

**PROGRAMMATIC AGREEMENT
AMONG
THE FEDERAL HIGHWAY ADMINISTRATION
AND
THE DISTRICT DEPARTMENT OF TRANSPORTATION
REGARDING
REVIEW AND APPROVAL PROCESS FOR CATEGORICAL EXCLUSIONS IN
ACCORDANCE WITH THE NATIONAL ENVIRONMENTAL POLICY ACT
FOR THE FEDERAL AID HIGHWAY PROGRAM**

This Programmatic Agreement (“Agreement”) is entered into as of this 28th day of October, 2010, by and between the United States Department of Transportation, Federal Highway Administration by and through the Federal Highway Administration District of Columbia Division (“FHWA”) and the District Department of Transportation (“DDOT”) pursuant to D.C. Official Code §§ 50-921.01 et seq., individually referred to herein as “Party” and collectively referred to herein as the “Parties.”

RECITALS

WHEREAS, FHWA administers the Federal Aid Highway Program in the District of Columbia (“District”) through DDOT as authorized by 23 U.S.C. 101 et seq.; and

WHEREAS, DDOT, as the state Department of Transportation and the owner of the transportation infrastructure for the District, has jurisdictional and maintenance responsibility for the transportation infrastructure throughout the District; and

WHEREAS, FHWA has determined that the Federal Aid Highway Program requires review and approval of infrastructure construction projects to comply with the National Environmental Policy Act of 1969 (“NEPA”) and the Council on Environmental Quality (“CEQ”) regulations for implementing NEPA (40 CFR 1500 -1508); and

WHEREAS, in accordance with 40 CFR 1508.4 and 23 CFR 771.117 FHWA and DDOT agree that certain actions carried out through the Federal-Aid Highway Program do not have significant impacts on the human and natural environment; and

WHEREAS, this Agreement establishes a procedure that will reduce the paperwork and processing time for certain Federal actions for FHWA in administering the Federal Aid Highway Program for the District for actions that do not have significant impacts on the human and natural environment; and

WHEREAS, in accordance with 40 CFR 1500 -1508 and 23 CFR 771, FHWA and DDOT agree upon the advance review and approval process outlined in this Agreement.

WHEREAS, execution of this Agreement and implementation of its terms evidences that FHWA and DDOT have formalized the review and approval process to comply with the National Environmental Policy Act of 1970 (NEPA) (42 U.S.C. § 4321, et seq.) and the Council on Environmental Quality (CEQ) regulations for implementing NEPA (40 CFR § 1500 -1508) for the Federal Aid Highway Program for the District of Columbia.

NOW, THEREFORE, FHWA and DDOT agree that the Federal Aid Highway Program shall be administered in accordance with the terms and conditions as provided herein.

I. PURPOSE AND RESPONSIBILITIES

- A. This Agreement sets forth the process by which FHWA, with the assistance of DDOT, shall fulfill its responsibilities under NEPA for the Federal Aid Highway Program administered in the District. This Agreement allows FHWA to provide an expeditious and efficient review and approval of documents related to infrastructure construction projects and to approve Categorical Exclusions (“CEs”) for projects which qualify for a CE determination under 23 CFR 771.117 (c) and (d). For the projects which meet the terms and conditions provided herein, this Agreement constitutes a one-time advance documentation and approval. As such, individual project review, documentation, and approval are not required by FHWA; provided however, that DDOT will prepare and maintain appropriate documentation for such projects.
- B. This Agreement establishes the basis for DDOT internal review of all projects funded through the Federal Aid Highway Program to comply with the requirements of 23 CFR 771.
- C. In compliance with its responsibilities under NEPA, and as a condition of its award to DDOT of any assistance under the Federal-Aid Highway Program, FHWA shall ensure that DDOT carries out the requirements of this Agreement. FHWA will make periodic reviews of DDOT’s procedures and documentation to ensure that all potential environmental impacts are being considered and to ensure that compliance with all applicable laws, regulations, executive orders, etc., is being properly documented.
- D. Pursuant to this Agreement, DDOT shall document all NEPA reviews and shall submit an Annual Report to FHWA which will include information on the projects that were approved using this Agreement. Further, DDOT shall certify that all terms and conditions provided herein have been satisfied for all of the projects processed under this Agreement.

