

# Executive Summary

## 2018 Monitoring of Caltrans Performance under the Surface Transportation Project Delivery Program

### July 2017–June 2018

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The California Department of Transportation (Caltrans) has prepared this report on monitoring of its performance, under the Surface Transportation Project Delivery Program (commonly known as the NEPA Assignment Program), pursuant to Section 10.2 of the 23 United States Code Section 327 (23 USC 327) memorandum of understanding (MOU) between the Federal Highway Administration (FHWA) and Caltrans. The 23 USC 327 MOU stipulates that Caltrans perform annual self-monitoring of its performance against four performance measures and 10 performance measure components, identified in the MOU, and transmit a report on the results of its monitoring to FHWA. This report documents the results of Caltrans' monitoring reviews of NEPA document approvals made from July 1, 2017 through June 30, 2018 (Quarters 41 through 44 of NEPA Assignment, referred to in this report as the 2018 monitoring period).

The 2018 monitoring findings, summarized in Table 1, show that Caltrans is successfully carrying out the federal responsibilities assigned by FHWA, under the 23 USC 327 MOU, in accordance with all applicable federal laws and policies. The findings are based on Caltrans' progress toward meeting the four performance measures identified in Section 10.2 of the 2016 MOU. Those four performance measures (which are labeled A–D to correspond with their identifiers in the MOU) are listed in Table 1 of this report. Also listed in Table 1 are the “components” of each measure (labeled i, ii, and iii consistent with the MOU) and the “metrics” associated with each component (labeled with Arabic numerals such as 1, 2, 3 etc.). These metrics were developed in discussions with FHWA and have been evaluated consistently each year under NEPA Assignment.

In addition to the metrics developed in conjunction with FHWA, Caltrans also measures and reports on performance of five additional metrics (identified in italicized print and labeled *1a*, *1b*, *1c*, *1d*, and *1e*), which are related to specific federal environmental regulations. These additional metrics broaden the review of compliance with federal requirements with additional regulations that protect specific sensitive environmental resources. These metrics are identified in Table 1 as A.ii.1.a–e.

For the 2018 monitoring period, the majority of deficiencies that were found related to irregularities in conforming with internal Caltrans' requirements, as listed below, rather than non-compliance with federal regulatory documentation and procedural requirements. Irregularities found, related to Caltrans' internal requirements, included:

- NEPA documents that were not fully consistent with Caltrans' environmental document annotated outlines in terms of use of regulatory language in making findings, use of

Caltrans-prescribed language in identifying conclusions, and inclusion of required documentation to support a finding or conclusion;

- Use of quality control (QC) review and certification procedures that did not follow Caltrans' required procedures or that were not documented properly; and
- Project environmental files that did not fully comply with Caltrans' Uniform Filing System (UFS) requirements.

In those areas where compliance is below the performance goal, Caltrans Division of Environmental Analysis and Division of Local Assistance are actively reviewing the findings with Caltrans district staff in order to identify best practices, recommend improvements, and develop and implement corrective actions. Steps will be taken to further develop staff expertise, clarify procedures, provide guidance, and to actively monitor the implementation of corrective actions. Caltrans works continuously to improve performance in executing the federal responsibilities assumed under NEPA Assignment.

**Table 1. Caltrans 2018 Monitoring: Findings and Corrective Actions**

Performance Measure <sup>a</sup>	Components of Measure <sup>a</sup>	Metric <sup>b</sup>	Findings of 2018 Monitoring Review	Performance Goal	Goal Met?	Corrective Action
A. Compliance with NEPA and other federal laws and regulations	A.i. Maintain documented compliance with procedures and processes set forth in the MOU for the environmental responsibilities assumed under NEPA Assignment	A.i.1. Percent of self-assessment reports submitted to FHWA	100% of the required self-assessment summary/ monitoring reports have been submitted to FHWA.	95%	Yes, exceeded goal by 5%	None required
		A.i.2. Percentage of corrective actions identified in most recent self-assessment that have been implemented	100% of the corrective actions identified in the 2017 monitoring summary report have been implemented.	95%	Yes, exceeded goal by 5%	None required
	A.ii. Maintain documented compliance with requirements of all federal laws and regulations being assumed (Section 106, Section 7, etc.)	A.ii.1. Percent of final environmental documents (FEDs) that contain evidence of compliance with requirements of Section 7, Section 106, and Section 4(f)	7 out of 29 (24%) reviewed FEDs/CEs appropriately documented compliance with requirements of Section 7, Section 106, and Section 4(f).	95%	No, below goal by 71%	<p><b>Section 7:</b> A Caltrans revalidation form will be completed for each project with irregular Section 7 documentation. The form will clarify and/or document the following and incorporate this information into the final environmental document by reference:</p> <ul style="list-style-type: none"> <li>• Inclusion of a current NMFS species list for each project within NMFS jurisdiction, without a NMFS species list that is less than 180 days old from the approval date of the final environmental document;</li> </ul> <p>Verification that no species, on the list, have the potential to occur in the project area;</p> <p>Incorporation of a No Effect finding for all applicable species on the list.</p> <p>For those projects located outside of NMFS jurisdiction, inclusion of such a statement;</p>

Table 1. Caltrans 2018 Monitoring: Findings and Corrective Actions (Continued)

Performance Measure <sup>a</sup>	Components of Measure <sup>a</sup>	Metric <sup>b</sup>	Findings of 2018 Monitoring Review	Performance Goal	Goal Met?	Corrective Action
		<b>A.ii.1. (Continued)</b>				<ul style="list-style-type: none"> <li>● For each project that lacks a No Effect or May Affect, Not Likely to Adversely Affect finding for applicable species and/or Critical Habitat on the USFWS and/or NMFS species list, inclusion of such findings, using the correct regulatory language, and supporting documentation;</li> <li>● For those projects with Section 7 consultation summaries that lacked information, contained errors, or were placed in the wrong section of the environmental document, correction of the missing and erroneous information and identification of the proper placement of the information;</li> <li>● Attachment of a copy of the Programmatic Biological Opinion.</li> </ul> <p>Discussions will be held with the project generalists and biologists for these projects to ensure that they understand the problems that were discovered with their documentation.</p> <p><b>Section 106:</b> A Caltrans revalidation form will be completed for each project with irregular Section 106 documentation. The form will clarify and/or document the following and incorporate this information into the final environmental document by reference:</p> <ul style="list-style-type: none"> <li>● For those projects for which proper Section 106 regulatory was not used or a finding was not made for the project, as a whole, clarifications of these findings using proper language;</li> </ul>

Table 1. Caltrans 2018 Monitoring: Findings and Corrective Actions (Continued)

Performance Measure <sup>a</sup>	Components of Measure <sup>a</sup>	Metric <sup>b</sup>	Findings of 2018 Monitoring Review	Performance Goal	Goal Met?	Corrective Action
		<b>A.ii.1. (Continued)</b>				<ul style="list-style-type: none"> <li>• For those projects with inadequate supporting documentation, provision of complete supporting documentation, as needed.</li> </ul> <p>Discussions will be held with the project generalists and cultural resources specialists for these projects to ensure that they understand the problems that were discovered with their documentation.</p> <p><b>Section 4(f):</b> A Caltrans revalidation form will be completed for each project with irregular Section 4(f) documentation. The form will clarify the following and incorporate these clarifications into the final document by reference:</p> <ul style="list-style-type: none"> <li>• Documentation of a de minimis finding for an historic property, as needed;</li> <li>• Corrections to Incomplete, erroneous, and irregular documentation.</li> </ul> <p>Discussions will also held with the generalists for these projects, who prepared the Section 4(f) sections, to ensure that they understand the Section 4(f) documentation problems that were discovered.</p>

Table 1. Caltrans 2018 Monitoring: Findings and Corrective Actions (Continued)

Performance Measure <sup>a</sup>	Components of Measure <sup>a</sup>	Metric <sup>b</sup>	Findings of 2018 Monitoring Review	Performance Goal	Goal Met?	Corrective Action
		<b>A.ii.1. (Continued)</b>				
(See note at the end of this table for explanation of italicized metrics)		<b>A.ii.1.a.</b> <i>Compliance with other Executive Order 11990; Executive Order 11988; and Section 176(c) of the federal Clean Air Act</i>	<i>12 of 29 (41%) reviewed FEDs/CEs appropriately documented compliance with Executive Orders 11990 and 11988 and Section 176(c).</i>	95%	No, below goal by 54%	<p><b>Executive Order 11990:</b> A Caltrans revalidation form will be completed for each project with irregular Executive Order 11990 documentation. The form will incorporate, by reference into the final document, the following clarifications and information, as needed:</p> <ul style="list-style-type: none"> <li>• A Wetlands Only Practicable Alternative finding;</li> <li>• Clarification of impacts to wetlands</li> <li>• A figure showing wetlands.</li> </ul> <p>Discussions will be held with the project generalists and biologists for these projects to ensure that they understand the requirements of EO 11990.</p> <p><b>Executive Order 11988:</b> A Caltrans revalidation form will be completed for each project with irregular Executive Order 11988 documentation. The form will incorporate the following clarifications into the final document by reference, as applicable:</p> <ul style="list-style-type: none"> <li>• Documentation regarding whether a project is located in the 100-year floodplain and would result in a significant encroachment into the 100-year floodplain, including supporting information and data, as needed.</li> <li>• Corrections related to the floodplain description, as needed.</li> </ul> <p>Discussions will also be held with the project generalists and hydraulic specialists for these projects to ensure that they understand the problems that were discovered with their documentation.</p>

Table 1. Caltrans 2018 Monitoring: Findings and Corrective Actions (Continued)

