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BCE Checklist for the Determination of FHWA and State C-List Projects

CSJ: 173903009
 County Name: ATASCOSA
 Project Description: EAGLE FORD SHALE;
 Project Limits From: MCMULLEN/ATASCOSA COUNTY LINE
 Project Limits To: US 281A
 Funding Type: Federal State Local Other

Facility:
 Letting Date:

Section 1

Section 2

Any requests for an exception must be made in writing to the appropriate FHWA representative. If one or more of the following conditions are not met and an exception is not approved, then the project must be classified at the appropriate NEPA level as determined by FHWA.

<p>1. Does the project meet the following standards from the FHWA PA Regulatory Basis section and/or 43 TAC §2.82(c)?</p> <p>All CE actions processed under this agreement shall be in accordance with the requirements of 23 CFR 771.117 or succeeding regulations. Also, these actions must be consistent with and ensure compliance with other applicable federal, state, and local laws. The CE action directly, indirectly, or cumulatively shall not cause any significant environmental impacts, as described in 23 CFR 771.117(a) or in succeeding regulations, to:</p> <ul style="list-style-type: none"> • Planned growth or land use for the area; • Relocate significant numbers of people; • Any natural, cultural, recreational, historic, or other resource; • Air, noise, or water quality; or • Travel patterns. <p>The CE action shall not involve unusual circumstances, as described in 23 CFR 771.117(b) or in succeeding regulations, leading to:</p> <ul style="list-style-type: none"> • Significant environmental impacts; • Substantial controversy on environmental grounds; • Significant impacts on properties protected under Section 4(f) of the DOT Act or Section 106 of the NHP Act; or • Inconsistencies with any appropriate federal, state, or local law; requirement; or administrative determination relating to the environmental aspects of the action. 	Yes No
<p>2. Will the project involve the acquisition of new right-of-way (ROW) or displacements in excess of the limitations stipulated below?</p> <ul style="list-style-type: none"> • The project shall not involve the acquisition of more than 30 acres of ROW for new land holdings for transportation related facilities (i.e. safety rest areas, intersections, maintenance yards, and border safety inspection facilities). • The action shall follow the requirements of the Uniform Relocation Act and shall not involve the acquisition of more than minor amounts of temporary or permanent, adjacent and/or ROW, or land holdings. These requirements shall be construed to mean an amount no more than: <ul style="list-style-type: none"> a) 6 acres per linear mile or 30 acres (whichever is greater) within the project's limits and adjacent to existing ROW or b) 20% of the existing land area or 30 acres (whichever is greater) of a transportation related facility (i.e. safety rest areas, intersections, maintenance yards, and border safety inspection facilities). 	Yes No
<p>3. Will the project result in commercial or residential displacements?</p>	Yes No
<p>4. Will the work result in a change of access to any commercial or residential properties?</p>	Yes No
<p>5. Will the project involve a "use" of properties protected by Section 4(f) of the Department of Transportation Act as defined in 49 U.S.C. 303, 23 CFR 774? De minimis actions do not qualify as a BCE (FHWA actions only). Or will the project involve a "use" of public land designated and used as a park, recreation area, wildlife or waterfowl refuge, historic site, or scientific area under Texas Parks and Wildlife Code, Chapter 26?</p>	Yes No
<p>6. Will the project have an "adverse effect" on properties eligible for or listed in the National Register of Historic Places as determined by the State Historic Preservation Officer?</p>	Yes No
<p>7. Will the project require an individual permit (IP) Section 408 or 404, and/or Section 10 permit, or Nationwide Permit 23 issued by the USACE?</p>	Yes No
<p>8. Will the project require a Section 9 permit issued by the United States Coast Guard?</p>	Yes No
<p>9. Will the project lead to a determination other than "no effect," "may affect, not likely to adversely affect" for federally listed resources under regulations implementing the Endangered Species Act?</p>	Yes No
<p>10. Will the project cause construction in, across, or adjacent to the specific section of the Rio Grande River designated as a component of the Rio Grande in the National System of Wild and Scenic Rivers?</p>	Yes No
<p>11. Will the project involve any known hazardous materials impacts that are anticipated to adversely affect construction activities? Also, the project shall not involve the acquisition of any known unresolved contaminated site that TxDOT could reasonably expect to assume liability for any necessary corrective action upon acquisition, will it?</p>	Yes No
<p>12. Will the project be consistent with the Coastal Zone Management Plan (CZMP) as determined by the appropriate federal and/or state agency(ies)? (This question is only applicable to coastal districts and projects within the CZMP boundary.)</p>	Yes No Not Applicable
<p>13. Will the project conform to federal and state air quality requirements pursuant to the Federal and Texas Clean Air Acts?</p>	Yes No
<p>14. Will project activities be confined to those activities listed and described in ONLY the List of Project Activities Recognized as BCE's for FHWA and State C-List Projects?</p>	Yes No

