

Texas Department of Transportation

Environmental Affairs Division

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

A Guide to Projects without FHWA Involvement

Documentation Format & Content

This Standards of Uniformity (SOU) lays out the appropriate format and content of documentation for State Environmental Assessments (SEAs) as indicated in the following outline.

1. Cover and Cover Sheet: The cover and inside cover sheet of the document must include the following information:

- a. Title: Environmental Assessment for [Project Name]
- b. Roadway/Limits
- c. District and County
- d. CSJ
- e. by the Texas Department of Transportation
- f. Also list any joint and/or cooperating agencies
- g. Month/Year

2. Table of Contents

- a. Enumerate chapter headings and subheadings
- b. List of tables
- c. List of figures
- d. Appendices

3. Chapter 1: Need and Purpose¹

a. Introduction

- i. Provide general information about the proposed project or action. According to the [Interim Guidance on Purpose and Need](#) (Federal Highway Administration (FHWA)/Federal Transit Administration (FTA) 2003), a few paragraphs should suffice to effectively describe the need and purpose of a project.
- ii. Briefly describe the proposed project's history; include any measures taken to date, such as feasibility studies, early coordination/planning, and a discussion about the proposed project's relationship to regional and/or statewide planning/transportation plans (logical termini and independent utility, linkage to system, capacity, and projected traffic/transportation demand).
- iii. Logical Termini and Independent Utility
 1. Logical Termini.

¹ See the [FHWA web site](#) for more guidance on need and purpose.

Note: The FHWA guidance refers to "purpose and need." TxDOT now calls this "need and purpose."

- a. Additional travel lanes should be proposed only between rational endpoints.
- b. A rational endpoint is typically a state or federal system roadway, although local thoroughfares may be substituted when/if state or federal roadways are not appropriate.
- c. County limits, county lines, or water bodies are not logical termini, regardless of whether the termini match the construction limits.
- d. The logical termini should reflect the project's need.

Example of logical termini = SH 92 from CR 403 to FM 1488

NOT logical termini = SH 92 from 1.2 miles East of CR 403 to 1.6 miles West of FM 1488.

(In the second case, identify study area limits that extend to a state or federal roadway.)

Example: The construction limits for the project stretch from 1.2 miles east of SH 92 to 1.6 miles west of FM 1488. However, in order to provide an adequate evaluation of social, economic and environmental impacts, construction study limits were established. These limits extend from CR 785 to SH 88.

Additional guidance on determining logical termini can be found on the [FHWA web site](#) and in TxDOT's [Environmental Manual](#).

2. Independent Utility

- a. Additional travel lanes should be a reasonable expenditure and should "stand alone," not requiring additional transportation improvements to complete.
- b. The project must be able to function on its own without further construction of an adjoining segment.

Example: SH 6 is planned to expand from four 12-foot lanes to six 12-foot lanes between SH 288 and IH 45. This typical section will match the six-lane section of SH 6 at IH 45. These limits address the congestion on SH 6 resulting from recent development.

More guidance on independent utility is available in TxDOT's [Environmental Manual](#).

iv. Bicycle and Pedestrian Accommodations

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1. TxDOT is committed to proactively plan, design, and construct facilities to safely accommodate bicyclists and pedestrians on appropriate facilities.
2. It is critical that bicycle and pedestrian accommodations be considered and discussed as the need and purpose of a project is defined during the environmental process, taking into consideration existing and anticipated bicycle and pedestrian facility systems and needs.
3. In the environmental document, the district should include a discussion in the project description of proposed bicycle and pedestrian facilities. If no bicycle or pedestrian facilities are planned, the document should state why no such facilities are planned.
4. Plans, Specifications, and Estimates (PS&Es) should also ensure that proposed designs include these accommodations, if applicable, and are constructed according to Texas Accessibility Standards and Americans with Disabilities Act Accessibility Guidelines (TAS/ADAAG).
5. If these modes are not accommodated, the document should justify the exceptional circumstances that preclude these provisions.
6. For all urban sections, regardless of the type of improvement, the following guidance is provided:
 - a. For construction projects within existing right-of-way and when the scope of work is limited to within the roadway typical section, the project plans should:
 - i. remove barriers to accommodate pedestrians according to Texas Accessibility Standards and Americans with Disabilities Act Accessibility Guidelines (TAS/ADAAG) and TxDOT's PED standard; and
 - ii. accommodate bicyclists by restriping the existing roadway typical section to provide a 14-foot-wide curb lane, when practical.
 - b. When restriping existing pavement to achieve a 14-foot-wide shared-use lane, the minimum lane widths and curb offsets for the appropriate roadway classification defined in TxDOT's Roadway Design Manual should be maintained. Local city and Metropolitan Planning Organization bicycle and pedestrian plans should also be considered.
7. For construction projects within existing right-of-way but when the scope of work involves pavement widening, the project plans should:
 - a. accommodate bicyclists by widening the pavement to either provide a 14-foot wide curb lane or a 5-foot bicycle lane;