II. CE ENVIRONMENTAL REVIEW AND APPROVAL PROCESS

DDOT shall follow the following process:

1. All documents shall be prepared pursuant to the requirements of 40 CFR 1500 -1508 and 23 CFR 771;
2. DDOT shall develop environmental processes pursuant to the requirements of 40 CFR 1500 -1508 and 23 CFR 771 and document the processes in the DDOT Environmental Policy and Process Manual;
3. DDOT shall prepare the Project Development & Environmental Review Form (Form-I), as included in Appendix A, for all projects and actions under the Federal Aid Program. This includes actions taken when any project progresses from one phase to the next (i.e. from planning to design, or from design to construction) as well as change orders;
4. Level 1 CE Actions: All actions that qualify as CEs identified in 23 CFR 771.117(c) and which meet all the requirements listed in Section III.A of this document will be classified as Level 1 CE (“CE-1”) Actions.
5. Level 2 CE Actions: All actions that qualify as CEs identified in 23 CFR 771.117(c) & (d) and which meet all the requirements listed in Section III.B of this document will be classified as Level 2 CE (“CE-2”) Actions .
6. Level 3 CE Actions: All actions that qualify as CEs identified in 23 CFR 771.117(c) & (d) which do not meet the requirements listed in Section III.A and III.B of this document, will be classified as Level 3 CE (“CE-3”) Actions.

III. CE DETERMINATIONS

In accordance with FHWA Environmental Impact and Related Procedures (23 CFR 771), CEs are actions which meet the definition contained in 40 CFR 1508.4, and, based on past experience with similar actions, do not involve significant environmental impacts. They are actions which:

- do not induce significant impacts to planned growth or land use for the 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 resource;
- do not involve significant air, noise, or water quality impacts;
- do not have significant impacts on travel patterns; and
- do not otherwise, either individually or cumulatively, have any significant environmental impacts.

A. Level 1 Categorical Exclusion (CE-1)

All actions that qualify as CEs, identified in 23 CFR 771.117(c) and that meet all the requirements of 40 CFR 1508.4, 23 CFR 771.117(a) & (b) and the requirements given

below, will be classified as CE-1 Actions. For such actions, Project Development & Environment Forms (Form I), included in Appendix A, will be prepared and no additional documentation will be necessary. The DDOT Environmental Division shall confirm that these actions meet the criteria of CE-1 projects and no significant impact exists. Only signature by the DDOT Environment Division Chief or his/her designee is required for CE-1 projects. Projects that do not meet the criteria of CE-1 actions shall be processed at the next appropriate higher level.

In order to qualify as a CE-1, the action cannot involve any of the following:

- a. Work outside the DDOT Right of Way (ROW) or ROW disposal/acquisition;
- b. Changes to the number of lanes (including General purpose, transit, and/or parking lanes);
- c. Decrease of the level of service of any intersection in the project area to “D” or worse;
- d. Adverse impact on minority, low-income, limited-English populations or any other population protected by Title VI of the Civil Rights Act of 1964;
- h. Any commercial or residential displacement;
- j. The use of properties protected by Section 4(f) of the Department of Transportation Act (49 U.S.C. 303);
- k. The determination of an effect by the State Historic Preservation Office;
- l. Any Clean Water Act Section 404 Permits;
- m. Any effect to a federally-listed endangered or threatened species or critical habitat; or
- n. Any work on National Park Service (“NPS”) land except when approved by NPS as a CE.

B. Level 2 Categorical Exclusion (CE-2)

All actions that qualify as CEs identified in 23 CFR 771.117(c) & (d) and that meet all the requirements of 40 CFR 1508.4, 23 CFR 771.117(a) & (b) and the requirements given below, will be classified as CE-2 Actions. For such actions CE-2 form, included in Appendix B, will be prepared. The DDOT Environmental Division shall confirm that these actions meet the criteria of CE-2 projects and no significant impact exists. Only DDOT Environment Division Chief’s signatures are required for Level 2 CE projects. Projects that do not meet the criteria of Level 2 CE shall be processed at the next appropriate higher level.

In order to qualify as a CE-2, the action cannot involve any of the following:

- a. Any right-of-way acquisition or disposal;
- b. Commercial or residential displacement;
- c. The use of properties protected by Section 4(f) of the Department of Transportation Act (49 U.S.C. 303) except temporary use;

- d. The use of properties protected by Section 6(f) of the Land and Water Conservation Fund;
- e. A determination of adverse effect by the State Historic Preservation Office;
- f. Any Clean Water Act Section 404 Individual Permits
- g. Any Clean Water Act Section 402 (NPDES) Individual Permits;
- h. Any changes in access control on the freeway or the interstate system;

- k. Any known hazardous materials sites or previous land uses with potential for hazardous materials remains within the right-of-way;
- l. Any adverse effect to any federally listed endangered or threatened species or critical habitat;
- m. Adverse impacts to minority, low-income, limited-English populations or any other population protected by Title VI of the Civil Rights Act of 1964;
- n. Substantial Public controversy;
- o. Any work on NPS land except when approved by NPS as a CE; or

C. Level 3 Categorical Exclusion (CE-3)

All actions that qualify as CEs, identified in 23 CFR 771.117(c) & (d) and which meet all the requirements of 40 CFR 1508.4, 23 CFR 771.117(a) & (b), but which do not meet the requirements of Sections III.A and III.B above, will be classified as CE-3 Actions. For such actions, the CE-3 form included in Appendix C hereto will be prepared. DDOT Environmental Division shall confirm that these actions meet the criteria of CE-3 projects and that no significant impact exists. FHWA approval and signatures are required for all CE-3 projects. Signature by the DDOT Environment Division Chief or his/her designee is required before FHWA approval. Projects that do not meet the criteria of any Level of CE shall be processed as an EA or EIS pursuant to 40 CFR 1500 and 23 CFR 771.

