters, and 33% for the 14th and 15th quarters. This error rate may be due in part to the transition from the use of spreadsheets to a database for inputting, retrieving, and analyzing quarterly report data. The data transfer process from spreadsheets to the database began during the 14th quarter. The 15th quarterly report was the first prepared using the database. During this transition period, staff were being trained in the use of the database and data integrity issues related to the transfer of data to the new database were being worked out. In the long-term, the error rate is expected to decrease below levels that occurred with spreadsheets.

Corrective Action: NEPA Delegation Office staff have developed quarterly report development and review protocols for use with the new tracking database. Following these protocols, NEPA Delegation Office and District staff have been and will continue to work together to implement an iterative review process of quarterly report data that requires District staff review submitted data and update them as needed. In addition, District managers will continue to be reminded about the importance of accurate reporting.

Pilot Program Training

Caltrans' 2010/2011 update of the Pilot Program Training Plan, submitted to FHWA in September of 2010, 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 2010/2011. These courses included 11 live training sessions that were to be offered one or more times and two on-line course offerings. With one exception, all training courses, both live and on-line, specified in the training plan were delivered during fiscal year 2010/2011 per the plan. Due to workload issues, the on-line module on climate change has not been completed. With the exception of one course, the number of offerings met or exceeded that which was specified in the training plan. The training plan specified that the Post-PAED Environmental Compliance course was to be offered two times, but it was only offered once since an exemption to non-essential travel could not be obtained for the second delivery.

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 included assessment of the focus areas described above as well as those review elements that have been covered in previous self-assessments. Specifically, the following areas were reviewed:

- Compliance with Section 4(f) de minimis and programmatic evaluation and procedural requirements;
- Compliance with SAFETEA-LU Section 6002 requirements;
- Caltrans' staff understanding of the following:
 - IAC for particulate matter,
 - MSAT analysis requirements; and
 - Caltrans' methodology for analyzing cumulative and growth-related indirect impacts;
- Completion of Caltrans' revalidation procedures;
- Preparation of ECRs for projects;
- In-depth review of selected environmental documents;
- Proper documentation of compliance with federal regulations.
- 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. A review of Caltrans Legal staff compliance with the requirements of Section 6.2 of the Section 6005 MOU related to litigation notification was also reviewed.
- 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 5th self-assessment; and
- Progress in meeting the Pilot Program performance metrics.

Process for Self-Assessment and Areas Reviewed

A total of 89 projects involving 36 environmental assessments [EAs], 22 Findings of No Significant Impacts [FONSIs], 22 draft environmental impact statements [EISs], one final EIS and eight Section 6005 CEs were reviewed for one or more of the self-assessment elements listed above. For some projects, these reviews were limited in scope such as review of the project file or review of selected sections of project environmental documents. Other reviews were more expansive such as those related to compliance with a number of federal regulations or the in-depth reviews of entire environmental documents. Of the 89 projects, 46 had approved draft or final environmental documents (excludes CEs), including 18 EAs, 22 FONSIs, and 6 draft EISs. Of the 89 projects, 35 were still in progress and did not yet have approved documents; the majority of in-progress reviews related to evaluation of project files for consistency with the UFS. Of the 46 approved draft or final documents, all except for two were approved during the 12th through 15th quarters; two were approved in the 10th and 11th quarters but were reported on the 12th through 15th quarterly reports. 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 6th self-assessment review elements are summarized below. Corrective actions, where necessary, are identified immediately after the finding.

Compliance with Section 4(f) De Minimis and Programmatic Evaluation and Procedural Requirements

A detailed review was conducted in May 2011 of all de minimis findings and programmatic evaluations contained in draft and final environmental documents approved in Districts 1, 4, 5, 7, 8, and 11 during the 12th through 15th quarters. The purpose of these reviews was to determine whether these findings/evaluations contained all required documentation, as required by the Section 4(f) regulation. The files for those projects with final de minimis findings were also reviewed to determine if the findings had been publicly noticed.

In addition, to ensure that the use or temporary occupancy of a Section 4(f) resource was not overlooked, all approved draft and final environmental documents and CEs in Districts 1, 4, 5, 7, 8, and 11 were reviewed to ensure that there were not any historic properties, parks, recreations areas, or wildlife and waterfowl refuges that should have been evaluated under Section 4(f) but were not. This detailed review augmented the standard Section 4(f) review that has been conducted for all previous self-assessments. The standard review involved review of all final environmental documents approved statewide in the 12th through 15th quarters for compliance with Section 4(f) requirements.

A total of 47 draft and final environmental documents/CEs were reviewed that included nine de minimis findings and two programmatic evaluations. Six de minimis findings for one or more Section 4(f) resources were approved in final environmental documents and three additional de minimis findings were documented in draft environmental documents during the reviewed quarters. Two programmatic evaluations were documented during these quarters, one in a final environmental document and another in a draft document.

Based on this review, 46 out of 47 projects appropriately complied with Section 4(f). One project should have documented a de minimis finding but did not. The environmental document for this project contained a Section 106 No Adverse Effect finding since the project involved direct impacts on an historic property. A de minimis finding should have been made, and a letter should have been sent to the SHPO providing an opportunity for input on the proposed de minimis finding.