- b. Include necessary work to ensure all existing ADA curb ramps comply with current standards; and
 - c. reconstruct or add sidewalks and crosswalks to ensure a continuous ADA compliant pedestrian route.
8. For full reconstruction or new construction projects in urban areas, where new right-of-way is acquired, the project plans should provide the desired geometric values shown in the Roadway Design Manual for each facility type. The inclusion of bicycle and pedestrian facilities should be included in the project plans as appropriate.
 9. For rural roadway construction, the project plans should accommodate bicyclists by striping for a 14-foot-wide outside shoulder, when practical.
 10. When restriping existing pavement to achieve a 14-foot-wide shared use lane, the minimum lane widths and curb offsets for the appropriate roadway classification defined in TxDOT's Roadway Design Manual should be maintained. Local city and Metropolitan Planning Organization bicycle and pedestrian plans should also be considered.

b. Need for the Project

- i. This section identifies and describes the proposed action, transportation problem(s) or other needs. This section establishes the rationale for the project. Resource agencies often focus on this section, so it must be carefully crafted with defensible, supportable information.
- ii. The need may be considered the “why” -- the problem(s) or unsatisfactory conditions that currently exist or are expected to exist.
- iii. Express the need in terms of the problem, not the solution.
- iv. In general, this section should:
 1. Clearly demonstrate that a need exists and should define it in terms understandable to the public.
 2. Clearly describe the problems that the proposed action will correct.
 3. Form the basis for the “no action” discussion in the “alternatives” section, and assist with the identification of reasonable alternatives and the selection of the preferred alternative.
- v. More specifically, this section should consider including the following, either in the main body or as attached exhibits or appendices:
 1. Charts, tables, maps and other illustrations (i.e., typical cross-sections, photographs, etc.) as presentation techniques
 2. Project Status: Briefly describe the project history, including actions taken to date, other agencies and governmental units involved, actions pending, schedules, etc.
 3. System Linkage: Is the proposed project a “connecting link”? How does it fit into the system?
 4. Capacity: Is the capacity of the present facility inadequate for the present traffic? For projected traffic? What capacity is needed? What is the level of service for existing and proposed facilities?

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5. Transportation Demand: Include relationship to any statewide plan or adopted urban transportation plan, along with an explanation of the project's traffic forecasts that are substantially different from the estimates from the metropolitan planning organization (MPO) or other regional planning process.
6. Legislation: Is there a federal, state, or local governmental mandate for the action?
7. Social Demands or Economic Development: What projected economic development/land use changes indicate the need to improve or add to the highway capacity (new employment, schools, land use plans, recreation, etc.)?
8. Modal Interrelationships: How will the proposed facility interface with and serve to complement the various modes of transportation (airports, rail facilities, port facilities, mass transit services, etc.)?
9. Safety: Is the proposed project necessary to correct an existing or potential safety hazard? Is the existing accident rate excessively high? Why? How will the proposed facility improve it?
10. Roadway Deficiencies: Is the proposed project necessary to correct existing roadway deficiencies (substandard geometrics, load limits on structures, inadequate cross-sections, high maintenance costs)? How will the proposed project improve any of these conditions?

c. Purpose of the Project

- i. The purpose may be thought of as the "what" -- the essential purpose(s) that the project is expected to address to correct the unsatisfactory condition(s).
- ii. The purpose statement begins with defining the solution without being project specific.
- iii. The purpose statement should include a list of objectives that meet each of the needs identified.

