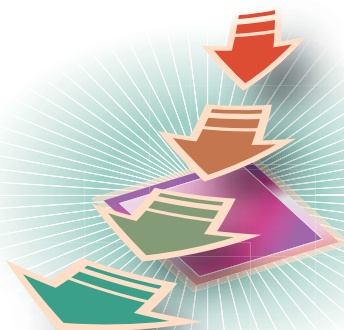




FLORIDA'S ETDM PROCESS


*Efficient
Transportation
Decision
Making*

*dispute
resolution*



**Florida Department of
Transportation
Central Environmental
Management Office**

605 Suwannee Street/Mail Station 37
Tallahassee, Florida 32399-0450
850.414.4447 tel.
850.414.4443 fax.
866.374.3368 Ex. 4447 Toll Free
www.dot.state.fl.us/emo



dispute resolution

Overview of Dispute Resolution

On December 14, 2001 the Efficient Transportation Decision Making (ETDM) Memorandum of Understanding (MOU) was signed by 23 agencies. The agencies agreed to establish an effective dispute resolution process as part of the ETDM Process.

Goals of ETDM Dispute Resolution Process:

- *Identify and begin to address disputes at the earliest possible phase of project planning – "Planning Screen Phase"*
- *Initiate dispute resolution on a project at the "Programming Screen" to resolve significant issues before advancing a project into the Five-Year Work Program beyond technical studies*
- *Resolve conflicts locally at agency staff level*

Dispute Resolution Process involves two steps:

- *Step One at Planning Phase – Identification of potential disputes and consultation among District and MPO ETDM Coordinators and ETAT to begin resolving disputes*
- *Step Two at Programming Phase – Informal and/or formal Dispute Resolution Process is initiated before project advances to Project Development Phase*

Initiating Dispute Resolution

The Process begins with the District and MPO ETDM Coordinators, who are responsible for working with the appropriate ETAT representatives to address known conflicts or issues locally at the agency staff level.

The following is a list of issues that would require dispute resolution:

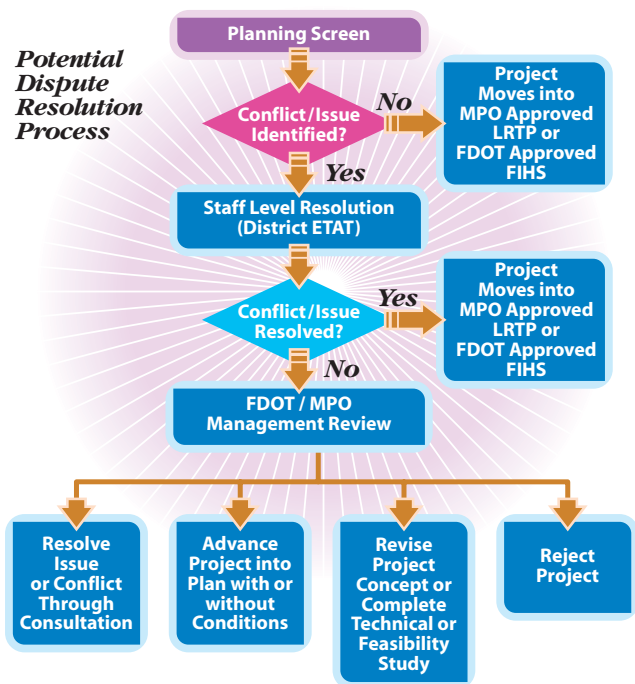
- Project cannot be permitted
- Project is contrary to a state or federal resource agency's program, plan or initiative
- Project has significant environmental cost
- Project purpose and need is disputable

Planning Phase (Step One)

Planning Phase Potential Dispute Resolution Process

- District and MPO ETDM Coordinators review the potential dispute issues and associated comments provided in the Environmental Screening Tool (EST)
- District and MPO ETDM Coordinators set up a meeting/teleconference with involved parties to discuss the potential dispute issue and a possible course of action to resolve the conflict or issue
- If the potential dispute is not resolved, FDOT or MPO upper management will decide a course of action to address the identified conflicts and issues, which may include any of the following:
 - Resolve the conflict or issue through consultation and document the resolution
 - Advance project into the Long Range Transportation Plan (LRTP) with or without conditions
 - Complete feasibility or technical study – for decision making purpose
 - Revise project concept
 - Reject project

All potential dispute resolution activities will be documented in the EST. An unresolved dispute during the Planning Phase does not prohibit a project from being included in the LRTP and advancing to the Programming Screen.



