

Environmental Analysis

NEPA Documents – Programmatic Categorical Exclusion

Applicability
Regulations, Guidance, and Policy
Development
Document Preparation
Review and Approval

APPLICABILITY

For GDOT projects involving federal actions, such as federal-aid projects and projects with interstate right-of-way (ROW) encroachments, the Federal Highway Administration (FHWA) ensures National Environmental Policy Act (NEPA) compliance through review and approval of NEPA documents. By agreement with FHWA, GDOT may ensure NEPA compliance on certain projects with a special type of Categorical Exclusion (CE) called a Programmatic CE (PCE). The Environmental Analyst prepares PCEs for those projects that do not individually or cumulatively have a significant environmental effect and are qualifying projects under GDOT's PCE Agreement with FHWA. The agreement allows for PCEs to be approved internally by GDOT's Office of Environmental Services (OES).

CEs (including PCEs) are prepared for the majority of GDOT's federal-aid projects. These include intersection improvements, pedestrian or enhancement projects, and bridge replacements.

REGULATIONS, GUIDANCE, AND POLICY

PCE documentation is defined by federal laws and regulations and is developed by policies, guidance, and agreements between FHWA and GDOT.

National Environmental Policy Act

NEPA is an umbrella law that encompasses a wide range of environmental laws. It requires that federal agencies consider environmental consequences when developing their projects and programs. NEPA also requires that the agency taking the federal action issues a public

environmental document (records the analysis) to disclose the decision-making process and environmental effects of the project.

A transportation project's potential to impact the environment varies. US Department of Transportation regulations, 23 Code of Federal Regulations (CFR) 771.115, define projects and their documentation under three classes of action. PCEs are a type of CE or Class II action. These are prepared for projects that do not individually or cumulatively have a significant environmental effect.

To qualify as a PCE a project must first qualify as a CE. A list of actions predetermined to qualify as CEs can be found in 23 CFR 771.117(c).

Categorical Exclusions 23 CFR 771.117(c) and (d),
Federal Highway Administration

PCE Agreement

For projects specifically listed in 23 CFR 771.117(c) and (d), GDOT and FHWA Georgia Division developed the PCE Agreement to authorize GDOT to determine on behalf of FHWA whether a project qualifies as a CE.

For projects that may qualify for this agreement, the Environmental Analyst uses the PCE Checklist to ensure the project meets the requirements of the agreement and can advance as a PCE. The agreement allows for time savings in the schedule because PCEs take less time to produce and require no agency approval.

The Environmental Analyst should review the checklist early to determine if the project could advance as a PCE. Additionally, the Environmental Analyst should coordinate with designers to minimize project impacts and keep the project below PCE impact thresholds.

The latest PCE agreement included the following revisions:

- > PCE may be used for projects that include Programmatic Section 4(f) evaluations other than the programmatic evaluation for the use of historic bridges; and
- > PCE may not be used for acquisition of land for hardship or protective purposes or early acquisition.

The PCE agreement is available at the link below:

Programmatic Categorical Exclusion Agreement,
GDOT and FHWA, August 2023

Table 1 below provides a quick reference of what conditions may disqualify a project from the PCE. These conditions are identified in the agreement section IV or the PCE Checklist.