The following projects complied with Section 4(f), but had the following irregularities in their Section 4(f) documentation:

- The environmental document for one project reported that the project would not have any temporary or permanent impacts to a publicly-owned park. However, the analysis incorporates confusing language as it states that consultation with cooperating agencies would occur to identify mitigation measures that would be needed to ensure no harm to the Section 4(f) resource.
- Another project involves a property that has both park and historic values under Section 4(f). The de minimis finding for the park was documented in the final environmental document, but

the de minimis finding made no mention of the historic property values of the property and the document did not include any correspondence with the SHPO. However, the project file contains correspondence with the SHPO that documents the de minimis finding.

- One document lacked any supporting evidence of its de minimis conclusion.
- One of the programmatic Section 4(f) evaluations was also somewhat confusing regarding the type of Section 4(f) evaluation it was intended to be. The title of the evaluation did not refer to it as being a programmatic evaluation, and the text of the evaluation referred to consultation with the U.S. Department of Interior, which is only required for individual Section 4(f) evaluations. The analysis was written as a programmatic Section 4(f) evaluation.

All nine de minimis findings were contained in draft environmental documents that were publicly noticed, as required.

Corrective Action: These Section 4(f) issues have been discussed with the involved District; Headquarters Environmental Coordinators will continue to informally discuss and hold meetings with District seniors and staff to review Section 4(f) requirements, as appropriate. In addition, a Section 4(f) evaluation training on demand module was recently posted.

Compliance with Section 6002 Requirements

During the November/December 2010 and May 2011 District visits, 17 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.

Of the 17 projects, 14 had complete files that documented that the Section 6002 requirements had been implemented including those related to inviting and identifying cooperating and participating agencies, preparing coordination plans, and providing opportunities for participating agencies and the public to comment.

Section 6002 coordination for one project was in progress but appeared to be behind schedule given the fact that the project's technical studies were well underway. For example, the project staff indicated that they planned to offer opportunities for the participating agencies to comment on the purpose and need and range of alternatives, but had not done so yet. The coordination plan was complete, but had not yet been shared with the agencies.

Two additional project files were found to have missing Section 6002 documentation. For one file, it appeared that the required procedures had been implemented but the documentation of the procedures was incomplete. The other incomplete file was for a draft EIS that had been circulated for public review; input on impact methodologies had not been sought from the pertinent agencies prior to completion of the impact analyses.

Corrective Action: The Section 6002 coordination referenced above that is behind schedule will be brought up to date within two months of the date of this self assessment summary. Environmental Coordinators will continue to discuss informally and hold meetings on Section 6002 requirements with District seniors and staff, as appropriate. District managers will also continue to encourage staff to take the on-demand training on Section 6002.

Understanding of Interagency Consultation for Particulate Matter

Fifteen generalists and six air quality specialists in Districts 1, 4, 5, 7, 8, and 11 were interviewed to evaluate their understanding of the IAC requirements including what triggers IAC, agencies involved in IAC, IAC procedures, and the timing of IAC relative to NEPA approval. Everyone who was interviewed understood that the IAC procedures related to transportation conformity, but more than half answered that IAC was required for pollutants other than particulate matter. Many individuals also did not understand that IAC is only required for projects located in nonattainment areas for PM10 and/or PM2.5 and had limited to no knowledge of the IAC procedures. In general, the air quality specialists had a better understanding of IAC requirements than did the generalists; however, one of the air quality specialists appeared not to understand the relationship between IAC and attainment status.

Corrective Action: A web-based air quality training module on transportation conformity is being developed for Caltrans environmental staff. Staff will be encouraged to take this training. Staff will also be encouraged to take the Air Quality Basics training, which provides information on conformity, including IAC procedures.

Understanding of Mobile Source Air Toxics Analysis Requirements

Nineteen generalists and six air quality specialists in Districts 1, 4, 5, 7, 8, and 11 were interviewed to evaluate their understanding of MSATs, including the purpose of MSAT analyses and knowledge that qualitative or quantitative analyses can be conducted depending on the nature of the project. The purpose of the interview questions was also to determine if staff understood the difference between conformity and MSAT analyses. Eleven of those interviewed did not understand the differences between MSAT analyses and conformity determinations. A few staff were not aware that either quantitative or qualitative analyses can be conducted for MSATs depending on the characteristics of the project.

Corrective Action: DEA will continue to offer the Air Quality Basics training, which provides introductory-level information on MSATs, and encourage District/Region staff to take this training. DEA will also discuss this issue at upcoming NEPA Delegation and Hot Topics teleconferences and remind participants of the existing tools to build knowledge of MSATs. We will also consider development of a web-based training module on MSATs.

