



# COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION  
1401 EAST BROAD STREET  
RICHMOND, VIRGINIA 23219 2000

David S. Ekern, P.E.  
COMMISSIONER  
December 3, 2008

Mr. Edward Sundra  
Federal Highway Administration  
P. O. Box 10249  
Richmond, Virginia 23240-0249

Dear Mr. Sundra:

Attached is the Virginia Department of Transportation's plan for the oversight of the environmental elements of locally administered projects. This plan includes procedures for the oversight of environmental commitments made pursuant to federal requirements. It was developed in close cooperation with FHWA's environmental staff and ensures that the proper controls are in place for the environmental oversight of locally administered projects. If you agree that this plan is appropriate, please sign the letter so that we may distribute it to our district environmental managers.

Sincerely,

Stephen J. Long  
State Environmental Administrator

December 3, 2008  
Date

Edward Sundra  
Planning and Environment Program Manager

Attachments:  
Oversight Plan

## **Purpose**

The purpose of this Oversight Plan is to ensure that the proper controls are in place for the environmental oversight of locally administered projects.

## **Authority**

FHWA requires the oversight of locally administered projects by state DOTs based on federal law and regulation. In addition, separate state environmental laws and regulations require oversight by VDOT's environmental staff.

## **Applicability**

These oversight procedures are applicable to all locally administered transportation projects with Preliminary Engineering, Right-of-Way, and/or construction phases administered by a Locality.

FHWA requires the Department to oversee the implementation of commitments made pursuant to NEPA. In addition to these commitments, the following are listed separately to include commitments made after final NEPA approval:

- Section 106;
- Section 4(f);
- Noise;
- Federal T&E species.

The Federal Highway Administration does not require the Department to oversee the commitments coming out of the following processes unless they are a condition of FHWA NEPA approval:

- Air;
- Hazardous materials;
- Section 6(f);
- Agricultural and Forestal Districts;
- State Environmental Review Process (SERP);
- State T&E;
- Water quality permits;
- Outdoor easements.

VDOT has additional obligations under state law and the SERP Memorandum of Agreement to ensure that SERP and SERP commitments have been carried out for those projects to which SERP is applicable.

An environmental commitment is any condition of a legal or regulatory approval or any condition that the Department accepts or offers to obtain legal or regulatory approval or meet a legal or regulatory requirement.

There are other areas that require oversight by VDOT that are outside of the responsibility of VDOT's environmental programs. These include, but are not limited to financial and accounting issues, Civil Rights, contracting and erosion and sediment control issues. While FHWA expects VDOT to oversee these issues, implementation is not the responsibility of environmental staff.

## **Procedures**

### **Commitment tracking – Preadvertisement**

The District Environmental Manager or designee will enter the following into the Commitment Tab of CEDAR:

- 1) SERP commitments listed in the PEI, if SERP is applicable;
- 2) NEPA commitments listed in the ROD, FONSI or CE when the approved document is received from FHWA or the CE form is submitted to FHWA;
- 3) Section 4(f) commitments when the approved 4(f) evaluation is received from FHWA (only applicable when a 4(f) evaluation is processed independently of NEPA);
- 4) Section 106 commitments made after NEPA approval when the Environmental Certification Form for Locally Administered Projects is received from local government;
- 5) Noise commitments when the FHWA concurrence letter for noise is posted in CEDAR;
- 6) Federal T&E commitments made after completion of NEPA when the Environmental Certification Form for Locally Administered Projects is received from local government.

### **Oversight of Preadvertisement Commitments**

The Environmental Certification Form for Locally Administered Projects is used to document that all environmental commitments required to advertise a project have been implemented. It is completed by local government and provided to the District Environmental Manager. The District Environmental Manager or designee will:

- If SERP is applicable, review the PEI to ensure it is complete and check the appropriate box on the Environmental Certification Form for Locally Administered Projects;
- If SERP is applicable, compare the commitments listed on the Environmental Certification Form for Locally Administered Projects to the commitments in the PEI and indicate whether they are complete;
- Review the ROD, FONSI or CE to ensure it is complete and check the appropriate box on the Certification form;
- Review the ROD, FONSI or CE to ensure it matches the project proposed for advertisement and check the appropriate box on the Environmental Certification Form for Locally Administered Projects;
- Compare the commitments listed on the Environmental Certification Form for Locally Administered Projects to the commitments in the ROD, FONSI or CE and indicate whether they are complete;
- Review the Environmental Certification Form for Locally Administered Projects submitted by local government to ensure that water quality permits were received. (Applicable only if the NEPA document indicated a permit would be required);
- Review the Environmental Certification Form for Locally Administered Projects submitted by local government to ensure that endangered species issues are clear for advertisement;
- Review the Environmental Certification Form for Locally Administered Projects submitted by local government to ensure Section 106 is complete and all preadvertisement commitments have been implemented;
- Review the noise concurrence letter signed by FHWA indicating completion of the noise abatement process. Ensure the preadvertisement special provisions have been completed. For older projects confirm with the Noise Abatement Engineer that a second concurrence letter has not been prepared as a result of the public survey;
- Complete the Environmental Certification Form for Locally Administered Projects, scan into CEDAR and distribute.

### **Oversight of Construction Commitments**

- The Environmental Monitor provides compliance assistance reviews on locally administered projects during construction for compliance with commitments listed on the Environmental Certification Form for Locally Administered Projects in accordance with all ECR guidance and procedures. The District Environmental Manager or designee will:

- Review the CEDAR Commitment tab for a list of commitments to be implemented during the construction of the project. These commitments will be limited to those areas described in the Applicability section of this document;
- Indicate a monitoring frequency of "locally administered" in CEDAR and monitor the construction of locally administered projects at a frequency the District determines appropriate for the project and in accordance with all ECR guidance, process and procedures;
- Complete a paper copy of the ECR for each visit to the project and provide to the VDOT Project Coordinator;
- Scan and upload ECR in to CEDAR Documents tab;
- If any items are deficient or non-compliant, request that the VDOT Project Coordinator and the District Administrator take corrective action.

#### **Compliance Assistance for Additional Environmental Issues**

At the request of the District Administration, the District may monitor additional items. These should be recorded on an ECR as Compliance Assistance. The ECR will be entered into CEDAR as a scanned document. They are not part of the ECR system on the Dashboard.