IV. REVIEW AND MONITORING

DDOT will prepare an annual report for submittal to FHWA that covers the current Fiscal Year. The report will include summary information on projects processed under this Agreement. The report will also include all forms and documents prepared for all NEPA actions for the Federal Aid Program. Further, the report will include an assessment of the effectiveness of this Agreement, discuss concerns, if any, with the Agreement, and include recommendations for any proposed changes. This report may also identify any changes to the Environmental Forms (Form I, CE-2 Form, CE-3 document). FHWA and DDOT may change, revise, or update these forms at that time without amending this PA. The report shall be provided to the FHWA by November 1, 2011 and annually thereafter on or before November 1. FHWA will provide any review comments on the Annual Report, including recommendations for modifications to the Agreement, to DDOT within 30 days of receipt of the report.

FHWA shall monitor activities carried out pursuant to this Agreement. In compliance with its responsibilities under NEPA, and as a condition of its award to DDOT of any assistance under the Federal-Aid Highway Program, FHWA shall ensure that DDOT carries out the requirements of this Agreement. FHWA will make periodic reviews of the DDOT's procedures and documentation to ensure that all potential environmental impacts are being considered and compliance with all applicable laws, regulations, executive orders, etc., is being properly documented.

V. TERMINATION

Any Party to this Agreement may terminate it for any reason by providing thirty (30) days written notice to the other Party. In the event that a notice of termination is issued by either Party, the Parties shall consult during the period prior to termination to seek agreement on amendments or other action that would avoid termination.

VI. MODIFICATION; AMENDMENT

Any party to this Agreement may request that it be amended at any time, whereupon the parties will consult with each other to consider such amendment.

VII. DURATION

This Agreement shall become effective upon execution by FHWA and DDOT and shall continue in full force for ten (10) years following the date the last signature is affixed hereto, unless terminated as provided above prior to expiration.

VIII. SEVERABILITY

The Parties agree that if any part, term or provision of this Agreement is held to be illegal, unenforceable or in conflict with any applicable federal, state, or local law or regulation, such part, term or provision shall be severable, with the remainder of the Agreement remaining valid and enforceable.

IX. APPLICABLE LAW

The Parties shall comply with all applicable laws, rules, and regulations whether now in force or hereafter enacted or promulgated that pertain to this Agreement.

X. RECITALS

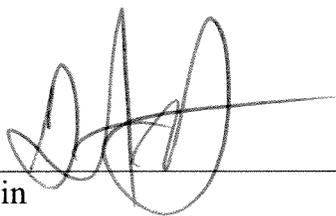
The above recitals are incorporated into this Agreement as if fully set forth herein.

XI. ANTI-DEFICIENCY

The obligations of the District to fulfill financial obligations pursuant to this Agreement, or any subsequent agreement entered into pursuant to this Agreement or referenced herein (to which the District is a party), are and shall remain subject to the provisions of (i) the federal Anti-Deficiency Act, 31 U.S.C. §§ 1341, 1342, 1349-1351 1511-1519 (2004) (the "**Federal ADA**"), and D.C. Official Code §§ 1-206.03(e) and 47-105 (2001); (ii) the District of Columbia Anti-Deficiency Act, D.C. Official Code §§ 47-355.01 – 355.08 (2004 Supp.) (the "**D.C. ADA**" and (i) and (ii) collectively, as amended from time to time, the "**Anti-Deficiency Acts**"); and (iii) Section 446 of the District of Columbia Home Rule Act, D.C. Official Code § 1-204.46 (2001). Pursuant to the Anti-Deficiency Acts, nothing in this Agreement shall create an obligation of the District in anticipation of an appropriation by Congress for such purpose, and the District's legal liability for the payment of any charges under this Agreement shall not arise or obtain in advance of the lawful availability of appropriated funds for the applicable fiscal year as approved by Congress.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as follows:

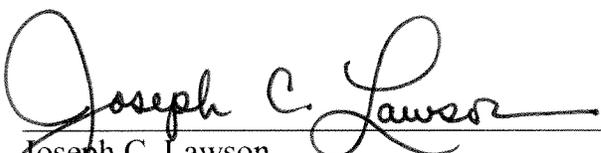
DISTRICT OF COLUMBIA DEPARTMENT OF TRANSPORTATION



Gabe Klein
Director
District Department of Transportation

Date 10/27/10

FEDERAL HIGHWAY ADMINISTRATION



Joseph C. Lawson
Division Administrator
Federal Highway Administration

Date 10/28/10

APPENDIX A

District Department of Transportation

Project Development & Environmental Evaluation Form (Form I)

