

Chapter 19

CATEGORICAL EXCLUSIONS

BUREAU OF LOCAL ROADS AND STREETS MANUAL

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Chapter 19
CATEGORICAL EXCLUSIONS - Federal Funds

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Chapter 19

CATEGORICAL EXCLUSIONS - Federal Funds

19-1 GENERAL

Chapter 19 discusses local public agency (LPA) projects that may be classified as Categorical Exclusions (CE). Figure 19-1A is a pictorial representation of the decision making process to determine if a project meets the definition of a CE. The Code of Federal Regulations (CFR) in 23 CFR 771 defines “action” as any highway or transit project proposed for Federal Highway Administration (FHWA) funding, joint and multiple use permits, changes in access control, etc., which may or may not involve a commitment of federal funds.

A Programmatic Agreement (PA), herein referred to as “Programmatic Agreement”, has been developed in conformance with 23 CFR 771.117 to address the development and approval of CEs in a streamlined and efficient manner.

19-1.01 Definition

References: 40 CFR 1508.4 Categorical Exclusion Definition
23 CFR 771.115 Classes of Actions
23 CFR 771.117 Categorical Exclusions
Section 1 of FHWA Technical Advisory T6640.8a Categorical Exclusion

The FHWA environmental regulations (23 CFR 771) define “categorical exclusions” (CEs) as “Class II” actions which meet the definition as contained in 40 CFR 1508.4, and based on past experience with similar actions, do not involve significant environmental impacts. They are actions which:

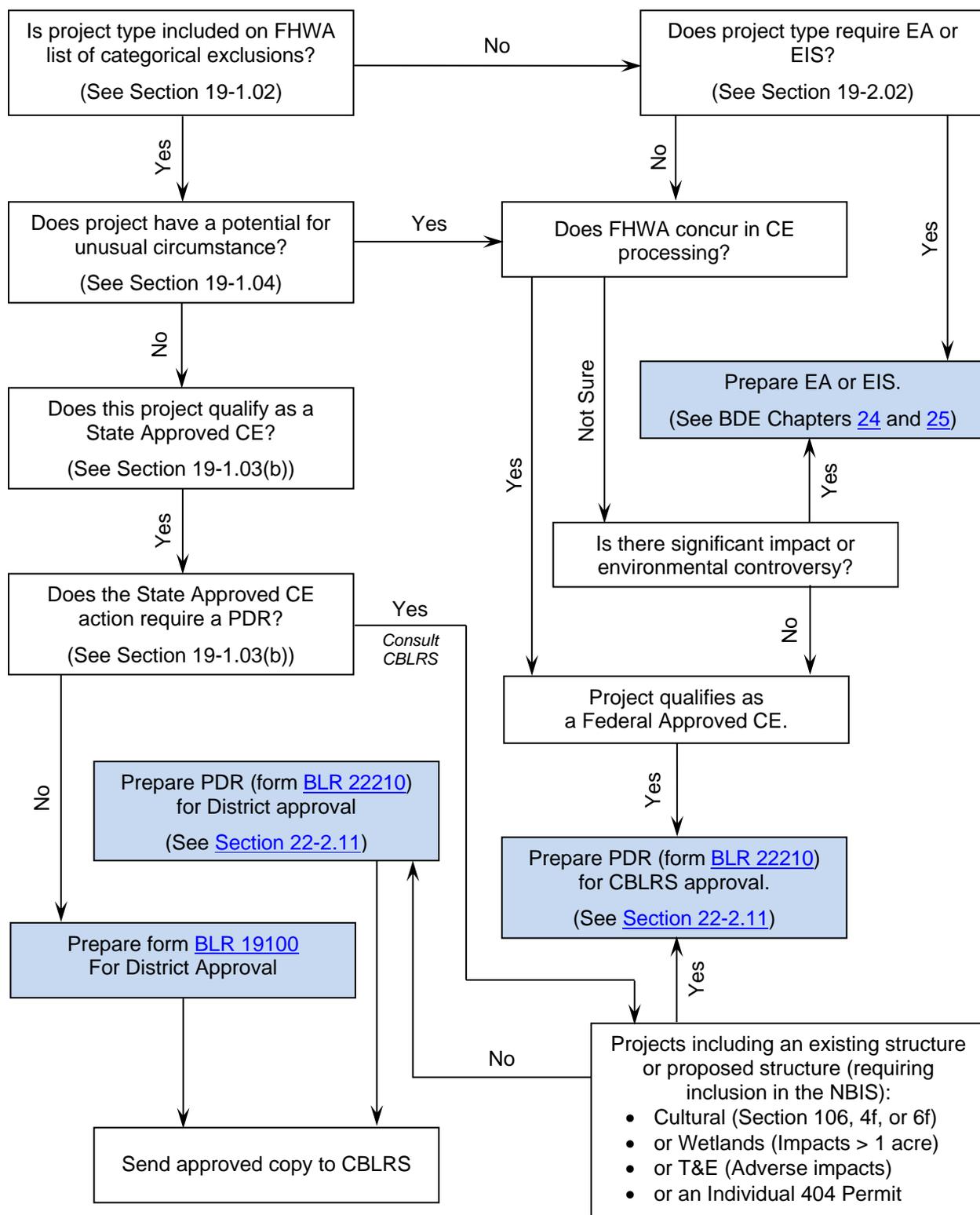
- do not induce significant impacts to planned growth or land use for the area;
- do not require the relocation of significant numbers of people;
- do not have a significant impact on any natural, cultural, recreational, historic, or other resource;
- do not involve significant air, noise, or water quality impacts;
- do not have significant impacts on travel patterns;
- do not otherwise, either individually or cumulatively, have any significant environmental impacts

