

PROGRAMMATIC AGREEMENT  
BETWEEN THE FEDERAL HIGHWAY ADMINISTRATION, MARYLAND  
DIVISION, AND THE MARYLAND DEPARTMENT OF  
TRANSPORTATION STATE HIGHWAY ADMINISTRATION  
REGARDING THE PROCESSING OF  
CERTAIN CATEGORICAL EXCLUSION ACTIONS

WITNESSETH:

**Whereas**, the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321 *et seq.*, and the Regulations for Implementing the Procedural Provisions of NEPA (40 CFR parts 1500-1508) direct Federal agencies to consider the environmental impacts of their proposed major Federal actions through the preparation of an environmental assessment (EA) or environmental impact statement (EIS) unless a particular action is categorically excluded;

**Whereas**, the Federal Highway Administration's (FHWA) Maryland Division distribution and spending of Federal funds under the Federal-aid Highway Program and approval of actions pursuant to Title 23 of the U.S. Code (U.S.C.) are major Federal actions subject to NEPA;

**Whereas**, the Secretary of Transportation has delegated to FHWA the authority to carry out functions of the Secretary under NEPA as they relate to matters within FHWA's primary responsibilities (49 CFR 1.81(a)(5));

**Whereas**, the FHWA's NEPA implementing procedures (23 CFR 771) list a number of Categorical Exclusions (CE) for certain actions that FHWA has determined do not individually or cumulatively have a significant effect on the human environment and, therefore, do not require the preparation of an EA or EIS (23 CFR 771.117(c)(d));

**Whereas**, the Maryland Department of Transportation State Highway Administration (MDOT SHA) is a state agency that undertakes transportation projects using Federal funding received under the Federal-aid Highway Program and must assist FHWA in fulfilling its obligations under NEPA for MDOT SHA's projects (23 CFR 771.109);

**Whereas**, Section 1318(d) of the Moving Ahead for Progress in the 21st Century Act (MAP-21), Pub. L. 112-141, 126 Stat. 405 (July 6, 2012), allows FHWA to enter into programmatic agreements with the States that establish efficient administrative procedures for carrying out environmental and other required project reviews, including agreements that allow a State to determine whether a project qualifies for a CE on behalf of FHWA;

**Whereas**, FHWA developed regulations implementing the authorities in Section 1318(d), effective November 6, 2014 (23 CFR 771.117(g));

**Whereas**, FHWA is responsible for making all NEPA decisions and MDOT SHA has considered and decided not to assume responsibilities for some projects classified as CE pursuant to 23 U.S.C. 326 and;

**Whereas**, MDOT SHA wishes to certify that certain highway projects do not have significant impacts on the human and natural environment and in doing so will reduce the paperwork and processing time for FHWA NEPA approvals in accordance with this Agreement and applicable by law;

**Whereas**, MDOT SHA has had programmatic agreements with FHWA in place since 1989 to streamline the environmental review process and reduce unnecessary paperwork;

**Whereas**, FHWA may delegate the task of analyzing environmental impacts and preparing environmental documentation for NEPA compliance pursuant to 42 U.S.C. 4332(2)(D) and;

**Now, therefore**, the FHWA and MDOT SHA enter into this Programmatic Agreement (“Agreement”) for the processing of CEs.

## **SECTION I. AUTHORITIES**

This Agreement is entered into pursuant to the following authorities:

- A. National Environmental Policy Act, 42 U.S.C. 4321 *et seq.*
- B. Infrastructure Investment and Jobs Act, Pub L 117–58, 135 STAT. 429, (November 15, 2021)
- C. Moving Ahead for Progress in the 21st Century Act, Pub. L. 112-141, 126 Stat 405, Sec. 1318(d) (July 6, 2012)
- D. Fixing America’s Surface Transportation (FAST) Act, Pub. L. 114-94, 129 Stat. 1312, Sec. 1315 (December 4, 2015)
- E. 40 CFR Parts 1500-1508
- F. DOT Order 5610.1C
- G. 23 CFR 771.117

## **SECTION II. DEFINITION OF ACTIONS THAT DO NOT HAVE SIGNIFICANT IMPACTS ON THE HUMAN AND NATURAL ENVIRONMENT**

- A. Projects processed under this Agreement, which supersedes all previous agreements, must be actions listed in Section II C. that meet the definitions in 40 CFR 1508.4 and 23 CFR 771.117 for “categorical exclusions”, are actions which do not individually or cumulatively have a significant effect on the human environment and for which neither an EA nor an EIS is required.
- B. For a proposed action that MDOT SHA concludes qualifies as a CE under 23 CFR 771.117, MDOT SHA shall certify to FHWA that the action meets the requirements of Section I and II of this Agreement, including that 23 CFR 771.117(a) is satisfied and the project is one that:
  - i. Does not induce significant impacts to planned growth or land use for the area;
  - ii. Does not require the relocation of a significant number of people;
  - iii. Does not have a significant impact on any natural, cultural, recreational, historic, or other resource;
  - iv. Does not involve significant air, noise or water quality impacts,

- v. Does not have significant impacts on travel patterns; and
- vi. Does not otherwise, either individually or cumulatively, have any significant environmental impacts.

C. MDOT SHA shall process the following projects according to the terms of this Agreement and subject to the limiting conditions identified in Section IV B., make a CE certification on behalf of FHWA. No separate review or approval of the CE by FHWA is required.

i. Actions listed in 23 CFR 771.117(c):

1. 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.
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 under 23 U.S.C. 402.
5. Transfer of Federal lands pursuant to 23 U.S.C. 107(d) and/or 23 U.S.C. 317 when the land transfer is in support of an action that is not otherwise subject to FHWA review under NEPA.
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. The following actions for transportation facilities damaged by an incident resulting in 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):
  - (i) Emergency repairs under 23 U.S.C 125; and
  - (ii) The repair, reconstruction, restoration, retrofitting, or replacement of any road, highway, bridge, tunnel, or transit facility (such as a ferry dock or bus transfer station), including ancillary transportation facilities (such as pedestrian/bicycle paths and bike lanes), that is in operation or under construction when damaged and the action:
    - (A) Occurs within the existing right-of-way and in a manner that substantially conforms to the preexisting design, function, and location as the original (which may include upgrades to meet existing codes and standards as well as upgrades warranted to address conditions that have changed since the original construction); and

(B) Is commenced within a 2-year period beginning on the date of the declaration.

10. Acquisition of scenic easements.
11. Determination of payback under 23 U.S.C.156 for property previously acquired with Federal-aid participation.
12. Improvements to existing rest areas and truck weigh stations.
13. Ridesharing activities.
14. Bus and rail car rehabilitation.
15. Alterations to facilities or vehicles in order to make them accessible for elderly and handicapped persons.
16. Program administration, technical assistance activities and operating assistance to transit authorities to continue existing service or increase service to meet routine changes in demand.
17. 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 within a CE.
18. Track and rail bed maintenance and improvements when carried out within the existing right-of-way.
19. Purchase and installation of operating or maintenance equipment to be located within the transit facility and with no significant impacts off the site.
20. Promulgation of rules, regulations, and directives.
21. Deployment of electronics, photonics, communications or information processing used singly or in combination, or as components of a fully integrated system, to improve the efficiency or safety of a surface transportation system or to enhance security or passenger convenience. Examples include, but are not limited to, traffic control and detector devices, lane management systems, electronic payment equipment, automatic vehicle locators, automated passenger counters, computer-aided dispatching systems, radio communication systems, dynamic message signs, and security equipment including surveillance and detection cameras on roadways and in transit facilities and on buses.

22. Projects, as defined in 23 U.S.C. 101 that would take place entirely within the existing operational right-of-way. Existing operational right-of-way refers to right-of-way that has been disturbed for an existing transportation facility or is maintained for a transportation purpose. This area includes the features associated with the physical footprint of the transportation facility (including the roadway, bridges, interchanges, culverts, drainage, fixed guideways, mitigation areas, etc.) and other areas maintained for transportation purposes such as clear zone, traffic control signage, landscaping, any rest areas with direct access to a controlled access highway, areas maintained for safety and security of a transportation facility, parking facilities with direct access to an existing transportation facility, transit power substations, transit venting structures, and transit maintenance facilities. Portions of the right-of-way that have not been disturbed or that are not maintained for transportation purposes are not in the existing operational right-of-way.
23. Federally-funded projects:
  - (i) That receive less than \$5,000,000 (as adjusted annually by the Secretary to reflect any increases in the Consumer Price Index prepared by the Department of Labor, see [www.fhwa.dot.gov](http://www.fhwa.dot.gov) or [www.fta.dot.gov](http://www.fta.dot.gov)) of Federal funds; or
  - (ii) With a total estimated cost of not more than \$30,000,000 (as adjusted annually by the Secretary to reflect any increases in the Consumer Price Index prepared by the Department of Labor, see [www.fhwa.dot.gov](http://www.fhwa.dot.gov) or [www.fta.dot.gov](http://www.fta.dot.gov)) and Federal funds comprising less than 15 percent of the total estimated project cost.
24. Localized geotechnical and other investigation to provide information for preliminary design and for environmental analyses and permitting purposes, such as drilling test bores for soil sampling; archeological investigations for archeology resources assessment or similar survey; and wetland surveys.
25. Environmental restoration and pollution abatement actions to minimize or mitigate the impacts of any existing transportation facility (including retrofitting and construction of stormwater treatment systems to meet Federal and State requirements under Sections 401 and 402 of the Federal Water Pollution Control Act (33 U.S.C. 1341; 1342) carried out to address water pollution or environmental degradation.
26. Modernization of a highway by resurfacing, restoration, rehabilitation, reconstruction, adding shoulders, or adding auxiliary lanes (including parking, weaving, turning, and climbing lanes).
27. Highway safety or traffic operations improvement projects, including the installation of ramp metering control devices and lighting.
28. Bridge rehabilitation, reconstruction, or replacement or the construction of grade separation to replace existing at-grade railroad crossings.

29. Purchase, construction, replacement, or rehabilitation of ferry vessels (including improvements to ferry vessel safety, navigation, and security systems) that would not require a change in the function of the ferry terminals and can be accommodated by existing facilities or by new facilities which themselves are within a CE.
  30. Rehabilitation or reconstruction of existing ferry facilities that occupy substantially the same geographic footprint, do not result in a change in their functional use, and do not result in a substantial increase in the existing facility's capacity. Example actions include work on pedestrian and vehicle transfer structures and associated utilities, buildings, and terminals.
- ii. Actions listed in 23 CFR 771.117(d):
31. Transportation corridor fringe parking facilities. (d)(4)
  32. Construction of new truck weigh stations or rest areas. (d)(5)
  33. Approvals 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. (d)(6)
  34. Approvals for changes in access control. (d)(7)
  35. Construction of new bus storage and maintenance facilities in areas used predominantly for industrial or transportation purposes where such construction is not inconsistent with existing zoning and located on or near a street with adequate capacity to handle anticipated bus and support vehicle traffic. (d)(8)
  36. Rehabilitation or reconstruction of existing rail and bus buildings and ancillary facilities where only minor amounts of additional land are required and there is not a substantial increase in the number of users. (d)(9)
  37. Construction of bus transfer facilities (an open area consisting of passenger shelters, boarding areas, kiosks, and related street improvements) when located in a commercial area or other high activity center in which there is adequate street capacity for projected bus traffic. (d)(10)
  38. Construction of rail storage and maintenance facilities in areas used predominantly for industrial or transportation purposes where such construction is not inconsistent with existing zoning and where there is no significant noise impact on the surrounding community. (d)(11)
  39. Acquisition of land for hardship or protective purposes. Hardship and protective buying will be permitted only for a particular parcel or a limited number of parcels. These types of land acquisition qualify for a CE only where the acquisition will not limit the evaluation of alternatives, including shifts in alignment for planned construction projects, which may be required in the NEPA process. No project development on such land may proceed until the NEPA process has been completed. (Refer to 23 CFR 771.117 (d)(12) (i) and (ii) for a detailed description of 'hardship acquisition' and 'protective acquisition'). (d)(12)



### **SECTION III. CONSIDERATION OF UNUSUAL CIRCUMSTANCES**

- A. For each project processed under this Agreement, MDOT SHA shall consider whether circumstances exist where a normally categorically excluded action may have a significant environmental effect.
- B. For projects that cross state lines and include work in other states, the lead agency, as determined by either an existing maintenance agreement or coordination between the state DOTs, shall be responsible for obtaining NEPA approval. For projects where MDOT SHA is determined to be the lead state DOT, and the scope of work qualifies under Section II.C.i or II.C.ii, the project shall be processed under this agreement.
- C. MDOT SHA shall evaluate as part of its processing of a project whether the action meets 23 CFR 771.117(a) and is one that does not involve unusual circumstances that might require the preparation of an EA or EIS and will certify its findings to FHWA. This consideration of unusual circumstances includes consideration whether the action might result in:
  - 1. Significant environmental impacts.
  - 2. Substantial controversy on environmental grounds.
  - 3. Significant impacts on properties protected by Section 4(f) of the DOT Act (49 U.S.C 303 and 23 CFR 774) or Section 106 of the National Historic Preservation Act.
  - 4. Inconsistencies with any Federal, State, or local law, requirement or administrative determination relating to the environmental aspects of the action.

