



# **TDOT Local Government Guidelines for Completing the NEPA Process**

**D List, C List, and Programmatic Categorical Exclusions**

For Use by Local Government  
2017



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### List of Acronyms

ADA	Americans with Disabilities Act
CE	Categorical Exclusion
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act of 1980
CFR	Code of Federal Regulations
CMAQ	Congestion Mitigation and Air Quality Improvement [Program]
CSRP	Conceptual Stage Relocation Plan
EA	Environmental Assessment
EIS	Environmental Impact Statement
EJ	Environmental Justice
FHWA	Federal Highway Administration
FIRM	Flood Insurance Rate Map
FONSI	Finding of No Significant Impact
FPPA	Farmland Protection Policy Act
IAC	Interagency Consultation
LGT	Local Programs NEPA Template
LWCF	Land and Water Conservation Fund [Act]
MOA	Memorandum of Agreement
MOU	Memorandum of Understanding
MPO	Metropolitan Planning Organization
MSAT	Mobile Source Air Toxics
MTPO	Metropolitan Transportation Planning Organization
NAC	Native American Consultation
NEPA	National Environmental Policy Act
NRCS	Natural Resources Conservation Service
NRHP	National Register of Historic Places
PCE	Programmatic Categorical Exclusion
PIN	TDOT Project Information Number
POC	TDOT Environmental Division Point-of-Contact
RCRA	Resource Conservation and Recovery Act of 1976
ROD	Record of Decision
ROW	Right-of-Way
RPO	Rural Planning Organization
SIP	State Implementation Plan
SRTS	Safe Routes to School [Program]
STIP	State Transportation Improvement Program
TAP	Transportation Alternatives Program
TDEC	Tennessee Department of Environment and Conservation
TDOT	Tennessee Department of Transportation
TEPM	Tennessee Environmental Procedures Manual
TE	Transportation Enhancement
TIP	Transportation Improvement Program
TN-SHPO	Tennessee State Historic Preservation Office
TPO	Transportation Planning Organization
TWRA	Tennessee Wildlife Resources Agency
USDOT	US Department of Transportation
USFWS	US Fish & Wildlife Service
UST	Underground Storage Tank

## Introduction

Local governments funding projects with federal aid derived from the Federal Highway Administration (FHWA) are responsible for meeting all requirements of the National Environmental Policy Act (NEPA) in the development and delivery of those projects. The Tennessee Department of Transportation (TDOT), on behalf of the FHWA is tasked with ensuring local government's adherence to NEPA.

In general, the NEPA process is used to meet the following objectives:

- Define or refine the purpose and need of the project.
- Based upon preliminary plans, determine and document the foreseeable potential impacts of the action on social, cultural, and environmental features.
- Inform decision makers and the public of the projects scope and potential impacts (both positive and negative).

To facilitate documentation of the NEPA process, TDOT has developed a Local Programs NEPA document template (LGT) which provides the format including the questions that must be addressed to fully document the process when completing D-List, C-List or Programmatic Categorical Exclusions. This companion manual is designed to provide additional guidance in completing the NEPA document template and process in a timely and legally sufficient manner. This manual will further assist the reader in meeting the requirements of NEPA and understanding the social, cultural and environmental issues involved.

## Overview

In order for local governments to receive federal funds allocated for local transportation projects they must go through TDOT's Local Programs Office and as part of the requirements for using federal funds, they must comply with the requirements of NEPA.

While the local governments are responsible for managing the NEPA process and completing the required documentation, they must coordinate closely with their TDOT NEPA point-of-contact (POC) in the TDOT Environmental Division. The division has assigned staff to serve as the POC for local governments (and/or their consultants) in order to facilitate the process.

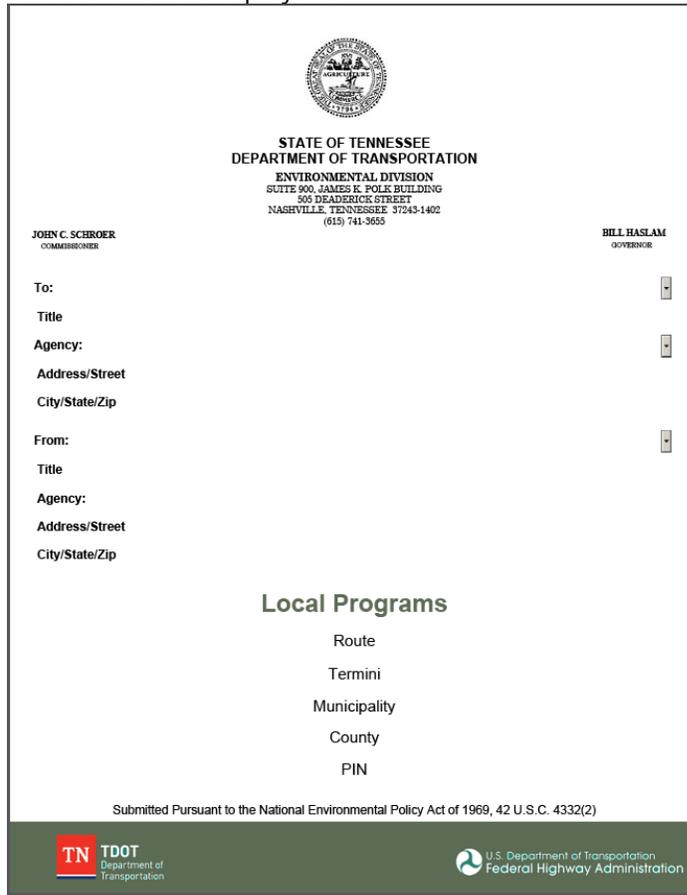
Special situations, such as undertaking development of an Environmental Assessment (EA)/Finding of No Significant Impact (FONSI) or Environmental Impact Statement (EIS)/ Record of Decision (ROD) or their re-evaluations, will dictate a variation from the content and format of this template and manual.

## Definition of a Categorical Exclusion

A NEPA Categorical Exclusion (CE) is a category of actions that meets the definition contained in 23 CFR 771.117 and, based on past experience with similar actions, does not involve significant environmental impacts. Definitions of the types of CEs are included in Appendix A. Please review these definitions as they will provide you with information applicable to the level of NEPA document required for your project and items that if changed during the course of project development, might change the document type. These include the addition of ROW or additions to the project scope.

There are three basic types of Categorical Exclusions: D-List, C-List, and Programmatic. C-List and Programmatic CE's are projects with the lowest level of impacts or are actions programmatically approved by FHWA. For more information on when a project is eligible for completion as a Programmatic CE, see

Appendix B. All of these will be processed by TDOT using the LGT. Below is an example of the cover of the LGT template that is to be used for these projects.



The image shows the cover page of a form titled "Local Programs CE Template". At the top center is the State of Tennessee seal. Below it, the text reads: "STATE OF TENNESSEE DEPARTMENT OF TRANSPORTATION ENVIRONMENTAL DIVISION SUITE 900, JAMES K. POLK BUILDING 405 DEADERICK STREET NASHVILLE, TENNESSEE 37243-1402 (615) 741-3655". To the left of this text is the name "JOHN C. SCHROER" and "COMMISSIONER". To the right is "BILL HASLAM" and "GOVERNOR". Below this is a form with fields for "To:", "Title", "Agency:", "Address/Street", "City/State/Zip", "From:", "Title", "Agency:", "Address/Street", and "City/State/Zip". Each field has a dropdown arrow. In the center, the title "Local Programs" is followed by a list of options: "Route", "Termini", "Municipality", "County", and "PIN". At the bottom, it says "Submitted Pursuant to the National Environmental Policy Act of 1969, 42 U.S.C. 4332(2)". The footer contains the TN DOT logo and the U.S. Department of Transportation Federal Highway Administration logo.

