



Wake Transit Concurrence Process Practitioner Guide



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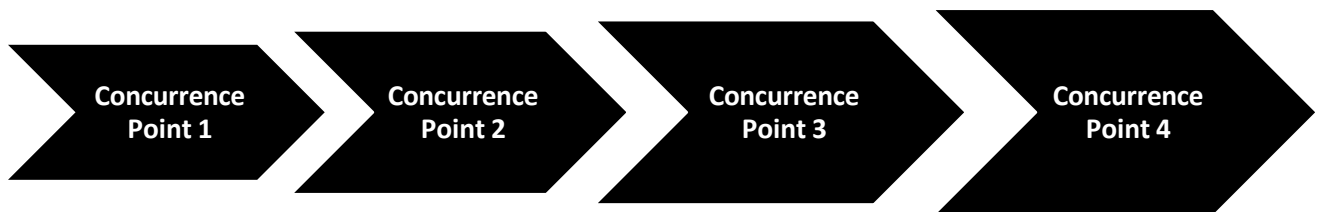
1. Background and Introduction

WHAT IS THE CONCURRENCE PROCESS?

The Concurrence Process is a structured process for Project Sponsors of major Wake Transit capital projects to follow that streamlines the verification of compliance with laws, regulations, and policies enacted and/or enforced by other agencies having jurisdiction over a resource or interest that may be substantially impacted by the project. This verification is conveyed in response to actions or implementation approaches proposed by the Project Sponsor at key project milestones throughout the project development¹ and permitting processes, and if deemed applicable to the project, final design, right-of-way/land acquisition, construction, or other subsequent phases of defined major capital projects. The points at which this verification is sought by Project Sponsors proposing these key project milestone actions are known as Concurrence Points. Applicable resources or other potentially impacted interests may include, but are not necessarily limited to, land use and supporting infrastructure, natural and human environmental resources, cultural resources, or impacted facility maintenance responsibility.

Specific Concurrence Points associated with the Concurrence Process are distinct to the nature and magnitude of anticipated impacts associated with each project. Specific Concurrence Points are outlined for each project in a project-specific Concurrence Plan and are sequential in order. Concurrence Points cumulatively build on one another over the course of project development or other applicable phases such that proposed Project Sponsor actions informed by verification from other agencies earlier in the process inform the trajectory of subsequent actions at key project milestones and associated Concurrence Points (**Figure1**). Inherent to the Concurrence Process is that the Concurrence Points involved will coincide with actions at key project milestones that are made throughout the development of federal environmental compliance documents (i.e., National Environmental Protection Act [NEPA] process).

Figure 1: Sequential/Cumulative Nature of Concurrence Process



¹ Project Development (PD) is the general term used to describe the advanced planning, preliminary architectural/engineering, and applicable environmental compliance necessary to implement capital projects.

Concurrence signifies that an organization from which verification is necessary does not object to a Project Sponsor-proposed action or implementation approach at a key project milestone's corresponding Concurrence Point and pledges to abide by its Concurrence unless there is a profound changed condition upon which the action was based. More particularly, the agency does not object to the proposed action based on the laws, regulations, or policies of its program or agency over which it has jurisdiction. If an organization does not concur, it is an indication from that organization that the proposed action or approach violates or could violate the laws, regulations, or policies under its jurisdiction, or it is an indication that information provided by the Project Sponsor for the proposed action is not adequate for verification. A successful Concurrence Process for applicable projects assumes that best efforts are made by all parties to consider viable modifications to alternatives that would allow non-concurring parties to concur. More information on the actions taken by parties at project Concurrence Points is provided in **Section 4: Concurrence Point Overview**.

What the Concurrence Process is Not

The Concurrence Process is not designed to facilitate a project-level technical steering committee or working group that offers a platform for other agencies to inform the Project Sponsor on their agencies' opinions related to project planning methodology, project priorities, or philosophical interests. It is inherent to the concept of concurrence that organizations providing verification of compliance at Concurrence Points possess a legally institutionalized project-level policy, law, or regulation related to a resource or interest that could substantially be impacted by the project. The Concurrence Process does not authorize organizations or stakeholders without this level of standing to assert a need for verification.

While the Concurrence Process is designed for Project Sponsors to secure verification of compliance on proposed actions at key project milestones from agencies having regulatory standing in a resource that may be impacted, a signification of Concurrence by those agencies does not mean that the agency is legally bound by that signification of concurrence. For instance, a permitting agency (e.g., U.S. Army Corps of Engineers) may participate in the Concurrence Process for a project and concur on a Concurrence Point that corresponds to an action proposed by the Project Sponsor. Concurrence provided by an authorized person on the permitting agency's staff is a good faith effort made by that staff member through her or his administrative capacity to verify that the proposed project-level action is in compliance with the regulations, policies, or laws over which the agency has jurisdiction, or that the action's impacts to resources under its jurisdiction have been negotiated with other interests or mitigated to an acceptable level. However, this good faith effort to verify that the Project Sponsor's proposed action is in compliance with its regulations **does not** automatically bind the permitting agency to issue a necessary permit that relies on its original signification of verification. Significations of Concurrence at Concurrence Points covered by the Concurrence Process do not automatically result in final legally binding decisions on projects. Their intent is to provide a much higher level of confidence to a Project Sponsor that it can rely on those significations of Concurrence in moving forward with proposed actions or approaches to project implementation at key project milestones.

CONCURRENCE PROCESS GOALS

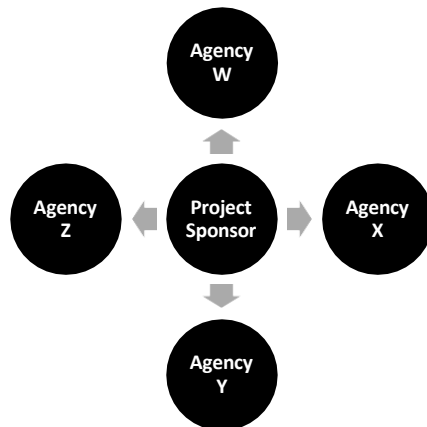
The Concurrence Process is designed to ensure coordinated, transparent, and productive verification of compliance for major Wake Transit capital projects. By requiring documented Concurrence of the actions proposed by Project Sponsors at key milestones during the planning phases for major capital projects, the Concurrence Process ensures all concurring parties:

1. Are aware of and consent to the trajectory of the project and its potential impacts prior to its implementation;
2. Have an opportunity to collaborate on the project, provide input, and share resources, if appropriate; and
3. Agree to a timeline for project development and implementation that is predictable and reliable.

Value of the Concurrence Framework

The Concurrence Process is a mechanism that streamlines and expedites a Project Sponsor's process of securing verification that its proposed actions or approaches to implementation at key project milestones are legal from other agencies having a regulatory interest in a project. Agencies that implement major capital projects have the responsibility of determining whether actions that are critical to the trajectory of those projects, as well as any impacts to regulated resources or interests of other agencies that may be associated with those actions, are in compliance with those agencies' laws, policies and regulations. Left to a framework in which Project Sponsor agencies coordinate individually with other agencies, it is very difficult to balance any competing organizations' mandates, policies, laws or regulations (**Figure 2**).

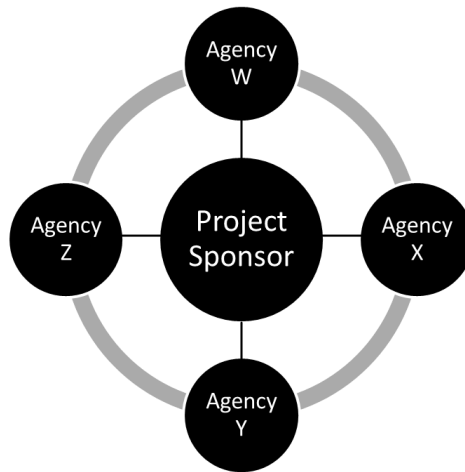
Figure 2: Project Sponsor Verifying Compliance with Agencies Individually



A major goal of the Concurrence Process is to bring order to what can easily be an unwieldy and excessively time-consuming process of securing verification of compliance from multiple agencies that may have competing interests or solutions for addressing regulatory issues with projects. Agencies having a regulatory interest in a resource that may be impacted by a project are much

better positioned to provide guidance to a Project Sponsor on a feasible path forward if they have knowledge of and understand the nature of any other competing interests in the project. The Concurrence Process is designed to bring together all agencies having regulatory jurisdiction in a resource or interest that may be impacted by a project to collaboratively react to proposed actions or implementation approaches at key project milestones so that compromise-based choices can be made that offer a feasible path forward (Figure 3).

