

CHAPTER 2 ENVIRONMENTAL CLASS OF ACTION DETERMINATION

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2. ENVIRONMENTAL CLASS OF ACTION DETERMINATION

2-1 OVERVIEW

A Class of Action determination is required for all Federal actions and establishes the level of environmental documentation required to comply with the **National Environmental Policy Act (NEPA)** of 1969 as amended, and the regulations of the Council on Environmental Quality (CEQ), **40 Code of Federal Regulation (CFR) parts 1500 through 1508**. A transportation improvement brings about a Federal action and the mandatory compliance with **NEPA** when one of the following conditions exists:

1. Federal funds or assistance is used at some phase of project development or implementation;
2. Federal funding or assistance eligibility is being maintained for subsequent phases;
3. Federal permit(s) is (are) required (e.g. U.S. Coast Guard Bridge permit); or
4. Federal approval of an action is required (e.g. change in Interstate access control).

There are three classes of actions defined in **23 CFR 771.115** which prescribe the level of documentation required in the **NEPA** process.

1. Class I: Environmental Impact Statements (EISs). This environmental Class of Action is prepared for actions that significantly affect the environment as defined by CEQ regulations. The types of actions which would normally require an EIS are:
 - a. A new controlled-access freeway.
 - b. A highway project of four or more lanes on new location.
 - c. New construction or extension of fixed rail transit facilities (e.g., rapid rail, light rail, commuter rail, automated guideway transit).
 - d. New construction or extension of a separate roadway for buses or high occupancy vehicles not located within an existing highway facility.
2. Class II: Categorical Exclusions (CEs). This environmental Class of Action is applied to actions that do not individually or cumulatively have a significant environmental effect. They are actions which: do not induce significant impacts to planned growth or land use for an area; do not require the relocation of

significant numbers of people; do not have a significant impact on any natural, cultural, recreational, historic, or other resources; do not involve significant air, noise, or water quality impacts; do not have significant impacts on travel patterns; or do not otherwise, either individually or cumulatively, have any significant environmental impacts. Actions categorically excluded are exempt from the requirements of **NEPA**. An Environmental Assessment (EA) or Environmental Impact Statement (EIS) is not prepared in these actions. A CE must, however, satisfy all other Federal environmental laws and executive orders.

3. Class III: Environmental Assessments (EAs). This environmental Class of Action is prepared for actions in which the significance of the environmental impact is not clearly established. All actions that are not Class I, EISs or Class II, CEs are Class III. All actions in this class require the preparation of an EA to determine the appropriate environmental documentation required.

For projects involving a Federal action, the Class of Action Determination is made in consultation with the lead Federal agency, usually, the Federal Highway Administration (FHWA). On occasion, other federal agencies, such as the Federal Transit Administration (FTA), Federal Railroad Administration (FRA), the Federal Aviation Administration (FAA) the U.S. Coast Guard (USCG), or the U.S. Army Corps of Engineers may become the lead Federal agency on a proposed transportation improvement upon consultation and written agreement with FHWA and the Florida Department of Transportation (FDOT).

ETDM Process Intended for Major Transportation Improvement Projects

- New roadways or a new location
- Addition of new lanes to a roadway
- New fixed rail transit construction
- Public transportation projects
- New bridge construction
- Bridge widening
- New interchange or major interchange modification
- Major capital improvements (intermodal centers and transit centers)

The Class of Action for a major transportation project (typically Type 2 CEs, EAs or EISs) is determined during the Programming Phase that takes place as part of the Efficient Transportation Decision Making (ETDM) process. This is described in Chapter 5 of the FDOT's **ETDM Planning and Programming Manual**. Major transportation projects within an MPO area should have sufficient information on the anticipated impacts to assist in determining the appropriate Class of Action. This information is located in the **Planning Summary Report** of the Environmental Screening Tool (EST), and was analyzed as part of the Planning Phase of the ETDM process. For major transportation projects outside of an MPO area or other projects that did not complete the Planning Phase of ETDM, this chapter provides the information required to complete the Class of Action Determination. All major transportation projects must complete the Programming Phase of ETDM to determine the Class of Action.

