

**PROGRAMMATIC AGREEMENT
BETWEEN
THE FEDERAL HIGHWAY ADMINISTRATION, GEORGIA DIVISION
AND
THE GEORGIA DEPARTMENT OF TRANSPORTATION
REGARDING THE PROCESSING OF ACTIONS CLASSIFIED AS CATEGORICAL
EXCLUSIONS FOR FEDERAL-AID HIGHWAY PROJECTS**

THIS PROGRAMMATIC AGREEMENT (“Agreement”), made and entered into this ___ day of ___ 2023, by and between the FEDERAL HIGHWAY ADMINISTRATION, UNITED STATES DEPARTMENT OF TRANSPORTATION (“FHWA”) and the STATE of GEORGIA acting by and through its DEPARTMENT OF TRANSPORTATION (GDOT) hereby provides as follows:

WITNESSETH:

Whereas, the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. § 4321 et seq., and the Regulations for Implementing the Procedural Provisions of NEPA (40 CFR parts 1500-1508) direct Federal agencies to consider the environmental impacts of their proposed major Federal actions through the preparation of an environmental assessment (EA) or environmental impact statement (EIS) unless a particular action is categorically excluded;

Whereas, the Federal Highway Administration’s (FHWA) distribution and spending of Federal funds under the Federal-aid Highway Program and approval of actions pursuant to Title 23 of the U.S. Code are major Federal actions subject to NEPA;

Whereas, the Secretary of Transportation has delegated to FHWA the authority to carry out functions of the Secretary under NEPA as they relate to matters within FHWA’s primary responsibilities (49 CFR 1.81(a)(5));

Whereas, the FHWA’s NEPA implementing procedures (23 CFR part 771) list a number of categorical exclusions (CE) for certain actions that FHWA has determined do not individually or cumulatively have a significant effect on the human environment and therefore do not require the preparation of an EA or EIS (23 CFR 771.117(c)–(d));

Whereas, the Georgia Department of Transportation (GDOT) is a State agency that undertakes transportation projects using Federal funding received under the Federal-aid Highway Program and must assist FHWA in fulfilling its obligations under NEPA for GDOT projects (23 CFR 771.109);

Whereas, Section 1318(d) of the Moving Ahead for Progress in the 21st Century Act (MAP-21), Pub. L. 112-141, 126 Stat. 405 (July 6, 2012), allows FHWA to enter into programmatic agreements with States that establish efficient administrative procedures for carrying out environmental and other required project reviews, including agreements that allow a State to determine whether a project qualifies for a CE on behalf of FHWA;

Whereas, the FHWA and GDOT have designated additional CEs for the State and identified them in this programmatic agreement pursuant to section 1315 of the Fixing America's Surface Transportation (FAST) Act, Pub. L. 114-94, 129 Stat. 1312 (Dec. 4, 2015), 40 CFR 1508.4 and 23 CFR 771.117(g);

Whereas, the FHWA developed regulations implementing the authorities in section 1318(d), effective

November 6, 2014 (23 CFR 771.117(g));

Now, therefore, the FHWA, Georgia Division and GDOT enter into this Programmatic Agreement (“Agreement”) for the processing of categorical exclusions.

I. PARTIES

The parties to this Agreement are FHWA and GDOT.

II. PURPOSE

The purpose of this Agreement is to authorize GDOT to determine on behalf of FHWA whether a project qualifies for a CE action specifically listed in 23 CFR 771.117 (c)-(d) (listed in Appendices A and B of this Agreement) and approve such projects on behalf of FHWA. This Agreement also authorizes GDOT to certify to FHWA that an action that it cannot approve on behalf of FHWA according to the terms of this Agreement but meeting the CE criteria in 40 CFR 1508.4 and 23 CFR 771.117(a), qualifies for a CE as long as there are no unusual circumstances present that would require the preparation of either an EA or an EIS.