Understanding of Cumulative and Growth-Related Indirect Impacts

Eleven seniors and 16 associates in Districts 3, 4, 6, 7, 11, and 12 were interviewed to assess their understanding of Caltrans' methodology for evaluating cumulative and growth-related impacts. Nine of these staff had taken Caltrans' training on this topic. The questions that were asked dealt with general topics such as the difference between cumulative and growth-related impacts, the stage of the environmental review process in which growth-related issues should first be considered, how to account for "past" projects in conducting a cumulative impact assessment, and determining the appropriate resource area for cumulative impact assessments. The interviewed staff appeared to have good general knowledge in the areas that were addressed in the interview. However, some respondents thought that all environmental resource topics should be considered in cumulative impact analyses and did not appear to understand that the emphasis should be on resources that are in declining health or that would be substantially affected by the project.

Compliance with Caltrans' Revalidation Process

The files for 18 projects that had major approvals related to right-of-way acquisition, final design, and/or project "ready to list" during the first 13 quarters of the Pilot Program were reviewed to determine if revalidation forms had been completed for all required revalidation triggers (i.e. next major approval, more than 3 years between a draft and final EIS, and project changes). Of the 18 projects, 15 had at least one completed revalidation form for a total of 17 reviewed forms. Of the 17 reviewed forms, 11 documented project changes and 6 documented major approvals. Many of the major approvals for the 18 projects were not documented on a revalidation form.

The revalidation forms describing project changes were reviewed to determine if additional information was provided documenting the project change and whether it was clear that the original CE or environmental document remained valid. Six of the 11 forms that documented a project change clearly documented the nature of the project changes and the relevant impact considerations on continuation sheets and/or supplementary memos/reports. Although the revalidation form that was in use at the time that these projects underwent the revalidation process did not include a check box to indicate whether the original document remained valid with the additional documentation for the project change, text was included on the form that clearly documented this conclusion. The other five revalidation forms documenting a project change were not clear in identifying whether all or portions of the original environmental document remained valid.

Corrective Action: In June 2011, a check box on the revalidation form was added to indicate when an original environmental document remains valid with the additional documentation prepared during the revalidation process. The requirements of the reevaluation process, including documentation of the process at each major milestone, will also be discussed with the involved District staff and at upcoming NEPA Delegation teleconferences.

Preparation of Environmental Commitment Records

Thirty files in all Districts except for Districts 1 and 6 were reviewed for the presence of an ECR. The ECRs were also reviewed for completeness based on a comparison of the environmental commitments contained in the ECRs, environmental documents, and Sections 7 and 106 decision documents. Twenty-eight out of 30 files contained an ECR; two files did not.

The majority of the ECRs included a complete set of commitments; however, a number of commitments in the ECRs were described generally and require that the source document be consulted for a complete description of each action included in the commitment (for example, air quality measures that reference specifications without identifying what specific specifications apply to the project and references to conditions contained in Biological Opinions without describing the actual conditions). For those ECRs that were not complete, typically only a few commitments had inadvertently been omitted.

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. Training on environmental commitments, which will include the requirement for and use of ECRs, is also being developed this year. The ECR requirement will also be discussed at upcoming NEPA Delegation teleconferences.

Comprehensive In-Depth Reviews of NEPA Approvals

Twenty-two environmental documents and 8 Section 6005 CEs were critically reviewed for compliance with federal regulations. The environmental documents were also reviewed for internal consistency, clarity, and readability. In the review of environmental documents, occasional weaknesses related to the analysis of traffic, construction noise, and cumulative impacts and the identification of mitigation measures were found, but other than the findings reported elsewhere in this report, the documents met federal requirements. A few documents were very long, overly technical, needed editing, and/or may have been difficult for an average public person to understand. In addition, one document had a Table of Contents with page references that were inaccurate, and another lacked a Table of Contents all together.

Three reviewed CEs involved bridge replacements or bridge rehabilitations and should have been approved with Section 6004 CEs.

Proper Documentation of Compliance with Federal Requirements

This element of the self-assessment focused on review of 22 FONSI, reported during the 12th through 15th quarters, and eight Section 6005 CEs approved during the 12th through 15th quarters in the six Districts that were visited in May 2011. These approvals were reviewed for proper documentation of compliance with the federal regulations identified below. With the exception of two approvals that occurred during the 10th and 11th quarters, all of these approvals occurred during the 12th through 15th quarters.

Section 7 of the Federal Endangered Species Act (ESA)

The 30 projects with approved final environmental documents or CEs approved during the 12th through 15th quarters were reviewed for compliance with Section 7. Nine projects had obtained at least one Biological Opinion and five had letters of concurrence from the resource agencies. Of the 30 projects, 29 appropriately complied with Section 7.

The one project that did not appropriately comply with Section 7 is located in an area with listed birds that roost and forage in the project area. Consultation with the U.S. Fish and Wildlife Service (USFWS) should have been initiated for this project before NEPA approval by the involved district, but was not. Consultation was initiated after this finding was brought to the attention of district management. Seven months after NEPA approval, USFWS issued a letter of concurrence for this project of a Not Likely to Adversely Affect listed species.

Corrective Action: Section 7 issues will continue to be discussed at Biological Consultancy group meetings, as appropriate. This finding, as well as the policy requirement to complete Section 7 prior to final environmental approval, has been discussed at a recent Biological Consultancy group meeting. In addition, one District has developed corrective actions to ensure that Section 7 is completed prior to final environmental approval. These include holding annual Endangered Species Act compliance training, preparing district guidance on Section 7 compliance, tracking consultation status, and holding quarterly meetings with the U.S. Fish and Wildlife Service. A corrective Section 7 compliance workshop was also recently held in this District.

