

Discretionary Grants and ODOT Environmental (Non-) Involvement



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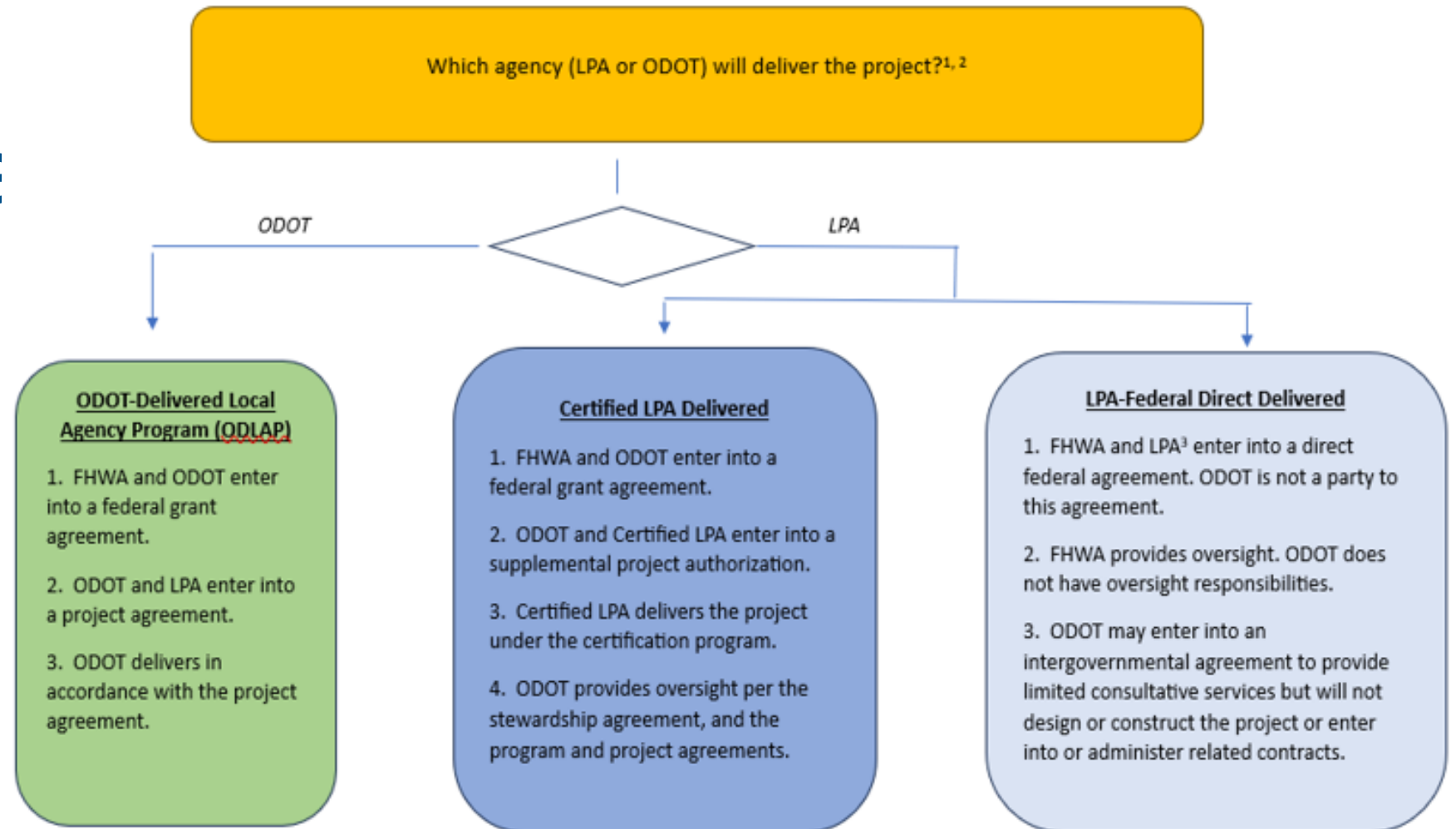
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Discretionary Grant Delivery Options

LOCAL PUBLIC AGENCY (LPA) AWARDED FHWA DISCRETIONARY GRANTS¹



FHWA Discretionary Grants – ODOT Guidance

- Analyze project delivery options
- Determine project roles and responsibilities
- Develop consultative services project agreements, if necessary



FEDERAL HIGHWAY ADMINISTRATION (FHWA) DISCRETIONARY GRANTS – INTERNAL ODOT GUIDANCE

Purpose:

The purpose of this guidance document is to assist ODOT Region Staff in developing Federal Highway Administration (FHWA) discretionary grant agreements and project agreements and to determine project roles and responsibilities. Regions are the primary contact between FHWA and the Local Public Agency (LPA). The LPA, as the grant awardee, is responsible for project delivery, not ODOT. However, the LPA may request that the project be delivered by:

1. ODOT, as an ODOT Delivered Local Agency Program (ODLAP) project, or
2. A Certified Agency under the Certification Program

Determining delivery options (ODOT Delivered, Certified Agency Delivered, or Local Agency Federal Direct Delivered) is at the discretion of the Region and the LPA. FHWA and ODOT developed the [“Determining How a Federally Funded Project Will be Delivered”](#) form (734-5440)* to assist LPAs in evaluating the preferred project delivery option. The LPA may also request consultative services to be provided by ODOT when the LPA is a Federal Direct recipient. Providing consultative services is at the Region’s discretion.

Acronyms:

A&E	Architectural and Engineering
DOJ	Department of Justice
FAHP-ESA	Federal-aid Highway Programmatic-Endangered Species Act
FHWA	Federal Highway Administration
FMIS	Financial Management Information System
LAL	Local Agency Liaison
LPA	Local Public Agency
MTIP	Metropolitan Transportation Improvement Program
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
OAR	Oregon Administrative Rule
ODLAP	ODOT Delivered Local Agency Program
ODOT	Oregon Department of Transportation
OPO	ODOT’s Procurement Office
ORS	Oregon Revised Statute
CE	Categorical Exclusion
PS&E	Plans, Specifications, and Estimate
ROW	Right of Way
SPU	Statewide Programs Unit
STIP	Statewide Transportation Improvement Program
STIP-FP	Statewide Transportation Improvement Program – Financial Plan
TPM	Transportation Project Manager



Environmental Compliance for Direct Recipients of FHWA Funding

- FHWA (not ODOT) is responsible for oversight of recipient's compliance with federal environmental requirements
- ODOT's standard environmental review processes and documentation only apply when ODOT is responsible for oversight
- Direct recipient projects cannot use the PCE Agreement or have ODOT staff/liaisons apply the Federal-aid Highway Program-Endangered Species Act or National Historic Preservation Act Section 106 Programmatic Agreements
- ODOT's environmental consultative services are limited to advice and non-binding recommendations to help the LPA understand general compliance requirements or pathways
 - ODOT staff cannot develop or approve environmental deliverables
 - ODOT liaisons cannot coordinate with tribes or regulatory agencies

Questions?