III. AUTHORITIES

This Agreement is entered into pursuant to the following authorities:

- A. National Environmental Policy Act, 42 U.S.C. §4321 et seq.
- B. Moving Ahead for Progress in the 21st Century Act, Pub. L. 112-141, 126 Stat. 405, Sec. 1318(d) (July 6, 2012)
- C. Fixing America's Surface Transportation (FAST) Act, Pub. L. 114-94, 129 Stat. 1312, Sec. 1315 (Dec. 4, 2015)
- D. 40 CFR parts 1500 – 1508
- E. DOT Order 5610.1C
- F. 23 CFR 771.117

IV. RESPONSIBILITIES

- A. GDOT is responsible for:
 - 1. Ensuring the following process is completed for each project that qualifies for a CE:
 - a. For actions qualifying for a CE listed in Appendix A (CEs established in 23 CFR 771.117(c), and Appendix B (CEs established in 23 CFR 771.117(d)), that do not exceed the thresholds in Section IV(A)(1)(b) below, the GDOT may make a CE approval on behalf of FHWA. The GDOT will identify the applicable CE from Appendix A, or B, ensure any conditions or constraints are met, verify that unusual circumstances do not apply, address any and all other environmental requirements, and complete the review with a signature

evidencing approval. No separate review or approval of the CE by FHWA is required.

- b. GDOT may not approve actions listed in Appendices A and B that exceed the following thresholds. GDOT may certify to FHWA that the action qualifies for a CE. An action requires FHWA CE review and approval based on GDOT certification if the action:
 - i. Involves acquisitions of more than a minor amount of right-of-way, defined as impairment of existing land functions (such as net loss of parking, and substantial loss of residential front yards);
 - ii. Involves acquisitions that result in residential or non-residential displacements (structures or businesses);
 - iii. Results in capacity expansion of a roadway by addition of through lanes (e.g., Involves widening and improving existing transportation facilities by adding capacity beyond the existing operational ROW).
 - iv. Involves the construction of temporary access, or the closure of existing roads, bridges, or ramps, that would result in major traffic disruptions. Major traffic disruption is defined as: adverse effects to businesses; or detours or ramp closures that would interfere with any special event or festival or with transport of goods or agricultural products; or substantial public controversy regarding temporary access changes as evidenced by public or stakeholder involvement conducted in accordance with GDOTs Public Involvement Plan; or lack of support of local government, including school systems and emergency responders;
 - v. Involves a permanent change in access, such as adding or removing intersections, adding or removing median access (median cuts), and roadway closures that would result in: any change in access to the Interstate system or a controlled access highway; or conversion of a local street into a higher classification of roadway; or substantial public controversy regarding permanent access changes as evidenced by public or stakeholder involvement conducted in accordance with GDOTs Public Involvement Plan;
 - vi. Results in a determination of adverse effect on historic properties pursuant to Section 106 of the National Historic Preservation Act (54 U.S.C. 306108);
 - vii. Requires the use of properties protected by Section 4(f) (49 U.S.C. § 303/23 U.S.C. § 138) that cannot be documented with an FHWA *de minimis* determination, or a programmatic Section 4(f) evaluation other than the programmatic evaluation for the use of historic bridges,

- viii. Requires the acquisition of lands under the protection of Section 6(f) of the Land and Water Conservation Act of 1965 (54 U.S.C. § 200305), the Federal Aid in Sport Fish Restoration Act (16 U.S.C. 777-777k, 64 Stat. 430), the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669-669i; 50 Stat. 917), 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,
- ix. Requires a U.S. Army Corps of Engineers Section 404 (33 U.S.C. § 1344) permit other than a Nationwide Permit or a General Permit;
- x. Requires a U.S. Coast Guard bridge permit (33 U.S.C. § 401);
- xi. Requires work encroaching on a regulatory floodway or work affecting base floodplain (100-year flood) elevations of a water course or lake, pursuant to Executive Order 11988 and 23 CFR 650 subpart A;
- xii. Requires construction in, across, or adjacent to a river designated as a component of, or proposed for inclusion in, the National System of Wild and Scenic Rivers published by the U.S. Department of the Interior/U.S. Department of Agriculture;
- xiii. Is defined as a “Type I project” per 23 CFR 772.5 and future noise levels are expected to exceed the Noise Abatement Criteria or are considered substantial (15 dBA or greater on any noise receptor or abatement measures are found to be feasible and reasonable due to impacts) according to GDOT’s noise manual;
- xiv. May affect federally listed or candidate species, or proposed or designated critical habitat or projects with impacts subject to the conditions of the Bald and Golden Eagle Protection Act;
- xv. Includes acquisition of land for hardship or protective purposes, or early acquisition pursuant to Federal acquisition project (23 U.S.C. § 108(d));
- xvi. Does not conform to the State Implementation Plan which is approved or promulgated by the U.S. Environmental Protection Agency in air quality non-attainment areas (if applicable);
- xvii. Is not included in or is inconsistent with the Statewide Transportation Improvement Program, and in applicable urbanized areas, the Transportation Improvement Program;
- xviii. Is not consistent with the State’s Coastal Zone Management Plan;