Section 4(f)

This review involved the evaluation of final environmental documents and Section 6005 CE, approved during the 12th through 15th quarters, for proper documentation of compliance with Section 4(f). An in-depth review of selected Section 4(f) findings/evaluations was also conducted. The results of these reviews are presented in the section above entitled “Compliance with Section 4(f) De minimis and Programmatic Evaluation and Procedural Requirements”.

Section 106

The 30 approved final documents/CEs included seven findings of No Adverse Effect with Standard Conditions and one finding of No Adverse Effect without Standard Conditions. All 30 documents appropriately complied with Section 106.

Section 176(c) of the Federal Clean Air Act (Air Quality Conformity Determinations)

The 30 NEPA approvals were also reviewed to determine if Clean Air Act transportation air quality conformity requirements were met. Twenty-eight of the 30 reviewed final documents appropriately complied with Section 176(c). Two projects did not comply as they were required to have air quality conformity determinations, but did not. Both projects are located in non-attainment areas and are not exempt projects.

Corrective Action: Corrective discussions will be held with the involved District/Region managers. A conformity determination for one project has already been obtained; the conformity determination for the other project will be completed within six months. Staff of the involved Districts will be strongly encouraged to take Air Quality Basics training.

Executive Orders 11990 and 11988

One of the reviewed final environmental documents/CEs may have involved a significant encroachment into the floodplain. This document contained floodplain maps that showed areas where the project was located in a 100-year floodplain and described one area where project construction could change the adjacent residential flood zone designation. However, the document was not clear as to whether the project had a minimal or significant encroachment into the floodplain. No Only Practicable Alternative Finding related to floodplains was included in the document.

Seven of the reviewed final environmental documents/CEs involved impacts to wetlands. All but one of these documents contained a Wetlands Only Practicable Alternative finding. The document that did not include this finding involved permanent impacts to a minor amount of wetlands (25 square feet of wetlands).

Corrective Action: Appropriate compliance with Executive Orders 11990 has been and will continue to be discussed with the involved District staff and managers and at upcoming NEPA Delegation teleconferences and monthly Hot Topics teleconferences. Compliance with Executive Order 11990 will also be discussed at upcoming Biological Consultancy group meetings.

Proper Implementation of Environmental Document Quality Control Requirements

The proper implementation of environmental document QC requirements was reviewed for all 44 12th through 15th quarter Pilot Program environmental document approvals and two environmental approvals from the 10th and 11th quarters that were reported in later quarters. 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 prior to environmental document approval.

Proper Use of Environmental Document Checklist

The environmental document checklist was completed for all 46 reviewed environmental documents.

Proper Implementation of QC Requirements

The internal QC certification forms were reviewed for the following:

- **All QC reviews completed:** For 44 of the 46 reviewed environmental documents, all of the required QC reviews were conducted.

Of the two projects with incomplete QC reviews, one project missed technical specialist reviews of the final environmental document. The environmental senior explained that specialist signatures were not provided on the QC form for the final environmental document for those environmental sections that were not revised since publication of the draft environmental document. This approach would be acceptable for sections of the final environmental document that did not require updating, but for this project, it resulted in technical sections that needed to be updated but were not. A second document was not reviewed by the Environmental Branch Chief.

- **Last review conducted by the Environmental Branch Chief:** For 44 of the 46 reviewed environmental documents, the Environmental Branch Chief was the last to review the environmental document. On one project, the NEPA QC reviewer signed after the Environmental Branch Chief. On another project, the Environmental Branch Chief did not sign the internal certification form; the lack of this QC review for this same project was noted above under “All QC reviews completed”.
- **QC reviews completed prior to environmental document approval:** For 45 of the 46 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. On one project, the NEPA QC, environmental document, and Environmental Branch Chief reviewers signed the form five days after the environmental document was signed.
- **Public review comments box checked (applies to final environmental documents only):** All 22 reviewed final environmental documents indicated that public review comments had been appropriately addressed.
- **QC checklist completed (projects in Districts 4, 7, 8, and 9):** Twenty-one projects were required to have signed QC checklists. Of these 21 projects, one project did not have a checklist.

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. One District/Region with a concentration of QC errors will hold QC refresher workshops by the end of the calendar year. These requirements will also continue to be discussed at NEPA delegation teleconferences.

Consistency with the Environmental Document Annotated Outline

Based on an evaluation of the consistency of 46 approved environmental documents with the applicable annotated outline, it was found that 42 documents generally followed the annotated outlines in terms of chapter and section organization and had report covers that contained the required Pilot Program language.

Of the four documents that were found to be inconsistent with the annotated outline, one final environmental document had sections that were out of order and that were written in a manner that differed from the organization in the annotated outline. A second final environmental document lacked a table of contents. Two documents used the beginning of Chapter 2 to summarize impacts although this portion of Chapter 2 is actually intended for listing environmental issues that are dismissed and will not be covered in the environmental document. These impacts should have been described in the body of Chapter 2. The following topics were erroneously discussed at the beginning of Chapter 2: a Section 4(f) de minimis finding, the findings of a Paleontological Identification Report, and a Section 106 finding of No Historic Properties Affected. None of these documents had prior approval to deviate from the annotated outlines.