Programming Phase (Step Two)

Programming Phase Potential Dispute Resolution Process

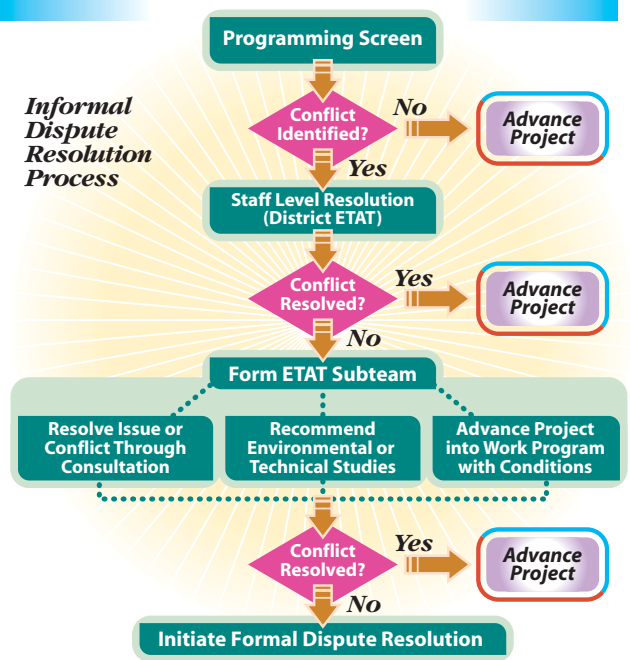
Informal Dispute Resolution Process

- Involves subteam or subunit of ETAT responsible for reviewing dispute issues
- Subteam members consist of agencies identifying issues of concern for a project, plus one or more neutral ETAT representatives to mediate the dispute within the ETAT
- Subteam is led by FDOT, with participation at discretion of each agency, depending on level of interest or concern
- ETAT subteam to address identified conflicts and issues

Three possible courses of action to address identified conflicts and issues:

- 1) Resolve the issue or conflict
- 2) Complete a feasibility or technical study
- 3) Advance project with "flags" and/or recommendation to be addressed

If a conflict remains unresolved after Informal Dispute Resolution Process, the ETDM Coordinator initiates the Formal Dispute Resolution Process.



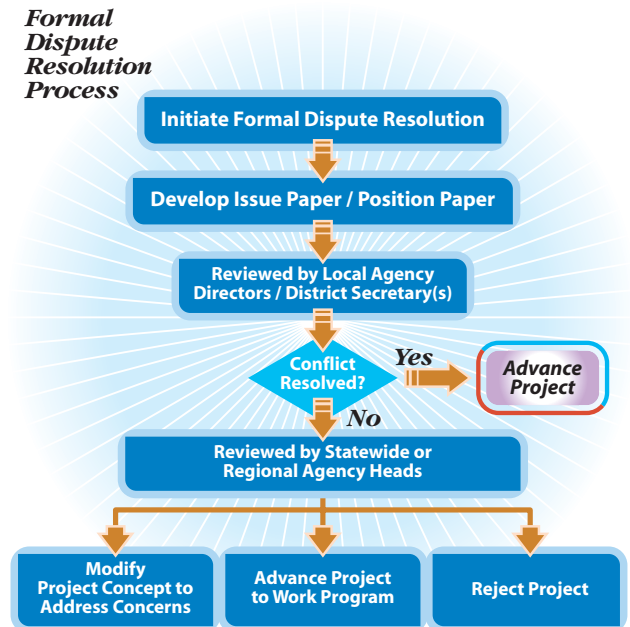
Formal Dispute Resolution Process

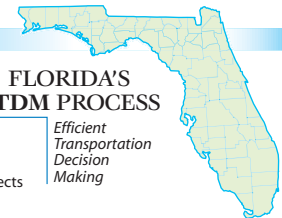
- "Issue Paper/Position Paper" prepared by FDOT District Office and agency that raised issue or dispute
- Paper reviewed by responsible ETAT member agency head and FDOT District Secretary
- Agency heads are asked to resolve issue, if possible
- If issue is still unresolved, dispute moves to statewide or regional heads
- Statewide or regional heads review all project information and determine course of action

Three possible courses of action in Formal Dispute Resolution Process:

- 1) Modify project concept
- 2) Advance project to next phase with or without conditions
- 3) Deny project

Projects that have unresolved conflicts at completion of the Programming Screen will not be advanced in the FDOT Five-Year Work Program for any purpose other than technical studies and preliminary design to resolve the conflicts.