**Figure 1 – Cover Page of the Local Programs CE Template**

## Process

To undertake the NEPA process for your project, please complete the following steps:

1. For Local Governments, upon receipt of a Notice to Proceed from TDOT’s Local Programs Office, you will be provided the name and contact information of your Environmental Division POC.
2. Before proceeding any further, contact the TDOT Environmental Division POC, notify them of your intent to complete a NEPA study and obtain the latest guidance, templates and instructions.
3. Your POC will also provide assistance in determining the appropriate level of NEPA documentation for your project and for providing other information pertinent to the use and completion of the NEPA document.
4. Review your project plans, this guidance manual and any additional information received from the Environmental Division POC.
5. Based on your project and the complexity of the undertaking, determine the project team to be utilized in completing the NEPA process. You should be sure the members of the team have the necessary credentials and experience to assist you in administering the process, collecting data and writing the environmental document. **The use of inexperienced or unqualified personnel will likely result in missteps, delays and possible loss of funding.**
6. Begin the process and provide the required information to the Environmental Division POC to



allow TDOT staff sufficient time to assist in the coordination of the project with specific technical areas. *(NOTE: A DETAILED SCOPE OF WORK AND PLANS SUFFICIENT TO ILLUSTRATE THE SPECIFICS OF YOUR PROJECT MUST BE DEVELOPED IN ORDER TO PRODUCE THE PURPOSE AND NEED SECTIONS OF THE DOCUMENT AND DETERMINE THE STUDY AREA. THIS IS A CRITICAL FIRST STEP IN THE PROCESS IN THAT ALL SUBSEQUENT DECISION WILL BE EVALUATED BASED UPON ADDRESSING THE PURPOSE AND NEED. FURTHER WITHOUT A CLEAR UNDERSTANDING OF THE AREA OF DISTURBANCE AND INFLUENCE OF THE PROJECT, PROPER EVALUATION OF IMPACTS CANNOT OCCUR.*

7. Complete the technical studies and agency coordination and then complete the LGT and submit it in draft form along with all supporting documentation and required attachments by email to the POC. If the size exceeds the allowable size for email transmittal, contact your POC for other suggested means of transmittal, such as TDOT's FTP site or mail.
8. If your POC provides comments, address the comments and resubmit for final TDOT approval. The Federal Highway Administration (FHWA) conducts annual audits of TDOT's NEPA documentation to ensure compliance with the NEPA process and reviews and approves all D-List CE's.

The LGT is intended to be utilized by local entities and their consultants to fulfill their regulatory obligations under NEPA when federal funds are to be used for certain types of transportation-related projects. The LGT is to be used only for projects that qualify as a Categorical Exclusion under 23 CFR 77.1.117.



Spring 2011



**TENNESSEE ENVIRONMENTAL PROCEDURES MANUAL**

Guidelines for Preparing Environmental Documentation for  
Federally Funded and State Funded Transportation Projects

*TDOT's Environmental Procedures Manual  
provides helpful information*



## How to Use the Local Programs NEPA Template (LGT)

The LGT has been developed as an Adobe fillable form. Changes to the format or language on the forms must not be made without specific instructions/permission from the POC.

You will be working on the document in protected mode. In this mode, the user will be able to click on and fill in the shaded boxes. No edits, however, can be made to the fixed text or drop down text. For text (greyed) boxes, click on the box and fill in with project-specific information. There is no limit to the amount of text that can be added in a text box area. Spell checking is available in the text box area.

## Instructions for Completing the NEPA Documentation

This section contains instructions for completing the LGT. The individual completing the LGT should consult with the POC before beginning work on the NEPA document and discuss any questions or unusual project circumstances related to the NEPA document.

This guidance corresponds directly to each section in the LGT and begins by showing a screen shot of the sections and follows with directions on obtaining the information needed to complete each question.

Additional information about completing projects covered under the Safe Routes to Schools, Transportation Enhancement Program or the Transportation Alternatives Program (TAP) can be found in Appendix A of this document.

## Project Information: General Information

### Project Information

#### General Information

<b>Route:</b>	Route
<b>Termini:</b>	Termini
<b>Municipality:</b>	Municipality
<b>County:</b>	(Choose County) 
<b>PIN:</b>	000000.00
<b>Plans:</b>	(Select Type of Plans) 
<b>Date of Plans:</b>	00/00/0000



**Route:**

Insert the name of the Interstate, state route or local city street. If this project is for a greenway, use the official name established in the official local greenway planning document. This name must also match the name of the project used in the Metropolitan Planning Organization (MPO)/ Transportation Planning Organization (TPO)/ Metropolitan Transportation Planning Organization (MTPO)/ Transportation Improvement Plan (TIP) or State Transportation Improvement Plan (STIP) and TDOT documentation.

**Termini:**

Describes the beginning and ending location of the project. For Local Governments, the termini may be contained in your contract or work order authorization. It may also be in the STIP or TIP page. The termini may simply be where the project is located (e.g., SR 93 Landscaping at 3 interchanges in Kingsport; or southwest corner of Clay County Courthouse lawn). Consult with the POC if you are unsure. This **termini must exactly match the termini of the project used in the MPO/TPO/MTPO TIP or (STIP)**, the plans and TDOT's project and financial tracking system (PPRM).

**Municipality:**

Enter the name of the municipality where the project is located.

**County:**

Choose the name of the county where the project is located from the drop down list.

**PIN:**

Provide the TDOT provided Project Information Number (PIN) number.

**Plans:**

In order to ensure all relevant studies are conducted using the same information, provide the type of plans, (ex. ROW) from the drop down list. All technical studies conducted shall use the same plans with the same date. If plans change during the course of the NEPA process, all associated information in the document must be updated to reflect the most current plans. Please contact the TDOT NEPA POC for guidance.

**Date of Plans:**

*It is extremely important that the name, termini and all project numbers match and are consistent throughout the life of the project. Funding is tied to these items throughout the project development and construction phases and significant delays can occur if all changes are not properly coordinated in a timely manner. This is especially relevant to consistency with the MPO/TPO/MTPO TIP.*

## Project Funding

Project Funding			
<b>Planning Area:</b> (Choose Planning Area) <input type="text"/>			
<b>STIP/TIP:</b> (Choose Grouped Funding Program or Enter Individual STIP/TIP Number) <input type="text"/>			
Funding Source	Preliminary Engineering	Right-of-Way	Construction
Federal	Insert Number or N/A	Insert Number or N/A	Insert Number or N/A
State	Insert Number or N/A	Insert Number or N/A	Insert Number or N/A

### Planning Area:

From the drop down box, select the appropriate planning area (MPO/TPO/MTPO/RPO) for your project.

### STIP/TIP:

Enter the STIP or TIP number or choose a category from the drop down list.

### Funding Sources:

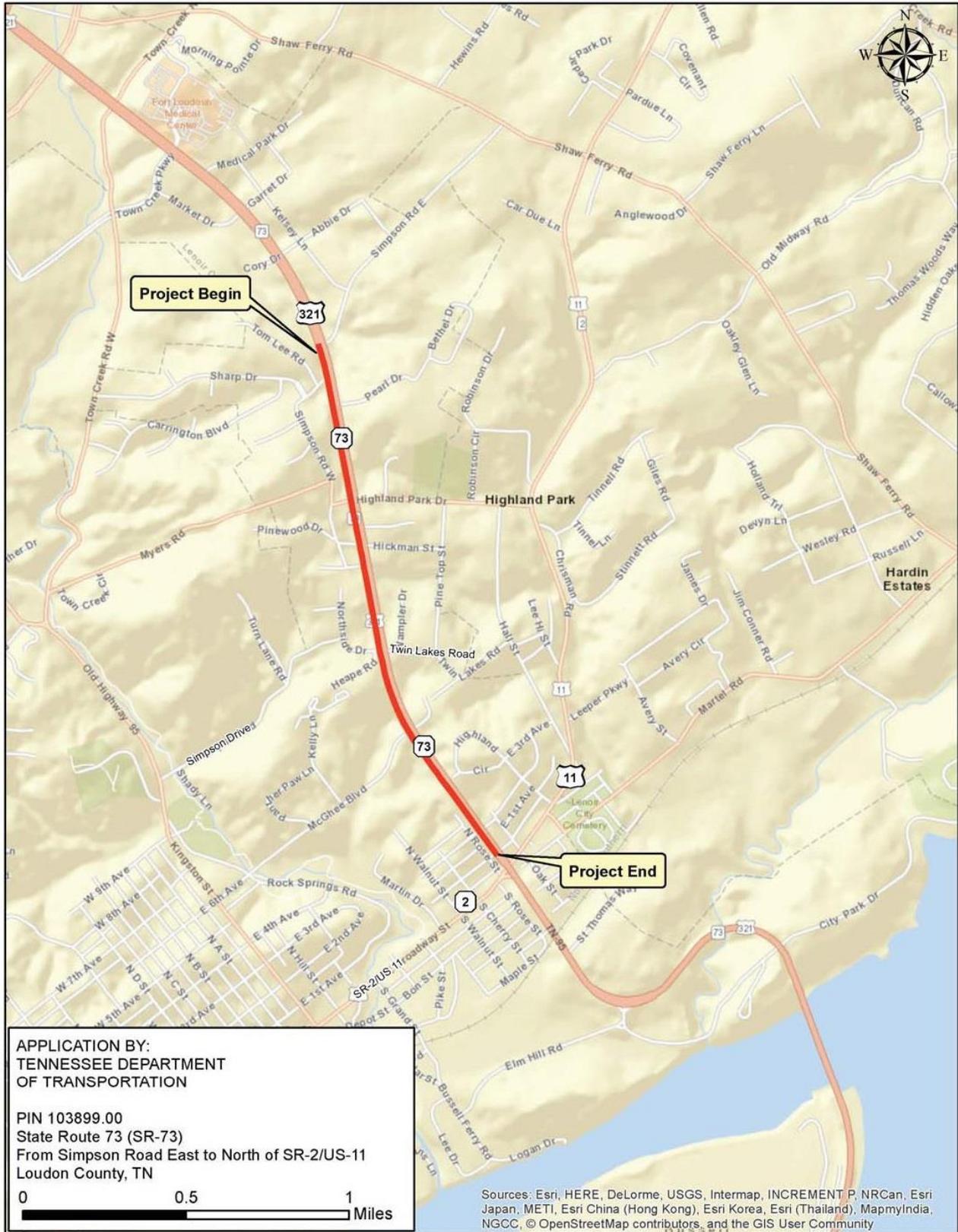
Complete the table by inserting the appropriate funding numbers, both federal and state that you have received from the TDOT Programming Division. If the project phase has not yet been assigned a number, enter N/A.

