

**U.S. Department of Transportation
National Environmental Policy Act
Categorical Exclusion
Survey Review**

November 27, 2012

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Background

Section 102(2)(C) of the National Environmental Policy Act (NEPA), 42 U.S.C. 4321-4347, requires Federal agencies to prepare for every major Federal action significantly affecting the quality of the environment a detailed statement of the environmental impacts of the proposal. The Council on Environmental Quality (CEQ) NEPA implementing regulations require each Federal agency to identify in their NEPA procedures a list of actions that do not individually or cumulatively have significant environmental effects, and to provide for extraordinary circumstances in which a normally excluded action may have a significant environmental effect (40 CFR 1507.3(b)(2)(ii), 40 CFR 1508.4).

The Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) have issued a joint NEPA implementing procedures at 23 CFR Part 771 that includes a list of categorical exclusions (CEs) at 23 CFR 771.117. The FHWA and FTA regulations designate two general types of CEs – (1) those actions that only need a record in the project file that confirms the action fits the CE description and normally do not require additional approval by the FHWA or FTA (designated in 23 CFR 771.117(c) and referred to as “c-list” or “listed CEs”), and (2) those additional actions that require the FHWA or FTA approval, as applicable, after consideration of documentation demonstrating that CE criteria are satisfied and significant environmental effects will not result from the action (designated in 23 CFR 771.117(d) and referred to as “d-list” or “documented CEs”).

Under the provisions of 23 CFR 771.117(d), the FHWA and FTA may determine whether actions not specifically described in either the c-list or in the d-list examples meet CE criteria. The items listed in the d-list are examples of actions that could be processed as CEs if the actions are shown to meet the CE criteria in project documentation, which is reviewed and approved by the FHWA or FTA. The list of examples are the types of actions that do not result in significant effects and typically can be categorically excluded through documentation showing that there is no potential for significant environmental impacts to result from the action.

Regarding project documentation for CEs, the expectation is for c-list actions to be documented with a description of the project or activity sufficient to show that the action fits within the listed CE action in regulation and that no unusual circumstances (how FHWA/FTA address extraordinary circumstances) exist that would make the application of the CE improper. For projects processed as documented CEs, the expectation is for documentation to demonstrate that the project meets all criteria for a CE, and any conditions specified in regulation for the CE being applied.

In processing both types of CEs, reviewers must consider whether unusual circumstances exist that require appropriate environmental studies to determine if the CE classification is proper, or whether the preparation of an Environmental Assessment (EA) or Environmental Impact Statement (EIS) is appropriate instead of the CE determination. Examples of unusual circumstances include significant environmental impacts, substantial controversy on environmental grounds, significant impact on properties protected by section 4(f) of the Department of Transportation Act or Section 106 of the National Historic Preservation Act, and inconsistencies with any Federal, State, or local law, requirement or administrative determination relating to environmental aspects of the action (23 CFR 771.117(b)).

The majority of the projects undertaken by State departments of transportation (SDOTs) and transit authorities are processed as CEs. The role of CEs for highway projects continues to expand given funding constraints that are shifting the focus of transportation programs from major new construction to maintaining and improving the functionality of the existing infrastructure. Many of the current and programmed transportation projects are facility reconstruction, bridge replacement, and facility operational improvements, such as adding turning lanes or reconfiguring interchanges/intersections. For transit projects, CEs continue to be the most common form of NEPA approval. Most of FTA's program is funded through formula funds, which are generally for system enhancements (e.g., vehicle and equipment purchases and rehabilitation, maintenance, and facility construction and rehabilitation, including stations). Generally, these projects have minimal environmental impacts and are likely to be categorically excluded from preparation of an EA or EIS.

Use of CEs in Transportation Projects Since 2005

This survey review of CE usage and CE requests by grantees and other stakeholders is required by MAP-21. Section 1318(a) of MAP-21 directs the Secretary to (1) survey the use by the Department of CEs in transportation projects since 2005, (2) publish a review of the survey that includes a description of the types of actions categorically excluded and any requests previously received by the Secretary for new CEs, and (3) solicit requests for new CEs from SDOTs, transit authorities, metropolitan planning organizations (MPOs), or other government agencies.

To comply with this requirement, the FHWA and FTA reviewed the administrative records of rulemakings for new FHWA and/or FTA CEs proposed since 2005 and in the Department's review of regulations in 2011. The administrative records for the rulemakings proposing CE actions included the NPRMs, public comments on these rulemakings, and final rules associated with these NPRMs, as applicable (72 Fed. Reg. 44038, Aug. 7, 2007, Docket No. FTA-2006-26604 and 77 Fed. Reg. 15310, Mar. 15, 2012, Docket No. FTA-2011-0056). In addition, FHWA and FTA reviewed requests for new CEs received as a part of the assessment of Federal regulations in response to the President's Executive Order (EO) 13563 (Improving Regulation and Regulatory Review, January 18, 2011). The requests for new CEs was documented in the *Retrospective Review and Analysis of Existing Rules* (Department of the Transportation, August 2011). Also, in September 2012, the Secretary sent a questionnaire to SDOTs, transit authorities, MPOs, local public agencies, and federally-recognized Tribes asking for actions they request for consideration as new CEs through rulemaking.¹ This survey review captures the results of these activities.

The questionnaire asked SDOTs, transit authorities, MPOs, and federally-recognized Tribes to provide information on:

- CEs processed as a part of the NEPA for transportation projects since 2005;
- Types of actions categorically excluded;

¹ On August 28, 2012, the Office of Management and Budget assigned OMB Control Number 2125-0632 to this information request.

- Requests previously received by the Secretary of Transportation for new CEs that are not currently in regulation; and
- Requests for new CEs.

The Secretary of Transportation sent the questionnaire electronically to 1,511 individuals from SDOTs, transit authorities, MPOs, and federally-recognized Tribes. The questionnaire period ran from September 5, 2012, through October 9, 2012. Responses were collected online and through email. Respondents were encouraged to provide electronic documents and other materials to supplement their answers.

Five hundred twenty-two (522) individuals responded to the questionnaire. Local public agencies represented the largest group of respondents, with transit authorities, MPOs, and SDOTs comprising the next three largest groups (Table 1). The “other” agency category includes responses from the American Association of State Highway and Transportation Officials (AASHTO) and a railroad. The SDOT respondents represented 40 States, the District of Columbia, and Puerto Rico.

Table 1: Survey responses, by organization type

| Agency | Count | Percentage of Total |
|---------------------------------|--------------|----------------------------|
| Local Public Agency (LPA) | 268 | 51.3% |
| Transit Authority | 77 | 14.8% |
| MPO/Council of Government (COG) | 60 | 11.5% |
| SDOT | 53* | 10.2% |
| Consulting Firm | 27 | 5.2% |
| Tribe | 21 | 4.0% |
| Federal Agency | 12 | 2.3% |
| Other | 3 | 0.6% |
| Railroad | 1 | 0.2% |
| Total | 522 | |

*There were multiple respondents to the survey from some SDOTs for a total of 53 SDOT responses from 40 states, the District of Columbia and Puerto Rico.

Number and Proportion of CEs Used

SDOTs reported that most of their transportation projects were processed as CEs. The results indicate that SDOTs process considerably more CEs annually than the other agency types surveyed. Transit authorities, MPOs, and federally-recognized Tribes reported, on average, fewer than 10 actions processed as CEs annually while SDOTs reported processing an average of 343 actions as CEs. The survey results indicate that CEs constitute 90 to 99 percent of the NEPA decisions in the transportation programs for a majority of SDOTs and transit authorities.

Types of CE actions

Tables 2 and 3 provide an overview of questionnaire responses by category of CE action and denote the frequency of use by identifying actions that are among the 10 most frequent actions for SDOTs and

transit authorities. The questionnaire asked respondents to identify their top 10 documented CEs from the list of examples and provided a blank box to enable respondents to enter a documented CE that was not on the list. Most responses from individual respondents were from the list of examples, however some respondents provided examples of documented CEs within their top 10 that were not on the list. The frequency of any documented CE example provided by respondents in the blank box was insufficient to make the overall top 10 list for SDOTs and transit authorities. There were 15 examples provided in individual responses in the blank box that are not included below because they were similar to existing CEs or are rare actions.