15. Will an exception to the above conditions be requested of FHWA?	Yes No
Comments:	

For FHWA projects, if one or more of the conditions above have not been met and an exception is not approved, then the project must be classified at a higher NEPA level as determined by FHWA.
Certification

I hereby certify that the above project can be classified as a Blanket Categorical Exclusion and meets all the requirements of 43 TAC §2.82 and, for FHWA projects, the 2011 FHWA Programmatic Agreement.

Certified By:



Certified Date:



Last Updated By: Brian Witherell Last Updated Date: 02/21/2013 02:22:16

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This checklist is for FHWA funded and State projects as defined by 43 TAC §2.82(c) only. Please check every box that applies to your potential BCE project. All items in a bulleted list do not need to apply to your project; if one item in a bulleted list applies to your project, please check the appropriate numbered box.

<p>1. Activities that do not involve or lead directly to construction, such as:</p> <ul style="list-style-type: none"> * planning and technical studies * grants for training and research programs * research activities as defined in 23 USC 307 * approval of a unified work program and any findings required in the planning process pursuant to 23 USC 134 * approval of statewide programs under 23 CFR part 630 * approval of project concepts under 23 CFR part 476 * engineering to define the elements of a proposed action or alternatives so that social, economic, and environmental effects can be assessed * Federal-aid system revisions that establish classes of highways on the Federal-aid highway system
2. Approval of utility installations along or across a transportation facility
3. Construction of bicycle and pedestrian lanes, paths, and facilities
4. Activities included in the State's "highway safety plan" as defined by 23 USC 402
5. Transfer of Federal lands pursuant to 23 USC 317 when the subsequent action is not an FHWA action
6. The installation of noise barriers or alterations to existing publicly owned buildings to provide for noise reduction
7. Landscaping
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
9. Emergency repairs as defined under 23 USC § 125
10. Acquisition of scenic easements
11. Improvements to existing rest areas and truck weigh stations
12. Ridesharing activities
13. Bus and rail car rehabilitation
14. Alterations to facilities or vehicles in order to make them accessible for elderly and handicapped persons
15. Program administration, technical assistance activities, and operating assistance to transit authorities to continue existing service or increase service to meet routine changes in demand
16. The purchase of vehicles by the applicant where the use of these vehicles can be accommodated by existing facilities or by new facilities, which are themselves within a CE
17. Track and railbed maintenance and improvements when carried out within the existing rightofway
18. Purchase and installation of operating or maintenance equipment that is to be located within the transit facility and with no significant impacts off the site
19. Projects consisting of work classified as a seal coat, overlay, resurfacing, rehabilitation, or restoration done within existing ROW, on an existing road, and completely within the footprint of existing base course , or within 10 feet of each side of existing edge of pavement within previously disturbed ROW, or within the flowlines of the ditches, whichever are greater are BCEs
20. Approval 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
Please Note: This list is taken from the FHWA and TxDOT Programmatic Agreement Section D, Classification Criteria for BCEs and Title 43 Section 2.82(c) of the Texas Administrative Code.
Comments:

For FHWA projects, if one or more of the conditions above have not been met and an exception is not approved, then the project must be classified at a higher NEPA level as determined by FHWA.
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