



## Establishing a Transportation Liaison Program

### New FHWA Resource Available: “Establishing a Transportation Liaison Program: A How-To Guide for Agencies Interested in Getting Started”

In September 2021, the Federal Highway Administration (FHWA) Office of Project Development and Environmental Review released a new guidebook for State departments of transportation (DOTs) and other public entities about establishing transportation liaison programs, [Establishing a Transportation Liaison Program: A How-To Guide for Agencies Interested in Getting Started](#). This guidebook offers information on establishing liaison positions (dedicated staffing) in resource and regulatory agencies to accelerate project delivery and improve environmental review processes.

#### Background

Transportation liaisons most often are State or Federal resource and regulatory agency staff who help State DOTs and their transportation agency partners expedite environmental reviews of transportation projects. A transportation liaison may help facilitate efficient review processes by, for example, improving response times to a State DOT or providing input on transportation projects early in the planning, environmental, and permitting processes.

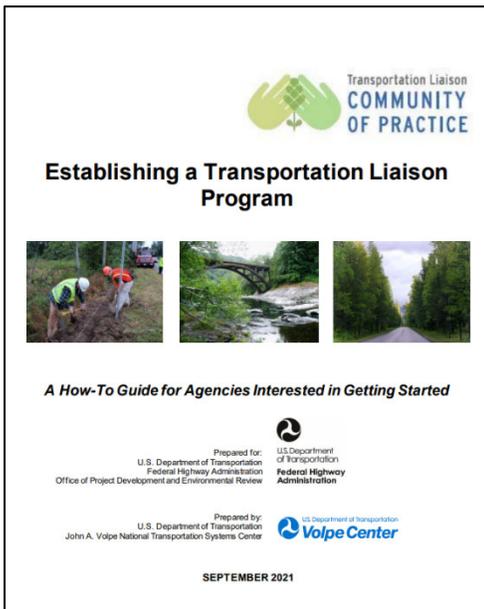
Authority for transportation agencies and other public entities to fund liaison positions in other agencies is provided in [23 United States Code \(U.S.C.\) 139\(j\)](#). This authority applies only to activities that “directly and meaningfully contribute to expediting and improving permitting and review processes.” Historically, recipients of Title 23 funding have most often used the provisions of 23 U.S.C. 139(j) to establish liaison positions in resource and regulatory agencies, which then accomplish allowable activities.

#### What Does the Guidebook Cover?

The guidebook focuses on the establishment of transportation liaisons, which is the most frequent use of 23 U.S.C. 139(j). The guidebook uses the example of a State DOT as the public entity providing the funds and a Federal resource agency as the entity receiving the funds and uses a step-by-step approach to outline seven stages and questions for agencies to consider when exploring the establishment of a liaison program. The guidebook also includes a liaison agreement outline with example language that agencies may use when writing a liaison agreement.

#### Benefits of Transportation Liaison Programs

- Increases predictability and reduced timeframes
- Sets expectations between agencies
- Improves work processes
- Creates familiarity through dedicated staff
- Improves coordination and strengthens relationships
- Presents opportunities for collateral duties



**Figure 1. Image. Cover of the new transportation liaison guidebook. Source: FHWA**

### Stage 1: Assessing the Need

The first stage identified in the guidebook focuses on ways for a State DOT to determine whether a liaison position may be useful for its activities. During this assessment period, the State DOT should conduct a qualitative assessment to determine its need for a liaison program, considering its process challenges or issues and potential improvements that a liaison position could bring. After performing a qualitative assessment, the parties may also benefit from a quantitative assessment based on metrics they can use to track progress moving forward. Metrics may vary by agency. For example, the resource agency could identify its customary review time for projects as a baseline. When developing this baseline quantitative assessment, the parties may include data from the resource agency or from all districts or locations to obtain a comprehensive perspective of needs and opportunities. Later, the State DOT can use this assessment to justify the need for a liaison, demonstrate how the liaison program expedites and improves environmental reviews (as required under Section 139(j)), and monitor and track program performance. The State DOT should collect data to establish a baseline assessment of current and projected workload demands.

After this assessment period, if the State DOT decides to move forward with establishing a liaison program, the guidebook suggests that the State DOT first coordinate with its respective FHWA Division Office and the resource agency to develop a plan that meets Section 139(j) requirements. While the State DOT and resource agency will be parties to the liaison agreement, coordination with the FHWA Division Office can be useful early on since FHWA shares responsibility for the environmental review process. Early coordination can help ensure that the liaison agreement meets Section 139(j) requirements.

One question to consider from the beginning is whether the funded position would work exclusively on State priority projects or whether there would be one or more part-time positions on a project-specific basis. Through their coordination, the State DOT and resource agency can then document their agreement by developing a statement of need that reflects common goals and objectives.

### Stage 2: Gaining Leadership and Funding Support

Gaining leadership support for transportation liaison programs may require coordination among State DOT and resource agency staff to highlight benefits for establishing such programs. Pointing to best practices or engaging peers through regional networks or FHWA Division Offices can be a helpful way to share information. FHWA further funds [National Transportation Liaisons](#) that support coordination between FHWA and Federal resource and regulatory agencies at the national level and can provide information about liaisons at these agencies. In addition, FHWA led a [study](#) in 2019 to identify benefits, challenges, and recommendations shared by multiple States with existing transportation liaison programs.