Table 2. Highway/Transit Transportation Actions Processed as Listed (c-list) Categorical Exclusions

| 23 CFR Regulatory Reference | Category of Actions | Frequency of Use* |
|-----------------------------|---|--|
| 771.117(c)(1) | Activities which do not involve or lead directly to construction, such as planning and research activities; grants for training; engineering to define the elements of a proposed action or alternatives so that social, economic, and environmental effects can be assessed; and Federal-aid system revisions which establish classes of highways on the Federal-aid highway system. | Top 10 for SDOTs and transit authorities |
| 771.117(c)(2) | Approval of utility installations along or across a transportation facility. | Top 10 for SDOTs |
| 771.117(c)(3) | Construction of bicycle and pedestrian lanes, paths, and facilities. | Top 10 for SDOTs |
| 771.117(c)(4) | Activities included in the State's <i>highway safety plan</i> under 23 U.S.C. 402. | Top 10 for SDOTs |
| 771.117(c)(5) | Transfer of Federal lands pursuant to 23 U.S.C. 107(d) and/or 23 U.S.C. 317 when the land transfer is in support of an action that is not otherwise subject to FHWA review under NEPA. | |
| 771.117(c)(6) | The installation of noise barriers or alterations to existing publicly owned buildings to provide for noise reduction. | |
| 771.117(c)(7) | Landscaping. | Top 10 for SDOTs |
| 771.117(c)(8) | Installation of fencing, signs, pavement markings, small | Top 10 for SDOTs and transit authorities |

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| | passenger shelters, traffic signals, and railroad warning devices where no substantial land acquisition or traffic disruption will occur. | |
| 771.117(c)(9) | Emergency repairs under 23 U.S.C. 125. | Top 10 for SDOTs |
| 771.117(c)(10) | Acquisition of scenic easements. | |
| 771.117(c)(11) | Determination of payback under 23 U.S.C. 156 for property previously acquired with Federal-aid participation. | |
| 771.117(c)(12) | Improvements to existing rest areas and truck weigh stations. | |
| 771.117(c)(13) | Ridesharing activities. | |
| 771.117(c)(14) | Bus and rail car rehabilitation. | Top 10 for transit authorities |
| 771.117(c)(15) | Alterations to facilities or vehicles in order to make them accessible for elderly and handicapped persons. | |
| 771.117(c)(16) | Program administration, technical assistance activities, and operating assistance to transit authorities to continue existing service or increase service to meet routine changes in demand. | Top 10 for transit authorities |
| 771.117(c)(17) | The purchase of vehicles by the applicant where the use of these vehicles can be accommodated by existing facilities or by new facilities which themselves are within a CE. | Top 10 for transit authorities |
| 771.117(c)(18) | Track and railbed maintenance and improvements when carried out within the existing right-of-way. | |
| 771.117(c)(19) | Purchase and installation of operating or maintenance equipment to be located within the transit facility and with no significant impacts off the site. | Top 10 for transit authorities |
| 771.117(c)(20) | Promulgation of rules, regulations, and directives. | |
| 771.117(c)(21) | Deployment of electronics, photonics, communications, or information processing used singly or in combination, or as | Top 10 for SDOTs and transit authorities |

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| | <p>components of a fully integrated system, to improve the efficiency or safety of a surface transportation system or to enhance security or passenger convenience. Examples include, but are not limited to, traffic control and detector devices, lane management systems, electronic payment equipment, automatic vehicle locaters, automated passenger counters, computer-aided dispatching systems, radio communications systems, dynamic message signs, and security equipment including surveillance and detection cameras on roadways and in transit facilities and on buses.</p> | |
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*Based on results from the survey questionnaire to identify top 10 CE actions.

Table 3. Highway/Transit Transportation Actions Processed as Documented (d-list) Categorical Exclusions

| 23 CFR Regulatory Reference | Category of Actions | Frequency of Use* |
|-----------------------------|--|-------------------|
| 771.117(d)(1) | Modernization of a highway by resurfacing, restoration, rehabilitation, reconstruction, adding shoulders, or adding auxiliary lanes (e.g., parking, weaving, turning, climbing). | Top 10 for SDOTs |
| 771.117(d)(2) | Highway safety or traffic operations improvement projects including the installation of ramp metering control devices and lighting. | Top 10 for SDOTs |
| 771.117(d)(3) | Bridge rehabilitation, reconstruction or replacement or the construction of grade separation to replace existing at-grade railroad crossings. | Top 10 for SDOTs |
| 771.117(d)(4) | Transportation corridor fringe parking facilities. | |
| 771.117(d)(5) | Construction of new truck weigh stations or rest areas. | |
| 771.117(d)(6) | Approvals for disposal of excess right-of-way or for joint or | Top 10 for SDOTs |

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| | limited use of right-of-way, where the proposed use does not have significant adverse impacts. | |
| 771.117(d)(7) | Approvals for changes in access control. | |
| 771.117(d)(8) | Construction of new bus storage and maintenance facilities in areas used predominantly for industrial or transportation purposes where such construction is not inconsistent with existing zoning and located on or near a street with adequate capacity to handle anticipated bus and support vehicle traffic. | |
| 771.117(d)(9) | Rehabilitation or reconstruction of existing rail and bus buildings and ancillary facilities where only minor amounts of additional land are required and there is not a substantial increase in the number of users. | Top 10 for transit authorities |
| 771.117(d)(10) | Construction of bus transfer facilities (an open area consisting of passenger shelters, boarding areas, kiosks and related street improvements) when located in a commercial area or other high activity center in which there is adequate street capacity for projected bus traffic. | Top 10 for transit authorities |
| 771.117(d)(11) | Construction of rail storage and maintenance facilities in areas used predominantly for industrial or transportation purposes where such construction is not inconsistent with existing zoning and where there is no significant noise impact on the surrounding community. | |
| 771.117(d)(12) | Acquisition of land for hardship or protective purposes. Hardship and protective buying will be permitted only for a particular parcel or a limited number of parcels. These types of land | |

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| | acquisition qualify for a CE only where the acquisition will not limit the evaluation of alternatives, including shifts in alignment for planned construction projects, which may be required in the NEPA process. No project development on such land may proceed until the NEPA process has been completed. | |
| 771.117(d)(13) | Acquisition of pre-existing railroad right-of-way pursuant to 49 U.S.C. 5324(c). No project development on the acquired railroad right-of-way may proceed until the NEPA process for such project development, including the consideration of alternatives, has been completed. | |

*Based on results from the survey questionnaire to identify top 10 CE actions.

Requests Previously Received by the Secretary for New CEs

The Secretary received requests for new CEs as a result of various Federal Register notice actions. In August 2007, the FHWA and FTA published an NPRM (72 Fed. Reg. 44038, Aug. 7, 2007) to propose new CE actions as directed in the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Pub. L. 109-59, 119 Stat. 1248, 2005). On February 16, 2011, (76 Fed. Reg. 8940) the Secretary published a notice requesting comments on an implementation plan in response to EO 13563 (Improving Regulation and Regulatory Review) on regulations, including DOT environmental regulations. FTA published an NPRM in March 2012, (77 Fed. Reg. 15310, Mar. 15, 2012), proposing to define CE actions that only pertain to FTA actions. Commenters on these notices made suggestions for new CEs. Requests for CEs that came from these solicitations are listed below in Table 4, along with the source of the suggestion and its date.