Figure 3: Project Sponsor Verifying Compliance with Agencies as a Team



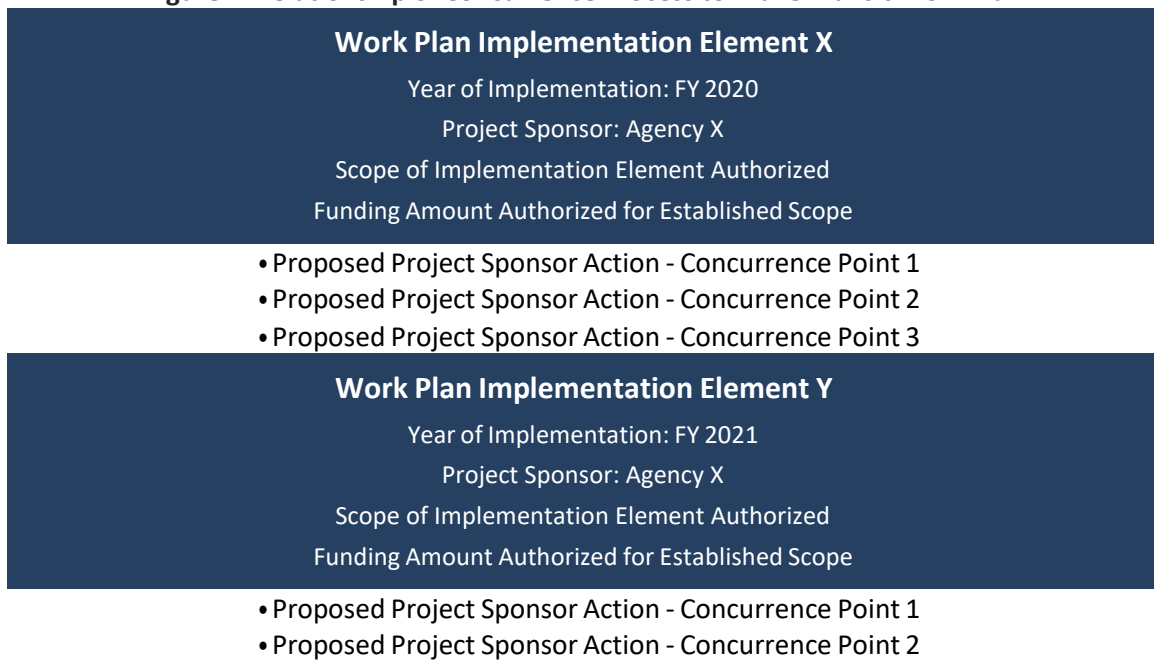
The Concurrence Process for major Wake Transit capital projects is substantially similar to the North Carolina Department of Transportation’s (NCDOT’s) Merger Process, which combines and streamlines verification of compliance associated with environmental permitting processes and project development that must be achieved for major transportation projects. NCDOT’s implementation of this approach has allowed projects to move more quickly through these required processes. Facilitating the same type of process for major Wake Transit capital projects is likely to have the same benefit, which is particularly valuable for implementing applicable projects within the timeframe outlined in the Wake Transit Plan.

RELATIONSHIP TO WAKE TRANSIT WORK PLAN

The primary deliverable prescribed by the Wake Transit Governance Interlocal Agreement (Governance ILA) that details which investments will be made with Wake Transit Tax Revenues is the annual Wake Transit Work Plan. The annual Wake Transit Work Plan prescribes funding, general scope details, Project Sponsor, and year of implementation for a range of implementation elements. An implementation element is a single project, logical grouping of projects, or a specific phase or element of a larger project that is tracked as a separate unit in an annual Wake Transit Work Plan.

The annual Wake Transit Work Plan does not address all project-level details for each implementation element, nor does the Wake Transit Work Plan govern or inform all decisions to be made throughout the execution of each Implementation Element. The Concurrence Process facilitates a verification of compliance process at key project milestones that are internal to an individual project or implementation element for which funding and general scope details have been authorized in an annual Wake Transit Work Plan. For many projects, the Concurrence Process should facilitate completion of implementation elements so that the Wake Transit Work Plan may authorize a subsequent phase or implementation element associated with the project to proceed. The Concurrence Process is developed pursuant to Section 3.03 of the Governance ILA as a detailed strategy for major capital projects.

Figure 4: Relationship of Concurrence Process to Wake Transit Work Plan



CONCURRENCE LIMITATIONS

The Concurrence Process is not a mechanism for making substantial changes to Implementation Elements or deviating from the approved Wake Transit Plan or Wake Transit Work Plan. If alternative Implementation Elements (or details of such Elements) deviate from the scope or budget set forth for the Implementation Element in an annual Wake Transit Work Plan as a result of the Concurrence Process, or which are otherwise inconsistent with the Wake Transit Plan or Wake Transit Work Plan, then such matters will be subject to the adopted policies and processes for amending the Wake Transit Plan and Wake Transit Work Plan. Further, nothing herein abrogates any rights or remedies of Wake County, GoTriangle or CAMPO under the Wake Transit Governance ILA.

COMPONENTS OF CONCURRENCE PROCESS

This document defines the following key components of the Concurrence Process:

1. Parties involved and the roles and responsibilities of each;
2. Types of Wake Transit-related projects subject to the process;
3. Illustrative “Concurrence Points” at which concurrence must be officially documented;
and
4. The dispute resolution process.

2. Concurrence Team Members, Roles, and Responsibilities

The group of agencies that will be involved in the Concurrence Process for each applicable project is known as the Concurrence Team. The Concurrence Team is composed of a Project Sponsor, Cooperating Agencies and Participating Agencies. The composition of agencies on each project's Concurrence Team will vary depending on the specific project's geographic location and scope. The determination of a Concurrence Team's initial composition and its progression through a Concurrence Process is facilitated and staffed by a Concurrence Administrator in cooperation with the Project Sponsor. The Capital Area Metropolitan Planning Organization (CAMPO) will act as the Concurrence Administrator for the Concurrence Process.

Each role on a Concurrence Team, as well as the Concurrence Administrator, has a defined set of responsibilities in moving the Concurrence Process forward and satisfying federal National Environmental Protection Act (NEPA) compliance requirements. The roles of Cooperating Agency and Participating Agency within the Concurrence Process are consistent with the roles of other impacted agencies that Project Sponsors are required to identify, and with which they are required to coordinate, for major federally funded projects under the Council for Environmental Quality's federal regulations. The Federal Transit Administration's (FTA) guidance/standard operating procedures on Agency Roles and Government-to-Government Coordination is provided as **Appendix A** to this document.

- The **Project Sponsor** is the agency that is initiating the project and taking primary responsibility for its implementation.
 - o It is the responsibility of the Project Sponsor to coordinate with the Concurrence Administrator to identify Concurrence Team members and their roles for each project, as well as necessary Concurrence Points for the applicable project-level Concurrence Process.
 - o The Project Sponsor is assigned through the adoption of annual Wake Transit Work Plans², and the Project Sponsor will always be a Cooperating Agency.
 - o The Project Sponsor leads an applicable project through the progression of Concurrence Points and proposes project-level actions or implementation approaches at key project milestones for verification of compliance by Cooperating Agencies.

- A **Cooperating Agency** is a Federal, state or local agency which has policy, regulatory, or legal jurisdiction over aspects of project implementation or with respect to resources the project can reasonably be anticipated to substantially impact. In these roles, Cooperating Agencies may have special expertise with respect to any project-impacting issues that

² For the Bus Rapid Transit and Commuter Rail Transit projects in the Wake Transit Plan, separate discrete action by the CAMPO Executive Board has been prescribed to designate Project Sponsors for those projects.

should be resolved during the project development or subsequent project implementation phases or which should be addressed in the environmental compliance document.

- Cooperating Agencies have policy, regulatory, or legal jurisdiction with respect to resources or other potentially impacted interests that include, but are not necessarily limited to, land use and supporting infrastructure planning, natural and human environmental resources, cultural resources, or impacted facility maintenance responsibility.
 - They may develop information and prepare analyses related to verification of proposed project actions' compliance or noncompliance with regulations, policies, or laws under their jurisdiction, which may be used for applicable sections of project development documents.
 - Cooperating Agencies have the capability of voting on Concurrence or Non-Concurrence.
- A **Participating Agency** is a Federal, state or local agency that may have an interest in the project, but the project is not reasonably anticipated to substantially impact resources or interests within or covered by its regulatory jurisdiction.
- Participating Agencies may provide input to the Concurrence Process.
 - They **do not** have policy, regulatory, or legal jurisdiction with respect to resources or other interests that are reasonably anticipated to be substantially impacted by the applicable project.
 - Participating Agencies do not have the capability of voting on Concurrence or Non-Concurrence.