All 22 approved FONSI's 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.

Legal Reviews/Sufficiency Findings and Ready for Signature Communications

Six DEISs and three draft individual Section 4(f) evaluations approved during the 12th through 15th quarters had Headquarters Coordinator and legal reviews. One final individual Section 4(f) evaluation reported during this period but approved during the 11th quarter also had a Headquarters Coordinator review and legal sufficiency finding. In all cases, the dates of the Headquarters Coordinator reviews and legal sufficiency findings/reviews were the same date or pre-dated the environmental document approval dates.

Caltrans Legal Division reviewed its handling of litigation. Currently, there are two projects involved in litigation. For one case that was active during the 6th assessment period, the Legal Division did not initially make all proper notifications called for under paragraph 6.2 of the Section 6005 MOU, but the problem was identified and corrected. All proper notifications have been made for the second case.

Proper Use of Environmental Record Keeping System

During the November/December 2010 and May 2011 District visits, a sample of 42 files for Pilot Program environmental documents approved during the 12th through 15th quarters was reviewed for consistency with the UFS and general completeness. In addition, a sample of 19 in-progress

project files was reviewed. The project files reviewed were selected to include a range of staff involvement, project complexity, and project locations within the Districts/Regions.

Of the 61 reviewed files, 48 were consistent with the UFS and generally complete. Of the 13 files that were not consistent with the UFS, five files had all tabs or many tabs missing and/or had tabs that did not follow the UFS. The other eight files were missing one or more key documentation elements such as copies of final technical reports, approved environmental documents, and/or the required QC forms and checklists.

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. UFS requirements will also continue to be discussed with District staff during future NEPA delegation teleconferences.

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 through the 15th quarter of the Pilot Program.

This comparative analysis showed the following:

EAs/FONSIs

- **Begin Environmental Studies-Draft EA Approval:** For the first 15 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 30.5 months (for 96 projects), as compared to 40.4 months (for 31 projects) prior to the Pilot Program, a median time savings of 9.9 months.
- **Begin Environmental Studies-FONSI Approval:** For the first 15 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 38.8 months (for 73 projects), as compared to 52.2 months (for 31 projects) prior to the Pilot Program, a median time savings of 13.4 months.
- **Begin QC of Administrative Draft EA-Draft EA Approval:** For the first 15 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 2.8 months (for 96 projects), as compared to 5.6 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 15 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 1.6 months (for 85 projects), as compared to 2.5 months (for 22 projects) prior to the Pilot Program, a median time savings of 0.9 months.

Draft and Final EISs

- **Notice of Intent-Draft EIS Approval:** For the first 15 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 29.5 months (for nine projects), as compared to 71.0 months (for eight projects) prior to the Pilot Program, a median time savings of 41.5 months.
- **Notice of Intent-Final EIS Approval:** For the first 15 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 134.9 months (for five projects) prior to the Pilot Program, a time savings of 98.0 months.
- **Begin QC review of Administrative Draft EIS-Draft EIS Approval:** For the first 15 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 8.8 months (for nine projects), as compared to 10.0 months (for eight projects) prior to the Pilot Program, a median time savings of 1.2 months.
- **Begin QC of Administrative Final EIS-Final EIS Approval:** For the first 15 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 5.3 months (for three projects), as compared to 9.9 months (for four projects) prior to the Pilot Program, a median time savings of 4.6 months.

Effectiveness of Corrective Actions

The effectiveness of the corrective actions identified in the 5th self-assessment is summarized below:

- **Implement steps to increase awareness of Section 6002 requirements.** Overall staff awareness of Section 6002 requirements appears to have improved since the 5th self-assessment. With one exception, the irregularities that were found in the Section 6002 files reviewed during the 6th self-assessment were related to poor documentation of required procedures that had been implemented rather than non-compliance with the procedures.
- **Discuss reevaluation requirements with staff and provide additional opportunities for training on reevaluation requirements.** The results of the revalidation form review conducted for the 6th self-assessment indicate that revalidations forms are used to document project changes but are not completed for all major federal milestones when there are no project changes or changes to project circumstances that could affect the conclusions contained in the approved environmental document. Caltrans' Environmental Certification form that must be completed and signed before a project can be certified for Ready to List contains a mandatory check box for "NEPA document checked for validity/re-evaluation". The signature on this form also indicates that the approved environmental document remains valid. The content of the Environmental Certification form will be evaluated to determine if this form could be clarified to document that the form is certifying that the approved environmental document is valid.
- **Discuss missing ECRs with involved staff and increase awareness of ECR requirements.** The Districts that had missing ECRs during the 5th self-assessment completed ECRs for all projects reviewed for the 6th self-assessment. However, statewide, there are still a small number of projects without ECRs. The corrective actions identified in the 5th self-assessment will continue to be implemented.