### Project Location Map

Insert in the space indicated in the LGT a detailed map showing the location of the project and denote the beginning and end points of the termini. If this is a segment of a larger project, include a second map showing the overall termini and the funding segments that make up the overall project. Include the PIN number for each segment.

**See example on next page.**

### Sample Location Map



**Project Overview:**

<b>Project Overview</b>	
<b>Introduction</b>	
Provide a general overview of the project.	
<b>Background</b>	
Provide a brief project background and history.	
<b>Existing Conditions</b>	
Provide a description of the existing conditions.	

**Introduction:**

Provide a brief overview of the project. Think who, what, when, where, why.

**Background:**

Provide a brief narrative explaining the background and history of the project. Describe any previous phases that have been completed or actions taken by state or local jurisdictions that gave rise to the project. For some projects this can be brief but for projects that have a long history, it is important to inform the reader and tie past work and decisions to the current proposed action. Document any other planning documents that were the foundation of the project.

**Existing Conditions:**

Please describe the current conditions within the project limit, including any roadway deficiencies and/or relevant conditions of the right of way. For example, if the projects purpose is to add sidewalks where none exist, describe the current typical section.

## Project Development

Project Development

---

**Need**

Discuss the specific issues the project is intended to address.

---

**Purpose**

Discuss the purpose and goals the project is intended to achieve.

---

**Range of Alternatives**

**Other than the selected design, were any alternative build designs developed for this project?** (Yes/No) ▾

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**Public Involvement**

**Has there been any public involvement for the project?** (Yes/No) ▾

### Project Need and Purpose Statements

The Need and Purpose statements work together to define the problem and describe an objective. However, they do not specify the solution in that a range of engineering solutions (alternatives) might be able to achieve the desired result. The NEPA process allows for the evaluation of the impacts of alternatives in order to make a decision on the final, preferred alternative.

For TDOT projects, Need is used to define the transportation deficiency such as capacity or safety. The Purpose of a project is defined as the objectives that will be met to address the transportation deficiency. A solution or a range of solutions (alternatives) can then be developed and evaluated to meet these objectives.

For example, a segment of roadway may have a high accident rate due to geometric deficiencies. Accident statistics such as crash rates can be used to quantify this issue and hence help define the (need). The corresponding purpose of the project would then be to reduce the crash rate.

The purpose simply states the objective. It does not specify how the objective should be achieved. There may be various design solutions available to meet the objective.

#### Project Need:

Describe why the project is needed. A project description may be available to you in planning documents or in the application for funding. It also may be developed based on the funding program (see preceding "Program" section).

NOTE: Just stating a bridge is substandard or an intersection is unsafe is not enough. You should give

specific, factual and quantifiable reasons. For example, give the bridge sufficiency rating or describe the insufficient elements that support the need for the project. If the project need includes safety, use safety metrics such as crash rates to support your assertion. You should also establish why the termini were selected and again that should be supported by the data. Use current or future traffic projections, local growth patterns, economic development, etc. as supporting documentation.

Below are common examples of needs. Usually only one or two needs apply to a project however there may be secondary needs that a project might address. Be sure to list them from most important to least. :

- **Roadway Deficiencies** — Explain how the proposed action is necessary to correct existing roadway deficiencies (e.g., substandard geometrics, load limits on structures, inadequate cross-section, high maintenance costs, etc.) In addition, explain how the proposed action will correct these deficiencies.
- **Safety** — Explain if the proposed action is necessary to correct an existing or potential safety hazard. In addition, explain if the existing accident rate is excessively high and why, and how the proposed action will improve safety.
- **Capacity** — Discuss the capacity of the present facility and its ability to meet present and projected traffic demands. Discuss what capacity and levels of service for existing and proposed facilities are needed.
- **System Linkage** — Discuss if the proposed action is a "connecting link" and how it fits into the transportation system.
- **Transportation Demand** — Discuss the action's relationship to any statewide plan or adopted urban transportation plan. In addition, explain any related traffic forecasts that are substantially different from those estimates of the 23 U.S.C. 134 (Section 134) planning process.
- **Legislation** — Explain if there is a Federal, state, or local governmental mandate for the action.
- **Social Demands or Economic Development** — Describe how the action will foster new employment and benefit schools, land use plans, recreation facilities, etc. In addition, describe projected economic development/land use changes that indicate the need to improve or add to the highway capacity.
- **Modal Interrelationships** — Explain how the proposed action will interface with and serve to complement airports, rail and port facilities, mass transit services, etc.

### **Project Purpose:**

State the purpose of the project. The purpose should not be a solution but a statement that simply states the goal, intention, or intent of the project. For example, if an identified need is a high crash rate then the projects purpose would be to reduce the crash rate. How that is accomplished is an alternative.

### **Range of Alternatives:**

While it is rare to have alternative solutions in projects that qualify as C-List and PCE's, it is possible. Avoidance is at the heart of the NEPA process and if there are opportunities to avoid or minimize impacts, they should be listed and each evaluated in order to determine the correct combination of impacts that result in the best overall project. Alternatives may also include traffic demand management. An example would be to either widen the existing roadway to increase capacity or improve signal timing to improve overall traffic flow and thus allow the roadway under its current design to efficiently handle more traffic.

### **Public Involvement:**

For PCE and C-List documents, public involvement related to public meetings or outreach would not have occurred. Therefore, it is ok to state that none has occurred. In some instances, projects have been included in MPO/TPO/MTPO or RPO meetings or documents and in that case this should be noted in this section.



On occasion, a D-List CE will require public outreach in the form of notices in the newspaper or public meetings. In that case you should confer with your TDOT POC and reference the TDOT Public Involvement Plan (PIP) to ensure all aspects of the involvement meet approved guidance. The TDOT PIP can be found at <https://www.tn.gov/content/dam/tn/tdot/community-relations/public-involvement-plan.pdf>

## Project Design

### Project Design

#### Existing Conditions and Layout

Describe the existing layout of the roadway.

#### Proposed Scope of Work

Describe the scope of work.

#### Right-of-Way

Enter Right-of-Way details here.

**Right-of-Way Acquisition Table**

Permanent Acquisition			Temporary Acquisition		
R.O.W Acquisition	Drainage Easements	Total	Slope Easements	Construction Easements	Total

\*Measured in acres

#### Displacements and Relocations

Will this project result in residential, business or non-profit displacements and relocations?

(Yes/No) 

#### Changes in Access Control

Will changes in access control impact the functional utility of any adjacent parcels?

(Yes/No) 

#### Traffic and Access Disruption

At this time, are traffic control measures and temporary access information available?

(Yes/No) 

### Existing Conditions and Layout:

Describe the existing setting of the proposed project area. For example, is it urban or rural? Is it a commercial area or residential area? If this is a roadway project, describe the existing road that is to be improved, including the number of lanes, and whether there is a median, shoulders, curb-and-gutter or sidewalks.

### Scope of Work:

Describe the Scope of Work. This section is for minor projects where plans are not available or will not be produced.

### **Right-of-Way:**

To qualify for consideration for processing as a PCE or C-List CE, an action must meet a two- part test with respect to potential right-of-way (ROW) impacts.