Table 4. Actions Suggested as New Categorical Exclusions Since 2005

| <u>Proposed CE Action</u> | <u>Source</u> | <u>Date</u> |
|--|---------------------------------|----------------|
| Generally small, low-impact Safe Routes to Schools (SRTS) projects. | DOT EO Implementation Plan 2011 | March 24, 2011 |
| Safe Routes To School projects are generally small, low-cost, and within an existing built environment and therefore should not require documentation to qualify for the categorical exclusion unless special circumstances exist. | DOT EO Implementation Plan 2011 | March 24, 2011 |

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| Routine state of good repair projects within existing ROW/transit property that are routinely granted CE status after submitting documentation for approval should be moved to the list of projects in subsection (c). | DOT EO Implementation Plan 2011 | April 1, 2011 |
| The rehabilitation, construction and improvements to ferry terminal passenger overhead loading structures. | FTA NPRM 2012 | April 30, 2012 |
| The replacement of in-water creosote-treated timber piles, berthing and other structures such as wingwalls, dolphins, pilings underneath the trestle and docks for ferry terminals. | FTA NPRM 2012 | April 30, 2012 |
| Geotechnical investigations necessary to define the elements of a proposed action or alternative so that structural, seismic conditions, and environmental effects can be assessed. | FTA NPRM 2012 | April 30, 2012 |
| Ferry terminal passenger overhead loading or transfer spans to make them accessible to the disabled and elderly per 23CFR 771.117(c)(15). | FTA NPRM 2012 | April 30, 2012 |
| Ferry terminal maintenance and repair projects that occupy substantially the same environmental footprint and do not result in a change of functional use. | FTA NPRM 2012 | April 30, 2012 |
| Maintenance and rehabilitation and reconstruction of facilities that occupy substantially the same physical footprint, such as improvements to bridges, tunnels, storage yards, buildings, and terminals, including platform extensions. | FTA NPRM 2012 | May 10, 2012 |
| Maintenance and improvement to rail-bed and track when carried out within the existing right-of-way. | FTA NPRM 2012 | May 10, 2012 |
| Geotechnical borings, monitoring wells, utility potholing, archaeological survey, and similar subsurface exploration and due diligence activities prior to completion of an EIS or EA. | FTA NPRM 2012 | May 14, 2012 |
| Broadening the types of acquisitions that could occur as CEs and the addition of transferring interest in real property as activities eligible as CEs. | FTA NPRM 2012 | May 14, 2012 |
| Modernization or minor expansions of transit structures and facilities such as bridges, stations or rail yards. | FTA NPRM 2012 | May 14, 2012 |

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| Transit technology based initiatives such as: electronic fare collection, automatic vehicle locator systems, traffic signal priority for transit, devices to facilitate transfers. | FHWA/FTA NPRM 2007 | October 16, 2007 |
| Technology based security projects (e.g. cameras, communications systems). | FHWA/FTA NPRM 2007 | October 16, 2007 |
| Radio communication systems as long as they do not require land acquisition for communication towers or new radio towers. | FHWA/FTA NPRM 2007 | October 22, 2007 |
| Conversion of an existing general use lane to an HOV/HOT or other toll lane and/or other value pricing concepts along with supporting improvements which require no or minimal right-of-way (less than 1 acre) and result in less than 1 acre of impact to aquatic resources. | FHWA/FTA NPRM 2007 | September 26, 2007 and October 9, 2007 |
| Transit projects that alleviate urban congestion such as new bus routes that have minimal impact. | FHWA/FTA NPRM 2007 | October 16, 2007 |
| Transit station rehabilitations. | FHWA/FTA NPRM 2007 | October 16, 2007 |
| Any acquisition of property in advance of a transportation project, including acquisition specifically to control right-of-way costs should be categorically excluded when: use of the property does not change prior to NEPA analysis of alternatives for a future transportation project, the acquisition does not prejudice subsequent NEPA analysis of alternatives for a future transportation project, and Federal regulations and procedures for property acquisition are followed. | FHWA/FTA NPRM 2007 | October 18, 2007 |
| Transit preventative maintenance. | FHWA/FTA NPRM 2007 | October 22, 2007 |
| Americans with Disabilities Act service. | FHWA/FTA NPRM 2007 | October 22, 2007 |
| Park and ride lots. | FHWA/FTA NPRM 2007 | October 22, 2007 |
| Rehabilitation of existing park and ride lots and transit centers which do not involve acquisition of additional land and when existing streets provide adequate capacity. | FHWA/FTA NPRM 2007 | October 22, 2007 |
| Construction and expansion of buildings within an existing maintenance facility as long as the existing street network has adequate capacity. | FHWA/FTA NPRM 2007 | October 22, 2007 |

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| Further examination of congestion management activities that would meet the criteria for CEs. | FHWA/FTA NPRM 2007 | October 9, 2007 |
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Requests for New CEs from Secretary's October 2012 Survey Responses

As a result of the Secretary's questionnaire, included in Appendix A, 117 survey respondents suggested a total of 266 different actions for new CEs (Table 5). SDOTs provided the largest number of requested new CEs. Many actions suggested for new CEs were similar both within and among organization types.

Table 5: Number of requested CEs, by organization type

| | Respondents | CEs Proposed |
|-----------------------|--------------------|---------------------|
| Local Public Agencies | 48 | 67 |
| SDOTs | 23 | 162 |
| Transit Authorities | 24 | 43 |
| Consulting Firms | 9 | 9 |
| Tribe | 5 | 5 |
| MPO/COGs | 6 | 6 |
| Railroad | 1 | 1 |
| Other | 1 | 50 |
| <i>Total</i> | <i>117</i> | <i>343*</i> |

**The total number of requested CEs (343) is greater than the total number of requested new CEs (266) due to the fact that some respondents across organization types suggested the same actions for consideration as CEs in the future.*

The requested actions covered a wide range of activities, including those related to the following (in order of frequency):

- Safety and operations (39 proposed actions)
- Maintenance and preservation actions (23)
- Bridges (18)
- Activities within existing right-of-way or urban areas (17)
- Railroads (16)
- Transit (15)
- Rehabilitation and reconstruction (12)
- Environmental mitigation (12)
- Bicycle and pedestrian facilities (10)
- Utilities, lighting, and signage (10)
- Actions consistent with existing plans or land use and those approved by other agencies (10)
- Culverts and waterways (6)
- Acquisitions (6)
- Excess right-of-way (6)
- Activities with limited Federal involvement/funding (5)
- Activities under a certain size/cost threshold (4)
- Alternative energy (3)
- Parking (3)
- Geotechnical work (3)
- Aesthetic treatments (3)
- Ferries (2)
- Other (46)

The complete list of requested CEs is included in Appendix B. Except in a few instances, responses did not indicate whether the requested actions were for listed or documented CEs.

Next Steps Regarding Designating New CEs through Rulemaking

Section 1318(b) of MAP-21 requires the Secretary to issue an NPRM to propose as new CEs those CEs identified through the survey review, or received in the questionnaire request, to the extent that they meet the CE criteria in 23 CFR 771.117(a) and 40 CFR 1508.4. To meet this requirement, the FHWA and FTA, on the Secretary's behalf, will evaluate and determine which of these requested CEs are not otherwise duplicative, meet regulatory requirements, and can be substantiated as recommended by the CEQ *Final Guidance for Federal Agencies and Departments on Establishing, Applying, and Revising Categorical Exclusions Under the National Environmental Policy Act* (75 Fed. Reg. 75628, Dec. 6, 2010).

If potential new CEs are identified in this evaluation, then the FHWA and FTA will develop a draft NPRM to propose new CEs through rulemaking. After appropriate coordination within the Federal Government an NPRM would be published in the *Federal Register*. The notice would contain a description of each action proposed as a new CE, whether the action would be a listed or documented CE, information on where the administrative record supporting the proposed CE designation can be viewed, and a request for comments on the proposal. A comment period would be identified in the notice and an electronic docket established for the submittal of comments through the Internet. After the close of the comment period, all comments submitted would be reviewed and considered in the process of drafting a final rule, if establishing the new CEs is determined appropriate at that time.