- xix. Involves contaminated underground storage tank or hazardous material sites, or affects remedial or monitoring systems for cleanup of hazardous waste, hazardous materials, or underground storage tanks.
 - c. GDOT may not approve actions that exceed the above thresholds or actions not specifically listed as CEs in Appendices A, and B. Instead, if GDOT believes that an action meets the requirements of a CE under 40 CFR 1508.4 and 23 CFR 771.117(a), GDOT may certify that an action will not result in significant environmental impacts if GDOT concludes that the action qualifies for a CE, and the action does not involve unusual circumstances that warrant the preparation of an EA or EIS. GDOT shall submit this certification to FHWA for approval prior to the time FHWA contemplates its next approval or grant action for the project.
 - i. If requested by the Division Office, GDOT shall provide a copy of the CE documentation prepared for the actions(s) in accordance with Section V of this Agreement.
 - ii. If any project requires a Section 4(f) *de minimis* determination or programmatic evaluation, the GDOT shall submit the 4(f) documentation for FHWA determination and approval.
 - iii. GDOT may request notice to proceed with final design, acquisition of right-of-way, or construction from FHWA once GDOT has completed its certification that a project is a CE.
 - iv. The Division Office's objection to GDOT certification may not constitute a disapproval of the action, but signifies that FHWA will need to engage in project-specific review to verify that the certification is adequate, which may include consultation with other agencies.
2. Providing a list of CEs approved by GDOT or by FHWA pursuant to this Agreement to the FHWA semiannually (by January 15th and July 15th), or upon request. and allowing the Division Office [10] business days to either agree that some or all certifications are a basis for FHWA's approval of a CE for these actions, or to object to the certification(s). The list of actions certified will contain in an excel spreadsheet the following information:
- a. GDOT project information including: project number and a project name, including the route number or facility name where the project will occur;
 - b. Identification of the CE action listed in Appendices A, or B.
 - c. Consultations, environmental commitments, and technical analysis that are pending (if applicable); and
 - d. Whether the project included a Section 4(f) *de minimis* or programmatic evaluation.

3. Consulting with FHWA for actions that involve unusual circumstances (23 CFR 771.117(b)), to determine the appropriate class of action for environmental analysis and documentation. The GDOT may decide or FHWA may require additional studies to be performed prior to making a CE approval, or the preparation of an EA or EIS.
4. Meeting applicable documentation requirements in Section V and applicable approval and reevaluation requirements in Section VI, and applicable quality control/quality assurance (QC/QA), monitoring, and performance requirements in Section VII.
5. Relying only upon employees directly employed by GDOT to make CE approvals submitted to FHWA under this Agreement. GDOT may not delegate its responsibility for CE approvals to third parties (i.e., consultants, local government staff, and other State agency staff).