New Form:		Revised Form:	
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1. Project Name (& Number):

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2. TIP ID number & Year (Required):

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3. Previous Related Work (if any):

Title of the Previous Planning Study/Work:	
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Completion Year/time:	
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Study Completed by (Name of Agency):	
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4. Project Location (Please attach a map of the project area)

Roadway/Street Name		Functional Classification	
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5. Funding Type (Place " X" where applies) :

Federal		Local		Other	
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6. Purpose of the Project:

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7. Need of the Project (Place " X" where applicable):

Safety	System Linkage	Pavement condition	Operational improvement	Community need	Congestion Relief	Bicycle /Pedestrian	Environmental
Utility Relocation	Roadway Deficiency	Structural condition	Transportation Demand	ADA	Geometric Conditions	Planning Needs	other

8. Project Description:

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9. Estimated Cost of the Project:

TOTAL :	PLANNING:	NEPA:	DESIGN:	CONSTRUCTION:
\$	\$	\$	\$	\$

10. Project Type/Phase (Place " X" where applicable):

Administrative	Planning	Environment	Final Design	Construction	Maintenance
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If an administrative project/action please skip section 10-16.

11. Limits of Proposed Work:

North		South		East		West	
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12. Schedule of the Project (identify month & year):

Planning	start	Finish	Environment	start	Finish	Design	start	Finish	Construction	start	Finish
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13. Traffic Data (not required for administrative, resurfacing, or maintenance projects) :

Traffic	Year	ADT	LOS & Delay	Operating Speed	Crashes
Existing					
Build Year (opening year)					
Design Year (20-25 years)					

14. Roadway Conditions (not required for administrative projects/actions):				
	General Purpose	Parking	Bicycle	Bus/Transit Only
Existing Number of Lanes				
Proposed Number of Lanes				
Existing Pavement condition (PCI)				
15. Project Information:		Yes	No	Comment
A.	Facility on new location or re-alignment			
B.	Addition of Traffic Lanes			
C.	Removal of Traffic Lanes			
D.	Permanent change in traffic pattern or LOS			
E.	Roadway construction or reconstruction			
F.	Roadway resurfacing			
G.	Bridge construction			
H.	Bridge reconstruction or rehabilitation			
I.	Removal of Parking			
J.	Removal of vegetation or Trees			
K.	Work outside the DDOT ROW (including air rights)			
L.	ROW Acquisition (including easement, lease, air rights etc)			
M.	Relocation of Businesses (temporary or permanent)			
N.	Relocation of residences (temporary or permanent)			
O.	Change in Access			
P.	Change in Access on Interstate/Freeway (including major ramp reconfiguration)			
Q.	Work on an Interstate or Freeway?			
R.	Work over or under CSX, Amtrak, or railroad tracks (or air rights)			
S.	Map of the project area attached (required)			
16. Public and Agency Coordination		Yes	No	Comments
A.	Were other DDOT administrations involved?			
B.	Was general public involved (please describe how)?			
C.	Were other agencies (FHWA, SHPO, NPS etc) involved?			
D.	Was a Public Involvement Plan prepared?			
17. Resources		Yes	No	Possible/ Comments
A.	Does the project address intermodal transportation needs (bike/transit/pedestrians)?			
B.	Does the project impact land use/planned growth?			
C.	Sec 4f & sec 6f Impacts: Does the project require work in a Park, Recreation area, or wildlife area?			
D.	Sec 4f & sec 106 impacts: Does the project require work in a historic/archeological site, district, area, or street?			
E.	CWA Sec 404: Does the project require work within a water body (river, wetland, stream, etc)?			
F.	CWA Sec 402: Does the project require discharge of water or material directly into a river, wetland, or stream, etc?			
G.	Sec 10: Does the project over a navigation channel?			
H.	Does the project require work in hazardous waste site?			
I.	ESA Sec 7: Does the project impact habitat (fish/animal/plant)?			
J.	Have the Soil and Erosion plans been developed?			
K.	Has Storm water Management plan been developed?			
L.	Does the project result in permanent noise level increase?			
M.	Is there any known controversy about the project?			
N.	Does the project permanently affect the travel pattern?			

