

Appendix L
PEL Partnering Agreement

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Planning and Environmental Linkages Partnering Agreement



Purpose

In the spirit of cooperation and collaboration, and acknowledging the critical role that a number of agencies play in achieving the goals of the transportation industry, this Planning and Environmental Linkages (PEL) Partnering Agreement (Agreement) has been developed to foster proactive working relationships among Colorado Department of Transportation (CDOT), Federal Highway Administration (FHWA), Federal Transit Administration (FTA), Regional Transportation District (RTD), other federal and state resource agencies, regional organizations/agencies and regulatory and land management agencies.

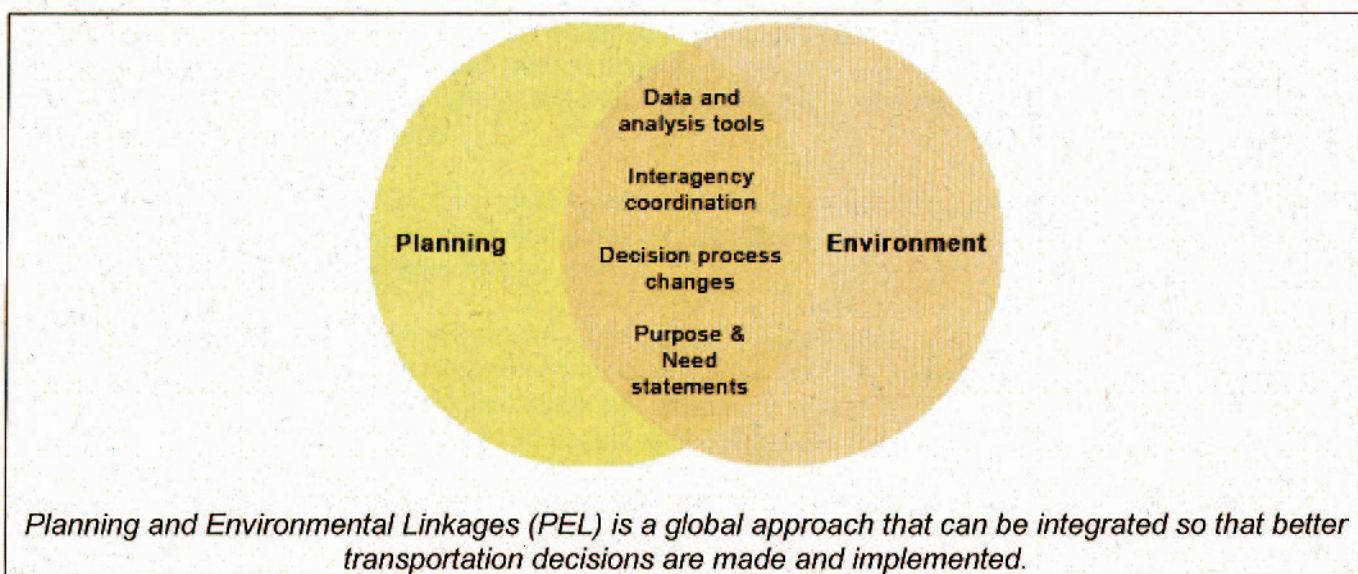
The purpose of the Agreement is to encourage the use of a PEL approach in an effort to meet agency needs while expediting transportation project delivery and to formalize the working relationship among the Transportation Environmental Resource Council (TERC) members.

As members of the TERC and signatories to this Agreement, the state and federal agencies herein are committed to partner together in efforts to develop a process that encourages:

- Early communication, coordination, and collaboration with and input by the agencies in the transportation planning process
- Better informed and strategic transportation decisions
- Transportation options that include multi-modal components when feasible
- Efficient and cost-effective solutions

The signatories to this Agreement are committed to performing meaningful and efficient environmental analyses that are pertinent to the decision-making process. This is a two-way conversation intended to not only address the needs of the transportation agencies but to be supportive of resource and regulatory agencies' and planning organizations' charters, goals and initiatives. Early communication and collaboration among all interested parties is essential to the success of future plans, NEPA requirements, and projects. These efforts would occur at appropriate points during transportation planning, project development, and permitting processes.

The PEL approach is consistent with federal and state regulations. The use of the PEL approach is at the discretion of the lead transportation agencies. The level of involvement in the PEL process is at the discretion of the resource or regulatory agency, or planning organization. It is the project team's responsibility to engage the resource agencies to reflect the agencies' interests and to recognize the resource agencies' staffing and other constraints. This does not replace the regulatory agencies' responsibilities under federal laws and regulations, and does not supersede any existing programmatic agreement, memorandum of understanding or other collaboration tool.