- First, the action must not require the acquisition of more than one acre of right-of-way, (This includes permanent drainage easements. Construction and slope easements are not considered acquisition).
- Second, the action must not result in the displacement of any commercial or residential occupants. The acquisition of unoccupied buildings, including garages, barns, storage facilities, vacant domiciles, and vacant commercial establishments, will not preclude processing the project as a PCE or C-List CE unless such acquisition is deemed to have a substantial adverse (i.e., negative) effect on the value of the property or impedes the operation of business enterprises on the property. If full acquisition of a property or permanent easements will be required, this action will preclude processing the project as a PCE or C-List CE and a D-List CE will need to be completed.

If it meets these requirements, please describe the minor amounts of right-of-way needed (including permanent and temporary easements) in the Additional Information section.

### **Displacements and Relocations:**

If the project will require displacements or relocations, please describe the impact and list them in a table in this section. Please contact the TDOT NEPA POC for guidance on addressing this section if displacements or relocations are associated with the project. A Conceptual Stage Relocation Plan (CSRP) may be required. Prior to starting a CSRP, plans must be used to show where the displacement will be located.

### **Changes in Access Control:**

This section pertains to proposed changes to the current type of roadway access control. Types of roadway access control are:

- Full Access Control: Access to the roadway is available only through on/off ramps at grade- separated interchanges. An example of a roadway with full access control is an Interstate.
- Partial Access Control: Access to the roadway is limited. For example, at certain locations, access onto and across the road may be controlled. Land owners would need to obtain permits for new driveways.
- No Access Control: Access to and across the roadway is available to every landowner along the roadway.

Fully describe any proposed changes to Access Control in this section.

### **Traffic and Access Disruptions:**

If available, describe any detours, temporary closures or loss of access that would be associated with the project or construction of the project. Construction impacts can be serious and should be discussed in this section if information is available. If a detour is known to be part of the project, contact the TDOT NEPA POC with all necessary information. Impact levels from a detour can determine the level of document to complete.

## Environmental Studies

### Environmental Studies

#### Water Resources

Are there any water resources, wetlands or natural habitat located within the project area? (Yes/No)

Water Resources				
Resource Type	Label	Quality	Impact Type	Amount
(Choose Resource Type) <input type="checkbox"/>		(Choose Quality) <input type="checkbox"/>	(Choose Impact Type) <input type="checkbox"/>	

\*Units measured in linear feet.

#### Protected Species

##### U.S. Army Corps of Engineers (USACE)

Coordination with the USACE was completed on 00/00/0000

Enter USACE response here.

##### U.S. Fish and Wildlife Service (USFWS):

Coordination with the USFWS was completed on 00/00/0000

Enter USFWS response here.

##### Tennessee Wildlife Resources Agency (TWRA):

Coordination with TWRA was completed on 00/00/0000

Enter TWRA response here.

##### Tennessee Department of Environment and Conservation (TDEC):

Coordination with TDEC was completed on 00/00/0000

Enter TDEC response here.

### **Water Resources: Streams/Wetlands:**

Impacts to streams and wetlands are some of the most common impacts of any linear transportation project. Early identification of streams (perennial, intermittent and ephemeral) is extremely important. Sometimes it is obvious that no streams or wetlands will be affected by a project based on its location (e.g., densely developed urban environment) or project type (e.g., traffic signal repair). If upon review of the project area it can be clearly demonstrated that there will be no work in the water, no materials will enter any waters of the State, there will be no disturbance of previously undisturbed areas, and there will be no removal or trimming of vegetation, the project owner shall document this and describe the rationale in the area provided in the LGT.

If there is any chance streams or wetlands are involved, the local government will need to obtain the services of a qualified hydrologic professional (QHP) to identify, characterize and document all features. This will be very important to assist the designer in determining avoidance and minimization alternatives. It is also important to understand if mitigation will be needed and in addressing upcoming permitting requirements.

Before taking this step, consult with the POC to obtain the current scope of work for conducting ecological studies and for information concerning the Qualified Hydrologic Professional requirements. The POC will provide guidance on the level of study needed or will refer you to the TDOT ecology staff if necessary.

### **Protected/Endangered Species:**

A number of federal and state laws pertain to the consideration and evaluation of natural resources, including the Clean Water Act; the Endangered Species Act; Fish and Wildlife Coordination Act; Executive Order 11988, Floodplain Management; Executive Order 11990, Protection of Wetlands; Tennessee Non-game and Endangered or Threatened Wildlife Species Conservation Act of 1974; Tennessee Rare Plant Protection and Conservation Act of 1985; and the Tennessee Water Quality Control Act of 1977.

For all projects completing the NEPA process, endangered species coordination is required. In order to facilitate this process, the TDOT POC will assist in obtaining the needed information and/or clearance letters.

To complete this task, contact your POC who will provide you with a template containing instructions on how to prepare the coordination letters that TDOT will send out on behalf of the Local Government. Any correspondence or clearance letters will be forwarded to the Local Government for inclusion in the LGT. Once the agency coordination is received, input the appropriate dates and include any pertinent information in the response lines.

## Environmental Studies, Continued

### Floodplain Management ▶

Flood Zone: (Choose FEMA Zone) ▼

### Air Quality ▶

#### Transportation Conformity:

Enter Transportation Conformity Statement from Air Section.

### Noise ▶

In accordance with FHWA requirements and TDOT's Noise Policy this project is determined to be (Type) ▼

### Farmland ▶

Is this project exempt from the provisions of the Farmland Protection Policy Act (FPPA)? (Yes/No) ▼

### Section 4(f) ▶

Does this project involve the use of publicly owned parks, recreation areas, or wildlife/waterfowl refuges, or publicly or privately owned historic properties that are listed on or eligible for listing on the National Register of Historic Places (see 23 CFR 774)? (Yes/No) ▼

### Section 6(f) ▶

Does this project involve the use of recreational properties funded through the Land and Water Conservation Fund (LCWF)? (Yes/No) ▼

### **Floodplain/Floodway:**

Protection of floodways and floodplains is required under 23 CFR 650A; Executive Order 11988, Floodplain Management; and US Department of Transportation (USDOT) Order 550.2, Floodplain Management and Protection. The intent of these regulations is to avoid or minimize highway encroachments within the 100-year (base) floodplains or regulatory floodway, where practicable, and to avoid supporting land use development that is incompatible with floodplain values. An analysis should be conducted for projects to determine whether the proposed action will encroach on any base (100-year) floodplain and/or regulatory floodway. To do so, provide:

- A copy of the Floodplain Insurance Rate Maps (FIRMs) for areas with mapped floodplains and include them in the LGT attachments. Visit <https://msc.fema.gov/portal> to acquire FIRMs.

From the dropdown menu on the LGT template, select the category of Floodway that will be impacted by the project.

### **Air Quality:**

The air quality analysis must address transportation conformity and Mobile Source Air Toxics (MSATs). Transportation conformity ensures that transportation projects are consistent with federal air quality goals. Conformity applies to federal projects in areas that do not meet (“nonattainment” areas) or did not previously meet (“maintenance” areas) the Environmental Protection Agency’s (EPA) National Ambient Air Quality Standards (NAAQS). Transportation conformity does not apply in areas that are in attainment of the NAAQS.

In addition to the pollutants for which there are NAAQS, the EPA also regulates air toxics. The air quality section of the environmental document must address MSATs in accordance with FHWA’s “*Updated Interim Guidance on Mobile Source Air Toxic Analysis in NEPA Documents*” dated October 18, 2016.

The process below should be used to develop the appropriate air quality statements for the environmental document.

#### Transportation Conformity

If your project is in one of the counties listed in the table in Appendix D, contact your POC, who will coordinate with TDOT air quality staff to provide additional guidance on any analysis that may be required. TDOT will need to coordinate with the appropriate Interagency Consultation (IAC) group before providing air quality clearance for projects in PM<sub>2.5</sub> nonattainment or maintenance areas.

If the project is not in an area listed as “nonattainment” or “maintenance,” the area is in attainment of the NAAQS and the following statement should be used:

*“This project is in an area that is in attainment for all regulated criteria pollutants. Therefore, conformity does not apply to this project.”*

### **Noise Analysis:**

The CE document must identify whether the project is Type I or Type III in accordance with the definitions below from the FHWA noise regulation, *Procedures for Abatement of Highway Traffic and Construction Noise* (FHWA noise regulation), *23 CFR 772*, and the Tennessee Department of Transportation’s *Policy on Highway Traffic Noise Abatement* (TDOT’s noise policy).

