

MEMORANDUM OF UNDERSTANDING (MOU)  
AMONG THE  
FEDERAL TRANSIT ADMINISTRATION (FTA),  
FEDERAL HIGHWAY ADMINISTRATION (FHWA),  
WASHINGTON STATE DEPARTMENT OF TRANSPORTATION (WSDOT),  
AND  
SOUND TRANSIT (ST)

THIS MEMORANDUM OF UNDERSTANDING is made this 6th day of May, 2003, by and among the Federal Transit Administration (FTA), the Federal Highway Administration (FHWA), the Washington State Department of Transportation (WSDOT), and the Central Puget Sound Regional Transit Authority (Sound Transit, or ST).

WHEREAS, the National Environmental Policy Act (NEPA) requires that federal agencies responsible for preparing NEPA analyses and documentation do so “in cooperation with State and local governments” and other agencies with jurisdiction by law or special expertise (42 U.S.C. 4331(a), 4332(2)); and

WHEREAS, Sound Transit is a regional transit agency created under the laws of the State of Washington and is implementing *Sound Move, The Ten-Year Regional Transit Plan* for which voters within the Sound Transit district boundary (all or portions of King, Snohomish, and Pierce counties in the state of Washington) approved funding in 1996; and

WHEREAS, the Sound Transit Regional Express Bus (REX) program includes 19 new regional bus routes linking the cities and suburbs in the central Puget Sound region. This service is supported by 11 new direct access High Occupancy Vehicle (HOV) ramp projects; 18 community connections projects including new or expanded park and ride lots, transit centers and other transit enhancements; and 11 HOV improvement projects; and

WHEREAS, many of the capital projects within the Regional Express Bus program contain both transit and highway components and involve FTA and FHWA funding or approvals, requiring that both federal agencies serve as co-lead agencies under NEPA (“the Projects”); and

WHEREAS, FTA, FHWA, as well as Sound Transit, and WSDOT have different procedures and practices for implementing NEPA and related environmental processes and requirements applicable to the Projects; and

WHEREAS, FTA, FHWA, WSDOT and Sound Transit (“Parties”) formed an “Environmental Action Team” (EAT) with the goal of streamlining and developing uniform and mutually agreed-upon procedures in guiding their respective staff in the implementation of the various federal environmental processes and requirements imposed on the Projects; and

WHEREAS, authorized representatives of the respective Parties met as the EAT and agreed upon procedures that could be utilized by the Parties in the development, review and implementation of federal environmental processes and requirements for the Projects. The procedures are documented in a series of “Issue Papers” signed by the authorized representatives; and

WHEREAS, the Parties desire to formally adopt the Issue Papers executed to date by the EAT with the expectation that they will be followed for the Projects.

NOW, THEREFORE, the Parties hereby agree that:

1. APPLICABILITY

This MOU and the Issue Papers shall apply to all Sound Transit Regional Express (REX) Bus capital projects with Federal co-lead agencies (FTA and FHWA), or a sole federal lead agency (FTA or FHWA). The Parties are also encouraged, though not required, to use the Issue Papers for Sound Transit projects in other lines of service (i.e., Sounder Commuter Rail, Link Light Rail) where FTA and FHWA both serve as co-lead agencies or where one is the lead agency and the other is a cooperating agency under NEPA.

2. ISSUE PAPERS

The parties formally adopt the Issue Papers hereinafter described and attached. By formally adopting the Issue Papers, the parties agree to be guided by the decisions and procedures contained therein.

**Wetland Mitigation #17 (see attached issue paper)**

?? Addresses implementation of WSDOT’s goal of no net loss of wetland acreage for Sound Transit projects.

**Section 106 Compliance #18 (see attached issue paper)**

?? Addresses the series of process steps that must be followed in complying with Section 106 regulations.

**Environmental Documentation Schedule Template #19 (see attached issue paper)**

?? Provides a schedule template for Regional Express Project Managers and consultants for use on projects to ensure appropriate environmental steps are followed and that project schedules are developed in a consistent manner

**Circulation of Environmental Documents Among FHWA, FTA, ST, and WSDOT #21**  
(see attached issue paper)

?? Addresses how environmental documents will be made available among FHWA, FTA, ST, and WSDOT

**Finding of No Significant Impact (FONSI) Format & Approval Process #22** (see attached issue paper)

?? Addresses the appropriate format and key approval requirements for obtaining a FONSI.