### **SECTION IV. CONDITIONS OR DETERMINATIONS THAT EXCLUDE ACTIONS FROM THIS AGREEMENT**

- A. Notwithstanding any other provision of this Agreement, any action that does not satisfy the criteria for a CE described in Sections I and II of this Agreement is excluded from processing under this Agreement. An exclusion also may occur at any time during the environmental process if MDOT SHA or FHWA determines that the project fails to meet the CE criteria.
- B. Other conditions that exclude a project that otherwise may qualify as a CE from processing under this Agreement are as follows:
  - 1. The action involves use of properties protected by Section 4(f) for which a Draft and Final Section 4(f) Evaluation is warranted.
  - 2. The action has a determination of “adverse effect” on properties protected by Section 106 of the National Historic Preservation Act.
  - 3. The action adversely affects or jeopardizes rare, threatened or endangered species and/or critical habitat as per written correspondence with the US Fish and Wildlife Service.
  - 4. The action requires an amount of new right of way that, in the context of the project, has a substantial impact on land use and property values throughout the study area.

5. The action includes changes in access restrictions that would require FHWA's Full Interstate Access Point Approval. For projects that require Short/Partial IAPA approval, MDOT SHA will consult with FHWA to determine the appropriate NEPA document.
  6. The action requires residential and business displacements where, in the context of the project, has a substantial impact on the community.
  7. The action involves the placement of fill into Waters of the US (33 CFR 328) that would cause a substantial impact to wetlands.
  8. The action will result in a substantial impact on air quality.
  9. The action involves substantial controversy on environmental grounds.
- C. Per 23 CFR 771.117(e), if the scope of the proposed project falls under (c) 26, 27 or 28 and any of the following conditions exist, the project may need to be processed as a CE. In these cases, MDOT SHA will need to consult with FHWA to determine the appropriate classification for the project.
1. An acquisition of more than a minor amount of right-of-way or that would result in any residential or non-residential displacements;
  2. An action that needs a bridge permit from the U.S. Coast Guard, or an action that does not meet the terms and conditions of a U.S. Army Corps of Engineers nationwide or general permit under section 404 of the Clean Water Act and/or section 10 of the Rivers and Harbors Act of 1899;
  3. A finding of "adverse effect" to historic properties under the National Historic Preservation Act, the use of a resource protected under 23 U.S.C. 138 or 49 U.S.C. 303 (Section 4(f)) except for actions resulting in *de minimis* impacts, or a finding of "may affect, likely to adversely affect" threatened or endangered species or critical habitat under the Endangered Species Act;
  4. Construction of temporary access or the closure of existing road, bridge, or ramps that would result in major traffic disruptions;
  5. Changes in access control;
  6. A floodplain encroachment other than functionally dependent uses (e.g., bridges, wetlands) or actions that facilitate open space use (e.g., recreational trails, bicycle and pedestrian paths); or construction activities in, across or adjacent to a river component designated or proposed for inclusion in the National System of Wild and Scenic Rivers.

## **SECTION V. PROCESSING OF PROJECTS EXCLUDED FROM THIS AGREEMENT**

- A. Any action excluded by this Agreement (based on activities listed in Section II and Appendices) but still an action that does not require the preparation of either an EA or EIS shall be brought to FHWA's attention either via informal procedures (email) or formal procedures (FHWA/MDOT SHA Monthly Coordination Meeting as captured in meeting minutes) to determine whether the action can be programmatically processed under this Agreement.



## SECTION VI. NEPA DOCUMENTATION AND APPROVALS

A. For actions qualifying for a CE identified in Section II C. that do not exceed the conditions in Section IV B., MDOT SHA may process as a CE on behalf of FHWA. MDOT SHA's project record documentation will identify the applicable CE from Section II C., ensure any conditions or constraints are met, verify that unusual circumstances do not apply, address any and all other environmental requirements, and complete the review with a signature certifying the requirements for NEPA approval have been met.

B. MDOT SHA proposes a three-tiered documentation and review process for actions included under Section II of this Agreement. Certification of projects included under Sections II. C. i. and ii. will be processed as Appendix A Programmatic Categorical Exclusions (Appendix A PCE), Minor Programmatic Categorical Exclusions (Minor PCE) or Programmatic Categorical Exclusions (PCE).

1. *Appendix A Programmatic Categorical Exclusions (Appendix A PCE)*  
Specific minor and routine actions that occur on an individual, statewide or areawide basis that have no potential to cause environmental impacts regardless of the location of these actions will be processed as a PCE once during the term of this PA. The list of specific actions covered under this PCE is included in Appendix A of this PA. No further documentation is needed on an individual project basis.

2. *Minor Programmatic Categorical Exclusions*

Actions listed under Section II. C. i. and ii. which are minor and routine in scope with little or no impacts and can occur on an individual, statewide or areawide basis will be processed as a Minor PCE. For specific actions which can be processed as a Minor PCE, please refer to Appendix B.

3. *Programmatic Categorical Exclusions*

All other actions as listed in Section II. C. i. and ii. will be processed as a PCE unless the action meets one or more of the criteria listed under Sections III and IV. For specific actions which can be processed as a PCE, please refer to Appendix C.

4. *Categorical Exclusions*

All other actions which meet the requirements under 23 CFR 771.117 and are not included under Section II of this Agreement or contained within the Appendices will be processed as a CE and submitted to FHWA for NEPA approval.

C. The certification/approval process for each document will occur as follows:

1. *Appendix A Programmatic Categorical Exclusions*

The FHWA approved list of actions covered under this type of PCE is included in Appendix A. One Appendix A PCE will be completed for each activity at the time of execution of this PA (included in Appendices). Each Appendix A PCE will constitute NEPA approval for any project and/or contract meeting the specific scope of work during the term of the PA. EPLD will be responsible for ensuring each project and/or contract meets the specific scope of work for each Appendix A PCE and that no environmental impacts will be incurred by the activity (refer to Appendix A for process). Appendix A PCE's are certified by MDOT SHA's Environmental Planning Division (EPLD) Division Chief (DC) electronically.

2. *Minor Programmatic Categorical Exclusions*

Each Minor PCE will be reviewed by a MDOT SHA Team Leader from the EPLD and will be certified by an MDOT SHA Assistant Division Chief (ADC) or the Team Leader in the ADC's stead. Minor PCE's are certified by MDOT SHA via electronic signature.

3. *Programmatic Categorical Exclusions*

Each PCE will be reviewed by a Team Leader or ADC from EPLD and will be certified by the DC of EPLD or an MDOT SHA ADC/Team Leader in the DC's stead. PCE's are certified by MDOT SHA via electronic signature.

4. *Categorical Exclusions*

Each CE will be reviewed by a Team Leader, ADC and DC and will be signed, on behalf of the MDOT SHA Administrator, by the Director of the Office of Planning and Preliminary Engineering (OPPE) or the OPPE Deputy Director in their stead, prior to sending to FHWA for NEPA approval.

## **SECTION VII. MDOT SHA PERFORMANCE REQUIREMENTS AND FHWA OVERSIGHT ACTIVITIES**

- A. Processing projects under this Agreement: identification, record keeping, and review of effects. For projects that MDOT SHA determines meet the criteria specified in Section II of this Agreement, MDOT SHA shall:
1. Individually review the processing of Appendix A PCE's, Minor PCE's, PCE's and CE's to determine if the criteria of this Agreement have been upheld and to determine if additional actions meet the criteria for inclusion in this Agreement.
  2. Record the environmental impacts for each project on the Minor PCE or PCE forms to certify that the conditions specified in Section IV do not exist and that the project qualifies to be programmatically excluded under Section I of this Agreement.
- B. Required resources, qualifications, expertise, standards, and training.

1. MDOT SHA must maintain adequate organizational and staff capability and expertise to effectively carry out the provisions of this Agreement. This includes, without limitation:
  - a) Using appropriate technical and managerial expertise to perform the functions set forth under this Agreement; and
  - b) Devoting adequate financial and staff resources to carry out the certification and processing of projects under this Agreement.
2. MDOT SHA may procure through consultant services some or all of the environmental and other technical expertise needed to carry out its processing and certifications under this Agreement, but all final certifications will be made by MDOT SHA managerial staff.
3. All individuals participating in the processing and certification of projects under this Agreement shall be familiar with and follow the appropriate subsections of 23 CFR 771.117 and MDOT SHA/FHWA procedures for environmental analyses and NEPA processing.

C. MDOT SHA quality control.

1. MDOT SHA agrees to carry out regular quality control activities to ensure that all Appendix A PCE, Minor PCE, and PCE certifications are made in accordance with applicable laws and regulations and this Agreement.
2. At a minimum, MDOT SHA shall monitor its processes relating to project certifications, environmental analysis, and project file documentation, and check for errors and omissions. MDOT SHA shall take corrective action as needed.

D. Documentation and recordkeeping for Appendix A PCE, Minor PCE, and PCE certifications.

1. MDOT SHA will complete an Appendix A PCE, Minor PCE or PCE form for each action it certifies under the terms of this Agreement. These forms shall be available to FHWA for review upon request. These forms shall include at a minimum:
  - a) A description of the project in which MDOT SHA has concluded that the activity applies to this Agreement.
  - b) The certification and findings pursuant to Section II.
  - c) Any checklists, forms, or other documents that summarize the consideration of project effects and unusual circumstances.
  - d) Any stakeholder correspondence, consultation, public meeting or agency involvement documentation.

2. MDOT SHA shall notify FHWA of its certification that a project has met the conditions set forth in this Agreement, as part of MDOT SHA's request for federal-aid agreement/authorization. The request for federal-aid agreement/authorization shall indicate the project has been "certified" as a project that qualifies as a CE action under Section II C, will not result in significant environmental impacts, and does not involve unusual circumstances that warrant the preparation of an EA or EIS. For projects certified in this manner, no further NEPA documentation should be sent to FHWA unless specifically requested by FHWA.
  3. MDOT SHA shall maintain electronic project records and coordination pertaining to MDOT SHA administration of its certification process for individual projects. MDOT SHA shall provide FHWA with copies of any project records upon request. MDOT SHA shall retain those records, including all letters and comments received from governmental agencies, the public, and others for a period of no less than five years after completion of project construction. This five-year retention provision does not relieve MDOT SHA of its project or program recordkeeping responsibilities under 49 CFR 18.42 or any other applicable laws, regulations, or policies.
  4. MDOT SHA shall ensure that project records are available to the public for a period of no less than five years after completion of project construction consistent with requirements applicable to Federal agencies under 5 U.S.C. 552 (the Freedom of Information Act, as amended in 2002) and NEPA, and consistent with applicable FHWA regulation, policy, and guidance.
- E. MDOT SHA monitoring and reporting on its performance of the Agreement. FHWA and MDOT SHA shall cooperate in monitoring performance under this Agreement and each party shall modify its practices as needed to assure quality performance by MDOT SHA and FHWA. MDOT SHA shall submit a list of Minor PCE's and PCE's to FHWA on an annual end of calendar year basis or as requested by FHWA.
- F. FHWA oversight activities
- Monitoring by FHWA and MDOT SHA will include consideration of the technical competency and organizational capacity of MDOT SHA, as well as MDOT SHA performance of its Appendix A, Minor PCE and PCE processing functions. Performance considerations will include, without limitation, the quality and consistency of MDOT SHA's project certifications, adequacy and capability of the resources applied by MDOT SHA, and the quality and consistency of MDOT SHA administration of its processing of projects under this Agreement.
1. At a minimum, FHWA will conduct one program/process review as part of its oversight activities, for each five-year period. The results of that review shall be considered at the time this Agreement is considered for renewal or immediately after review recommendations are received. A copy of this report shall be posted on the FHWA and MDOT SHA web sites and available for public review.

2. Nothing in this Agreement shall prevent FHWA from undertaking other monitoring or oversight actions, including audits, with respect to MDOT SHA's performance under this Agreement. FHWA, in its sole discretion, may require MDOT SHA to perform such other quality assurance activities, including other types of monitoring, as may be reasonably required to ensure compliance with applicable Federal laws and regulations.
3. MDOT SHA agrees to cooperate with the FHWA in all oversight and quality assurance activities.

## **SECTION VIII. TERM, RENEWAL, AND TERMINATION**

- A. This Agreement shall have a term of five years, beginning on the date of the last signature. MDOT SHA shall post an executed copy of this Agreement on its web site, available to the public, for a period of 15 days.
- B. This Agreement shall also apply to non-MDOT SHA sponsored projects for which Federal-aid is being pursued including local government, Transportation Alternatives/Enhancement Program, Recreational Trail Program, Scenic Byway Program, Appalachian Regional Commission funded projects, Maryland Transportation Authority projects, and any other federal-aid program projects.
- C. This Agreement is renewable for additional terms of five years each if MDOT SHA requests renewal and FHWA determines that MDOT SHA has satisfactorily carried out the provisions of this Agreement. In considering any renewal of this Agreement, FHWA will evaluate the effectiveness of the Agreement and its overall impact on the environmental review process.
- D. At least six months prior to the end of each five-year term, MDOT SHA and FHWA shall meet to discuss the results and consider amendments to this Agreement.
- E. If the parties do not renew the Agreement, then it shall expire at the end of the term then in effect.
- F. Either party may terminate this Agreement at any time by giving at least 30 days' notice to the other party.
- G. Related agreements and guidance between FHWA and MDOT SHA remain in full force and effect.

