

PROGRAMMATIC CATEGORICAL EXCLUSIONS
For Use on Federal-Aid Highway Program Projects Authorized
Under
23 U.S.C. 326

Three categories of projects are hereby programmatically approved as Categorical Exclusions under the State Assumption of Responsibilities for Categorical Exclusions as outlined in 23 U.S.C. 326 (6004 Program). 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 (Approval). The Regional Environmental Manager must certify that the conditions of the applicable Approval are met.

Programmatic Approval 1: To streamline the environmental approval process for minor activities identified in 23 CFR 771.117(c), the Alaska Department of Transportation and Public Facilities (DOT&PF) verifies that those actions listed below are approved as Categorical Exclusions by regulation and do not typically require additional documentation.

If the proposed activity involves either of the following conditions, then this Approval **does not** apply, and completion of a CE Documentation Form will be required before the activity can be approved as a “C” list CE:

- Action(s) that **involve** unusual circumstances (e.g., are locally controversial, require acquisition of right of way or constructive use of Section 4(f) property).
- Action(s) that result in environmental **impacts** to any of the following resources:
 - wetland(s),
 - fish stream(s),
 - historic site(s),
 - archaeological site(s), or
 - Section 4(f) property.

The specific “C” list activities covered by this Approval are as follows:

- (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 U.S.C. 134; approval of 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 630; approval of project concepts under 23 CFR 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.

- (4) Activities included in the State's highway safety plan under 23 U.S.C. 402. (*This Approval does not apply to construction projects.*)
- (5) Transfer of Federal lands pursuant to 23 U.S.C. 317 when the subsequent action is not an FHWA action.
- (6) The installation of noise barriers or 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.
- (11) Determinations of payback under 23 CFR part 480 for property previously acquired with Federal-aid participation.
- (13) Ridesharing activities.
- (14) Bus and rail car rehabilitation.
- (15) Alterations to facilities or vehicles in order to make them accessible for the elderly and handicapped.
- (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.
- (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.
- (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. (*This Approval does not apply if there is any new ground disturbance.*)

The DOT&PF Regional Environmental Manager must certify on the "*Project Information Sheet*" that a proposed action was approved under this Approval. Any project approved by this Approval can be programmed for Initial ATP through Final PS&E.

Programmatic Approval 2: The following conditions apply to those actions that are processed under this 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 circumstances as described 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 more than minor amounts of right-of-way. (If the project requires the acquisition of an entire parcel or portions of more than 25 parcels, this programmatic agreement cannot be used).
 - c. The displacement of any commercial or residential occupants.
 - d. The use of properties protected by Section 4(f), 49 U.S.C. 303.
 - e. A determination of adverse effect by the FHWA 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 (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 wetlands.
 - j. A change in access control.
 - k. The 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 (SIP).
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's *National Bald Eagle Management Guidelines*.

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

Programmatic Approval 3: Consistent with 23 CFR 771.117(d)(6) the DOT&PF approves in advance that certain proposals for the disposal of excess right-of-way or for the joint or limited use of right-of-way are approved as Categorical Exclusions, where the proposed use does not have significant adverse impacts. DOT&PF certifies that the conditions identified in this agreement will be satisfied for all right-of-way approvals processed under this agreement.

The following conditions must be met for right-of-way approvals under 23 CFR 771.117(d)(6) processed under this PCE:

1. The action does not have significant environmental impacts as described in 23 CFR 771.117(a).
2. The action does not involve unusual circumstances as described in 23 CFR 771.117(b).
3. The action does not use properties protected by Section 4(f), 49 U.S.C. 303.
4. The action has no potential to affect historic properties and therefore does not require further Section 106 consultation per 36 CFR 800.3(a)(1). *Note: this precludes the use of this Programmatic Approval for any proposal within or adjacent to an eligible historic property, District, or Landmark.*
5. The action does not affect a regulatory floodway or the base floodplain (100-year flood) elevations of a watercourse or lake.
6. The action does not construct in, across or adjacent to a river designated as a component of the National System of Wild and Scenic Rivers.
7. The action does not affect wetlands.
8. The action does not change access control.
9. The action does not affect a known hazardous material site.
10. The action does not involve federally listed threatened or endangered species or their critical habitat.
11. The proposed action or use is exempt from the requirement to determine Air Quality Conformity as defined in 40 CFR Part 93.126 (Found in Table 2: Exempt Projects)

If applicable, the DOT&PF Regional Environmental Manager must certify on DOT&PF encroachment form #25A-R968 that a proposed action requested under an encroachment permit application falls within the bounds of this Approval.