

MEMORANDUM

State of Alaska

Department of Transportation & Public Facilities
Statewide Design & Engineering Services Division

TO: Distribution

DATE: October 26, 2012

Replaced by CE Directive 11-06-12

TELEPHONE: 465-6958

FAX: 465-2460

FROM: Roger Healy, P.E.
Chief Engineer

SUBJECT: CE Directive - Delegation of
Approval Authority for
Certain CEs under 6004
MOU

The intent of this directive is to implement regional delegation of approval authority for certain Categorical Exclusions (CEs) under Section 326 of amended Chapter 3 of title 23, United States Code (23 U.S.C 326). The programmatic approvals outlined within this directive has been enacted to facilitate the efficient processing of CE actions and to minimize delays in the delivery of time critical projects.

Three categories of projects are hereby programmatically approved as Categorical Exclusions under the State Assumption of Responsibility for Categorical Exclusions under 23 U.S.C. 326. These three programmatic approvals are for:

1. Certain projects processed under 23 CFR 771.117(c)
2. Certain projects processed under 23 CFR 771.117(c)&(d)
3. Certain Right- of- Way actions under 23 CFR 771.117(d)(6)

Projects developed under these three programmatic approvals must meet the conditions specified in each Programmatic Approval. The Regional Environmental Manager must certify that the conditions of the applicable Programmatic Approval are met.

Programmatic Approval 1: Some of the "c" list activities listed in 23 CFR 771.117(c) are covered by this approval. Exceptions to the activities listed in this approval are identified in "*Italics*". The "c" list activities covered under this Programmatic Approval are as follows:

- (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.
- (2) Approval of utility installations along or across a transportation facility.

- (4) Activities included in the State's highway safety plan under 23 U.S.C. 402. *(This does not apply to construction projects.)*
- (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.
- (6) The installation of noise barriers or alterations to existing publicly owned buildings to provide for noise reduction. *(This approval is only applicable for alterations to existing publicly owned buildings to provide for noise reduction.)*
- (8) Installation of fencing, signs, pavement markings, small passenger shelters, traffic signals, and railroad warning devices where no substantial land acquisitions or traffic disruption will occur. *(This approval only applies to pavement markings.)*
- (13) Ridesharing activities. *(This category does not apply if there is any on-the-ground construction.)*
- (14) Bus and rail car rehabilitation.
- (15) Alterations to facilities or vehicles in order to make them accessible for the elderly and handicapped.
- (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.
- (19) Purchase and installation of operating or maintenance equipment to be located within the transit facility and with no significant impacts off the site.
- (21) 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.

DOT&PF Regional Environmental Managers will certify on the "*Project Information Sheet*" that a proposed action meets the requirements of this Programmatic Approval.

Programmatic Approval 2: Some highway projects listed in 23 CFR 117.117(c)&(d) are covered by this Programmatic Approval. The following conditions apply to those actions that are processed under this Programmatic Approval:

1. The action does not have significant environmental impacts as described in 23 CFR 771.117(a).
2. The action does not involve unusual circumstance as defined in 23 CFR 771.117(b).
3. The action does not involve the following:

- a. A road on a new location.
- b. The acquisition of an entire parcel or portions of more than 25 parcels.
- c. Displacement of any commercial or residential occupants.
- d. Use of properties protected by Section 4(f), 23 U.S.C. 138 & 49 U.S.C. 303.
- e. A determination of adverse effect under Section 106 of the National Historic Preservation Act.
- f. A U.S. Coast Guard bridge permit.
- g. Work encroaching on a regulatory floodway or work affecting the base floodplain (i.e. 100-year flood) elevation of a watercourse or lake.
- h. Construction in, across or adjacent to a river designated as a component of the National System of Wild and Scenic Rivers.
- i. Work involving more than 10-acres of Waters of the US or wetlands (individually or in combination).
- j. A change in access control.
- k. Acquisition of property involving a known hazardous material site.
4. In air quality non-attainment and maintenance areas, the project conforms with the State Implementation Plan (STIP)
5. The action does not involve federally listed Threatened or Endangered species or their Critical Habitat.
6. The action conforms to the U.S. Fish and Wildlife Service Bald and Golden Eagle management plan.