Table 1 – PCE Disqualifying Conditions Quick Reference

Checklist Item	Disqualifying Condition of the Project	Reference
Planning	If it is not included in the Statewide Transportation Improvement Program or Transportation Improvement Programs (urban)	A.1.b.xvii
Type of CE	If it is a project type NOT included in the (c) or (d) list, or adds capacity beyond the existing operational ROW	A.1.a & A.1.b.iii
Independent Utility and Logical Termini	If FHWA does not concur with the logical termini package (required for widening or trail projects)	Checklist
Right of Way Requirements	If it requires displacements OR impairs land use functions OR include acquisition of land for hardship or protective purposes, or early acquisition	A.1.b.i-ii & A.1.b.xv
Permanent Access Changes	If it involves permanent changes in access (defined further by the agreement)	A.1.b.v
Public Controversy	If it is controversial (defined further by the agreement)	A.1.b.iv-v
Environmental Justice	If it results in a disproportionate and adverse impact to low-income or minority populations	Checklist
Floodplain/Floodway	If it encroaches on a regulatory floodway or affects the base floodplain elevations of a water course or lake	A.1.b.xi
Land and Water Conservation Fund (LWCF)	If it requires land under the protection of LWCF (aka Section 6(f))	A.1.b.viii
Coastal Zone Management Act	If it includes impacts inconsistent with the coastal zone management plan	A.1.b.xviii
Farmland Protection Policy Act	If the farmland impact rating is over 160 points	Checklist
Traffic Disruptions during construction	If major traffic disruptions (defined as <i>controversial access</i> changes, detours, closures during construction; or lack of local support, including schools and emergency response)	A.1.b.iv
Underground Storage Tanks (USTs) /Hazardous Materials	If it affects USTs, hazardous waste/materials, or remedial/monitoring systems for site cleanup (Consult the Phase I and/or Phase II Environmental Site Assessment. Typically, if plan notes are recommended, it is not eligible for the PCE agreement.)	A.1.b.xix
Archaeology Resources	If it results in an adverse effect	A.1.b.vi
Historic Resources	If it results in an adverse effect	A.1.b.vi
Section 4(f) of DOT Act	If it requires use that cannot be documented as <i>de minimis</i> or that cannot be documented through a programmatic evaluation (other than the historic bridges programmatic evaluation, which is not eligible for the PCE agreement)	A.1.b.vii
Ecology Resources	If it may affect federally listed or candidate species, or proposed or designated critical habitat or impacts subject to the conditions of the Bald and Golden Eagle Protection Act	A.1.b.xiv
Air	If it does not conform to the State Implementation Plan	A.1.b.xvi
Noise	If it is defined as a “Type I project” for noise	A.1.b.xiii
Permits	If a US Army Corps of Engineer Individual Permit is required If a US Coast Guard permit is required	A.1.b.v.ix-x
Other	If it affects a river in the National System of Wild and Scenic Rivers (component of or proposed)	A.1.b.xii

Source: Summarized from PCE Agreement and the PCE Checklist. See these for details.

DEVELOPMENT

PCE projects require many of the same activities for their development as CE projects. However, a lower level of detail is typically required to document these activities. As with all projects, the Environmental Analyst must be particularly aware of the schedule during development.

Baseline Schedules

The Baseline Schedule for a PCE is 12 months. This schedule allows for only one survey season for threatened and endangered species. If more than one is required, document approval may be delayed.

Resource Identification and Technical Documentation

PCEs are final environmental documents. Environmental resource identification, Avoidance and Minimization Measures Meeting activities (which may be waived if no resources are present), technical studies, and agency concurrences must be completed before the Environmental Analyst submits the PCE for review and approval. PCE preparation, however, should be underway during the project's development so it can quickly be submitted after the final agency concurrence of technical documentation.

Additionally, as technical documents are completed, the Environmental Analyst must coordinate with the Environmental Subject Matter Experts (SMEs) to develop the Environmental Commitments Table (ECT, aka Green Sheet) with an accompanying Environmental Resource Impact Table (ERIT). Before PCE submittal, the ECT must be approved by the OES Environmental SMEs, the Project Manager (PM), and the Engineer of Record. ECT approval emails must also be documented in the project file. The ECT and ERIT are separate, individual documents; however, share similar information such as environmental resources.

Additional Requirements

While resource identification and technical studies are underway, the Environmental Analyst will have additional requirements to complete prior to document preparation. Many of these can be completed as soon as environmental activities for the project begin. The tasks summarized below do not cover all requirements, but they represent the requirements that are most likely to lead to delays in PCE approval if they are not completed in a timely manner.

Statewide Transportation Improvement Program (STIP) or Transportation Improvement Programs (TIP) Reference

The Environmental Analyst should review either the STIP or the TIP (for projects within a Metropolitan Planning Organization (MPO)) to ensure that the project is accurately listed. The Environmental Analyst must compare the PI number and description in STIP to the description on the project's Preconstruction Status Report (PSR) to ensure accuracy. If the

project is in an MPO, the Environmental Analyst must review the MPO's TIP and compare the TIP number and description to the PSR to ensure accuracy.