Appendix A: MAP-21 Section 1318 Categorical Exclusion Survey

INSTRUCTIONS

Thank you for agreeing to complete the following survey based on your agency's experience.

INSTRUCTIONS: Section 1318 of MAP 21 provides, in part, that the Secretary (DOT) shall

- (1) survey the use by the Department of categorical exclusions in transportation projects since 2005;
- (2) publish the review of the survey that includes a description of
 - a. the types of actions categorically excluded, and
 - b. any requests previously received by the Secretary for new categorical exclusions.
- (3) solicit requests from State departments of transportation, transit authorities, metropolitan planning organizations, and other government agencies for new categorical exclusions.

The survey should take no more than approximately 120 minutes to complete, and should take less time depending on whether you are willing to provide supplementary information. Responses regarding past categorical exclusions (CEs) should be limited to the period since 2005.

[Please email categorical.exclusion@dot.gov if you have questions or comments.](mailto:categorical.exclusion@dot.gov)

OMB CONTROL NUMBER: 2125-0632. This agency is required to display the OMB Control Number and inform respondents of its legal significance in accordance with 5 CFR 1320.5(b).

General Information

1. Please identify the name of your organization and the State in which you work.

Name (first, last): _____

Organization: _____

Position: _____

State: _____

Point of Contact Work Email Address: _____

Point of Contact Phone Number: _____

2. How many actions does your agency conduct that are processed annually as CEs?

Exact Number (if known): _____

Approximate Number: _____

3. And what proportion of your agency's program is processed as CEs? An estimate is acceptable.

Proportion (%) _____

Survey Questions

4. Does your agency have forms, checklists, or standardized templates for documenting actions processed as CEs?

Yes ___

No ___

5. Please send any forms or templates you might have to categorical.exclusion@dot.gov.

Check this button if you intend to email forms or templates to categorical.exclusion@dot.gov, otherwise click "Next."

6. How does your agency assess that the CE class of action is appropriate (if your agency routinely makes this type of assessment)? Check all that apply.

___ The action appears on a list of CEs in regulation

___ The action appears in a prior agreement with a State or Federal agency

___ A project description is necessary to evaluate a proposed action

___ My agency consults with State and/or Federal environmental professionals to assess whether the CE class of action is appropriate

___ My agency does not routinely make this type of assessment

___ Other (please specify): _____

7. Please select up to 10 types of categorical exclusions most frequently processed by your agency.

- Activities which do not involve or lead directly to construction, such as planning and technical studies; grants for training and research programs; research activities as defined in 23 U.S.C. 307; approval of a unified work program and any findings required in the planning process pursuant to 23 U.S.C. 134; approval of statewide programs under 23 CFR part 630; approval of project concepts under 23 CFR part 476; engineering to define the elements of a proposed action or alternatives so that social, economic, and environmental effects can be assessed; and Federal aid system revisions which establish classes of highways on the Federal aid highway system.
- Approval of utility installations along or across a transportation facility.
- Construction of bicycle and pedestrian lanes, paths, and facilities.
- Activities included in the State's highway safety plan under 23 U.S.C. 402.
- Transfer of Federal lands pursuant to 23 U.S.C. 107(d) and/or 23 U.S.C. 317 when the land transfer is in support of an action that is not otherwise subject to FHWA review under NEPA.
- The installation of noise barriers or alterations to existing publicly owned buildings to provide for noise reduction.
- Landscaping.
- Installation of fencing, signs, pavement markings, small passenger shelters, traffic signals, and railroad warning devices where no substantial land acquisition or traffic disruption will occur.
- Emergency repairs under 23 U.S.C. 125.
- Acquisition of scenic easements.
- Determination of payback under 23 U.S.C. 156 for property previously acquired with Federal aid participation.
- Improvements to existing rest areas and truck weigh stations.

- ___ Ridesharing activities.
- ___ Bus and rail car rehabilitation.
- ___ Alterations to facilities or vehicles in order to make them accessible for elderly and handicapped persons.
- ___ Program administration, technical assistance activities, and operating assistance to transit authorities to continue existing service or increase service to meet routine changes in demand.
- ___ The purchase of vehicles by the applicant where the use of these vehicles can be accommodated by existing facilities or by new facilities which themselves are within a CE.
- ___ Track and rail bed maintenance and improvements when carried out within the existing right of way.
- ___ Purchase and installation of operating or maintenance equipment to be located within the transit facility and with no significant impacts off the site.
- ___ Promulgation of rules, regulations, and directives.
- ___ Deployment of electronics, photonics, communications, or information processing used singly or in combination, or as components of a fully integrated system, to improve the efficiency or safety of a surface transportation system or to enhance security or passenger convenience. Examples include, but are not limited to, traffic control and detector devices, lane management systems, electronic payment equipment, automatic vehicle locaters, automated passenger counters, computer-aided dispatching systems, radio communications systems, dynamic message signs, and security equipment including surveillance and detection cameras on roadways and in transit facilities and on buses.
- ___ Modernization of a highway by resurfacing, restoration, rehabilitation, reconstruction, adding shoulders, or adding auxiliary lanes (e.g., parking, weaving, turning, climbing).
- ___ Highway safety or traffic operations improvement projects including the installation of ramp metering control devices and lighting.
- ___ Bridge rehabilitation, reconstruction or replacement or the construction of grade separation to replace existing at-grade railroad crossings.

- Transportation corridor fringe parking facilities.
- Construction of new truck weigh stations or rest areas.
- Approvals for disposal of excess right of way or for joint or limited use of right of way, where the proposed use does not have significant adverse impacts.
- Approvals for changes in access control.
- Construction of new bus storage and maintenance facilities in areas used predominantly for industrial or transportation purposes where such construction is not inconsistent with existing zoning and located on or near a street with adequate capacity to handle anticipated bus and support vehicle traffic.
- Rehabilitation or reconstruction of existing rail and bus buildings and ancillary facilities where only minor amounts of additional land are required and there is not a substantial increase in the number of users.
- Construction of bus transfer facilities (an open area consisting of passenger shelters, boarding areas, kiosks and related street improvements) when located in a commercial area or other high activity center in which there is adequate street capacity for projected bus traffic.
- Construction of rail storage and maintenance facilities in areas used predominantly for industrial or transportation purposes where such construction is not inconsistent with existing zoning and where there is no significant noise impact on the surrounding community.
- Acquisition of land for hardship or protective purposes.
- Other (please specify) _____

8. Would you like to propose any actions as new CEs, especially for new c-list CEs (actions that normally do not require any further NEPA approvals) including any that currently require documentation (d-list)?

- Yes**
- No**

Please identify the additional actions that you would like to propose as CE actions.

9. Substantiation of newly proposed CE actions require a description to ensure that the category is limited to actions that have been shown not to have individual or cumulatively significant impacts. Please identify criteria that characterize the types of action that, based on experience, do not cause significant environmental impacts.

Please provide representative examples of the types of activities the proposed CE action(s) would cover. Finally, please provide examples of CE documentation on previously implemented actions, statements from professional staff, or expert opinion regarding the significance of the impacts of the CE. Also, please inform us if your proposed CE(s) has been recognized by other Federal agencies.

[Click here](#) for example information on materials that could be used to substantiate new CE action(s) and [here](#) for the Council on Environmental Quality's guidance on what constitutes substantiation information.

- Please check this button if you intend to email information (to categorical.exclusion@dot.gov) that will substantiate your proposed CE action(s).

10. Has your agency proposed any new CEs to USDOT since 2005?

Yes

No

If yes, please identify the new CE(s) your agency has proposed to USDOT since 2005, and indicate whether your agency still believes the CE(s) is needed.

11. Does your agency track the number of CEs and amount of time required to complete the documentation for each action processed as a categorical exclusion?

Yes

No

If yes, please describe the mechanism(s) used to track each action. If not, who in your organization would be available to provide input on whether and how such a tracking system would be helpful and what it should include?

