

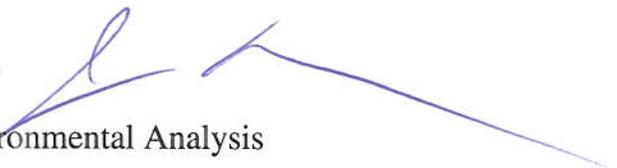
Memorandum

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To: Project Delivery HQ Division Chiefs
District Deputy Directors for Design
District Deputy Directors for Environmental Planning
District Environmental Office/Branch Chiefs
Project Management Single Focus Points

Date: April 2, 2009

From: JAY NORVELL
Chief
Division of Environmental Analysis



Subject: California Transportation Commission (CTC) Environmental Document Submittal Processes for Projects on the State Highway System

The purpose of this memo is to clarify and update the coordination procedures of environmental documentation between the California Department of Transportation (Caltrans), the local project sponsor and the California Transportation Commission (CTC). The CTC is responsible for programming and allocating funds for the construction of highway, passenger rail, and transit improvements throughout California (Chapter 1106, Statutes of 1977). In accordance with Public Resources Code Section 21102, an allocation will not be made by the Commission for any project that may have a significant effect on the environment, other than a project involving only feasibility or planning studies, unless a final environmental document is submitted to the Commission and the Commission has adopted a resolution to consider the project for future funding, route adoption and/or public road connections.

Under CEQA, a responsible agency is an agency other than the lead agency that has a legal responsibility for also carrying out or approving a project. Because the CTC has discretionary authority with respect to the funding and programming of Caltrans projects, the CTC is a responsible agency pursuant to CEQA. A responsible agency participates in the CEQA process by reviewing the lead agency's CEQA document, and uses that document when making its own subsequent decision on the project. According to the California Public Resources Code, Section 21069, a responsible agency "shall be responsible for considering only the effects of those activities involved in a project which it is required by law to carry out or approve." A responsible agency prepares and issues its own findings and notice of determination for the project.

Environmental documentation for projects is to be sent to the CTC whenever the project requires the CTC to program and allocate funds, approve a route adoption or approve a new road connection. The responsibility to coordinate and submit environmental documentation to the CTC lies with the California Environmental Quality Act (CEQA) lead agency. Under CEQA, a lead agency is the public agency which has the principal responsibility for carrying out or approving a project which may have a significant effect on the environment. The roles and responsibilities of partners developing projects on the State Highway System are set forth in cooperative agreements completed for individual projects.

For projects where Caltrans is not the CEQA Lead, the CEQA lead agency, not Caltrans, has the responsibility to coordinate all environmental submittals, including the agenda, book items, and approvals for environmental documentation directly with the CTC by contacting Susan Bransen, Associate Deputy Director, at (916) 653-2082 or by e-mail at susan.bransen@dot.ca.gov. Environmental documentation can be mailed directly to the CTC at the following address:

CALIFORNIA TRANSPORTATION COMMISSION
1120 N Street, Room 2221 (MS-52)
Sacramento, CA 95814

The remainder of this memorandum pertains only to submittal requirements when Caltrans is the CEQA lead agency and is, therefore, responsible for submittals to the CTC.

Department Submittals to the CTC

To better address the CTC's role as a responsible agency, the Department has listed the CTC on the Department's distribution list for environmental documentation (http://www2.dot.ca.gov/ser/vol1/sec6/ch37joint/DEIS_Distribution_List_June_2007.doc , http://www.dot.ca.gov/ser/vol1/sec6/ch37joint/Final_EIS_Distribution_List.doc) resulting in two distinct processes of Department submittals to the CTC. One submittal addresses the CEQA circulation to the CTC as a responsible agency in the same manner as all other CEQA responsible agencies and the other addresses the formal CTC programming/funding approval process.

Relationship and Sequence between CEQA and Formal CTC Submittal

The order and timing of environmental documentation submittals is crucial to project delivery and CTC approvals. The following outline clarifies these two processes:

CEQA Circulation

The Department has added the CTC to its distribution list for all Initial Studies and Notices of Preparation (NOP) for EIRs, and all draft and final environmental documents. For the purposes of CEQA document circulation, the CTC is treated like all other responsible agencies. The environmental documentation shall be sent directly to the CTC as part of the mailing of the document with a copy to the Division of Environmental Analysis (<http://www2.dot.ca.gov/hq/env/emo/CTC.htm#mail>). Do not send the document through HQ. This allows the CTC to comment during the public review process.

Formal Submittal for CTC Approval Action

The process of submitting CEQA environmental documentation [i.e., Notices of Preparation (NOP), Initial Studies, Negative Declarations (NDs)/Mitigated Negative Declarations (MNDs), Draft and Final Environmental Impact Reports (EIRs)] to EMO for CTC submittals varies and can be found at:

<http://www2.dot.ca.gov/hq/env/emo/CTC.htm#productssubmitted>. These submittal requirements remain unchanged. Please follow these procedures for formal CTC environmental approval submittals only. Additional information regarding actions requiring CTC approval can also be found in the Project Development Procedures Manual (Ch. 12, Section 5).

Sequence of Submittals

Because the CEQA environmental documentation submittal is a subpart of the larger process for the required formal approval action from the CTC, the following subsections are offered in order to clarify the mandatory timing between elements of the larger CTC process.

For an IS/ND or IS/MND: When an IS/ND or IS/MND is prepared for a project requiring one or more CTC approval actions, submit each of the following signed documents:

- IS – This must be submitted at the time the IS is approved and signed for public circulation concurrent with the CEQA environmental documentation submittal. The signed and approved Draft Project Report or other project approval document must accompany the required submittal items. A signed Draft Project Report signifies Caltrans management approval to circulate the environmental document. This

submittal causes the preparation of the agenda item for the CTC's approval of the project. This agenda occurs at the earliest possible CTC meeting after signing.

- ND or MND – The IS and ND or MND must be submitted once approved and signed to the CTC. The signed Project Report or other project approval document must accompany the required submittal items. This submittal causes the preparation of the agenda item for the CTC's approval of the project. This agenda occurs at the earliest possible CTC meeting after signing.

For an EIR: When an EIR is prepared for a project requiring one or more CTC approval actions, submit each of the following signed documents when ready:

- NOP: This must be submitted at the onset of public circulation of the NOP and prior to the Draft EIR and Draft Project Report. This submittal is for informational purposes only and can facilitate discussion during the earliest possible CTC meeting.
- DEIR: This is to be submitted at the onset of public circulation of the Draft EIR. The signed Draft Project Report or other project approval document must accompany the required submittal items. This submittal causes the preparation of the agenda item for the CTC's approval of the project. This agenda occurs at the earliest possible CTC meeting after signing.
- FEIR: This is to be submitted once approved by the Department. The signed Project Report or other project approval document must accompany the required submittal items. This submittal causes the agenda item for the CTC's approval of the project. This agenda occurs at the earliest possible CTC meeting after signing.

The Department is not proposing to submit CEQA addendums to the CTC as this documentation results from an administrative reconsideration of a project and reflects non-substantive changes and/or less than significant project changes or impacts. Should significant project changes or previously unidentified significant environmental impacts be identified, subsequent or supplemental environmental documents will be prepared and submitted to the CTC.

Following these procedures will assist in establishing more efficient coordination of CTC environmental reviews and approval. If you have any questions, please contact Kelly Dunlap, Environmental Management Office at (916) 651-8164.

Attachments

CTC Flowchart, April 2009

CTC SUBMITTALS