O. Does the Project have any environmental features? (describe)			
P. Does the Project increase usable open/green space? (describe)			
Q. Does the Project reduce emissions (water, air, wastes)? (describe)			
R. Does the Project reduce Greenhouse Gas Emissions?(describe)			
S. Does the Project use recycled/reused materials?(describe)			
T. Any other environmentally beneficial feature of the project?			
18. Other Comments (use additional pages if needed):			
19. Prepared by (Project Manager):		Phone:	Date:
NAME:			
ADMINISTRATION:			
PLEASE DO NOT COMPLETE BELOW. TO BE COMPLETED BY DDOT ENVIRONMENTAL STAFF.			
20. NEPA APPROVAL/DOCUMENTATION:			
	Categorical Exclusion, Level 1 – The proposed action meets the criteria for CE-1level, per FHWA-DDOT CE PA. No further environmental documentation required.		
	Categorical Exclusion, Level 2 – The proposed action meets the criteria for CE-2 level, per FHWA-DDOT CE PA. Additional documentation needed. Form II to be prepared.		
	Categorical Exclusion, Level 3 – The proposed action meets the criteria for CE-3 level per the FHWA-DDOT CE PA. Additional documentation needed. CE III document to be prepared.		
	EA – An Environmental Assessment is to be prepared.		
	EIS – An Environmental Impact Statement is to be prepared.		
21. DCEPA APPROVAL/DOCUMENTATION:			
	EXEMPT: (a) A federal action where a NEPA Action (Cat Ex, EA, EIS) been taken (Ref: DCMR 7202.1(b)) b) Planning or Feasibility Study or Preliminary Engineering (Ref: DCMR 7202.1(c)) c) Operation, repair, maintenance of existing public structures(Ref: DCMR 7202.2(a)) d) Replacement, renovation, or reconstruction of existing structures (Ref: DCMR 7202.2(b))		
	EISF		
	EIS		
22: COMMENTS/ADDITIONAL REVIEWS:			

Recommended by: _____
DDOT Environmental Staff
Date

Approved by: _____
DDOT Project Development & Environment Division Head
Date

APPENDIX B

CATEGORICAL EXCLUSION CE-II DOCUMENT FORM (Form II)

Part I – PROJECT DESCRIPTION & DESIGN INFORMATION

A. PROJECT INFORMATION:

Project Manager: _____ Administration: _____ Ward: _____

Project Number : _____

Name of the Facility/Roadway: _____

Funding Source: Federal Local Private Other

Limits of Proposed work:

North:	South:	East:	West:
Total Length of the proposed work (feet):			

B. PURPOSE AND NEED FOR THE PROJECT:

Purpose:

Need:

C. ALTERNATIVES:

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The Do Nothing Alternative is not feasible, prudent or practicable (Mark all that apply):

Yes No

It would not correct existing capacity deficiencies;

It would not correct existing safety hazards;

It would not correct the existing roadway geometric deficiencies:

It would not correct existing deteriorated conditions and maintenance problems, or

It would result in serious impacts to the public and general welfare of the economy.

Other reasons (if any):

D. ROADWAY CHARACTER:

Traffic	Year	ADT	LOS & Delay	Design Speed
Existing				
Build Year (opening year)				
Design Year (20-25 years)				

Road Configuration	General Purpose	Parking	Bicycle	Bus/Transit Only
Existing Number of Lanes				
Proposed Number of Lanes				

Roadway condition	Existing	Proposed
Pavement Width:	ft	ft
Shoulder Width:	ft	ft
Median Width:	ft	ft
Sidewalk Width:	ft	ft

E. DESIGN CRITERIA FOR BRIDGES:

Structure Number(s): _____ Sufficiency Rating: _____

	Existing	Proposed
Bridge Type:		
Number of Spans:		
Weight Restrictions:		
Curb to Curb Width:		
Shoulder Width:		
Under Clearance:		

Will the structure be rehabilitated or replaced as part of the project?

Y N

F. MAINTENANCE OF TRAFFIC DURING CONSTRUCTION:

	Y	N
Is a temporary bridge proposed?	<input type="checkbox"/>	<input type="checkbox"/>
Is a temporary roadway proposed?	<input type="checkbox"/>	<input type="checkbox"/>
Will the project involve the use of a detour or require a ramp closure?	<input type="checkbox"/>	<input type="checkbox"/>
Provisions will be made for access by local traffic and so posted.	<input type="checkbox"/>	<input type="checkbox"/>
Provisions will be made for through-traffic dependent businesses.	<input type="checkbox"/>	<input type="checkbox"/>
Provisions will be made to accommodate any local special events or festivals.	<input type="checkbox"/>	<input type="checkbox"/>
Will the proposed MOT substantially change the environmental consequences of the action?	<input type="checkbox"/>	<input type="checkbox"/>
Is there substantial controversy associated with the proposed method for MOT?	<input type="checkbox"/>	<input type="checkbox"/>

Remarks:

G. ESTIMATED PROJECT COST AND SCHEDULE:

Estimated Cost of the Project:												
TOTAL :			PLANNING:			NEPA:			DESIGN:		CONSTRUCTION:	
\$			\$			\$			\$		\$	
Limits of Proposed Work:												
North			South			East			West			
Schedule of the Project (identify month & year):												
Planning	start	Finish	Environment	start	Finish	Design	start	Finish	Construction	start	Finish	

H. RIGHT OF WAY AND UTILITY INVOLVEMENT:

Number of parcels affected by temporary ROW (including Air Rights): _____

Number of parcels affected by permanent ROW (including Air Rights): _____

Approximate area of temporary ROW needed (including Air Rights): _____ acre

Approximate area of permanent ROW needed (including Air Rights): _____ acre

Is there work over or under CSX, Amtrak, railroad tracks?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Are there air rights issues?		<input type="checkbox"/>		<input type="checkbox"/>
Have the permits for construction in air rights obtained?		<input type="checkbox"/>		<input type="checkbox"/>
Has Utility Coordination been completed?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Are large scale transmission facilities located within the project area?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Are there any private utility easements within the project area?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
If YES, will it be impacted by the project?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

Remarks:

Part II – IDENTIFICATION & EVALUATION OF IMPACTS OF THE PROPOSED ACTION

A – ECOLOGICAL RESOURCES

1. Rivers, Streams and Wetlands

	<u>Presence</u>		<u>Impacts</u>	
	Y	N	Y	N
River	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stream	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Creek	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pond	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Total Area impacted (square ft): _____

Remarks:

If the resource is not present, the remainder of this subject section will not be completed

IF THERE ARE POTENTIAL WETLANDS IMPACTS:

- Wetland Determination
- Wetland Delineation Report
- Individual Wetland Finding

<u>Documentation</u>	
Y	N
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>

Improvements that will not result in any wetland impacts are not practicable because such avoidance would result in (Mark all that apply and explain):

- Substantial adverse impacts to adjacent homes, business or other improved properties;
- Substantially increased project costs;
- Unique engineering, traffic, maintenance, or safety problems;
- Substantial adverse social, economic, or environmental impacts, or
- The project will not meet the identified needs.

Y	N
<input type="checkbox"/>	<input type="checkbox"/>

Remarks:

2. Habitat (Fish, Wildlife, Endangered Species)

	<u>Presence</u>		<u>Impacts</u>	
	Y	N	Y	N
Threatened or Endangered Species	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Federal species found in project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
State species found in project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Coordination

Approval

Agency Coordination

- National Marine Fisheries (NMF)
- United States Fish and Wildlife Service (USFWS)
- District Department of Environment (DDOE)
- United States Army Corps of Engineers (USACE)
- National Park Service (NPS)

Coordination		Approval	
Y	N	Y	N
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Remarks:

If the resource is not present, the remainder of this section will not be completed.

B: CULTURAL RESOURCES (Historic and Archeological)

PRESENCE

IMPACTS

	Y	N	Y	N
Historic Area	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Historic District	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Historic Streets	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Historic Parks	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Historic Properties	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Historic Bridge	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Does the Project qualify for the Citywide Sec 106 PA?

Y	N
<input type="checkbox"/>	<input type="checkbox"/>

If the Project qualifies for the Citywide PA then the remainder of this section will not be completed.

Documentation

- NO EFFECT Concurrence Letter
- NO ADVERSE EFFECT Concurrence Letter
- MOA/PA
- Phase I Cultural Resources Survey Report
- Documentation of Consultation
- Phase I History/Architecture Survey Report
- Phase I Archaeology Survey Report
- Phase II Cultural Resources Survey Report
- Phase II History/Architecture Survey Report
- Phase II Archaeology Survey Report

Y	N
<input type="checkbox"/>	<input type="checkbox"/>

SHPO / PDSE / FHWA Approval Dates

<input type="checkbox"/>

Remarks:

C – SECTION 4(F) RESOURCES

	<u>Presence</u>		<u>Impacts</u>		<u>approval dates</u>
	Y	N	Y	N	
Parks & Other Recreational Land					
Publicly owned park (including NPS)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Publicly owned recreation area	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Historic Sites/Resources	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Sites eligible &/or listed for the NRHP	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Wildlife Refuge	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Section 4(f) Determination of No-Use	<input type="checkbox"/>	<input type="checkbox"/>			<input type="text"/>
Deminimus	<input type="checkbox"/>	<input type="checkbox"/>			<input type="text"/>
Programmatic Section 4(f) Evaluation	<input type="checkbox"/>	<input type="checkbox"/>			<input type="text"/>
Individual Section 4(f)	<input type="checkbox"/>	<input type="checkbox"/>			<input type="text"/>
Section 6(f) involvement	<input type="checkbox"/>	<input type="checkbox"/>			<input type="text"/>

Remarks:

D : AIR QUALITY

	Y	N
Will the project move the travel lanes closer to sensitive land uses?	<input type="checkbox"/>	<input type="checkbox"/>
Will the project add lanes?	<input type="checkbox"/>	<input type="checkbox"/>
Will the project remove lanes?	<input type="checkbox"/>	<input type="checkbox"/>

If the answer to anyone of the above is Yes, then complete the following. Otherwise go to next section.