Table 1 illustrates the typical responsibilities of agency roles through the Concurrence Process, as well as potential federal, state, or local agencies likely to participate in the Concurrence Process for major Wake Transit capital projects.

Table 1 Typical Agency Roles for Concurrence Process

	Project Sponsor (Lead Agency)	Cooperating Agency	Participating Agency
Description of Responsibility	<ul style="list-style-type: none"> Preparing or having taken primary responsibility for facilitating project implementation decisions and environmental compliance Assigned through adopted Wake Transit Work Plans Develops project-specific Concurrence Process, membership, tentative schedule and Concurrence Points with Concurrence Administrator 	<ul style="list-style-type: none"> Anticipated to have policy, regulatory, or legal jurisdiction with respect to resources or other potentially impacted interests May develop information and prepare analysis related to validation of proposed project actions' compliance or noncompliance with regulations for applicable sections of project development documents Has the capability of voting on Concurrence or Non-Concurrence 	<ul style="list-style-type: none"> Federal, state, tribal, regional, and local government agencies that may have an interest in the project Provide review and input on potentially affected areas within or covered by their jurisdiction Do not have capability of voting on Concurrence or Non-Concurrence
Example Local Participation	<i>Project Sponsor</i> - TBD per project by adopted Wake Transit Work Plans	Project Sponsor, and any other municipality or local agency, county, MPO, or RPO with jurisdiction reasonably anticipated to be substantially impacted by the project	Any Federal, state or local agency that may have an interest in the project (e.g., municipalities, RPOs, MPOs, or counties for which the applicable project does not traverse or impact their jurisdictions)
Example Local Participation	For projects funded by a Federal agency (e.g., FTA), the Federal agency providing the funding will serve as a 'federal lead agency' for the project	NCDOT, FHWA – Federal Highway Administration (e.g., for any BUILD-funded projects), US Army Corps of Engineers (e.g., for projects crossing navigable waters of the U.S.), US Fish and Wildlife Service, North Carolina Department of Natural and Cultural Resources, etc.	<u>US Departments</u> Army Corps of Engineers, Environmental Protection Agency, Fish and Wildlife Service, National Park Service, Forest Service, etc. <u>NC Departments</u> Environmental Quality, Natural and Cultural Resources, Wildlife Resources Commission, etc.

CONCURRENCE TEAM MEMBERSHIP

Each Cooperating Agency will develop or defer to existing protocol to determine which office or individual of each agency will participate but will need to ensure that appointed representatives that serve on Concurrence Teams have the authority to provide verification of compliance at Concurrence Points or to represent the respective agency's interests. The Project Sponsor will be responsible for coordinating with the Concurrence Administrator to identify appropriate Cooperating and Participating Agencies for individual projects in an early stage of project scoping, preferably three (3) to six (6) months in advance of adoption of the annual Wake Transit Work Plan that appropriates funding to the planning, feasibility, and/or project development phases of the applicable project. They will also document justification of recommendations for the inclusion of Concurrence Team members for each applicable project.

Unless they intentionally opt out of participation in the Concurrence Process, Cooperating Agencies are required members of any major transit capital project Concurrence Team to which they are invited. In addition, the Project Sponsor may recommend inclusion of specific Participating Agencies to the Concurrence Team, when appropriate. It is recognized that many statutes and regulations must be met in order to achieve CConcurrence. Therefore, North Carolina state resource agencies (e.g., North Carolina Department of Environmental and Natural Resources) will be invited to participate as a Cooperating Agency only if the project under consideration affects the land, resources, or infrastructure under their respective jurisdictions. If an agency's jurisdiction is not directly impacted, it can join the Concurrence Team as a Participating Agency or it can decline to participate in the Concurrence Process.

In addition to determining regular membership on a project's Concurrence Team, an Executive Transit Team composed of principals or executives from the Cooperating Agencies and the parties to the Wake Transit Governance Interlocal Agreement (i.e., GoTriangle, CAMPO, and Wake County) will be formed to resolve disputes in the event of Non-Concurrence, or in the event that the Project Sponsor and the Concurrence Administrator are unable to agree on composition of the Concurrence Team. More information on the Executive Transit Team's role is provided in **Section 5: Dispute Resolution Process** of this document.

Commuter Rail Concurrence Team

In addition to the regularly-appointed members of a Concurrence Team, commuter rail projects subject to the Concurrence Process should also include the following agencies as Cooperating Agency members: (1) The North Carolina Railroad Company; (2) Impacted freight rail operators; (3) North Carolina Department of Transportation; (4) Any other MPOs or rural transportation planning organizations with impacted jurisdiction; and (5) County governments with impacted jurisdiction.

CONCURRENCE PLANS AND MEETINGS

For each major capital transit project, after the initial composition of the Concurrence Team is identified, the Project Sponsor will coordinate with the Concurrence Administrator and Cooperating Agencies to develop a project-specific Concurrence Plan that identifies project-

specific Concurrence Points, a tentative schedule, Concurrence Team and Executive Transit Team membership, and the responsibilities of each member. A distinct Concurrence Plan will be developed for each applicable project. The Project Sponsor serves as the Chair of the project Concurrence Team and leads Concurrence Meetings for agencies to present and share information on their ability to verify compliance with regulations, policies, or laws under their jurisdiction. Specific information related to Concurrence Team roles and responsibilities is provided in **Appendix B** to this document.

2 Projects Subject to the Concurrence Process

At a minimum, the following capital project types utilizing Wake Transit funds are subject to the Concurrence Process:

1. Fixed Guideway Projects (e.g. bus rapid transit [BRT], commuter rail transit [CRT], or light rail transit [LRT])
2. Shared park-and-ride facilities (P&R)
3. Shared bus transit centers
4. Shared maintenance facilities
5. Infill and additional fixed guideway stations

In addition to the project types identified above, the Project Sponsor and the Concurrence Administrator will use additional screening criteria described below to identify any additional major capital projects that will follow the Concurrence Process.

GUIDANCE FOR APPLICABILITY DETERMINATION

The need for detailed alternative analysis studies to avoid or minimize impacts to important resources and to evaluate the potential conflicts between resources should determine the basis for applying the Concurrence Process to projects. In addition, the process could be triggered by potential projects involving:

- Facilities exceeding \$1,000,000 in total cost that are proposed to be shared by other organizations or transit agencies that are not the Project Sponsor;
- Facilities exceeding \$1,000,000 in total cost that will traverse or impact other jurisdictions beyond that of the Project Sponsor; or
- Facilities that have the potential to present significant impacts to the legal, regulatory, or policy interests of other public organizations/agencies.

Projects Not Subject to the Concurrence Process

Only major transit capital projects utilizing Wake Transit funds are subject to the Concurrence Process. The following types of capital, operations, and systems infrastructure projects will not be subject to the Concurrence Process:

Transit Service and Operations Projects

- Implementation of new transit (non-BRT or –CRT) routes
- Substantial changes to existing transit (non-BRT or-CRT) routes

Small Capital Projects

- Improvements to existing bus stops or to existing non-shared passenger-facing bus facilities

- Development of new bus stops
- Leasing park-and-ride facilities
- Vehicle procurement and vehicle leasing

Technology/Systems Projects

- Implementing new fare collection system
- Implementing new automatic vehicle location (AVL) system
- Implementing new scheduling system
- Implementing new dispatching system
- Implementing new customer information system
- Implementing new intra-agency system (i.e. accounting system)

It is important for involved agencies and municipalities to cooperate and coordinate regionally on the above types of projects. However, their relatively small scale and impacts render them poorly suited for the Concurrence Process.

3 Concurrence Point Overview

Concurrence Points at which Project Sponsors propose project-level actions or approaches to implementation at key project milestones, and for which verification of compliance is sought from Cooperating Agencies, are defining points in the Concurrence Process. Concurrence implies that each appointed representative from a Cooperating Agency agrees to proposed actions at these defining points in the project development process, and possibly beyond, and in doing so pledges to abide by a signification of concurrence made unless there is a profound change in conditions. As previously mentioned, these Concurrence Points are established in a Concurrence Plan developed by the Project Sponsor in cooperation with the Concurrence Administrator with input from the identified Cooperating Agencies.