B. The FHWA is responsible for:

1. Providing timely advice and technical assistance on CEs to GDOT, as requested.
2. Providing timely input on and review of CE actions (pursuant to the Stewardship and Oversight Agreement on Project Assumption and Program Oversight, including the Memorandum of Agreement regarding Responsibilities and Commitments for Environmental Process Program/Project Actions for Federal-aid Highway Projects in effect at the time of the review. FHWA will base its approval of CE actions on the project documentation and certifications prepared by GDOT under this Agreement.
3. Overseeing the implementation of this Agreement in accordance with the provisions in Section VII, including applicable monitoring and performance provisions.

V. DOCUMENTATION OF GDOT CE APPROVALS AND CERTIFICATIONS

A. For GDOT CE approvals and GDOT CE certifications transmitted to FHWA for approval, GDOT shall ensure that it fulfills the following responsibilities for documenting the project-specific determinations made:

1. For actions listed in Appendices A, and Appendix B, GDOT shall identify the applicable action, ensure any conditions specified in FHWA regulation are met, prepare documentation as appropriate that supports the CE determination, demonstrate and certify that unusual circumstances do not apply, address all other environmental requirements, and complete the review with a GDOT signature evidencing approval.
2. In addition, for actions listed in 23 CFR 711.117(d) GDOT shall prepare documentation that supports the CE determination and that no unusual circumstances exist that would make the CE approval inappropriate.

B. GDOT shall maintain a project record for CE approvals it makes on FHWA's behalf, and each CE submitted to FHWA for approval. This record should include at a minimum:

1. Any checklists, forms, and/or other documents (e.g., special studies) and exhibits that summarize the consideration of project effects and unusual circumstances. For additional information, please see Appendix C.

2. A summary of public involvement complying with requirements of the FHWA-approved public involvement policy (e.g., GDOT's Public Involvement Plan).
 3. Any stakeholder communication, correspondence, consultation, or public meeting documentation.
 4. The name and title of the document approver and the state of GDOT's approval or FHWA's final approval, and
 5. For cases involving reevaluations, any documented re-evaluation (when required) or a statement that a re-evaluation was completed for the project (when documentation is not necessary).
- C. GDOT should provide any electronic or paper project records maintained by GDOT to FHWA at its request. GDOT should retain those records, including all letters, electronic correspondence and comments received from governmental agencies, the public, and others for a period of no less than three (3) years after completion of project construction. This 3-year retention provision does not relieve GDOT of its project or program recordkeeping responsibilities under 2 CFR 200.333 or any other applicable laws, regulations, or policies.

VI. NEPA APPROVALS AND REEVALUATIONS

- A. Only GDOT personnel specifically identified below may make GDOT CE approvals and CE certifications submitted to FHWA for approval:
1. Approval of Appendix A, and Appendix B is delegated to GDOT State Environmental Administrator.
 2. Certification of CEs is delegated to GDOT State Environmental Administrator.
- B. In accordance with 23 CFR 771.129 and the FHWA/GDOT NEPA Reevaluation Memorandum of Agreement (MOA), or subsequent reevaluation agreements, GDOT shall reevaluate its determinations and certifications for projects, consult with FHWA, and as necessary, prepare additional documentation to ensure that determinations are still valid.

VII. QUALITY CONTROL/QUALITY ASSURANCE, MONITORING & PERFORMANCE

- A. GDOT Quality Control & Quality Assurance
GDOT shall carry out regular quality control and quality assurance activities to ensure that its CE approvals and CE submissions to FHWA for approval are made in accordance with applicable law and this Agreement.
- B. GDOT Performance Monitoring and Reporting
1. The FHWA and GDOT agree to cooperate in monitoring performance under this Agreement and work to assure quality performance.

2. GDOT agrees to annually submit to FHWA (electronically or hard copy) a report summarizing its performance under this Agreement by October 1. The report will identify any areas where improvement is needed and what measures GDOT is taking to implement those improvements. The report will include a description of actions taken by GDOT as part of its quality control efforts under Section VII(a).