For projects not involving a Federal action, a similar determination is made by the FDOT. A determination whether the proposed project is a Major or Non-Major State

Action must be made to decide if a State Environmental Impact Report (SEIR) or a Non-Major State Action (NMSA) checklist for non-major transportation projects will be required. Major state-funded projects will also be screened through the ETDM process, however, a Federal Class of Action is not required, and a SEIR will be the environmental document prepared for the transportation improvement.

2-2 PROCEDURE

The Class of Action process begins with a determination as to whether or not a project will involve a Federal action. For many projects, there is an assumption that a Federal action may be required, or there is a desire to maintain eligibility for Federal funding at some time in the future. The second step in establishing the Class of Action is to determine if the action, or project, is a major transportation improvement or if it qualifies as one of the predetermined Class of Actions that are described in this chapter. For major projects or projects that do not qualify as an action described in these predetermined Class of Actions, the final step is to establish the environmental Class of Action determination following the ETDM Programming Screening process.

2-2.1 Determination of Federal Action

The District must determine prior to the project development process (during the Programming Phase of ETDM) whether or not a project is going to be processed as a Federal project or state project. Federally-funded projects or projects involving a Federal action must be processed in accordance with the procedures in the chapter and the rest of the appropriate chapters in the PD&E Manual. Non-Federally funded projects are processed as outlined in accordance with Part 1, Chapter 10 of the PD&E Manual.

2-2.2 Established Categorical Exclusion Type Projects

A Categorical Exclusion (CE) means a project or a category of actions, that based upon past experience with similar actions do not individually or cumulatively have a significant environmental effect, and are excluded from the requirement to prepare an Environmental Assessment or an Environmental Impact Statement. These actions are not considered to be major transportation improvements. CE determinations apply only to projects with a Federal action. The equivalent determination for state funded projects is the Non-Major State Action checklist covered in Chapter 10 of this manual.

In order for a project action to be categorically excluded, it must meet certain criteria. Once these criteria have been met, the action can be determined to be a CE. As contained in **23 CFR 771**, the following criteria must be met and documented as appropriate before a CE determination can be made.

It must be sufficiently evident that the proposed improvement will not:

1. Involve significant environmental impacts;

2. Induce significant impacts to planned growth or land use for the area;
3. Require the relocation of significant numbers of people;
4. Have a significant impact on any natural, cultural, recreational, historic, or other resource;
5. Involve significant air, noise, or water impacts; or
6. Have significant impacts on travel patterns.

In addition to the above criteria, which is contained in **23 CFR 771.117(a)**, actions proposed for CE designations must also demonstrate that the following do not apply as found in **23 CFR 771.117(b)**:

1. Significant environmental impacts;
2. Substantial controversy on environmental issues;
3. Significant impact on properties protected by **Section 4(f)** of the **DOT Act** or **Section 106** of the **National Historic Preservation Act**, or
4. Inconsistency with any Federal, state, or local law, requirement, or administrative determination relating to environmental aspects of the action.

There are three forms of Categorical Exclusions. The Type 1 CE applies to minor projects or actions referenced in **23 CFR 771.117(c)** (see Section 2-2.2.1). The Programmatic CE applies to projects and actions identified by the Federal Highway Administration (FHWA) in the **Agency Operating Agreement** between FHWA, FTA and the FDOT, executed January 15, 2003 (see Section 2-2.2.2). The **Type 2 CE** applies to major transportation projects where demonstration that there are no significant effects resulting from the proposed action can be documented (see Chapter 5).

For CE project actions, the level of detail required to reach these conclusions and categorically exclude a project is dependent upon the magnitude of involvement and the significance of environmental impacts of a proposed action. This section outlines the required documentation and processing for those projects that have been determined to be one of the three forms of Categorical Exclusions.

