Categorical Exclusion (CE) Determination Project Narrative

Project Information

|  |  |
| --- | --- |
| Project Name: | |
| Route or Road Name: | MassDOT Project Number: |
| City/Town: | Project Cost/Programming: |
| MassDOT District: | Project Manager or Preparer: |

Project Description

1. Purpose and Need
2. Alternatives
3. Existing Conditions, Environmental Impacts, and Mitigation Measures
4. Wetlands and Waterways
5. Threatened and Endangered Species
6. Section 4(f) Properties
7. Historic Properties
8. Noise
9. Right-of-Way Requirements
10. Other Environmental Impacts
11. Public Outreach
12. Permitting and Regulatory Review

**Appendix A – Supporting Documentation**

Categorical Exclusion (CE) Determination Checklist

Starting with Section 1, answer the questions by checking Yes or No.

After each of the following sections, there will be instructions that direct the preparer to continue to the next appropriate section of the checklist. The source(s) of the information used should be listed at the bottom of the response to each question and supporting documentation should be attached to the checklist. The preparer should refer to MassDOT’s *Categorical Exclusion Project Narrative and Checklist Detailed Instruction*s for further information and guidance on completing this checklist.

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| --- | --- | --- |
| Section 1-Categorical Exclusions | YES | NO |
| 1. Is the project on the list of CEs? |  |  |

If “Yes,” the preparer should check the CE that is being considered and then complete Section 2 below. If “No,” the preparer should complete Section 2 below.

List of Categorical Exclusions

Categorical Exclusions in 23 CFR 771.117(c) (The “C” List)

1. Activities that 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 that establish classes of highways on the Federal Aid highway system. A feasibility study would be an example of this CE.
2. Approval of utility installations along or across a transportation facility.
3. Construction of bicycle and pedestrian lanes, paths, and facilities. Examples include walkways, sidewalks, shared-use paths and facilities, and small passenger shelters provided no new disturbance will occur.
4. Activities included in MassDOT’s highway safety plan under 23 USC 402.
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. Installation of noise barriers or alterations to existing publicly-owned buildings to provide noise reduction. Examples include maintenance and/or replacement of existing noise wall panels and/or posts.
7. Landscaping. Examples include herbicidal spraying; mowing or brush removal/trimming projects; and beautification or facility improvement projects (*e.g.*, landscaping, curb and gutter replacement, installation of park benches, or decorative lighting).
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. Examples include the installation or maintenance of signs, pavement markings/raised pavement markers/sensors, traffic calming activities, new or replacement right-of-way fencing, and general pavement marking or "line painting" projects.
9. The following actions for transportation facilities damaged by an incident resulting in an emergency declared by the Governor of Massachusetts and concurred by the Secretary of the United States Department of Transportation (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](file:///C:\Users\fbracaglia\AppData\Roaming\Microsoft\Word\MassDOT%20CE_Detailed_Instruction_June1%20-%20FHWA%20Comments%20Working%20Copy.docx#Emergency) under the FHWA Emergency Relief Program (23 U.S.C. 125); and

(b) The repair, reconstruction, restoration, retrofitting, or replacement of any road, highway, bridge, tunnel, or [transit facility](file:///C:\Users\fbracaglia\AppData\Roaming\Microsoft\Word\MassDOT%20CE_Detailed_Instruction_June1%20-%20FHWA%20Comments%20Working%20Copy.docx#Transit), 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 two-year period beginning on the date of the declaration.

