

VIRGINIA DEPARTMENT OF TRANSPORTATION

ENVIRONMENTAL DIVISION

INSTRUCTIONAL AND INFORMATIONAL MEMORANDUM

DIRECTED TO: District Environmental Managers Assistant District Environmental Managers District Environmental Planners	AUTHORITY: 2022 Programmatic Agreement for Categorical Exclusions
GENERAL SUBJECT: National Environmental Policy Act	NUMBER: IIM-ED-709.2
SPECIFIC SUBJECT: One-Time Programmatic Categorical Exclusions	DATE: 09/21/2023
	SUPERSEDES: EM-NEPA-709.1
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Changes are shaded.

CURRENT REVISIONS

This memorandum has been revised to add the 13th, 14th, 15th, 16th, and 17th One-Time Programmatic Categorical Exclusions (OTPCE) entitled Bridge Maintenance Activities, Emergency Response- Debris Removal and Stockpiling, Bike Sharing Activities, Highway Safety and Traffic Operations Improvements, and Paving and American Disabilities Act (ADA) Accommodations.

BACKGROUND

Guidance provided by the Federal Highway Administration (FHWA) in February 2015 and revised in October 2015 identified State Departments of Transportation as decision-makers for some Categorical Exclusion (CE) projects listed in 23 CFR §771.117(c). Additionally, the 2022 Programmatic Agreement for CEs allows VDOT to categorically approve some projects on behalf of FHWA.

The project categories listed in this document were reviewed by the Department, on behalf of FHWA, and a determination was made that they are categorically excluded from the National Environmental Policy (NEPA). When these activities rely on federal funds, they require a NEPA action and associated reevaluations. The OTPCE NEPA action and associated reevaluations provides programmatic approval, expediting project reviews.

PURPOSE

This document describes those projects qualifying as a CE and considered programatically reviewed under NEPA. For each category an OTPCE and reevaluation forms (EQ-103 and EQ-200) were prepared to expedite clearances and eliminate the need for project specific NEPA documentation and certification.

For project activities matching the OTPCE category descriptions, the Department determined on behalf of FHWA that no further NEPA approval or documentation is required. These project categories describe stand-alone transportation activities that, based on VDOT's and FHWA's prior experience, will result in no significant impacts on the human or natural environment.

SCOPE & APPLICABILITY

This Instructional & Informational Memorandum (IIM) is applicable to projects where the Department completes the NEPA work. OTPCEs shall only be used when the Department is responsible for NEPA. OTPCEs do not apply to locally administered projects unless the Department is responsible for completing NEPA.

The following activities have been reviewed and require no (or limited) environmental reviews:

One-Time Programmatic Categorical Exclusion (OTPCE)-Category Summary			
OTPCE No.	CEDAR Project No.	Name	Description
N/A	99999-800-22637204	Preventative pavement maintenance ¹	<p>This action includes activities confined to preventative pavement maintenance on a non-plant mix schedule. These activities are performed on the mainline (existing pavement) and may include limited shoulder work (applying shoulder stones or maintaining existing paved shoulders), placement of pavement markings/markers, patching, paving of roadway connectors and ramps, and placement of traffic data collection devices within existing paved surfaces.</p> <p>Pavement preservation consists of thin treatments placed over existing pavement and does not typically include shoulder work referenced above. Work may include crack sealing and minor patching prior to the placement of the treatment. Per the VDOT latest Safety Analysis Guidelines for Preservations and 3R Maintenance Projects this includes: Applying or replacing surface treatments chip seal, slurry seal, latex/micro-surfacing, crack sealing, and concrete joint re-sealing.</p> <p>This action does not include maintenance activities that could result in the widening of the existing paved surface or drainage related work.</p>
1.	99999-900-23030748	Pavement markings and traffic signal head replacements	Programmatic approval of the installation or maintenance of signs; rumble strips; pavement markings/raised pavement markers/sensors and/or replacement fencing within the existing right of way (ROW); line painting or striping; and/or replacement of traffic signals.
2.	00000-800-23132530	Americans with Disabilities Act (ADA) ramp installation	Installation or replacement of ramps on existing sidewalks to make them accessible for elderly and handicapped persons.