2-2.2.1 Type 1 Categorical Exclusions

The Federally funded actions or projects described in this section are identified in **23 CFR 771.117(c)**, and normally do not require any further **NEPA** documentation or approval by FHWA. These actions or projects are based on past experience with similar actions that have been found not to involve significant environmental impacts. Therefore, these projects are excluded from the requirements to prepare environmental documents

subject to satisfying the conditions found in Section 2-2.2.3, Conditions for Type 1 and Programmatic Categorical Exclusions.

The following actions or projects have been determined to be a Type 1 CE:

1. 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 United States Code (USC) 307**; approval of a unified work program and any findings required in the planning process pursuant to **23 USC 134**; approval of statewide programs under **23 CFR 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.
2. Approval of utility installations along or across a transportation facility.
3. Construction of bicycle and pedestrian lanes, paths, and facilities.
4. Activities included in the **State's Highway Safety Plan** under **23 USC 402**.
5. Transfer of Federal lands pursuant to **23 USC 317** when subsequent action is not a FHWA action.
6. The installation of noise barriers, or alterations, to existing publicly-owned buildings to provide for noise abatement.
7. Landscaping.
8. 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.
9. Emergency repairs under **23 USC 125**. (note: The Type 1 Categorical Exclusion applies to the immediate work necessary to repair and restore facilities during the first 180 days after the emergency declaration. A separate Class of Action should be made for any project betterments, permanent repairs and for any repairs that do not occur within the first 180 days following the emergency declaration. The initial Class of Action is indicated on the **Detailed Damage Inspection Report** prepared for the repair work. Coordination with FHWA is recommended to determine the Class of Action for any subsequent work that includes betterments to the existing facility.)
10. Acquisition of scenic easements.
11. Determination of payback under **23 CFR, Part 480** for property previously acquired with Federal-aid participation.

12. Improvements to existing rest areas and truck weigh stations.
13. Ride-sharing activities.
14. Bus and rail car rehabilitation.
15. Alterations to facilities or vehicles in order to make them accessible for elderly and handicapped persons.
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.
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.
18. Track and rail-bed maintenance and improvements when carried out within the existing right-of-way.
19. Purchase and installation of operating or maintenance equipment to be located within the transit facility and with no significant impacts off the site.
20. Promulgation of rules, regulations, and directives.

For Type 1 CEs, the level of documentation required to support this determination is typically less than that of other environmental documents. If a project can be classified as one of the above 20 actions, then documentation consists of completing a project evaluation Checklist (see Figure 2.2). Based upon past experience with similar actions, additional support documentation and technical reports are not usually required to substantiate the findings on the checklist unless there are unusual circumstances. In some instances final design information will not be available and the project will be evaluated and a determination made based upon its design concept.

The Type 1 CE documentation consists of the completed, signed and dated Checklist. The District Environmental Office will also complete and provide the date of the determination on the ***Status of Environmental Certification***, as shown in Figure 2.3, which is required as part of the contract file for Federal-aid construction projects. The District Federal Aid coordinator or the Federal Aid Management Office provides this information on the ***Federal-Aid Project Authorization/Agreement Form (PR-1240 Form)***. Acceptance by FHWA of the ***PR-1240 Form*** for the project constitutes formal approval that the proposed action is a Type 1 CE.

Projects which are determined to be Type 1 CEs meet the criteria of **23 CFR 771.117(a)** and normally do not require any further **NEPA** approvals by FHWA. These

projects also have general project location and design concept acceptance as described in **23 CFR 771.113(b)**.