Therefore, CEs are excluded from the requirement to prepare an Environmental Assessment (EA) (see [Chapter 24](#) of the *BDE Manual*) or Environmental Impact Statement (EIS) (see [Chapter 25](#) of the *BDE Manual*). The FHWA has listed examples of Class II actions in 23 CFR 771.117. Most transportation projects developed by LPAs do not have significant environmental impacts and, therefore, qualify as CEs.

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PROCESSING CE PROJECTS

Figure 19-1A

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19-1.02 Applicable Federal Actions

References: 23 CFR 771.117(a) Characteristics of CE Projects
23 CFR 771.107(b) Definitions
Paragraph I.A of FHWA Technical Advisory T6640.8A, Documentation of Applicability

These procedures apply to any federal action, as defined in 771.107(b):

“A highway or transit project proposed for FHWA or FTA funding. It also includes activities such as joint and multiple permits, changes in access control, etc., which may or may not involve a commitment of federal funds.”

For example, a project may require an interstate access justification approval by FHWA, and the entire project would therefore be subject to all Federal requirements.

Federal actions approved as Categorical Exclusions do not require further compliance with the *National Environmental Policy Act* (NEPA) process. However, these actions may require compliance with other Federal environmental controls (e.g., Section 4(f), *Endangered Species Act*, Executive Order 11990 - Wetlands, Executive Order 11988 - Flood Plains, *Comprehensive Environmental Response, Compensation, and Liability Act* (CERCLA)). See [Chapter 20](#) for further information on special environmental studies.

19-1.03 CE Procedures

19-1.03(a) CE “Groups”

Projects that normally qualify as a Categorical Exclusion are divided into the following two groups:

1. State Approved CE. State Approved CE projects do not have any potential for unusual circumstances, as described in the Programmatic Agreement (PA) between FHWA and Illinois Department of Transportation (IDOT) and do not require individual approval by FHWA as CEs. Certain State Approved CE projects do not require a Project Development Report (PDR); see Section 19-1.03(b) for determination of whether or not a PDR is required.
2. Federal Approved CE. Federal Approved CE projects have the potential for unusual circumstances as described in the PA between FHWA and IDOT and require individual approval by FHWA as CEs. A PDR is required for these projects see Section 19-1.03(c).

19-1.03(b) State Approved CE Projects

References: 23 CFR 771.117(c) Examples of projects which normally will be a State Approved CE

Paragraph I.A of FHWA Technical Advisory T6640.8A, Documentation of applicability for CE projects

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These projects must meet the definition of a CE in 23 CFR 771.117(a), and will be considered State Approved CE's if they do not involve any of the factors listed in Section 19-1.04 as indicators of potential for unusual circumstances. Documentation of determination that the project is a State Approved CE is required and should be included in the project files, including the date the determination was made and who is responsible for the decision. The following statement must be included:

"It has been determined that this project will not have any significant impacts on the human environment, or involve any unusual circumstances; therefore, it is a State Approved Categorical Exclusion.

IDOT has addressed all environmental requirements for this project and determined that it has met the following requirements of the CE Programmatic Agreement (approved October 14, 2015): (1) the scope is consistent with the project scope listed in Appendix A or B, and (2) none of the circumstances in Section V exist. Therefore, on behalf of FHWA, IDOT hereby approves this project as a CE."

This statement will be signed by the appropriate full time IDOT employee as indicated in the PA. To facilitate the documentation requirements and to comply with the PA, the State Approved CE determination shall be made using the form BLR 19110.

It is not required that State Approved CE projects be discussed at regularly scheduled FHWA/IDOT coordination meetings. However, State Approved CE projects may be discussed at a coordination meeting if any agency (LPA, IDOT, or FHWA) deems it necessary. Appropriate/adequate documentation should be retained by the LPA and respective district that documents the State Approved CE determination. FHWA or CBLRS may request to review State Approved CE documentation at any time. While a project may qualify as a State Approved CE action, other applicable federal and state requirements still must be satisfied (e.g. compliance with the National Historic Preservation Act, the Clean Air Act, etc.).

Actions that normally do not involve unusual circumstances and would qualify as State Approved CE actions include those listed in 23 CFR 771.117(c) and also include the actions listed below. Some actions will require preparation of a PDR (form [BLR 22210](#)) and others will not (form [BLR 19100](#)).