If the PSR identifies the project as “Lump Sum”, the project’s PI number will be listed in the STIP, but it will not include a description. If the project is Lump Sum and it is in a MPO, the Air Section of the PCE Checklist will require a reference to the STIP and the TIP number. Also, note that project information may be in an amendment to the STIP or TIP. The fiscal year (FY) on the STIP/TIP must match the dates on the PSR. GDOT maintains access to the STIP and links to the MPO TIPs here:

Statewide Transportation Improvement Plan,
Georgia Department of Transportation

The Environmental Analyst must save a copy of the STIP/TIP page that lists the project in the file. This will be included in the PCE’s required documentation.

If there are inaccuracies with the STIP or TIP or the project is not found, the Environmental Analyst must immediately alert the PM to make the necessary corrections or add the project. This may take up to three months to correct, so the Environmental Analyst should try to address any issues early in the project’s development. A common adjustment is an *administrative modification*. This occurs when STIP or TIP entry’s FY do not match the PSR and the approved ROW and construction years.

Logical Termini Package

Some projects, such as a trail or capacity-adding projects, require a rationale for their beginning and ending points. This rationale is provided to FHWA for acceptance through a logical termini package (aka Need, Effectiveness, and Logical Termini Form). The Environmental Analyst should work with the designer and the PM to develop the package and submit it to FHWA for review and approval. The package should be submitted to FHWA around the time that resource identification is complete. The package and its acceptance are included in the PCE’s required documentation.

Section 4(f) Coordination and Determinations

A project may involve several types of Section 4(f) determinations and still qualify for the PCE agreement. These should be completed around the time of the technical studies approval, and they should be included in the PCE’s required documentation.

- > *De minimis* – If the *de minimis* determination is made through the Section 106 process and the Cultural Resources AOE, then they are completed upon the State Historic Preservation Officer’s concurrence on the AOE. If the *de minimis* determination is required for another type of Section 4(f) property, such as a recreational property, the Environmental Analyst should coordinate this determination with an official with jurisdiction over the property and allow plenty of time for review and approval of the determination.

- > Temporary Occupancy – If a Section 4(f) property is expected to be used temporarily for a minor scope of work with no permanent adverse physical impacts and full restoration, then it may qualify for Section 4(f) under temporary occupancy. Similar to the *de minimis* determination, temporary occupancy requires a determination from the official with jurisdiction over the property.
- > Programmatic Section 4(f) – A project may use a Programmatic Section 4(f) evaluation and still be eligible for the PCE agreement. For example, if a project will have a net benefit to a Section 4(f) resource it can be eligible for the PCE agreement. However, the net benefit determination must be transmitted and processed by FHWA. Note that the Programmatic Section 4(f) for historic bridges is not eligible for the PCE agreement.

Traffic Disruption Coordination

The Environmental Analyst must receive verification from the PM that the project will not involve a significant traffic disruption. This is identified as a permanent change in access, conversion of a local street to a higher classification of roadway, or any other change in access that causes substantial public controversy as evidenced by public or stakeholder involvement. This verification is provided through the documentation of email coordination, and it is included in the PCE's required documentation.

Public Bus Stop Coordination

The Environmental Analyst must coordinate with the PM and design to determine if the project will impact bus stops along the corridor. The project team must determine if the impact will be temporary or permanent and then coordinate with the affected transit agency (the official with jurisdiction over the bus stop). The team must also determine if the bus stop will be permanently relocated as a result of the project. These impacts must be presented to the public through appropriate public outreach. If a bus stop is removed or if the impacts to the bus stop cause public controversy, the project will not qualify for the PCE agreement. Coordination with the official with jurisdiction and documentation of the public outreach effort is included in the PCE's required documentation.