3.	99999-800-23134012	Guardrail Replacement	Guardrail replacement or upgrades where existing guardrail is in place.
4.	00000-800-22999726	Planning & Research, Grants, Engineering, etc.	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. This includes feasibility studies such as data collection, study of alternatives, cost benefits, contracts, etc.
5.	99999-800-23127310	Ridesharing activities	Ridesharing activities that do not lead to construction.
6.	00000-800-23127351	Bus and rail car rehabilitation	Bus and rail car rehabilitation.
7.	00000-800-23127411	Program Administration and Technical Assistance	Program administration, technical assistance activities, and operating assistance to transit authorities to continue existing service or increase service to meet routine changes in demand.
8.	00000-800-23135265	Vehicle purchase	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 a CE.
9.	99999-800-23531704	Track and railbed maintenance and improvements	Track and railbed maintenance and improvements when carried out within the existing ROW
10.	00000-800-23137408	Rule Making	Promulgation of rules, regulations, and directives

11.	99999-900-23912486	Plant Mix Activities	Application of asphalt overlay/inlay to an existing plant mix or non-plant mix road. The application of plant mix or shoulder stone does not expose any erodible material. Some plant mix contracts may include guardrail work and terminal site prep. They can also include: asphalt surface mix (different types), shoulder stone, flexible and rigid pavement planing (variable depth), demolition of flexible and rigid pavement, extra excavation (for undercuts, cold in place and central plant asphalt recycling, full depth reclamation, concrete patching (different types e.g. TY I, II, III-P, IV-A), cleaning and re-sealing longitudinal and transverse joints, hydraulic cement (a plant mix contract is not necessarily asphalt), surface preparation and restoration (TY II and III), spot leveling, tack coat, line markings, snow plow raised markers (removal and installation), rumble strips, metal and PVC conduit (for traffic signal loops), and saw cut.
12.	00000-800-24637071	Geotechnical Investigations	Programmatic approval of preliminary engineering activities intended to survey the Limit of Disturbance (LOD) for a project. Specifically, Geotech drilling with minimal impacts that involves existing disturbed, developed or paved ROW. Does not include drilling/boring on structure, work that produces percussive noise, clearing of trees/vegetation, and work in waters or wetlands.
13.	99999-800-25685931	Bridge Maintenance	Programmatic approval of bridge maintenance activities involving any of the following elements: Deck, Joint, Superstructure, Bearing, Parapet and Railing, Coatings, Substructure. This OTPCE may be used, provided that the project does not involve: 1) any structures over water, 2) any activities within state or federal jurisdictional waters, 3) a Virginia Marine Resource Commission (VMRC), Department of Environmental Quality (DEQ), or United States Army Corp of Engineer (USACE) authorization, 4) activities that inhibit navigation of waterways, and 5) bridges listed or eligible for listing in the National Register of Historic Places (NRHP) or contributing to a NRHP-listed historic district. This OTPCE may only be utilized after VDOT staff conducts environmental review to determine applicability.

14.	99999-800-25794820	Emergency Response- Debris Removal and Stockpiling	<p>Programmatic approval of all activities (including costs of supplies such as equipment and fuel) associated with debris removal and stockpiling, provided that the work is responding to 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). These projects do not involve clearing of trees/vegetation (with the exception of cutting/removal of hazardous trees or vegetation) or work beneath bridges, do not require water quality permits, and do not take place in waterways or wetlands. Non-vegetative debris stockpiling may require an Emergency Debris Wastepile Permit issued by Virginia DEQ. This approval shall only be used for projects that are fully or partially funded by FHWA. This approval does not include projects in which temporary or permanent property acquisition may occur and applies to projects taking place in previously disturbed areas.</p>
15.	00000-800-26140042	Bike Sharing Activities	<p>Purchase and installation of bikeshare facilities within the existing VDOT or local operational ROW. The project work shall not result in any tree trimming or removal. This OTPCE may only be utilized after VDOT staff conducts environmental review to determine applicability or impacts to Waters of the U.S. This OTPCE may only be used provided the project does not involve work within or adjacent to historic districts, work within or adjacent to a listed historic property, or work within or adjacent to potential National Register (POTNR) boundaries for battlefields.</p>
16.	00000-800-24769536	Highway safety or traffic operations improvement projects	<p>The installation of skid resistant surface at an intersection or other location with a high frequency of crashes; installation of a priority control system for emergency vehicles at signalized intersections; installation of a traffic control or other warning device at a location with high crash potential; transportation safety planning; improvement in the collection and analysis of data; planning integrated interoperable emergency communications equipment, operation activities or traffic enforcement activities (including law enforcement assistance) relating to work zone safety; replacement of existing cameras with in kind or similar cameras; installation of traffic adaptive systems on</p>