d. Planning Process

- i. Give a brief history of the scoping process and all other public involvement, coordination, and previous planning efforts (corridor or subarea plans) relevant to the current project.
- ii. Discuss the related studies and relevant documents, including state and local long-range plans, comprehensive plans, land use plans, transportation plans, and other thoroughfare and mobility plans and their context for the proposed project.
- iii. If the proposed project is not reflected in the state or regional plan, explain the basis for the proposed project.
- iv. List and justify issues for detailed study as determined by the scoping process or previous plan-level studies that meet TxDOT requirements for public involvement and agency coordination.
- v. List and justify issues eliminated from detailed study based on the scoping process or previous plan-level studies that meet TxDOT requirements for public involvement and agency coordination.

e. Public Involvement

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- i. Required public involvement (PI) is not tied to TxDOT classification, but rather to the proposed action.
- ii. Follow the most recent PI requirements. Currently the TAC requires at least a notice affording an opportunity for a public hearing (NAOPH) on any added capacity project.
- iii. Summarize any PI in the environmental document, including dates, number of attendees, locations, and common comments. Also summarize how public comments were addressed. Include photos of displays and venue, as appropriate.
- iv. Summarize resource agency and public scoping meetings conducted.
- v. Consider establishing goals and objectives for public involvement that reach beyond meeting regulatory requirements to ensure that:
 1. communication between the project sponsor and the public is two-way and is initiated as early as possible in the project development process so that public concerns can be incorporated into design to the extent possible;
 2. the PI list for the project includes all appropriate stakeholders (e.g., people, businesses, and limited English proficiency (LEP) populations in affected communities and consulting agencies); and
 3. all stakeholders are aware of the proposed project and understand what is proposed.

f. Cost and Funding Source

- i. Describe the project funding. Do not assume that tolling is the only option for funding a project. Describe all conventional sources of funding and methods of setting priorities for funding from tax revenues.
- ii. A project level analysis is required for all projects proposed as toll roads.
- iii. For projects within large urban MPOs, the impacts of tolling from a system/network perspective need to be addressed in the cumulative analysis section of the document, per the FHWA and TxDOT [Joint Guidance for Project and Network Level Environmental Justice, Regional Network Land Use, and Air Quality Analysis for Toll Roads](#), April 23, 2009.

g. Applicable Regulatory Requirements and Required Coordination

- i. List and describe applicable regulatory requirements.
- ii. List and describe required coordination with the appropriate agencies.

4. Chapter 2: Alternatives

a. Reasonable Alternatives

- i. This section describes the alternatives selected, as well as those eliminated, and describes the process that was used to develop, evaluate, and eliminate potential alternatives, based on the defined need and purpose of the project. Describe the following:
 1. all reasonable alternatives, including those brought forth by the public, consultants or resource agencies;

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2. other alternatives that were eliminated from detailed study;
 3. how alternatives were selected for detailed study;
 4. the reasons alternatives were eliminated from consideration; and
 5. how the alternatives meet the need for the project and avoid or minimized environmental impacts.
- ii. If tolling is proposed for an alternative, this must be clearly described.
 - iii. All reasonable alternatives should be discussed at a comparable level of detail.
 - iv. The range of reasonable alternatives should begin with the “No Build” Alternative.
 - v. A preferred alternative should be selected as a result of a rational screening process based on meeting project objectives, community and natural environmental impacts, cost, and other considerations, which should be explained in the SEA. A matrix to compare the alternatives is recommended.

NOTE: Alternatives are reasonable if they have developed in a manner that includes the opinions of other people and organizations, and sound professional judgment is used. One of the keys to legal sufficiency is to not be arbitrary and capricious in deliberations and decision-making.

b. “No Build” Alternative

- i. The "no-build" alternative is always included as a baseline against which other alternatives can be compared.
- ii. As part of the no-build alternative, short-term minor reconstruction that maintains continuing operation of the existing roadway, such as safety upgrading and maintenance, can be considered.

c. Build Alternatives

- i. When there is a large number of build alternatives, only a representative sampling of the most reasonable examples covering the full range of alternatives must be presented.
- ii. Determining the number of reasonable build alternatives in the SEA depends on the project and the facts and circumstances of each case.
- iii. Describe the various build alternatives using maps or other visual aids, such as photographs, drawings, typical sections, or sketches.
- iv. A clear understanding of each alternative’s termini, location, costs, and the project concept should be detailed including:
 1. number of lanes
 2. right-of-way (ROW) requirements
 3. median width
 4. access control.
- v. Identify the status and extent of the different types of ROW that may be used for the alternatives under consideration for the project:

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1. Land that has been or will be reserved or dedicated by local government(s).
2. Land to be donated by individuals.
3. Land to be acquired through advance or hardship acquisition.