## **SECTION IX. AMENDMENTS AND ADMINISTRATIVE MODIFICATIONS**

- A. Any party to this Agreement may request that it or the Appendices be amended or administratively modified to reflect non-substantive changes, whereupon the parties shall consult to consider such an amendment.
- B. If the parties agree to amend this Agreement or the Appendices, then FHWA and MDOT SHA may execute an amendment with new signatures and dates of the signatures. The term of the Agreement shall remain unchanged unless otherwise expressly stated in the amended Agreement.

Execution of this Agreement and implementation of its terms by MDOT SHA formally evidence that MDOT SHA has reviewed this Agreement and agrees to the terms and conditions for its implementation. This Agreement is effective upon the date of the last signature below.

*Tim Smith*

05/18/2022

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Administrator  
Maryland Department of Transportation  
State Highway Administration

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Date

GREGORY KEITH MURRILL  
 Digitally signed by GREGORY KEITH MURRILL  
Date: 2022.05.18 15:01:13 -04'00'

5/18/22

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Division Administrator  
Federal Highway Administration, Maryland Division

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Date



# Appendix A

# Project Development Process for Mother Contract Projects

## (Subset of Minor Projects - No Alternative Analysis)

The MDOT SHA project development process for projects with minor/routine scopes of work and few or no environmental impacts is described in the 2022 Programmatic Agreement for the Processing of Certain Categorical Exclusions (PA) consistent with the work type categories found in 23 CFR 117.771. These minor/routine projects do not require an alternative analysis. For a subset of these projects, project managers utilize mother contracts. Mother contracts are also known as Indefinite Delivery/Indefinite Quantity (ID/IQ) contracts when federal funds are utilized. Types of Programmatic Categorical Exclusion (PCE) documents authorized under the PA include Appendix A PCEs, Minor PCEs, and PCEs. Mother contracts require the completion of NEPA/MEPA documents, typically Appendix A PCEs or Minor PCEs. For federally funded mother contracts, NEPA approval must be obtained prior to final design activities commencing.

### Types of NEPA Approvals

Mother contracts for very specific scopes of work receive only one Appendix A PCE documenting NEPA approval for requesting preliminary and final design/construction authorizations from FHWA for multiple projects. These projects do not require additional NEPA documentation for specific locations, however, locations must be submitted to the Environmental Planning Division (EPLD) along with the scope of work to confirm the scopes of work are consistent with one of the following:

- Resurfacing (grinding, milling, overlay, patching, slurry sealing, rumble strips, pavement and pavement markings within existing right-of-way with no expansion of wearing surface).\*
- Cleaning and Painting Bridges (only applicable to non-historic bridges not over waterways).
- Signal Projects (modification of existing signals with no natural ground disturbance).
- Signing Projects (only applicable for installation or replacement of existing fixed static signs within the same footprint).
- Minor Structure Repairs (non-historic structures, confined to the existing structure)
- Preservation of Landscape Assets

The approval process for mother contracts with scopes of work other than what is listed above require multiple NEPA approvals including:

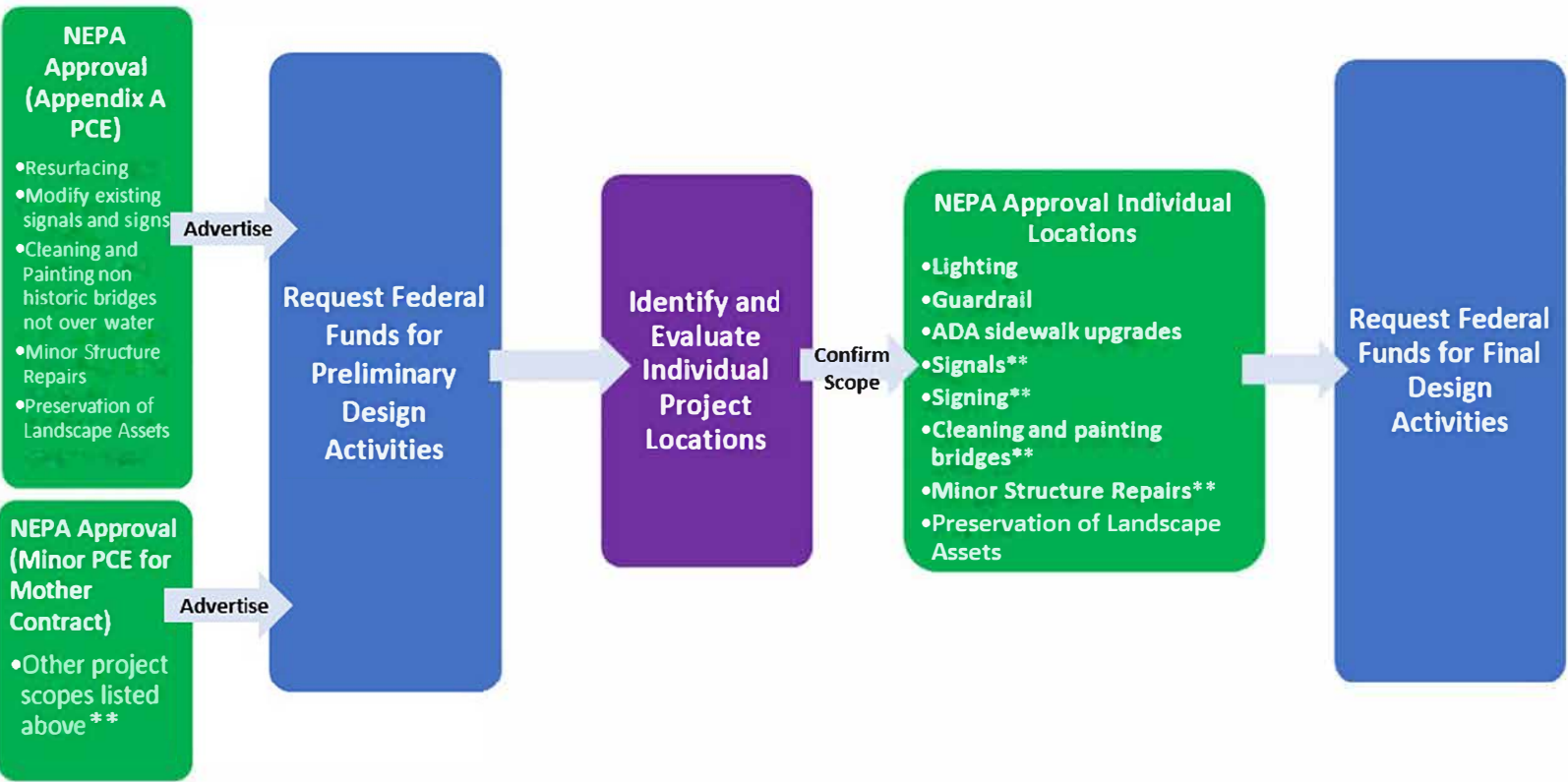
- A Minor PCE for Mother Contract is sent to the project manager for the advertisement of the mother contract and is not an approval for final design/construction activities.
- Additional NEPA approvals are necessary for final design/construction authorization for individual locations under the mother contract. These final NEPA documents are prepared once EPLD has received and evaluated all locations for impacts to environmental resources, which may be as late as the Semi-Final Review design milestone.

Types of work that may require additional, location specific PCEs include but are not limited to:

- Lighting
- Guardrail
- ADA sidewalk upgrades
- Signals\*\*
- Signing\*\*
- Cleaning and painting bridges\*\*
- Bridge maintenance/repairs\*\*
- Preservation of Landscape Assets\*\*

\*While specific locations can be submitted to EPLD for resurfacing scopes of work, impacts would not be expected to result from those projects because they are located within the existing paved area.

\*\*Scopes outside of the limitations of the Appendix A PCEs described above



\*\*Scopes outside of the limitations of the Appendix A PCEs described above

## 2022 Programmatic Agreement Appendix A PCE List

- Minor Structure Repairs
- Modification to Existing Signals
- Non-Construction
- Resurfacing
- Cleaning and Painting of Non-Historic Bridges
- Rec Trails Program Non-Construction
- Fixed Static Signs
- Preservation of Landscape Assets
- Rec Trails Program Construction
- Preliminary Design

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## MEMORANDUM

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**TO:** OFFICE OF FINANCE FEDERAL AID PROGRAMMING SECTION CHIEF

**FROM:** OFFICE OF PLANNING AND PRELIMINARY ENGINEERING  
ENVIRONMENTAL PLANNING DIVISION CHIEF DONNA BUSCEMI

**SUBJECT:** APPENDIX A: PROGRAMMATIC CATEGORICAL EXCLUSION FOR CLEANING  
AND PAINTING NON-HISTORIC BRIDGES

**DATE:** MAY 18, 2022

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### PURPOSE OF MEMORANDUM

To inform you that an Appendix A Programmatic Categorical Exclusion (Appendix A PCE) has been certified for the subject project/contract.

### SUMMARY

In compliance with the 2022 Programmatic Agreement for the Processing of Certain Categorical Exclusion Actions between the Maryland Department of Transportation State Highway Administration (MDOT SHA) and the Federal Highway Administration (FHWA), the subject project/contract has been classified as a Minor PCE. Based on environmental analyses, no significant environmental impacts would occur.

### ANALYSIS

Please see the attached Appendix A PCE form and correspondence for further details.

### ATTACHMENTS

Appendix A PCE form and all applicable correspondence and mapping.

## APPENDIX A PROGRAMMATIC CATEGORICAL EXCLUSION (CLEANING AND PAINTING NON-HISTORIC BRIDGES)

This project or contract qualifies as an Appendix A Programmatic Categorical Exclusion (PCE) as indicated by the scope below. The PCE number is 28. Please use the date of this memo as the date of environmental approval for this project/contract. **Approval of this document does not constitute a permit of any kind (wetland/waterway, etc.).**

**Date:**

May 18, 2022 (Expires May 18, 2027)

**Scope of Work:**

The scope of work consists of/is limited to cleaning and painting non-historic bridges not over waterways.

- 1 - *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.*  
-23 CFR 771.117 (c)(1) [including but not limited to training and educational activities; non-invasive inspections; wetland monitoring activities; funding of non-construction related activities (such as labor and equipment purchases) as funded through the Transportation Alternatives Program, and other activities not leading to or involving construction.]
- 2 - *Approval of utility installations along or across a transportation facility.* -23 CFR 771.117 (c)(2) [limited to utilities within transportation right-of-way.]
- 3 - *Construction of bicycle and pedestrian lanes, paths, and facilities.* - 23 CFR 771.117(c)(4) [including but not limited to reconstruction, rehabilitation and maintenance of trails and recreational facilities.]
- 4 - *Activities included in the State's highway safety plan under 23 U.S.C. 402.* - 23 CFR 771.117(c)(4) [including activities that do not involve construction.]
- 6 - *The installation of noise barriers or alterations to existing publicly owned buildings to provide for noise reduction.*  
-23CFR 771.117 (c)(6) [including but not limited to minor rehabilitation of existing noise walls and in-kind replacement of noise walls.]
- 7 - *Landscaping.* -23CFR 771.117 (c)(7) [including but not limited to invasive species and overgrown vegetation removal, tree, stump and vegetation removal, branch and root pruning, planting of trees, shrubs, perennials and annuals, constructing planting beds, seeding/reseeding, meadow establishment, turfgrass or sod installation and maintenance, and other vegetation and ground cover maintenance activities.]
- 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.* -23 CFR 771.117(c)(8) [including but not limited to installation, removal, replacement, and/or repair of fixed static signs, rumble strips, hazard identification beacons (HIB), Accessible/ Countdown Pedestrian Signals (APS/CPS), loop detectors, traffic systemization, and other interconnection devices, and other ITS devices or elements.]
- 9 - *The following actions for transportation facilities damaged by an incident resulting in an emergency declaration by the Governor of the State and concurred by the Secretary, or a disaster or emergency declared by the President pursuant to the Robert T. Stafford Act (42 U.S.C. 5121): (i) Emergency repairs under 23 U.S.C. 125; and (ii) The repair, reconstruction, restoration, retrofitting, or replacement of any road, highway, bridge, tunnel, or transit facility (such as a ferry dock or bus transfer station), including ancillary transportation facilities (such as pedestrian/bicycle paths and bike lanes), that is in operation or under construction when damaged and the action: (A) Occurs within existing right-of-way and in a manner that substantially conforms to the preexisting design, function, and location as the original (which may include upgrades to meet existing code and standards as well as upgrades warranted to address conditions that have changed since the original construction); and (B) Is commenced within a 2-year period beginning on the date of the declaration -23 CFR 771.117(c)(9)*
- 11 - *Determination of payback under 23 U.S.C. 156 for property previously acquired under Federal-aid participation.* -23 CFR 771.117 (c)(11)