- **Discuss non-compliance with Section 7 requirements and irregular Section 7 documentation with involved staff. Provide additional opportunities to discuss Section 7 requirements with staff responsible for compliance.** Section 7 compliance issues have been discussed frequently at Biological Consultancy group meetings, with District Management, at NEPA Delegation teleconferences, and informally between Headquarters Coordinators and District managers and staff. The District that had two projects during the 5th self-assessment that did not complete Section 7 compliance prior to NEPA approval had one project during the 6th self-assessment that did not comply with Section 7 prior to NEPA approval. A corrective Section 7 compliance workshop was recently held in this District. This District has also developed and is implementing further corrective actions to address this ongoing issue. These include holding annual Endangered Species Act compliance training, preparing district guidance on Section 7 compliance, tracking consultation status, and holding quarterly meetings with the U.S. Fish and Wildlife Service. The corrective actions identified in the 5th self-assessment will also continue to be implemented.
- **Discuss potential non-compliance with Section 4(f) requirements with involved staff, and implement staff and review protocol adjustments in this District.** The District that had one project during the 5th self-assessment that did not comply with Section 4(f) prior to NEPA approval appropriately approved three de minimis findings during the 12th through 15th quarters. The corrective actions identified in the 5th self-assessment will continue to be implemented since compliance with Section 4(f) during the 6th self-assessment was 98% (one out of 42 projects was not compliant). In addition to the corrective actions identified in the 5th self-assessment, that District's assigned Section 4(f) expert now reviews all Section 4(f) evaluations and determinations and signs the District Quality Control checklist to document that the Section 4(f) evaluation/determination is ready for approval.
- **Discuss non-compliance with Executive Order 11990 with involved staff and provide additional opportunities to discuss the requirements of this executive order.** Two of the Districts that lacked Wetlands Only Practicable Alternative findings in their 8th through 11th quarter environmental documents had projects with wetland impacts during the 12th through 15th quarters. The environmental documents for these projects included the required findings. The percentage of projects with wetland impacts that lacked a finding dropped from 40% (four out of ten projects) during the 5th self-assessment to 13% (one out of eight) during the 6th self-assessment. The corrective actions identified in the 5th self-assessment will continue to be implemented.
- **Discuss non-compliance with QC review requirements with involved staff, and adjust QC protocols in this District.** The two Districts that had missing or out-of-sequence QC reviews during the 5th self-assessment followed the QC review requirements for all of their projects during the 6th self-assessment. Compliance slightly improved between the 5th and 6th self-assessments from 88% to 89%. However, statewide, there are a small number projects that are not following all of the required QC requirements. The corrective actions identified in the 5th self-assessment will continue to be implemented.
- **Discuss inconsistencies with annotated outline with involved staff and provide additional opportunities to raise awareness of how to use the annotated outlines.** One District with environmental documents that did not follow the annotated outlines during the 5th self-assessment produced documents that were consistent with the annotated outlines during the 6th self-assessment. Two other Districts that had documents with inconsistencies during the 5th self-assessment continued to have inconsistent documents during the 6th self-assessment. Despite

implementation of corrective actions to increase awareness of this requirement, compliance decreased from 93% during the fifth self-assessment (56 out of 60 documents were consistent) to 91% during the 6th self-assessment (41 out of 45 documents were consistent). The corrective actions identified in the 5th self-assessment will continue to be implemented.

- **Discuss inconsistencies with UFS requirements with involved staff and provide additional opportunities to raise awareness of UFS requirements.** Measures have been consistently implemented to improve compliance with UFS requirements. Corrective discussions occur with each staff that have incomplete or unorganized files, as well as with the appropriate District/Region Environmental Office Chief or Deputy. These requirements continue to be discussed at NEPA delegation teleconferences. The percentage of documents consistent with the UFS slightly increased between the 5th and 6th self-assessments from 78% to 79%. 100% compliance with UFS requirements will likely not be met in the near future due to a large number of staff handling a large number of projects. Corrective actions will continue to be implemented.

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 5th 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, 97% (29 of 30 environmental documents/CEs) of the projects with final environmental document/CE approvals during the 12th through 15th quarters completed compliance with Section 7 (29 of 30 [97%]), Section 106 (30 of 30 [100%]), and Section 4(f) (29 of 30 [97%]), with the one non-compliant Section 4(f) project being the same project that did not comply with Section 7 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:** All 46 (100%) projects with 12th through 15th 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:** Forty-two of 46 (91%) reviewed documents generally followed the annotated outlines in terms of chapter and section organization. All 46 (100%) reviewed documents contained the required Pilot Program language on the document cover. All 22 approved FONSI (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 41 of 46 (89%) environmental documents with 12th through 15th quarter approvals. One project had two QC review problems.
- **Percent of draft and final environmental documents with completed environmental document checklists:** Forty-six of 46 (100%) 12th through 15th 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, 48 of 61 reviewed files (79%) 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 third survey of federal and state resource agencies that work with Caltrans on Pilot Program projects. In May 2011, a total of 39 resource agency staff members were asked the same questions that were included in the 2010 and 2009 resource agency surveys. The results of the 2011 survey were compared with the Gallup Organization poll taken in 2006 prior to the start of the Pilot Program and the 2009 and 2010 surveys. 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 #2a-2f ranged from *strongly agree* (rating of “5”) to *strongly disagree* (rating of “1”). Questions #2g-2i 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, 2010, and 2011 surveys is summarized below:

- **Question 2a.** 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, 92% in 2010, and 85% in 2011. This represents a 25% improvement between 2006 and 2011. However, in 2011, there was a slight decline in opinion (7%) relative to 2010.
- **Question 2b.** Caltrans is responsive to the concerns expressed by your resource agency: In 2006, 57% strongly or somewhat agreed that Caltrans is responsive, as compared to 69% in 2009, 75% in 2010, and 77% in 2011. The 2011 result represents a 2% improvement since 2010, an 8% improvement since 2009, and a 20% improvement since 2006.
- **Question 2c.** Caltrans may not listen as well to resource agencies as did FHWA:¹ In 2006, 25% strongly or somewhat agreed that Caltrans may not listen as well as FHWA, as compared to 30% in 2009, 21% in 2010, and 14% in 2011. The 2011 results represent an 11% improvement over the 2006 survey results and a 16% improvement over the 2009 results, the year in which the rating was least favorable for this question.
- **Question 2d.** 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 44% in 2009, 41% in 2010, and 54% in 2011. This represents a 5% improvement over the 2006 results. These results indicate that between 2006 and 2010, the resource agencies believed the efficiency of the consultation process was declining, but improved in 2011.
- **Question 2e.** Quality has suffered without FHWA oversight: 43% strongly or somewhat agreed in 2006 that quality may suffer versus 32% in 2009, 23% in 2010, and 10% in 2011. These results indicate that respondents have become less concerned about the quality of work under the Pilot Program without FHWA oversight. The 2011 results show a 13% improvement in opinion since 2010, a 22% improvement since 2009, and a 33% improvement since 2006.
- **Question 2f.** Caltrans has not been as conscientious in adhering to Federal laws, rules, and regulations as FHWA: 28% strongly or somewhat agreed in 2006 that Caltrans would not be as conscientious, compared to 40% in 2009, 17% in 2010, and 7% in 2011. The 2011 result represents a 21% improvement over 2006. It also represents a significant improvement over 2009 (33%), the year in which the rating was the lowest for this question.

¹ Question 2c related to listening skills was phrased negatively in the 2006, 2010, and 2011 surveys (Do you agree or disagree that Caltrans may not listen as well to resource agencies as FHWA?) but positively in the 2009 survey (Do you agree or disagree that Caltrans listens as well to resource agencies as FHWA?). The survey respondents may have responded differently to these questions due to the different phrasing; therefore, the survey results for the four years may not be directly comparable. However, in order to compare the results between the three years, it was assumed that a “4” or “5” response in the 2006, 2010, and 2011 surveys was comparable to a “1” or “2” response in the 2009 survey.

- **Question 2g.** Caltrans has been more cooperative with agencies on existing programmatic agreements and MOAs than FHWA: In 2006, 30% strongly or somewhat agreed that Caltrans has been more cooperative, as compared to 37% in 2009, 47% in 2010, and 22% in 2011. These results indicate that in 2011, respondents had the lowest opinion of Caltrans' cooperation on existing programmatic agreements; approval declined by 25% compared to 2010, 15% compared to 2009, and 8% compared to 2006.
- **Question 2h.** 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 51% in 2009, 45% in 2010, and 53% in 2011. This represents a 10% improvement over the 2006 survey results.
- **Question 2i.** 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 that Caltrans' consideration of the resource agency mission was excellent or very good, as compared to 39% in 2009 and 2010, and 41% in 2011. While the 2011 result represents a 2% decline in opinion from 2006, it is a 2% improvement over the previous two years.
- **Question 2j.** 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 26% in 2011, which represents an 11% degradation in opinion between 2006 and 2011. This area also showed a 1% decline between 2010 and 2011, and a 14% decline between 2009 and 2011. These opinions on the timeliness of project resolutions may represent changing expectations by the resource agencies over time rather than changes in the amount of time that it has taken to reach project resolutions.

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 5th self-assessment was also administered for this self-assessment. This survey involved rating the quality of materials for public meetings (including formal public hearings) that were held for 19 projects with 12th through 15th quarter environmental document approvals. As with the 5th 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 19 meetings that were reviewed.