NOTE: Where such lands are reserved, the EA should state that the reserved lands will not influence the alternatives to be selected.

- vi. Development of more detailed design for some aspects (e.g., USACE or USCG permits, noise factors, wetlands, etc.) of one or more alternatives may be necessary during preparation of the SEA to evaluate impacts or [mitigation](#) measures or to address issues raised by other agencies or the public.
- vii. The choice of a preferred alternative is made following the evaluation of alternatives, early coordination, engineering analyses and environmental studies. Districts usually make this decision.
- viii. Right of Way Requirements
 1. 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](#)). **It is TxDOT Right of Way Acquisition Section policy to follow the Uniform Relocation and Real Property Acquisition Act of 1970 (Uniform Act) and FHWA's requirements related to the Uniform Act even if no federal funds are included in the project funding.**

At a minimum:

 - a. Describe existing right of way (in feet).
 - b. If no additional right of way is needed, state this in the document.
 - c. Describe the proposed right of way needed in acres, including the number of parcels (if available).
 - d. 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.
 - e. 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.
 - f. If no additional easements, permanent or temporary construction easements, are needed, state this in the document.
 - g. Disclose any right of way that has been donated or, if purposed, disclose whether there were willing sellers.
 - h. If there are early acquisitions, include the information per right of way guidance provided by FHWA on December 6, 2008.
 - i. For right of way acquisition, FHWA requires the document to include a statement that the acquisition was done in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970, as amended.
 2. Demonstrate Uniform Act compliance for projects with early ROW acquisition. Describe previous existing ROW acquisition as per the

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December 2007 FHWA memo to Dianna Noble. For ROW purchased after 1971, document Uniform Act compliance. This link is only available on TxDOT's internal website:

<http://crossroads.org/env/Guidance/Docs/FHWA12-06.pdf>

3. For projects without early acquisition, state that no advanced acquisition has taken place. Describe the acreage to be acquired and any displaced properties, including residential, businesses (include type of business and any effects on the community if the business cannot continue), public properties, and special use properties. Also include market data that provide information for the potential for displaced properties to relocate, and state that the Uniform Act will be followed.

NOTE: Right of way acquisition often involves federal funds even if project design and construction do not. Districts should always check with the Right of Way Acquisition Section to determine whether federal funds have been or are intended to be used for right of way acquisition for specific projects.

5. Chapter 3: Environmental Impacts of the Proposed Action and Alternatives

- a. **Description of the Existing Environment** Describe the project area in terms of the existing human (social, economic, and community) and natural environmental setting for the area affected by all alternatives presented in the SEA. This section should also identify environmentally sensitive features, including potentially vulnerable neighborhoods and community facilities in and adjacent to the project area. The existing conditions for the following resources and issues should be considered:

- i. Land Use

1. Existing Land Use

- a. Describe the setting of the project (urban, rural, etc.).
- b. Describe land uses such as homes, businesses, schools or parks to provide an accurate picture of the project area.
- c. Existing land uses should be field-verified and mapped.
- d. Identify neighborhoods by name and boundaries, if available.
- e. 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.

2. Currently Planned/Proposed Land Uses

- a. Describe current subdivision, zoning, building permit, and on-site wastewater disposal (i.e., septic tanks) activity, as appropriate, in and adjacent to the project area.

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- b. Describe direct land use changes by acreage. This should include a discussion of the current uses and zoning for land that will be acquired for right-of-way.
 - c. New location, added capacity, and change in access projects need to address the land use impacts from increased or altered accessibility to the area. This needs to be further expanded in the indirect impacts section when examining the increased desirability of a more accessible area to developers.
3. State, Regional, and Local Government Plans and Policies
- a. State whether the proposed project is consistent with the Texas Statewide Long-Range Transportation Plan 2035 (SLRTP).
http://www.txdot.gov/public_involvement/transportation_plan/report.htm
 - b. Describe any existing corridor or subarea plans that would include the proposed project and whether the proposed project is consistent with those plans and whether those plans met TxDOT requirements for public involvement and agency coordination, as well as currency (less than five years old) to qualify for incorporation by reference in the environmental document for the proposed project.
 - c. Land use plans by jurisdictions should be shown to illustrate compatibility with local plans and policies. Include future land use and transportation plan maps from the respective plans.
 - d. Describe land use, transportation, environmental, and other community goals, objectives, and policies of applicable local government and regional (i.e., MPO) plans for the project area.
 - e. Describe how the proposed project is or is not consistent with state and local comprehensive plans, transportation plans, and other mobility plans.
 - f. If the project scope is only a portion of the project scope of state and local transportation plans, disclose the reasonably foreseeable future phases of the facility shown in the plans and include this eventuality in the environmental analysis.
 - g. Is the project scope in the document consistent with the project scope in the TIP/STIP and, if applicable, the project scope in the MTP/RTP for all CSJs?
 - h. Check the following:
 - i. CSJ number
 - ii. Roadway
 - iii. Limits, and