1. The following State Approved CE actions do not require a PDR; if constructed within the existing ROW. The LPA shall prepare form [BLR 19100](#) with the required attachments and submit to the district for approval.
 - traffic signal modifications and installation of new signals;
 - Local Agency Functional Overlay (LAFO) projects;
 - pavement resurfacing or milling and resurfacing (from face-of-curb to face-of-curb only for urban and the travel lanes only for rural);
 - signing;
 - pavement markings not affecting the number of through traffic lanes, lane width, lane usage or existing pavement marking configuration;
 - anti-skid treatments;
 - construction of sidewalks and/or ADA accessibility ramps;

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- curb and/or gutter repairs;
- historic preservation projects (except historic bridges) that do not have any potential for unusual circumstance as determined by the FHWA;
- lighting and electrical work including:
 - continuous and tower lighting,
 - tunnel lighting,
 - temporary lighting,
 - bridge lighting,
 - pedestrian lighting,
 - pumping station,
 - highway advisory radio,
 - control systems for changeable lanes,
 - traffic monitoring systems, and
 - changeable message signs
- bicycle racks/lockers;
- landscaping;
- sediment and erosion control work which may also include slope repair and reconstruction;
- storm sewer installations to eliminate open ditches (which do not reduce necessary urban runoff storage/retention);
- impact attenuator and glare screen installations and upgrading of safety features;
- highway/railroad grade crossing improvements with no roadway approach work:
 - repair/rehabilitation of crossing proper, and
 - upgrading of crossing protection;
- the following restoration-type projects:
 - retaining wall restoration,
 - fencing,
 - guardrail replacement and upgrading,
 - substantial pavement and shoulder patching/sealing, and
 - restoration of drainage structures;
- junkyard screening;
- the following bridge rehabilitation activities:
 - bridge rail replacement and upgrading,
 - bridge deck overlay and waterproofing,
 - expansion joint replacement and upgrading,
 - bearing replacement and upgrading,
 - substantial repairs to deck including partial or full-depth patches,
 - painting of all structural steel for a particular bridge,
 - stringer replacement for a portion of the superstructure, and
 - repairs to damaged rails, corroded or damaged structural steel members, and deteriorated areas of concrete elements including sidewalks, curbs, water tables, girders, and portions of the substructure above ground or water;
- approval of utility installations along or across a transportation facility;
- activities included in the highway safety plan developed pursuant to 23 USC 402;

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- transfer of Federal lands pursuant to 23 USC 317 when the subsequent action is not an FHWA action;
- alterations to existing publicly owned buildings to provide for noise reduction and/or installation of noise abatement barriers; and
- emergency repairs under 23 USC 125 that do not substantially change the design of the facility, and which are initiated during or immediately after the occurrence of a declared national disaster;

The district will distribute the approved [BLR 19100](#) to the LPA and CBLRS for the project files.

2. The following types of projects typically require the preparation of a PDR (form [BLR 22210](#)). However, in consultation with the CBLRS, it may be determined form [BLR 19100](#) can be used:

- Projects listed in Item 1 above with minimal ROW and/or easements;
- Rural widening and resurfacing projects that require additional right-of-way and do not change the number of lanes;
- Bicycle, pedestrian, or shared use paths that do not have any potential for unusual circumstances;
- At-grade highway/railroad grade crossing improvements that includes roadway approach work;
- Projects that change the layout or function of the roadway such as, weaving lanes, turning lanes, or climbing lanes within the existing right-of-way, installation or removal of parking lanes;
- Any project that includes a bridge or structure requiring a structure number;
- Construction of additional lanes, including auxiliary turn lanes or through lanes;
- Projects that require additional ROW or easements;
- Projects that impact public property outside the existing ROW;
- Projects that require a jurisdiction transfer;
- Projects on a new horizontal alignment;
- Other projects that are determined to be State Approved CE by the FHWA at a coordination meeting.

The draft PDR (form [BLR 22210](#)) for these projects will be reviewed by the District prior to submittal to the CBLRS for review. After District and CBLRS comments have been addressed, the final PDR (form [BLR 22210](#)) may be submitted for approval. A decision will be made in consultation with the District and CBLRS for approval of the PDR. These types of projects may be a State Approved CE provided they do not have any potential for the unusual circumstances that are noted in Section 19-1.04.

19-1.03(c) Federal Approved CE Projects

The remainder of the CE-type projects is considered Federal Approved CE projects that require FHWA approval of CE determination and the preparation of a PDR (form [BLR 22210](#)) for approval by the CBLRS.

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Early in project development the district may request concurrence of FHWA and CBLRS to process the project as a CE; however, for Federal Approved CE projects FHWA *must approve* the CE *determination after appropriate environmental analyses are completed*. Email approval from the FHWA ordinarily will be sufficient. Federal Approved CE may also be obtained at regularly scheduled district coordination meetings; see [Section 18-5](#). Minutes of the coordination meeting or an email to the file, as appropriate, shall document the discussions and approval by stating:

“This project will not have any significant impacts on the human environment; therefore, the FHWA approves the designation of this project as a Categorical Exclusion on [DATE].”

Sufficient information must be available to permit the FHWA/CBLRS to make an informed decision on the significance of any environmental effects involved. For projects that require the processing of an Environmental Survey Request (see [Section 20-2.02](#)), email CE approval may be requested only after the LPA has obtained the results of the Integrated Environmental Survey Process (for biological resources (e.g., threatened and endangered species, wetlands) and cultural resources (e.g., archaeological, historic)) and it has been determined there are no unusual circumstances. For projects that involve a site included on the CERCLIS, email approval may be requested only after the LPA has determined how the involvement with the CERCLIS site will affect the project. Occasionally, the FHWA may request an environmental study of a particular issue area (e.g., wetlands study) prior to giving email CE approval.