- 12** - Improvements to existing rest areas and truck weigh stations. -23 CFR 771.117 (c)(12) [including but not limited to minor improvements/repairs to existing facilities.]
- 
- 13** - Ridesharing activities. -23 CFR 771.117 (c)(13) [including but not limited to minor improvements or repairs to existing facilities such as offices and trailers.]
- 
- 14** - Bus and rail car rehabilitation. -23 CFR 771.117(c)(14)
- 
- 15** - Alteration to facilities or vehicles in order to make them accessible for elderly and handicapped persons. -23 CFR 771.117(c)(15) [including but not limited to replacement, repair and upgrade of existing ADA ramps and sidewalks to meet current standards.]
- 
- 16** - Program administration, technical assistance activities, and operating assistance to transit authorities to continue existing service or increase service to meet routine changes in demand -23 CFR 771.117 (c)(16)
- 
- 17** - 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 within a CE. -23 CFR 771.117 (c)(17)
- 
- 18** - Track and railbed maintenance and improvements when carried out within the existing right-of-way. -23 CFR 771.117 (c)(18) [including but not limited to improved railroad crossing surfaces.]
- 
- 20** - Promulgation of rules, regulations, and directives. -23CFR 771.117 (c)(20)
- 
- 21** - Deployment of electronics, photonics, communications, or information processing used singly or in combination, or as components of a fully integrated system, to improve the efficiency or safety of a surface transportation system or to enhance security or passenger convenience. Examples include, but are not limited to, traffic control and detector devices, lane management systems, electronic payment equipment, automatic vehicle locators, automated passenger counters, computer-aided dispatching systems, radio communications systems, dynamic message signs, and security equipment including surveillance and detection cameras on roadways and in transit facilities and on buses. -23 CFR 771.117 (c)(21)
- 
- 24** - Localized geotechnical and other investigation to provide information for preliminary design and for environmental analyses and permitting purposes, such as drilling test bores for soil sampling; archeological investigations for archeological resources assessment or similar survey; and wetland surveys. -23 CFR 771.117 (c)(24)
- 
- 25** - Environmental restoration and pollution abatement actions to minimize or mitigate the impacts of any existing transportation facility (including retrofitting and construction of stormwater treatment systems to meet Federal and State requirements under Sections 401 and 402 of the Federal Water Pollution Control Act (33 U.S.C. 1341; 1342) carried out to address water pollution or environmental degradation. -23 CFR 771.117 (c)(25) [including but not limited to minor SWM facility installation and maintenance (e.g. bioswale), retrofit/repair of larger SWM facilities, & minor stream maintenance.]
- 
- 26** - Modernization of a highway by resurfacing, restoration, rehabilitation, reconstruction, adding shoulders, or adding auxiliary lanes (e.g. parking, weaving, turning, climbing). -23 CFR 771.117 (c)(26) [including but not limited to overlay, milling, grinding, patching, wedge and level, repairing and/or resurfacing existing ramps, roadways, pedestrian/cyclist facilities, and parking surfaces where there will be no expansion of wearing surfaces; in-kind replacement, reconstruction, repair or modification of existing curbs, gutters, and sidewalks consistent with the constraints in 23 CFR 771.117(e).]\*
- 
- 27** - Highway safety or traffic operations improvement projects including the installation of ramp metering control devices and lighting. -23 CFR 771.117 (c)(27) [including but not limited to installation and repair of traffic barriers (including but not limited to guardrails and concrete barriers); correcting substandard roadway and intersection geometrics; improvements to existing roundabouts; minor safety related drainage improvements including removal, repair, extension, or installation of culverts, headwalls, or pipes; repair or installation of erosion control and slope protection measures such as slope stabilization, slide repairs, rip rap, and retaining walls consistent with the constraints in 23 CFR 771.117(e).]\*
- 
- 28**- Bridge rehabilitation/reconstruction/replacement or construction of grade separation to replace existing at-grade railroad crossings. -23 CFR 771.117 (c)(28) [including but not limited to routine and minor structure and bridge maintenance, rehabilitation, and repair actions such as in-kind and in-place (same footprint) replacement or repair of any existing small structure, box culvert or bridge. This also includes abrasive blast, hand and power tool cleaning, painting of bridges, and if lead paint is present-removal, containment, disposal and monitoring of such following current SHA specifications and EPA/MDE regulations (Contractors will be required to submit and follow health and safety plans) consistent with the constraints in 23 CFR 771.117(e).]\*
- 
- 31**- Transportation corridor fringe parking facilities. -23 CFR 771.117 (c)(31) [including but not limited to minor improvements to existing parking facilities.]
- 
- 32** - Construction of new truck weigh stations or rest areas. -23 CFR 771.117 (d)(5) [including but not limited to installation, repair and replacement of overhead traffic and truck height and weight detectors.]

- 
- 33** - Approvals 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. -23 CFR 771.117 (d)(6) [including but not limited to disposal of excess right-of-way under 23 CFR 710, Subpart D, where the proposed use does not have significant adverse impacts; approval for the lease/use of federally acquired right-of-way for non-highway purposes.]
- 

*This project or contract has been reviewed by the Environmental Planning Division (EPLD) and has been found to be consistent with the 2022 Programmatic Agreement for the Processing of Minor Categorical Exclusions Actions.*

\*EPLD has confirmed scope/impacts are consistent with 23 CFR 771.117(e) when checking one or more of these PCE numbers.



Donna Buscemi  
Division Chief  
Environmental Planning Division

Click the paperclip icon  in the lower left corner or click Document>Attach a File... in the top pull-down menu bar to view and print attachments

May 2022

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## MEMORANDUM

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**TO:** OFFICE OF FINANCE FEDERAL AID PROGRAMMING SECTION CHIEF

**FROM:** OFFICE OF PLANNING AND PRELIMINARY ENGINEERING ENVIRONMENTAL  
PLANNING DIVISION CHIEF DONNA BUSCEMI

**SUBJECT:** APPENDIX A: PROGRAMMATIC CATEGORICAL EXCLUSION FOR FIXED STATIC  
SIGNS

**DATE:** MAY 18, 2022

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### PURPOSE OF MEMORANDUM

To inform you that an Appendix A Programmatic Categorical Exclusion (Appendix A PCE) has been certified for the subject project/contract.

### SUMMARY

In compliance with the 2022 Programmatic Agreement for the Processing of Certain Categorical Exclusion Actions between the Maryland Department of Transportation State Highway Administration (MDOT SHA) and the Federal Highway Administration (FHWA), the subject project/contract has been classified as a Minor PCE. Based on environmental analyses, no significant environmental impacts would occur.

### ANALYSIS

Please see the attached Appendix A PCE form and correspondence for further details.

### ATTACHMENTS

Appendix A PCE form and all applicable correspondence and mapping.

## APPENDIX A PROGRAMMATIC CATEGORICAL EXCLUSION (FIXED STATIC SIGNS)

This project or contract qualifies as an Appendix A Programmatic Categorical Exclusion (PCE) as indicated by the scope below. The PCE number is 8. Please use the date of this memo as the date of environmental approval for this project/contract. **Approval of this document does not constitute a permit of any kind (wetland/waterway, etc.).**

**Date:**

May 18, 2022 (Expires May 18, 2027)

**Scope of Work:**

The scope of work consists of/is limited to installation or replacement of fixed static signs within existing MDOT SHA right-of-way.

- 1 - *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.*  
-23 CFR 771.117 (c)(1) [including but not limited to training and educational activities; non-invasive inspections; wetland monitoring activities; funding of non-construction related activities (such as labor and equipment purchases) as funded through the Transportation Alternatives Program, and other activities not leading to or involving construction.]
- 2 - *Approval of utility installations along or across a transportation facility.* -23 CFR 771.117 (c)(2) [limited to utilities within transportation right-of-way.]
- 3 - *Construction of bicycle and pedestrian lanes, paths, and facilities.* - 23 CFR 771.117(c)(4) [including but not limited to reconstruction, rehabilitation and maintenance of trails and recreational facilities.]
- 4 - *Activities included in the State's highway safety plan under 23 U.S.C. 402.* - 23 CFR 771.117(c)(4) [including activities that do not involve construction.]
- 6 - *The installation of noise barriers or alterations to existing publicly owned buildings to provide for noise reduction.*  
-23CFR 771.117 (c)(6) [including but not limited to minor rehabilitation of existing noise walls and in-kind replacement of noise walls.]
- 7 - *Landscaping.* -23CFR 771.117 (c)(7) [including but not limited to invasive species and overgrown vegetation removal, tree, stump and vegetation removal, branch and root pruning, planting of trees, shrubs, perennials and annuals, constructing planting beds, seeding/reseeding, meadow establishment, turfgrass or sod installation and maintenance, and other vegetation and ground cover maintenance activities.]
- 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.* -23 CFR 771.117(c)(8) [including but not limited to installation, removal, replacement, and/or repair of fixed static signs, rumble strips, hazard identification beacons (HIB), Accessible/ Countdown Pedestrian Signals (APS/CPS), loop detectors, traffic systemization, and other interconnection devices, and other ITS devices or elements.]
- 9 - *The following actions for transportation facilities damaged by an incident resulting in an emergency declaration by the Governor of the State and concurred by the Secretary, or a disaster or emergency declared by the President pursuant to the Robert T. Stafford Act (42 U.S.C. 5121): (i) Emergency repairs under 23 U.S.C. 125; and (ii) The repair, reconstruction, restoration, retrofitting, or replacement of any road, highway, bridge, tunnel, or transit facility (such as a ferry dock or bus transfer station), including ancillary transportation facilities (such as pedestrian/bicycle paths and bike lanes), that is in operation or under construction when damaged and the action: (A) Occurs within existing right-of-way and in a manner that substantially conforms to the preexisting design, function, and location as the original (which may include upgrades to meet existing code and standards as well as upgrades warranted to address conditions that have changed since the original construction); and (B) Is commenced within a 2-year period beginning on the date of the declaration -23 CFR 771.117(c)(9)*
- 11 - *Determination of payback under 23 U.S.C. 156 for property previously acquired under Federal-aid participation.* -23 CFR 771.117 (c)(11)

- 12** - Improvements to existing rest areas and truck weigh stations. -23 CFR 771.117 (c)(12) [including but not limited to minor improvements/repairs to existing facilities.]
- 
- 13** - Ridesharing activities. -23 CFR 771.117 (c)(13) [including but not limited to minor improvements or repairs to existing facilities such as offices and trailers.]
- 
- 14** - Bus and rail car rehabilitation. -23 CFR 771.117(c)(14)
- 
- 15** - Alteration to facilities or vehicles in order to make them accessible for elderly and handicapped persons. -23 CFR 771.117(c)(15) [including but not limited to replacement, repair and upgrade of existing ADA ramps and sidewalks to meet current standards.]
- 
- 16** - Program administration, technical assistance activities, and operating assistance to transit authorities to continue existing service or increase service to meet routine changes in demand -23 CFR 771.117 (c)(16)
- 
- 17** - 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 within a CE. -23 CFR 771.117 (c)(17)
- 
- 18** - Track and railbed maintenance and improvements when carried out within the existing right-of-way. -23 CFR 771.117 (c)(18) [including but not limited to improved railroad crossing surfaces.]
- 
- 20** - Promulgation of rules, regulations, and directives. -23CFR 771.117 (c)(20)
- 
- 21** - Deployment of electronics, photonics, communications, or information processing used singly or in combination, or as components of a fully integrated system, to improve the efficiency or safety of a surface transportation system or to enhance security or passenger convenience. Examples include, but are not limited to, traffic control and detector devices, lane management systems, electronic payment equipment, automatic vehicle locators, automated passenger counters, computer-aided dispatching systems, radio communications systems, dynamic message signs, and security equipment including surveillance and detection cameras on roadways and in transit facilities and on buses. -23 CFR 771.117 (c)(21)
- 
- 24** - Localized geotechnical and other investigation to provide information for preliminary design and for environmental analyses and permitting purposes, such as drilling test bores for soil sampling; archeological investigations for archeological resources assessment or similar survey; and wetland surveys. -23 CFR 771.117 (c)(24)
- 
- 25** - Environmental restoration and pollution abatement actions to minimize or mitigate the impacts of any existing transportation facility (including retrofitting and construction of stormwater treatment systems to meet Federal and State requirements under Sections 401 and 402 of the Federal Water Pollution Control Act (33 U.S.C. 1341; 1342) carried out to address water pollution or environmental degradation. -23 CFR 771.117 (c)(25) [including but not limited to minor SWM facility installation and maintenance (e.g. bioswale), retrofit/repair of larger SWM facilities, & minor stream maintenance.]
- 
- 26** - Modernization of a highway by resurfacing, restoration, rehabilitation, reconstruction, adding shoulders, or adding auxiliary lanes (e.g. parking, weaving, turning, climbing). -23 CFR 771.117 (c)(26) [including but not limited to overlay, milling, grinding, patching, wedge and level, repairing and/or resurfacing existing ramps, roadways, pedestrian/cyclist facilities, and parking surfaces where there will be no expansion of wearing surfaces; in-kind replacement, reconstruction, repair or modification of existing curbs, gutters, and sidewalks consistent with the constraints in 23 CFR 771.117(e).]\*
- 
- 27** - Highway safety or traffic operations improvement projects including the installation of ramp metering control devices and lighting. -23 CFR 771.117 (c)(27) [including but not limited to installation and repair of traffic barriers (including but not limited to guardrails and concrete barriers); correcting substandard roadway and intersection geometrics; improvements to existing roundabouts; minor safety related drainage improvements including removal, repair, extension, or installation of culverts, headwalls, or pipes; repair or installation of erosion control and slope protection measures such as slope stabilization, slide repairs, rip rap, and retaining walls consistent with the constraints in 23 CFR 771.117(e).]\*
- 
- 28**- Bridge rehabilitation/reconstruction/replacement or construction of grade separation to replace existing at-grade railroad crossings. -23 CFR 771.117 (c)(28) [including but not limited to routine and minor structure and bridge maintenance, rehabilitation, and repair actions such as in-kind and in-place (same footprint) replacement or repair of any existing small structure, box culvert or bridge. This also includes abrasive blast, hand and power tool cleaning, painting of bridges, and if lead paint is present-removal, containment, disposal and monitoring of such following current SHA specifications and EPA/MDE regulations (Contractors will be required to submit and follow health and safety plans) consistent with the constraints in 23 CFR 771.117(e).]\*
- 
- 31**- Transportation corridor fringe parking facilities. -23 CFR 771.117 (c)(31) [including but not limited to minor improvements to existing parking facilities.]
- 
- 32** - Construction of new truck weigh stations or rest areas. -23 CFR 771.117 (d)(5) [including but not limited to installation, repair and replacement of overhead traffic and truck height and weight detectors.]