When appropriate, multiple Concurrence Points may be addressed at a single Concurrence Meeting, or a Concurrence Point that is common to two or more projects may be addressed at a single Concurrence Meeting of both/all applicable Concurrence Teams. When developing Concurrence Meeting agendas that include multiple Concurrence Points or participation by more than one Concurrence Team, the Project Sponsors leading the respective teams will coordinate with the Concurrence Administrator (CAMPO) to ensure that all required Cooperating Agency members are engaged for Concurrence Points that exclusively apply to them based on the concurrence track for each discrete project.

Concurrence Process Concurrence Points

Following are common Concurrence Points for major capital projects. Some Concurrence Points identified here may not apply, or, contrarily, additional Concurrence Points may be built into the process as determined by the Project Sponsor, Concurrence Administrator, and Cooperating Agencies during the development of the project's Concurrence Plan.

As previously mentioned, Concurrence is sequential and must be achieved in proper order. As an example, it is not possible to have agreement on alternatives selected for detailed study (Concurrence Point 2) without first achieving concurrence on purpose and need (Concurrence Point 1).

Concurrence Point 1: Purpose and Need

The foundation upon which justification of the project is established.

Concurrence Point 2: Identify Study Alternatives Carried Forward

Alternatives which satisfy the purpose and need for the project. These alternatives will be studied and evaluated in sufficient detail to ensure good transportation and impact mitigation or avoidance decision-making.

Concurrence Point 3: Alternatives Screening Process

If alternatives are screened out (i.e. alternatives are eliminated) prior to the LPA recommendation, the appropriate participants must be informed and concur.

Concurrence Point 4: Avoidance and Environmental Minimization

A detailed, interdisciplinary and interagency review to optimize the design and benefits of the project while reducing potential impacts to both the human and natural environments.

Concurrence Point 5: LPA Recommendation

Final recommendation for locally preferred alternative.

Concurrence Point 6: NEPA Assessment

A detailed, interdisciplinary and interagency review of required NEPA assessment.

Concurrence Point 7: LEDPA Recommendation

Final approval for the alternative selected as the "least environmentally damaging practicable alternative."

Concurrence Point 8: Additional Federal Process-Related decisions

Depending on alternative or corridor, additional federally required documentation may be necessary. If this is the case, an additional Concurrence Point may be added.

Concurrence Point 9: Agreement with Jurisdictions for Additional Decision Points

Additional subsequent Concurrence Points that address the final design, construction, and system integration phases of a project life cycle are further memorialized in an agreement(s) between the project sponsor and impacted jurisdiction(s).

Further Decision Points: As Needed

Additional Concurrence Points may be necessary as each project works through the project development process or subsequent phases, but these have not been identified here. It is the responsibility of the Project Sponsor and Cooperating Agencies to identify other necessary decision points beyond the selection of a least environmentally damaging preferred alternative.

The completion of the Concurrence Process/Plan for applicable capital projects in accordance with this framework will be a requirement set forth in project-level agreements for applicable projects that tie to the annual Wake Transit Work Plan that funds the subject project or subject project phase. All Concurrence Points must achieve full Concurrence before a subsequent project phase may be funded in the annual Wake Transit Work Plan.

CONCURRENCE DOCUMENTATION

Each agency should enter discussion on proposed decisions at Concurrence Points with a solution-oriented attitude. After sufficient discussion and an opportunity for the Project Sponsor to provide requested information, each involved Cooperating Agency will either Concur or Non-Concur. Cooperating Agency representatives on a Concurrence Team and their respective Executive Transit Team members are authorized to execute Concurrence Forms. Executive Transit Team member signatures are required only in the event of Non-Concurrence at a Concurrence Point. Concurrence from Cooperating Agencies shall be obtained before a Project Sponsor can

proceed to a subsequent Concurrence Point in the Concurrence Process. Accordingly, Concurrence must be unanimous among Cooperating Agencies on a Concurrence Team.

If an organization decides to Non-Concur, that organization is responsible for documenting its reasons in writing and providing that documentation to all involved parties within five (5) business days of the respective Concurrence Meeting at which a Project Sponsor's proposed action was presented for Concurrence. The Project Sponsor and Cooperating Agencies are encouraged to attempt to resolve issues that cause Non-Concurrence as much as possible before or at the moment an indication of Non-Concurrence is rendered. Non-Concurrence should not be utilized based on a lack of information without affording the Project Sponsor a reasonable opportunity to provide the requested information.

If a Cooperating Agency is completely disinterested in a Project Sponsor-proposed action at a Concurrence Point, or if a Cooperating Agency is no longer engaged in the Concurrence Process for a particular project, it may abstain from signifying Concurrence or Non-Concurrence. Similar to Concurrence, abstention means that a Cooperating Agency does not actively object to a proposed action, but the agency will not sign off on the Concurrence Point with an indication of Concurrence. In this case, the Concurrence Process may continue, and the abstaining Cooperating Agency is agreeing not to revisit the Concurrence Point unless there is a profound changed condition upon which the decision to abstain or to refrain from involvement at the Concurrence Point was based.

Re-evaluation of Concurrence Points

Having concurred at a particular Concurrence Point, a Concurrence Team member will not request to revisit previous Concurrence Points unless there is new substantial information that warrants a reevaluation. Examples of such instances warranting reevaluation might include, but are not limited to:

- A change in the assumptions on which the project purpose or need was based;
- Significant changes to project elements (these would need to be defined by Project Sponsor and agreed to by Cooperating Agencies);
- A change in regulatory authority that extends regulatory jurisdiction to include an area or resource that was not previously regulated;
- Discovery of an impact, resource, or additional information that was not previously identified or did not previously exist; or
- Discovery of engineering limitations.

Staffing changes are not sufficient reason to revisit a previous Concurrence Point, and newly involved agency staff will abide by significations of Concurrence made by previous staff and the Concurrence Team. A request to revisit a previous Concurrence Point will be provided in writing to the Concurrence Administrator (CAMPO) and will include supporting documentation. CAMPO will respond to the request by email with cc's to the entire Concurrence Team.

4 Dispute Resolution Process

Concurrence at critical identified points in the project development and permitting process, as well as in any applicable subsequent phases, is the key to the success of the Concurrence Process. However, it is recognized that there may be instances at which the Concurrence Team cannot reach Concurrence due to conflicting policy, regulatory approaches, or laws. If the Concurrence Team members of an agency or agencies cannot concur, the following guidance for dispute resolution will be initiated.

CAMPO, as the Concurrence Administrator, is the neutral transportation planning facilitator for the region and will administer this process. Should this process ultimately require the listing of a Significant Concern (if qualifying) in the event that the Executive Transit Team cannot resolve the dispute, Wake County will administer that process per the Wake Transit Governance Interlocal Agreement (ILA). A Significant Concern may be listed if the subject project is unable to proceed as prescribed in the Wake Transit Work Plan and the first level of dispute resolution prescribed in this document fails to resolve the dispute. The first level of dispute resolution is to the Executive Transit Team. In the event that the Executive Transit Team cannot resolve the issue, then the Wake Transit Governance ILA Article X provisions could be enacted.

Executive Transit Team

As previously mentioned in this document, the Executive Transit Team is composed of principals or executives from the Project Sponsor, Cooperating Agencies, and the parties to the Wake Transit Governance Interlocal Agreement (i.e., GoTriangle, CAMPO, and Wake County). If the Concurrence Team members of an agency or agencies cannot Concur, the Executive Transit Team must follow the following dispute resolution guidance.

Dispute Resolution Guidance

This dispute resolution guidance is intended to apply to the full spectrum of conflicts and unresolved issues that arise during the development, design, and permitting of major capital Wake Transit projects. The guidance also provides the specific procedures for elevation to upper management in those cases in which concurrence at Concurrence Points cannot be reached by the Concurrence Teams. It is understood that every effort will be taken to resolve issues at the Concurrence Team level. Should there be instances of non-concurrence during the Concurrence Process, the following elevation process should be initiated.

The Executive Transit Team will be convened in the event of Non-Concurrence by a Cooperating Agency on any Concurrence Point addressed by the Concurrence Team, or in the event the Project Sponsor and the Concurrence Administrator are unable to agree on the composition of the Concurrence Team. Executive Transit Team members must be formally notified of a Non-Concurrence event and provided with a written explanation for the Non-Concurrence by the Non-Concurring party. Any Cooperating Agency or Executive Transit Team member may initiate the process by providing a written request to the Project Sponsor responsible for the project, with a copy to the Concurrence Administrator, providing the specific reason for the request.