[http://www.tn.gov/assets/entities/tdot/attachments/Signed\\_and\\_Approved\\_TDOT\\_Policy\\_on\\_Highway\\_Traffic\\_Noise\\_Abatement\\_July\\_13\\_2011.pdf](http://www.tn.gov/assets/entities/tdot/attachments/Signed_and_Approved_TDOT_Policy_on_Highway_Traffic_Noise_Abatement_July_13_2011.pdf) and <https://www.gpo.gov/fdsys/pkg/FR-2010-07-13/pdf/2010-15848.pdf>

**Definitions:**

*Type I Project* - A project shall be considered Type I if it meets one of the following conditions:

- 1) The construction of a highway on new location; or
- 2) The physical alteration of an existing highway where there is either:
  - (i) Substantial Horizontal Alteration. A project that halves the distance between the traffic noise source and the closest receptor between the existing condition to the future build condition or
  - (ii) Substantial Vertical Alteration. A project that removes shielding therefore is exposing the line-of-sight between the receptor and the traffic noise source. This is done by either altering the vertical alignment of the highway or by altering the topography between the highway traffic noise source and the receptor; or
- 3) The addition of a through-traffic lane(s). This includes the addition of a through-traffic lane that functions as a High-Occupancy Vehicle (HOV) lane, High-Occupancy Toll (HOT) lane, bus lane, or truck climbing lane; or
- 4) The addition of an auxiliary lane, except when the auxiliary lane is a turn lane; or
- 5) The addition or relocation of interchange lanes or ramps added to a quadrant to complete an existing partial interchange; or
- 6) Restriping existing pavement for the purpose of adding a through-traffic lane or an auxiliary lane; or
- 7) The addition of a new or substantial alteration of a weigh station, rest stop, ride-share lot, or toll plaza.
- 8) If a project is determined to be a Type I project under this definition, then the entire project area as defined in the environmental document is a Type I project.

*Type II Project* – TDOT sponsored. Not applicable to Local Governments.

*Type III Project* - A Federal or Federal-aid highway project that does not meet the classification of a Type I. Type III projects do not require a noise analysis.

**Noise Analysis Screening Questionnaire**

To comply with the requirements of this section and determine if a project meets the definition of a Type I project, the following steps shall be completed.

1. Based on the project information and the plans, the Local Government will complete the Noise Analysis Screening Questionnaire found in Appendix E.
2. The questionnaire shall be submitted to the TDOT POC at the same time you submit your agency coordination request letter.
3. If upon completion of the questionnaire, it is shown that the project will be Type I, the Noise Analysis Section manager will either concur or ask for additional information.
4. If it is determined that the project meets the definition of Type I, the Local Government will be required to conduct a full noise analysis. Type I projects require that noise studies must be conducted in accordance with TDOT's noise policy and the noise section of the TEPM. Only individuals qualified in the field of highway traffic noise analysis may conduct highway traffic noise studies for TDOT projects or local projects that will utilize federal or state funding. The TEPM lists the minimum qualifications. The qualifications should be submitted to the POC before the noise analysis is initiated.

If the project is determined to be Type III, a noise study is not required. In the template, select Type III and the correct statement will be entered.

### **Farmland:**

If farmland is being taken for a project and converted to a transportation use, it is subject to the Farmland Protection Policy Act of 1981 (FPPA). The purpose of FPPA is to minimize the extent to which Federal programs contribute to the unnecessary conversion of farmland to a transportation use. Federal programs include highway construction projects that are funded partially or in whole by the federal government. Additionally, it intends to minimize the extent to which federal activities contribute to the unnecessary and irreversible conversion of agricultural land to a transportation use.

According to the FPPA, for a proposed project, you must determine:

1. Whether the site contains farmland; and
2. Whether the project may convert farmland to a transportation use. Farmlands subject to FPPA requirements do not have to be used for cropland, but can be forestland, pastureland, cropland, or other land. Farmlands do not include land already in or committed to urban development or water storage, or determined unsuitable because of soil type. The TEPM lists six situations where land does **not** meet the FPPA definition of farmland and no coordination with the National Resource Conservation Service (NRCS) is needed.
3. Land is not farmland, either through its soil type as indicated on NRCS soils mapping as not suitable for agriculture, or through consultation with NRCS. This also applies if land needed for right-of-way is clearly not farmland (e.g., rocky and/or mountainous terrain, sand dunes);
4. Land is urban (or within a designated Urban Growth Boundary);
5. For linear development, if land has already been converted for industrial, commercial, residential or recreational activity;
6. If the arrangements for borrow areas or disposal sites are not directed by TDOT;
7. A state has a LESA (Land Evaluation and Site Assessment) system (which Tennessee does not have); or
8. Farmland with low potential. Completion of the NRCS Farmland Conservation Impact Rating Form is needed to make this determination, but it is not necessary to coordinate with the NRCS.

If the project will not convert 10 acres of prime/unique farmland per linear mile, NRCS Coordination is not required.

If the project is exempt from farmland coordination, you must explain why it is exempt in the document text.

If the project contains farmland, then you will need to use the NRCS Farmland Conservation Impact Rating Form for Corridor Type Projects (NRCS-CPA-106) form, which can be obtained on-line at:

[https://www.nrcs.usda.gov/wps/PA\\_NRCSConsumption/download?cid=stelprdb1045395&ext=pdf](https://www.nrcs.usda.gov/wps/PA_NRCSConsumption/download?cid=stelprdb1045395&ext=pdf)

The process for completing the form is described in the TEPM. Evidence of farmland coordination must be included in the LGT attachments if such coordination is required. If the impact rating on the completed form is greater than 160 in Part VI of the form, then you must contact your POC to discuss the situation because such impacts would require consideration of alternatives that convert less farmland or farmland of lower value.

### **Section 4(f):**

Section 4(f) of the USDOT Act of 1966, applies only to federally-funded or federally-permitted transportation projects. Section 4(f) applies to a project's impacts to all historic sites and to publicly-owned parks, recreation areas, and wildlife and waterfowl refuges. "Historic" sites are defined as those on or eligible for the National Register of Historic Places (NRHP). You first must determine whether such resources exist in your potential project impact area.

If they exist, you must then determine whether the project involves a "use" under Section 4(f). Three conditions exist under which a "use" occurs:

- When property not currently in transportation use is acquired outright for a transportation project from a Section 4(f) resource and converted to a transportation use;
- When there is occupancy of property that is adverse in terms of the preservationist purposes of Section 4(f) (primarily applies to historic NRHP-eligible or -listed resources); and
- When the proximity impacts of a transportation project on Section 4(f) property, even without the acquisition of the property, are so great that the features that qualify the resource for protection are substantially impaired.

If your project affects historic sites that are listed in or eligible for the NRHP or publicly-owned public parks, recreation areas, or wildlife and waterfowl refuges, consult with the TDOT NEPA POC to determine whether the proposed action is considered a "use" under Section 4(f).

### **Section 6(f):**

If parks or recreational resources are present within the potential project impact area, you must determine whether funds provided through Section 6(f) of the Land and Water Conservation Fund (LWCF) Act have been used to purchase, develop or buy equipment for the property. The pertinence of Section 6(f) to transportation projects is that, if a federally-funded project proposes to take land from a recreational resource that has been wholly or partially developed with a LWCF grant, the project must be coordinated with the Tennessee Department of Environment and Conservation (TDEC). The proper remedy will be determined based upon the type and duration of the impact. For permanent impacts the remedy could include purchase of replacement land of "reasonably equivalent usefulness and location".

The TDEC Recreational Educational Services Division, Grants Program Office manages Section 6(f) expenditures in Tennessee and maintains a list of projects. Consult the TDEC website for contact information for Section 6(f) (<https://tn.gov/environment/article/res-recreation-educational-services-grants> ). If you find that Section 6(f) funds have been used, contact your POC to discuss how to address this. If funds have been used, describe in the Additional Information section how the funds were utilized and how the project would affect the resource.

## Environmental Studies, Continued

### Cultural Resources

Does the Interstate Highway exemption or MOU between TDOT and the SHPO (2015) apply? (Yes/No) ▾

PIN

11/09/2017

### Native American Consultation

Does this project require Native American consultation? (Yes/No) ▾

### Environmental Justice

Are there any disproportionately high or adverse effects on low-income or minority populations? (Yes/No) ▾

### Hazardous Materials

Does the project involve any asbestos containing materials? (Yes/No) ▾

### Bicycle and Pedestrian

Does this project include accommodations for bicycles and pedestrians? (Yes/No) ▾

### Environmental Commitments

Does this project involve any environmental commitments? (Yes/No) ▾

### Additional Environmental Issues

List additional environmental concerns involved with this project.

#### **Cultural Resources (Architectural/Historical and Archaeological Resources):**

Section 106 of the National Historic Preservation Act of 1966 and the Advisory Council on Historic Preservation’s implementing regulations (36 CFR 800) require Federal agencies to take into account the effects of federal undertakings on properties eligible for or listed in the NRHP. These regulations apply to local governments as recipients of federal funding through TDOT’s Local Programs Development Office.