- 
- 33** - Approvals 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. -23 CFR 771.117 (d)(6) [including but not limited to disposal of excess right-of-way under 23 CFR 710, Subpart D, where the proposed use does not have significant adverse impacts; approval for the lease/use of federally acquired right-of-way for non-highway purposes.]
- 

*This project or contract has been reviewed by the Environmental Planning Division (EPLD) and has been found to be consistent with the 2022 Programmatic Agreement for the Processing of Minor Categorical Exclusions Actions.*

\*EPLD has confirmed scope/impacts are consistent with 23 CFR 771.117(e) when checking one or more of these PCE numbers.



Donna Buscemi  
Division Chief  
Environmental Planning Division

Click the paperclip icon  in the lower left corner or click Document>Attach a File... in the top pull-down menu bar to view and print attachments

May 2022



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## MEMORANDUM

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**TO:** OFFICE OF FINANCE FEDERAL AID PROGRAMMING SECTION CHIEF

**FROM:** OFFICE OF PLANNING AND PRELIMINARY ENGINEERING  
ENVIRONMENTAL PLANNING DIVISION CHIEF DONNA BUSCEMI

**SUBJECT:** APPENDIX A: PROGRAMMATIC CATEGORICAL EXCLUSION FOR  
PRESERVATION OF LANDSCAPE ASSETS

**DATE:** MAY 18, 2022

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### PURPOSE OF MEMORANDUM

To inform you that an Appendix A Programmatic Categorical Exclusion (Appendix A PCE) has been certified for the subject project/contract.

### SUMMARY

In compliance with the 2022 Programmatic Agreement for the Processing of Certain Categorical Exclusion Actions between the Maryland Department of Transportation State Highway Administration (MDOT SHA) and the Federal Highway Administration (FHWA), the subject project/contract has been classified as a Minor PCE. Based on environmental analyses, no significant environmental impacts would occur.

### ANALYSIS

Please see the attached Appendix A PCE form and correspondence for further details.

### ATTACHMENTS

Appendix A PCE form and all applicable correspondence and mapping.

## APPENDIX A PROGRAMMATIC CATEGORICAL EXCLUSION (PRESERVATION OF LANDSCAPE ASSETS)

This project or contract qualifies as an Appendix A Programmatic Categorical Exclusion (PCE) as indicated by the scope below. The PCE number is 7. Please use the date of this memo as the date of environmental approval for this project/contract. **Approval of this document does not constitute a permit of any kind (wetland/waterway, etc.).**

**Date:**

May 18, 2022 (Expires May 18, 2027)

**Scope of Work:**

The scope of work consists of/is limited to invasive species and overgrown vegetation removal, tree and vegetation removal, branch and root pruning, seeding/reseeding, meadow establishment, turfgrass or sod maintenance, and other vegetation and ground cover maintenance activities.

- 1 - *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.*  
-23 CFR 771.117 (c)(1) [**including but not limited to** training and educational activities; non-invasive inspections; wetland monitoring activities; funding of non-construction related activities (such as labor and equipment purchases) as funded through the Transportation Alternatives Program, and other activities not leading to or involving construction.]
- 2 - *Approval of utility installations along or across a transportation facility.* -23 CFR 771.117 (c)(2) [**limited to** utilities within transportation right-of-way.]
- 3 - *Construction of bicycle and pedestrian lanes, paths, and facilities.* - 23 CFR 771.117(c)(4) [**including but not limited to** reconstruction, rehabilitation and maintenance of trails and recreational facilities.]
- 4 - *Activities included in the State's highway safety plan under 23 U.S.C. 402.* - 23 CFR 771.117(c)(4) [**including** activities that do not involve construction.]
- 6 - *The installation of noise barriers or alterations to existing publicly owned buildings to provide for noise reduction.*  
-23CFR 771.117 (c)(6) [**including but not limited to** minor rehabilitation of existing noise walls and in-kind replacement of noise walls.]
- 7 - *Landscaping.* -23CFR 771.117 (c)(7) [**including but not limited to** invasive species and overgrown vegetation removal, tree, stump and vegetation removal, branch and root pruning, planting of trees, shrubs, perennials and annuals, constructing planting beds, seeding/reseeding, meadow establishment, turfgrass or sod installation and maintenance, and other vegetation and ground cover maintenance activities.]
- 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.* -23 CFR 771.117(c)(8) [**including but not limited to** installation, removal, replacement, and/or repair of fixed static signs, rumble strips, hazard identification beacons (HIB), Accessible/ Countdown Pedestrian Signals (APS/CPS), loop detectors, traffic systemization, and other interconnection devices, and other ITS devices or elements.]
- 9 - *The following actions for transportation facilities damaged by an incident resulting in an emergency declaration by the Governor of the State and concurred by the Secretary, or a disaster or emergency declared by the President pursuant to the Robert T. Stafford Act (42 U.S.C. 5121): (i) Emergency repairs under 23 U.S.C. 125; and (ii) The repair, reconstruction, restoration, retrofitting, or replacement of any road, highway, bridge, tunnel, or transit facility (such as a ferry dock or bus transfer station), including ancillary transportation facilities (such as pedestrian/bicycle paths and bike lanes), that is in operation or under construction when damaged and the action: (A) Occurs within existing right-of-way and in a manner that substantially conforms to the preexisting design, function, and location as the original (which may include upgrades to meet existing code and standards as well as upgrades warranted to address conditions that have changed since the original construction); and (B) Is commenced within a 2-year period beginning on the date of the declaration -23 CFR 771.117(c)(9)*
- 11 - *Determination of payback under 23 U.S.C. 156 for property previously acquired under Federal-aid participation.* -23 CFR 771.117 (c)(11)

- 12** - Improvements to existing rest areas and truck weigh stations. -23 CFR 771.117 (c)(12) [including but not limited to minor improvements/repairs to existing facilities.]
- 
- 13** - Ridesharing activities. -23 CFR 771.117 (c)(13) [including but not limited to minor improvements or repairs to existing facilities such as offices and trailers.]
- 
- 14** - Bus and rail car rehabilitation. -23 CFR 771.117(c)(14)
- 
- 15** - Alteration to facilities or vehicles in order to make them accessible for elderly and handicapped persons. -23 CFR 771.117(c)(15) [including but not limited to replacement, repair and upgrade of existing ADA ramps and sidewalks to meet current standards.]
- 
- 16** - Program administration, technical assistance activities, and operating assistance to transit authorities to continue existing service or increase service to meet routine changes in demand -23 CFR 771.117 (c)(16)
- 
- 17** - 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 within a CE. -23 CFR 771.117 (c)(17)
- 
- 18** - Track and railbed maintenance and improvements when carried out within the existing right-of-way. -23 CFR 771.117 (c)(18) [including but not limited to improved railroad crossing surfaces.]
- 
- 20** - Promulgation of rules, regulations, and directives. -23CFR 771.117 (c)(20)
- 
- 21** - Deployment of electronics, photonics, communications, or information processing used singly or in combination, or as components of a fully integrated system, to improve the efficiency or safety of a surface transportation system or to enhance security or passenger convenience. Examples include, but are not limited to, traffic control and detector devices, lane management systems, electronic payment equipment, automatic vehicle locators, automated passenger counters, computer-aided dispatching systems, radio communications systems, dynamic message signs, and security equipment including surveillance and detection cameras on roadways and in transit facilities and on buses. -23 CFR 771.117 (c)(21)
- 
- 24** - Localized geotechnical and other investigation to provide information for preliminary design and for environmental analyses and permitting purposes, such as drilling test bores for soil sampling; archeological investigations for archeological resources assessment or similar survey; and wetland surveys. -23 CFR 771.117 (c)(24)
- 
- 25** - Environmental restoration and pollution abatement actions to minimize or mitigate the impacts of any existing transportation facility (including retrofitting and construction of stormwater treatment systems to meet Federal and State requirements under Sections 401 and 402 of the Federal Water Pollution Control Act (33 U.S.C. 1341; 1342) carried out to address water pollution or environmental degradation. -23 CFR 771.117 (c)(25) [including but not limited to minor SWM facility installation and maintenance (e.g. bioswale), retrofit/repair of larger SWM facilities, & minor stream maintenance.]
- 
- 26** - Modernization of a highway by resurfacing, restoration, rehabilitation, reconstruction, adding shoulders, or adding auxiliary lanes (e.g. parking, weaving, turning, climbing). -23 CFR 771.117 (c)(26) [including but not limited to overlay, milling, grinding, patching, wedge and level, repairing and/or resurfacing existing ramps, roadways, pedestrian/cyclist facilities, and parking surfaces where there will be no expansion of wearing surfaces; in-kind replacement, reconstruction, repair or modification of existing curbs, gutters, and sidewalks consistent with the constraints in 23 CFR 771.117(e).]\*
- 
- 27** - Highway safety or traffic operations improvement projects including the installation of ramp metering control devices and lighting. -23 CFR 771.117 (c)(27) [including but not limited to installation and repair of traffic barriers (including but not limited to guardrails and concrete barriers); correcting substandard roadway and intersection geometrics; improvements to existing roundabouts; minor safety related drainage improvements including removal, repair, extension, or installation of culverts, headwalls, or pipes; repair or installation of erosion control and slope protection measures such as slope stabilization, slide repairs, rip rap, and retaining walls consistent with the constraints in 23 CFR 771.117(e).]\*
- 
- 28**- Bridge rehabilitation/reconstruction/replacement or construction of grade separation to replace existing at-grade railroad crossings. -23 CFR 771.117 (c)(28) [including but not limited to routine and minor structure and bridge maintenance, rehabilitation, and repair actions such as in-kind and in-place (same footprint) replacement or repair of any existing small structure, box culvert or bridge. This also includes abrasive blast, hand and power tool cleaning, painting of bridges, and if lead paint is present-removal, containment, disposal and monitoring of such following current SHA specifications and EPA/MDE regulations (Contractors will be required to submit and follow health and safety plans) consistent with the constraints in 23 CFR 771.117(e).]\*
- 
- 31**- Transportation corridor fringe parking facilities. -23 CFR 771.117 (c)(31) [including but not limited to minor improvements to existing parking facilities.]
- 
- 32** - Construction of new truck weigh stations or rest areas. -23 CFR 771.117 (d)(5) [including but not limited to installation, repair and replacement of overhead traffic and truck height and weight detectors.]

- 
- 33** - Approvals 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. -23 CFR 771.117 (d)(6) [including but not limited to disposal of excess right-of-way under 23 CFR 710, Subpart D, where the proposed use does not have significant adverse impacts; approval for the lease/use of federally acquired right-of-way for non-highway purposes.]
- 

*This project or contract has been reviewed by the Environmental Planning Division (EPLD) and has been found to be consistent with the 2022 Programmatic Agreement for the Processing of Minor Categorical Exclusions Actions.*

\*EPLD has confirmed scope/impacts are consistent with 23 CFR 771.117(e) when checking one or more of these PCE numbers.



Donna Buscemi  
Division Chief  
Environmental Planning Division

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May 2022

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## MEMORANDUM

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**TO:** OFFICE OF FINANCE FEDERAL AID PROGRAMMING SECTION CHIEF

**FROM:** OFFICE OF PLANNING AND PRELIMINARY ENGINEERING  
ENVIRONMENTAL PLANNING DIVISION CHIEF DONNA BUSCEMI

**SUBJECT:** APPENDIX A: PROGRAMMATIC CATEGORICAL EXCLUSION FOR MINOR  
REPAIRS TO NON-HISTORIC STRUCTURES

**DATE:** MAY 18, 2022

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### PURPOSE OF MEMORANDUM

To inform you that an Appendix A Programmatic Categorical Exclusion (Appendix A PCE) has been certified for the subject project/contract.