FLORIDA'S ETDM PROCESS

Efficient
Transportation
Decision
Making

Environmental Screening Tool

The Environmental Screening Tool (EST) is an Internet-accessible application that provides tools to do the following:

- Input and update information about transportation projects
- Perform standardized analyses
- Gather and report comments about potential project effects
- Provide information to the public

EST is used throughout the ETDM process to:

- Integrate data from multiple sources into an easy to use, standard format
- Analyze the effects of proposed projects on the human and natural environment
- Communicate information effectively among Environmental Technical Advisory Team (ETAT) representatives and to the public
- Store and report results of ETAT reviews effectively and efficiently
- Maintain project records, including commitments and responses, throughout the project life cycle

Generate ETDM Planning Screen Summary Report

Generate ETDM Planning Screen Summary Report

County: Broward
Plan Year: 2025
ETDM Phase: Planning Screen
Planning Organization: AD

System-Wide Evaluation: None
Project Details: None
Project Selection: AD

ETDM #	ALT	NAME	FROM	TO	Control and Measure	Resources	Special Designations	Water Quality and Quantity	Wildlife and Habitat	Archaeological Sites	Historic and Archaeological Sites	Infrastructure	Land Use	Other
3231.01	1	Black Creek Rd	SR 1400 Avenue	Phenage Rd										
3232.01	1	Florida Rd	SR 1400 Avenue	SR 1400 Avenue										
3240.00	1	Alameda Blvd	University Dr	Palms Ave										
3241.00	1	Pembroke Rd	University Dr	Duquesne Rd										
3242.01	1	Pembroke Rd	SR 1400 Avenue	US 27										
3243.00	1	Florida Rd	Commercial Blvd	Palms Blvd										

(see Degree of Effect Legend below)

Agency Comment

Update Project Commitments and Responses

System: Broward
Project: Pembroke Rd
Issue: Section 4(f) Potential
Agency: FL Department of Environmental Protection

System: Broward
Plan: 2025
Project: Pembroke Rd
Alternative: 1
Issue: Section 4(f) Potential
Organization: FL Department of Environmental Protection
Agency Involvement: Continue
Effect: Potential Dispute
Date: 04/12/04 (11:32 AM)

Significant Resources and Reason for Significance:
The proposed four lane roadway extension bisects a portion of the East Coast Buffer public conservation lands and lies east of the Everglades and Francis S. Taylor Wildlife Management Area. The East Coast Buffer - part of the East Everglades Florida Forever project - consists of approximately 66,800 acres of marshes, reservoirs, and groundwater recharge areas to be purchased and managed by the South Florida Water Management District. Per the DEP Florida Forever 5-year Plan, the project is designated for a wildlife and environmental area. The project's water storage capacity helps to prevent excessive flooding and serves as a recharge area for well fields in south Dade County.

Comments on Effects to Significant Resources:
The Department is interested in preserving the East Coast Buffer area's natural communities, wildlife corridor functions, natural flood control, stormwater runoff filtering capabilities, aquifer recharge potential, and recreational opportunities. Therefore, future environmental documentation should include an evaluation of the primary, secondary, and cumulative impacts of roadway extension activities on the above public lands and any proposed acquisition sites. Under Article X, Section 18 of the Florida Constitution (as amended in 1998), dispositions of state-owned conservation lands are restricted to those lands "no longer needed for conservation purposes." Because the proposed Pembroke Road extension will require the FDOT to obtain right-of-way, the FDOT will need to request that the SWMPD Governing Board determine whether the subject properties are no longer needed for conservation purposes.

Summary Report Screen and Agency Comment

The ETDM Coordinator can create Planning Screen and Programming Screen Summary Reports using the Summary Report screens. The rows represent project alternatives, and the columns on the right represent the environmental Resource Issue. The intersection of a project row and issue column is a cell that represents the Summary Degree of Effect for a particular project and issue. The Summary Degree of Effect is noted using a number and color code. Agencies provide their commentary on why a specific issue (e.g., Wetlands, Section 4(f) Potential, Wildlife and Habitat) is a dispute or potential dispute.

Projects Requiring Dispute Resolution

A list is generated by District of projects with the status "ETAT Review Complete," and with at least one review organization that has indicated a "Potential Dispute" or "Dispute Resolution Required" for the agency involvement option.

Project Reviews Screen

This screen provides a synopsis of ETAT reviews, with links to individual comments. Each row represents an ETAT's review of a particular project alternative and related issue. The degrees of effect are color coded on the screen and link to the full text of the agency review.

Dispute Resolution History

When a project enters into dispute resolution, the ETDM Coordinator records the dispute resolution action and attaches reports, e-mail, maps, etc., as necessary.

