



PROJECT DELIVERY LEADERSHIP TEAM

OPERATIONAL NOTICE

NUMBER	REVISION #	SUPERSEDES	EFFECTIVE DATE	VALIDATION DATE	RESCINDED DATE
PD-04	1	09-01-2000	05-13-2013		
SUBJECT			TOPIC/PROGRAM		
Environmental Performance Standards			Environmental		

PURPOSE

This Operational Notice (Notice) provides expectations and guidance to the ODOT Project Delivery business line for meeting environmental performance standards (EPS) as required by Section 18 of the Oregon Jobs and Transportation Act (JTA) and Oregon Administrative Rule (OAR) 734-024-0005 to 0040.

BACKGROUND

The JTA is a law passed by the 2009 Oregon Legislature to support transportation infrastructure. Section 18 of the JTA required ODOT to adopt an OAR, taking into consideration (a) incorporating EPS into the design and construction of all ODOT highway construction projects, including local agency highway construction projects funded by ODOT, and (b) improving the environmental permitting process for state highway construction projects. The Oregon Transportation Commission adopted these administrative rules in May 2011 (OAR 734-024-0005 to 0040).

The EPS described in this Notice are both a standard of environmental stewardship practice and a refinement of environmental regulatory requirements. EPS are intended to support efficient project delivery and public safety while providing reasonable and improved protection of the natural environment. Thus, the EPS guide both environmental stewardship and ODOT's responsibility to manage Oregon's infrastructure investment and public safety.

Outcome-based EPS, such as fluvial design standards, allow for statewide predictability and consistency. ODOT will continue to evaluate and consider outcome-based EPS, anticipating further flexibility from regulatory agencies in the form of less prescriptive permit conditions in favor of programmatic permit standards.

SCOPE

This Notice applies to ODOT highway construction projects and local government highway construction projects funded wholly or in part by ODOT. This Notice does not apply to non-STIP related Maintenance actions.

EXPECTATIONS

The EPS are to be considered and incorporated, when triggered, at project milestones in the ODOT Project Delivery System. To effectively do so, consideration of EPS must be integrated into standard operating procedures, including forms and checklists, of project delivery processes.

EPS are required when regulated resources may be impacted above regulatory thresholds. When regulated resources are not impacted, EPS must be considered and may be incorporated into the project when practical as enhancements.

DEFINITIONS

- “Enhancement” means, with respect to the environment, an opportunity to be considered, not a requirement. Enhancement includes activities that go beyond the agreed-upon regulatory requirements whether in planning, design, construction, maintenance, or operations. For purposes of this Notice, enhancements are natural or cultural resource improvements added to or resulting from a highway construction project.
- “Environmental performance standards” means acceptable levels of environmental performance specified for project activities.
- “Environmental stewardship” means the responsibility for environmental quality while developing and managing the transportation infrastructure. It means actively working to protect and enhance our natural and cultural resources for current and future generations. It is demonstrated through continuous improvement of environmental performance while conducting the scope and purpose of ODOT’s mission.

Environmental Performance Standards

EPS define acceptable levels of avoidance, minimization, and compensation or enhancement.

EPS categories include, but are not limited to:

1. Aquatic Biological Resources
2. Terrestrial Biological Resources
3. Stormwater Management
4. Erosion and Sediment Control
5. Pollution Control
6. Cultural Resources
7. Enhancement

Refer to the reference section for detailed EPS and guidance. Additional EPS may be developed for other regulated resources.

DIRECTION/GUIDELINES

EPS must be considered, implemented, and documented at appropriate project development milestones and construction.

The reference section below provides links to documents with direction and guidelines for considering and incorporating EPS into highway project development and construction activities. The following enhancement section and reference documents provide the enhancement policy and associated EPS.

ENHANCEMENT

EPS must be considered and may be incorporated into highway construction projects when practical as enhancements.

Enhancement activities are voluntary actions within the scope of the project that benefit resources and go beyond required mitigation. Characteristics of good enhancement opportunities include actions that are:

- Opportunistic and typically low-cost when compared to the project budget and provide a justifiable resource benefit relative to cost;
- An outgrowth or extension of work already planned, constructed, or maintained, or is similar in scope and location to such work.

When deciding whether or not to take advantage of an enhancement opportunity the following factors must be evaluated:

- Right-of-way needs
- Future maintenance requirements
- Project schedules
- Life cycle costs
- ODOT business line interests
- Project budgets
- Increased community and political goodwill

ROLES AND RESPONSIBILITIES

Effective collaboration between various stakeholders is a key to success when situations require the balancing of competing priorities. Each individual involved is responsible for resolving disagreements around competing priorities directly, at the technical resource level. However, in cases where this is not possible, each individual should consult his or her manager for assistance in achieving an acceptable resolution.

POSITIONS	RESPONSIBILITIES
Area Managers and Region Tech Center Managers	Provide oversight and guidance as needed to ensure EPS are considered and incorporated into highway projects.
Region Environmental Managers	<ul style="list-style-type: none"> • Facilitate compliance of highway projects with EPS requirements. • Implement Operational Notice through coordination with ODOT Region staff and managers. • Document and report, as required.
Geo-Environmental Section Managers	<ul style="list-style-type: none"> • Facilitate collaborative working relationships between environmental regulatory agency representatives and Region managers and staff to meet JTA Section 18 requirements. • Ensure environmental standards in ODOT technical guidance are consistent with the EPS. • Compile documentation and reporting results, as required.
Project Managers	Prior to approval being granted by the Project Manager's office, coordinate construction changes to plans and specifications that may affect natural resources or environmental permit requirements with environmental managers to assess whether the proposed changes meet the EPS.

Project Leaders and Local Area Liaisons	Ensure project teams consider and incorporate EPS into highway projects during the project development phase and that documentation is included in the project file.
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References

Technical Guidance: [JTA Section 18 Environmental Performance Standards and Technical Guidance](#)

PD-02: [Project Development Decision Structure](#)