# Type I and II Ground Disturbing Categorical Exclusion Action Classification Form

|  |  |
| --- | --- |
| STIP Project No. |  |
| WBS Element |  |
| Federal Project No. |  |

A. Project Description: (Include project scope and location, including Municipality and County. Refer to the attached project location map and photos.)

B. Description of Need and Purpose:

C. Categorical Exclusion Action Classification: (Check one)

|  |  |
| --- | --- |
| [ ]  | TYPE I  |
| [ ]  | TYPE II  |

D. Proposed Improvements – Delete Action Classifications that do not apply.

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

3. Construction of bicycle and pedestrian lanes, paths, and facilities.

6. The installation of noise barriers or alterations to existing publicly owned buildings to provide for noise reduction.

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. The following actions for transportation facilities damaged by an incident resulting in an emergency declared by the Governor of the State and concurred in by the Secretary, or a disaster or emergency declared by the President pursuant to the Robert T. Stafford Act (42 U.S.C. 5121):

a) Emergency repairs under 23 U.S.C. 125; and

b) The repair, reconstruction, restoration, retrofitting, or replacement of any road, highway, bridge, tunnel, or transit facility (such as a ferry dock or bus transfer station), including ancillary transportation facilities (such as pedestrian/bicycle paths and bike lanes), that is in operation or under construction when damaged and the action:

i) Occurs within the existing right-of-way and in a manner that substantially conforms to the preexisting design, function, and location as the original (which may include upgrades to meet existing codes and standards as well as upgrades warranted to address conditions that have changed since the original construction); and

ii) Is commenced within a 2-year period beginning on the date of the declaration.

12. Improvements to existing rest areas and truck weigh stations.

18. Track and rail bed maintenance and improvements when carried out within the existing right of way.

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.

22. Projects, as defined in 23 U.S.C. 101, which would take place entirely within the existing operational right-of-way. Existing operational right-of-way refers to right-of-way that has been disturbed for an existing transportation facility or is maintained for a transportation purpose. This area includes the features associated with the physical footprint of the transportation facility (including the roadway, bridges, interchanges, culverts, drainage, fixed guideways, mitigation areas, etc.) and other areas maintained for transportation purposes such as clear zone, traffic control signage, landscaping, any rest areas with direct access to a controlled access highway, areas maintained for safety and security of a transportation facility, parking facilities with direct access to an existing transportation facility, transit power substations, transit venting structures, and transit maintenance facilities. Portions of the right-of-way that have not been disturbed or that are not maintained for transportation purposes are not in the existing operational right-of-way.

23. Federally-funded projects:

a) That receive less than $5,000,000 (as adjusted annually by the Secretary to reflect any increases in the Consumer Price Index prepared by the Department of Labor) of Federal funds; or

b) With a total estimated cost of not more than $30,000,000 (as adjusted annually by the Secretary to reflect any increases in the Consumer Price Index prepared by the Department of Labor) and Federal funds comprising less than 15 percent of the total estimated project cost. https://www.environment.fhwa.dot.gov/projdev/FAST\_ACT\_Section1314\_Final\_Memo.asp

https://www.environment.fhwa.dot.gov/projdev/FAST\_ACT\_Section1314\_Implementation\_Guide.asp

24. Localized geotechnical and other investigation to provide information for preliminary design and for environmental analyses and permitting purposes, such as drilling test bores for soil sampling; archeological investigations for archeology resources assessment or similar survey; and wetland surveys.

25. Environmental restoration and pollution abatement actions to minimize or mitigate the impacts of any existing transportation facility (including retrofitting and construction of stormwater treatment systems to meet Federal and State requirements under Sections 401 and 402 of the Federal Water Pollution Control Act (33 U.S.C. 1341; 1342)) carried out to address water pollution or environmental degradation.

26. Modernization of a highway by resurfacing, restoration, rehabilitation, reconstruction, adding shoulders, or adding auxiliary lanes (including parking, weaving, turning, and climbing lanes), if the action meets the constraints listed in 23 CFR 771.117(e)(1-6).

27. Highway safety or traffic operations improvement projects, including the installation of ramp metering control devices and lighting, if the project meets the constraints in 23 CFR 771.117(e)(1-6).

28. Bridge rehabilitation, reconstruction, or replacement or the construction of grade separation to replace existing at-grade railroad crossings, if the actions meet the constraints in 23 CFR 771.117(e)(1-6).