The FHWA will be provided with a copy of these coordination meeting minutes.

Documentation of the CE approval (email, coordination meeting minutes, or memorandum to file) must be included in the PDR (form [BLR 22210](#)).

19-1.04 Evaluation for Unusual Circumstances

References: 23 CFR 771.117(b)
Paragraph I.B of the FHWA Technical Advisory T6640.8A

Each project proposed as a Categorical Exclusion, whether State Approved CE or Federal Approved CE, must be evaluated for environmental factors that may involve unusual circumstances. This may require special studies or reports to be prepared to determine if the CE classification is appropriate. In evaluating proposed CE projects for unusual circumstances, all aspects of the project must be considered, including any detours and runarounds that the project will involve. A step in the evaluation for unusual circumstances, in certain projects, may be an on-site review, or field review, of the project area. The field review must be sufficient to identify whether there are obvious resource involvement(s) that could result in a significant impact or that will raise potential impact concerns sufficient to warrant the preparation of an EA or EIS. For projects processed through the environmental survey processes, the survey results will identify wetlands, biological resources, and cultural resources that may require special consideration and coordination. These and other environmental issues (e.g., farmland impacts, Section 404 permit requirements, noise) must be identified and appropriately considered in the evaluation of unusual circumstances.

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Unusual circumstances include: (1) significant environmental impacts; (2) substantial controversy on environmental grounds; (3) significant impact on properties protected by Section 4(f) of the DOT Act or Section 106 of the National Historic Preservation Act; or (4) inconsistencies with any Federal, State, or local law, requirement or administrative determination relating to the environmental aspects of the action (23 CFR 771.117(b)). If environmental studies result in the identification of a project's involvement of one of the above mentioned unusual circumstances, it may not be appropriate to classify the project as a CE.

FHWA and IDOT have agreed that activities that indicate the project could involve unusual circumstances include, but are not limited to, those that will:

1. Require one or more residential or business relocations and/or the acquisition of more than 10 acres total for a non-linear improvement (spot improvement, e.g. bridge, intersection) or the acquisition of more than 3 acres per mile;
2. Are defined as a "Type I project" per 23 CFR 772.5 and therefore requires a noise analysis;
3. Result in an "adverse effect" finding to a historic property, as defined in 36 CFR 800.16(1);
4. Require the use of properties as defined and protected by Section 4(f) of the Department of Transportation Act (49 U.S.C. 303) that cannot be documented with either an FHWA de minimis determination or a programmatic Section 4(f) evaluation;
5. Involve impacts that would require an Individual Section 404 Permit from the U.S. Army Corps of Engineers or involve stream channelization or stream relocations;
6. Through Section 7 of the Endangered Species Act consultation, result in a finding of "may affect, likely to adversely affect" a federally listed or candidate species, or proposed or designated critical habitat;
7. Through consultation with the Illinois Department of Natural Resources (IDNR) under the Illinois Endangered Species Act, an Incidental Take Authorization will be required;
8. Require substantial changes in access, access control, or travel patterns. IDOT will present such information to FHWA to determine if changes are substantial;
9. Require the use of a temporary road, detour or ramp closure, unless the use of such facilities satisfies the following conditions:
 - a. Provisions are made for access by local traffic and so posted,
 - b. Businesses dependent on through-traffic will not be adversely affected,
 - c. To the extent possible, there is no interference with any local special event or festival,
 - d. There is no substantial change to the environmental consequences of the action, and
 - e. There is no substantial controversy associated with such facilities.
10. Involve State designated Nature Preserves, areas listed on the Illinois Natural Area Inventory, Land and Water Reserves; -
11. Exceed the IDNR threshold for an increase in 100-year flood water surface elevations, or has potential for a "significant encroachment" to floodplains, as defined in Executive Order 11988;