Performance Measure <sup>a</sup>	Components of Measure <sup>a</sup>	Metric <sup>b</sup>	Findings of 2018 Monitoring Review	Performance Goal	Goal Met?	Corrective Action
<b>A.ii.1.a. (Continued)</b>						
						<p><b>Section 176(c):</b> A Caltrans revalidation form will be completed for each project with irregularities in its air quality conformity documentation that clarifies, corrects, or completes the documentation regarding whether the project is exempt from having an air quality conformity determination based on 40 CFR 93.126.</p> <p>Discussions will also be held with the project generalists and air quality specialists for these projects to ensure that they understand the problems that were discovered with their documentation.</p>
(See note at the end of this table for explanation of italicized metrics)		<b>A.ii.1.b.</b> <i>Compliance with 23 USC Sec.139 (Efficient Environmental Reviews for Project Decision-making)</i>	1 of 1 reviewed draft EIS (100%) appropriately documented compliance with 23 USC 139.	95%	Yes, exceeded goal by 5%	Not applicable
(See note at the end of this table for explanation of italicized metrics)		<b>A.ii.1.c.</b> <i>Compliance with Traffic Noise Analysis Protocol requirements</i>	27 of 29 reviewed FEDs/CEs (93%) appropriately documented compliance with the Noise Protocol.	95%	No, below goal by 2%	<p>A Caltrans revalidation form will be completed for each project with irregular 23 CFR 772 documentation that clarifies the following, as needed:</p> <ul style="list-style-type: none"> <li>• Disclosure and justification that the project is not a Type 1.</li> <li>• Feasibility and reasonableness conclusions per the annotated outlines.</li> </ul> <p>Discussions will also be held with the project generalist and noise specialist for this project to ensure that they understand the omission that was discovered with their documentation.</p>

Table 1. Caltrans 2018 Monitoring: Findings and Corrective Actions (Continued)

Performance Measure <sup>a</sup>	Components of Measure <sup>a</sup>	Metric <sup>b</sup>	Findings of 2018 Monitoring Review	Performance Goal	Goal Met?	Corrective Action
<b>A.ii.1. (Continued)</b>						
	(See note at the end of this table for explanation of <i>italicized metrics</i> )	<b>A.ii.1.d.</b> <i>Appropriate Use of Categorical Exclusions</i>	<i>4 of 4 (100%) reviewed CEs were for projects that meet the definition of a CE.</i>	95%	<i>Yes, exceeded by 5%</i>	<i>Not applicable</i>
	(See note at the end of this table for explanation of <i>italicized metrics</i> )	<b>A.ii.1.e.</b> <i>Appropriate use of 23 USC 326 versus 23 USC 327 Categorical Exclusions</i>	<i>4 of 4 (100%) reviewed CE Determination forms appropriately identified whether the project fit under 23 USC 326 or 23 USC 327.</i>	95%	<i>Yes, exceeded goal by 5%</i>	<i>Not applicable</i>
<b>B.</b> Attainment of supportable NEPA decisions	<b>B.i.a.</b> Legal sufficiency determinations made by counsel (FEISs and individual Section 4(f) determinations)	<b>B.i.a.1.</b> Percent of final EISs and individual Section 4(f) determinations with legal sufficiency determinations completed prior to environmental document approval	No final EISs or individual Section 4(f) determinations were approved during this monitoring period, and, therefore, no legal sufficiency determinations were needed.	Not applicable	Not applicable	Not applicable
<b>B.i.</b> Maintain internal quality control and assurance measures and processes, including a record of:	<b>B.i.b.</b> Compliance with Caltrans environmental document content standards and procedures	<b>B.i.b.1.</b> Percentage of internal QC certification forms certifying consistency with annotated outline	58 out of 59 (98%) reviewed DEDs/FEDs had QC certification forms signed by the environmental document preparer indicating that the document was prepared consistent with the applicable SER annotated outline.	95%	Yes, exceeded goal by 3%	District staff for the project with an incomplete final NEPA document internal QC review form will add a memo to the file that confirms that QC reviews were undertaken to ensure consistency with the annotated outlines.  Discussions will be held with affected staff to ensure they have a full understanding of the proper documentation requirements for environmental document QC reviews.



Table 1. Caltrans 2018 Monitoring: Findings and Corrective Actions (Continued)

Performance Measure <sup>a</sup>	Components of Measure <sup>a</sup>	Metric <sup>b</sup>	Findings of 2018 Monitoring Review	Performance Goal	Goal Met?	Corrective Action
<b>B.i.b. (Continued)</b>						
		<b>B.i.b.2.</b> Percentage of sampled environmental documents that followed applicable annotated outline	49 of 59 (83%) reviewed DEDs/FEDs followed the annotated outlines in terms of chapter and section organization	95%	No, below goal by 12%	A revalidation form will be completed for each project with draft and final environmental documents that deviated from the annotated outline. The forms will describe the missing information or identify the needed corrections. Discussions will also be held with the affected project generalists to ensure that they understand the requirements of the annotated outlines.
		<b>B.i.b.3.</b> Percentage of DEDs and FEDs for which the completed QA/QC procedures are appropriately completed based on an independent review of the internal QC certification form and follow-up information	43 of 59 (73%) DEDs/FEDs properly implemented and documented QC procedures	95%	No, below goal by 22%	District staff will add notes to the project files clarifying the QC review process and the reasons for the irregularities that were found: <ul style="list-style-type: none"> <li>• QC reviews completed but incomplete or missing certification forms</li> <li>• Missing QC reviews due to project schedules</li> <li>• Reviews conducted out of sequence</li> </ul> Discussions will be held with staff to ensure that they have a full understanding of the proper documentation requirements for environmental document QC reviews.
		<b>B.i.b.4.</b> Percent of DEDs and FEDs with completed checklists	54 of 59 (92%) reviewed DEDs/FEDs had complete checklists.	95%	No, below goal by 3%	For the projects without a completed checklist, staff will add a completed checklist to the file and a note documenting the reason that the checklist was prepared after NEPA approval. For the project with a partial checklist, district staff will update the project file with a complete checklist.

Table 1. Caltrans 2018 Monitoring: Findings and Corrective Actions (Continued)

Performance Measure <sup>a</sup>	Components of Measure <sup>a</sup>	Metric <sup>b</sup>	Findings of 2018 Monitoring Review	Performance Goal	Goal Met?	Corrective Action
<b>B. (Continued)</b>						
	<b>B.i.c.</b> Documentation of project records for projects under the NEPA Assignment Program	<b>B.i.c.1.</b> Percent of sampled EA/EIS project files organized according to the established filing system	20 out of 48 (42%) reviewed files conformed to Uniform Filing System (UFS) requirements.	95%	No, below goal by 53%	District staff will place the missing materials in the project files behind the appropriate tab or place a note in the files where the documentation can be found (such as “in the cultural resource specialist’s file). Discussions will be held with the responsible staff to ensure they understand the UFS filing protocols.
<b>C.</b> Monitor relationships with agencies and the general public (effectiveness of relationships with agencies and the general public)	<b>C.i.</b> Assess change in communication among Caltrans, federal and state resource agencies, and the public	<b>C.i.1.</b> Resource Agency Survey: Compare average evaluation ratings for each period and cumulatively over time	78% cumulative average of positive responses	Equal to or above cumulative average of 74% positive responses since first survey in 2009	Yes, exceeded goal by 4%	None required
		<b>C.i.2.</b> Public Meeting Material Review: Compare average evaluation ratings for each self-assessment period and cumulatively over time	4.7 cumulative average rating	Equal to or above cumulative average rating of 4.6 (out of 5.0) since 3 <sup>rd</sup> Self-Assessment	Yes, exceeded goal by 0.1	None required
		<b>C.i.3.</b> Anonymous Third-Party Public Meeting Review: Compare average evaluation ratings for each self-assessment period and cumulatively over time	4.6 cumulative average rating	Equal to or above cumulative average rating of 4.5 (out of 5.0) since 4th Self-Assessment	Yes, exceeded goal by 0.1	None required
	<b>C.ii.</b> Maintain effective responsiveness to substantive comments received from the public, agencies, and interest groups on NEPA documents	<b>C.ii.1.</b> Percentage of signed final document internal QC certification forms in file with public review comments box checked	20 of 25 (80%) of the reviewed FEDs had QC certification forms that indicated that public review comments had been appropriately addressed.	95%	No, below goal by 15%	Discussions will be held with district staff to remind them to verify all sections of the certifications forms are complete prior to approval.

Table 1. Caltrans 2018 Monitoring: Findings and Corrective Actions (Continued)

Performance Measure <sup>a</sup>	Components of Measure <sup>a</sup>	Metric <sup>b</sup>	Findings of 2018 Monitoring Review	Performance Goal	Goal Met?	Corrective Action
<b>C. (Continued)</b>						
	<b>C.iii.</b> Maintain effective NEPA conflict resolution processes whenever appropriate	<b>C.iii.1.</b> Date that formal conflict resolution action began to date resolution reached	No formal conflict resolution actions were required during the 2018 monitoring review period.	Not applicable	Not applicable	Not applicable
<b>D.</b> Timely completion of NEPA process	<b>D.i.</b> Compare time to completion for environmental document approvals before and after Assignment (July 1, 2007)	<b>D.i.1.</b> For SHS and Local Assistance projects, compare median time from begin administrative DED QC process to DED approval before and after assignment	3.0 (draft EAs) and 3.3 (draft EISs) median months saved	Any savings in time as compared to pre-NEPA Assignment	Yes	None required
		<b>D.i.2.</b> For SHS and Local Assistance projects, compare median time from begin administrative FED QC process to FED approval before and after assignment	0.8 (FONSIs) and 4.1 (final EISs) median months saved	Any savings in time as compared to pre-NEPA Assignment	Yes	None required
		<b>D.i.3.</b> Compare median time from begin environmental studies/NOI to DED approval before and after assignment	10.8 (draft EAs) and 25.4 (draft EISs) median months saved	Any savings in time as compared to pre-NEPA Assignment	Yes	None required
		<b>D.i.4.</b> Compare median time from begin environmental studies/NOI to FED approval before and after assignment	13.4 (FONSIs) and 125.0 (final EISs) median months saved	Any savings in time as compared to pre-NEPA Assignment	Yes	None required