C. FHWA Oversight and Monitoring

1. Monitoring by FHWA will include consideration of the technical competency and organizational capacity of GDOT, as well as GDOT's performance of its CE processing functions. Performance considerations include, without limitation, the quality and consistency of GDOT's CE approvals, CE submissions to FHWA for approval, adequacy and capability of GDOT staff and consultants, and the effectiveness of GDOT's administration of its internal CE approvals.
2. FHWA will conduct one or more program reviews as part of its oversight activities, during the term of this Agreement. GDOT shall prepare and implement a corrective action plan to address any findings or observations identified in the FHWA review. GDOT should draft the corrective action plan within 45 days of FHWA finalizing its review. The results of that review and corrective actions taken by GDOT shall be considered at the time this Agreement is considered for renewal.
3. Nothing in this Agreement prevents FHWA from undertaking other monitoring or oversight actions, including audits, with respect to GDOT's performance under this Agreement. The FHWA may require GDOT to perform such other quality assurance activities, including other types of monitoring, as may be reasonably required to ensure compliance with applicable Federal laws and regulations.
4. GDOT agrees to cooperate with FHWA in all oversight and quality assurance activities related specifically to this Agreement.

VIII. AMENDMENTS

If the parties agree to amend this Agreement, then FHWA and GDOT may execute an amendment with new signatures and dates of the signatures. The term of the Agreement shall remain unchanged unless otherwise expressly stated in the amended Agreement.


IX. TERM, RENEWAL, AND TERMINATION

- A. This Agreement shall have a five (5) year term, effective on the date of the last signature. GDOT shall post and maintain an executed copy of this Agreement on its website, available to the public.
- B. This Agreement is renewable for additional five (5) year terms if GDOT requests renewal, and FHWA determines that GDOT has satisfactorily carried out the provisions of this Agreement. In considering any renewal of this Agreement, FHWA will evaluate the effectiveness of the


Agreement and its overall impact on the environmental review process.

- C. Either party to this Agreement may terminate it by providing thirty (30) days written notice to the other party, provided that the signatories and concurring parties consult during the period prior to termination to seek Agreement on amendments or other actions that would avoid termination.
- D. Expiration or termination of this Agreement shall mean that GDOT is not able to make CE approvals on FHWA's behalf.

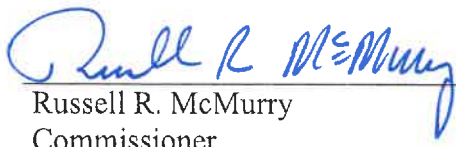
Execution of this Agreement and implementation of its terms by both parties provides evidence that both parties have reviewed this Agreement and agree to the terms and conditions for its implementation. This Agreement is effective upon the date of the last signature below.




Sabrina David, AICP
Division Administrator
Federal Highway Administration



Date



Russell R. McMurry
Commissioner
Georgia Department of Transportation



Date

Appendix A: CEs listed in 23 CFR 771.117(c)

Appendix B: CEs listed in 23 CFR 771.117(d)

Appendix C: GDOT CE Checklist

APPENDIX A – 23 CFR 771.117(c)

(c) The following actions meet the criteria for CEs in the CEQ regulations (40 CFR 1508.4) and §771.117(a) and normally do not require any further NEPA approvals by the FHWA:

- (1) Activities which 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 which establish classes of highways on the Federal-aid highway system.
- (2) Approval of utility installations along or across a transportation facility.
- (3) Construction of bicycle and pedestrian lanes, paths, and facilities.
- (4) Activities included in the State's highway safety plan under 23 U.S.C. 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) 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):
 - (i) Emergency repairs under 23 U.S.C. 125; and
 - (ii) 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:
 - (A) 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
 - (B) Is commenced within a 2-year period beginning on the date of the declaration.
- (10) Acquisition of scenic easements.
- (11) Determination of payback under 23 U.S.C. 156 for property previously acquired with Federal-aid participation.
- (12) Improvements to existing rest areas and truck weigh stations.
- (13) Ridesharing activities.