Community Context Review

The PCE Checklist requires a community context screening for projects that require public outreach. This screening uses a tool developed by FHWA called the Screening Tool for Equity Analysis of Projects (STEAP). This is an online, GIS-based tool that allows the Environmental Analyst to create a STEAP Analysis of a project area. The tool is available here:

Screening Tool for Equity Analysis of Projects,
Federal Highway Administration

The Environmental Analyst draws a boundary around the project area, using the Environmental Survey Boundary as a guide. Then the Environmental Analyst chooses American Community Survey Census Block Groups and a buffer setting of 0.5 miles and then selects “Create Buffer Analysis”. This instantly generates a detailed report of the demographics of the project area. Low-income and/or minority communities are present within the project area if the buffer estimate percentage exceeds the county percentage for non-white Population by Race or if the Population in Poverty (of all races) exceeds fifty percent. This report is included in the PCE’s required documentation. If the STEAP tool website is unavailable, the US EPA EJ Screen could be substituted but FHWA coordination is recommended.

Public Involvement

Projects qualifying as PCEs may include public involvement. If the project involves one or more of the following conditions, public involvement is typically included in the project schedule:

- > Displacements, commercial or residential (disqualifies the project from the PCE agreement);
- > Changes to access, such as median placement, driveway removal, converting a roadway into a cul-de-sac, or intersection control (disqualifies the project from the PCE agreement);
- > The potential for public controversy, e.g., installation of a roundabout in an area unfamiliar with roundabouts; restriping to create a diverging diamond interchange; significant changes to land use – loss of front yards, major loss of parking (disqualifies the project from the PCE agreement);
- > Disruptive activities during construction, such as an off-site detour (Note: public involvement is *required* for Low Impact Bridge Projects with an off-site detour if the project is within a low-income and/or minority population community); and
- > Section 4(f) *de minimis* finding for public parks, recreation areas, wildlife and waterfowl refuges.

The above list is not exhaustive. The Environmental Analyst should always be alert to other circumstances where public involvement would help advance the project. Public involvement of some form should be considered for every project, even when no formal activities are conducted. Depending on the project circumstances, the Environmental Analyst may employ public involvement strategies other than a typical Public Involvement Open House (PIOH). In some cases, flyers, signs, newspaper ads, a virtual PIOH, targeted coordination or some other effort may be more effective than the typical PIOH. If the project team decides to deviate from the typical PIOH, OES may need to coordinate a Public Involvement Plan with FHWA to employ these strategies.

If there is an off-site detour, then public outreach is expected to include details about the detour. If it is determined through public outreach that the detour is controversial (e.g. emergency services are against the detour), then the project cannot be approved as a PCE.

If a public involvement activity—such as a PIOH—is conducted, the public comment period must be closed and a letter from GDOT responding to the public’s comments must be sent before GDOT approval of the PCE. On rare occasions, OES and FHWA may determine that the purpose of the PIOH is to notify the public of construction. The notification PIOH may be held closer to the project’s certification for letting and included in the project’s final Reevaluation. This type of public involvement activity is typically a commitment on the Environmental Commitments Table. It may be used when the time between ROW and construction authorization has become lengthy based on delays in final plan completion or ROW acquisition delays.

DOCUMENT PREPARATION

For PCE projects, the Environmental Analyst prepares a PCE Checklist document to serve as the project’s environmental analysis. The checklist demonstrates that the project meets the requirements of the PCE Agreement, and an Environmental Commitments Table must be included with the documentation. Templates for the documents may be updated at any time. The Environmental Analyst should always download the latest version of the template from GDOT’s Environmental SharePoint Site.

The PCE Checklist is composed of general project information followed by a series of short statements confirming that the project meets the specific requirements of the PCE Agreement. These statements are developed through dropdown menus and checkboxes throughout the checklist document. Guidance dealing with specific parts of the PCE Checklist is available here:

PCE Checklist Guidance,
GDOT Office of Environmental Services

Common Issues with PCE Preparation

The following issues are cited as common errors or points of confusion with PCE preparation. These are the issues that are most likely to lead to delay in PCE approval.

Use the Latest Template

The Environmental Analyst must download the latest version of the PCE Checklist template directly from the NEPA SharePoint site when preparing a PCE Checklist. OES may update this template on the SharePoint site to provide more guidance on the dropdowns or meet the latest requirements regarding particular issues, statutes, and/or policies.