Table 1. Caltrans 2018 Monitoring: Findings and Corrective Actions (Continued)

Performance Measure <sup>a</sup>	Components of Measure <sup>a</sup>	Metric <sup>b</sup>	Findings of 2018 Monitoring Review	Performance Goal	Goal Met?	Corrective Action
<b>D. (Continued)</b>						
	<b>D.ii.</b> Compare time to completion for key interagency consultations formerly requiring FHWA participation before and after Assignment (July 1, 2007)	<b>D.ii.1.</b> Compare median time from submittal of biological assessments to receipt of biological opinions before and after assignment	5.1 median months saved	Any savings in time as compared to pre-NEPA Assignment	Yes	None required
<p><i>Explanation of italicized metrics:</i> In addition to the metrics developed in conjunction with FHWA (see footnote “b” below), Caltrans also measures and reports on performance of five additional metrics that are related to specific federal environmental regulations. These additional metrics broaden the review of compliance with federal requirements with additional regulations that protect specific sensitive environmental resources. These metrics are identified as A.ii.1.a–e.</p> <p><sup>a</sup> The four performance measures listed in this table are identified in Section 10.2 of the 2016 MOU (labeled A–D to correspond with their identifiers in the MOU). The 2016 MOU also identifies the “components” of each measure (labeled i, ii, and iii consistent with the MOU).</p> <p><sup>b</sup> The “metrics”, associated with each component (labeled with Arabic numerals such as 1, 2, 3 etc.), were developed in discussions with FHWA and have been evaluated consistently each year under NEPA Assignment.</p>						

# Report on 2018 Monitoring of Caltrans Performance under the Surface Transportation Project Delivery Program

## July 1, 2017–June 30, 2018

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## Scope of Monitoring

During the 2018 monitoring effort, Caltrans evaluated all NEPA documents that were approved statewide during the July 1, 2017 through June 30, 2018 monitoring period. Caltrans also physically inspected the environmental files for projects approved with 23 USC 327 Categorical Exclusions (CEs), during this same monitoring period, in selected districts. For the 2018 monitoring period, Districts 4, 6, 8, and 10 were chosen for monitoring reviews.

A total of 63 approvals for State Highway System and Local Assistance projects were reviewed against each of the four performance measures, 10 performance measure components, and associated performance metrics (see Table 1). These 63 approvals are identified below by NEPA class of action:

- Four CEs
- 31 Environmental Assessments (EAs)
- 25 Findings of No Significant Impact (FONSIs)
- Three draft Environmental Impact Statements (EISs)

Caltrans also conducted a program-level review of the NEPA Assignment Program to determine if environmental document guidance, policies, tools, and training are up-to-date.

## Monitoring Methods

During the 2018 monitoring effort, the methods used in evaluating each of the four performance measures, identified in the 23 USC 327 MOU, are described below.

### A. Compliance with NEPA and other Federal Laws and Regulations

Compliance with this performance measure is judged by the following:

- Determination if all self-assessment and monitoring reports, prepared by Caltrans, have been submitted to FHWA;
- Determination if all corrective actions identified during the previous monitoring period (2017) were effectively implemented;
- Review of all final environmental documents approved statewide, as well as CEs approved in Districts 4, 6, 8, and 10, against specific review elements related to the

following regulations, in order to determine whether the documentation and processes used were appropriate and complete:

- Section 7 of the Federal Endangered Species Act (FESA)
- Section 106 of the National Historic Preservation Act (NHPA)
- Section 4(f) of the U.S. Department of Transportation Act
- Section 176(c) of the Clean Air Act
- Executive Order 11990, Protection of Wetlands
- Executive Order 11998, Floodplain Management
- Caltrans Traffic Noise Analysis Protocol
- Review of one draft EIS against specific review elements related to 23 CFR 139 (Efficient Environmental Reviews for Project Decision-Making); The review of this regulation is conducted by reviewing the project file, and therefore, only EISs approved in the districts that were visited are subject to this review.
- Review of CEs approved in Districts 4, 6, 8, and 10 to determine if the approved projects fit the definition of a categorically excluded action and if the determinations of a 23 USC 327 CE, versus a 23 USC 326 CE, were appropriate.

## **B. Attainment of Supportable NEPA Decisions**

This performance measure was evaluated based on confirming that the following requirements were met for NEPA approvals during the 2018 monitoring period:

- Legal sufficiency determinations for final EISs and final individual Section 4(f) determinations;
- Consistency in the organization and environmental topics evaluated in approved draft and final environmental documents, as compared to the requirements of Caltrans' environmental document annotated outlines;
- Accurate and comprehensive completion of environmental document review checklists and internal and external QC certification forms for approved draft and final environmental documents;
- Environmental files that are consistent with Caltrans' UFS requirements. This metric covers the review of files for approved draft and final environmental documents, as well as a sample of projects for which preparation of a draft environmental document is in progress;

## C. Monitor Relationships with Agencies and the Public

### Agencies

Caltrans conducted a survey of state and federal resource agencies to assess whether the relationships between Caltrans and resource agencies have remained consistent or have changed since initiation of NEPA Assignment. Of the 69 resource agency staff who were invited to participate in this survey, 27 (39 percent) responded to the survey and were polled regarding Caltrans' effectiveness as the NEPA lead agency.

### Public

To monitor relationships with the public, Caltrans conducted the following two reviews related to draft environmental document public review meetings:

- Reviews of materials, including meeting notifications and presentation materials, for 23 public review meetings, and
- Caltrans' performance at five public review meetings as evaluated by independent consultant reviewers.

## D. Timely Completion of NEPA Process

Caltrans calculated the median number of months it is taking to review and approve environmental documents under NEPA Assignment, as compared with FHWA timeframes for review and approval prior to NEPA Assignment (See Tables 3 and 4).

## Program-Level Review

For the program-level review, Caltrans reviews its Standard Environmental Reference (SER) to identify the updates and improvements made to NEPA guidance, policies, and environmental document review and preparation tools. This report also evaluates the implementation and effectiveness of the NEPA Assignment training plan by determining whether planned training sessions were actually provided.

## Findings and Corrective Actions

This section summarizes the deficient findings from the 2018 monitoring review. The number of times each finding was found is identified in parentheses at the end of each bullet below.

The compliance percentage (percentage of environmental documents reviewed that complied with all review elements) is identified in parentheses in the following bolded metric titles.

The alpha-numeric identifier for each performance metric is also identified in the metric title.

For metrics related to compliance with federal regulations, the bolded titles also provide the absolute number of environmental documents/CE files used to calculate the compliance percentages.<sup>1</sup>

An overall rating based on averaging the percentage-based metrics was also calculated. For the 2018 monitoring period, Caltrans achieved an overall average 80 percent rating (or a three percent improvement over the 2017 monitoring period). For 2018, the applicable percentage-based metrics included all of the metrics under Performance Measure A (compliance with NEPA and other federal laws); all but one metric under B (attainment of supportable NEPA decisions); and all but one metric under C (monitor relationships with agencies and the general public (effectiveness of relationships with agencies and the general public)). The excluded metrics under Performance Measures B and C did not apply to the 2018 monitoring review.

In conclusion, the projects, with deficient findings related to compliance with federal regulations, implemented procedures appropriately, as required by these regulations, but had one or more irregularities in the documentation that was included in the final environmental document or in the CE project file, per Caltrans' internal documentation requirements, as specified in Caltrans' SER.

Refer to Table 1 for a complete listing of corrective actions associated with these findings.

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<sup>1</sup> The bolded number of environmental documents that did not comply with the review elements for any given federal regulation will differ from the sum of the deficient occurrences (identified in parentheses after each bullet) if there were environmental documents that had more than one finding for any given regulation.



## A. Compliance with NEPA and Other Federal Laws and Regulations

**A.i.1. Percentage of Monitoring Reports Submitted (100%):** One hundred percent of required self-assessment and monitoring reports have been submitted to FHWA and are available on the Caltrans Division of Environmental Analysis website.

**A.i.2. Percentage of Identified Corrective Actions Implemented (100%):** The corrective actions identified in the 2017 monitoring review and their effectiveness in addressing the areas needing improvement are summarized in Table 2. Table 2 shows that 100 percent of the corrective actions were implemented.

**A.ii.1. Compliance with Sections 7, 106, and 4(f) (24%: 7 out of 29 complied, 22 did not):** Caltrans achieved 24 percent overall compliance for this performance metric as 7 out of 29 final environmental documents/CEs reviewed complied with all review elements related to these three regulations, and 22 did not. A brief description of the findings associated with each regulation is provided below.