- (14) Bus and rail car rehabilitation.
- (15) Alterations to facilities or vehicles in order to make them accessible for elderly and handicapped persons.
- (16) Program administration, technical assistance activities, and operating assistance to transit authorities to continue existing service or increase service to meet routine changes in demand.
- (17) The purchase of vehicles by the applicant where the use of these vehicles can be accommodated by existing facilities or by new facilities which themselves are within a CE.
- (18) Track and railbed maintenance and improvements when carried out within the existing right-of-way.
- (19) Purchase and installation of operating or maintenance equipment to be located within the transit facility and with no significant impacts off the site.
- (20) Promulgation of rules, regulations, and directives.
- (21) Deployment of electronics, photonics, communications, or information processing used singly or in combination, or as components of a fully integrated system, to improve the efficiency or safety of a surface transportation system or to enhance security or passenger convenience. Examples include, but are not limited to, traffic control and detector devices, lane management systems, electronic payment equipment, automatic vehicle locaters, automated passenger counters, computer-aided dispatching systems, radio communications systems, dynamic message signs, and security equipment including surveillance and detection cameras on roadways and in transit facilities and on buses.
- (22) Projects, as defined in 23 U.S.C. 101, that would take place entirely within the existing operational right-of-way. Existing operational right-of-way means all real property interests acquired for the construction, operation, or mitigation of a project. This area includes the features associated with the physical footprint of the project including but not limited to the roadway, bridges, interchanges, culverts, drainage, clear zone, traffic control signage, landscaping, and any rest areas with direct access to a controlled access highway. This also includes fixed guideways, mitigation areas, areas maintained or used for safety and security of a transportation facility, parking facilities with direct access to an existing transportation facility, transportation power substations, transportation venting structures, and transportation maintenance facilities.
- (23) Federally-funded projects:
- (i) 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, see www.fhwa.dot.gov or www.fta.dot.gov) of Federal funds; or
- (ii) 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, see www.fhwa.dot.gov or www.fta.dot.gov) and Federal funds comprising less than 15 percent of the total estimated project cost.
- (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 in paragraph (e) of this section.

(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 paragraph (e) of this section.

(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 paragraph (e) of this section.

(29) 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.

(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.

APPENDIX B – 23 CFR 771.117(d)

(d) Additional actions which meet the criteria for a CE in the CEQ regulations (40 CFR 1508.4) and paragraph (a) of this section may be designated as CEs only after Administration approval unless otherwise authorized under an executed agreement pursuant to paragraph (g) of this section. The applicant shall submit documentation which demonstrates that the specific conditions or criteria for these CEs are satisfied and that significant environmental effects will not result. Examples of such actions include but are not limited to:

(1)-(3) [Reserved]

(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.

(i) 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.

(ii) 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 (c)(26), (c)(27), and (c)(28) of this section that do not meet the constraints in paragraph (e) of this section.

APPENDIX C: Example of CE Checklist

PI#(s): Click here to enter text., County:

General Information

Project Name: Click here to enter text.		
GDOT District #: Choose an item.	STIP/TIP #: Click here to enter text.	LUMP SUM: <input type="checkbox"/>
STIP/TIP Document Years:	Consistent with STIP/TIP: <input type="checkbox"/>	
Funded Years	Right of Way: Click here to enter text.	Construction: Click here to enter text.

Project Description: Click here to enter text.

Eligibility Determination for Programmatic Categorical Exclusion (PCE)

Type of CE - Choose one from (c) or (d) drop-down lists:	
(c) - list: NA	(d) - list: NA
<input type="checkbox"/> 771.117(c)(1) (2)(4)(11)(13)(16)(17)(20)	
If the project does not lead to construction and qualifies for a (c)(1)(2)(4)(11)(13)(16)(17)(20) CE then no review is required. Proceed to GDOT Approval .	

Independent Utility and Logical Termini

A logical termini package was submitted to FHWA and FHWA concurrence was obtained on (date).

- Connects logical termini and is of sufficient length to address environmental matters on a broad scope;
- Has independent utility or independent significance (i.e., is a useable expenditure even if no additional transportation improvements in the area are made);
- The proposed project does not restrict consideration of alternatives for other reasonably foreseeable transportation improvements.