	Y	N
Conformity Status of the Project		
Is DC currently an air quality non-attainment or maintenance area?	<input type="checkbox"/>	<input type="checkbox"/>
Criteria pollutant in non-attainment or maintenance	<input type="checkbox"/>	<input type="checkbox"/>
PM 2.5 _____ PM 10 _____ Ozone _____ CO _____		
Is this project in the most current MWCOG air quality conforming TIP?	<input type="checkbox"/>	<input type="checkbox"/>
Is this project exempt from conformity analysis?	<input type="checkbox"/>	<input type="checkbox"/>
Is a project-level PM 2.5 conformity determination required for this project	<input type="checkbox"/>	<input type="checkbox"/>
Project-Level Analysis and Impacts	Y	N
Has the project scope changed substantially since the conformity analysis?	<input type="checkbox"/>	<input type="checkbox"/>
If YES, will this change require a reevaluation of the MPO TIP conformity?	<input type="checkbox"/>	<input type="checkbox"/>
Is a Hot Spot analysis required for this project?	<input type="checkbox"/>	<input type="checkbox"/>
Which pollutant (s): PM2.5 _____ PM10 _____ CO _____ Ozone _____		
Is an air toxics (MSAT) analysis required for this project?	<input type="checkbox"/>	<input type="checkbox"/>
Type of Analysis: Qualitative _____ Quantitative _____		

Remarks:

E: NOISE

Noise

Will the project move the travel lanes closer to sensitive land uses?
Will the project result in increase of traffic?

Y	N
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>

If YES, is a design year noise impact predicted?

<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>

If YES, have noise attenuation measures been considered, consistent with FHWA policy?

If NO, explain why not: _____

Is noise attenuation found to be reasonable and feasible?

<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------

Remarks:

F – COMMUNITY IMPACTS (Title VI & EJ)

Regional, Community & Neighborhood Factors

Does the project area contain concentrations of minority, low-income, limited-English populations or any other population protected by Title VI?

Y	N
<input type="checkbox"/>	<input type="checkbox"/>

Will the proposed action result in substantial impacts to community cohesion?

Will the proposed action result in substantial impacts to local tax base or property values?

Does the project have the potential to affect accessibility for people with disabilities?

Does the project impact minority or small businesses?

Remarks:

Will the proposed action result in reasonably foreseeable secondary or cumulative impacts to the community?

Y	N
<input type="checkbox"/>	<input type="checkbox"/>

Remarks:

Public Facilities & Services

Will the proposed action result in substantial impacts on health and educational facilities, public utilities, fire, police, emergency services, religious institutions, public transportation or pedestrian and bicycle facilities?

Y	N
<input type="checkbox"/>	<input type="checkbox"/>

Remarks:

Environmental Justice (Presidential Executive Order 12898)

During public involvement activities, were Environmental Justice issues raised?
Are any Environmental Justice populations located within the project area?
Will the project result in adversely high or disproportionate impacts to the population?

Y	N
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>

Remarks:

Displacement of People or Businesses:

Will the proposed action displace people or businesses?

Y	N
<input type="checkbox"/>	<input type="checkbox"/>

Number of displacements: Residences: _____ Businesses: _____ Institutions: _____ Others: _____

Remarks:

G – PUBLIC INVOLVEMENT

23 CFR 771.111 (h)(2)(i) and (ii), every Federal action requires some level of public involvement, providing for early and continuous opportunities throughout the project development process. **The level of public involvement should be commensurate with the proposed action.**

Was general public involved in the development of the project?
Were public meetings held for the project?
Were you inclusive of minority and low income people in public involvement activities?

Y	N
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>

Please explain how public was involved especially minority and low income community.

Public Controversy on Environmental Grounds

Y	N
<input type="checkbox"/>	<input type="checkbox"/>

Part III. DDOT ENVIRONMENTAL OFFICE REVIEW

A – PERMITS & APPROVALS CHECKLIST

	<u>Required</u>	<u>Not Required</u>	<u>Complete</u>
Sec 404/Section10 Permit (Army Corps of Engineers)			
Nationwide (NWP)			
Pre-Construction Notification (PCN)			
Individual Permit			
401 Water Quality Certification (WQC)			
Sec 402 NPDES Permit (EPA)			
Construction General Permit (CGP)			
Individual Permit			
401 Water Quality Certification (WQC)			
Section 9 Bridge Permit (US Coast Guard)			
Wetland and/or Stream Mitigation			
NPS Permit			
VALUE ENGINEERING			
INTERCHANGE JUSTIFICATION REPORT (IJR/IMR)			
MAJOR PROJECT PLAN			
Section 106			
Sec 4f			
Air Quality Analysis			
Sec 7 Consultation (ESA)			
Hazmat Assessment			
Title VI/EJ Assessment			
NCPC Approval			
NPS Approval			
ROW Acquisition Document (including Air Rights)			
Air Rights permits/approvals			
Other			