### **Section 7 (41%: 12 out of 29 complied, 17 did not)**

- Species lists were greater than 180 days old, no National Marine Fisheries (NMFS) species list was obtained, or there was no documentation explaining that the project was located outside of NMFS jurisdiction and did not need a species list. (10)
- Regulatory language was not used to make a “No Effect” or “May Affect, Likely to Adversely Affect” finding. (2)
- A “No Effect” finding was not made for one or more species or Critical Habitat. (6)
- The description of the consultation process was not complete, had errors, or was placed in the wrong section of the environmental document. (3)

**Table 2. Performance Metric A.i.2.: Implemented Corrective Actions Identified in Caltrans' 2017 Monitoring Report (2017 Monitoring Period: July 1, 2016–June 30, 2017)**

Performance Measure	Components of Measure <sup>a</sup>	Metric <sup>b</sup>	2017 Monitoring Corrective Actions	Implementation of Corrective Actions
<b>A.</b> Compliance with NEPA and other Federal laws and regulations	<b>A.ii.</b> Maintain documented compliance with requirements of all federal laws and regulations being assumed (Section 106, Section 7, etc.)	<b>A.ii.1.</b> Percent of final environmental documents that contain evidence of compliance with requirements of Section 7, Section 106, and Section 4(f)	<p><b>Section 7:</b> A Caltrans revalidation form will be completed for each final NEPA document without a USFWS and/or NMFS species list that is less than 180 days old, or requiring updated lists. The form will reference the incorporation of the species list into the NEPA document. The form will also document those projects located outside of NMFS jurisdiction and not requiring a NMFS species list.</p> <p>The forms will identify the Section 7 findings using the required regulatory language for each project with a finding and incorporate them by reference into the appropriate section of the environmental document consistent with the annotated outlines.</p> <p>A Caltrans revalidation form will be completed for each final NEPA document that lacked a complete description of the Section 7 informal or formal consultation process. The form will include a complete description of the consultation process and incorporate them into the NEPA document by reference.</p> <p>Discussions will also be held with the project generalists and biologists who prepared the environmental documents with corrective actions to ensure that they understand the Section 7 requirements under review, and the need to use the ED and BA annotated outlines.</p>	<p>District staff completed revalidation forms for each affected environmental document that included current species list(s), Section 7 findings with correct regulatory language, and/or descriptions of the Section 7 consultation process, as needed.</p> <p>Discussions were held with the affected project staff highlighting the Section 7 documentation requirements addressed by these corrective actions.</p> <p>Headquarters Office of Biological Studies updated the Natural Environmental Studies and Natural Environmental Study (Minimal Impact) outlines and posted them to the SER November 2018 clarifying NMFS species list requirements.</p> <p>The December 2018 Headquarters Environmental Coordinators Update included a reminder to district staff to include a NMFS species list in the environmental document of every project located within NMFS jurisdiction, and to make No Effect findings for all applicable species on the USFWS and NMFS species lists.</p>

Table 2. Performance Metric A.i.2.: Implemented Corrective Actions Identified in Caltrans' 2017 Monitoring Report (Continued)

Performance Measure	Components of Measure <sup>a</sup>	Metric <sup>b</sup>	2017 Monitoring Corrective Actions	Implementation of Corrective Actions
		<b>A.ii.1.</b> (Continued)	<p><b>Section 106:</b> A Caltrans revalidation form will be completed for each of the projects with irregular Section 106 documentation. The Memorandum of Understanding and letter of concurrence from the State Historic Preservation Officer will be attached to the form and incorporated into the affected final NEPA document by reference.</p> <p>Discussions will also be held with the project generalists and cultural resources specialists for these projects to ensure that they understand the problems that were discovered with their documentation.</p> <p><b>Section 4(f):</b> A Caltrans revalidation form will be completed for each project that had irregular Section 4(f) documentation. The forms will provide an explanation that a de minimis finding replaced an earlier temporary occupancy exception, and pertinent correspondence from agencies with jurisdiction over Section 4(f) resources will be attached. Each form will incorporate the changes into the final NEPA document by reference.</p> <p>Discussions will also held with the generalists for these projects, who prepared the Section 4(f) sections, to ensure that they understand the Section 4(f) documentation problems that were discovered.</p>	<p>District staff completed revalidation forms for each affected environmental document clarifying and correcting the Section 106 documentation, as needed. Documentation missing from the environmental document were attached to the form.</p> <p>Discussions were held with the affected project staff emphasizing the Section 106 documentation requirements addressed by these corrective actions.</p> <p>Districts completed revalidation forms for each affected environmental document addressing the identified Section 4(f) deficiencies, as needed. Documentation missing from the environmental document were attached to the form.</p> <p>Discussions were held with affected project staff to review the Section 4(f) requirements for determination of “use” and for agency correspondence to be in the environmental document.</p>
	(See note at the end of this table for explanation of italicized metrics)	<b>A.ii.1.a.</b> <i>Compliance with other Executive Order 11990; Executive Order 11988; and Section 176(c) of the federal Clean Air Act</i>	<p><b>Executive Order 11990:</b> <i>A revalidation form will be completed for both projects that lacked an Only Practicable Alternative Wetlands Finding.</i></p> <p><i>Discussions will also be held with the project generalists and wetland specialists for these projects to ensure that they understand the problems that were discovered with their documentation.</i></p>	<p><i>District staff completed revalidation forms that confirmed wetland impacts and documented Only Practicable Alternative Wetlands findings.</i></p> <p><i>Discussions were held with affected project staff to review EO 11990 requirements.</i></p>

Table 2. Performance Metric A.i.2.: Implemented Corrective Actions Identified in Caltrans' 2017 Monitoring Report (Continued)

Performance Measure	Components of Measure <sup>a</sup>	Metric <sup>b</sup>	2017 Monitoring Corrective Actions	Implementation of Corrective Actions
		<b>A.ii.1.a.</b> (Continued)	<p><b>Executive Order 11988:</b> A revalidation form will be completed for each project with irregular EO 11988 documentation. One form will clarify that the project will not result in a significant encroachment into the 100-year floodplain including supporting information and data, as needed, and another will document that the project is not located within the 100-year floodplain, as applicable.</p> <p>Discussions will also be held with the project generalists and hydraulic specialists for these projects to ensure that they understand the problems that were discovered with their documentation.</p> <p><b>Section 176(c):</b> A revalidation form will be completed for two projects that clarifies that the projects are exempt from having an air quality conformity determination based on 40 CFR 93.126. The forms will also identify the pertinent project type from Table 2 in 40 CFR 93.126.</p> <p>Discussions will also be held with the project generalists and air quality specialists for these projects to ensure that they understand the problems that were discovered with their documentation.</p>	<p>District staff completed revalidation forms for each affected environmental document addressing the identified EO 11988 irregularities.. Discussions were also held with affected project staff to review the requirements of EO 11988.</p> <p>District staff completed revalidation forms for both projects needing clarifications related to the air quality conformity determination exemption.</p> <p>Discussions were held with the affected project generalist and technical staff emphasizing documenting compliance with air quality conformity requirements.</p>
	(See note at the end of this table for explanation of italicized metrics)	<b>A.ii.1.b.</b> Compliance with 23 USC Sec.139 (Efficient Environmental Reviews for Project Decision-making)	Discussions will be held with affected staff to ensure that they understand 23 USC 139 requirements including changes and clarifications to this regulation made under the FAST Act.	Discussions were held with the affected district staff emphasizing the 23 USC 139 documentation requirements.
	(See note at the end of this table for explanation of italicized metrics)	<b>A.ii.1.c.</b> Compliance with Traffic Noise Analysis Protocol requirements	<p>A Caltrans revalidation form will be completed for one project that clarifies and justifies that the project is not a Type 1.</p> <p>Discussions will also be held with the project generalist and noise specialist for this project to ensure that they understand the omission that was discovered with their documentation.</p>	<p>District staff completed a revalidation form clarifying that the project was not a Type 1 and the rationale for this conclusion.</p> <p>Discussions were also held with affected project staff to review the documentation requirements for Noise, as identified in Caltrans' environmental document annotated outlines.</p>

Table 2. Performance Metric A.i.2.: Implemented Corrective Actions Identified in Caltrans' 2017 Monitoring Report (Continued)

Performance Measure	Components of Measure <sup>a</sup>	Metric <sup>b</sup>	2017 Monitoring Corrective Actions	Implementation of Corrective Actions
<b>B.</b> Attainment of supportable NEPA decisions  <b>i.</b> Maintain internal quality control and assurance measures and processes, including a record of:	<b>B.i.b.</b> Compliance with Caltrans environmental document content standards and procedures	<b>B.i.b.1.</b> Percentage of internal QC certification forms certifying consistency with annotated outline	District staff for the project with incomplete final NEPA document internal QC review forms will update the project file by adding a memo explaining that the reviews were conducted, but that the reviews were not documented appropriately.  Discussions will be held with affected staff to ensure they have a full understanding of the proper documentation requirements for environmental document QC reviews.	District staff added a memo to the project file certifying completion of the environmental document QC review process. Discussions were held with affected staff to ensure they have a full understanding of the proper documentation requirements for environmental document QC reviews.
		<b>B.i.b.2.</b> Percentage of sampled environmental documents that followed applicable annotated outline	A revalidation form will be completed for each project with documents that deviated from the annotated outline. The forms will describe the missing information or make the needed corrections. Discussions will also be held with the affected project generalists to ensure that they understand the requirements of the annotated outlines.	District staff completed revalidation forms with a complete list of topics and corrections. Discussions were held with affected project generalists to ensure that they understand these requirements.
		<b>B.i.b.3.</b> Percent of draft and final environmental documents for which the completed QA/QC procedures are appropriately completed based on an independent review of the internal QC certification form and follow-up information	District staff will add notes to affected project files to clarify the reasons why: <ul style="list-style-type: none"> <li>● QC reviews were completed but certification forms were missing or incomplete;</li> <li>● Certain QC review steps were not conducted due to project schedules;</li> <li>● Reviews conducted were out of sequence;</li> <li>● Reviews were conducted after NEPA approval.</li> </ul> Discussions will be held with affected staff to ensure they have a full understanding of the proper documentation requirements for environmental document QC reviews.	District staff added memos to project files describing the reasons for deviations from Caltrans QC review process. Discussions were held with affected staff to ensure they have a full understanding of the proper documentation requirements for environmental document QC reviews.
		<b>B.i.b.4.</b> Percent of DEDs and FEDs with completed checklists	For the project without a completed checklist, staff will add a note to the project file documenting the reason for the missing checklist. For the project with a partial checklist, district staff will update the project file with a completed checklist.	Districts updated project files with completed checklists and documentation explaining the corrections.

