

*Texas Department of Transportation  
Environmental Affairs Division*

## **Standards of Uniformity for Projects Without Federal Highway Administration Involvement**

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A Guide to Projects without FHWA Involvement

# **Categorical Exclusion Documentation Format For Added Capacity Projects**

**For projects with:**

**Added capacity,  
Significant amounts of new right of way,  
Substantial changes in layout or function of connecting roadways,  
Substantial changes in layout or function of facility being improved,  
Measurable adverse impact on abutting real property  
Other substantial social, economic, or environmental effects**

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**CE Documentation Format: Added Capacity, etc.**

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This SOU lays out TxDOT's recommended format and content of documentation for Local Government Non-Federal Highway Administration (FHWA) Projects that plan to add capacity (travel lanes) on existing highways, or that will involve significant amounts of new right of way, substantial changes in layout or function of connecting roadways, substantial changes in layout or function of facility being improved, measurable adverse impact on abutting real property, other substantial social, economic, or environmental effects. These projects include those which do not receive FHWA federal aid or will not otherwise be developed as eligible for federal aid and do not require FHWA approval.

This format is based on Chapter 3, pages 8-12 of [TxDOT's Environmental Manual](#). Categorically excluded projects, by definition, can not cause any significant environmental impacts to any natural, cultural, recreational, historic, or other resource (43 TAC 2.10(b)(1)(B)). TxDOT's rules governing environmental review of projects also state that no "unusual circumstances" may occur that would preclude the project from being categorically excluded. "Unusual circumstances" include: substantial environmental controversy; significant impacts on resources protected by local, state, federal statutes, regulations, and requirements; and inconsistency with other federal, state, or local statutes, regulations, and requirements (43 TAC 2.10(b)(2)(B-D)).

The Non-FHWA Categorical Exclusion (NFCE) document is composed of:

1. Cover Sheet
2. Proposed Action
3. Surrounding Area
4. Specific Areas of Environmental Concern
5. Permits / Commitments
6. Public Involvement
7. Exhibits / Figures / Coordination
8. NFCE Determination (Conclusion)

**1. Cover Sheet**

- A. Title (Non-Federal Categorical Exclusion)
- B. Roadway / Limits
- C. County
- D. Control Section Job Number (CSJ)
- E. Texas Department of Transportation
- F. Preparation Date: Month / Year

**2. Proposed Action**

- A. Describe the existing facility. At a minimum, include the number of lanes (and dimensions), shoulders (with dimensions), medians (type and dimensions), drainage (open-ditch or underground storm sewer), right of way (ROW) width, and any other information necessary to compare the difference between the existing and proposed facilities. If the project is a roadway, provide the existing

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and proposed average daily traffic. Other details describing the facility, such as existing and proposed posted speed limits, may also be provided.

*Example: Loop 1604 in the City of Converse, Bexar County, is currently a two-lane roadway with two 12-foot lanes and 6-foot inside and outside shoulders that splits into a divided four-lane highway approximately 0.65 miles south of FM 78. The existing right of way width varies with a minimum of 290 feet. The posted speed limit is 50 miles per hour (mph) around Lower Seguin Road and 60 mph in the remainder of the project limits. Existing traffic volume is 30,000 vehicles per day (vpd) and is anticipated to be 63,500 in 2012.*

- B. Describe what is planned. Discuss how the existing facility will change – how many additional travel lanes are proposed, if/how the ROW will be affected, any proposed changes to the existing pavement section(s), any changes to drainage facilities, how the typical section will change, etc. -- to provide a clear overall picture of the project. Include the design speed and any other relevant information.

*Example: The proposed action would include the addition of two travel lanes for north-bound traffic, creating a four-lane highway divided by a grass median. The proposed action would also include widening the existing pavement section to accommodate desirable shoulder widths, re-striping the existing lanes for exclusive south-bound traffic, and making other operational improvements. Existing culverts would be lengthened as needed to accommodate the additional pavement section. Upon completion, each pavement section would typically consist of 12-foot-wide lanes with 6-foot-wide inside shoulders and 10-foot-wide outside shoulders. The proposed project would be constructed entirely within the existing ROW; no new ROW would be required. The design speed would be 60 mph.*