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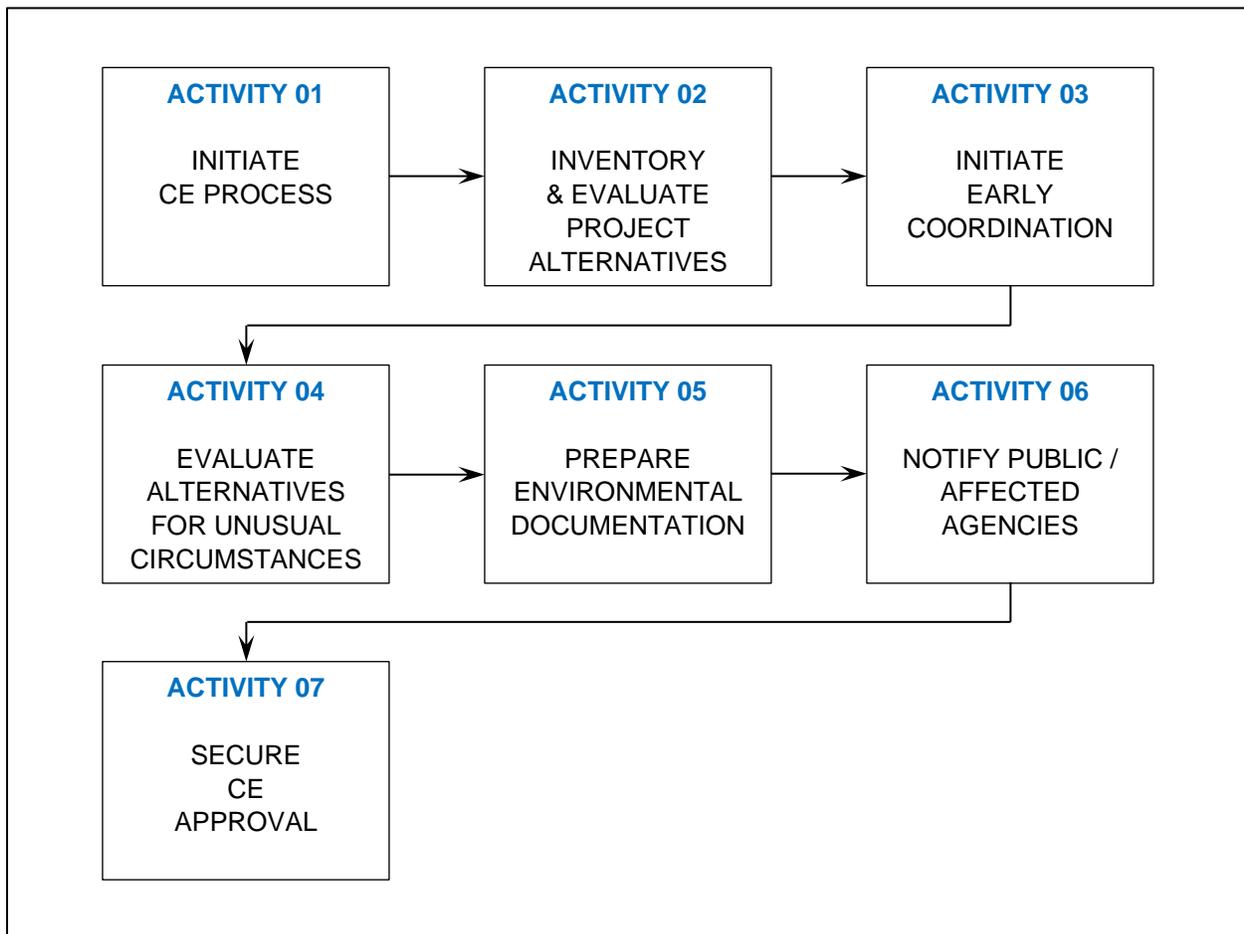
12. Require a permit from U.S. Coast Guard under Section 9 of the Rivers and Harbors Act of 1899;
13. Require an individual Water Quality Certification from the Illinois Environmental Protection Agency;
14. Require the acquisition of lands under the protection of Section 6(f) of the Land and Water Conservation Act of 1965 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;
15. Involve impacts to a stream listed on the National Park Service's National Rivers Inventory;
16. Have potential for controversy on environmental grounds as determined by FHWA, or inconsistency with Federal, State, or local requirements relating to the environment or planning.

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19-2 THE CATEGORICAL EXCLUSION (CE) PROCESS

Figure 19-2A presents a flowchart that graphically illustrates the general process for a Categorical Exclusion action. This is followed by a brief description of each activity. The user of Figure 19-2A should consider the following:

1. Lines of Communication. The rigid application of the flowchart would lead to predetermined, precise points at which communication occurs between responsible parties. This is neither realistic nor desirable. Communication between parties must be continuous.
2. Lead Agency. Figure 19-2A assumes that the FHWA is the lead agency for FHWA-funded projects. If another Federal agency is the lead agency, other procedures may be required.
3. Application. Figure 19-2A applies to all CE projects involving LPA projects.



PROCESS FOR CATEGORICAL EXCLUSION (CE)
(FHWA Lead Agency)

Figure 19-2A

Categorical Exclusion Process

Activity Title: Initiate CE Process
Activity No.: 01
Responsible Unit: Local Public Agency / District

Activity Description:

For actions that will ultimately be processed with a CE, this is often known at the time of project initiation. This process (Figure 19-2A) assumes that it is known at the time of project initiation that a CE will be required.

The LPA and the district will initiate the CE by discussing the project at a district coordination meeting. The LPA and the district will also assemble project information that may include:

- planning reports or studies,
- record plans (as-builts),
- letters/correspondence on the project,
- traffic data,
- documentation on any public or private meetings,
- original surveys,
- aerial photos,
- statistical data documenting need for improvement,
- scoping data providing recommended improvement,
- appropriate information from engineering databases,
- existing right-of-way, and
- results of the preliminary field check of project location.

References:

- 40 CFR 1501.2 *Early Application of NEPA*
- 23 CFR 771.115(b) *Definition of Class II (CE) Action*
- [Section 22-3.06](#) of the *BDE Manual, Proposed Action*
- Section 19-1 *General*

Categorical Exclusion Process

Activity Title: Inventory and Evaluate Project Alternatives

Activity No.: 02

Responsible Unit: Local Public Agency / District / CBLRS / BDE / FHWA

Activity Description:

Based on the general project design concept, the LPA with technical assistance from the district, CBLRS, BDE, and FHWA will inventory the affected environment and evaluate the project alternatives as practical at this stage of project development. The evaluation of preliminary alternatives should be sensitive to those environmental resources for which analysis of alternatives for avoidance and minimization of adverse impacts is required (e.g., wetlands, flood plains, Section 4(f) properties/historic sites, threatened and endangered species). In addition, local agencies should recognize that avoidance of environmental resources requiring special compliance procedures for impacts should be the preferred course of action. Avoidance of such resources will help to shorten project development time by avoiding the reporting and coordination necessary for compliance. The compilation of these inventories should be pursued only as necessary to provide high-quality information on the environmental impacts of the proposed action and to promote decision-making. Discussion of the proposed project with resource agencies at a district coordination meeting may be helpful in determining the optimum level of effort for the inventorying activity.