2-2.2.2 Programmatic Categorical Exclusions

The Federally funded actions or projects described in this section were determined to be Programmatic CE by FHWA and are included in the **Agency Operating Agreement** between FHWA, FTA and the FDOT, executed on January 15, 2003, and normally do not require any further **NEPA** approval by FHWA or other Lead Federal Agency. Whenever FHWA is referenced hereinafter it may be exchanged with the Lead Federal Agency. These actions or projects are based on past experience with similar actions that have been found not to involve significant environmental impacts. Therefore, these projects are excluded from the requirements to prepare environmental documents subject to satisfying the conditions found in Section 2-2.2.3, Conditions for Type 1 and Programmatic Categorical Exclusions.

The following actions or types of projects have been determined to be a Programmatic CE:

1. 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.
2. Flattening slopes; improving vertical and horizontal alignments.
3. Highway safety or traffic operations improvement projects including the installation of ramp metering control devices and lighting.
4. Restore, replace, and rehabilitate culverts, inlets, drainage pipes, and systems including safety treatments.
5. Widening, adding roadway width and shoulders without adding through traffic lanes.
6. Roadway skid hazard treatment.
7. Upgrade, removal, or addition of guardrail.
8. Upgrade median barrier.
9. Install or replace impact attenuators.
10. Upgrade bridge end approaches/guardrail transition.
11. Upgrade railroad track circuitry.
12. Improve railroad crossing surface.

13. Improve vertical and horizontal alignment of railroad crossing.
14. Improve sight distance at railroad crossing.
15. Railroad crossing elimination by closure, and railroad overpass removal within right-of-way.
16. Clear zone safety improvements, such as fixed object removal or relocation.
17. Screening unsightly areas.
18. Freeway traffic surveillance and control systems.
19. Motorist aid systems.
20. Highway information systems.
21. Preventive maintenance activities such as joint repair, pavement patching, shoulder repair and the removal and replacement of old pavement structure.
22. Restore, rehabilitate, and/or resurface existing pavement.
23. Computerized traffic signalization systems.
24. 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.).
25. Widening of substandard bridge to provide safety shoulders without adding through lanes.
26. Replacement of existing bridge (in same location) by present criteria.
27. Transportation enhancement projects involving acquisition of historical sites and easements, or historical preservation.
28. Preservation of abandoned railway corridors, including the conversion and use for pedestrian, equestrian, or bicycle trails.
29. Rehabilitation and operation of historic transportation buildings, structures, or facilities, including railroad facilities and canals.
30. Mitigation of water pollution due to highway runoff.
31. Bridge removal.

32. 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.
33. 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.
34. 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.
35. 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**.
36. Mitigation projects.
37. Animal crossings.
38. Changes in access controls.
39. Intelligent Transportation Systems.

For Programmatic CEs, the level of documentation required to support this determination is typically less than that of other environmental documents. If a project is one of the above 39 actions or type projects, then documentation consists of completing a project evaluation checklist (see Figure 2.2) and any necessary supporting documentation or technical reports required to substantiate the findings on the checklist. Coordination with the FHWA Transportation Engineer is not required, but is recommended if there are questions regarding any issues on the checklist. In some instances final design information will not be available and the project will be evaluated and a determination made based upon its design concept.

The Programmatic CE documentation consists of the completed, signed and dated Checklist. The District Environmental Office will also complete and provide the date of the determination on the **Status of Environmental Certification**, as shown in Figure 2.3, which is required as part of the contract file for Federal-aid construction projects. The District Federal Aid coordinator or the Federal Aid Management Office provides this information on the **Federal-Aid Project Authorization/Agreement Form (PR-1240 Form)**. Acceptance by FHWA of the **PR-1240 Form** for the project constitutes formal approval that the proposed action is a Programmatic CE.

Projects which are determined to be Programmatic CEs meet the criteria of **23 CFR 771.117(a)** and normally do not require any further **NEPA** approvals by FHWA. These projects also have general project location and design concept acceptance as described in **23 CFR 771.113(b)**.