Submit the PCE Checklist with a signed Copy of the ECT

The Environmental Analyst must include a signed copy of the Environmental Commitments Table (ECT) with appropriate signatures and initials reflecting the email approvals when submitting a PCE Checklist for approval. The email approvals should be included as well to document acceptance of the ECT. If applicable to the project, the ERIT will be included with supporting file documentation and checked for its applicability on the PCE Checklist.

Rounding Numbers for Impact Calculations and ROW/Easement Needs

In general, the numbers (including the decimal spaces) referenced in the PCE Checklist should match the numbers provided in the technical studies and the ECT. For most studies and documentation, rounding to the tenth decimal space is a sufficient level of detail for this documentation especially if using the word ‘approximately’. Driveway easements should either be “Yes” or “No” only, no need for quantities.

Consistency with Dates

The checklist includes references for the approval dates of technical study documentation. The Environmental Analyst may include either the date of the documentation’s approval signature or the date the document was transmitted. Whichever date is chosen, the Environmental Analyst should be consistent for all such references in the checklist.

Detour Coordination Follow-through

The PM typically handles detour coordination with local governments, including emergency services, school districts, city and/or county governments, and transit services. Through this coordination, local governments may detail their issues or requests regarding the off-site detour. This can help alleviate any related controversy. However, the Environmental Analyst should assist the PM and the designer team to ensure that they follow-through on any request. The Environmental Analyst should also document this coordination.

Technical Study Conclusions

If the Environmental Analyst ever doubts which dropdown to choose in the sections referencing the technical studies, it may help to review the technical study transmittal letter. Often the language on these letters matches the language needed for the PCE Checklist.

Adjusting the Template Language

The Environmental Analyst may need to adjust the language in the PCE Checklist template, either with the dropdowns or other parts of the template, to better describe steps taken and outcomes. *If this is appropriate, the preparer should highlight the change so that the GDOT reviewer can see where changes were made.*

Including the Required Documentation in the Project File

The checklist also asserts that applicable documentation to support the statements in the PCE is available in the project file. The Environmental Analyst is responsible for ensuring that this documentation is available before submitting the PCE Checklist for review. All

supporting documentation should be in the project file on ProjectWise. Table 2 below lists the documentation needed.

Table 2 – PCE Required Documentation

Document
1. All Section 106 documentation (including tribal coordination)
2. All Section 7 documentation, including effect determinations and correspondence
3. Fish and Wildlife Coordination Act documentation, including correspondence, if required
4. Early Coordination Letters and Responses
5. Public Involvement Information, if conducted
6. Air Quality Analysis
7. Noise Impact Analysis
8. Special Provision(s), if required
9. Ecology Reports and Addenda
10. Reference Page from STIP/TIP
11. Farmland Rating Form (NRCS Form AD 1006), if required
12. Floodplain/Floodway (Hydraulic and Hydrologic Study cover page or anticipated results), if floodplains are encroached upon
13. UST/Hazardous Materials Report (including Phase I and Phase II) if needed
14. STEAP Analysis
15. Traffic Analysis, includes traffic disruption coordination and detailed analysis if required
16. Logical Termini package, if required (aka Need, Effectiveness, and Logical Termini Form)
17. ERIT Plan Sheet, if applicable

Source: Summarized from Programmatic Categorical Exclusion Checklist. See the checklist for details.

REVIEW AND APPROVAL

A PCE should be approved by OES within seven weeks of its submittal for initial review. The initial review may either be the consultant Environmental Analyst’s first submittal of the PCE to OES or the GDOT Environmental Analyst’s first submittal to a Team Leader. The initial review requires four weeks. Following this review, the preparer addresses the comments (about one week) and resubmits the PCE for approval, which generally takes two more weeks for approval and processing. Considering the review needs, the preparer should plan to submit the initial PCE for review ten to twelve weeks prior to the baseline Environmental Approval date.

Guidebook Revision History

Revision Description	Relevant Sections	Revision Date
Initial Publication	All	10/11/2024