

VTrans Categorical Exclusion Summary Table

Categorically Excluded, No FHWA Approval Required per 23 CFR 771.117	Categorically Excluded, No FHWA Approval Required per Programmatic Agreement. Use forms provided by VTrans for demonstrating compliance.	Non-Programmatic Categorical Exclusion, requires Documentation and Approval from FHWA per Programmatic Agreement:
<p>(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.</p> <p>(2) Approval of utility installations along or across a transportation facility.</p> <p>(3) Construction of bicycle and pedestrian lanes, paths, and facilities.</p> <p>(4) Activities included in the State's <i>highway safety plan</i> under 23 U.S.C. 402.</p> <p>(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.</p> <p>(6) The installation of noise barriers or alterations to existing publicly owned buildings to provide for noise reduction.</p> <p>(7) Landscaping.</p> <p>(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.</p> <p>(9) Emergency repairs under 23 U.S.C. 125.</p> <p>(10) Acquisition of scenic easements.</p> <p>(11) Determination of payback under 23 U.S.C. 156 for property previously acquired with Federal-aid participation.</p> <p>(12) Improvements to existing rest areas and truck weigh stations.</p> <p>(13) Ridesharing activities.</p> <p>(14) Bus and rail car rehabilitation.</p> <p>(15) Alterations to facilities or vehicles in order to make them accessible for elderly and handicapped persons.</p> <p>(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.</p> <p>(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.</p> <p>(18) Track and railbed maintenance and improvements when carried out within the existing right-of-way.</p> <p>(19) Purchase and installation of operating or maintenance equipment to be located within the transit facility and with no significant impacts off the site.</p> <p>(20) Promulgation of rules, regulations, and directives.</p> <p>(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.</p>	<p>1) Modernization of a highway by resurfacing, restoration, rehabilitation, reconstruction, adding shoulders, or adding auxiliary lanes (e.g., parking, weaving, turning, climbing).</p> <p>(2) Highway safety or traffic operations improvement projects including the installation of ramp metering control devices and lighting.</p> <p>(3) Bridge rehabilitation, reconstruction or replacement or the construction of grade separation to replace existing at-grade railroad crossings.</p> <p>(4) Transportation corridor fringe parking facilities.</p> <p>(5) Construction of new truck weigh stations or rest areas.</p> <p>(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.</p> <p>(7) Approvals for changes in access control.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p style="padding-left: 40px;">(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.</p> <p style="padding-left: 40px;">(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.</p> <p>(13) Acquisition of pre-existing railroad right-of-way pursuant to 49 U.S.C. 5324(c). No project development on the acquired railroad right-of-way may proceed until the NEPA process for such project development, including the consideration of alternatives, has been completed.</p>	<p>Projects that meet the criteria in Column 1 or 2 BUT that:</p> <p>A. Require a temporary detour outside existing right-of-way, or a temporary wetland or stream crossing which will require non-routine mitigation, or a ramp or stream crossing which will require non-routine mitigation, or a ramp closure, closure, <i>unless</i> the following conditions are met:</p> <p style="padding-left: 40px;">(1) provisions are made for access by local traffic and the facility is posted accordingly, (2) businesses dependent upon through traffic will not be unduly affected, (3) the temporary detour or ramp closure will not interfere with local special events, (4) the temporary detour, ramp closure, wetland or stream crossing will not substantially increase the environmental consequences of the action.</p> <p>B. Involve construction in wetlands and/or streams (below Ordinary High Water) totaling more than 5,000 square feet, requiring the Army Corp of Engineers to coordinate with resource agencies per General Permit 58.</p> <p>C. Require a Risk Analysis for an increase in 100-year floodwater surface elevations, per EO 11998.</p> <p>D. Involve construction within, or alter drainage patterns so as to adversely affect, a Sole Source Aquifer.</p> <p>E. Require coordination with the US Fish and Wildlife Service for the preparation of a Biological Assessment for Threatened and Endangered Species, per 16 CFR Section 7.</p> <p>F. Require acquisition of additional right-of-way (including permanent or temporary construction easements) involving: more than three acres of land per mile of roadway, or 10 acres total for a non-linear improvement (such as a bridge or an intersection), or any relocation of residences or businesses.</p> <p>G. Require FHWA approval for changes in access control.</p> <p>H. Involve acquisition of, or impacts upon Prime or Unique Farmland, unless a USDA Farmland Conversion Impact Rating Part VI Site Assessment has been completed and indicates Total Site Assessment Points less than 160.</p> <p>I. Adversely Effect a historic or archaeological resource on, or eligible for inclusion on, the National Register of Historic Places.</p> <p>J. Require use (permanent or temporary) of a Section 4(f) resource, unless that use meets the criteria for a Programmatic 4(f) ; or require use of a Section 6(f) resource (property acquired or improved using Land and Water Conservation Funds) .</p> <p>K. Involve hazardous or residual waste liabilities subject to CERCLA and/or RCRA requirements.</p> <p>L. Require a bridge permit from the US Coast Guard, per 23CFR 650 Subpart H.</p> <p>M. Qualify as a Type I project and require analysis of noise abatement measures, per 23 CFR 772 and the FHWA approved VAOT Noise Policy.</p>