2-2.2.3 Conditions for Type 1 and Programmatic Categorical Exclusions

FHWA has determined that all of the actions or types of projects listed as Type 1 and Programmatic CEs will, based on past experience, meet the definition for CEs contained in **40 CFR 1508.4**. However, to qualify as a Programmatic or a Type 1 CE, the project or action must also satisfy the conditions described under **23 CFR 771.117(a) and (b)** that have been accepted by FHWA that assume the following conditions are met:

1. The project or action causes no significant adverse impacts to local traffic patterns, property access, or community cohesiveness, or planned community growth or land use patterns.
2. Air, noise, and water quality impacts are not significant.
3. There are no significant wetland impacts.
4. There are no significant impacts to navigation.
5. Floodplain encroachments are not significant in accordance with Part 2, Chapter 24.
6. There are no significant impacts to endangered and threatened species and/or their critical habitat in accordance with Part 2, Chapter 27.
7. There are no significant amounts of right-of-way may be acquired and no significant amounts of relocations are involved.
8. The project does not involve any properties protected **Section 4(f)** of the **U.S. Department of Transportation Act**, or FHWA has made a determination that **Section 4(f)** is not applicable in accordance with Part 2, Chapter 13. Transportation Enhancement projects that take or require the use of **Section 4(f)** properties or resources must show written agreement with the action by the local agency having jurisdiction.
9. There are no properties protected under **Section 106** of the **National Historic Preservation Act** in the project limits, or if there are, those properties are not significantly affected as determined in consultation with the State Historic Preservation Officer (SHPO) or, when appropriate, the Tribal Historic Preservation Office (THPO) in accordance with Part 2, Chapter 12. Transportation Enhancement projects that involve a designated National Landmark must coordinate with the National Parks Service and address their concerns pursuant to the requirements of the National Landmarks Program prior to submittal of the application.

10. No known potentially significant contamination.

In addition, no public hearing is required in accordance with Part 1, Chapter 11 of the PD&E Manual. If a public hearing is conducted for an action or project that would otherwise satisfy the requirements as a Type 1 or Programmatic CE, coordination should take place with FHWA to verify the appropriate Class of Action.

All projects that are transportation enhancement activities pursuant to **Section 1007(c)** of the **Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991** must be processed to comply with **23 CFR 771** and **Procedure 525-030-300**.

The satisfaction of the conditions described in this section is documented by completing a project evaluation checklist (see Figure 2.2) and any necessary supporting documentation or technical reports required to substantiate the findings on the checklist. The term “significant” as used in **NEPA** is described in **40 CFR 1508.27**, and requires considerations of both context and intensity. In many cases, the determination of significance will be obvious because of the absence of resources or the proposed action does not affect the resource. In other cases, the degree to which the action or project may affect a resource will need to be considered. Consideration of these types of effects should be done in consultation with appropriate District environmental staff that will be familiar with established precedents and can consult with other resource agencies as appropriate.

Failure of an action or project to meet any of the conditions set out in this section will require coordination with the FHWA Transportation Engineer to determine the appropriate Class of Action. This could range from completing a technical study to assess the impact to one specific issue, to the preparation of a Type 2 CE, Environmental Assessment or an Environmental Impact Statement.

2-2.3 Environmental Class of Action Determination for Major Projects

Projects that do not meet the criteria to be classed as a Type 1 or Programmatic CE are usually more complex projects such as major transportation improvement projects including roadway capacity improvements, new roadways, rail transit systems and many bridge replacement projects that may have the potential for greater environmental impacts. For all projects not falling into the Type 1 or Programmatic CE categories, FDOT must consult with the FHWA Transportation Engineer (or other lead Federal agency) and together recommend whether the project should be classified as a Type 2 CE, an EA, or an EIS as the prescribed level of documentation required in the **NEPA** process.

Type 2 CEs involve project actions which may be categorically excluded, if certain conditions are present (**23 CFR 771.117(a) and (b)**) and if the documentation demonstrates that there is no significant impact resulting from the proposed action. The types of project actions in this category are actions not included in Type 1 and

Programmatic CEs. Actions that may require EISs and EAs are described in the overview section of this chapter.