Upon receiving the written request, the Project Sponsor will send an e-mail notice to the Executive Transit Team Members and all Concurrence Team members. The e-mail notification should

identify and briefly describe the project involved, actions taken to date, the Concurrence Point at which agreement cannot be reached, and the reason for the request. Concurrence Team members and meeting participants are responsible for keeping their respective chains of command informed.

CAMPO will coordinate a tentative Executive Transit Team meeting to be held within 30 days from the date of the e-mail notice or as soon as possible thereafter. This date will be coordinated with all parties and will be e-mailed to the Executive Transit Team and all Concurrence Team members. In advance of the Executive Transit Team meeting, the parties in dispute will attempt to resolve the issue by elevating the problem up their respective chains of command. If resolution is achieved, it will be documented by signing an agreement or the Concurrence Form, and the Project Sponsor and Concurrence Administrator will ensure that the Executive Transit Team meeting is canceled. In the event that the conflict cannot be resolved by the 21st day of the 30-day time period, the Project Sponsor will ensure the Executive Transit Team receives written briefs from the agencies involved to support their respective positions. The Project Sponsor will be responsible for assuring that this information is provided to the Executive Transit Team no later than five (5) days prior to the scheduled Executive Transit Team meeting.

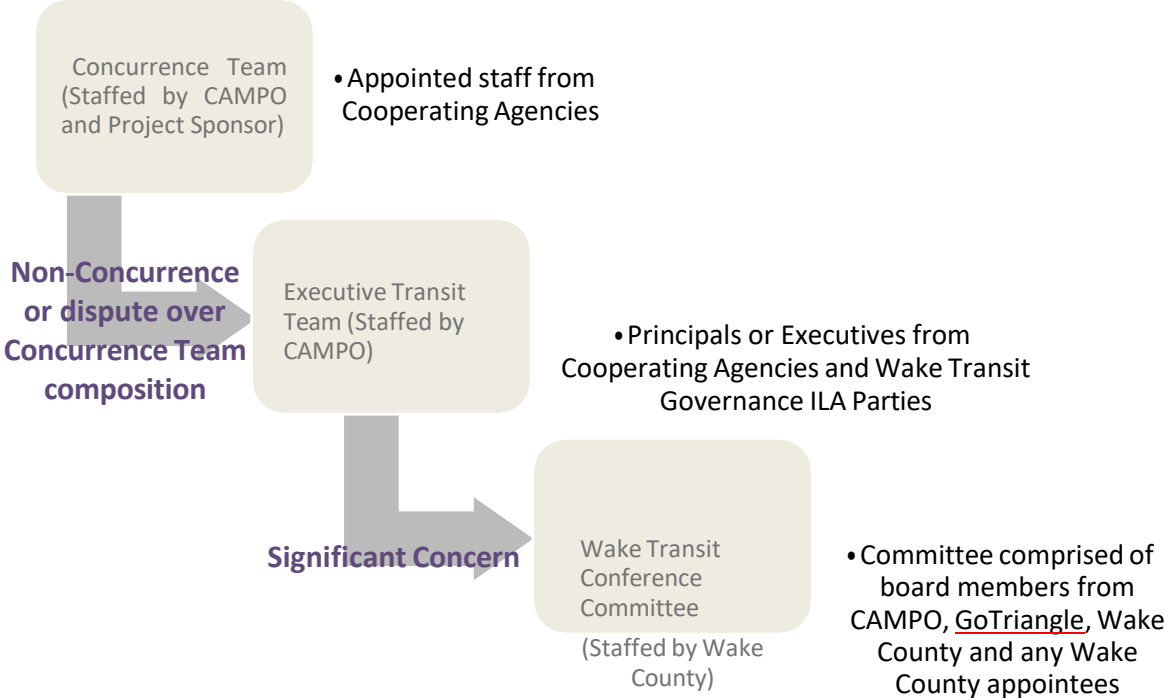
Executive-level management and Concurrence Team members from the Non-Concurring agency will be invited to present information for the Executive Transit Team to consider. All Concurrence Team members may attend. It is expected that the Executive Transit Team will be able to reach a decision on Concurrence at the meeting or shortly thereafter. If the Executive Transit Team determines that additional information is needed, a decision on concurrence will be delayed until the information is obtained for the Executive Transit Team's use.

After the Executive Transit Team makes a decision on Concurrence, either Executive Transit Team members or Concurrence Team members will sign the Concurrence Form that implements the signification of Concurrence. Final decisions shall not result in a violation of applicable laws, rules, or regulations.

It is understood that an agency's participation in this dispute resolution process does not preclude other dispute resolution or options available by regulation to that agency. It is also understood that nothing in this agreement diminishes any North Carolina State Department's roles and responsibilities to make decisions regarding permit requirements, permit issuance, certifications or approvals. Should the Executive Transit Team not resolve a dispute, CAMPO, GoTriangle or Wake County may list a Significant Concern if the inability to resolve the dispute qualifies as a 'Significant Concern' in Section 2.33 of Wake Transit Governance ILA. In this case, the administration of that process will be deferred to Wake County.

The dispute resolution process is depicted in **Figure 5**.

Figure 5: Concurrence Process Dispute Resolution Process



APPENDIX A

Title: Agency Roles and Government-to-Government Coordination
Date: August 2016
SOP No.: 20
Issued by the Office of Planning and Environment (TPE)

1. Purpose

The Council on Environmental Quality (CEQ) regulations implementing the National Environmental Policy Act (NEPA) (40 CFR parts 1500-1508) and FTA's environmental regulations (23 CFR part 771) and guidance emphasize the importance of early and effective coordination with Federal, State, and local agencies in the preparation of environmental impact statements (EISs). This SOP discusses the roles and responsibilities of various agencies in the environmental review process.

2. Applicability/Scope

The environmental review process for EISs includes three types of formal agency roles: lead agency, cooperating agency, and participating agency. This document addresses factors for determining how FTA participates in the environmental review process (i.e., as a lead, co-lead, cooperating, or participating agency), and how FTA Regional staff, in coordination with project sponsors, identify Federal, State, or local agencies to participate in the environmental review process as a co-lead, cooperating, or participating agencies. Throughout the SOPs, agency roles are discussed further as they relate to the specific milestone or document type.

For EAs, depending on impacts, early and effective coordination with other entities can also be important.

3. Responsibilities

FTA Regional staff should work closely with the project sponsor to define roles and responsibilities for agency coordination at the beginning of the environmental review process. It is recommended that FTA Regional staff conduct initial coordination with other Federal agencies and certain State agencies, such as the State Historic Preservation Office, to help ensure FTA involvement and engagement in the process. Follow-up coordination with Federal agencies on technical matters, such as to fulfill a permit or process, and other coordination with State and local agencies may be handled by the project sponsor.

FTA Regional staff are responsible for communications with Federally-recognized Indian tribes under government-to-government consultation.

4. Standard Procedures

4.1. Define FTA's role in the process. After determining that a project is eligible for and will likely receive FTA funding, the FTA Regional office determines FTA's role in the environmental review process. This should be done in coordination with the project sponsor and any other co-lead agencies, and may include discussions with other

Federal, State, and local agencies.¹ For more information on lead, cooperating, and participating agencies, review the SAFETEA-LU Environmental Review Process Final Guidance (2006).

- **Lead agency.** For projects that involve FTA funding only, FTA is the Federal lead agency for the project. The project sponsor that will be the direct recipient of FTA funding will be a joint lead agency with FTA. For projects that involve several Federal funding sources, FTA will determine its role in coordination with the other Federal agencies providing funding.

A project sponsor may request that the Secretary of DOT designate an operating administration or secretarial office within DOT to serve as the Federal lead agency for the project. This process is described in 23 U.S.C. § 139(e)(4), but FTA recommends project sponsors contact FTA prior to requesting the Secretary's determination because FTA may be able to make the determination.