12. Does your agency require or offer training related to NEPA reviews?

Yes

No

**13. What type of training related to NEPA reviews does your agency require or offer?
Please select all that apply.**

- General NEPA and Project Development Training
- Advanced NEPA and Project Development Training
- Section 4(f)
- Impacts to wetlands
- Impacts to historic and archaeological resources
- Impacts to threatened and endangered species
- Brownfields and other hazardous waste sites
- Public involvement
- Stormwater
- Environmental justice
- Social impacts
- Water quality
- Coastal zones or barriers
- Visual impacts
- Other (please specify) _____

Appendix B: Actions Requested As New CEs in Survey Questionnaire

| Utilities, Lighting, Signs | |
|---|------------------|
| Replacement of existing utility powerline poles for overhead utilities and for new poles that are part of an overall pole replacement project where new poles do not exceed 25% of the totals for the project. | LPA |
| Traffic signal and highway lighting installations for safety. | Consulting, SDOT |
| All signs and traffic signals | LPA |
| Mechanical, electrical, lighting or traffic signal work. | SDOT |
| Tower lighting and street lighting projects. | SDOT |
| Traffic signal installation including signal pole foundations requiring no new right-of-way | MPO, SDOT |
| Regulatory sign installation and replacement requiring no new right-of-way | MPO |
| Acquisition, installation, rehabilitation, operation, evaluation, and improvement of discrete utilities and similar appurtenances (existing and new) within or adjacent to existing transportation right-of-way, such as: utility poles; underground wiring, cables, and information systems; power substations and transfer stations; and catenary and signal work. | Transit |
| Purchase of temporary construction easements and/or utility easements | Transit |
| Installation, restoration or rehabilitation of communication lines or other quasi-utilities structures along or across a transportation facility. | AASHTO |
| Safety and Operations | |
| Highway safety or traffic operations improvement projects including the installation of ramp metering control devices and lighting (e.g., slope and bank stabilization). | SDOT |
| Approvals for changes in access control (Move to c-list) | SDOT |
| The addition of a turn lane or passing lanes, for safety, within the existing right-of-way. | SDOT |
| Any bridge or road maintenance or improvement project that is safety funded (i.e. HSIP, HRRR, etc.), including those requiring minimal additional rights of way necessary for safety improvements. | LPA, Transit |
| Traffic control improvements | COG, SDOT (2) |
| Closure of at-grade railroad cross for safety purposes where ADT is 200 or less and the added travel is 10 minutes or less. | SDOT |
| Move to C list: Approvals for changes in access control. | SDOT |
| Safety and operational improvements with no additional rights-of-way, or with minor rights-of-way acquisition where there are no previously identified environmentally sensitive issues. (e.g. retrofit of existing intersection with a modern roundabout). | LPA |
| Discrete activities, including repairs, designed to promote transportation safety, security, accessibility and effective communication within or adjacent to existing right-of-way, such as: the deployment of Intelligent Transportation Systems and components; installation and improvement of safety and communications equipment, including hazard elimination and mitigation measures; and retrofitting existing transportation vehicles, facilities or structures. | Transit |
| Highway safety and truck escape ramps | SDOT |
| The installation of raised pavement markers | SDOT |
| Anti-skid treatments. | SDOT |
| Installation of turn lanes at roadway intersections | SDOT |
| Change of driveway/access configuration. | SDOT |
| Upgrading safety feature | SDOT |
| Highway safety or traffic operations improvement projects including the installation of ramp metering control devices | SDOT |
| Traffic operational improvement projects, see 23cfr771.117(d)(2). Proposing to move this under (c). | SDOT |
| Upgrade, removal, or addition of guardrail | SDOT |
| upgrade median barrier | SDOT |
| Install or replace impact attenuators. | SDOT |
| Upgrade bridge end approaches/guardrail transition. | SDOT, AASHTO |
| Roadway skid hazard treatment. | SDOT |
| Repair and installation of roadway skid hazard treatments. | AASHTO |
| Clear zone safety improvements, such as fixed object removal or relocation | SDOT, AASHTO |
| Highway information systems. | SDOT |
| Computerized traffic signalization systems. | SDOT |
| Freeway traffic surveillance and control systems. | SDOT |
| Motorist aid systems | SDOT |
| Guardrail replacement where no new bank stabilization is required | SDOT |
| Safety projects within existing ROW. | SDOT |
| Installation of roundabouts. | SDOT |

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| Impact attenuator and glare screen installation. | SDOT |
| New grade-separation along an existing controlled-access facility | COG |
| Installation of wind/sand fencing either within public R/W or easements and where a MSHCP is in place. | LPA |
| Repair or construction of sidewalks, ramps, or handrails as required by the Americans with Disabilities Act. | SDOT |
| Traffic detours. | SDOT |
| Installation of ITS, ramp metering control devices, freeway traffic surveillance and control systems, motorist aid systems, highway information systems, computerized traffic signalization systems or roadway lighting. Includes purchase and installation of equipment for Traffic Operations Centers | AASHTO |
| Upgrading, removal or addition of guardrail, median barrier or impact attenuators. | AASHTO |
| Routine seismic retrofit of facilities to meet current seismic standards and public health and safety standards without expansion of capacity. | AASHTO |
| Bridges | |
| Bridge rehabilitation, reconstruction or replacement or the construction of grade separation to replace existing at-grade railroad crossings. | SDOT |
| Making bridge repairs for work such as painting bridge, removal of hazardous paint on bridge, replacing or rehabilitating bridge deck, retrofitting bridge railing or curb, sealing/repairing existing bridge joints, overlaying bridge deck; and upgrading bridge end approaches/guardrail transitions. Criteria to meet: no new bank stabilization is required and bridge is not on or eligible for the National Register of Historic Places. | Tribe, SDOT |
| Bridge replacements in kind no major roadway realignments or grade changes | LPA (2) |
| Bridge/interchange replacement | LPA, SDOT |
| Bridge Repairs: Repairs to the existing bridge components of every kind, including cleaning, painting, and asphalt overlays and replacement of deteriorated individual components such as bearing, railings, structural members, joints, lights | LPA |
| Bridge component upgrades: improvements of individual components such as coatings, bearing, railings, structural members, joints, corrosion protection to increase safety including load capacity, or increase the structure longevity or to decrease future maintenance costs. | LPA |
| Installation of stone, scour protection: around bridge foundations and on bridge approach embankments provided the stone is not placed higher than the 100 year flood elevation and not more distant from the end of the bridge than twice the embankment height. | LPA |
| Bridge rehabilitation and replacement without additional lanes and without significant changes in alignment, including complete superstructure replacement with necessary substructure modifications and rehabilitation. | LPA |
| Restoring and rehabilitating existing bridge (including painting, crack sealing, joint repair, scour repair, scour counter measures, fender repair, bridge rail or bearing pad replacement, seismic retrofit, etc.). | SDOT |
| Replacement of existing bridge (in same location) by present criteria. Discussion with FHWA is recommended to ensure proper level of documentation. | SDOT |
| Widening of substandard bridge to provide safety shoulders without adding through lanes. | SDOT |
| Bridge removal. | SDOT |
| Changes in access controls. | SDOT |
| Intelligent Transportation Systems. | SDOT |
| Highway safety and truck escape ramps | SDOT |
| Median Guardrail/Cable Barrier within existing ROW | SDOT |
| Culvert and bridge replacement/reconstruction that involve no more than minimal right-of-way necessary to grade around the new bridge/culvert plus any necessary channel work | SDOT |
| Existing Right-of-Way and Urban Areas | |
| Bridge replacement and roadway rehabilitation projects that are constructed entirely within existing right-of-way | Consulting, LPA (3), SDOT (3) |
| Addition of Through Lanes within existing right-of-way. | SDOT |
| All activities within an existing right-of-way that are approved by the agency who has maintenance and ownership responsibility for the right-of-way | LPA |
| CE for sidewalks constructed on existing right of way | LPA |
| Installation of Cable Median Barrier in existing ROW | SDOT |
| Installation of new guardrail in existing ROW | SDOT (2) |
| Safety Improvements all within existing ROW and previously disturbed ROW. - propose moving these to the C list. | SDOT |
| Any bridge or road maintenance or improvement project located within the existing right of way (i.e. no new right of way required). | LPA |
| Transportation improvements along existing urban roadways that do not expand out of the existing right-of-way | LPA |
| Projects which are done entirely within existing right-of-way. | LPA (3), Tribe |
| Projects in urbanized areas since most of the areas are already disturbed. | LPA |