- Public meeting notice or notice of opportunity for a public meeting meet SER requirements: **4.3 rating**
- Public meeting provided adequate opportunity for the public to register written and oral comments: **4.9 rating**
- Appropriate staff were available at the meeting to discuss the environmental issues as appropriate for the size and scope of the project: **4.8 rating**
- Displays depicting the project and project alternatives were easily understandable to the lay public: **4.8 rating**
- Displays depicting project impacts were easily understandable to the lay public: **4.6 rating**
- Public meeting was accessible to the public: **5.0 rating**

The cumulative results are as follows:

- Public meeting notice or notice of opportunity for a public meeting meet SER requirements (total projects = 75): **4.2 cumulative rating**
- Public meeting provided adequate opportunity for the public to register written and oral comments (total projects = 73): **4.5 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 = 70): **4.5 cumulative rating**
- Displays depicting the project and project alternatives were easily understandable to the lay public (total projects = 60): **4.3 cumulative rating**
- Displays depicting project impacts were easily understandable to the lay public (total projects = 60): **4.1 cumulative rating**
- Public meeting was accessible to the public (total projects = 64): **4.6 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: **4.5 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: **4.1 rating**
- Overall, I was provided with the information I needed to understand the project: **4.9 rating**
- Project staff conveyed their knowledge effectively: **4.8 rating**
- Project staff responded to questions effectively: **4.6 rating**
- Project staff treated participants with courtesy and respect: **4.9 rating**
- Overall, I found this meeting to be valuable: **4.9 rating**
- Overall, my opinion of the meeting was positive: **4.6 rating**

The cumulative ratings for the 20 meetings that have been rated since the beginning of the Pilot Program are:

- The handouts provided clear information and were understandable to the public: **4.1 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: **4.2 rating**
- Overall, I was provided with the information I needed to understand the project: **4.5 rating**
- Project staff conveyed their knowledge effectively: **4.7 rating**
- Project staff responded to questions effectively: **4.6 rating**
- Project staff treated participants with courtesy and respect: **4.9 rating**
- Overall, I found this meeting to be valuable: **4.6 rating**
- Overall, my opinion of the meeting was positive: **4.6 rating**
- **Percentage of signed final document internal QC forms with public review comments box checked:** Twenty-one of 21 (100%) 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 has not been 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 (5.6 months for pre-Pilot Program projects versus 2.8 months for Pilot Program projects) and a median time savings of 1.2 months for the QC review and approval of draft EISs (10.0 months for pre-Pilot Program projects versus 8.8 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 0.9 months has been achieved for the QC review and approval of FONSI (2.5 months for pre-Pilot Program projects versus 1.6 months for Pilot Program projects) and a median time savings of 4.6 months for the QC review and approval of EISs (9.9 months for pre-Pilot Program projects versus 5.3 months for the three 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 9.9 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 30.5 for Pilot Program projects), and a median time savings of 41.5 months for the corresponding timeframe for draft EISs (71.0 months for pre-Pilot Program projects versus 29.5 months for nine 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 13.4 months has been achieved from begin environmental studies to the date the FONSI was signed (52.2 months for pre-Pilot Program projects versus 38.8 for Pilot Program projects). A time savings of 98 months for the corresponding timeframe for the sole project that completed both a draft and final EIS under the Pilot Program (134.9 months for pre-Pilot Program projects versus 36.9 months for one Pilot Program project). 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:** Forty-four 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 6th self-assessment period acceptable performance goal of 95% was met for six of the nine percentage-based performance metrics. Those not meeting the performance goal included percent of sampled environmental documents that followed the applicable annotated outline (91%); percent

of draft and final environmental documents for which QC procedures are appropriately implemented (89%); and percent of sampled EA/EIS project files organized according to the established UFS (79%). As compared to the 5th self-assessment, performance improved in the areas of compliance with Sections 7, 106, and 4(f) [from 89% to 97%], implementation of QC procedures (from 88% to 89%), and files consistent with the UFS (from 78% to 79%) but degraded slightly in the area of consistency with the annotated outline from (93% to 91%). Caltrans will continue to work with the involved Districts/Regions to determine the underlying causes of the performance measure problems and will adjust its guidance, procedures, or practices as necessary to address these performance measure problem areas.

Statement by Chief, Division of Environmental Analysis

Based on this 6th 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: _____

September 15, 2011

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 Caltrans implements corrective actions as necessary	Self assessment report submitted to FHWA List of corrective actions identified in self assessment and in response to FHWA audit deficient findings	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 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	<u>Content Standards: Annotated Outline</u> <i>State Highway System (SHS):</i> 100% of NEPA documents follow applicable annotated outline <i>Local Assistance:</i> 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 internal QC certification forms certifying consistency with annotated outline

Performance Measure	Components of Measure	Desired Outcome	Tool/ Indicator to Measure Outcome	Metric
		<p>Procedures: <u>QA/QC</u> 100% of EAs and EISs follow environmental document review QA/QC procedures</p>	<p>Self assessment team evaluation of a random sample of District/Region environmental documents</p> <p><u>QA/QC</u> 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</p>	<p>Percent of sampled environmental documents that followed applicable annotated outline</p> <p><u>QA/QC</u> 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</p>
		<p>Procedures: <u>ED Checklist</u> 100% of draft and final environmental documents have completed environmental document review checklists</p>	<p><u>ED Checklist</u> Completed environmental document review checklists for DEDs and FEDs</p>	<p><u>ED Checklist</u> Percent of DEDs and FEDs with completed checklists</p>
	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	<u>Agency</u> Resource agency poll	<u>Agency</u> Compare average evaluation ratings for each period and cumulatively over time
			<u>Public</u> Self assessment evaluation of public meeting material evaluation	<u>Public</u> 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
			Time taken for Section 7 consultation	Compare median time from submittal of biological assessments to receipt of biological opinions before and after delegation