- **Joint lead Federal agency.** For projects that require both FTA and another Federal agency to take a Federal action, FTA and the other agency may choose to serve as joint lead Federal agencies or, preferably, one agency may choose to serve as a cooperating agency (see below). Often a project with joint lead Federal agencies is a multimodal project and the other Federal agency involved is another Department of Transportation (DOT) modal administration. This approach is not normally encouraged because it can complicate decisionmaking related to the environmental review process, but if it is pursued, the roles and responsibilities of the agencies should be clearly defined and documented in order to facilitate decisionmaking. FTA's decision on its role in the environmental review process depends on the relative magnitude of the transit elements of the multimodal project and the timing of FTA funding for the project.
- **Cooperating agency.** For projects that have multiple Federal funding sources or approvals, and for which FTA either has special expertise or expects to fund/approve a transit component, FTA may participate in the review process as a cooperating or participating agency (note these roles apply to EIS projects, specifically). FTA should expect to serve in these roles when the FTA action is minimal or, in some cases, undetermined. Note, cooperating agencies are also considered participating agencies so references to participating agencies in 23 U.S.C. § 139 include cooperating agencies.

Cooperating agencies have a higher degree of authority, responsibility, and involvement in the environmental review process. The two main advantages to participating in the environmental review process as a cooperating agency

¹ If, at the project outset, it appears that the project will need Federal permits or approvals, FTA/project sponsor should coordinate with the Federal agency with jurisdiction by law over those permits or approvals when discussing agency roles. This will help set the foundation for a single NEPA/environmental document (23 U.S.C. § 139(d)(8)), to the maximum extent practicable.

instead of a participating agency are: (1) a non-DOT cooperating agency may adopt without recirculating the EIS of a lead agency when, after an independent review of the statement, the cooperating agency concludes that its comments and suggestions have been satisfied² (40 CFR 1506.3); and (2) lead agencies may share the administrative draft environmental document for review and comment with all or select cooperating agencies prior to publishing the documents for public review and comment.

- **Participating agency.** If the lead agency expects FTA will have an interest in the project, FTA will likely be invited to participate in the environmental review process. If FTA is invited to participate pursuant to 23 U.S.C. § 139 or Title 41 of the FAST Act and the FTA Regional office determines FTA does not have an interest in the project, FTA must decline the invitation in writing and specify the reasons found in the applicable statutory provision.

4.2. Identifying cooperating and participating agencies. The SAFETEA-LU Environmental Review Process Final Guidance (2006) provides detailed guidance on whom and how to invite agencies to participate in FTA’s environmental review process as cooperating and participating agencies. However, there are aspects not covered by the SAFETEA-LU Guidance, noted below, due to recent reauthorization.

- **Lead agency roles.**
 - The lead agencies must establish the project coordination plan no later than 90 days after EIS NOI publication (23 U.S.C. § 139(g)(1)(A)), and seek concurrence from all participating agencies on the schedule included in the coordination plan (23 U.S.C. § 139(g)(1)(B));
 - The lead agencies must identify participating agencies no later than 45 days after publication of the Notice of Intent (23 U.S.C. § 139(d)(2));
 - The lead agencies must develop the environmental checklist discussed at 23 U.S.C. § 139(e)(5) in consultation with the participating agencies and when the lead agencies determine that a checklist would be appropriate;
 - The lead agencies must consider and respond to comments from participating agencies on matters within those agencies’ special expertise or jurisdiction (23 U.S.C. § 139(c));
 - FTA or the Secretary of DOT must respond in writing to EIS “review of application”/project notification requests within 45 days of receipt (23 U.S.C. § 139(e)(3)); and
 - FTA must identify the participating agencies not participating in the development of the purpose and need and range of alternatives on the Federal Infrastructure Permitting Dashboard (23 U.S.C. § 139(o)(1)(A)(ii)). FTA policy is to request written notice from the participating agency stating it will not participate in the development of the purpose and need and range of alternatives in order for FTA to include the agency on the Dashboard under the 23 U.S.C. § 139(o) provision.

² Adoption of environmental documents within DOT is governed by the process set out in 49 U.S.C. § 304a.

- **Participating agency roles.**
 - Participating agencies must provide comments within their special expertise/jurisdiction and use the environmental review process to address any environmental issues of concern to their agency (23 U.S.C. § 139(d)(9));
 - Participating agency concurrence is required on the project schedule to be included in the coordination plan (23 U.S.C. § 139(g)(1));³ and
 - Participating agencies must comply with the schedule within the coordination plan even if they decline to participate in the development of the purpose and need and the range of alternatives (23 U.S.C. § 139(f)(4)(A)).

4.3. Communicating responsibilities to participating and cooperating agencies. Once FTA and the project sponsor have invited the cooperating and participating agencies using the standard invitation letter template (Attachment B to the SAFETEA-LU Environmental Review Process Final Guidance (2006)), discussions regarding roles and responsibilities will occur. FTA and the project sponsor may choose to draft the roles and responsibilities and present them, along with the draft project schedule, in the coordination plan and request review and comment, and/or FTA and the project sponsor may hold an agency coordination meeting (in person or via tele-conference) to discuss roles and responsibilities. Ultimately, the lead agency(s) will memorialize the roles and responsibilities of the lead agencies, cooperating and participating agencies, tribes, and the public in the EIS coordination plan.

In addition to the responsibilities of being a participating agency, cooperating agencies (Federal agencies required to make an approval or take an action for a project) may be given additional responsibilities for reviewing or preparing sections of the EIS. FTA and the project sponsor would outline these responsibilities in the coordination plan.

4.4. Government -to-government consultation. The United States has a unique legal and political relationship with Indian tribal governments, established through and confirmed by the Constitution of the United States, treaties, statutes, executive orders, and judicial decisions.⁴ As part of the project development and environmental review process, FTA Regional staff shall make a reasonable and good faith effort to identify Indian tribes that may have an interest in a project. Out of deference to Federally-recognized Indian tribes, FTA Regional staff should not contact these governments using the generic participating agency template letters and instead draft correspondence recognizing their sovereignty and potential interests. Correspondence must come from FTA staff. If other communication arrangements are made for the course of the project, FTA Regional staff should include it in the coordination plan.

³ FTA will assume concurrence of participating agencies if no objections are received within 30 days of distribution of the schedule.

⁴ Executive Order 13175: Consultation and Coordination with Indian Tribes; Presidential Memorandum on Tribal Consultation (November 5, 2009).

4.5. Documenting agency coordination. All agency coordination, whether conducted by FTA or the project sponsor, should be documented and saved in the project file. Any correspondence containing decisions, determinations, findings, or agreements should be appended to the EIS.

5. References

- Efficient environmental reviews for project decisionmaking, [23 U.S.C. § 139](#)
- CEQ regulations implementing NEPA, [40 CFR Sections 1501.7](#) and [1508.25](#)
- [SAFETEA-LU Environmental Review Process Final Guidance](#) (2006)
- Executive Order 13175: [Consultation and Coordination with Indian Tribes](#)
- [Presidential Memorandum on Tribal Consultation](#) (2009)

APPROVAL:



Christopher S. Van Wyk
Director, Office of Environmental Programs

DATE:

8/11/2016

APPENDIX B

CONCURRENCE TEAM ROLES AND RESPONSIBILITIES

This section establishes more specific roles and responsibilities for parties involved in the Concurrence Process and establishes the expectations or norms for facilitating the process. It addresses the following topics:

- Roles and responsibilities of participants at different phases of the Concurrence Process;
- Work standards and rules for each phase of the Concurrence Process;
- Expected conduct and relationships among participants (e.g. respecting an agency's expertise or jurisdiction); and
- Detailed steps and timeframes for elevating issues, disputes, or non-concurrence associated with a Concurrence Point.

Project Sponsor

Throughout project development and any applicable subsequent phases of project implementation, the Project Sponsor is responsible for developing and evaluating the benefits and impacts of a limited number of project alternatives while also ensuring that a reasonable range of alternatives is evaluated. Throughout the project development process, the Project Sponsor will propose certain actions or implementation approaches that impact the trajectory of project alternatives at Concurrence Points that correspond to key milestones laid out in a project's Concurrence Plan. These proposed actions or approaches are then shared with Cooperating Agencies on the Concurrence Team for their verification of compliance with any laws, regulations, or policies related to resources or interests under their jurisdiction.

In facilitating this process, the Project Sponsor serves as the Chair of the Project Concurrence Team and leads Concurrence Meetings, ensuring all necessary documentation, materials, etc. are prepared two weeks prior to the meeting. The Project Sponsor is responsible for compiling all Concurrence Meeting materials and providing the complete record of Concurrence to the Concurrence Administrator, which is responsible for collection, storage and maintenance of all records related to Wake Transit Concurrence Points.