- iv. Project description (i.e., type of project, number of lanes, length, etc.)
- i. Address the following questions in the environmental document:
 - i. Is the letting year in the document consistent with the letting year in the TIP/STIP and if applicable the letting year in the MTP/RTP?
 - ii. Is the project cost in the document within reasonable cost consistency of the project cost in the TIP/STIP and if applicable the project cost in the MTP/RTP?
 - iii. Does the document indicate that the project is included in the TIP/STIP and the timeframe of the TIP/STIP?
 - iv. If applicable, does the document indicate that the project is in the MTP/RTP and the timeframe of the MTP/RTP?
 - v. If the project includes more than one CSJ, does the document indicate that all project CSJs are included in the TIP/STIP and if applicable in the MTP/RTP? Does the project demonstrate how the different CSJs in the planning documents cover the entire project limits and project scope as described in the environmental document?
 - vi. Does the document include the funding source, the reasonable total project cost, the date of the cost estimate, and estimated date of completion (open to traffic)? Reasonable total project cost includes preliminary engineering, environmental studies, right of way, utilities, construction and mitigation costs.
 - vii. Does the document include copies of the appropriate pages of the TIP/STIP and if applicable the MTP/RTP as an appendix?
 - viii. Does the document summarize the STIP information, include a copy of the page from the STIP, indicate the current letting year, funds and total project cost?
- ii. Farmlands (Requirements included in Biological Resources SOU)
- iii. Social and Community Resources and Community Impact Assessment (Requirements included in the Socioeconomics SOU)
- iv. Air Quality (Requirements included in Air Quality SOU)
- v. Noise (Requirements included in Traffic Noise Impacts SOU)
- vi. Water Quality (Requirements included in Water Resource SOU)
- vii. Floodplains (Requirements included in Water Resources SOU)

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- viii. Wetlands and Other Waters of the U.S. (Requirements included in Water Resources SOU)
- ix. Vegetation and Wildlife (Requirements included in Biological Resources SOU)
- x. Threatened and Endangered Species (Requirements included in Biological Resources SOU)
- xi. Coastal Zone Management Plan (Requirements included in Water Resources SOU)
- xii. Coastal Barriers (Requirements included in Water Resources SOU)
- xiii. Wild and Scenic Rivers (Requirements included in Water Resources SOU)
- xiv. Cultural Resources (Requirements included in Archeological and Historic Resources SOUs)
- xv. Hazardous Materials (Requirements included in Hazardous Materials SOU)
- xvi. Visual and Aesthetic Qualities: Describe the visual quality of current conditions. Are there any unique visual or aesthetic qualities to the project area?
- xvii. Airports: The document must address and describe any airports located within the vicinity of the project.

b. Environmental Impacts of the Proposed Project

This section includes the probable beneficial and adverse human (social, economic, and community) and natural environmental effects of the proposed project and describes the measures proposed to mitigate adverse impacts. This information is used to compare the proposed project and its impacts with the “No Build” alternative.

NOTE: The narrative of the proposed project impacts should not use the term “significant” in describing the level of impacts. If the term “significant” is used, it should be consistent with the [CEQ Guidelines](#) and supported by facts.