Any action processed under this Programmatic Approval will require the preparation and approval of a DOT&PF, CE Documentation Form. The Regional Environmental Manager shall document all actions processed under this Programmatic Approval in accordance with the DOT&PF categorical exclusion procedures (Chapter 3, *Alaska Environmental Procedures Manual – for the 6004 Program*). The Regional Environmental Manager will provide the Statewide Environmental Office a copy of the signed CE Documentation Form in accordance with the Alaska Environmental Procedures Manual – for the 6004 Program. DOT&PF Regional Environmental Managers will certify on the “*Project Information Sheet*” that a proposed action meets the requirements of this Programmatic Approval.

Programmatic Approval 3: Consistent with 23 CFR 771.117(d)(6), certain proposals for the disposal of excess right-of-way or for the joint or limited use of right-of-way are approved by this Programmatic Approval, where the proposed use does not have significant adverse impacts. The proposed action must meet the following conditions:

1. The disposal or proposed use does not result in significant environmental impacts as described in 23 CFR 771.117(a).
2. The disposal or proposed use does not involve unusual circumstances as described in 23 CFR 771.117(b).
3. The disposal or proposed use does not use properties protected by Section 4(f), 49U.S.C.303.

4. The disposal or proposed use has no potential to effect historic resources and therefore does not require further Section 106 consultation per 36 CFR Part 800.3(a) (1). *Note: this PCE cannot be used for properties within or adjacent to an eligible historic property, District or Landmark.*
5. The disposal or proposed use does not affect a regulatory floodway or the base floodplain (100-year flood) elevations of a watercourse or lake.
6. The disposal or proposed use will not result in construction in, across or adjacent to a river designated as a component of the National System of Wild and Scenic Rivers.
7. The disposal or proposed use does not affect wetlands.
8. The disposal or proposed use does not dispose of or use a site where known hazardous material are stored or where there has been a release of hazardous materials.
9. The disposal or proposed use does not involve or affect a federally-listed threatened and endangered species or their critical habitat.
10. The disposal or proposed use is exempt from the requirement to determine Air Quality Conformity as defined in 40 CFR Part 93.126 (Table 2: Exempt Projects).

Distribution:

Kristine Benson, Environmental Program Specialist, Statewide, MS 2500
Dori Broglino, NEPA Program Manager, Environmental Statewide, MS 2500
Bruce Campbell, Environmental Manager, Northern Region 2550-07
Robert Campbell, P.E., Regional Director, Central Region MS 2525
Albert Clough, CPG, Regional Director, Southeast Region MS 2506
Charles Correa, P.E., Preconstruction Engineer, Southeast Region MS 2506
Brian Elliott, Environmental Manager, Central Region MS 2525
Jane Gendron, Environmental Manager, Southeast Region MS 2506
Lars Gregovich, P.E., Preconstruction Standards Engineer, Statewide, MS 2500
Linda Heck, NEPA Program Manager, Environmental Statewide, MS 2550
Taylor Horne, NEPA Program Manager, Environmental Statewide MS 2500
Kasandra Kim Rice, P.E., Director D&C, Central Region MS 2525
Longin Krol, P.E., Preconstruction Engineer, Northern Region MS 2550-07
Laurie Mulcahy, Environmental Program/Cultural Resources Manager, Statewide MS-2538
Katherine Price, Cultural Resources Specialist, Environmental Statewide, MS 2550
Amy Sumner, Environmental Program Specialist, Statewide, MS 2500
James Stephen Titus, P.E., Regional Director, Northern Region MS 2550
Benjamin White, Statewide Environmental Manager, MS 2500