The NRHP is a federal program administered by the National Park Service that recognizes historic properties holding national, regional, or local importance. Above-ground resources include architectural and/or historical resources like houses, commercial or industrial buildings, districts, objects, and even roads and bridges. Typically, above ground resources that are eligible for the NRHP are at least 50 years old,

possess architectural and/or historic significance, and retain their integrity (i.e., largely unaltered since their historic period). Below-ground resources include archaeological sites that have yielded or may be likely to yield information important to the understanding of history or prehistory.

After NRHP listed or eligible properties are identified, the agency (the local government working on behalf of TDOT and FHWA) must take into account the effects a project will have on identified properties. The majority of projects do not affect historic properties. However, if there are adverse effects, Section 106 regulations require the agency (in the case of local programs—FHWA) to provide the State Historic Preservation Officer and the Advisory Council on Historic Preservation with the opportunity to review and comment on projects that adversely affect historic properties. When effects cannot be avoided, legally binding measures to minimize harm or mitigate those adverse effects must be implemented.

For Local Governments: Local governments are responsible for ensuring that the appropriate level of study/documentation is completed and submitted to TDOT for review. Please note that Section 106 is a process and does not dictate outcomes. Each project is different and must be analyzed in terms of how the relates to existing buildings, farms, landscape, and/or land use within your project area.

TDOT Cultural Resources developed a fillable template that explains the initial Section 106 process to local governments. This template provides a step-by-step process that must be followed in order to fulfill the requirements of Section 106. This template is provided to each local government by the TDOT NEPA POC assigned to the project at the beginning of the NEPA process. For many local projects, simply completing the fillable form will be adequate for the Section 106 review process. For others, like those in downtown areas, older neighborhoods, locally identified historic districts, or projects involving completely undisturbed or new location right-of-way, the fillable form will provide TDOT cultural resources staff with the necessary information to determine if the local government should hire a qualified archaeologist or architectural historian to help complete the Section 106 process.

For archaeology, clear photographs of the existing and proposed rights-of-way and easements, especially new location right-of-way and easements described as previously disturbed, are critical to determining the need to hire a professional archaeologist to conduct a field survey. Photographs must be annotated with lines or other mark-ups drawn on the images that illustrate the extent of proposed right-of-way and easements. Captions should likewise describe what the image shows and explain how it supports conclusions regarding any existing or proposed right-of-way or easements necessary for the project. Unmarked and uncaptioned photographs are generally insufficient to determine the need for an archaeological field survey. When submitting photographs supporting a claim of previous disturbance, the location of the disturbance must also be indicated on the photographs and the type of disturbance (i.e. sewer line, fiber optic cable, drainage ditch) must be identified in the caption.

If TDOT Cultural Resources staff determine that a professional historian or archaeologist is needed, it is the responsibility of the local government to hire these professionals to conduct the Section 106 surveys according to TDOT’s standard scope of work for Phase I archaeological assessments and documentation standards for architectural-historical studies, as well as the standards and guidelines of the Tennessee State Historic Preservation Office.

**Native American Consultation:**

TDOT Archaeology will review each project pursuant to Section 106 of the National Historic Preservation Act and, depending on the nature and scope of the project, determine the need for consultation with federally recognized Native American tribes. When required, TDOT will initiate the consultation process and provide you with all necessary supporting documentation once the tribes have had a reasonable



opportunity to review project information and provide comments, usually 30 days. You will need to provide a project location map and a brief project description in order for TDOT Archaeology to initiate consultation with the tribes. Evidence of tribal consultation (via emails and letters between TDOT and the tribes) or an email from TDOT stating that consultation is not needed must be included in the LGT attachments.

### **Environmental Justice:**

Pursuant to Executive Order 12898, Federal Actions to Address Environmental Justice (EJ) in Minority Populations and Low-Income Populations, federal agencies (and recipients of federal monies) must identify and address disproportionately high and adverse human health and environmental effects on minority and low-income populations in the United States.

Most projects processed using the LGT will have little to no potential to impact EJ populations. However, for all projects, the LGT preparer should either talk with representatives of local government who are knowledgeable of locations of low-income and minority populations or check US Census data to determine if EJ populations are present in your project impact area.

If EJ populations are present, but the project will not have an impact to such populations, include the following language: **“Minority and/or low-income populations are present in the project area, but the proposed project does not have the potential to have disproportionately high and adverse impact on such populations.”**

If a potential EJ issue is involved, contact the POC for instructions on how to proceed.

### **Hazardous Materials:**

Hazardous material sites are commonly encountered along transportation projects. Hazardous material sites may include, but are not limited to, registered and non-registered underground storage tank facilities, above ground storage tank facilities, manufacturers, dry cleaner facilities, automotive shops and repair centers, railroads, hazardous waste sites, and contaminated water bodies (both soil and water). The preferred option of dealing with hazardous material sites is avoidance, unless the risks of proceeding can be justified. Contaminated property can cause excessive project delays, impacts, costs and liability. A number of online databases and record search services can be utilized to perform a hazardous materials review and clearance.

Underground storage tank (UST) facilities are regulated by the Tennessee Department of Environment and Conservation (TDEC) Division of USTs. TDEC provides UST Data and Reports at the following website: <https://tn.gov/environment/topic/ust-data-and-reports>. In addition, the local TDEC field office maintains records that can be viewed for additional information. However, there are still many historically unregistered and non-regulated UST sites in Tennessee that may be encountered. TDEC record reviews may be conducted at the TDEC Regional Field Office or the Central Office located at the William R. Snodgrass Tennessee Tower, 312 Rosa L. Parks Avenue, Nashville, Tennessee 37243).

Hazardous waste sites are regulated primarily by the Federal Resource Conservation and Recovery Act of 1976 (RCRA) and the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA). TN has corresponding state agencies that enforce both RCRA and CERCLA requirements through a delegation from EPA. RCRA regulates the ongoing manufacture, storage, use, treatment, transportation and disposal of hazardous substances/wastes from manufacture to final disposal. CERCLA is designed to control, clean up and designate liability for abandoned, uncontrolled or inactive waste sites.

The EPA maintains a searchable website called “EnviroMapper” that can be used to search EnviroFacts for Air Pollution, Superfund Sites, Toxic Releases, Hazardous Waste, Water Dischargers, Brownfields, RADInfo, and Toxic Substances Control Act database entries. The EnviroMapper website address is <https://geopub.epa.gov/myem/efmap//index.html?ve=&pText=>. The EPA also maintains a website that displays Brownfields, RCRA, and Superfund cleanups called “Cleanups In My Community Map” and the address is: [https://ofmpub.epa.gov/apex/cimc/f?p=CIMC:73::NO::P71\\_IDSEARCH:SF\\_SITE\\_ID%7C0404159](https://ofmpub.epa.gov/apex/cimc/f?p=CIMC:73::NO::P71_IDSEARCH:SF_SITE_ID%7C0404159).

The TDEC Division of Air Pollution Control and local air pollution agencies enforce rules governing asbestos. Many structures involved in roadway projects, including bridges in excess of 20 feet, must be inspected by a certified asbestos inspector before demolition or disturbance. Disturbance may include grinding, cutting, milling, cleaning, sandblasting, and/or recoating of any bridge surface. If there are any structural modifications more extensive than partial depth deck repair, an asbestos survey may be required.

**In addition, prior to the demolition or rehabilitation of any structure (bridge or building), the contractor is required to submit the National Emission Standards for Hazardous Air Pollutants standard 10-day notice of demolition to the TDEC Division of Air Pollution Control (per TDOT Standard Specifications for Road and Bridge Construction (January 1, 2015) Sections 107.08 D and 202.03).**

The TDEC Division of Water Resources maintains a public data viewer that displays all the streams in Tennessee. The data viewer displays whether the stream has been assessed or not, and the results of the assessment are also available. The website address is: <http://tdeconline.tn.gov/dwr/>

Environmental database search services are available from several vendors. These services are most often used when completing Phase I Environmental Site Assessment studies. A Phase I ESA is often performed when a desktop project review reveals potential hazardous material properties may affect the project, or when a large corridor study is needed. Phase II ESA may be recommended based on the findings of the Phase I ESA, or desktop reviews.

The person completing the LGT will need to determine whether any property to be acquired has been impacted by hazardous materials. If guidance is needed to undertake this task, your TDOT NEPA POC can provide this upon request.

To comply with the requirements of this section the following steps shall be completed.