Remarks:

B – ENVIRONMENTAL COMMITMENTS MADE & RESOURCES TO BE AVOIDED

C:

The Project Does not	Y	N
Require the relocation of significant numbers of people		
Have a significant impact on any natural, cultural, recreational, historic or other resources		
Involve significant air, noise, or water quality impacts		
Have significant impacts on travel patterns		
Either individually or cumulatively, have any significant environmental impacts.		
Induce significant impacts to planned growth or land use for the area		
Require the relocation of significant numbers of people		
Involve any right-of-way acquisition		
Involve Commercial or residential displacement		
Involve any use of properties protected by Section 4(f) except temporary use.		
Involve any use of properties protected by Section 6(f)		
Have a determination of adverse effect by the State Historic Preservation Office.		
Require any Sec 404 Individual Permits		
Require any Section 402 (NPDES) Individual Permits.		
Make any changes in access control on the freeway or the interstate system.		
Involve use of a temporary road, detour or ramp closure unless the use of such facilities satisfy the following conditions:		
1. Prohibit access by local traffic		
2. Adversely affect through-traffic dependent businesses.		
3. Require a temporary road, detour or ramp closure that substantially changes the environmental consequences of the action.		
4. Have any substantial controversy associated with the temporary road, detour, or ramp closure.		
Require any known hazardous materials sites or previous land uses with potential for hazardous materials remains within the right-of-way.		

D – APPROVAL

It is hereby determined that the subject project meets the criteria for CE in accordance with the Programmatic Categorical Exclusion Agreement between DDOT and FHWA. This action does not: induce significant impacts to planned growth or land use for the area; require relocation of significant numbers of people; have significant impact on any natural, cultural, recreational, historic, or other resource; involve significant air, noise, or water quality impacts; have significant impacts on travel patterns; or otherwise, either individually or cumulatively, have any significant impacts and do not require the preparation of an Environmental Assessment or an Environmental Impact Statement.

As supported by information contained in this Categorical Exclusion Document, this project qualifies for a CE Level _____, in accordance with the Programmatic Categorical Exclusion Agreement between DDOT and FHWA.

Recommended By:

DDOT Environmental Staff (Name) Date

Approved By:

DDOT Project Development & Environment Division Head (Name & Signature) Date

APPENDIX C

CATEGORICAL EXCLUSION DOCUMENT (CE 3)

Outline for CE 3 Documents is given below. It is recommended that the CE 3 documents do not exceed 30 pages. Detailed technical information should be added in appendices. All the sections given in the outline have to be addressed in the document however detailed information should only be provided for the relevant sections only.

1. Introduction
2. Table of Content
3. Proposed Action
4. Project Area Map
5. Purpose & Need
6. Alternatives
 - a. No Build
 - b. Build Alternative (s)
7. Affected Environment & Consequences
 - a. Land Use Impacts
 - b. Social Impacts
 - c. Relocation Impacts
 - d. Economic Impacts
 - e. Traffic & Transportation
 - f. Pedestrians and Bicyclists
 - g. Air Quality
 - h. Noise
 - i. Water Quality & Wetlands
 - j. Threatened or Endangered Species
 - k. Historic and Archeological Preservation
 - l. Hazardous Waste Sites
 - m. Visual impacts
 - n. Construction impacts
8. Public and Agency Involvement
9. Conclusions
10. Signature Page
11. Appendices

SAMPLE SIGNATURE PAGE

It is hereby determined that the subject project meets the criteria for CE in accordance with the 40 C.F.R. 1508.4 and 23 CFR 771.117. This action does not: induce significant impacts to planned growth or land use for the area; require relocation of significant numbers of people; have significant impact on any natural, cultural, recreational, historic, or other resource; involve significant air, noise, or water quality impacts; have significant impacts on travel patterns; or otherwise, either individually or cumulatively, have any significant impacts and do not require the preparation of an Environmental Assessment or an Environmental Impact Statement.

As supported by information contained in this Categorical Exclusion Document, this project qualifies for a CE Level 3, in accordance with the Programmatic Categorical Exclusion Agreement between DDOT and FHWA.

DISTRICT OF COLUMBIA DEPARTMENT OF TRANSPORTATION

ABCD
Director
District Department of Transportation

Date

FEDERAL HIGHWAY ADMINISTRATION

XYZ
Division Administrator
Federal Highway Administration

Date