The environmental Class of Action for a major transportation project is determined during the Programming Phase that takes place as part of the Efficient Transportation Decision Making (ETDM) process. This is described in Chapter 5 of the FDOT's ***ETDM Planning and Programming Manual***. The Programming Phase uses the Environmental Screening Tool (EST) to initiate the Advance Notification (AN) process and the Federal Consistency Review process to obtain input and comments from other agencies on the proposed project and expected level of environmental effect. Upon completion of the Programming Phase a Class of Action is made by the FDOT and the lead Federal agency. This determination, in addition to the degree of effect for various environmental issues and the scope of work to be performed during the Project Development phase, is included in the ***Final Programming Summary Report***.

The process for obtaining the environmental Class of Action requires that the District ETDM Coordinator complete the on-line Class of Action Determination during the Programming Phase. This form is available on the EST through the Project Management Tools. The District ETDM Coordinator e-mails the FHWA ETAT member, requesting review and approval of the Class of Action Determination. FHWA uses the EST to review the Class of Action Determination and approve or enter comments on the on-line form. After FHWA and the District ETDM Coordinator have agreed on the Class of Action Determination, FHWA uses the on-line form to sign off on the Class of Action Determination. For non-Federally funded projects, the ETDM Coordinator will indicate that the project is to be a SEIR, and the lead agency is the Florida DOT. After the Class of Action Determination is complete, the determination is entered into the project record in the EST, and becomes part of the ***Final Programming Summary Report***.

The Class of Action Determination can be updated when needed. All previous information is copied to a history table and the Lead Agency is contacted through email to notify them of the update and request concurrence.

If a project has not been part of the ETDM process and an environmental Class of Action determination is required for an action not included in or qualifying as a Type 1, Programmatic CE or NMSA, it must be added to the EST and submitted for a Programming Screen to complete the AN process and obtain the environmental Class of Action determination.

Once the Class of Action determination is decided, the level of documentation required for NEPA compliance is described in the respective chapter for a Type 2 CE, an EA, or an EIS in Part 1 of this PD&E Manual.

2-3 REFERENCES

1. Council on Environmental Quality, Executive Office of the President, 1978. Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act. Reprint 43 FR 55978-56007, 40 CFR Parts 1500-1508.
2. Federal Register, August 28, 1987, Volume 52, No. 167. "Part 771-Environmental Impact and Related Procedures", 23 CFR 771.
3. Federal Register, 1987, Volume 52, No. 144. "Subpart H- Navigational Clearances for Bridges", 23 CFR 650.
4. Memorandum, titled, "Florida-Meeting with U.S. Coast Guard", from FHWA Highway Safety and Environmental Coordinator to FHWA Assistant Division Administrator (Copy to C. L. Irwin), September 2, 1988.
5. Memorandum, titled, "Preventive Maintenance", from Bill Deyo, Director, Office of Design to District Directors of Production and Operations, and to Design Engineers, August 27, 1992.
6. U.S. Department of Transportation, Federal Highway Administration, October 30, 1987. Guidance for Preparing and processing Environmental and Section 4(f) Documents, FHWA Technical Advisory T6640.8A.
7. Procedure 525-030-300, Transportation Enhancement Projects.
8. FHWA and FTA "Agency Operating Agreement signed by Thomas F. Barry, FDOT Secretary, James St. John, FHWA Division Administrator and Jerry Franklin, FTA Regional Administrator, and executed on February 12, 2003.
9. ETDM Planning and Programming Manual.