**Endangered Species Act #23** (see attached issue paper)

?? Addresses coordination steps and requirements for complying with Section 7 consultation under the Endangered Species Act.

**Noise Methodology #24** (see attached issue paper)

?? Addresses the appropriate methodologies and criteria for noise analysis and how to integrate both FTA and FHWA noise manuals.

**Use of Signature Page #25** (see attached issue paper)

?? Addresses the use of a signature page and the signatories for a NEPA Environmental Assessment.

**Design Year #27** (see attached issue paper)

?? Addresses the appropriate traffic analysis design year.

**Public Hearing Requirements #30** (see attached issue paper)

?? Addresses the requirements Sound Transit will follow in advertising and conducting public hearings such as Environmental, Design, Access, and Corridor hearings.

**Added Access Report #31** (see attached issue paper)

?? Addresses FHWA's requirements for an Added Access Report as it relates to the environmental process as per NEPA

**Technical Reports for Environmental Assessments (EA) #32** (see attached issue paper)

?? Addresses the use of technical/discipline reports, including which reports need to be prepared, how will they be revised, and their status in relation to the EA itself.

**Seismic Requirements #33 (see attached issue paper)**

?? Addresses the requirements for seismic design/level of information in the NEPA document.

**Documented Categorical Exclusions #34 (see attached issue paper)**

?? Addresses the required documentation and processes for obtaining a NEPA Categorical Exclusions. (see Appendix A, Environmental Review Worksheet for Combined Categorical Exclusions)

**Traffic Systems Management (TSM)/Transportation Demand Management (TDM) Alternatives #35 (see attached issue paper)**

?? Addresses the screening and evaluation of the TSM/TDM alternative.

**Environmental Justice #36 (see attached issue paper)**

?? Addresses the methodology and analysis to use in evaluating whether there are high and adverse disproportionate impacts on low-income and minority populations.

**Permit Procurement #37 (see attached issue paper)**

?? Addresses the respective roles of WSDOT and ST in obtaining environmental permits.

**NEPA Scoping and Public Involvement #38 (see attached issue paper)**

?? Addresses the requirements for NEPA scoping and the public involvement process.

**Section 4(f) and 6(f) Compliance #41 (see attached issue paper)**

?? Provides guidance in regard to compliance with Section 4(f) and Section 6(f) requirements.

**Environmental Documentation Re-Evaluations #44 (see attached issue paper)**

?? Addresses the process and documentation requirements for a re-evaluation. (see Appendix B, Environmental Re-Evaluation Worksheet)

**Magnuson-Stevens Act (Essential Fish Habitat) #46 (see attached issue paper)**

?? Addresses how the Magnuson-Stevens Act requirements will be delegated and implemented.

3. MISCELLANEOUS

- 3.1 Nothing contained herein is intended to or will have the effect of relieving the Parties from complying with all applicable federal laws, regulations, policies and grant award terms and conditions. The Issue Papers are intended as recommended guidance. Failure to follow that guidance does not create a right of action by or between the Parties or by any third party against the Parties.
- 3.2 The Parties may enter into such additional agreements as are necessary to carry out the purpose and intent of this MOU.
- 3.3 The authorized representatives of the EAT are hereby delegated the authority to adopt additional Issue Papers and to revise existing Issue Papers without formally amending this MOU. Any new or revised Issue Papers will have the same force and effect under this MOU as those Issue Papers attached hereto. Sound Transit will provide an updated list of Issue Papers to the signatories to this MOU on an annual basis until all the Projects are completed or upon request, and Sound Transit will be responsible for maintaining a current set of Issue Papers on file.

SOUND TRANSIT

FEDERAL HIGHWAY  
ADMINISTRATION

By: \_\_\_\_\_  
Agnes Govern  
Regional Express Director

By: \_\_\_\_\_  
Dan Mathis  
Division Administrator

FEDERAL TRANSIT ADMINISTRATION

WASHINGTON STATE DEPARTMENT  
OF TRANSPORTATION

By: \_\_\_\_\_  
Rick Krochalis  
Regional Administrator

By: \_\_\_\_\_  
Dave Dye  
Urban Corridors Administrator