1. Acquisition of scenic easements. Examples include conservation easements and mitigation easements.
2. Determination of payback under 23 USC 156 for property previously acquired with Federal Aid participation.
3. Improvements to existing rest areas and truck weigh stations. Examples include resurfacing of existing parking areas, truck stop electrification, and construction/installation of alternative energy facilities at existing facilities.
4. Ridesharing activities. Examples include transportation corridor fringe parking facilities and park and-ride lots.
5. Bus and rail car rehabilitation.
6. Alterations to facilities or vehicles in order to make them accessible for elderly and handicapped persons.
7. Program administration, technical assistance activities, and operating assistance to transit authorities to continue existing service or increase service to meet routine changes in demand.
8. The purchase of vehicles whose use can be accommodated by existing facilities or by new facilities which themselves are categorically excluded. An example would be the purchase or conversion of vehicles to alternative fuel uses.
9. Track and rail bed maintenance and improvements when carried out within the existing right-of-way.
10. Purchase and installation of operating or maintenance equipment to be located within the [transit facility](file:///C:\Users\fbracaglia\AppData\Roaming\Microsoft\Word\MassDOT%20CE_Detailed_Instruction_June1%20-%20FHWA%20Comments%20Working%20Copy.docx#Transit) and with no significant impacts off the site.
11. [Not Applicable]
12. Deployment of [intelligent transportation systems](file:///C:\Users\fbracaglia\AppData\Roaming\Microsoft\Word\MassDOT%20CE_Detailed_Instruction_June1%20-%20FHWA%20Comments%20Working%20Copy.docx#ITS).
13. [Projects](file:///C:\Users\fbracaglia\AppData\Roaming\Microsoft\Word\MassDOT%20CE_Detailed_Instruction_June1%20-%20FHWA%20Comments%20Working%20Copy.docx#Project), as defined in 23 U.S.C. 101, that would take place entirely within the [existing operational right-of-way](file:///C:\Users\fbracaglia\AppData\Roaming\Microsoft\Word\MassDOT%20CE_Detailed_Instruction_June1%20-%20FHWA%20Comments%20Working%20Copy.docx#ExistOpROW). Examples include:

Tower lighting.

Guardrail installation and replacement (including median cable barriers) where roadway ditches and backslopes will not be relocated.

Improvements to existing MassDOT maintenance facilities.

Construction of new MassDOT maintenance facilities within an existing operational right‑of‑way.

Work on pedestrian and vehicle transfer structures and associated utilities, buildings, and terminals.

(For CE C-22, see Categorical Exclusion Determination Project Narrative and Checklist Detailed Instructions).

1. Federally-funded projects:

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

(b) With a total estimated cost of not more than $30 million (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.

(For CE C-23, see Categorical Exclusion Determination Project Narrative and Checklist Detailed Instructions).

1. 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; archaeological investigations for archaeology resources assessment or similar survey; and wetland surveys. (This CE only applies to stand alone projects, not for environmental surveys being conducted as part of a project with an environmental document).
2. Environmental restoration and pollution abatement actions to minimize or mitigate the impacts of any existing transportation facility carried out to address water pollution or environmental degradation. These actions include 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 USC 1341; 1342).
3. Modernization of a highway by resurfacing, restoration, rehabilitation, reconstruction, adding shoulders, or adding [auxiliary lanes](file:///C:\Users\fbracaglia\AppData\Roaming\Microsoft\Word\MassDOT%20CE_Detailed_Instruction_June1%20-%20FHWA%20Comments%20Working%20Copy.docx#Auxiliary) or parking lanes. Examples include:

Construction of highway safety and truck escape ramps.

Construction of bicycle lanes and pedestrian walkways, sidewalks, shared-use paths, or facilities and trailhead parking that do not otherwise qualify for a CE C-1 designation.

Beautification or facility improvement projects (*e.g.*, landscaping, curb and gutter installation and replacement, ADA ramps/curb ramps, installation of park benches, or decorative lighting).

Implementation of Complete Street elements to improve safety and/or pedestrian, bicycle, transit, vehicular, or freight mobility.

1. Highway safety or traffic operations improvement projects, including the installation of ramp metering control devices and lighting. Examples include lane reduction changes, provided that traffic analyses are completed.
2. Bridge rehabilitation, reconstruction, or replacement or the construction of grade separation to replace existing at-grade railroad crossings.
3. Purchase, construction, replacement, or rehabilitation of ferry vessels (including improvements to ferry vessel safety, navigation, and security systems) that would not require a change in the function of the ferry terminals and can be accommodated by existing facilities or by new facilities which themselves are within a CE.
4. 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.