- i. The impacts and mitigation measures of the preferred alternative should be described in detail in order to elaborate on information and to make firmer commitments.
- ii. The following information should be included in the SEA for the preferred alternative:
 - 1. Land Use Impacts
 - 2. Socioeconomics (Requirements included in Socioeconomics SOU)
 - 3. Historic Properties (Requirements included in Historic Resources SOU)
 - 4. Archeological Resources (Requirements included in Archeological Resources SOU)
 - 5. Vegetation (Requirements included in Biological Resources SOU)
 - 6. Water Quality (Requirements included in Water Resources SOU)
 - 7. Soils/Farmland Protection Policy Act (Requirements included in Biological Resources SOU)
 - 8. Noise (Requirements included in Traffic Noise Impacts SOU)

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9. Hazardous Materials (Requirements included in Hazardous Materials SOU)
10. Floodplains (Requirements included in Water Resources SOU)
11. Species (Requirements included in Biological Resources SOU)
12. Air Quality (Requirements included in Air Quality SOU)
13. Regional Toll Analysis (If required) (Requirements included in Tolling SOU)
14. Construction Impacts
15. A summary of studies undertaken, major assumptions made, and supporting information about the validity of the methodology (especially where the methodology is not generally accepted as state-of-the-art).
16. Sufficient supporting information or results of analyses to establish the reasonableness of the conclusions on impacts.

6. Chapter 4: Indirect and Cumulative Impacts Analysis

- a. **Indirect Impacts Analysis** (Steps 1-7 per TxDOT's *Guidance on Preparing Indirect and Cumulative Impact Analyses*, September 2010)
- b. **Cumulative Impacts Analysis** (Steps 1-8 per TxDOT's *Guidance on Preparing Indirect and Cumulative Impact Analyses*, September 2010)

7. Chapter 5: Mitigation and Commitments

- a. Commitments need to be included as environmental permits issues and commitments (EPIC) items and submitted ENV for review. (Draft EPICs are welcome, final EPICs are required.)
- b. Finalize EPIC sheet for incorporation into plans (and contractor bidding documents) to ensure that implementation occurs through proper execution of plans, specifications and estimates (PS&E)/contract.
- c. Ensure that the EPIC sheet language is appropriate for contractor bidding documents and does not use NEPA language (this may require consultation with the Design Division or the Construction Division).

8. Chapter 6: Agency Coordination

- a. Follow the Socioeconomics SOU for public comments and coordination.
- b. Follow the Biology SOU, the Historic Resources SOU, and the Archeological Resources SOU for standard agency comments and coordination.
- c. A proper TxDOT classification consultation summary should be included in the introduction if the document does not follow typical classification guidelines (i.e. for State Environmental Assessments (SEAs) that would normally be classified as an SEIS); mention SEA versus SEIS justification letter, if applicable, and add classification letter to agency coordination appendix.
- d. Non-standard agency coordination
 - i. Federal Aviation Administration (FAA) coordination is required if airport lands are affected.
 - ii. United States Coast Guard (USCG) requires bridge permits in certain circumstances. The several bridge laws are intended to prevent any interference with navigable waters of the United States whether by bridges,

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- dams, dikes or other obstructions to navigation except by express permission of the United States. The decision as to whether a bridge permit or a drawbridge operation regulation will be issued or promulgated must rest primarily upon the effect of the proposed action on navigation to assure that the action provides for the reasonable needs of navigation after full consideration of the effect of the proposed action on the human environment.
- iii. State Archeological Landmark designations for buildings require special construction permits be posted on historic properties in addition to the typical Section 106 coordination with THC. This permit adds additional review time and procedures to the coordination process. The designation most frequently applies to public property such as county courthouse grounds.
 - iv. National Historic Landmark designations require special review processes that include coordination with the Advisory Council on Historic Preservation, in addition to the typical Section 106 coordination with THC. This designation adds additional review time and procedures to the coordination process.
 - v. Relocation of official state historical markers requires special review processes that include approval by county historical commissions (CHC) prior to coordination with the Texas Historical Commission (THC). The appropriate CHC must approve requests prior to its submission to the THC. Photographs and site plans are required for both existing and proposed locations.
 - vi. Chapter 26 of the TPWD code requires holding a public hearing when designated properties are subjected to proposed ROW acquisition. Per the Office of General counsel, designated in this context refers to listing on the National Register of Historic Places, state designations such as State Archeological Landmark or Recorded Texas Historic Landmark status or local designation through historic zoning processes. This public hearing process requires specific notification procedures and timelines that are not equivalent to those held under NEPA, although the two actions may be combined into a single public hearing.
 - vii. Texas Department of State Health Services requires a permit from the Vital Statistics Unit to disinter a burial.
 - viii. The Coastal Barrier Resources Act (CBRA) designates various undeveloped coastal barrier islands for inclusion in the Coastal Barrier Resources System (CBRS). Areas so designated are ineligible for Federal expenditures that encourage development, such as federal flood insurance through the National Flood Insurance Program, with exemptions for certain actions. The USFWS advises Federal agencies, landowners, and Congress regarding whether properties are in or out of the CBRS and what kind of Federal expenditures are allowed in the CBRS.
 - ix. The Wild and Scenic Rivers Act preserves certain rivers with outstanding natural, cultural, and recreational values in a free-flowing condition. The Act prohibits federal support for actions such as the construction of dams or other instream activities that would harm the river's outstanding resource values and is applicable to all projects which affect designated areas. Coordination