30. Rehabilitation or reconstruction of existing ferry facilities that occupy substantially the same geographic footprint, do not result in a change in their functional use, and do not result in a substantial increase in the existing facility's capacity. Example actions include work on pedestrian and vehicle transfer structures and associated utilities, buildings, and terminals.

Type II:

4. Transportation corridor fringe parking facilities.

5. Construction of new truck weigh stations or rest areas.

6. 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.

7. Approvals for changes in access control.

8. Construction of new bus storage and maintenance facilities in areas used predominantly for industrial or transportation purposes where such construction is not inconsistent with existing zoning and located on or near a street with adequate capacity to handle anticipated bus and support vehicle traffic.

9. Rehabilitation or reconstruction of existing rail and bus buildings and ancillary facilities where only minor amounts of additional land are required and there is not a substantial increase in the number of users.

10. Construction of bus transfer facilities (an open area consisting of passenger shelters, boarding areas, kiosks and related street improvements) when located in a commercial area or other high activity center in which there is adequate street capacity for projected bus traffic.

11. Construction of rail storage and maintenance facilities in areas used predominantly for industrial or transportation purposes where such construction is not inconsistent with existing zoning and where there is no significant noise impact on the surrounding community.

12. Acquisition of land for hardship or protective purposes. Hardship and protective buying will be permitted only for a particular parcel or a limited number of parcels. These types of land acquisition qualify for a CE only where the acquisition will not limit the evaluation of alternatives, including shifts in alignment for planned construction projects, which may be required in the NEPA process. No project development on such land may proceed until the NEPA process has been completed.

a) Hardship acquisition is early acquisition of property by the applicant at the property owner's request to alleviate particular hardship to the owner, in contrast to others, because of an inability to sell his property. This is justified when the property owner can document on the basis of health, safety or financial reasons that remaining in the property poses an undue hardship compared to others.

b) Protective acquisition is done to prevent imminent development of a parcel which may be needed for a proposed transportation corridor or site. Documentation must clearly demonstrate that development of the land would preclude future transportation use and that such development is imminent. Advance acquisition is not permitted for the sole purpose of reducing the cost of property for a proposed project.

13. Actions described in paragraphs 26, 27, and 28 of Appendix A that do not meet the constraints in 23 CFR 771.117(e)(1-6).

E. Special Project Information: (Provide a description of relevant project information, which may include: vicinity map, costs, alternative analysis (if any), traffic control and staging, and resource agency/public involvement).