1. Based on the project information and the plans, the Local Government will inform the TDOT Hazardous Materials Section as to whether the proposed project will require acquisition of right of way or easements that has the potential to contain hazardous materials or if the property directly abuts property that might contain hazardous materials. The determination shall be based upon:
  - a. A desk top review of the online databases described above
  - b. A site walk with pictures, as necessary
  - c. A TDEC online or in-person file review shall be completed if known or suspected underground storage tank facilities will be encountered or acquired for the project.
2. The Local Government will also make a recommendation to the TDOT Hazardous Materials Section as to whether they believe additional studies are necessary to properly assess the potential impact of hazardous materials to the project.
3. The Hazardous Materials Section manager will then either concur and provide documentation to include in the LGT or disagree with the recommendation and provide revised recommendations as needed.

4. As previously stated, if no ROW acquisition is planned or no bridges are involved in the project, hazardous materials studies are likely not required. If ROW acquisition is planned, additional studies may be recommended. Additional studies may include a historical database record search from a commercial data vendor, Phase I ESA, Phase II ESA, UST removals, or asbestos surveys and abatements.

### **Bicycle and Pedestrian:**

If the project will involve bike and or pedestrian facilities or impact them, provide a discussion in this section. If not, simple state there is no impact to bike or pedestrian facilities.

## **Environmental Commitments**

### **Environmental Commitment Green Sheet:**

If environmental commitments will be made, they should be listed in this section. Select the "Yes" button and a green sheet will be generated at the beginning of the document. The commitments listed within this section should be added to the green sheet as well. This is where project-specific commitments are captured for use in subsequent stages of project development. As part of the NEPA document, Commitments are legally binding upon the project sponsor and should be viewed as such. Failure to adhere to the commitments could result in loss of funding or in the case of the Endangered Species Act, fines or arrest.

Environmental commitments are not items that might be considered Best Management Practices, (BMP's) or standards already covered in other plans, specifications or guidance. They are specific to the project and are to be used to communicate limitations to the designer and/or contractor and document promises made to the community or individuals. These items may include requirements for special procedures dealing with endangered species, areas that must not be disturbed due to a protected status or limitations on work times or procedures. At the bottom of the template, include documentation of where the commitment was originated.

If there are no project specific commitments, select the "No" button. A green sheet will not be generated from this selection.

## **Additional Environmental Issues**

### **Other:**

There may be items pertinent to individual projects that are not addressed in Sections 1-15 and will need to be discussed in this section. Supporting information will need to be attached to the LGT. The individual completing the LGT should determine whether other issues potentially exist and may need to discuss this with the POC.

If there are potential geotechnical concerns, for example, they can be addressed in this section. There may be other issues of concern that disqualify actions from being reviewed using the LGT, such as substantial public opposition or controversy.



## **Preparer's Certification**

The document preparer must read the text in this section and then, if in agreement, sign in the appropriate place.

The first signature block ("Prepared By") should be signed by the person responsible for the completion of the document. The second signature block ("Local Government Representative Signature") should be signed by the person responsible for ensuring the proper acquisition and use of federal funds for the project. This can be the Mayor or other designated representative.

If the project is completed by TDOT or Consultant staff, no signature is needed in the "Local Government Representative Signature" block.



## **How to Organize the Attachments to the LGT**

In addition to the information presented in the template, the user will need to prepare a stand-alone Technical Appendix and/or Attachment that includes all supporting information: coordination (technical study requests and responses, agency coordination, etc.), STIP/TIP pages, project location maps, plans, floodplain mapping, and any technical studies/reports associated with the project. These materials should be converted to a PDF and bookmarked in the order in which they are presented in the document. The Technical Appendices should be submitted along with this document. If an example is needed, please contact the TDOT NEPA POC for additional information.



## **Appendix A**

### **Definition of Categorical Exclusion**

## Definition of Categorical Exclusion

A NEPA Categorical Exclusion (CE) is a category of actions that meets the definition contained in 23 CFR 771.117 and, based on past experience with similar actions, does not involve significant environmental impacts. They are actions that do not:

- Induce significant impacts to planned growth or land use for the area;
  - Require the relocation of significant numbers of people;
  - Have a significant impact on any natural, cultural, recreational, historic, or other resource;
  - Involve significant air, noise, or water quality impacts;
  - Have significant impacts on travel patterns; or
  - Otherwise, either individually or cumulatively, have any significant environmental impacts.
- In the federal regulations, CEs are divided into two main categories, the C-List and the D-List. Projects eligible for processing as a C-List document generally have a low level of impacts. Those eligible for processing as a D-List CE generally have a higher level of impacts, but the impacts are not considered significant. However, for some projects with a higher level of impact than the C-List and that may fall within the D-List criteria, FHWA has entered into an agreement with TDOT, in which FHWA concurs in advance that some projects can be processed under a programmatic process, which removes FHWA from the review process and streamlines NEPA approvals. This documentation process is called a Programmatic Categorical Exclusion, or PCE.
  - As previously stated, the LGT should be completed for each action that meets the “basic” criteria for processing as a C-List CE or PCE as defined in the previous section and as confirmed by your POC.
  - Activities eligible for processing as a C-List or PCE using the LGT are described in the following sections.

### C-List Categorical Exclusions

FHWA’s regulations outlined in 23 CFR 771.117(c) list 30 actions that are non-construction or limited construction activities – these comprise the C-List. These actions generally meet the criteria for a CE determination in the CEQ regulation (Section 1508.4) and normally do not require NEPA approvals by FHWA, although documentation must still be completed and retained by TDOT. In most instances, these C-List actions will qualify for processing using the LGT. The C-List is limited to the following specific actions:

(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 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:
  - (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](http://www.fhwa.dot.gov) or [www.fta.dot.gov](http://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](http://www.fhwa.dot.gov) or [www.fta.dot.gov](http://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.

### **D-List Categorical Exclusions**

D-List CE's are produced if the project fits within one of the following criteria and are submitted to FHWA for their review and approval:

(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.

(e) Actions described in (c)(26), (c)(27), and (c)(28) of this section may not be processed as CEs under paragraph (c) if they involve:

(1) An acquisition of more than a minor amount of right-of-way or that would result in any residential or non-residential displacements;

(2) An action that needs a bridge permit from the U.S. Coast Guard, or an action that does not meet the terms and conditions of a U.S. Army Corps of Engineers nationwide or general permit under section 404 of the Clean Water Act and/or section 10 of the Rivers and Harbors Act of 1899;

(3) A finding of "adverse effect" to historic properties under the National Historic Preservation Act, the use of a resource protected under 23 U.S.C. 138 or 49 U.S.C. 303 (section 4(f)) except for actions resulting in de minimis impacts, or a finding of "may affect, likely to adversely affect" threatened or endangered species or critical habitat under the Endangered Species Act;

(4) Construction of temporary access, or the closure of existing road, bridge, or ramps, that would result in major traffic disruptions;

(5) Changes in access control;

(6) A floodplain encroachment other than functionally dependent uses (e.g., bridges, wetlands) or actions that facilitate open space use (e.g., recreational trails, bicycle and pedestrian paths); or construction activities



in, across or adjacent to a river component designated or proposed for inclusion in the National System of Wild and Scenic Rivers.

## **Programmatic Categorical Exclusions**

On January 20, 2016, FHWA and TDOT entered into a Programmatic Agreement regarding the processing of NEPA actions classified as Categorical Exclusions in which FHWA agreed to the type of document and under what conditions that their agency would not review or approve the document, instead, TDOT would be responsible for these tasks and for making such documentation available for yearly FHWA audits of TDOT's NEPA program. In that agreement, TDOT and FHWA agreed in advance with the classification of certain projects as identified in 23 CFR 771.117(d) as CE's that would not require FHWA approval if the project satisfies certain conditions. The Programmatic Agreement is attached for your reference in Appendix B.

The following is guidance on determining documentation level:

- Determine if the project type is listed under one of the 30 actions available under the C-List or 10 actions listed under the D-List.
- Next determine if the project involves any of the 18 exceptions listed in the current Programmatic Agreement between TDOT and FHWA.
- If the project exceeds any of the 18 exceptions listed in the Programmatic Agreement, the document is a **D-List Categorical Exclusion**.
- If the project is listed as a C-List Activity (except C-List 28) and *does not* involve any of the 18 exceptions, the document is a **C-List Categorical Exclusion**.
- If the project is listed as a C-List Activity 28 and *does not* involve any of the 18 exceptions, the document is a **Programmatic Categorical Exclusion**.
- If the project is listed as a D-List Activity and *does not* involve any of the 18 exceptions, the document is a **Programmatic Categorical Exclusion**.
- If the project cannot be reasonably categorized under one of the C or D-List listings, but the project *does not* involve any of the 18 exceptions, the document is a **Programmatic Categorical Exclusion**.
- If the project cannot be reasonably categorized under one of the C or D-List listings, but the project *does* involve any of the 18 exceptions, the document is a **D-List Categorical Exclusion**.