Degree of Effect

Definition:
ETAT

Enhanced	Project has positive effect on resource.
Minimum/None	Project has little adverse effect on ETAT resources. Low cost options available to address concerns.
Moderate	Agency resources affected by proposed project, avoidance and minimization are possible and can be addressed during Project Development.
Substantial	Project has substantial adverse effects, will seek avoidance and minimization or mitigation during Project Development.
Potential Dispute/Dispute	Project not conforming to agency statutory requirements and will not be permitted.

Definition:
Public Involvement

Affected community supports project. Positive effect.
Minimum community opposition to planned project. Minimum adverse effect on community.
Project has adverse effect on elements of the affected community. Public participation needed to seek alternatives.
Project has substantial adverse effects on the community and faces community opposition.
Community opposes project.

Planning Screen Potential Disputes

- ETAT representatives indicate during Planning Screen that a project may have potential for creating a dispute
- Red flag during Planning Phase initiates Potential Dispute Resolution process

Programming Screen Dispute Resolution

- Dispute resolution required when significant unresolved issues remain following ETAT review and completion of Preliminary Programming Summary Report
- Dispute resolution **MUST** be accomplished prior to project advancing within FDOT's Five Year Work Program beyond Project Development Phase
- District ETDM Coordinator responsible for initiating process - **SHOULD** first use Informal Dispute Resolution Process

Projects Requiring Dispute Resolution

District/Project
3 SR 67 Extension
3 Pensacola Bay Bridge
4 I-95 add lanes and reconstruct Bridge Rd to High Meadows
4 Pensacola Rd
4 Woughly Boulevard
4 PGA BLVD

Projects Requiring Dispute Resolution

Project Reviews Screen

ETAT Reviews - Microsoft Internet Explorer

Project Reviews

Table of Contents:
3313 Woughly Boulevard

ETDM #	Project Name	From	To	Review Date
3313	Woughly Boulevard	Cove Road	Bridge Road	

Alternative Agency	Agency Involvement Issue	Effect	Review Date
1 FL Department of Community Affairs	Continue	Land Use	04-12-04
1 FL Department of Environmental Protection	Continue	Section 4(f) Potential	04-12-04
1 FL Department of Environmental Protection	Continue	Water Quality and Quantity	04-12-04
1 FL Department of Environmental Protection	Continue	Wetlands	04-12-04
1 FL Department of State	Continue	Historic and Archaeological Sites	04-13-04
1 National Marine Fisheries Service	Continue	Wetlands	04-02-04
1 US Army Corps of Engineers	Continue	Special Designations	04-08-04
1 US Environmental Protection Agency	Continue	Wildlife and Habitat	04-13-04
1 US Fish and Wildlife Service	Continue	Secondary and Cumulative Effects	04-06-04
1 US Fish and Wildlife Service	Continue	Special Designations	03-09-04
1 US Fish and Wildlife Service	Continue	Wetlands	03-09-04
1 US Fish and Wildlife Service	Continue	Wildlife and Habitat	03-09-04

Dispute Resolution History

Record Dispute Resolution Actions

Project Name: Woughly Boulevard
Issue: Section 4(f) Potential

Description of Action:
FDOT will complete a delineation of Section 4(f) applicability and if required, prepare a Section 4(f) statement that will demonstrate that there is no feasible and prudent alternative to the use of the Section 4(f) land, the avoidance must address location alternatives and design alternatives that avoid the Section 4(f) land. Supporting information must demonstrate that such alternatives result in unique problems. Unique problems are defined as those that are truly unusual factors or when the scope of community disruption exceeds extraordinary magnitude.

Date of Action: June 15, 2004
Attachment:
Save As:

SUBMIT

The Memo of Understanding

Federal and State resource and regulatory agencies agreed to support FDOT and FHWA in developing a process that results in improvements to:

- Transportation decisions
- Protection of the natural and human environment
- Efficiency and cost savings
- Early input by agencies in the transportation planning process

Agencies also agreed to:

- Collaborate in process development
- Achieve timely decisions
- Consider community goals, land use plans, ecosystem management plans and mobility plans
- Utilize information technology
- **Develop dispute resolution process that is mutually agreeable**
- Include active public involvement
- Integrate agency programs and reduce duplication



Keys to Success:

- Identify leaders who will champion the Dispute Resolution Process
- Provide continuous training and education
- Develop policies and procedures that support the program
- Maintain lines of communication
- Recognize successes



This brochure was produced by the FDOT Central Environmental Management Office in association with URS Corporation.