Table 2. Performance Metric A.i.2.: Implemented Corrective Actions Identified in Caltrans' 2017 Monitoring Report (Continued)

Performance Measure	Components of Measure <sup>a</sup>	Metric <sup>b</sup>	2017 Monitoring Corrective Actions	Implementation of Corrective Actions
	<b>B.i (Continued)</b>			
	<b>B.i.c.</b> Documentation of project records for projects under the NEPA Assignment Program	<b>B.i.c.1.</b> Percent of sampled EA/EIS project files organized according to the established filing system	District staff will place the missing materials in the project files behind the appropriate tab or place a note in the files where the documentation can be found (such as "in the cultural resource specialist's file). Discussions will be held with the responsible staff to ensure they understand the UFS filing protocols.	Staff gathered the missing documents and placed them in the project files. For projects with files that did not conform to UFS requirements, discussions were held with the responsible staff.
<b>C.</b> Monitor relationships with agencies and the general public (effectiveness of relationships with agencies and the general public	<b>C.ii.</b> Maintain effective responsiveness to substantive comments received from the public, agencies, and interest groups on NEPA documents	<b>C.ii.1.</b> Percentage of signed final document internal QC certification forms in file with public review comments box checked	Discussions will be held with district staff to remind them to verify all sections of the certifications forms are complete prior to environmental document approval.	Discussions were held with affected staff to ensure they have a full understanding of the proper documentation requirements for environmental document QC reviews, including ensuring complete and accurate forms.

*Explanation of italicized metrics:* In addition to the metrics developed in conjunction with FHWA (see footnote "b" below), Caltrans also measures and reports on performance of five additional metrics that are related to specific federal environmental regulations. These additional metrics broaden the review of compliance with federal requirements with additional regulations that protect specific sensitive environmental resources. These metrics are identified as A.ii.1.a–e.

<sup>a</sup> The four performance measures listed in this table are identified in Section 10.2 of the 2016 MOU (labeled A–D to correspond with their identifiers in the MOU). The 2016 MOU also identifies the "components" of each measure (labeled i, ii, and iii consistent with the MOU).

<sup>b</sup> The "metrics", associated with each component (labeled with Arabic numerals such as 1, 2, 3 etc.), were developed in discussions with FHWA and have been evaluated consistently each year under NEPA Assignment.

- A copy of the Programmatic Biological Opinion was not placed in the final environmental document. (2)

**Section 106 (59%: 17 out of 29 complied, 12 did not)**

- Regulatory language was not used for Section 106 findings. (6)
- The supporting documentation provided in the final environmental document and/or project file did not comply with Caltrans' requirements in terms of level of detail or completeness. (5)
- The conditions of the Memorandum of Agreement (MOA) were not summarized, as required by Caltrans' environmental document annotated outlines (but a copy of the MOA was provided in the environmental document). (1)
- Findings were provided for individual resources, but not for the project, as a whole. (2)

**Section 4(f) (79%: 23 out of 29 complied, 6 did not)**

- A de minimis finding was not documented for an historic property with a finding of No Adverse Effect with Standard Conditions. (1)
- A recreational facility that was not publicly owned was erroneously evaluated as a Section 4(f) resource. (1)
- The documentation provided was incomplete, had errors, and/or did not follow Caltrans' annotated outline for Section 4(f) analyses. (6)

**A.ii.1a. Compliance with Executive Order 11990, Executive Order 11988, and Section 176(c) of Federal Clean Air Act (41%: 12 out of 29 complied, 17 did not):** Caltrans achieved 41 percent overall compliance for this performance metric as 12 out of 29 final environmental documents/CEs reviewed complied with all review elements related to these three regulations, and 17 did not. A brief description of the findings associated with each regulation is provided below.

**Executive Order 11990 (90%: 26 out of 29 complied, 3 did not)**

- A Wetlands Only Practicable Alternative Finding should have been provided but was not. (1)
- The documentation was not clear as to whether permanent impacts would occur to federal jurisdictional wetlands. (1)
- A figure showing the location of wetlands was not provided, as required by Caltrans' environmental document annotated outlines. (1)

**Executive Order 11988 (72%: 21 out of 29 complied, 8 did not)**

- The documentation provided for projects that would not result in a significant encroachment in a 100-year floodplain was incomplete. (2)
- The documentation did not clearly indicate if the project is located in a 100-year floodplain. (2)
- The conclusion, that a project would not result in a significant encroachment in a 100-year floodplain, is missing. (1)
- The conclusion, that a project would not result in a significant encroachment in the 100-year floodplain, was erroneously made since the project is not located in a 100-year floodplain. (3)

**Section 176(c) of the Federal Clean Air Act (59%: 17 out of 29 complied, 12 did not)**

- The documentation supporting projects that are exempt from having to make a conformity determination was incomplete, based on Caltrans' documentation requirements, or contained errors in describing the regulatory framework for conformity determinations. (13)

**A.ii.1.b. Compliance with 23 USC Sec.139 (100%: 1 out of 1 complied):** One draft EIS was approved during the monitoring period in Districts 4, 6, 8, and 10. This document complied with all elements reviewed for compliance with the requirements of 23 USC 139.

**A.ii.1.c. Traffic Noise Analysis Protocol (93%: 27 out of 29 complied, 2 did not)**

- Documentation lacked disclosure as to whether the project was a Type 1, as required by Caltrans' environmental document annotated outlines. (1)
- The language used for conclusions on the feasibility and reasonableness of sound walls did not follow Caltrans' annotated outlines. (1)

**A.ii.1.d. Appropriate Use of Categorical Exclusions (100%):** Caltrans achieved 100 percent overall compliance for this performance metric as all four reviewed 23 USC 327 CEs fit the definition of a categorically excluded action.

**A.ii.1.e. Appropriate Use of 23 USC 326 versus 23 USC 327 Categorical Exclusions (100%):** Caltrans achieved 100 percent overall compliance for this performance metric as all four reviewed 22 USC 327 CEs did not fit any of the 23 USC 326 CE project types.

## **B. Attainment of Supportable NEPA Decisions**

**B.i.a.1. Legal Sufficiency Determinations:** No legal sufficiency findings were needed during this monitoring period, as there were no final EISs or individual Section 4(f) evaluations approved.



**B.i.b.1. Certifications for Consistency with Annotated Outlines (98%):** Fifty-eight of 59 (98 percent) draft and final environmental documents approved during the 2018 monitoring period had an internal QC certification form signed by the environmental document preparer indicating that the document was prepared consistent with the applicable environmental document annotated outline, and one lacked this certification.

- The internal QC review was completed, but the form had missing certification signatures. (1)

**B.i.b.2. Consistency with Annotated Outlines (83%):** Of the 59 draft and final environmental documents reviewed, 49 (83%) were consistent with the organization and coverage of topics required by the annotated outlines, and ten had irregularities as summarized below:

- NEPA Assignment language was missing from the body of the final environmental document or FONSI, or the NEPA Assignment language did not correspond exactly with Caltrans' environmental document annotated outline. In all cases, the cover of the environmental document contained the appropriate language. (4)
- An environmental topic, not germane to a project, was not specifically dismissed in the environmental document. (3)
- A topic was erroneously dismissed (but the same topic was also comprehensively addressed in the body of the document). (1)
- The section headers deviated from what is required per the annotated outline. (2)

**B.i.b.3. Proper Implementation of Environmental Document Quality Control Requirements (73%):** Of the QC review processes conducted for 59 draft and final environmental documents, 43 (73%) were implemented properly and 16 had one or more of the following irregularities related to the following review questions:

***Were all QC reviews completed as required by Caltrans internal certification QC form?***

- Technical editor, independent peer, or NEPA QC reviews were not completed, as required. (7)
- All QC reviews were completed, but were not properly documented on the QC certification forms. (8)

***Were all internal QC reviews conducted after the last certification date on the external certification form?***

Of the 59 approved environmental documents that were reviewed, 38 were prepared by external partners (either local agencies or consultants).

- External QC reviews were not conducted prior to internal reviews. (1)

- External versus internal QC reviews were conducted sequentially, as required, but the sequential reviews were not properly documented on the QC certification forms. (4)

***Was the last internal QC review conducted by the Environmental Branch Chief?***

The Environmental Branch Chief was the last to sign the environmental documents, as required by Caltrans QC review procedures, for all 59 reviewed environmental documents.

***Were all internal QC reviews conducted before the environmental document was signed?***

All 59 reviewed environmental documents had evidence documented on the internal QC forms that NEPA approvals had occurred on the same date or after the last date of the last internal QC review.

**B.i.b.4. Completed Environmental Document Checklist (92%):** Of the 59 reviewed environmental documents, Caltrans found the checklist was accurately completely for 54 (92%) of these documents prior to environmental approval, and five were not.

- The checklist was not completed. (4)
- The completed checklist was missing page number references. (1)

**B.i.c.1. Files Organized According to the Established Filing System (42%):** Caltrans inspected 48 project files in Districts 4, 6, 8 and 10 for consistency with the UFS. Twenty of the 48 files (42%) were deemed to be complete and organized consistently with UFS requirements, and 28 were not.

- Materials, which the UFS specifies should be included in the environmental file, were missing from the file. (28)

## **C. Monitor Relationships with Agencies and the General Public**

This performance measure is evaluated based on three performance metrics: (1) ratings provided by the resource agencies with whom Caltrans partners; (2) ratings of materials used at public meetings; and (3) ratings of Caltrans' performance at public meetings.

**C.i.1. Average Evaluation Ratings from Resource Agency Surveys (78% versus a goal of 74% or higher):** Figure 1 shows the percentage of Resource Agency Survey respondents who rated Caltrans favorably for the following 10 qualities:

- Capable of assumption
- Responsiveness
- Listening skills
- Consultation efficiency

- Quality
- Conscientiousness in adhering to federal laws
- Cooperativeness on existing programmatic agreements and MOUs
- Interagency coordination
- Timeliness

Favorable responses include the following:

- Answers of “yes” (but excludes answers of “no”) on questions regarding whether Caltrans possesses a specified quality;
- Answers of “strongly agree”, or “somewhat agree” (but excludes answers of “neither agree nor disagree”, “somewhat disagree”, or “strongly disagree”) to questions asking if Caltrans possesses a specified quality;
- Ratings of “excellent”, “very good”, or “good” (but excludes ratings of “average” and “poor”) relative to a specified quality.