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| All actions within existing transit authority-owned property, as long as any action will comply with state and local statutes. | Tribe |
| All roadway projects associated with urban infill/redevelopment projects. | LPA |
| Redevelopment/modernization projects that are in a fully developed urban area. | LPA |
| Full replacement/component replacement of substation facilities (CEc) | Rail |
| The installation of raised pavement markers | SDOT |
| The replacement of traffic signals within existing ROW | SDOT |
| Maintenance and Preservation | |
| Maintenance of existing facilities that does not lead to construction, such as cleaning storm drains and pipes, sweeping streets, clearing ditches. | SDOT (2) |
| Storm debris cleanup for on system roads. | LPA |
| Surface Preservation or maintenance type work on roadways such as chip sealing, crack sealing, surface rejuvenation, milling/pulverizing existing pavement, pavement overlays, pavement patching, or other work to maintain, improve, or preserve the surface treatment and provide an adequately drivable and safe surface. Criteria that characterize action as not causing significant environmental impacts: work does not extend beyond the existing surfaced area or where work extends slightly beyond existing surface and/or removal of some vegetation is necessary- if flattening of slopes is not required. | Tribe, SDOT |
| Pure maintenance activities for roads and bridges | LPA |
| Highway resurfacing without pavement widening including a single pass of milling, crack and seat and multiple overlays | LPA |
| Repairing erosion on streams where road fill is being eroded by stream. | LPA |
| Clearing of debris from Bridge abutments. | LPA |
| All necessary maintenance and construction of existing roads including new construction approved by local municipalities | LPA |
| All necessary maintenance and repairs of existing bridges, culverts and other drainage structures | LPA |
| All pavement preservation activity within the existing pavement edge. | MPO |
| Bank stabilization | SDOT |
| Herbicidal spraying within existing ROW | SDOT |
| Mowing or brush removal/trimming projects within existing ROW | SDOT |
| Beautification or facility improvement projects (landscaping, curb and gutter installation and replacement, ADA ramps/curb ramps, installation of park benches, decorative lighting, etc.). | SDOT (2), AASHTO |
| Retaining wall restoration, fencing, guardrail installation or replacement, intermittent resurfacing, restoration or replacement of drainage structures. | SDOT |
| Preventive maintenance activities such as joint repair, pavement patching, shoulder repair and the removal and replacement of old pavement structure. | SDOT |
| General highway maintenance, including filling potholes, crack sealing, mill and resurfacing, joint grinding milling, etc | SDOT |
| General highway maintenance, including joint repair, pavement patching, crack sealing, skid hazard treatments, striping, shoulder repair, mill and resurfacing, joint grinding, milling, and the removal and replacement of old pavement structure | AASHTO |
| Paving Shoulders. | SDOT |
| Mowing or brush removal/trimming projects within existing ROW | SDOT, AASHTO |
| Herbicidal spraying within existing ROW | SDOT, AASHTO |
| Construction, modification, or repair of storm water treatment devices, protection measures such as slope stabilization, and other erosion control measures. | AASHTO |
| Routine repair of facilities due to storm damage, or other natural disasters, including permanent repair to return the facility to operational condition that meets current standards of design and public health and safety without expanding capacity | AASHTO |
| Limited Federal Funding/Involvement | |
| Utilization of federal grant funds less than one million dollars should not trigger the NEPA process. | LPA |
| Projects that have limited federal participation (noted in Map-21). | LPA |
| Projects that has less than 50% federal funding or less than \$10,000,000 in federal funding | LPA |
| Small local government projects with less than \$5,000,000 federal funds on a corridor established by a Thoroughfare Plan with minimal relocations. | LPA |
| Projects in which no findings are required from FHWA (No tribal involvement, no involvement with 106 resources, no Section 4(f) involvement, and no formal ESA consultation; Impacts can be mitigated through coordination/consultation with appropriate agencies) (C-list) | SDOT |

| Rehabilitation and Reconstruction | |
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| Highway and Bridge Rehabilitations and Reconstructions - moved from the d-list to the c-list. | Consulting (7), LPA (5), Transit (2), SDOT |
| Rehabilitation of existing highways with no significant change in alignment, traffic volume or drainage patterns. | LPA |
| Highway reconstruction without additional lanes and without significant changes in alignment, but including utility and storm water replacement or relocation, addition or widening of shoulders, addition of curbs, gutters, or slope stabilization, provided not more than 10' of permanent R.O.W. is required to be acquired when measured perpendicular to the existing highway boundary. | LPA |
| Resurfacing, restoration and rehabilitation | SDOT (7) |
| Maintenance and rehabilitation and reconstruction of facilities that occupy substantially the same environmental footprint and do not result in a change in functional use, such as: improvements to bridges, tunnels, storage yards, buildings, and terminals; construction of platform extensions and passing track; street track; and at grade railroad crossings. | Transit |
| Station / facility repair, even with structural / architectural improvements within ROW, but not expanding envelop. | Transit |
| Restore, rehabilitate, and/or resurface existing pavement. | SDOT |
| Modernization of a highway by resurfacing, restoration, rehabilitation and reconstruction | SDOT |
| Resurfacing/rehabilitation/reconstruction projects that are within existing ROW | SDOT |
| Historic preservation, rehabilitation and operation of historic transportation buildings, structures, or facilities, including railroad facilities and canals. | SDOT, AASHTO |
| Reconstruction and/or widening of roadway on existing alignment with no additional through lanes, continuous turn lanes, or auxiliary lanes | SDOT |
| Curb/gutter repairs or construction | SDOT |
| Culverts and Channels | |
| Culvert maintenance and replacement | LPA |
| Adding additional culverts to prevent roadway and adjoining property damage. Criteria to meet: if work will not be within a water of the U.S. or a defined channel that could convey water to a jurisdiction water of the U.S.; if work is within the existing right-of-way; and if any vegetated areas disturbed are reestablished. | Tribe |
| Channel modifications in ephemeral streams (while stream bed is dry) in an effort to increase capacity of the stream channel within 1000' of a bridge crossing (lessen the impacts of backwater rise and flooding of properties). | LPA |
| Improvements of drainage facilities | SDOT |
| Crossing or modifying regularly maintained irrigation canals which are over 50 years old. | LPA |
| Restore, replace, and rehabilitate culverts, inlets, drainage pipes, and systems including safety treatment | SDOT, AASHTO |
| Bike/Pedestrian | |
| Bike, Ped, to improve connectivity in non-existing corridors | LPA |
| Non-motorized trails | LPA |
| Leasing of ROW for pedestrian improvements | Transit |
| ROW acquisition for bikeway/pedestrian facilities | SDOT |
| Projects which are bike and/or ped and do not impact wetlands | LPA |
| Installation of Bicycle/pedestrian facilities with minor or no additional rights-of-way, or with minor rights-of-way acquisition where there are no previously identified environmentally sensitive issues | LPA, SDOT |
| Transit/roadway corridors where a transportation comp plan can show a documented need (and require they include bike and ped facilities) | LPA |
| Acquisition, construction, rehabilitation, and improvement or limited expansion of stand-alone pedestrian, or transportation bicycle facilities, such as: a pathway, lane, or pedestrian bridge; and transit plaza amenities. | Transit |
| Construction of bicycle lanes and pedestrian walkways, sidewalks, shared-use paths, or facilities and trailhead parking. | SDOT, AASHTO |
| ROW acquisition for bikeway/pedestrian facilities | SDOT, AASHTO |
| Rail | |
| Modernization of rail transit systems (dCE) | |
| Minor Rail extensions on Public Right of Way | LPA |
| Small scale projects such as expansion of rail platforms and adding canopies to rail stations | Transit |
| Component replacement at rail stations (CEc) Replacing components of a station such as staircases, escalators, elevators, platform structure, lighting, etc. | Transit |
| Activities that take place in the railroad right of way, such as improving/rehabbing tracks, signals, switches, etc. | Transit |