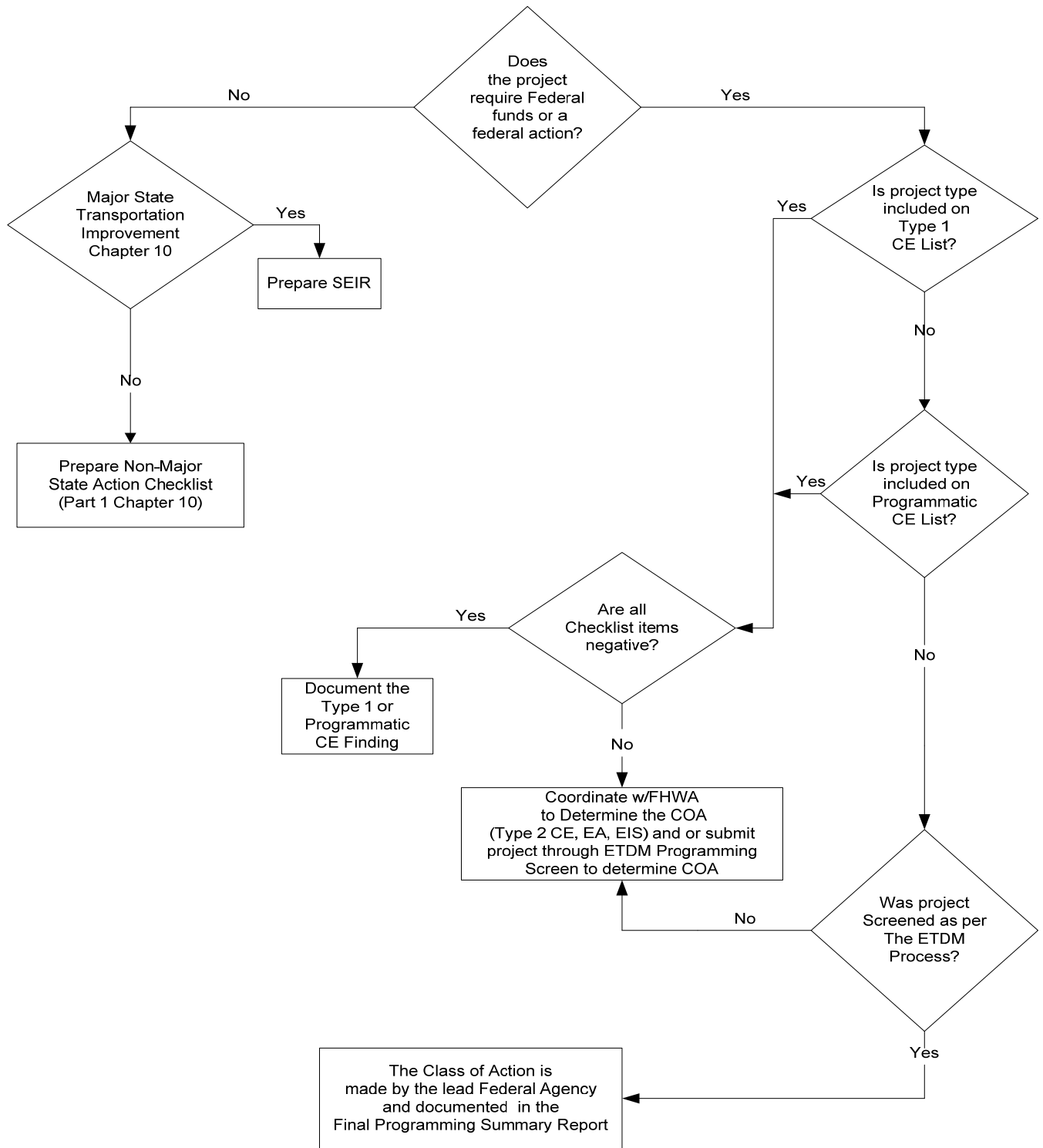


FIGURE 2.1 Environmental Class of Action Determination Process

TYPE 1 AND PROGRAMMATIC CATEGORICAL EXCLUSION CHECKLIST

Financial Project ID. _____ FAP No. _____

Project Description: _____

	YES	NO
Will the project cause significant adverse impacts to local traffic patterns, property access, or community cohesiveness, or planned community growth or land use patterns?	___	___
Will the project cause significant adverse impacts to air, noise and water?	___	___
Will the project cause significant adverse impacts to wetlands?	___	___
Will the project cause significant adverse impacts to navigation?	___	___
Will the project cause significant impacts to floodplains in accordance with Part 2, Chapter 24?	___	___
Will the project cause significant impacts to endangered and threatened species or their critical habitats?	___	___
Will the project require acquisition of significant amount of right-of-way?	___	___
Will the project require relocation of a significant number of residents or businesses?	___	___
Are there any properties protected under Section 4(f) of the U.S. Department of Transportation Act within the project limits that will require a Section 4(f) Evaluation in accordance with Part 2, Chapter 13?	___	___
Are there any properties protected under Section 106 of the National Historic Preservation Act within the project limits, and if there are, will the project have A significant impact any of those properties? Projects that may involve historic Properties must meet the requirements for consultation with the SHPO (or THPO as appropriate) as outlined in Part 2, Chapter 12 of this manual.	___	___
Will the project have a significant involvement with contamination?	___	___
Will the project require a public hearing or an opportunity for a public hearing?	___	___

IMPORTANT If the answer to any of these questions is **Yes**, then a Type 1 or Programmatic Categorical exclusion does not apply, and additional coordination with the FHWA Transportation Engineer is required to determine the necessary level of environmental documentation.

FIGURE 2.2 Type 1 and Programmatic Categorical Exclusion Checklist (continued)

Financial Project No. _____ FAP No.

Project Description: _____

FINDING:

This project has been evaluated and has been determined to meet the conditions as set forth in the PD&E Manual, Part 1, Chapter 2; therefore:

_____ This project is a Type 1 Categorical Exclusion under (23 CFR 771.117(c)) effective November 27, 1987.

_____ This project is a Programmatic Categorical Exclusion per FHWA, FTA, and FDOT Agency Operating Agreement executed on January 15, 2003.

Reviewer: _____ Date: _____

The following is a list of any supporting reports or technical studies that were prepared and are included in the project file that were necessary to support the conclusions reached on the checklist. This documentation is required only for unusual circumstance since the projects covered by Type 1 and Programmatic CE determinations do not typically, based on past experience, cause significant impacts.

- _____
- _____
- _____
- _____

(NOTE: This is a sample checklist for District use. This Checklist may be modified to meet individual District needs.)

FIGURE 2.2 Type 1 and Programmatic Categorical Exclusion Checklist (concluded)

**Exhibit 20-D Status of Environmental Certification
STATUS OF ENVIRONMENTAL CERTIFICATION**

Financial Project ID _____
Proposal/Contract ID _____
Federal Aid No. _____
Project Description _____

This project is a Categorical Exclusion under 23 C.F.R. 771.117:

- This project is a Type 1 Categorical Exclusion under (23 CFR 771.117(c)) effective November 27, 1987 as determined on _____, and the determination remains valid.
- This project is a Programmatic Categorical Exclusion per FHWA, FTA, and FDOT Agency Operating Agreement executed on January 15, 2003 as determined on _____, and the determination remains valid.

The environmental document for this project was a (check one):

- A Type 2 Categorical Exclusion under 23 C.F.R. 771.117(d) approved on _____, or
- A Finding of No Significant Impact under 23 C.F.R. 771.121 approved on _____, or
- A Final Environmental Impact Statement under 23 C.F.R. 771.125 approved on _____.

A reevaluation in accordance with 23 C.F.R. 771.129 was (check one):

- Approved on _____
- Not required.

Signature: _____ Date: _____
Environmental Administrator

Exhibit 20-D from Plans Preparation Manual, Volume I, Chapter 20, Plans Processing and Revisions

FIGURE 2.3 Status of Environmental Certification