As 2018 is the eleventh year that Caltrans has participated in the NEPA Assignment Program and the tenth year that Caltrans has administered the resource agency survey, the 2018 resource agency survey reporting effort included a critical assessment of the survey questions and overall assessment methods to determine if they are still effectively measuring Caltrans’ relationships with resource agencies. Toward this end, a number of changes were made to the survey and assessment methods to improve the effectiveness of the survey and usefulness of the survey results; however, the qualities that were surveyed remain the same. For more details on the changes to the survey and assessment methods, refer to *Caltrans Resource Agency Report under the Surface Transportation Project Delivery Program, FY 2017-2018 Performance*.

The goal for this metric is that the average 2018 percentage of favorable responses for all 10 qualities is equal to or exceeds the cumulative average percentage of favorable responses received for all qualities during the surveys undertaken between 2009 and 2018. During the 2018 monitoring period, Caltrans had an average of 78 percent favorable responses for all questions, as compared to 74 percent for 2009-2018. Therefore, Caltrans exceeded the cumulative average rating and has exceeded its 2018 goal for this metric.

**C.i.2. Average Evaluation Ratings from Review of Public Meeting Materials (4.7 versus a goal of 4.6 or higher):** Figure 2 shows the average ratings for materials that were used for 23 public meetings held for projects with draft environmental document approvals during the 2018 monitoring period. The following qualities were rated:

- Public notice met SER requirements.
- Adequate opportunities for public to provide comments were available.

- Appropriate specialized Caltrans staff were available to discuss project purpose and need and alternatives.
- Display materials depicting project alternatives were easy to understand.
- Display materials depicting project impacts were easy to understand.
- Meeting was accessible.

The ratings were based on the following five-point scale:

1. Disagree strongly
2. Disagree somewhat
3. Neutral
4. Agree somewhat
5. Agree strongly

The goal for this metric is that the average 2018 rating for all questions is equal to or exceeds the cumulative average rating for all questions for the surveys conducted between 2008 and 2018. In 2018, Caltrans achieved an average rating of 4.7 for all questions, as compared to a cumulative average rating of 4.6 for 2008–2018. Therefore, in 2018, Caltrans exceeded the cumulative average rating and has exceeded its goal in this area.

**C.i.3. Average Evaluation Ratings for Anonymous Third-Party Public Meeting Review (4.6 versus a goal of 4.5 or higher):** Figure 3 presents the average ratings of anonymous, independent consultants who attended five draft environmental document public meetings during the 2018 monitoring period. The consultants reviewed the performance of Caltrans’ district staff at these meetings in the following areas (using the same 5-point scale as described above for the public meeting materials review.):

- Handouts provided clear information and were understandable to the public.
- Visual aids were beneficial.
- Information needed to understand the project was provided.
- Project staff conveyed their knowledge effectively.
- Project staff responded effectively to questions.
- Project staff treated participants with courtesy and respect.
- Meeting was valuable.
- Meeting was an overall positive experience.

The goal for this metric is that the average 2018 monitoring rating equals or exceeds the cumulative average rating of the reviews that were conducted between 2009 and 2018. In

2018, Caltrans achieved an average rating of 4.6 for all questions, as compared to an average cumulative rating of 4.5 between 2009 and 2018. Therefore, Caltrans met its goal in this area.

**C.ii.1. Percentage of Signed Final Document QC Forms with Public Review Comments Box Checked (80%):** Twenty of the 25 final environmental documents that were reviewed had QC certification forms showing that public review comments had been addressed appropriately, but five did not.

- QC certification forms were otherwise complete, but the checkbox indicating public review comments had been addressed was left blank in error. (5)

**C.iii.1. Date that Formal Conflict Resolution Action Began to Date Resolution Reached:** No formal conflict resolution action has been initiated on any NEPA Assignment project.

## D. Timely Completion of NEPA Process

Review of the four timeliness metrics, as described below, indicates that Caltrans achieved a substantial time savings for each measured environmental milestone.

**D.i.1. Draft Environmental Document Review and Approval Median Time Frames:** Caltrans achieved a savings of 3.0 (draft EA) and 3.3 (draft EIS) months in the median time that it took to review and approve draft environmental documents that were approved through the 2018 monitoring period, as compared to the baseline of pre-NEPA Assignment approvals by FHWA. These time savings are shown in the first and third rows of Table 3 below.

**Table 3. Environmental Document Review and Approval Time Savings**

Milestone	Median Timeframe in Months (Number of Projects)		Median Time Savings in Months
	Pre-NEPA Assignment Program Projects	NEPA Assignment Program Projects Through June 2018	
Begin QC of administrative draft EA to <b>draft EA</b> approval	5.4 (29)	2.4 (215)	3.0
Begin QC of administrative final EA to <b>FONSI</b> approval	2.5 (22)	1.6 (200)	0.8
Begin QC of administrative draft EIS to <b>draft EIS</b> approval	9.3 (8)	6.0 (22)	3.3
Begin QC of administrative final EIS to <b>final EIS</b> approval	9.9 (4)	5.8 (20)	4.1

**D.i.2. Final Environmental Document Review and Approval Median Time Frames:** As shown in the second and fourth rows of Table 3, Caltrans also achieved savings of 0.8 (FONSI) and 4.1 (final EIS) months in the median time that it took to review and approve final environmental documents.

**D.i.3. Draft Environmental Document Preparation Median Time Frames:** Caltrans achieved savings of 10.8 (draft EA) and 25.4 (draft EIS) months in the median time that it took to prepare draft environmental documents approved through the 2018 monitoring period,

as compared to the FHWA baseline. These time savings are shown in the first and third rows of Table 4.

**Table 4. Environmental Document Preparation Time Savings**

Milestone	Median Timeframe in Months (Number of Projects)		Median Time Savings in Months
	Pre-NEPA Assignment Program Projects	NEPA Assignment Program Projects Through June 2018	
Begin environmental studies to <b>draft EA</b> approval	42.3 (31)	31.5 (229)	10.8
Begin environmental studies to <b>FONSI</b> approval	54.1 (31)	40.7 (197)	13.4
Notice of Intent to <b>draft EIS</b> approval	69.9 (8)	44.4 (22)	25.4
Notice of Intent to <b>final EIS</b> approval	193.9 (5)	68.9 (18)	125.0

**D.i.4. Final Environmental Document Preparation Median Time Frames:** As shown in the second and fourth rows of Table 4, Caltrans also achieved savings of 13.4 (FONSI) and 125.0 (final EIS) months in the median time that it took to prepare final environmental documents.

**D.ii.1. Section 7 Consultation Median Time Frames:** Table 5 shows the median time savings that has been achieved for Section 7 FESA formal consultations. Caltrans has achieved a savings of 5.1 months for the past 11 years of the NEPA Assignment Program as compared to pre-NEPA Assignment consultations.

**Table 5. Section 7 Consultation Time Savings**

Milestone	Median Timeframe in Months (Number of Biological Opinions)		Median Time Savings in Months
	Pre-NEPA Assignment Program Projects	NEPA Assignment Program Projects Through June 2018	
Submittal of Section 7 documentation to resource agency to Biological Opinion	11.0 (25)	5.9 (147)	5.1

## Program-Level Review

### Improved Guidance: Standard Environmental Reference Updates

Caltrans continues to update the SER, Local Assistance Procedures Manual, and the NEPA Assignment external and internal website pages to clarify NEPA Assignment requirements, as needed. The most notable updates to the SER that addressed findings during this monitoring period included the following:

## Forms and Templates

- Revisions to the environmental document annotated outlines including the following key updates:
  - Reference to the 2014 Section 106 Amended Programmatic Agreement;
  - Inclusion of the Transportation Management Plan Guidelines;
  - Incorporation of a new Mobile Source Air Toxic flowchart;
  - Improvements to the Climate Change section;
  - Clarification on the language that must be used to document findings required under a number of federal environmental regulations;
  - Improvements to the Section 4(f) appendix;
- Updates to the Environmental Document Review Checklist to reflect updates to the annotated outlines;
- Update of the CE Checklist that includes the most recent dollar amounts for CEs under 23 CFR 771.117(c)(23) and clarifications on constraints for CEs under 23 CFR 771.117(c)(26), (c)(27), or (c)28;
- Creation of a new Air Quality Report annotated outline;
- Updates to Natural Environmental Studies and Natural Environmental Study (Minimal Impact) outlines to clarify NMFS species list requirements;

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- Updates to Chapter 1, “Federal Requirements”, to include links to updated U.S. Department of Transportation guidance for 23 USC 139 Efficient Environmental Review;
- Revisions to Chapter 5, “Preliminary Environmental Scoping”, to incorporate the contents of the Preliminary Environmental Assessment Report Manual;
- Modifications to Chapter 38, “NEPA Assignment”, to, most notably, (1) Reflect changes introduced in the 2016 23 USC 327 MOU including revised NEPA Assignment language required for environmental documents, technical reports, and decision documents; and (2) Clarify guidance on the timing for completion of the internal and external quality control certification forms;

## Other Guidance

- Issuance of Fact Sheets that provide clarification on projects exempt from air quality conformity requirements under 23 CFR 93.126 and when transportation conformity determinations may be needed for CE projects;
- Updates to the Federal State Transportation Improvement Program (FSTIP) Fact Sheet to include the latest fiscal constraint guidance from FHWA;

- Expanded guidance for emergency projects;
- Addition of new guidance on documenting compliance with coastal requirements related to coastal wetlands, environmentally sensitive habitat areas, agricultural lands, and coastal access.

## Training

The FY 2017-18 Caltrans NEPA Assignment Training Plan identified all training courses to be offered to Caltrans environmental staff and technical specialists on an as-needed basis during the fiscal year. These courses included 13 live training sessions that were to be offered one or more times and one on-line course. All the training courses specified in the training plan were delivered during FY 2017-18. Also, a new course titled, *Caltrans Projects in the Coastal Zone: Mastering the Coastal Permitting Process*, was delivered as a beta in August 2018 and will be delivered to students in FY 2018-2019. In addition to the live training sessions offered in FY 2017-2018, Caltrans online “on-demand” training web site includes ten courses that are available for staff to take any time throughout the year.