## **APPENDIX B**

### **TDOT/FHWA Programmatic Agreement Regarding the Processing of Actions Classified as Categorical Exclusions for Federal-Aid-Highway Projects**

**WHEN CONVERTING TO PDF ADD The PCE Agreement**



## **Appendix C**

### **Individual Program Guidance**



## **1. Safe Routes to School Program**

Selected guidance that is specific to the Safe Routes to School Program LGT is provided below.

### **PROJECT DESCRIPTION**

Program Description: Insert the program description below into the LGT Project Description section:

Safe Routes to School (SRTS) is a federally funded program focusing on the benefits of children walking and biking to school. This program aims to improve safety for children and the community and provide opportunities to increase physical activity. SRTS funds activities and infrastructure in addition to efforts that encourage healthy options for children. Bringing together a diverse group of people to identify issues and find ways to improve walking and biking conditions is the core of a successful SRTS program.

Project Description: Along with the program description noted above, in this section, use the information provided in the community's application to describe the project, including a description of the infrastructure improvements and non- infrastructure activities, project timeline, project phases and a summary of public involvement meetings, if applicable. Also describe the existing conditions in the project area.



## **2. Transportation Enhancement Program**

Guidance specific to the Transportation Enhancement Program LGT is provided below.

### **Program and Project Description**

**Program Description:** Insert the program description below into the Project Description section:

The Transportation Enhancement (TE) program is designed to strengthen the cultural, aesthetic and environmental aspects of the nation's intermodal transportation system. The program benefits the traveling public and helps communities to increase transportation choices and access, enhance the built and natural environment, and provide a sense of place. To be eligible for funding, a TE project must fit into one or more of the 12 eligible categories: pedestrian and bicycle facilities; pedestrian and bicycle safety and educational activities; acquisition of scenic or historic easements and sites; scenic or historic highway programs including tourist and welcome centers; landscaping and scenic beautification; historic preservation; rehabilitation and operation of historic transportation buildings, structures or facilities; conversion of abandoned railway corridors to trails; inventory, control, and removal of outdoor advertising; archaeological planning and research; environmental mitigation of runoff pollution and provision of wildlife connectivity; and establishment of transportation museums.

TE projects may be enhancements added to larger Federal-aid highway project or may be independent projects unrelated to highway projects.

**Project Description:** Along with the program description noted above, in the LGT Project Description section, use the information provided in the community's application to describe the project, including a general description of the proposed enhancement activity and its goals, inclusion of how the project fits into one of the 12 eligible categories and an explanation of how the enhancements relate to surface transportation. If applicable, include a description of the project phases and highlight the phase applicable to the current project.



### **3. Transportation Alternatives Program (TAP)**

#### **Program and Project Description**

**Program Description:** Insert this program description into the LGT Program and Project Description section:

The TAP is designed to strengthen the cultural, aesthetic and environmental aspects of the nation's intermodal transportation system.

The program provides for a variety of alternative transportation projects, including many that were considered previously eligible activities under separately funded programs, wrapping them into a single funding source.

The program benefits the traveling public and helps communities to increase transportation choices and access, enhance the built and natural environment, and provide a sense of place. To be eligible for funding, a project must fit into one or more of the nine eligible categories:

- a. Construction, planning and design of on-road and off-road trail facilities for non-motorized forms of transportation;
- b. Construction, planning and design of infrastructure-related projects and systems that provide safe routes for non-drivers;
- c. Conversion and use of abandoned railroad corridors for trail facilities for non-motorized forms of transportation;
- d. Construction of turnouts, overlooks and viewing areas;
- e. Inventory, control or removal of outdoor advertising;
- f. Historic preservation and rehabilitation of historic transportation facilities;
- g. Vegetation management practices in transportation rights-of-way;
- h. Archaeological activities relating to impacts from implementation of transportation alternatives projects; and
- i. Any environmental mitigation activity, including pollution prevention and pollution abatement activities.

**Project Description:** Along with the program description noted above, in this section, use the information provided in the community's application, including a general description of the proposed enhancement activity and its goals. Also describe how the awarded project fits into one of the eligible funding categories. If applicable, include a description of the project phases and highlight the phase to which this CE covers.



## **Appendix D**

### **Tennessee Counties NAAQS Designations**



**Tennessee Counties NAAQS Designations <sup>(1)(2)</sup>**

Area	Transportation-Related Criteria Pollutants			Non Transportation-Related Criteria Pollutants <sup>(3)</sup>	
	Ozone (8 Hour)	PM <sub>2.5</sub>	Carbon Monoxide	Sulfur Dioxide	Lead
<b>Chattanooga AL-TN-GA</b>					
Hamilton Co		N			
<b>Knoxville TN</b>					
Anderson Co	M	N			
Blount Co	M	N			
Cocke Co	M (P-GSMP)				
Jefferson Co	M				
Knox Co	M	N			
Loudon Co	M	N			
Sevier Co	M				
Roane Co		N (P)			
<b>Memphis TN-AR</b>					
Shelby Co	M		M		M (P)
<b>Nashville TN</b>					
Williamson Co					M (P)
<b>Clarksville-Hopkinsville TN-KY</b>					
Montgomery Co	M				
<b>Benton Co</b>				M (P)	
<b>Fayette Co</b>					M (P)
<b>Humphreys Co</b>				M (P)	
<b>Polk Co</b>				M	

(1) Source: US Environmental Protection Agency website:

<http://www.epa.gov/airquality/greenbk/>. As of January 1, 2011.

(2) N = Nonattainment; M = Maintenance; (P) = Part of the county; (P – GSMNP) = the only part of Cocke County in nonattainment for ozone is the Great Smokey Mountains National Park.

(3) Transportation conformity does not apply to nonattainment and maintenance areas for sulfur dioxide (SO<sub>2</sub>) and lead (Pb).



## **Appendix E**

### **Noise Analysis Screening Questionnaire**



### Noise Analysis Screening Questionnaire

To determine if a project meets the conditions necessary to require a noise analysis, please answer the questions below. This form must be included in the NEPA document as supporting documentation regarding the need for further noise analysis.

Y	N	Conditions for Type 1 (mark all that apply):
		(1) Does the project include the construction of a highway on a new location?
		(2) Does the project include the physical alteration of an existing highway where there is <u>either</u> :
		(2a) Substantial Horizontal Alteration- A project that halves the distance between the traffic noise source and the closest receptor between the existing conditions to the future build condition. <i>When assessing whether a project will halve the distance between the noise source and a receptor, the measured distance should be the smallest distance between the receptor and the center of the nearest travel lane per the noise section of the TEPM.</i>
		(2b) Substantial Vertical Alteration- A project that removes shielding, therefore exposing the line-of-sight between the receptor and the traffic noise source. This is done by either altering the vertical alignment of the highway or by altering the topography between the highway traffic noise source and the receptor.
		(3) Does the project include the addition of through-traffic lane(s)? -This includes the addition of a through-traffic lane that functions as a High-Occupancy Vehicle (HOV) lane, High-Occupancy Toll (HOT) lane, bus lane, or truck climbing lane.
		(4) Does the project include the addition of an auxiliary lane? - Except when the auxiliary lane is a turn lane. <i>The addition of an auxiliary lane 2,500 feet or longer would result in the project being classified as Type I per FHWA Frequency Asked Question (FAQ) C2.</i>
		(5) Does the project include the addition or relocation of interchange lanes or ramps added to a quadrant to complete an existing partial interchange?
		(6) Does the project include restriping existing pavement for the purpose of adding a through-traffic lane or an auxiliary lane?
		(7) Does the project include the addition of a new or substantial alteration of a weigh station, rest stop, ride-share lot, or toll plaza?

If one or more of the listed conditions are met, the project is classified as a Type I Project and requires a noise study that must be conducted in accordance with TDOT's noise policy and the noise section of the Tennessee Environmental Procedures Manual.

If none of the conditions are met by the project, the project is classified as a Type III Project and does not require a noise study.

I, \_\_\_\_\_, certify that I have answered the questions to the best of my abilities and have utilized the most recent plans and specifications available. I also certify that if conditions change during the design phase of the project, this form will be updated and resubmitted to the TDOT Environmental Division POC for additional instructions.

\_\_\_\_\_  
Name Title Date