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| Minor roadway realignment or traffic signals for rail safety reasons | Transit |
| Construction/extension of storage/pocket tracks within existing railroad ROW | Transit |
| Relocation of TPSS within or adjacent to existing railroad ROW (with minor property acquisition) | Transit |
| Track and rail-bed improvements or acquisition, including improving vertical and horizontal alignment of railroad crossings and improving sight distance at railroad crossings. | SDOT (2), AASHTO |
| Railroad crossing work outside of existing right of way. | SDOT |
| Improve railroad crossing surface. | SDOT |
| Improve vertical and horizontal alignment of railroad crossing. | SDOT |
| Improve sight distance at railroad crossing. | SDOT |
| Railroad crossing elimination by closure, and railroad overpass removal within right of way. | SDOT, AASHTO |
| Preservation of abandoned railway corridors, including the conversion and use for pedestrian, equestrian, or bicycle trails. | SDOT, AASHTO |
| Upgrade railroad track circuitry. | SDOT, AASHTO |
| Transit | |
| Bus rapid transit and streetcars | LPA |
| Development activities for transit located on, above, or adjacent to existing transit facilities, that are not part of a larger transportation project and do not substantially enlarge such facilities, such as: police facilities, public service facilities, and amenities. | Transit |
| Acquisition, rehabilitation and maintenance of vehicles or equipment, within or accommodated by existing facilities, that does not result in a change in functional use of the facilities, such as: equipment to be located within existing facilities and with no substantial off-site impacts; and vehicles, including buses, rail cars, and trolley cars that can be accommodated by existing facilities or by new facilities that qualify for categorical exclusion. | Transit |
| Bus Stops. Transit Stations. Transit Centers. New Streetcar and extensions of existing streetcar lines in existing ROW. | Transit |
| Acquisition or transfer of an interest in real property that is not within or adjacent to recognized environmentally sensitive areas (e.g., wetlands, non-urban parks, wildlife management areas) and does not result in a substantial change in the functional use of the property or in substantial displacements, such as: scenic easements and historic sites for the purpose of preserving the site. This CE extends only to acquisitions that will not limit the evaluation of alternatives. | Transit |
| Simple BRT lines on shared lanes which will only have shelters and nominal impact on streetscape. | Transit |
| Bus projects that do (not) involve provision of exclusive lanes or exclusive guideways. | Transit |
| Minor track and/or platform shifts within an existing railroad right-of-way | Transit |
| Addition of transit infrastructure that can be constructed within rights-of-way already within transportation uses. | Transit |
| Modernization or minor expansions of transit structures and facilities such as bridges, stations or rail yards; | Transit |
| Rehabilitation or improvement of transit or commuter rail passenger stations where the work will not require the permanent acquisition of real estate to be a categorical finding. This may include projects with an increase in the number of users, such as might be associated with a CMAQ project | Transit |
| Rehabilitation or improvement of transit or commuter rail bridges where the work will not require the permanent acquisition of real estate. | Transit |
| FTA should consider findings similar to the FRA's, as published in the Federal Register on May 26, 1999. | Transit |
| Rehabilitation or reconstruction of existing rail and bus transit buildings and ancillary buildings where only minor amounts of additional land are required, and there is not a substantial increase in the number of users (Move to C-List) | SDOT, AASHTO |
| Construction of bus transfer facilities (an open area consisting of passenger shelters, boarding areas, kiosks, and related street improvements) when located in a commercial area or other high activity center in which there is adequate street capacity for projected bus traffic. (Move to C-List) | SDOT, AASHTO |
| Alternative Energy | |
| Installation of Electrical Vehicle Charging Stations | SDOT |
| Small scale renewable energy projects | Transit, SDOT |
| Construction of alternative energy facilities (CNG, electrification, solar, fuel tanks, farms, wind turbines, etc.). | SDOT, AASHTO |
| Ferries | |

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| Ferry system activities that do not include work under the mean high tide line, including work on ferry terminals, ferry vessels, dock facilities, navigation systems, and security systems. | SDOT |
| Maintenance and repair of Ferries and facilities | SDOT |
| Parking | |
| Park and Ride facilities with or without bus transfer areas - move from d-list to c-list | Transit |
| Transportation corridor fringe parking facilities, park-and-ride lots and ridesharing activities | SDOT (2) |
| Installing, upgrading or repairing transportation corridor fringe parking facilities, park-and-ride lots and ridesharing facilities. | AASHTO |
| Environmental Mitigation | |
| Erosion and water pollution control work. | SDOT |
| In-situ and offsite, wetland mitigation projects | SDOT |
| Habitat enhancement for endangered species, both in-situ and offsite. | SDOT, Transit (2) |
| Removal of fish barriers and removal of channel constrictions. | LPA |
| Activities designed to mitigate environmental harm that cause no harm themselves, or to maintain and enhance environmental quality and site aesthetics, and employ construction best management practices, including but not limited to: noise mitigation activities; stormwater management; roof replacement; rehabilitation of public transportation buildings, structures, or facilities, including those that are listed or eligible for listing on the National Register of Historic Places when there are no adverse effects under the National Historic Preservation Act; retrofitting for energy conservation; and, landscaping or re-vegetation. | Transit |
| Installation of new noise walls and other new noise mitigation projects. | SDOT |
| Mitigation of water pollution due to highway runoff. | SDOT |
| Mitigation projects. | SDOT |
| Animal crossings. | SDOT |
| Environmental mitigation activities (wetland, stream, upland, etc.). | SDOT, AASHTO |
| Installation of new noise walls and other new noise mitigation projects | sdot |
| Projects undertaken to assure the creation, maintenance, restoration, enhancement, or protection of habitat for fish, plants, or wildlife | AASHTO |
| Limited Size or Cost | |
| Projects requiring the acquisition of less than one acre should not trigger the NEPA process. | LPA |
| Projects under a certain dollar threshold. | LPA |
| Projects that impact a specified, minor length of road (e.g. 200 feet) | LPA |
| Modification, changing, or new construction on existing property involving less than one acre. | Transit |
| Acquisitions | |
| Acquisitions of land for protective purposes; advance land acquisition loans under section 3(b) of the UMT Act. | SDOT (2), AASHTO |
| Acquisition and/or preservation of minor amounts of abandoned railroad right of way | SDOT |
| Projects with minimal right of way acquisition, such as corner clips, utility easements or temporary construction easements. | LPA |
| Acquisition of land for hardship or protective purposes for a particular parcel or a limited number of parcels; advance land acquisition loans under Section 3(b) of the Urban Mass Transportation Act. | SDOT |
| Acquisition of scenic or historic sites | AASHTO |
| Acquisition of land for hardship or protective purposes. (Move to C-List) | AASHTO |
| Excess ROW | |
| Move to C list: Approvals for disposal of excess right-of-way or for joint or limited use of right-of-way, where the proposal use does not have significant adverse impacts | SDOT (2) |
| ROW disposal | SDOT |
| Disposal of excess right of way. | SDOT |
| Approvals for disposal of excess right-of-way or for joint or limited use of right-of-way, where the proposed use does not have significant adverse impacts (Move to C-List) | SDOT, AASHTO |
| Land donations to the DOT associated with ROW permits (non-NHS-limited access ROW). | SDOT |
| Disposal of excess ROW parcels wholly contained in Major Project Acquisitions | SDOT |
| Geotechnical Work | |