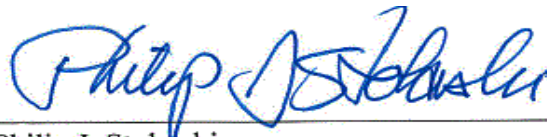
Caltrans also provided legal sufficiency training to its attorneys assigned to environmental document review duties under NEPA Assignment, in FY 2017-2018, as required in 23 CFR 771.125(b). This training also included the standard Section 7 FESA and Section 4(f) training offered to environmental staff.

Caltrans regularly reviews the results of course evaluations submitted by participants and trainers and revises and/or augments course content in response to comments received.

## Statement by Chief, Division of Environmental Analysis

Based on Caltrans’ monitoring of its performance, during FY 2017-2018, under the Surface Transportation Project Delivery Program, I find the responsibilities assumed by Caltrans under the 23 USC 327 MOU are being carried out in accordance the MOU and all applicable federal laws and policies.

Signed:



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Philip J. Stolarski  
Chief, Division of Environmental Analysis  
California Department of Transportation

Date:

4/10/19



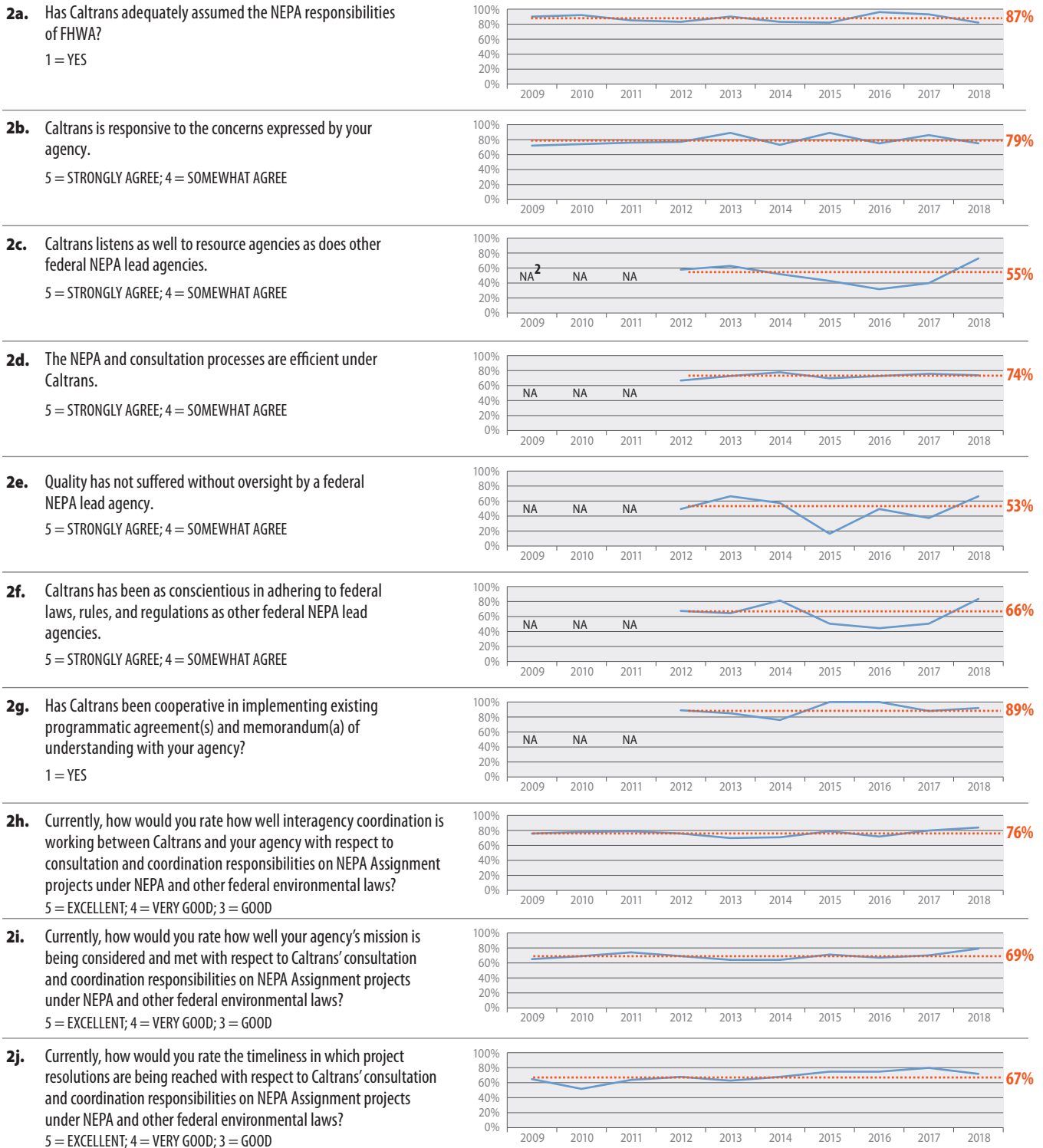
**Figure 1**  
**2018 Resource Agency Survey Results<sup>1</sup>**

1,2

**All questions combined: Cumulative average percentage (2009-2018) – 74%**  
**Cumulative average percentage (2018) – 78%**

**Legend**

— Average by year  
 ..... Cumulative average (2009-2018)



<sup>1</sup> Sample sizes for each survey year are as follows:  
 2009: 49 completed surveys  
 2010: 54 completed surveys  
 2011: 46 completed surveys  
 2012: 46 completed surveys for questions 2a, 2b, 2h, 2i, and 2j; 18 completed surveys for questions 2c through 2g  
 2013: 30 completed surveys for questions 2a, 2b, 2h, 2i, and 2j; 15 completed surveys for questions 2c through 2g  
 2014: 43 completed surveys for questions 2a, 2b, 2h, 2i, and 2j; 18 completed surveys for questions 2c through 2g  
 2015: 30 completed surveys for questions 2a, 2b, 2h, 2i, and 2j; 12 completed surveys for questions 2c through 2g  
 2016: 25 completed surveys for questions 2a, 2b, 2h, 2i, and 2j; 12 completed surveys for questions 2c through 2g  
 2017: 30 completed surveys for questions 2a, 2b, 2h, 2i, and 2j; 18 completed surveys for questions 2c through 2g  
 2018: 27 completed surveys

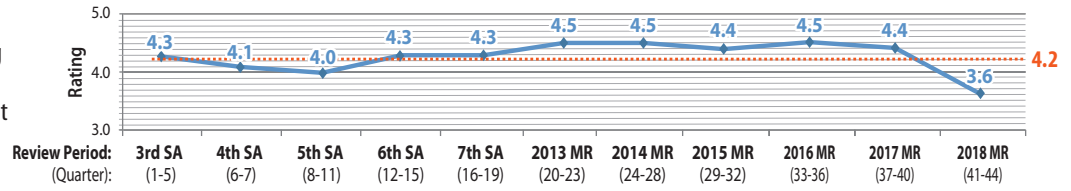
<sup>2</sup> NA = Not Applicable, since questions and responses are not comparable to the 2018 questions.

**Figure 2** 1,2  
**2018 Review of Environmental Document Public Meeting Materials<sup>1</sup>**

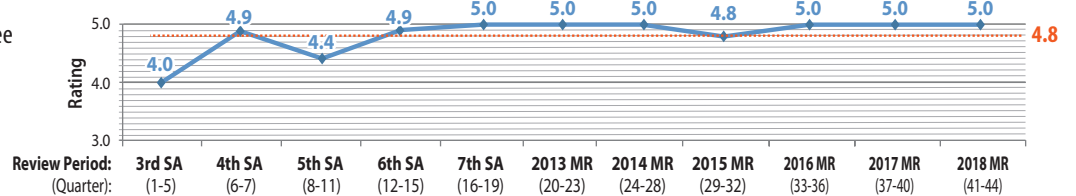
**All questions combined: Cumulative average percentage (3rd SA-2018) – 4.6**  
**Cumulative average percentage (2018) – 4.7**

**Legend**  
 — Average by year  
 - - - Cumulative average (3rd Self-Assessment-2018)

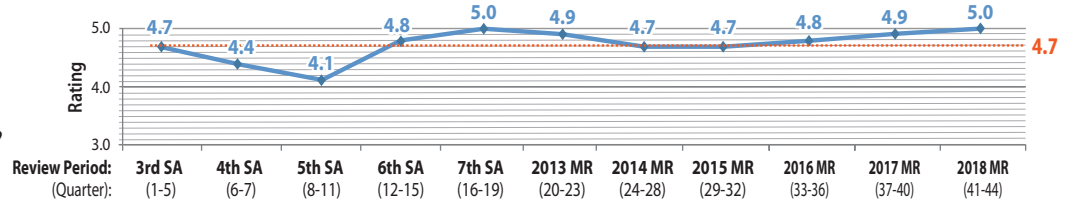
To what extent did the public meeting notice or notice of opportunity for the project environmental document meet SER requirements?



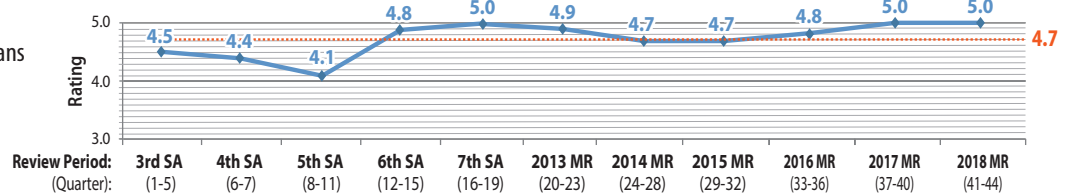
To what extent do you agree or disagree that the public meeting provided adequate opportunity for the public to register written and oral comments?