F. Project Impact Criteria Checklists:

|  |
| --- |
| Type I & II - Ground Disturbing Actions |
| FHWA APPROVAL ACTIVITIES THRESHOLD CRITERIA  |
| If any of questions 1-7 are marked “yes” then the CE will require FHWA approval.  | Yes | No |
| 1 | Does the project require formal consultation with U.S. Fish and Wildlife Service (USFWS) or National Marine Fisheries Service (NMFS)? |[ ] [ ]
| 2 | Does the project result in impacts subject to the conditions of the Bald and Golden Eagle Protection Act (BGPA)? |[ ] [ ]
| 3 | Does the project generate substantial controversy or public opposition, for any reason, following appropriate public involvement? |[ ] [ ]
| 4 | Does the project cause disproportionately high and adverse impacts relative to low-income and/or minority populations? |[ ] [ ]
| 5 | Does the project involve a residential or commercial displacement, or a substantial amount of right of way acquisition? |[ ] [ ]
| 6 | Does the project require an Individual Section 4(f) approval? |[ ] [ ]
| 7 | Does the project include adverse effects that cannot be resolved with a Memorandum of Agreement (MOA) under Section 106 of the National Historic Preservation Act (NHPA) or have an adverse effect on a National Historic Landmark (NHL)? |[ ] [ ]
| If any of questions 8 through 31 are marked “yes” then additional information will be required for those questions in Section G. |
| Other Considerations | Yes | No |
| 8 | Does the project result in a finding of “may affect not likely to adversely affect” or less for listed species, or designated critical habitat under Section 7 of the Endangered Species Act (ESA)? |[ ] [ ]
| 9 | Does the project impact anadromous fish? |[ ] [ ]
| 10 | Does the project impact waters classified as Outstanding Resource Water (ORW), High Quality Water (HQW), Water Supply Watershed Critical Areas, 303(d) listed impaired water bodies, buffer rules, or Submerged Aquatic Vegetation (SAV)? |[ ] [ ]
| 11 | Does the project impact waters of the United States in any of the designated mountain trout streams? |[ ] [ ]
| 12 | Does the project require a U.S. Army Corps of Engineers (USACE) Individual Section 404 Permit? |[ ] [ ]
| 13 | Will the project require an easement from a Federal Energy Regulatory Commission (FERC) licensed facility? |[ ] [ ]
| 14 | Does the project include a Section 106 of the NHPA effects determination other than a no effect, including archaeological remains?  |[ ] [ ]
| Other Considerations (continued) | Yes | No |
| 15 | Does the project involve hazardous materials and landfills? |[ ] [ ]
| 16 | Does the project require work encroaching and adversely affecting a regulatory floodway or work affecting the base floodplain (100-year flood) elevations of a water course or lake, pursuant to Executive Order 11988 and 23 CFR 650 subpart A? |[ ] [ ]
| 17 | Is the project in a Coastal Area Management Act (CAMA) county and substantially affects the coastal zone and/or any Area of Environmental Concern (AEC)? |[ ] [ ]
| 18 | Does the project require a U.S. Coast Guard (USCG) permit? |[ ] [ ]
| 19 | Does the project involve construction activities in, across, or adjacent to a designated Wild and Scenic River present within the project area? |[ ] [ ]
| 20 | Does the project involve Coastal Barrier Resources Act (CBRA) resources? |[ ] [ ]
| 21 | Does the project impact federal lands (e.g. U.S. Forest Service (USFS), USFWS, etc.) or Tribal Lands? |[ ] [ ]
| 22 | Does the project involve any changes in access control? |[ ] [ ]
| 23 | Does the project have a permanent adverse effect on local traffic patterns or community cohesiveness? |[ ] [ ]
| 24 | Will maintenance of traffic cause substantial disruption? |[ ] [ ]
| 25 | Is the project inconsistent with the STIP or the Metropolitan Planning Organization’s (MPO’s) Transportation Improvement Program (TIP) (where applicable)? |[ ] [ ]
| 26 | Does the project require the acquisition of lands under the protection of Section 6(f) of the Land and Water Conservation Act, the Federal Aid in Fish Restoration Act, the Federal Aid in Wildlife Restoration Act, Tennessee Valley Authority (TVA), or other unique areas or special lands that were acquired in fee or easement with public-use money and have deed restrictions or covenants on the property? |[ ] [ ]
| 27 | Does the project involve Federal Emergency Management Agency (FEMA) buyout properties under the Hazard Mitigation Grant Program (HMGP)? |[ ] [ ]
| 28 | Does the project include a *de minimis* or programmatic Section 4(f)? |[ ] [ ]
| 29 | Is the project considered a Type I under the NCDOT's Noise Policy? |[ ] [ ]
| 30 | Is there prime or important farmland soil impacted by this project as defined by the Farmland Protection Policy Act (FPPA)? |[ ] [ ]
| 31 | Are there other issues that arose during the project development process that affected the project decision? |[ ] [ ]

G. Additional Documentation as Required from Section F

* 1. Project Commitments

**County
Project Name
Federal Project No.
WBS No.
TIP No.**

I. Categorical Exclusion Approval

|  |  |
| --- | --- |
| STIP Project No. |  |
| WBS Element |  |
| Federal Project No. |  |

**Prepared By:**

|  |  |  |
| --- | --- | --- |
|  |  |  |

 Date <Name, Title>

 <Organization>

|  |
| --- |
|  |

**Prepared For:**

 <Organization>

**Reviewed By:**

|  |  |  |
| --- | --- | --- |
|  |  |  |

 Date <Name, Title>

 <Organization>

|  |  |  |
| --- | --- | --- |
| [ ]  | **Approved** | If all of the threshold questions (1 through 7) of Section F are answered “no,” NCDOT approves this Categorical Exclusion. |
|  |  |  |
| [ ]  | **Certified** | If any of the threshold questions (1 through 7) of Section F are answered “yes,” NCDOT certifies this Categorical Exclusion.  |

|  |  |  |
| --- | --- | --- |
|  |  |  |

 Date <Name, Title>

 North Carolina Department of Transportation

FHWA Approved: For Projects Certified by NCDOT (above), FHWA signature required.

|  |  |  |
| --- | --- | --- |
|  |  |  |

 Date John F. Sullivan, III, PE, Division Administrator

 Federal Highway Administration