Benefits

The 2005 federal transportation reauthorization act, called Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU, Pub. L. 109-59, August 10, 2005), emphasizes the need to consider environmental issues in the planning process.

SAFETEA-LU requires transportation agencies to include actions and strategies to protect and enhance the environment, as well as discuss potential mitigation measures and potential sites at which to carry out these activities. Identifying potential environmental issues during planning and consulting with resource and other partner agencies allows the transportation agencies to consider ways to avoid and minimize impacts before agencies invest time and money in design, thereby making the overall process more efficient. For example, one effective tool may be the use of a Coordination Plan (SAFETEA-LU 6002 and its successor).

According to the FHWA, the definition of a PEL approach is an integrated approach to transportation decision-making that takes into account environmental, community, and economic goals throughout the project life cycle, from the planning stage through development, design, construction, and maintenance. PEL promotes greater communication within and among transportation and resource

agencies, leading to improved decision-making and project development. The approach links early planning efforts and ultimately project-specific goals and objectives through continued coordination. Environmental issues are brought to the forefront through this collaborative partnership by:

1. Improving agency understanding of transportation projects at an early (planning) stage, as well as keeping the agency informed about a project.
2. Improving the project proponent's understanding of the agencies' environmental regulatory requirements for the project.
3. Serving the communities' transportation needs more effectively.
4. Helping resolve differences and improve transportation decisions.
5. Reducing the time, effort, and cost to implement transportation improvements.
6. Obtaining a broader, ecosystem-scale perspective.

Using the PEL approach may result in: gathering better information; enhancing decision-making; documenting decisions made among critical parties; making strategic decisions based on the resources available to the project(s); providing the ability to plan for the future (10 years, 20 years); and using various tools for a corridor study or site-specific studies. In addition, the PEL approach provides tools to the participating parties earlier in the process as they determine their course of action for the next steps. Ultimately, the PEL approach will assist better in identifying information for the long-range plan development.

Our endorsement of the PEL approach is an active, supportive, and positive statement that we are dedicated to meeting both the spirit and intent of this Agreement. This Agreement does not affect the responsibilities that each agency has by law.

We, the undersigned, approve and are committed to supporting this Agreement. We accept the charge to fulfill aspects of the Agreement – including our commitment to and active participation in the PEL approach; effectively communicating our agency's needs to the transportation agencies, and providing resources as agreed upon to assure that the planning processes are able to move forward. We are dedicated to meeting both the spirit and intent of this Agreement. The TERC membership will receive routine updates on PEL activities from staff as warranted.

This Agreement sets forth the intention of the following agencies to engage in a coordinated and collaborative interagency process for a PEL approach to transportation project development.

Signatories

Russell George
Russell George, Executive Director
Colorado Department of Transportation

June 11, 2009
Date



Karla Petty
Karla Petty, Division Administrator
Federal Highway Administration,
Colorado Division

June 11, 2009
Date



Larry Svoboda
Larry Svoboda, NEPA Program Director
U.S. Environmental Protection Agency

June 11, 2009
Date



Kimberly M. Colloton
Lieutenant Colonel Kimberly Colloton
U.S. Army Corps of Engineers

June 11, 2009
Date



Rick D. Cables
Rick Cables, Regional Forester
U.S.D.A. Forest Service

7-7-2009
Date



James Martin
James Martin, Executive Director
Colorado Department of Public Health
and Environment

June 11, 2009
Date



Bill Van Meter
Bill Van Meter, Acting Assistant General
Manager, Planning
Regional Transportation District

June 25, 2009
Date



Terry J. Rosapep
Terry J. Rosapep, Regional
Administrator
Federal Transit Administration, Region 8

6/11/2009
Date



Marris Sherman

6/16/09

Marris Sherman, Executive Director
Colorado Department of Natural Resources

Date



Susan Linner

June 11, 2009

Susan Linner, Colorado Field Supervisor
U.S. Fish & Wildlife Service

Date



Edward C. Nichols June 11, 2009

Ed Nichols, Colorado Historical Society
President and CEO
State Historic Preservation Office

Date



OFFICE of
ARCHAEOLOGY
and HISTORIC
PRESERVATION

Jennifer Schaufele

6/15/09

Jennifer Schaufele, Executive Director
Denver Regional Council of Governments

Date



Robert MacDonald

6/23/09

Robert MacDonald, Executive Director
Pikes Peak Area Council of Governments

Date



Pikes Peak Area
Council of Governments
Communities Working Together

Bill Moore

07/02/09

Bill Moore, MPO Administrator
Pueblo Area Council of Governments

Date



Cliff Davidson

6/11/09

Cliff Davidson, Executive Director
North Front Range MPO

Date



NFRMPO
NORTH
FRONT RANGE
METROPOLITAN
PLANNING
ORGANIZATION

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