Discussion around funding sources and requirements is key at this stage. A State DOT should consult with its FHWA Division Office to discuss funding options, particularly as Section 139(j) has specific funding requirements. If a State DOT wishes to rely on 23 U.S.C. 139(j) for the legal authority to fund a liaison position, then the arrangement is subject to FHWA approval and must satisfy all the requirements of that section.

### Stage 3: Designing a Liaison Program

There are many factors to consider when designing a liaison program and set it up for success (see callout below). Thinking these factors through and identifying ways for coordination and expectation setting can help align a liaison program with agency practices and policies. For example, regular, in-person meetings may be useful in developing a job description, identifying performance measures and reporting requirements, and defining the process for setting priorities and expectations for program outcomes to establish a strong foundation for a liaison program.

### Stage 4: Formalizing Liaison Agreements

Under 23 U.S.C. 139(j)(6), as amended by the Fixing America's Surface Transportation Act (FAST Act), State DOTs may determine the type of agreement they wish to use for their liaison programs. The only requirement is that the agreement be in place prior to funding and establishing the program. While most State DOTs use memoranda of understanding (MOUs) to establish their liaison programs, there is flexibility in naming conventions. Since State laws regarding interagency and intergovernmental agreements differ, State DOTs and resource agencies should consult their legal counsels on the language of liaison agreements, particularly regarding funding provisions, to ensure it is appropriate. The guidebook outlines specific steps recommended by FHWA for State DOTs to take when using Title 23 funds per Section 139(j). When

formalizing their agreements, State DOTs may further wish to consult their FHWA Division Offices to confirm proper procedures and obtain technical assistance, if desired.

### **Stage 5: Implementing and Managing the Program**

Once the State DOT and resource agency have signed a liaison agreement and finished the contracting process, the next step is to find and hire qualified liaisons. By using previously agreed-upon, detailed work descriptions, the State DOT, resource agency, and liaison can allow for a clear understanding of the liaison's work priorities and workload expectations. During the hiring phase, it is important to balance the needs of multiple agencies. For example, consulting the State DOT before making an offer of employment can help contribute to a positive working relationship.

At the start of the liaison program, the State DOT and resource agency should establish a single, consistent point of contact within each agency to facilitate communication. After a liaison is hired, the State DOT and resource agency should continue to focus on strengthening relationships and clearly defining work priorities.

### **Stage 6: Evaluating Program Outcomes**

Stage 6 focuses on the use of program and performance evaluations to assess the outcomes and effectiveness of a liaison program. Prior to this stage, the State DOT and resource agency are encouraged to have defined a mutually agreed-upon, regular reporting period and performance measures. Having performance measures in place can help the State DOT and resource agency identify how their liaison program is meeting objectives and expectations for specific tasks and reaching desired program outcomes. Any measures included in an individual liaison's performance assessment should be based upon outcomes or outputs that he or she controls. An agency may also use a monitoring study or annual or quarterly reports to track performance and demonstrate a continued need for a liaison program.

### **Stage 7: Revising or Renewing Existing Agreements**

When renewing a liaison agreement, the State DOT and resource agency should first jointly review the existing agreement and determine whether it specifically discusses projects and priorities, which are required elements under 23 U.S.C. 139(j)(6). Existing agreements that do not address these elements must be updated. During the review, discussions should also focus on agency expectations as well as ways to track and monitor performance of the liaison program and liaison personnel. In some instances, a State DOT may elect not to renew a liaison agreement and instead end its liaison program.

FHWA recognizes the need for flexibility in developing agreements for transportation liaison programs. FHWA encourages the development of longstanding, continuously effective agreements that can be easily updated as changes occur. Shifts in projects and priorities can then be documented, tracked, and accounted for without requiring signing a new agreement.

### **Designing a Liaison Program: Factors to Consider**

- Office location of liaisons
- Term length
- Grade level or level of expertise
- Expectations for responsibilities, workload, and chain of command, and performance measures for program outcomes
- Centralized versus decentralized management
- Training topics
- Project prioritization process
- Dispute resolution
- Reporting requirements for the State DOT and resource agency

## Visit the FHWA Website for More Resources!

In addition to this recent guidebook and the aforementioned 2019 study, FHWA's [Transportation Liaison Community of Practice](#) offers resources designed for liaisons, liaison managers, and State DOT staff. Ultimately, collaboration and information-sharing are keys to promoting liaison best practices, supporting liaison programs, and realizing more efficient and cost-effective transportation project delivery. The FHWA Office of Project Development and Environmental Review and the National Transportation Liaisons are also available to help with questions that State DOTs, FHWA Division Offices, resource agencies, or others may have about establishing transportation liaison programs.

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### Look What's New!

- The Environmental Excellence Awards (EEAs) recognize outstanding transportation projects, processes, and organizations that incorporate environmental stewardship into the planning and project development processes using Federal Highway Administration (FHWA) funding sources. Nominations for the 2022 EEAs will be accepted through December 15, 2021, on [this page](#).
- In summer 2021, FHWA hosted webinars to introduce users to the new INPCT tool, a web-based collaboration tool designed to aid project managers and teams throughout the National Environmental Policy Act (NEPA) process. A recording of the rollout webinar is available for viewing on [YouTube](#).

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