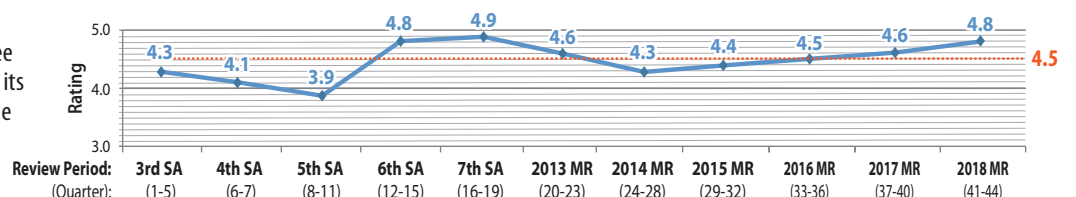
To what extent were appropriate Caltrans specialty staff available to discuss the project, its purpose and need, and alternatives with the public?



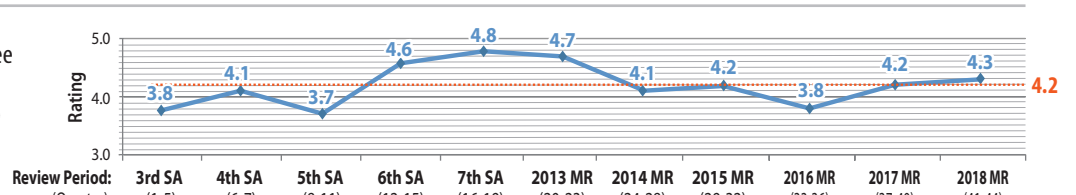
To what extent were appropriate Caltrans specialty staff available to discuss the project impacts with the public?



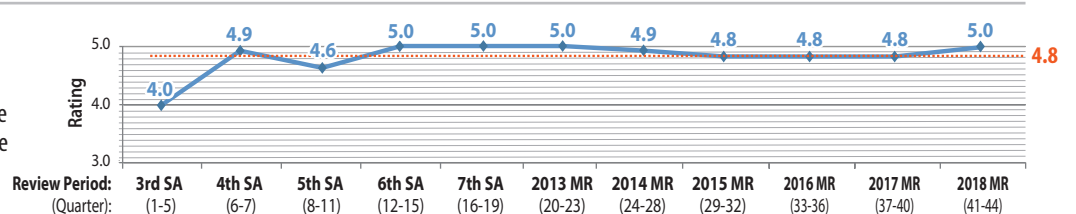
To what extent do you agree or disagree that displays depicting the project and its alternatives were easily understandable to the lay public?



To what extent do you agree or disagree that displays depicting the project impacts were easily understandable to the lay public?



Based on review of the public meeting material and input from the project generalist, to what extent do you agree that the project meeting was accessible to the public?



<sup>1</sup> Sample sizes: 3rd Self-Assessment - 27 projects; 4th Self-Assessment - 8 projects; 5th Self-Assessment - 22 projects; 6th Self-Assessment - 19 projects; 7th Self-Assessment - 16 projects; 2013 Monitoring Review - 17 projects; 2014 Monitoring Review - 15 projects; 2015 Monitoring Review - 15 projects; 2016 Monitoring Review - 17 projects; 2017 Monitoring Review - 23 projects; 2018 Monitoring Review - 23 projects.

**Figure 3**

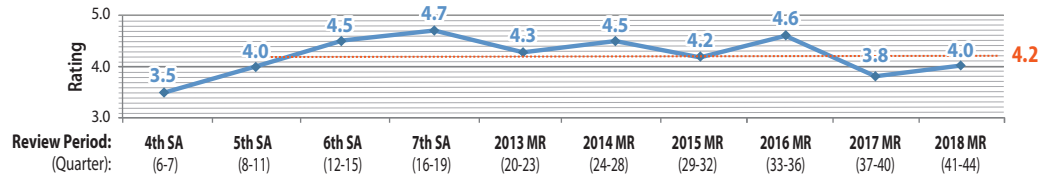
**2018 Anonymous Review of Environmental Document Public Meeting Performance<sup>1</sup>**

**All questions combined: Cumulative average percentage (4th SA-2018) – 4.5**  
**Cumulative average percentage (2018) – 4.6**

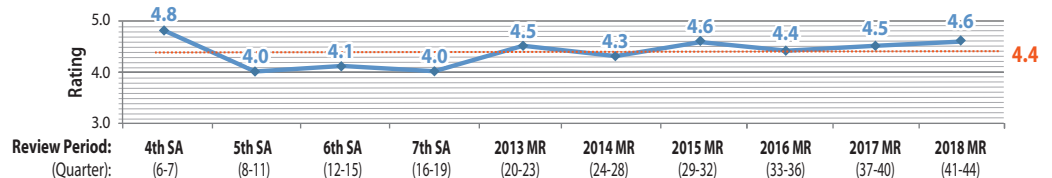
**Legend**

- Average by year
- - - Cumulative average (4th Self-Assessment-2018)

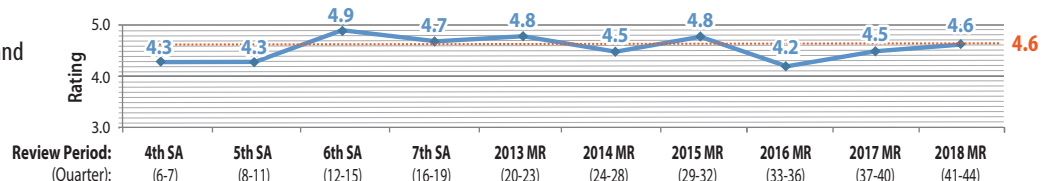
The handouts provided clear information and were understandable to the public.



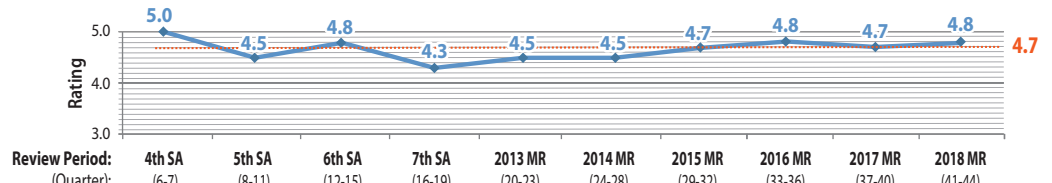
The visual aids (e.g., posters, figures, Power Point presentations, photographs, and maps) were beneficial in helping me and other members of the public understand the project and its environmental impacts.



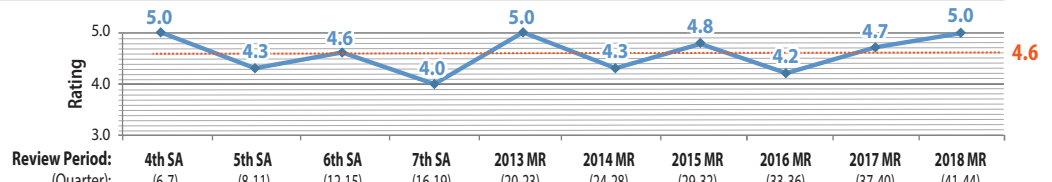
Overall, information I needed to understand the project was provided.



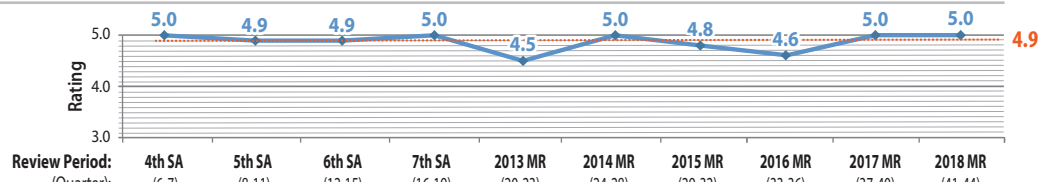
Project staff conveyed their knowledge effectively.



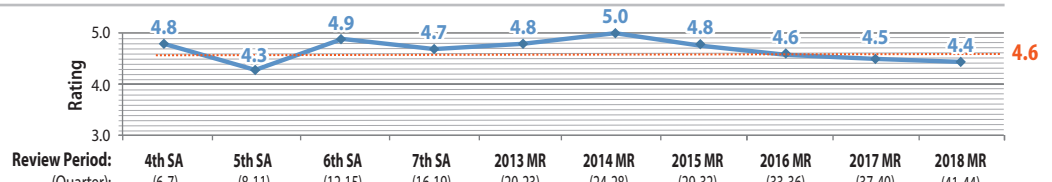
Project staff responded to questions effectively.



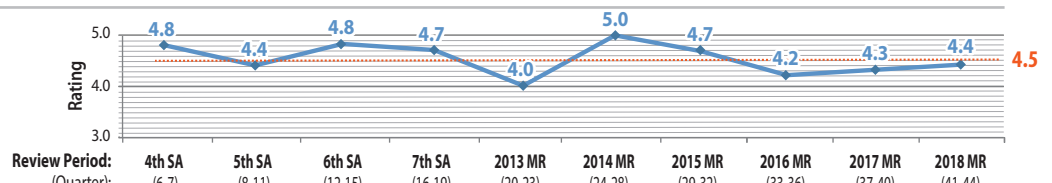
Project staff treated participants with courtesy and respect.



Overall, the meeting was valuable.



Overall, the meeting provided a positive experience.



<sup>1</sup> Sample sizes: 4th Self-Assessment - 4 projects; 5th Self-Assessment - 8 projects; 6th Self-Assessment - 8 projects; 7th Self-Assessment - 3 projects; 2013 Monitoring Review - 4 projects; 2014 Monitoring Review - 4 projects; 2015 Monitoring Review - 9 projects; 2016 Monitoring Review - 5 projects; 2017 Monitoring Review - 6 projects; 2018 Monitoring Review - 5 projects.