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| Geotechnical borings, archaeological and wetland surveys | Transit (2), SDOT |
| Geotechnical activities (grouting, rock fall barrier installations, rock fall netting installations, and drilled shafts and walls for stabilization, etc.) | SDOT, AASHTO |
| Geotechnical and other subsurface investigation, including drilling of test bores/soil sampling to provide information for preliminary design and for environmental analyses and permitting purposes. | AASHTO |
| Consistent with existing plans/land use and/or previously approved by other agencies | |
| When approved pre-existing plans (e.g. City General Plans, Master Plans, etc.) already dictate project specifications, the level of NEPA review should reflect the lack of alternatives analysis that can be entertained | LPA |
| CEQA approved CE projects | LPA |
| Any project previously reviewed, approved, and cleared by any other Federal Agencies NEPA process. | Transit |
| Assembly or construction of facilities that is consistent with existing land use and zoning requirements (including floodplain regulations), is minimally intrusive, and requires no special permits, permissions, and uses a minimal amount of undisturbed land, such as: buildings and associated structures; bus transfers, busways and streetcar lines within existing transportation right-of-way; and parking facilities. | Transit (2) |
| Amend wording of existing CE to be: "Assembly or construction of facilities that is consistent with existing land use and zoning requirements (including floodplain regulations), is minimally intrusive, and requires no special permits or permissions beyond those required by local zoning officials, and uses a minimal amount of undisturbed land." | Transit |
| Projects that are required to satisfy a permit from a regulatory or resource agency that has already undergone the NEPA process for that category of action. | SDOT |
| Projects in which coordination/consultation results in the determination that further findings from FHWA are not required; Involvement with one or more of the above, requiring no further action after coordination/consultation is completed with the appropriate agency (Section 4(f) does not apply, no adverse effect under 106, and no jeopardy under ESA); Tribal coordination would still require government to government consultation through FHWA Impacts can be mitigated through coordination/consultation with appropriate agencies (C-list) | SDOT |
| Projects that have all necessary ESA consultations are completed through programmatic or individual consultations | SDOT |
| Add a CE that would cover grants, loans, and refinancing for a project already approved and funded by another federal agency if that project has been subject to an environmental review pursuant to the National Environmental Policy Act (NEPA) and (1) there have been no changes to the project that would result in significant environmental impacts not already evaluated and (2) there is no new information or circumstances that would result in significant environmental impacts not already evaluated in the prior environmental review. | Transit |
| Road widening in compliance with local General Plans which have already undergone the public approval process | LPA |
| Aesthetic Treatments | |
| Improvements to existing waysides and scenic overlooks. | SDOT |
| Aesthetic treatments and other scenic beautification. | AASHTO |
| Screening unsightly areas. | SDOT |
| Other | |
| Control and removal of outdoor advertising | AASHTO |
| Improvements to existing maintenance facilities. | AASHTO |
| Installation, restoration, rehabilitation or replacement of rock fall mitigation measures. | AASHTO |
| Air space leases that are subject to Subpart D, Part 710, Title 23, Code of Federal Regulations | AASHTO |
| Shoulder widening for both traffic and air quality purposes. | LPA |
| Widening, adding roadway width or shoulders without adding through traffic lanes. | AASHTO |
| Lane Reduction Changes - provided traffic analysis is completed | SDOT, AAHSTO |
| Land donations to the DOT associated with ROW permits (non-NHS-limited access ROW). | SDOT, AAHSTO |
| Stimulus or fast track projects | COG |
| Conversion of existing grade level intersections to interchanges, are implicitly allowed under 23 CFR, section 771.117 (d) (1). Recommend that this type of action be included with explicit language. | SDOT |
| Applying pavement to dirt roads, to include the excavation of the existing dirt road to accommodate the base course needed for the new pavement. | LPA |
| Utilization of existing government property for alternate purposes | LPA |
| Impact to a minor amount of isolated, poor quality wetland was allowed under one of the older CEs. | LPA |
| Projects that do not impact wetlands and do not contain addition impervious surfaces used by motor vehicles. | LPA |
| Changing transportation modes in an existing location, such as from a ferry to a bridge. | LPA |
| Add to D List: Interchange modifications with minimal impacts. | SDOT |
| Add to D List: Widening of existing facilities, including general purpose lanes. | SDOT |

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| TODs/joint development | Transit |
| Emergency repairs necessary to restore vital travel, typically within 180 days of the event. Includes emergency projects like mine collapse, flooding damage, etc | SDOT (2) |
| Joint or limited use of ROW where the proposed use would have minimal or no adverse social (including highway safety), economic or environmental impacts | SDOT |
| Major re-construction improvements to existing rest areas and truck weigh stations | SDOT (2) |
| Reconstruction of existing rest areas and truck weigh stations. | AASHTO |
| Architectural planning, research, and site investigations | SDOT |
| Surfacing existing unpaved roadway or shared use paths. | SDOT |
| Perfection of title for right of way when the subsequent action is in support of an action that is not otherwise subject to FHWA review under NEPA | AASHTO |
| Material source pits | SDOT |
| Investigative activities for future projects. | SDOT |
| Project staging and storage areas | SDOT |
| Third-Party Contracts for Goods & Services Education & Training Security | Transit |
| Removal Fill actions permitted and consulted when these are the major impacts associated with the project. | SDOT |
| Widening and improving existing transportation facilities through the addition of lanes that will add capacity when the following conditions are met: a. Lane additions are limited to two (2) new lanes in each direction; b. The project does not exceed five (5) miles in length; c. Widening is consistent with regional and local plans; d. The proposed action is on the state or federal highway system; and e. The project does not involve unusual circumstances that would result in a significant impact on the environment. | SDOT |
| Addition of a new roadway on new alignment to connect existing facilities when the following conditions are met: a. The new roadway is limited to a five lane cross section; b. The project does not exceed five (5) miles in length; c. New road construction is consistent with regional and local plans; d. The proposed action is on the state or federal highway system; and e. The project does not involve unusual circumstances that would result in a significant impact on the environment. | SDOT |
| Closure of roads at railroad crossings where there is minimal ADT and safer options for accessing the other side of the railway are within 2 mile | SDOT, AASHTO |
| Adding or lengthening turning lanes (including continuous turn lanes), intersection improvements, channelization of traffic, dualizing lanes at intersection and interchanges, auxiliary lanes, and reversible lanes. For auxiliary lanes and reversible lanes, discussion with FHWA is recommended to ensure the appropriate level of documentation before advancing the project. | SDOT |
| Flattening slopes; improving vertical and horizontal alignments | SDOT, AASHTO |
| Restoration, rehabilitation or replacement of retaining walls or slope protection | AASHTO |
| Widening, adding roadway width and shoulders without adding through travel lanes. | SDOT |
| Transportation enhancement projects involving acquisition of historical sites and easements, or historical preservation. | SDOT, AASHTO |
| Improvements to existing maintenance facilities | SDOT, AASHTO |
| Joint or limited use of ROW where the proposed use would have minimal or no adverse social (including highway safety), economic or environmental impacts. | SDOT |
| Lane reduction changes- provided traffic analysis is completed. | SDOT |
| Modernization of a highway by the addition of turn lanes and/or the addition of shoulders | SDOT (2) |
| Approvals for changes in access control that involve the National Highway System and limited access ROW (i.e. work necessary within state controlled ROW for the realignment of an intersecting local road; breaks in the limited access ROW for new roads or drives | SDOT |
| Approvals for changes in access control (Move to C-List) | AASHTO |
| USDOT should consider moving all d-list activities to the c-list and define the criteria, common between all states, when signature delegation to a state or other jurisdiction is not authorized. USDOT would develop criteria derived from the agencies' programmatic CE agreements | SDOT |
| We would recommend that all of the items listed under 771.117 (d) 1 be moved to the c-list when they do not increase roadway capacity. | SDOT |