			<p>existing traffic signals; installation of guardrails, barriers (including barriers between construction work zones and traffic lanes for the safety of road users and workers), and crash attenuators; conducting road safety audits; the conduct of an effective traffic enforcement activity at a railway. The project must be located entirely within VDOT or local operational ROW. The project work shall not result in any tree trimmings or removal. In addition, the project must not occur within or adjacent to any historic district, a NRHP-listed or eligible historic property, or the POTNR boundaries for battlefields.</p>
17.	00000-800-26351774	Paving and ADA Accommodations	<p>Programmatic approval for paving activities on plant mix or non-plant mix schedules that include installation or replacement of ramps on existing sidewalks to make them accessible for elderly and handicapped persons (e.g., State of Good Repair projects). These activities are performed on the mainline (existing pavement) and may include limited shoulder work (applying shoulder stones, eliminating shoulder drop offs, or maintaining existing paved shoulders), placement of pavement markings/markers, patching, paving of roadway connectors and ramps, and placement of traffic data collection devices within existing paved surfaces. Some plant mix contracts may include guardrail work and terminal site preparation. They can also include: asphalt surface mix (different types), shoulder stone, flexible and rigid pavement planing (variable depth), demolition of flexible and rigid pavement, extra excavation (for undercuts, cold in place and central plant asphalt recycling, full depth reclamation, concrete patching (different types e.g. TY I, II, III-P, IV-A), cleaning and re-sealing longitudinal and transverse joints, hydraulic cement (a plant mix contract is not necessarily asphalt), surface preparation and restoration (TY II and III), spot leveling, tack coat, line markings, snow plow raised markers (removal and installation), rumble strips, metal and PVC conduit (for traffic signal loops), and saw cut. This OTPCE may only be used provided the project does not involve work within or adjacent to historic districts, work within or adjacent to a listed historic property, or work within or adjacent to POTNR boundaries for battlefields.</p>

¹ The Preventive Maintenance Pavement OTPCE uses the expedited project review box in the Comprehensive Environmental Data and Reporting System (CEDAR) and not the OTPCE category under document type. For Non-plant mix paving projects follow the procedure outlined in the Expedited Environmental Review for Non-Plant Mix Job Aid.

External parties should reach out to their VDOT point of contact for copies of the completed OTPCEs and reevaluation forms. For VDOT employees, the completed OTPCE and applicable reevaluation forms for each activity group are located in the Other Information section at the end of this IIM.

As additional OTPCEs are completed, this IIM shall be amended and appropriate documentation will be uploaded.

PROCEDURES/REPORTING

For project activities that meet the OTPCE descriptions, where NEPA is required, "OTPCE" is selected as the document type in the Project Definition form (EQ-429) within VDOT's CEDAR system. Under the description of NEPA category, the applicable OTPCE is selected based on the numbered list above. Once the Project Definition form is activated, with the appropriate OTPCE selected, the project status in CEDAR will change to Closed and all project task dates will be automatically zeroed out. No further NEPA approval or documentation for the project is required. For VDOT employees, copies of the OTPCEs and reevaluation forms are located at the link provided below. These documents should not be uploaded to the individual projects in CEDAR.

OTHER INFORMATION (Internal-only)

[Expedited Environmental Review for Non-Plant Mix Job Aid.](#)

[One-Time PCEs and Re-Evaluation Documents](#)