The LPA should identify the full range of the environmental inventory by evaluating environmental databases, discussing the project at a district coordination meeting, and submitting an environmental survey request, as appropriate, to the CBLRS. Resources involved may include:

- Section 4(f) and/or 6(f) properties;
- archaeological and historical properties;
- flood plains;
- sensitive noise receptors;
- prime farmland;
- wetlands;
- threatened or endangered species habitat, nature preserves, and natural areas;
- wild and scenic rivers;
- status of air quality attainment;
- water quality of streams and lakes;
- special waste;
- social/economic characteristics of the population;
- visual quality factors;
- well-head protection areas;
- groundwater recharge areas; and
- other biological resources (biodiversity, riparian habitat, etc.).

After the inventory has been prepared, the LPA should perform a preliminary evaluation of the magnitude and importance of the potential environmental impacts precipitated by the proposed action. This will assist in initiating the early coordination process ([Activity 03](#)).

References:

- 40 CFR 1500.1(b) *Environmental Information for Decision-Making*
- 23 CFR 771.111 *Early Coordination and Public Involvement*
- Background Section of FHWA Technical Advisory T6640.8A *Consideration of Unusual Circumstances*
- [Section 20-2](#) *Environmental Studies*

Categorical Exclusion Process

Activity Title: Initiate Early Coordination

Activity No.: 03

Responsible Unit: Local Public Agency / BDE

Activity Description:

Coordination with governmental agencies and the public, as appropriate, is one of the most important aspects of the CE process. This coordination should begin as early as practical in project planning. (see [Activity 06](#))

As necessary, the LPA throughout the District, CBLRS, and BDE will initiate early coordination with organizations and persons and appropriate local, State, and Federal agencies that have an interest in the project or have information or expertise concerning environmental issues that the project may involve. The purpose of this coordination will be to assist in the evaluation of alternatives and the social, economic, and environmental impacts of the proposed project and possible impact mitigation measures. One specific objective of this early coordination is to gather information from other entities that may assist in the effort to compile an inventory of the affected environment ([Activity 02](#)). This may be necessary to identify historic/archaeological sites (State Historic Preservation Officer (SHPO)), natural resources (IDNR), land-use activities (local governments), etc.

If applicable, the LPA should begin developing the public involvement plan for the project at this stage; see [Chapter 21](#).

References:

- 40 CFR 1500.1(b) *Environmental Information for Decision Making*
- 40 CFR 1500.2(d) *Public Involvement*
- 40 CFR 1500.5(b) *Interagency Cooperation*
- 40 CFR 1501.1(b) *Interagency Cooperation*
- 40 CFR 1501.6 *Cooperating Agencies*
- 23 CFR 771.111 *Early Coordination and Public Involvement*
- 23 CFR 771.119(b) *Early Coordination/Scoping*
- Question 9. of CEQ Q&A *Approvals from Other Agencies*
- [Section 18-5](#) *Coordination*
- [Chapter 21](#) *Requirements for Public Involvement Programs*

Categorical Exclusion Process

Activity Title: Evaluate Alternatives for Unusual Circumstances

Activity No.: 04

Responsible Unit: Local Public Agency / District / CBLRS

Activity Description:

As a part of the CE process, the LPA, district, and CBLRS must evaluate the project alternatives for any potential unusual circumstances. This will be according to 23 CFR 771.117(b). If significant impacts are likely, an EIS or EA is required for a Federal action. If there is a question on whether or not unusual circumstances are involved, the LPA may need to perform additional studies and/or prepare an EA.

The LPA will initiate those studies necessary to determine the environmental impact of the proposed project alternatives. The depth of the studies will be as appropriate for the project consistent with its designation as a CE. The nature of the studies will include:

- coordination with affected local, State, and Federal agencies and the public; and
- an evaluation of the environmental impacts including:
 - + social/economic;
 - + agricultural;
 - + historical/archaeological;
 - + air quality;
 - + noise;
 - + energy;
 - + natural resources, threatened, and endangered species;
 - + water quality/resources;
 - + flood plains;
 - + wetlands (see [Chapter 10](#));
 - + special waste;
 - + Section 4(f)/6(f); and
 - + other issues as applicable (e.g., Wild and Scenic Rivers, well-head protection, regulated ground-water recharge areas).