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- of project proposals and reports with the Department of the Interior (National Park Service) and/or the Department of Agriculture (United States Forest Service) is required. In Texas, segments of the Rio Grande River (from Talley, Texas to the Terrell-Val Verde County line) are in the National Wild and Scenic River System and projects in the vicinity of the designated segments require coordination with the National Park Service.
- x. The International Boundaries and Waters Commission (IBWC) is responsible for applying the boundary and water treaties between the United States and Mexico and settling differences that may arise in their application. Construction, operation, and maintenance activities within any international river floodplain (or IBWC ROW) require coordination with the United States Section of the IBWC. In some cases, including proposals for the construction, maintenance, or operation of an international bridge, a permit is required and coordination with both the United States and Mexican Sections of the IBWC is necessary.
 - xi. 33 CFR 208.10 is part of the Code of Federal Regulations on Navigation and Navigable Waters regarding Flood Control Regulations for local flood protection works, maintenance, and operation of structures and facilities. Any project that would impact existing USACE flood control projects requires authorization by the United States Corps of Engineers prior to construction. For projects having minor impacts on operation and maintenance, TxDOT can seek authorization from the District Engineer under Section 208.
 - xii. 33 USC 408 is part of the United States Code on Navigation and Navigable Waters regarding the protection of Navigable Waters and of Harbor and River Improvements. The Secretary of the Army, on the recommendation of the Chief of Engineers, may grant permission for any project involving degradation, raising, realignment, or the temporary occupation, alteration, or use of any sea wall, bulkhead, jetty, dike, levee, wharf, pier or other work built by the United States. If TxDOT requests authorization for such a project under 408, a Type II Independent External Peer Review (also known as a Safety Assurance Review - SAR) is required. If the USACE is already in the process of conducting investigations that would entail a SAR, TxDOT is not required to conduct one, but the review must be completed prior to construction. If the USACE is not in the process of any SAR-related investigations, one must be performed by TxDOT prior to the request for authorization.
 - xiii. Safety Assurance Review (SAR) procedures were set out under Section 2035 of the Water Resources Development Act (WRDA) of 2007. This section of the WRDA directs the USACE Chief of Engineers to ensure that the design and construction activities for hurricane and storm and flood damage reduction projects are reviewed by independent experts if necessary to assure public health, safety, and welfare on any project that meets specified criteria. All projects submitted to the USACE by a non-federal project sponsor under 33 USC 408 are subject to a SAR. The SAR must be performed by the

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non-federal project sponsor prior to the request for approval of the proposed activities and initiation of construction.

9. Chapter 7: Conclusion

a. Preferred Alternative

- i. Identify which of the alternatives considered is the preferred alternative.
- ii. Explain how the preferred alternative meets the objectives of the project purpose to meet the stated needs.
- iii. Explain technical and economic considerations in the selection.

b. Supporting Rationale for the Preferred Alternative

- i. Explain environmental considerations, specifically focusing on the environmental benefits incorporated into the design of the alternative.
- ii. Explain the status of permits issued or pending that are required by federal, state, county, and city agencies.
- iii. State that the preferred alternative complies with all environmental laws and applicable Executive Orders, or provide assurance that these requirements can and will be met at the appropriate times.

10. Finding of No Significant Impact (FONSI) Documentation (See guidance for separate document to be incorporated into the final SEA.)

11. Chapter 8: References

12. Chapter 9: List of Abbreviations

13. Appendices

The appendices should include:

- a. County road map showing project area
- b. Typical sections (including dimensions) for existing and proposed conditions.
- c. Schematics, project layouts, etc.
- d. Photographs (including natural resources and potential historic resources)
- e. Surveys
- f. Natural Diversity Database check
- g. Record of any comments and coordination
- h. Copy of TIP/STIP page