Right of Way (ROW): The project requires the following ROW/easement amounts:

Required Right of Way	Approximately Click here to enter text. acre(s)
Required Easement	Approximately Click here to enter text. acre(s)
Driveway Easement	Choose an item.

Further evaluation of the ROW and easement requirements demonstrates the following conditions apply:

- Choose an item.
- Choose an item.
(example: net loss of parking or substantial loss of residential front yards.)
- Choose an item.
(example: median removals, driveway access removals/modifications.)

Floodplain/way (EO 11988): Choose an item.

Section 6(f) of the Land and Water Conservation Act: Choose an item.

Coastal Zone Management Act (CZMA): The proposed project Choose an item.

Farmland Protection Policy Act: Choose an item.

Underground Storage Tanks (USTs)/Hazardous Materials: The proposed project Choose an item.

PI#(s): Click here to enter text., County:

Archaeology Resources (National Historic Preservation Act, Section 106): The following determination is from the archaeology evaluation dated Click here to enter a date.. The project has Choose an item.. Choose an item.. Because there are no adverse effects to archaeological resources, the project is eligible for processing under the PCE agreement.

Historic Resources (National Historic Preservation Act, Section 106): The following determination is from the history evaluation dated Click here to enter a date.. The project has Choose an item.. Choose an item.. Because there are no adverse effects to historic resources, the project is eligible for processing under the PCE agreement.

Section 4(f) of the U.S. Department of Transportation Act: The proposed project corridor has been evaluated for Section 4(f) resources. Choose an item. It has been determined that Choose an item. Since neither an individual nor programmatic Section 4(f) evaluation would be required, the proposed project is eligible for processing under the PCE Agreement.

Ecological Resources: The following determination is from the ecology evaluation dated Click here to enter a date..

Waters of the U.S./Jurisdictional Waters (Clean Water Action, Section 404):

	Wetlands	Streams	Open Waters
Total Number Identified			
Largest Individual impact (ft or ac)			
Cumulative impact to all sites (ft or ac)			

Based on the results listed above, the project Choose an item. Thus, it is eligible to be processed under the PCE Agreement.

Fish and Wildlife Coordination Act (FWCA): Choose an item.

Protected Species (Endangered Species Act, Section 7): The proposed project has been evaluated for impacts to federally protected species. To qualify for processing under the PCE Agreement, the project must fall in one of the following categories: (1) project is a type listed in the FHWA/GDOT/USFWS/ GA DNR 2021 Joint Coordination Procedures (JCP), programmatically determined to have "No Effect" on all listed species, or (2) GDOT made a "No Effect" determination for all listed species, or (3) USFWS made a "May Affect, Not Likely to Adversely Affect" determination for one or more listed species and Informal Section 7 concurrence has been received from the appropriate resource agency or agencies (U.S. Fish & Wildlife Service [USFWS], National Marine Fisheries Service [NMFS], or both).

Determination: Choose an item.

If the project qualified under the 2021 JCP, list the project type it qualified under: Click here to enter text. (Note: If it qualifies under multiple categories, choose the first listed.)

Special Provisions: Choose an item.

Special Provision: Choose an item.

Bald and Golden Eagle Protection Act: Choose an item.

Magnuson-Stevens Fisheries Conservation and Management Act: Choose an item.

Wildlife and Habitat: Protective measures will be included in the contract to reduce risk of harm to migratory birds and bats.

Air (Clean Air Act): The following determinations are from the air quality impact assessment dated Click here to enter a date..

PI#(s): Click here to enter text., County:

Ozone:	Choose an item.
Mobile Source Air Toxins (MSATs):	Choose an item.
CO	Currently, there are no areas within the State of Georgia that are classified as nonattainment or maintenance for Carbon Monoxide (CO), per the 1-hour and 8-hour primary National Ambient Air Quality Standards (NAAQS) for CO. In an effort to continue to expedite the NEPA process for GDOT projects, GDOT and FHWA have signed an agreement effective May 1, 2020 determining that quantitative CO project-level analyses are not required for projects located in CO attainment areas throughout Georgia.
PM 2.5	Effective October 24, 2016 the State of Georgia is considered to be in attainment for PM _{2.5} , so no further analysis of PM _{2.5} emissions is warranted.