Cooperating Agencies

Concurrence Team participants from Cooperating Agencies will be responsible for ensuring they are empowered by their agencies to verify project-level actions proposed by the Project Sponsor at key project milestones. Concurrence Team participants from Cooperating Agencies are responsible for providing verification of compliance based on their respective agency's authorities or policies. For each major capital transit project subject to the process, Cooperating Agency members participating on Concurrence Teams shall commit to:

- Work in a collaborative problem-solving spirit;
- Assist the Project Sponsor in satisfying all applicable federal, state and local regulations, policies, and laws;
- Represent only their own agency;
- Develop project-specific Concurrence Plan that identifies a tentative schedule and Concurrence Points;

- Verify compliance with actions proposed by the Project Sponsor based on the authority with respect to the project under the purview of their agency;
- Either concur or non-concur with actions proposed by the Project Sponsor;
- Review all materials prior to meetings in order to contribute effectively to all discussions;
- Notify the Concurrence Administrator (with a “cc” to the Project Sponsor) of any changes in their agency’s Concurrence Team membership; and
- Notify the rest of the Concurrence Team via e-mail when participation is no longer desired and/or warranted.

Participating Agencies

Participating Agency members participating in Concurrence Team meetings may provide information or input to the team but do not participate in written concurrence.

Concurrence Administrator

The Concurrence Administrator (CAMPO) is a neutral party that provides structure to interactions so the Concurrence Team is able to function effectively to verify compliance with Project Sponsor’s proposed actions. The Concurrence Administrator coordinates with Project Sponsors to identify necessary participation from Cooperating or Participating Agencies, identifies projects that will be subject to the Concurrence Process, schedules Concurrence Meetings, distributes materials for Concurrence Meetings, and invites Cooperating and Participating Agencies to participate in Concurrence Meetings. It is responsible for keeping mailing lists for Concurrence participants, updating them on a specified basis by project, and ensuring this information is made available on the CAMPO website. The Concurrence Administrator also serves as moderator and recorder on the Concurrence Team and shall take (or appoint a designee to take) minutes for all Concurrence Meetings. The Recorder is preferably someone who is not a Concurrence Team member or who is not actively involved in the meeting discussion. If the team members of an agency or agencies cannot concur, CAMPO must administer the first level of the Concurrence dispute resolution process discussed in Section 5 of the Concurrence Process document.

In special cases, the Project Sponsor may take on the role of distributing materials, scheduling meetings, and sending invitations to meetings to keep processes on their prescribed timeline only if the Concurrence Administrator is unable to execute its responsibilities within the timelines prescribed and when authorized to do so by the Concurrence Administrator. Project Sponsors may not supplant any other role of the Concurrence Administrator.

Executive Transit Team

The Executive Transit Team is composed of principals or executives from the member Cooperating Agencies and the Wake Transit Governance ILA parties. Members of the Executive Transit Team have signatory authority within their respective agencies to provide sign off on concurrence forms when consensus is reached on a Concurrence Point. As final approvers for Concurrence Points in the event of non-concurrence within the Concurrence Team, they will also function as a moderating body for any barriers to Concurrence caused by disputes between agencies. If the team members of an agency or agencies cannot concur, the Executive Transit Team must follow

the approved dispute resolution guidance (explained in Section 5 of the Concurrence Process document) for dispute resolution.

CONCURRENCE MEETINGS

General Concurrence Meeting expectations and responsibilities of Concurrence Team members are illustrated **in Table 1**. The coordination between the Concurrence Team members should generally be a formal meeting so that all data can be reviewed in a structured setting. The Project Sponsor is responsible for coordinating with Concurrence Team members to identify and invite appropriate technical experts (e.g. transportation planners, civil engineers, etc.) to Concurrence Meetings based on the nature of the project. They are also responsible for consulting with the Cooperating Agencies on whether sufficient information exists to warrant scheduling a Concurrence Meeting. After establishing the need to hold a meeting, the Project Sponsor is responsible for submitting a Concurrence Meeting request to the Concurrence Administrator, who schedules the formal meeting. The Project Sponsor is responsible for setting up all Concurrence Team Meetings.

If any of the Cooperating Agencies represented on the Concurrence Team are not able to attend and do not have a prepared substitute, then the Concurrence Meeting may be postponed, at the discretion of the Project Sponsor.

APPENDIX B

Table 1 Concurrence Team Meeting Responsibilities

	Project Sponsor (Chair)	Cooperating Agency	Participating Agency	Concurrence Administrator
General	<ul style="list-style-type: none"> Coordinate with Cooperating Agencies to determine scheduling of Concurrence Meetings Set up Concurrence Team meetings Coordinate responses to information requests from Cooperating and Participating Agencies Maintain up-to-date list of Concurrence Team members with Concurrence Administrator 	<ul style="list-style-type: none"> Attendance at all Concurrence Meetings Make or respond to (as appropriate) official requests for additional information Express Concurrence, Non-Concurrence, support, concerns or reservations on any issues under the purview or authority of the Cooperating Agency with respect to the proposed actions or approaches of the Project Sponsor Identify appointees to Executive Transit Team 	Attendance at Concurrence Meetings when appropriate or requested by Project Sponsor	<ul style="list-style-type: none"> Scheduling of formal Concurrence meetings Distribution of meeting information packets two (2) weeks in advance of meeting date Notifications to meeting attendees Identify appointees to Executive Transit Team
Pre-Meeting	<ul style="list-style-type: none"> Coordinate with Cooperating Agencies to set concurrence meeting agenda Assemble meeting information packets and submit to Concurrence Administrator for distribution Coordinate with Concurrence Administrator in event of potential need for postponement Identify required attendance by technical experts, as needed 	<ul style="list-style-type: none"> Ensure capability to receive and print electronic meeting packets Notify Concurrence Administrator and Project Sponsor if meeting packet is not received at least two (2) weeks in advance of meeting date Review information packet prior to meeting and notify Project Sponsor/meeting attendees of substantial concerns or questions 	<ul style="list-style-type: none"> Ensure capability to receive and print electronic meeting packets Review information packet prior to meeting and notify Project Sponsor/meeting attendees of substantial concerns or questions 	<ul style="list-style-type: none"> Distribute Concurrence Daily Agenda three (3) weeks in advance of meeting date Identify a Recorder to take minutes of all meetings
During Meeting	<ul style="list-style-type: none"> Ensure all meeting materials can be easily viewed/accessed by all meeting attendees Start meetings on time, actively promote participation, facilitate resolution of agenda items and minimize non-agenda discussions Summarize action items and next steps 	<ul style="list-style-type: none"> Arrive on time and bring meeting information packet to Concurrence Meeting 	<ul style="list-style-type: none"> Bring meeting information packet to Concurrence meeting 	<ul style="list-style-type: none"> Take notes to prepare meeting minutes
Post Meeting	<ul style="list-style-type: none"> Develop responses to requests for information Finalize meeting minutes and distribute to Concurrence Team Draft Concurrence Form and distribute to Concurrence Team 	<ul style="list-style-type: none"> Develop responses to requests for information Provide comments and/or signature to Concurrence Form 	<ul style="list-style-type: none"> Develop responses to requests for information 	<ul style="list-style-type: none"> Provide draft meeting minutes to Project Sponsor

Pre-Meeting Activities

Concurrence Daily Agenda

The Concurrence Daily Agenda is a list of items to be discussed on a particular day (not to be confused with a Project-Specific Agenda, which outlines what is expected to be accomplished during a particular Concurrence Meeting).

The Concurrence Administrator is responsible for distributing the Concurrence Daily Agenda three (3) weeks in advance of the meeting date. This will enable Concurrence Team members to have three (3) weeks' notice of when their Concurrence Team will meet. The Concurrence Daily Agenda will also be posted on the CAMPO website.

Information Packets

The Project Sponsor is responsible for assembling the Concurrence Meeting information packet, with all relevant materials including, but not limited to: meeting agenda, information packet, contextual background or supporting exhibits for agenda items, summary of any relevant public input comments, and responses to information requests from previous meetings (if applicable). Information packets will be provided to the Concurrence Administrator for distribution to Concurrence Team members at least two (2) weeks in advance of the meeting.

The Concurrence Administrator is responsible for sending out meeting packets. Packets will be provided electronically and will be posted to the CAMPO website.

Concurrence Team Members will receive information packets in electronic format and are responsible for ensuring that they have the capability to receive and print packets distributed to them electronically. It is their responsibility to notify the Concurrence Administrator (with a "cc" to Project Sponsor) in a timely manner prior to a Concurrence Meeting if the packet is not received by two (2) weeks in advance of the meeting.