Categorical Exclusions in 23 CFR 771.117(d) (The “D” List)

1. to 3. [Reserved]

1. Transportation corridor fringe parking facilities.
2. Construction of new truck weigh stations or rest areas.
3. 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.
4. Approvals for changes in access control.
5. 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 is located on or near a street with adequate capacity to handle anticipated and support vehicle traffic.
6. 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.
7. Construction of [bus transfer facilities](file:///C:\Users\fbracaglia\AppData\Roaming\Microsoft\Word\MassDOT%20CE_Detailed_Instruction_June1%20-%20FHWA%20Comments%20Working%20Copy.docx#Bus_Transfer) when located in a commercial area or other high activity center in which there is adequate street capacity for projected bus traffic.
8. 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.
9. Acquisition of a particular parcel or a limited number of parcels for [hardship](file:///C:\Users\fbracaglia\AppData\Roaming\Microsoft\Word\MassDOT%20CE_Detailed_Instruction_June1%20-%20FHWA%20Comments%20Working%20Copy.docx#Hardship) or [protective](file:///C:\Users\fbracaglia\AppData\Roaming\Microsoft\Word\MassDOT%20CE_Detailed_Instruction_June1%20-%20FHWA%20Comments%20Working%20Copy.docx#Protective) purposes 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. An example is right-of-way acquisition only for a bikeway/pedestrian facility (no construction).

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| Section 2-CE and Unusual Circumstances Questions | YES | NO |
| 1. Does the project induce significant impacts to planned growth or land use for the area? |  |  |
| 1. Does the project require the relocation of significant numbers of people? |  |  |
| 1. Does the project have a significant impact on any natural, cultural, recreational, historic, or other resource? |  |  |
| 1. Does the project involve significant air, noise, or water quality impacts? |  |  |
| 1. Does the project have a significant impact on travel patterns? |  |  |
| 1. Does the project involve substantial controversy on environmental grounds? |  |  |
| 1. Does the project have a significant impact on Section 4(f) properties or on historic properties? |  |  |
| 1. Is the project inconsistent with any Federal or state requirement or administrative determination relating to the environmental aspects of the action? |  |  |

If the answer for any of the questions within Section 2 is “Yes,” then the project does not qualify as a CE and an EA or EIS is required. If the answer for all the questions within Section 2 is “No,” the preparer should complete Section 3 below.

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| Section 3-segmentation questions | YES | NO |
| 1. Is the action a linear project? |  |  |

If the answer is “Yes,” the preparer should complete Questions 11 through 13. If the answer is “No,” the preparer should not respond to Questions 11 through 13 and advance to Section 4 below.

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| --- | --- | --- |
| 1. Does the project have independent utility? |  |  |
| 1. Does the project connect logical termini? |  |  |
| 1. Does the project allow further consideration of alternatives for other reasonably foreseeable transportation improvements? |  |  |

If any of the answers for Questions 11, 12, and 13 is “No,” then the project does not qualify as a CE and consultation between MassDOT and FHWA is required. If the answers for Questions 11, 12, and 13 are “Yes,” the preparer should complete Section 4 below.