### SUMMARY

In compliance with the 2022 Programmatic Agreement for the Processing of Certain Categorical Exclusion Actions between the Maryland Department of Transportation State Highway Administration (MDOT SHA) and the Federal Highway Administration (FHWA), the subject project/contract has been classified as a Minor PCE. Based on environmental analyses, no significant environmental impacts would occur.

### ANALYSIS

Please see the attached Appendix A PCE form and correspondence for further details.

### ATTACHMENTS

Appendix A PCE form and all applicable correspondence and mapping.

## APPENDIX A PROGRAMMATIC CATEGORICAL EXCLUSION (MINOR REPAIRS TO NON-HISTORIC STRUCTURES)

This project or contract qualifies as an Appendix A Programmatic Categorical Exclusion (PCE) as indicated by the scope below. The PCE number is 27 and/or 28. Please use the date of this memo as the date of environmental approval for this project/contract. **Approval of this document does not constitute a permit of any kind (wetland/waterway, etc.).**

**Date:**

May 18, 2022 (Expires May 18, 2027)

**Scope of Work:**

The scope of work consists of/is limited to remedial repairs to non-historic structures (bridges, culverts, pipes) including invert paving, concrete repairs, and minor superstructure and substructure repairs that are confined to the existing structure.

- 1 - *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.*  
-23 CFR 771.117 (c)(1) [including but not limited to training and educational activities; non-invasive inspections; wetland monitoring activities; funding of non-construction related activities (such as labor and equipment purchases) as funded through the Transportation Alternatives Program, and other activities not leading to or involving construction.]
- 2 - *Approval of utility installations along or across a transportation facility.* -23 CFR 771.117 (c)(2) [limited to utilities within transportation right-of-way.]
- 3 - *Construction of bicycle and pedestrian lanes, paths, and facilities.* - 23 CFR 771.117(c)(4) [including but not limited to reconstruction, rehabilitation and maintenance of trails and recreational facilities.]
- 4 - *Activities included in the State's highway safety plan under 23 U.S.C. 402.* - 23 CFR 771.117(c)(4) [including activities that do not involve construction.]
- 6 - *The installation of noise barriers or alterations to existing publicly owned buildings to provide for noise reduction.*  
-23CFR 771.117 (c)(6) [including but not limited to minor rehabilitation of existing noise walls and in-kind replacement of noise walls.]
- 7 - *Landscaping.* -23CFR 771.117 (c)(7) [including but not limited to invasive species and overgrown vegetation removal, tree, stump and vegetation removal, branch and root pruning, planting of trees, shrubs, perennials and annuals, constructing planting beds, seeding/reseeding, meadow establishment, turfgrass or sod installation and maintenance, and other vegetation and ground cover maintenance activities.]
- 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.* -23 CFR 771.117(c)(8) [including but not limited to installation, removal, replacement, and/or repair of fixed static signs, rumble strips, hazard identification beacons (HIB), Accessible/ Countdown Pedestrian Signals (APS/CPS), loop detectors, traffic systemization, and other interconnection devices, and other ITS devices or elements.]
- 9 - *The following actions for transportation facilities damaged by an incident resulting in an emergency declaration by the Governor of the State and concurred by the Secretary, or a disaster or emergency declared by the President pursuant to the Robert T. Stafford Act (42 U.S.C. 5121): (i) Emergency repairs under 23 U.S.C. 125; and (ii) The repair, reconstruction, restoration, retrofitting, or replacement of any road, highway, bridge, tunnel, or transit facility (such as a ferry dock or bus transfer station), including ancillary transportation facilities (such as pedestrian/bicycle paths and bike lanes), that is in operation or under construction when damaged and the action: (A) Occurs within existing right-of-way and in a manner that substantially conforms to the preexisting design, function, and location as the original (which may include upgrades to meet existing code and standards as well as upgrades warranted to address conditions that have changed since the original construction); and (B) Is commenced within a 2-year period beginning on the date of the declaration -23 CFR 771.117(c)(9)*
- 11 - *Determination of payback under 23 U.S.C. 156 for property previously acquired under Federal-aid participation.* -23 CFR 771.117 (c)(11)



- 12** - Improvements to existing rest areas and truck weigh stations. -23 CFR 771.117 (c)(12) [including but not limited to minor improvements/repairs to existing facilities.]
- 
- 13** - Ridesharing activities. -23 CFR 771.117 (c)(13) [including but not limited to minor improvements or repairs to existing facilities such as offices and trailers.]
- 
- 14** - Bus and rail car rehabilitation. -23 CFR 771.117(c)(14)
- 
- 15** - Alteration to facilities or vehicles in order to make them accessible for elderly and handicapped persons. -23 CFR 771.117(c)(15) [including but not limited to replacement, repair and upgrade of existing ADA ramps and sidewalks to meet current standards.]
- 
- 16** - Program administration, technical assistance activities, and operating assistance to transit authorities to continue existing service or increase service to meet routine changes in demand -23 CFR 771.117 (c)(16)
- 
- 17** - 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 within a CE. -23 CFR 771.117 (c)(17)
- 
- 18** - Track and railbed maintenance and improvements when carried out within the existing right-of-way. -23 CFR 771.117 (c)(18) [including but not limited to improved railroad crossing surfaces.]
- 
- 20** - Promulgation of rules, regulations, and directives. -23CFR 771.117 (c)(20)
- 
- 21** - Deployment of electronics, photonics, communications, or information processing used singly or in combination, or as components of a fully integrated system, to improve the efficiency or safety of a surface transportation system or to enhance security or passenger convenience. Examples include, but are not limited to, traffic control and detector devices, lane management systems, electronic payment equipment, automatic vehicle locators, automated passenger counters, computer-aided dispatching systems, radio communications systems, dynamic message signs, and security equipment including surveillance and detection cameras on roadways and in transit facilities and on buses. -23 CFR 771.117 (c)(21)
- 
- 24** - Localized geotechnical and other investigation to provide information for preliminary design and for environmental analyses and permitting purposes, such as drilling test bores for soil sampling; archeological investigations for archeological resources assessment or similar survey; and wetland surveys. -23 CFR 771.117 (c)(24)
- 
- 25** - Environmental restoration and pollution abatement actions to minimize or mitigate the impacts of any existing transportation facility (including retrofitting and construction of stormwater treatment systems to meet Federal and State requirements under Sections 401 and 402 of the Federal Water Pollution Control Act (33 U.S.C. 1341; 1342) carried out to address water pollution or environmental degradation. -23 CFR 771.117 (c)(25) [including but not limited to minor SWM facility installation and maintenance (e.g. bioswale), retrofit/repair of larger SWM facilities, & minor stream maintenance.]
- 
- 26** - Modernization of a highway by resurfacing, restoration, rehabilitation, reconstruction, adding shoulders, or adding auxiliary lanes (e.g. parking, weaving, turning, climbing). -23 CFR 771.117 (c)(26) [including but not limited to overlay, milling, grinding, patching, wedge and level, repairing and/or resurfacing existing ramps, roadways, pedestrian/cyclist facilities, and parking surfaces where there will be no expansion of wearing surfaces; in-kind replacement, reconstruction, repair or modification of existing curbs, gutters, and sidewalks consistent with the constraints in 23 CFR 771.117(e).]\*
- 
- 27** - Highway safety or traffic operations improvement projects including the installation of ramp metering control devices and lighting. -23 CFR 771.117 (c)(27) [including but not limited to installation and repair of traffic barriers (including but not limited to guardrails and concrete barriers); correcting substandard roadway and intersection geometrics; improvements to existing roundabouts; minor safety related drainage improvements including removal, repair, extension, or installation of culverts, headwalls, or pipes; repair or installation of erosion control and slope protection measures such as slope stabilization, slide repairs, rip rap, and retaining walls consistent with the constraints in 23 CFR 771.117(e).]\*
- 
- 28** - Bridge rehabilitation/reconstruction/replacement or construction of grade separation to replace existing at-grade railroad crossings. -23 CFR 771.117 (c)(28) [including but not limited to routine and minor structure and bridge maintenance, rehabilitation, and repair actions such as in-kind and in-place (same footprint) replacement or repair of any existing small structure, box culvert or bridge. This also includes abrasive blast, hand and power tool cleaning, painting of bridges, and if lead paint is present-removal, containment, disposal and monitoring of such following current SHA specifications and EPA/MDE regulations (Contractors will be required to submit and follow health and safety plans) consistent with the constraints in 23 CFR 771.117(e).]\*
- 
- 31** - Transportation corridor fringe parking facilities. -23 CFR 771.117 (c)(31) [including but not limited to minor improvements to existing parking facilities.]
- 
- 32** - Construction of new truck weigh stations or rest areas. -23 CFR 771.117 (d)(5) [including but not limited to installation, repair and replacement of overhead traffic and truck height and weight detectors.]

- 
- 33** - Approvals 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. -23 CFR 771.117 (d)(6) [including but not limited to disposal of excess right-of-way under 23 CFR 710, Subpart D, where the proposed use does not have significant adverse impacts; approval for the lease/use of federally acquired right-of-way for non-highway purposes.]
- 

*This project or contract has been reviewed by the Environmental Planning Division (EPLD) and has been found to be consistent with the 2022 Programmatic Agreement for the Processing of Minor Categorical Exclusions Actions.*

\*EPLD has confirmed scope/impacts are consistent with 23 CFR 771.117(e) when checking one or more of these PCE numbers.



Donna Buscemi  
Division Chief  
Environmental Planning Division

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May 2022

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## MEMORANDUM

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**TO:** OFFICE OF FINANCE FEDERAL AID PROGRAMMING SECTION CHIEF

**FROM:** OFFICE OF PLANNING AND PRELIMINARY ENGINEERING  
ENVIRONMENTAL PLANNING DIVISION CHIEF DONNA BUSCEMI

**SUBJECT:** APPENDIX A: PROGRAMMATIC CATEGORICAL EXCLUSION FOR  
MODIFICATION OF EXISTING SIGNALS

**DATE:** MAY 18, 2022

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### PURPOSE OF MEMORANDUM

To inform you that an Appendix A Programmatic Categorical Exclusion (Appendix A PCE) has been certified for the subject project/contract.

### SUMMARY

In compliance with the 2022 Programmatic Agreement for the Processing of Certain Categorical Exclusion Actions between the Maryland Department of Transportation State Highway Administration (MDOT SHA) and the Federal Highway Administration (FHWA), the subject project/contract has been classified as a Minor PCE. Based on environmental analyses, no significant environmental impacts would occur.

### ANALYSIS

Please see the attached Appendix A PCE form and correspondence for further details.

### ATTACHMENTS

Appendix A PCE form and all applicable correspondence and mapping.

## APPENDIX A PROGRAMMATIC CATEGORICAL EXCLUSION (MODIFICATION OF EXISTING SIGNALS)

This project or contract qualifies as an Appendix A Programmatic Categorical Exclusion (PCE) as indicated by the scope below. The PCE number is 8. Please use the date of this memo as the date of environmental approval for this project/contract. **Approval of this document does not constitute a permit of any kind (wetland/waterway, etc.).**

**Date:** May 18, 2022 (Expires May 18, 2027)

**Scope of Work:** The scope of work consists of and is limited to modification of existing signals with no natural ground disturbance.

