

# Federal Highway Administration

# Every Day Counts

## Innovation Initiative



### Expanding Use of Programmatic Approaches

*The continued and expanded use of programmatic agreements (PAs), where procedures have been standardized and agreed upon, has been very effective in saving time. When prior agreements exist for avoiding, minimizing, and mitigating impacts, projects are reviewed quicker and trust is developed that results in improved relationships between DOTs and regulatory agencies. The goal of this initiative will be to identify and assist in the expansion of new and existing programmatic agreements to a regional or national level.*

### Programmatic Agreements Save Time and Increase Trust

**Creating More Programmatic Agreements.** While programmatic agreements (PAs) are not new, there are new opportunities for FHWA to work with stakeholders to create more applications. Expanding the use of PA agreements can be invaluable in streamlining reviews, reducing project implementation time, and increasing trust among state Departments of Transportation (DOT) and regulatory agencies.

**Expanding the Use of Programmatic Agreements Initiative.** The goal of the Expanding Use of Programmatic Agreements Initiative is twofold:

- Identify situations in which new programmatic agreements will be beneficial
- Assist in expanding existing programmatic agreements to a regional, statewide, or national level

**Understanding the PA.** A PA is a document that spells out the terms of a formal, legally binding agreement between a state DOT and other state and/or federal agencies. It also establishes a process for consultation, review, and compliance with one or more federal laws.

**Streamlining Reviews, Strengthening Relationships.** When PAs exist for avoiding, minimizing, and mitigating impacts, projects can be reviewed much more quickly. Equally important, these agreements provide an essential foundation for shared understanding and effective working relationships between DOTs and regulatory agencies. Improving relationships can also improve workflows and employee morale.

**Shortening Project Delivery Time.** When procedures are standardized and agreed upon, work progresses more efficiently. PAs have been very effective in producing time savings in the project delivery process in these ways:

- Specifying clear roles and responsibilities
- Standardizing coordination and compliance procedures
- Improving relationships among DOT and regulatory agency staff
- Helping limited staff and resources to be more focused and effective

**FHWA's Role in the Initiative.** FHWA will promote the Expanded Use of Programmatic Agreements through two basic steps:

- Identifying best practices and promoting the benefits of programmatic approaches through outreach

- Developing new programmatic approaches and/or improve existing ones through agreed upon revisions, where there is interest by States and its partner agencies

Where States have not tapped into the streamlining and quality improvement benefits of these approaches, FHWA will take the lead in helping them develop and utilize PAs to shorten review cycles and project delivery times.

**Success Stories.** PAs have worked effectively in many situations. The Ohio Programmatic Biological Opinion for the Indiana Bat helped streamline compliance with the Endangered Species Act. It did this by creating a tiered programmatic consultation approach to ODOT's Statewide Transportation Program. Other PAs have enabled agencies to fulfill the requirements of Section 404 of the Clean Water Act and NEPA concurrently.

Programmatic agreements are extremely effective in helping multiple organizations and agencies to work together. A multi-party PA executed between FHWA and Tribes in North Dakota reduced the workload for each party by determining what types of projects would be of interest in predefined geographical areas.

This initiative is expected to increase the number of programmatic agreements in use nationally. This will not only result in better decision-making. It will also improve and expedite the project delivery process.

**Dynamic and Consistent Approaches on a Broader Scale.** The Expanding Use of Programmatic Agreements Initiative will stimulate dynamic development and ongoing application of programmatic approaches. It will lead to approaches that are broader in scale and nationally consistent. This is a win/win situation for DOTs as well as regulatory agencies and local communities.

FHWA Division Offices and Local Technical Assistance Programs will take the lead in encouraging State DOTs to expand the use of PAs.

FHWA will work with stakeholders to establish PAs in regions where they are absent, while strengthening existing agreements. Field training for State DOT and FHWA personnel will be provided on the establishment and implementation of PAs.

