

*Texas Department of Transportation
Environmental Affairs Division*

Standards of Uniformity for Projects Without Federal Highway Administration Involvement

A Guide to Projects without FHWA Involvement

Categorical Exclusion Documentation Format For Projects Without Added Capacity

For projects without:

**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**

CE Documentation Format, No Added Capacity

This SOU lays out TxDOT's recommended format and content of documentation for Local Government Non-Federal Highway Administration (FHWA) Projects that do not require additional 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. 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 the Categorical Exclusion (CE) 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

1. Cover Sheet

- A. Title (Non-Federal Highway Administration 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 what the existing facility looks like. At a minimum, for a roadway this includes the number of lanes (and dimensions), shoulders (with dimensions), medians (type and dimensions), drainage (open-ditch or underground storm sewer), right of way width, and any other information necessary to compare the

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difference between the existing and proposed facilities. Include the existing and proposed average daily traffic and posted speed limits. If the project is a site-based facility (e.g., safety rest area), describe the site size and elements.

Example: *The CR X bridge at Y Creek is an eight-span, multiple beam timber stringer bridge. The structure has an overall bridge length of 106 feet and an overall deck width of 27.7 feet. The bridge was constructed in 1970. CR X is a two-lane roadway with 12-foot lanes and no shoulders in an existing right of way of 70 feet. There are no medians. The drainage consists of an open ditch.*

- B. Describe what is planned. Discuss how the existing facility will change – what type of bridge is proposed, how many spans, how the typical section will change, etc., to provide a clear overall picture of the project.

Example: *The proposed action would replace and widen the bridge with a single 40-foot pre-stressed concrete main span structure, to provide for a deck width of 30.3 feet consisting of a 28-foot wide roadway with two 12-foot travel lanes, 2 foot wide shoulders, and guard railing. The proposed structure would be 80 feet long.*

- C. Describe the project funding and planning information. See Chapter 5. Transportation Planning Consistency and Fiscal Constraint and the Air Quality SOU for text. Include the appropriate planning pages in the appendices for reference (TIP/STIP, MTP, etc).

- F. 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. For more information, refer to the SOU for Early Right-of-Way Acquisitions.

At a minimum:

- 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

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are not any residential/commercial displacements (see the SOU for Socioeconomic Resources, No Added Capacity).

- v. Disclose 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.

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 (using other SOUs such as those for Biology, Water Quality, 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

- 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

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Note: It is not necessary to use the list above 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

Include the results of any public involvement held. See the Public Involvement SOU for the reporting requirements for various public involvement types.

7. Exhibits / Figures / Coordination

- A. County road map showing project area
- B. Typical section(s) (including dimensions) for both existing and proposed condition
- C. Schematics, project layouts, etc. (scales 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 or appended by reference in the NFCE document. If they are appended by reference, keep these reports and studies in the project file.