- 1 - *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.*  
-23 CFR 771.117 (c)(1) [including but not limited to training and educational activities; non-invasive inspections; wetland monitoring activities; funding of non-construction related activities (such as labor and equipment purchases) as funded through the Transportation Alternatives Program, and other activities not leading to or involving construction.]
- 2 - *Approval of utility installations along or across a transportation facility.* -23 CFR 771.117 (c)(2) [limited to utilities within transportation right-of-way.]
- 3 - *Construction of bicycle and pedestrian lanes, paths, and facilities.* - 23 CFR 771.117(c)(4) [including but not limited to reconstruction, rehabilitation and maintenance of trails and recreational facilities.]
- 4 - *Activities included in the State's highway safety plan under 23 U.S.C. 402.* - 23 CFR 771.117(c)(4) [including activities that do not involve construction.]
- 6 - *The installation of noise barriers or alterations to existing publicly owned buildings to provide for noise reduction.*  
-23CFR 771.117 (c)(6) [including but not limited to minor rehabilitation of existing noise walls and in-kind replacement of noise walls.]
- 7 - *Landscaping.* -23CFR 771.117 (c)(7) [including but not limited to invasive species and overgrown vegetation removal, tree, stump and vegetation removal, branch and root pruning, planting of trees, shrubs, perennials and annuals, constructing planting beds, seeding/reseeding, meadow establishment, turfgrass or sod installation and maintenance, and other vegetation and ground cover maintenance activities.]
- 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.* -23 CFR 771.117(c)(8) [including but not limited to installation, removal, replacement, and/or repair of fixed static signs, rumble strips, hazard identification beacons (HIB), Accessible/ Countdown Pedestrian Signals (APS/CPS), loop detectors, traffic systemization, and other interconnection devices, and other ITS devices or elements.]
- 9 - *The following actions for transportation facilities damaged by an incident resulting in an emergency declaration by the Governor of the State and concurred by the Secretary, or a disaster or emergency declared by the President pursuant to the Robert T. Stafford Act (42 U.S.C. 5121): (i) Emergency repairs under 23 U.S.C. 125; and (ii) The repair, reconstruction, restoration, retrofitting, or replacement of any road, highway, bridge, tunnel, or transit facility (such as a ferry dock or bus transfer station), including ancillary transportation facilities (such as pedestrian/bicycle paths and bike lanes), that is in operation or under construction when damaged and the action: (A) Occurs within existing right-of-way and in a manner that substantially conforms to the preexisting design, function, and location as the original (which may include upgrades to meet existing code and standards as well as upgrades warranted to address conditions that have changed since the original construction); and (B) Is commenced within a 2-year period beginning on the date of the declaration -23 CFR 771.117(c)(9)*
- 11 - *Determination of payback under 23 U.S.C. 156 for property previously acquired under Federal-aid participation.* -23 CFR 771.117 (c)(11)

- 12** - Improvements to existing rest areas and truck weigh stations. -23 CFR 771.117 (c)(12) [including but not limited to minor improvements/repairs to existing facilities.]
- 
- 13** - Ridesharing activities. -23 CFR 771.117 (c)(13) [including but not limited to minor improvements or repairs to existing facilities such as offices and trailers.]
- 
- 14** - Bus and rail car rehabilitation. -23 CFR 771.117(c)(14)
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- 15** - Alteration to facilities or vehicles in order to make them accessible for elderly and handicapped persons. -23 CFR 771.117(c)(15) [including but not limited to replacement, repair and upgrade of existing ADA ramps and sidewalks to meet current standards.]
- 
- 16** - Program administration, technical assistance activities, and operating assistance to transit authorities to continue existing service or increase service to meet routine changes in demand -23 CFR 771.117 (c)(16)
- 
- 17** - 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 within a CE. -23 CFR 771.117 (c)(17)
- 
- 18** - Track and railbed maintenance and improvements when carried out within the existing right-of-way. -23 CFR 771.117 (c)(18) [including but not limited to improved railroad crossing surfaces.]
- 
- 20** - Promulgation of rules, regulations, and directives. -23CFR 771.117 (c)(20)
- 
- 21** - Deployment of electronics, photonics, communications, or information processing used singly or in combination, or as components of a fully integrated system, to improve the efficiency or safety of a surface transportation system or to enhance security or passenger convenience. Examples include, but are not limited to, traffic control and detector devices, lane management systems, electronic payment equipment, automatic vehicle locators, automated passenger counters, computer-aided dispatching systems, radio communications systems, dynamic message signs, and security equipment including surveillance and detection cameras on roadways and in transit facilities and on buses. -23 CFR 771.117 (c)(21)
- 
- 24** - Localized geotechnical and other investigation to provide information for preliminary design and for environmental analyses and permitting purposes, such as drilling test bores for soil sampling; archeological investigations for archeological resources assessment or similar survey; and wetland surveys. -23 CFR 771.117 (c)(24)
- 
- 25** - Environmental restoration and pollution abatement actions to minimize or mitigate the impacts of any existing transportation facility (including retrofitting and construction of stormwater treatment systems to meet Federal and State requirements under Sections 401 and 402 of the Federal Water Pollution Control Act (33 U.S.C. 1341; 1342) carried out to address water pollution or environmental degradation. -23 CFR 771.117 (c)(25) [including but not limited to minor SWM facility installation and maintenance (e.g. bioswale), retrofit/repair of larger SWM facilities, & minor stream maintenance.]
- 
- 26** - Modernization of a highway by resurfacing, restoration, rehabilitation, reconstruction, adding shoulders, or adding auxiliary lanes (e.g. parking, weaving, turning, climbing). -23 CFR 771.117 (c)(26) [including but not limited to overlay, milling, grinding, patching, wedge and level, repairing and/or resurfacing existing ramps, roadways, pedestrian/cyclist facilities, and parking surfaces where there will be no expansion of wearing surfaces; in-kind replacement, reconstruction, repair or modification of existing curbs, gutters, and sidewalks consistent with the constraints in 23 CFR 771.117(e).]\*
- 
- 27** - Highway safety or traffic operations improvement projects including the installation of ramp metering control devices and lighting. -23 CFR 771.117 (c)(27) [including but not limited to installation and repair of traffic barriers (including but not limited to guardrails and concrete barriers); correcting substandard roadway and intersection geometrics; improvements to existing roundabouts; minor safety related drainage improvements including removal, repair, extension, or installation of culverts, headwalls, or pipes; repair or installation of erosion control and slope protection measures such as slope stabilization, slide repairs, rip rap, and retaining walls consistent with the constraints in 23 CFR 771.117(e).]\*
- 
- 28**- Bridge rehabilitation/reconstruction/replacement or construction of grade separation to replace existing at-grade railroad crossings. -23 CFR 771.117 (c)(28) [including but not limited to routine and minor structure and bridge maintenance, rehabilitation, and repair actions such as in-kind and in-place (same footprint) replacement or repair of any existing small structure, box culvert or bridge. This also includes abrasive blast, hand and power tool cleaning, painting of bridges, and if lead paint is present-removal, containment, disposal and monitoring of such following current SHA specifications and EPA/MDE regulations (Contractors will be required to submit and follow health and safety plans) consistent with the constraints in 23 CFR 771.117(e).]\*
- 
- 31**- Transportation corridor fringe parking facilities. -23 CFR 771.117 (c)(31) [including but not limited to minor improvements to existing parking facilities.]
- 
- 32** - Construction of new truck weigh stations or rest areas. -23 CFR 771.117 (d)(5) [including but not limited to installation, repair and replacement of overhead traffic and truck height and weight detectors.]

- 
- 33** - Approvals 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. -23 CFR 771.117 (d)(6) [including but not limited to disposal of excess right-of-way under 23 CFR 710, Subpart D, where the proposed use does not have significant adverse impacts; approval for the lease/use of federally acquired right-of-way for non-highway purposes.]
- 

*This project or contract has been reviewed by the Environmental Planning Division (EPLD) and has been found to be consistent with the 2022 Programmatic Agreement for the Processing of Minor Categorical Exclusions Actions.*

\*EPLD has confirmed scope/impacts are consistent with 23 CFR 771.117(e) when checking one or more of these PCE numbers.



Donna Buscemi  
Division Chief  
Environmental Planning Division

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May 2022



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## MEMORANDUM

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**TO:** OFFICE OF FINANCE FEDERAL AID PROGRAMMING SECTION CHIEF

**FROM:** OFFICE OF PLANNING AND PRELIMINARY ENGINEERING  
ENVIRONMENTAL PLANNING DIVISION CHIEF DONNA BUSCEMI

**SUBJECT:** APPENDIX A: PROGRAMMATIC CATEGORICAL EXCLUSION FOR NON-  
CONSTRUCTION ACTIVITIES

**DATE:** MAY 18, 2022

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### PURPOSE OF MEMORANDUM

To inform you that an Appendix A Programmatic Categorical Exclusion (Appendix A PCE) has been certified for the subject project/contract.

### SUMMARY

In compliance with the 2022 Programmatic Agreement for the Processing of Certain Categorical Exclusion Actions between the Maryland Department of Transportation State Highway Administration (MDOT SHA) and the Federal Highway Administration (FHWA), the subject project/contract has been classified as a Minor PCE. Based on environmental analyses, no significant environmental impacts would occur.

### ANALYSIS

Please see the attached Appendix A PCE form and correspondence for further details.

### ATTACHMENTS

Appendix A PCE form and all applicable correspondence and mapping.

## APPENDIX A PROGRAMMATIC CATEGORICAL EXCLUSION (NON-CONSTRUCTION ACTIVITIES)

This project or contract qualifies as an Appendix A Programmatic Categorical Exclusion (PCE) as indicated by the scope below. The PCE number is 1. Please use the date of this memo as the date of environmental approval for this project/contract. **Approval of this document does not constitute a permit of any kind (wetland/waterway, etc.).**

**Date:**

May 18, 2022 (Expires May 18, 2027)

**Scope of Work:**

The scope of work consists of non-construction activities that do not involve or lead directly to construction (see PCE No. 1 for full description).

- 1 - 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.** -23 CFR 771.117 (c)(1) [including but not limited to training and educational activities; non-invasive inspections; wetland monitoring activities; funding of non-construction related activities (such as labor and equipment purchases) as funded through the Transportation Alternatives Program, and other activities not leading to or involving construction.]
- 2 - Approval of utility installations along or across a transportation facility.** -23 CFR 771.117 (c)(2) [limited to utilities within transportation right-of-way.]
- 3 - Construction of bicycle and pedestrian lanes, paths, and facilities.** - 23 CFR 771.117(c)(4) [including but not limited to reconstruction, rehabilitation and maintenance of trails and recreational facilities.]
- 4 - Activities included in the State's highway safety plan under 23 U.S.C. 402.** - 23 CFR 771.117(c)(4) [including activities that do not involve construction.]
- 6 - The installation of noise barriers or alterations to existing publicly owned buildings to provide for noise reduction.** -23CFR 771.117 (c)(6) [including but not limited to minor rehabilitation of existing noise walls and in-kind replacement of noise walls.]
- 7 - Landscaping.** -23CFR 771.117 (c)(7) [including but not limited to invasive species and overgrown vegetation removal, tree, stump and vegetation removal, branch and root pruning, planting of trees, shrubs, perennials and annuals, constructing planting beds, seeding/reseeding, meadow establishment, turfgrass or sod installation and maintenance, and other vegetation and ground cover maintenance activities.]
- 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.** -23 CFR 771.117(c)(8) [including but not limited to installation, removal, replacement, and/or repair of fixed static signs, rumble strips, hazard identification beacons (HIB), Accessible/ Countdown Pedestrian Signals (APS/CPS), loop detectors, traffic systemization, and other interconnection devices, and other ITS devices or elements.]
- 9 - The following actions for transportation facilities damaged by an incident resulting in an emergency declaration by the Governor of the State and concurred by the Secretary, or a disaster or emergency declared by the President pursuant to the Robert T. Stafford Act (42 U.S.C. 5121): (i) Emergency repairs under 23 U.S.C. 125; and (ii) The repair, reconstruction, restoration, retrofitting, or replacement of any road, highway, bridge, tunnel, or transit facility (such as a ferry dock or bus transfer station), including ancillary transportation facilities (such as pedestrian/bicycle paths and bike lanes), that is in operation or under construction when damaged and the action: (A) Occurs within existing right-of-way and in a manner that substantially conforms to the preexisting design, function, and location as the original (which may include upgrades to meet existing code and standards as well as upgrades warranted to address conditions that have changed since the original construction); and (B) Is commenced within a 2-year period beginning on the date of the declaration -23 CFR 771.117(c)(9)**
- 11 - Determination of payback under 23 U.S.C. 156 for property previously acquired under Federal-aid participation.** -23 CFR 771.117 (c)(11)