- C. Describe the project funding and planning information. See Chapter 5. Transportation Planning Consistency and Fiscal Constraint and the SOU for Air Quality for text. Include the appropriate planning pages in the appendices for reference (TIP/STIP, MTP, etc).
- G. Discuss right of way and **all easements (existing and anticipated, permanent and temporary construction easements)**. If the project requires additional right of way on an existing highway, appropriate public involvement is required (as outlined in the Texas Administrative Code and [TxDOT's Environmental Manual](#)). Hardship and protective buying will be permitted only for a particular parcel or a limited number or parcels. These types of land acquisition qualify for an NFCE only where the acquisition will not limit the evaluation of alternatives, including shifts in alignment for planned construction projects.

At a minimum:

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- i. Describe the existing right of way (in feet).
- ii. If no additional right of way is needed, state this in the document.
- iii. Describe the proposed right of way needed in acres, including the number of parcels (if available).
- iv. Explain where the proposed right of way will occur (which side of the roadway, where in the project area, etc.). State whether there are or are not any residential/commercial displacements (see SOU for Socioeconomic Resources, Added Capacity).
- v. Identify any right of way that has been acquired in advance of the environmental approval. If proposed, disclose whether there are willing sellers.
- vi. Describe, by location and acreage, any temporary and permanent easements needed. Describe the purpose of the easement(s) (e.g., utilities). Show this information in typical sections and schematics.

*Example: The existing ROW width varies, with a minimum of 290 feet. The proposed project would be constructed entirely within the existing ROW; no new ROW would be required. Although there are existing drainage easements along the project limits, work would be required in only one of them. No new easements would be required for the project.*

### **3. Surrounding Area**

- A. What is the land use in the project area? At a minimum, describe the setting of the project (urban, rural, etc.). Describe land uses such as homes, businesses, schools, or parks to provide an accurate picture of the project area.

*Example: The project is located in a rural area, with primarily undeveloped land. There are scattered farmsteads.*

- B. What is the natural setting of the project area? At a minimum, describe the type of vegetation, any water courses, and any resources that will help provide a complete overall picture of the project area (for reference, see SOUs for Biology, Water Resources, etc.).

*Example: The project is located in the watershed of the San Jacinto-Brazos Coastal Basin. In its upper reaches, Mustang Bayou is generally an intermittent stream. Mustang Bayou flows south through the project limits and continues to flow south-southeast into New Bayou in southeastern Brazoria County. The vegetation in the project area consists of pecan-elm forest, bluestem grassland, and cropland.*

### **4. Specific Areas of Environmental Concern**

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- A. Socioeconomics
- B. Special right-of-way acquisitions (taking of designated public land or public or private historic site)
- C. Historic Properties
- D. Archeological Resources
- E. Vegetation
- F. Water Quality/Water Resources
- G. Soils/Farmland
- H. Noise
- I. Hazardous Materials
- J. Endangered Species
- K. Air Quality
- L. Indirect and Cumulative Impacts

Note: It is not necessary to use this list in the precise order given. These are merely resources/issues to address; they may be grouped or re-ordered as necessary.

## **5. Permits / Commitments**

Summarize any permits and/or commitments covered in the previous section and include any additional permits and/or commitments.

## **6. Public Involvement**

At a minimum, a Notice Affording an Opportunity for a Public Hearing (NAOPH) must be published. See the SOU for Public Involvement for information.

The opportunity to request a public hearing shall be afforded after the environmental division determines the environmental document is technically complete and approves it as a full-disclosure document suitable for public review (43 TAC §2.8). Include the results of the NAOPH and/or Public Hearing in the project file. Final approval/certification of the project will not be done until public involvement is complete.

## **7. Exhibits / Figures / Coordination**

- A. County road map showing project area
- B. Typical section (showing dimensions) for both existing and proposed condition
- C. Schematic, project layouts, etc. (scale to be determined by designer)
- D. Photos (including natural resources and potential historic resources)
- E. Surveys (National Wetland Inventory, historic resources, etc.)
- F. Natural Diversity Database check by an approved TPWD client
- G. Record of any preliminary coordination

Surveys, technical reports, etc. may be included in the NFCE document, or they may be included by reference. If they are included by reference, keep these reports and studies in the project file.