References:

- 40 CFR 1502.24 *Methodology and Scientific Accuracy*
- 23 CFR 771.117(b) *Unusual Circumstances*
- 23 CFR 771.135 *Section 4(f) Evaluations*
- Paragraph I.B. of FHWA Technical Advisory T6640.8A *Consideration of Unusual Circumstances*
- Section 19-1.03 *Evaluation for Unusual Circumstances*
- [Chapter 20](#) *Special Environmental Studies*

Categorical Exclusion Process

Activity Title: Prepare Environmental Documentation

Activity No.: 05

Responsible Unit: Local Public Agency

Activity Description:

Once the LPA has completed its environmental evaluation of the project alternatives for unusual circumstances ([Activity 04](#)), the LPA will document its findings. The documentation will vary depending upon the CE processing type and whether or not a PDR (form [BLR 22210](#)) is required. CE processing types include the following:

1. State Approved. See Section 19-1.04(b).
2. Federal Approved. See Section 19-1.04(c).

Categorical Exclusion Process

Activity Title: Notify Public/Affected Agencies

Activity No.: 06

Responsible Unit: Local Public Agency / BDE

Activity Description:

In [Activity 03](#), the LPA will have made a preliminary identification of those agencies that may have an interest in the project. For proposed CE projects, the LPA and BDE will coordinate with the public and appropriate agencies to verify the decision, if applicable, that the project includes no unusual circumstances ([Activity 04](#)). Typically, the following agencies will be contacted when resource issues of concern to these agencies are involved:

BDE will be responsible for coordinating with:

- FHWA or other joint lead agency;
- US Environmental Protection Agency;
- US Fish and Wildlife Service;
- Illinois Department of Natural Resources;
- State Historic Preservation Officer (Illinois Historic Preservation Agency (IHPA));
- Advisory Council on Historic Preservation;
- governmental land management agencies whose properties are affected; and/or
- other governmental agencies which have special expertise, jurisdiction by law regarding a project issue, or otherwise have an interest in the project.

LPA will be responsible for coordinating with:

- Illinois Environmental Protection Agency;
- US Army Corps of Engineers;
- Sub-State Clearinghouse(s), Metropolitan Planning Organization(s), or other appropriate local planning agency;
- Natural Resources Conservation Service;
- Illinois Department of Agriculture.
- IDOT Bureau of Aeronautics / Federal Aviation Administration (FAA) ([Section 22-1.01\(a\)](#)).
- Railroad / Illinois Commerce Commission ([Section 22-1.01\(b\) and \(c\)](#)).
- US Coast Guard ([Section 7-4.04](#)).

References:

- 23 CFR 771.111 *Early Coordination/Public Involvement*
- [Section 7-4](#) *Federal Permits*
- [Section 18-5](#) *Coordination*
- [Chapter 21](#) *Requirements for Public Involvement Programs*
- [Section 22-1](#) *Coordination*

Categorical Exclusion Process

Activity Title: Secure CE Approval

Activity No.: 07

Responsible Unit: District

Activity Description:

State Approved CE projects may be approved by the Regional Engineer or CBLRS provided that it is determined (form BLR 19110 and form [BLR 22210](#) as required) that the project does not involve any "potential for unusual circumstances." For Federal Approved CE projects (form [BLR 22210](#)), the CE approval must be made by the FHWA. See Section 19-1.04(c).

The project must also meet the procedural requirements of any specific environmental impacts identified in the environmental studies ([Activity 04](#)). These may include, for example, a separate Section 4(f) Statement, a Section 404 permit, National Pollutant Discharge Elimination System (NPDES) permit, etc.

References:

- 23 CFR 771.113(a) *Timing of Administration Activities*
- 23 CFR 771.129(c) *Re-evaluations*
- [Section 22-3.15](#) of the *BDE Manual, Ensuring Validity of Environmental and Design Documents*
- Section 19-1.04(b) *State Approved Actions*
- Section 19-1.04(c) *Federal Approved Actions*

19-3 ENVIRONMENTAL DOCUMENTATION FOR CATEGORICAL EXCLUSIONS

19-3.01 General

PDRs (form [BLR 22210](#)) are not required for certain State Approved CE projects (see Section 19-1), but are required for all Federal Approved CE projects. For those projects that have PDRs, they must include evidence of consideration of environmental factors as discussed elsewhere in this Chapter. Circulation of a PDR to outside agencies for comment normally is not required.

19-3.02 Content

[Section 22-2.11](#) discusses the engineering information included in the PDR (form [BLR 22210](#)) and the overall format and content of the PDR. The following provides guidance for the environmental documentation appropriate for inclusion in a PDR for Categorical Exclusion projects:

1. **CE Determination.** Where the FHWA/CBLRS request formal written submittal of an action for concurrence in its classification as a Categorical Exclusion, the PDR will include information for the specific environmental issues requested by the FHWA/CBLRS. The information must be sufficient to permit an evaluation of whether the environmental effects will involve unusual circumstances (see Section 19-1.03) requiring preparation of an EIS or EA for Federally funded/regulated actions.

In any other cases where actions are formally submitted for CE approval, a discussion will be provided in the PDR concerning those factors involved with the action indicating potential for unusual circumstances (see Section 19-1.04). The information must be adequate to permit an assessment of whether the effects of the action warrant preparation of an EIS or EA for Federally-funded/regulated actions.

