



Highway Division Project Delivery Leadership Team Operational Notice



OPERATIONAL NOTICE NUMBER PD-04	ORIGINAL EFFECTIVE DATE September 1, 2000	REVISED EFFECTIVE DATE June 5, 2018	REVIEW OR RESCIND DATE November 1, 2021	REVIEWING POSITION Project Delivery Leadership Team
OPERATIONAL NOTICE TITLE Environmental Performance Standards			TOPIC / PROGRAM Environmental	

PURPOSE:

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

BACKGROUND / RATIONALE:

The JTA, passed by the 2009 Oregon Legislature, supports transportation infrastructure. Section 18 of the JTA required ODOT to adopt an OAR that (a) incorporates EPS into the design and construction of all ODOT highway construction projects, including local agency highway construction projects funded by ODOT, and (b) improves 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 use of EPS is a standard of environmental stewardship and a refinement of environmental regulatory requirements. EPS support efficient project delivery and public safety while providing reasonable and improved protection of the natural environment. 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 predictability and consistency statewide. ODOT will continue its evaluation and consideration of outcome-based EPS, anticipating further flexibility from regulatory agencies in the form of less prescriptive permit conditions in favor of programmatic permit standards.

OVERVIEW/DIRECTION:

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.



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The EPS are to be considered and incorporated, when triggered, at project milestones in the ODOT Project Delivery System. EPS analysis must be integrated into standard operating procedures for project delivery, including forms and checklists, in order for it to be effective.

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.

ACTION REQUIRED/PROCESS:

Definitions

Enhancement	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	Acceptable levels of environmental performance specified for project activities.
Environmental stewardship	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. Storm water Management
4. Erosion and Sediment Control
5. Pollution Control
6. Cultural Resources
7. Enhancement

. Additional EPS may be developed for other regulated resources.



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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 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 & RESPONSIBILITIES:

Effective collaboration between stakeholders is 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.



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Positions	Responsibilities
Area Managers 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. 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 relationships between environment 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 by the Project Manger'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.

References:

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

Technical Guidance: [Jobs and Transportation Act](#)