Noise (23 CFR 772): The following determination is from the noise impact analysis dated Click here to enter a date.: Choose an item.

Permits

Permit Type	Applicable to Project?
Section 404 Permit (if Individual Permit needed, project not eligible for PCE)	Choose an item.
Stream Buffer Variance	Choose an item.
National Pollutant Discharge Elimination System (NPDES)	Choose an item.
US Coast Guard Permit (if needed, project not eligible for PCE)	Choose an item.
Tennessee Valley Authority Permit (TVA)	Choose an item.
Other: (List Type)	Choose an item.

Churches and Institutions: Choose an item.

Traffic Disruptions: The GDOT Project Manager, Click here to enter text., has verified that the project would not involve a permanent change in access, such as adding or removing intersections, adding or removing median access (median cuts), change in access to the Interstate system or a controlled access highway; conversion of a local street into a higher classification of roadway; or any other change in access that causes substantial public controversy as evidenced by public or stakeholder involvement conducted in accordance with GDOT's Public Involvement Plan or other communications of public concern about the project as evidenced by phone calls, letters, meetings, emails, etc.

Verification date: Click here to enter a date..

Public Bus Stops: Choose an item.

Detours: *Detour potential and conditions:* Choose an item.

Community Context: Choose an item.

Public Involvement: Choose an item.

Please list all public involvement activities to date in the table below.

Type of Public Involvement	Advertisement languages	Date	# visiting website	# Comments	Date of Response

(Add rows as needed. If no public involvement activities will occur, note as NONE in the table.)

Public Controversy: Choose an item.

PI#(s): Click here to enter text., County:

Community Impacts:

The project is not anticipated to result in community impacts because there will be no substantial right-of-way acquired from within communities, there will be no permanent change in access to communities or community resources, and there will be no relocations of residences, businesses or institutions serving the community(ies).

Economic Impacts: Choose an item.

Low Income and Minority Communities (Environmental Justice) (EO 12898) (EO14096): Choose an item. [DOT Order 5610.2]

Supporting File Documentation: The preparer, reviewer, and approver should confirm that all supporting documentation is in the GDOT Environmental file. The following should be included, if applicable:

- | | |
|--|-----------------|
| 1. All Section 106 documentation (including tribal coordination) | Choose an item. |
| 2. All Section 7 USFWS Agency Coordination | Choose an item. |
| 3. FWCA Coordination documentation, including correspondence | Choose an item. |
| 4. Early Coordination Letters and Responses | Choose an item. |
| 5. Public Involvement Information (including: Summary of Comments, Public Comments, Responses to Comments, community context documents.) | Choose an item. |
| 6. Air Quality Analysis | Choose an item. |
| 7. Noise Impact Analysis | Choose an item. |
| 8. Special Provision(s) | Choose an item. |
| 9. Ecology Reports and Addenda (including survey reports) | Choose an item. |
| 10. Reference Page from STIP/TIP | Choose an item. |
| 11. Farmland Rating Form (NRCS Form AD 1006) | Choose an item. |
| 12. Floodplain/way (H&H study cover page or anticipated H&H results) | Choose an item. |
| 13. UST/Hazardous Materials Reports (includes Phase I & Phase II if needed) | Choose an item. |
| 14. STEAP Analysis | Choose an item. |
| 15. Traffic Analysis | Choose an item. |
| 16. Logical Termini package | Choose an item. |

The Environmental Commitments Table is attached.

Prepared By:

Preparer's Name, Preparer's Position/Title
Preparer's Firm Name

Date

Reviewed By:

Reviewer's Name, Reviewer's Position/Title
Georgia Department of Transportation

Date

Approved By:

Eric Duff, State Environmental Administrator
Georgia Department of Transportation

Date

This PCE is approved on behalf of FHWA Georgia Division, Division Administrator.

cc: Provide PDF (or link) to Project Manager, State Project Review Engineer, and ProjectWise