Requests for Information and Technical Coordination

Concurrence Team members may request additional information in advance of Concurrence Meetings. Such requests will be via email and sent to the Project Sponsor. Such requests will be sent preferably at least one (1) week prior to the Concurrence Meeting. Additional information will be provided to all Concurrence Team Members.

Requests for additional information shall be as specific as possible. An agency shall specify in its comments whether it needs additional information to fulfill other applicable environmental reviews or consultation requirements and what information it needs. In particular, it shall specify any additional information it needs to comment adequately on the analysis of substantial, site-specific effects associated with the granting or approving by that agency of necessary State or Federal permits, licenses, other requirements, or ultimate concurrence.

If requests for additional information by Concurrence Team Members are made, the Project Sponsor is responsible for determining if the information can/will be provided and whether the meeting needs to be postponed or can occur as scheduled. Factors to be considered in obtaining the information are cost, the benefit of the information to a proposed project action at key project milestones, and any associated

project delay. If disagreements arise on additional information requests, the Concurrence Team can elevate the decision to the Executive Transit Team for review.

If a Concurrence Team member has concerns regarding predictive methodology (e.g. ridership projections), or other technical matters, appropriate support staff will be utilized to address concerns. Alternative methodologies may be proposed.

A Concurrence Team member objecting to or expressing reservations about a proposed approach or solution on grounds of environmental impacts or policies, laws, or regulations under their purview shall work collaboratively with the Cooperating Agencies to determine the avoidance and minimization measures considered necessary to allow the agency to grant or approve applicable permits, licenses, related requirements, or ultimate concurrence.

Project Changes and Meeting Changes

The Project Sponsor is responsible for notifying the Cooperating Agencies of any new information that supersedes the information packet that has already been distributed to Concurrence Meeting attendees. The Concurrence Team members are responsible for explaining and justifying requested project changes based on their requirements and agency permitting/reviewing authorities. The Project Sponsor is responsible for quantifying the cost associated with requested project changes. The Project Sponsor and Concurrence Team members should acknowledge that verification of compliance at certain Concurrence Points do not supersede decisions that must be made through other established processes, such as changes to a project that would increase the project's budgeted or programmed amount being subject to the decision-making processes tied to the development of annual Wake Transit Work Plans or amendments thereto.

For substantial information changes to packets, the Project Sponsor is responsible for notifying the Concurrence Team as soon as information is known to determine whether to reschedule the meeting. The Project Sponsor (after consulting with the Concurrence Administrator) is responsible for making the decision to postpone the meeting. The Concurrence Administrator is responsible for notifying Concurrence Team members of a meeting postponement through the normal e-mail process.

Concurrence Meeting Participation

Representation and Attendance

Concurrence Team members are strongly encouraged to attend Concurrence Meetings onsite. Video-conferencing is an option; however, attendance in person is preferred. Notification of attendance via video-conference should be submitted to the Project Sponsor and Concurrence Administrator at least one (1) week in advance of the meeting, if possible.

Represented parties are responsible for ensuring meeting attendance. Should a Concurrence Team member not be able to attend a Concurrence Meeting in person or via video-conference and this is known in advance, the Concurrence Team member is responsible for notifying the other Concurrence Team members and will do one of the following:

- Send a substitute with decision-making authority, providing the name of the substitute to the Project Sponsor before the meeting; or

- Send a substitute without decision-making authority and submit any input related to the project to the Project Sponsor via email within two (2) weeks of the meeting; or
- Contact the Project Sponsor to obtain updates on the project following the meeting. The Concurrence Team Member shall submit any input related to the project to the Project Sponsor via email within two (2) weeks of the meeting.

Conducting Meetings

The Project Sponsor is responsible for ensuring that it understands the details of what will be discussed at meetings in advance and will inform and involve appropriate staff members at the Concurrence Meetings to ensure that technical issues (e.g. safety, feasibility of construction, etc.) can be addressed. The Project Sponsor will often use consultants who will assist in developing, delivering, and sharing various planning, design, environmental information, etc. The role of the consultants within the Concurrence Meetings will be to present and to share the technical information with the Concurrence Team. The Project Sponsor will be responsible for coordinating with the consultant and explaining the consultant's role to the Concurrence Team for each project. The Project Sponsor will retain all other responsibilities as defined within this document. Concurrence Meeting participants will abide by the "Public Service Code of Conduct."

The purpose and objective of the meeting will be clearly stated by the Project Sponsor on the agenda sheet. This information is provided, via the information packet, to the Concurrence Administrator by the Project Sponsor prior to distribution of the meeting agendas. Informational meetings are acceptable and will be noted as such on the agenda.

The Project Sponsor is responsible for ensuring that technical information is presented in a clear manner. Such information will be easy to understand and easy to view by all Concurrence Team members. Concurrence Team members who object to or express reservations about a proposed project-level action or approach on grounds of environmental impacts or laws, regulations, or policies under their authority will work collaboratively with the Concurrence Team to determine the avoidance and minimization measures considered necessary to allow the agency to grant or approve applicable permits, licenses, related requirements, or ultimate concurrence.

Meeting Conclusion

At the conclusion of each Concurrence Meeting, the Project Sponsor is responsible for informing the Concurrence Team of the action items resulting from discussion (i.e., additional information needed for concurrence or next concurrence point), as well as tentative schedule for the next steps/concurrence point.

Post-Meeting Activities

Concurrence

If verification of compliance at a Concurrence Point discussed during the meeting is able to reach a consensus resolution based on input from all Cooperating Agencies at the meeting, the Recorder will document the Concurrence Point and resolution verbiage in a Concurrence Form for circulation and final acceptance by Cooperating Agencies after the meeting. Concurrence Team members who did not attend

the Concurrence Meeting shall submit notice that a verification of compliance will be made within two (2) business days following a Concurrence Meeting, and any verification of compliance related to the project shall be sent to the Recorder via email within two (2) weeks of the meeting. The Project Sponsor will pursue signing of the Concurrence Form from Concurrence Team members who did not attend the Concurrence Meeting.

Concurrence Forms may be signed electronically. Concurrence Team members from Cooperating Agencies are able to sign (implement) the Concurrence Form for any concurrence item that does not get elevated to the dispute resolution process. In the event of non-concurrence and elevation to the dispute resolution process, signature from all Executive Transit Team members is required to implement the proposed action or approach at the corresponding project milestone. In the event that a Concurrence Team member is unavailable to sign a Concurrence Form, the Executive Transit Team member of the affected Cooperating Agency may also provide signature. The form should be signed and passed along to the Project Sponsor within three (3) business days from receipt.

Non-concurrence

Issues of non-concurrence will be documented, and the dispute resolution process will be initiated. If an organization decides to non-concur, that organization will indicate such by a statement on the Concurrence Form and will sign the statement. The organization is responsible for documenting its reasons via email to all Concurrence Team Members within five (5) business days of the Concurrence Meeting.

Initiation of the dispute resolution process is appropriate when the team cannot concur (see Section 5). Any Concurrence Team member from a Cooperating Agency can initiate the dispute resolution process. The dispute resolution process will begin in a timely manner.

Meeting Record

The Recorder is responsible for providing draft meeting minutes via email to the Concurrence Team within two (2) weeks of the Concurrence Meeting. Concurrence Team members will provide comments on the draft minutes via email within two (2) weeks of receipt. The Project Sponsor will prepare the final meeting minutes and submit via email to Concurrence Team members within one (1) week after receiving Concurrence Team members' comments. Project Sponsors may proceed with facilitation of subsequent project Concurrence Points once concurrence is reached regardless of the status of minutes from Concurrence Meetings.

The Project Sponsor will provide the Concurrence Administrator (CAMPO) with:

- Final meeting records (notes/minutes, maps, information packets, etc.);
- Concurrence Forms (signed); and
- Any other pertinent information/data, summary or otherwise, needed to document how concurrence was reached and the process followed.

Concurrence Team Members are responsible for not revisiting Concurrence Points unless new, substantial information is brought to light.

Concurrence Meeting Activity Deadlines and Timeframes

Any deadlines or timeframes prescribed in this policy for Concurrence Meetings may be modified at the request of the Project Sponsor to expedite Concurrence Meeting activities for certain projects that may not need as much lead or preparation time. If a Project Sponsor requests any modifications to the deadlines or timeframes prescribed in this policy for Concurrence Meetings, all Cooperating Agencies identified for the applicable project must agree to the requested modifications.