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| Section 4-programmatic CE Condition Questions | YES | NO |
| 1. Does the project involve the permanent acquisition of more than minor amounts of right-of-way or involve non-residential or residential displacements? |  |  |
| 1. Does the project have a substantial environmental impact from the intended future use of land involved in the sale, transfer, or lease of state‑owned property? |  |  |
| 1. Does the project have a finding of adverse effect on historic properties? |  |  |
| 1. Does the project have a disproportionately high and adverse impact on minority or low income populations? |  |  |
| 1. Is the project a Type I project requiring a noise analysis? |  |  |
| 1. Does the project require the use of Section 4(f) properties necessitating the preparation of an Individual Section 4(f) Evaluation? |  |  |
| 1. Does the project require the use of Section 6(f) properties? |  |  |
| 1. Does the project require an Army Corps of Engineers Section 10 permit or Individual Section 404 permit? |  |  |
| 1. Does the project require a U.S. Coast Guard bridge permit? |  |  |
| 1. Does the project adversely affect Federally-listed threatened or endangered species or critical habitat? |  |  |
| 1. Does the project involve afloodplain encroachment other than for functionally dependent uses or actions that facilitate open space use? |  |  |
| 1. Does the project involve construction in, across, or adjacent to a river component designated or proposed for inclusion in the National System of Wild and Scenic Rivers? |  |  |
| 1. Does the project convert prime or unique agricultural land to nonagricultural uses? |  |  |
| 1. Does the project affect a known Superfund site? |  |  |
| 1. Does the action involve any changes in access control? |  |  |
| 1. Does the project involve the construction of temporary access or closure of existing road, bridge, or ramps? |  |  |

If the answers to Question 14 through 29 are “No” then the project qualifies as a Programmatic CE. If any of the answers to Questions 14 through 28 are “Yes” then the project cannot be classified as a Programmatic CE and an Individual CE approval from FHWA is required. If the answer to Question 29 is “Yes”, the preparer should complete Question 30 below.

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| --- | --- | --- |
|  | YES | NO |
| 1. Does the project meet the following conditions for construction of temporary access or closure of existing road, bridge, or ramps? |  |  |
| * Provisions have been made for access by local traffic and are posted; |  |  |
| * There will be no adverse effects on through-traffic dependent business; |  |  |
| * The temporary access or closure of existing road, bridge, or ramps will not interfere with a local special event or festival; |  |  |
| * The temporary access or closure of existing road, bridge, or ramps will not substantially change the environmental consequences of the project; or |  |  |
| * There is no substantial controversy associated with the temporary access or closure of existing road, bridge, or ramps. |  |  |

If the answer to Question 30 is “Yes”,” then the project qualifies as a Programmatic CE. The checklist and all supporting information should be submitted to the MassDOT Project Manager.

If the answer to Question 30 is ”No”, then the project cannot be classified as a Programmatic CE and an Individual CE approval from FHWA is required. The preparer should attach to this checklist all supporting information to clearly establish that there is little or no potential for significant impact. The Individual CE and supporting information will be submitted to the FHWA Massachusetts Division for approval.

I concur with this categorical exclusion determination:

Director of Environmental Services Date  
(or designee)

For Individual CEs, the FHWA Division Administrator’s signature is also required.

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Division Administrator Date

(or designee)

FHWA Comments/Conditions:

Massachusetts Department of Transportation Categorical Exclusion Reevaluation

MassDOT is conducting a reevaluation of this CE because one or more of the following circumstances has occurred:

There are substantial changes in the proposed action that are relevant to environmental concerns or;

There are significant new circumstances or information relevant to environmental concerns and that have a bearing on the proposed action or its impacts or;

The project has not commenced (*i.e.,* has not started construction) within three years from the project's CE determination and MassDOT has not re-examined the environmental studies during that time.

1. Date Categorical Exclusion Approved: Click here to enter text.
2. Are the proposed improvements substantially different than those approved for the Categorical Exclusion?

Yes  No Explanation: Click here to enter text.

1. Have there been changes in the project surroundings?

Yes  No Explanation: Click here to enter text.

1. Are the environmental impacts from the proposed improvements substantially different?

Yes  No Explanation: Click here to enter text.

The above information verifies that the current proposed action, when compared to that for which a CE was approved, will not result in substantially different environmental impacts. The CE classification for the proposed action is, therefore, still valid.

Director of Environmental Services Date  
(or designee)

For Individual CEs, the FHWA Division Administrator’s signature is also required.

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Division Administrator Date

(or designee)