2. **Environmental Surveys and Mitigation Commitments.** The PDR should summarize the results of any necessary environmental screening, surveys, and related coordination for biological resources, wetlands, cultural resources, and special wastes. If surveys are not required, the basis for this determination should be documented. The PDR should include a statement indicating that the CERCLIS list was reviewed and should indicate whether any sites on the list are located within the project limits. In addition, either a copy of the Special Waste Screening Form or the response to the Preliminary Environmental Site Assessment (PESA) should be included. Any mitigation commitments resulting from the environmental survey and coordination process should be briefly discussed. Environmental mitigation measures (e.g., wetlands, tree replacement, tree clearing restrictions, prairie replacement) to be implemented for the project should be described.
3. **Special Reports.** Where a special report(s) is prepared, the PDR should contain a summary of the circumstances, findings, and processing status of each report along with a copy of any approval. These include reports for Section 4(f), wetlands, Section 106, noise analysis, special waste site investigations, etc. Copies of the special reports will be maintained in the project files.

4. Coordination. [Section 18-5](#) and Section 19-2, of the CE Process; discuss the coordination required for a CE action. This should be summarized in the PDR (form [BLR 22210](#)). Specifically, where coordination with the Natural Resources Conservation Service and/or the Illinois Department of Agriculture is required, the PDR should include a brief summary of the results of the coordination (e.g., a copy of Form AD-1006, when required, and/or a synopsis of comments received and the related responses).
5. Permits. The PDR should indicate the permits (e.g., Section 404, Section 402, NPDES, Section 10, IDNR Office of Water Resources) required for the project.

19-3.03 Processing

The PA requires that only appropriate full time IDOT employees will be responsible for making a State Approved CE determination. In addition, the IDOT personnel must meet the following training and experience requirements:

1. Have completed the web based course FHWA-NHI-142052, "Introduction to NEPA and Transportation Decision-making" or equivalent; and
2. Have experience addressing NEPA compliance for transportation projects; or
3. Have their work reviewed by staff who has met items 1 and 2.

The PA places an accountability requirement on IDOT in the form of a process review and QC/QA activities by IDOT. To facilitate these processes, form BLR 19110 will be used to document the State Approved CE determination for projects requiring a PDR (form [BLR 22210](#)).

For all CE projects requiring PDRs (State Approved CE projects specified in Section 19-103(b) and all Federal Approved CE projects), the local agencies must include appropriate environmental information to document the basis for determining that the project qualifies as a CE. The district will review the PDR for State Approved CE projects and the CBLRS will review the PDR for all State Approved CE projects that include a bridge and Federal Approved CE projects for the following environmental information:

- for Federal Approved CE projects, the Regional Engineer shall ensure that all BLRS and FHWA recommendations and concerns are addressed prior to recommending Categorical Exclusion and Design Approval;
- information on the need for and results of environmental surveys;
- information indicating the environmental issues involved and why the project would not result in significant impacts on those issues;
- documentation of compliance with special waste procedures and other applicable requirements for specific environmental issues involved; and
- information on the need for and status of any environmental permits.

When Federal Approved CE PDRs are submitted for design approval, the CBLRS will advise the district of any problems or deficiencies with the environmental information or design criteria and will provide recommendations, as appropriate, for correcting the problems or deficiencies.

19-4 ACRONYMS

This is a summary of the acronyms used within this chapter.

ADA	<i>Americans with Disabilities Act</i>
BDE	Bureau of Design and Environment
CBLRS	Central Bureau of Local Roads and Streets
CE	Categorical Exclusion
CERCLA	<i>Comprehensive Environmental Response, Compensation, and Liability Act</i>
CERCLIS	<i>Comprehensive Environmental Response, Compensation, and Liability Information System</i>
CFR	Code of Federal Regulations
EA	Environmental Assessment
EIS	Environmental Impact Statement
FAA	Federal Aviation Administration
FHWA	Federal Highway Administration
IDNR	Illinois Department of Natural Resources
IDOT	Illinois Department of Transportation
IHPA	Illinois Historic Preservation Agency
LAFO	Local Agency Functional Overlay
LAPP	Local Agency Pavement Preservation
LPA	Local Public Agency
NEPA	<i>National Environmental Policy Act</i>
NHI	National Highway Institute
NPDES	National Pollutant Discharge Elimination System
PA	Programmatic Agreement
PDR	Project Development Report (form BLR 22210)
PESA	Preliminary Environmental Site Assessment
QC/QA	Quality Control / Quality Assurance
SHPO	State Historic Preservation Officer

19-5 REFERENCES

1. 40 CFR 1500-1508, *CEQ Regulations for Implementing NEPA*.
2. 23 CFR 771, *FHWA Environmental Impact and Related Procedures*.
3. FHWA Technical Advisory T6640.8A, *Guidance for Preparing and Processing Environmental and Section 4(f) Documents*, FHWA, October 1987.
4. Programmatic Agreement – Categorical Exclusions, FHWA and IDOT, October 2015.
5. [Chapter 22](#) “Environmental Documentation”, *BDE Manual*, IDOT.
6. [Chapter 26](#) “Special Environmental Analyses”, *BDE Manual*, IDOT.
7. [Chapter 7](#) “Permits”, *BLRS Manual*, IDOT.
8. [Chapter 18](#) “General Environmental Procedures”, *BLRS Manual*, IDOT.
9. [Chapter 20](#) “Special Environmental Studies”, *BLRS Manual*, IDOT.
10. [Chapter 21](#) “Requirements for Public Involvement Programs”, *BLRS Manual*, IDOT.
11. [Chapter 22](#) “Project Development”, *BLRS Manual*, IDOT.