- 12** - Improvements to existing rest areas and truck weigh stations. -23 CFR 771.117 (c)(12) [including but not limited to minor improvements/repairs to existing facilities.]
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- 13** - Ridesharing activities. -23 CFR 771.117 (c)(13) [including but not limited to minor improvements or repairs to existing facilities such as offices and trailers.]
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- 14** - Bus and rail car rehabilitation. -23 CFR 771.117(c)(14)
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- 15** - Alteration to facilities or vehicles in order to make them accessible for elderly and handicapped persons. -23 CFR 771.117(c)(15) [including but not limited to replacement, repair and upgrade of existing ADA ramps and sidewalks to meet current standards.]
- 
- 16** - Program administration, technical assistance activities, and operating assistance to transit authorities to continue existing service or increase service to meet routine changes in demand -23 CFR 771.117 (c)(16)
- 
- 17** - 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 within a CE. -23 CFR 771.117 (c)(17)
- 
- 18** - Track and railbed maintenance and improvements when carried out within the existing right-of-way. -23 CFR 771.117 (c)(18) [including but not limited to improved railroad crossing surfaces.]
- 
- 20** - Promulgation of rules, regulations, and directives. -23CFR 771.117 (c)(20)
- 
- 21** - Deployment of electronics, photonics, communications, or information processing used singly or in combination, or as components of a fully integrated system, to improve the efficiency or safety of a surface transportation system or to enhance security or passenger convenience. Examples include, but are not limited to, traffic control and detector devices, lane management systems, electronic payment equipment, automatic vehicle locators, automated passenger counters, computer-aided dispatching systems, radio communications systems, dynamic message signs, and security equipment including surveillance and detection cameras on roadways and in transit facilities and on buses. -23 CFR 771.117 (c)(21)
- 
- 24** - Localized geotechnical and other investigation to provide information for preliminary design and for environmental analyses and permitting purposes, such as drilling test bores for soil sampling; archeological investigations for archeological resources assessment or similar survey; and wetland surveys. -23 CFR 771.117 (c)(24)
- 
- 25** - Environmental restoration and pollution abatement actions to minimize or mitigate the impacts of any existing transportation facility (including retrofitting and construction of stormwater treatment systems to meet Federal and State requirements under Sections 401 and 402 of the Federal Water Pollution Control Act (33 U.S.C. 1341; 1342) carried out to address water pollution or environmental degradation. -23 CFR 771.117 (c)(25) [including but not limited to minor SWM facility installation and maintenance (e.g. bioswale), retrofit/repair of larger SWM facilities, & minor stream maintenance.]
- 
- 26** - Modernization of a highway by resurfacing, restoration, rehabilitation, reconstruction, adding shoulders, or adding auxiliary lanes (e.g. parking, weaving, turning, climbing). -23 CFR 771.117 (c)(26) [including but not limited to overlay, milling, grinding, patching, wedge and level, repairing and/or resurfacing existing ramps, roadways, pedestrian/cyclist facilities, and parking surfaces where there will be no expansion of wearing surfaces; in-kind replacement, reconstruction, repair or modification of existing curbs, gutters, and sidewalks consistent with the constraints in 23 CFR 771.117(e).]\*
- 
- 27** - Highway safety or traffic operations improvement projects including the installation of ramp metering control devices and lighting. -23 CFR 771.117 (c)(27) [including but not limited to installation and repair of traffic barriers (including but not limited to guardrails and concrete barriers); correcting substandard roadway and intersection geometrics; improvements to existing roundabouts; minor safety related drainage improvements including removal, repair, extension, or installation of culverts, headwalls, or pipes; repair or installation of erosion control and slope protection measures such as slope stabilization, slide repairs, rip rap, and retaining walls consistent with the constraints in 23 CFR 771.117(e).]\*
- 
- 28**- Bridge rehabilitation/reconstruction/replacement or construction of grade separation to replace existing at-grade railroad crossings. -23 CFR 771.117 (c)(28) [including but not limited to routine and minor structure and bridge maintenance, rehabilitation, and repair actions such as in-kind and in-place (same footprint) replacement or repair of any existing small structure, box culvert or bridge. This also includes abrasive blast, hand and power tool cleaning, painting of bridges, and if lead paint is present-removal, containment, disposal and monitoring of such following current SHA specifications and EPA/MDE regulations (Contractors will be required to submit and follow health and safety plans) consistent with the constraints in 23 CFR 771.117(e).]\*
- 
- 31**- Transportation corridor fringe parking facilities. -23 CFR 771.117 (c)(31) [including but not limited to minor improvements to existing parking facilities.]
- 
- 32** - Construction of new truck weigh stations or rest areas. -23 CFR 771.117 (d)(5) [including but not limited to installation, repair and replacement of overhead traffic and truck height and weight detectors.]

- 
- 33** - Approvals 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. -23 CFR 771.117 (d)(6) [including but not limited to disposal of excess right-of-way under 23 CFR 710, Subpart D, where the proposed use does not have significant adverse impacts; approval for the lease/use of federally acquired right-of-way for non-highway purposes.]
- 

*This project or contract has been reviewed by the Environmental Planning Division (EPLD) and has been found to be consistent with the 2022 Programmatic Agreement for the Processing of Minor Categorical Exclusions Actions.*

\*EPLD has confirmed scope/impacts are consistent with 23 CFR 771.117(e) when checking one or more of these PCE numbers.



Donna Buscemi  
Division Chief  
Environmental Planning Division

Click the paperclip icon  in the lower left corner or click Document>Attach a File... in the top pull-down menu bar to view and print attachments

May 2022

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## MEMORANDUM

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**TO:** OFFICE OF FINANCE FEDERAL AID PROGRAMMING SECTION CHIEF

**FROM:** OFFICE OF PLANNING AND PRELIMINARY ENGINEERING  
ENVIRONMENTAL PLANNING DIVISION CHIEF DONNA BUSCEMI

**SUBJECT:** APPENDIX A: PROGRAMMATIC CATEGORICAL EXCLUSION FOR  
PRELIMINARY DESIGN ACTIVITIES

**DATE:** MAY 18, 2022

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### PURPOSE OF MEMORANDUM

To inform you that an Appendix A Programmatic Categorical Exclusion (Appendix A PCE) has been certified for the subject project/contract.

### SUMMARY

In compliance with the 2022 Programmatic Agreement for the Processing of Certain Categorical Exclusion Actions between the Maryland Department of Transportation State Highway Administration (MDOT SHA) and the Federal Highway Administration (FHWA), the subject project/contract has been classified as a Minor PCE. Based on environmental analyses, no significant environmental impacts would occur.

### ANALYSIS

Please see the attached Appendix A PCE form and correspondence for further details.

### ATTACHMENTS

Appendix A PCE form and all applicable correspondence and mapping.

## APPENDIX A PROGRAMMATIC CATEGORICAL EXCLUSION (PRELIMINARY DESIGN ACTIVITIES)

This project or contract qualifies as an Appendix A Programmatic Categorical Exclusion (PCE) as indicated by the scope below. The PCE number is 1. Please use the date of this memo as the date of environmental approval for this project/contract. **Approval of this document does not constitute a permit of any kind (wetland/waterway, etc.).**

**Date:**

May 18, 2022 (Expires May 18, 2027)

**Scope of Work:**

The scope of work consists of preliminary design activities leading to NEPA approval.

1 - 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.

-23 CFR 771.117 (c)(1) [including but not limited to training and educational activities; non-invasive inspections; wetland monitoring activities; funding of non-construction related activities (such as labor and equipment purchases) as funded through the Transportation Alternatives Program, and other activities not leading to or involving construction.]

2 - Approval of utility installations along or across a transportation facility. -23 CFR 771.117 (c)(2) [limited to utilities within transportation right-of-way.]

3 - Construction of bicycle and pedestrian lanes, paths, and facilities. - 23 CFR 771.117(c)(4) [including but not limited to reconstruction, rehabilitation and maintenance of trails and recreational facilities.]

4 - Activities included in the State's highway safety plan under 23 U.S.C. 402. - 23 CFR 771.117(c)(4) [including activities that do not involve construction.]

6 - The installation of noise barriers or alterations to existing publicly owned buildings to provide for noise reduction.

-23CFR 771.117 (c)(6) [including but not limited to minor rehabilitation of existing noise walls and in-kind replacement of noise walls.]

7 - Landscaping. -23CFR 771.117 (c)(7) [including but not limited to invasive species and overgrown vegetation removal, tree, stump and vegetation removal, branch and root pruning, planting of trees, shrubs, perennials and annuals, constructing planting beds, seeding/reseeding, meadow establishment, turfgrass or sod installation and maintenance, and other vegetation and ground cover maintenance activities.]

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. -23 CFR 771.117(c)(8) [including but not limited to installation, removal, replacement, and/or repair of fixed static signs, rumble strips, hazard identification beacons (HIB), Accessible/ Countdown Pedestrian Signals (APS/CPS), loop detectors, traffic systemization, and other interconnection devices, and other ITS devices or elements.]

9 - The following actions for transportation facilities damaged by an incident resulting in an emergency declaration by the Governor of the State and concurred by the Secretary, or a disaster or emergency declared by the President pursuant to the Robert T. Stafford Act (42 U.S.C. 5121): (i) Emergency repairs under 23 U.S.C. 125; and (ii) The repair, reconstruction, restoration, retrofitting, or replacement of any road, highway, bridge, tunnel, or transit facility (such as a ferry dock or bus transfer station), including ancillary transportation facilities (such as pedestrian/bicycle paths and bike lanes), that is in operation or under construction when damaged and the action: (A) Occurs within existing right-of-way and in a manner that substantially conforms to the preexisting design, function, and location as the original (which may include upgrades to meet existing code and standards as well as upgrades warranted to address conditions that have changed since the original construction); and (B) Is commenced within a 2-year period beginning on the date of the declaration -23 CFR 771.117(c)(9)

11 - Determination of payback under 23 U.S.C. 156 for property previously acquired under Federal-aid participation. -23 CFR 771.117 (c)(11)

- 12** - Improvements to existing rest areas and truck weigh stations. -23 CFR 771.117 (c)(12) [including but not limited to minor improvements/repairs to existing facilities.]
- 
- 13** - Ridesharing activities. -23 CFR 771.117 (c)(13) [including but not limited to minor improvements or repairs to existing facilities such as offices and trailers.]
- 
- 14** - Bus and rail car rehabilitation. -23 CFR 771.117(c)(14)
- 
- 15** - Alteration to facilities or vehicles in order to make them accessible for elderly and handicapped persons. -23 CFR 771.117(c)(15) [including but not limited to replacement, repair and upgrade of existing ADA ramps and sidewalks to meet current standards.]
- 
- 16** - Program administration, technical assistance activities, and operating assistance to transit authorities to continue existing service or increase service to meet routine changes in demand -23 CFR 771.117 (c)(16)
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- 17** - 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 within a CE. -23 CFR 771.117 (c)(17)
- 
- 18** - Track and railbed maintenance and improvements when carried out within the existing right-of-way. -23 CFR 771.117 (c)(18) [including but not limited to improved railroad crossing surfaces.]
- 
- 20** - Promulgation of rules, regulations, and directives. -23CFR 771.117 (c)(20)
- 
- 21** - Deployment of electronics, photonics, communications, or information processing used singly or in combination, or as components of a fully integrated system, to improve the efficiency or safety of a surface transportation system or to enhance security or passenger convenience. Examples include, but are not limited to, traffic control and detector devices, lane management systems, electronic payment equipment, automatic vehicle locators, automated passenger counters, computer-aided dispatching systems, radio communications systems, dynamic message signs, and security equipment including surveillance and detection cameras on roadways and in transit facilities and on buses. -23 CFR 771.117 (c)(21)
- 
- 24** - Localized geotechnical and other investigation to provide information for preliminary design and for environmental analyses and permitting purposes, such as drilling test bores for soil sampling; archeological investigations for archeological resources assessment or similar survey; and wetland surveys. -23 CFR 771.117 (c)(24)
- 
- 25** - Environmental restoration and pollution abatement actions to minimize or mitigate the impacts of any existing transportation facility (including retrofitting and construction of stormwater treatment systems to meet Federal and State requirements under Sections 401 and 402 of the Federal Water Pollution Control Act (33 U.S.C. 1341; 1342) carried out to address water pollution or environmental degradation. -23 CFR 771.117 (c)(25) [including but not limited to minor SWM facility installation and maintenance (e.g. bioswale), retrofit/repair of larger SWM facilities, & minor stream maintenance.]
- 
- 26** - Modernization of a highway by resurfacing, restoration, rehabilitation, reconstruction, adding shoulders, or adding auxiliary lanes (e.g. parking, weaving, turning, climbing). -23 CFR 771.117 (c)(26) [including but not limited to overlay, milling, grinding, patching, wedge and level, repairing and/or resurfacing existing ramps, roadways, pedestrian/cyclist facilities, and parking surfaces where there will be no expansion of wearing surfaces; in-kind replacement, reconstruction, repair or modification of existing curbs, gutters, and sidewalks consistent with the constraints in 23 CFR 771.117(e).]\*
- 
- 27** - Highway safety or traffic operations improvement projects including the installation of ramp metering control devices and lighting. -23 CFR 771.117 (c)(27) [including but not limited to installation and repair of traffic barriers (including but not limited to guardrails and concrete barriers); correcting substandard roadway and intersection geometrics; improvements to existing roundabouts; minor safety related drainage improvements including removal, repair, extension, or installation of culverts, headwalls, or pipes; repair or installation of erosion control and slope protection measures such as slope stabilization, slide repairs, rip rap, and retaining walls consistent with the constraints in 23 CFR 771.117(e).]\*
- 
- 28**- Bridge rehabilitation/reconstruction/replacement or construction of grade separation to replace existing at-grade railroad crossings. -23 CFR 771.117 (c)(28) [including but not limited to routine and minor structure and bridge maintenance, rehabilitation, and repair actions such as in-kind and in-place (same footprint) replacement or repair of any existing small structure, box culvert or bridge. This also includes abrasive blast, hand and power tool cleaning, painting of bridges, and if lead paint is present-removal, containment, disposal and monitoring of such following current SHA specifications and EPA/MDE regulations (Contractors will be required to submit and follow health and safety plans) consistent with the constraints in 23 CFR 771.117(e).]\*
- 
- 31**- Transportation corridor fringe parking facilities. -23 CFR 771.117 (c)(31) [including but not limited to minor improvements to existing parking facilities.]
- 
- 32** - Construction of new truck weigh stations or rest areas. -23 CFR 771.117 (d)(5) [including but not limited to installation, repair and replacement of overhead traffic and truck height and weight detectors.]

- 
- 33** - Approvals 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. -23 CFR 771.117 (d)(6) [including but not limited to disposal of excess right-of-way under 23 CFR 710, Subpart D, where the proposed use does not have significant adverse impacts; approval for the lease/use of federally acquired right-of-way for non-highway purposes.]
- 

*This project or contract has been reviewed by the Environmental Planning Division (EPLD) and has been found to be consistent with the 2022 Programmatic Agreement for the Processing of Minor Categorical Exclusions Actions.*

\*EPLD has confirmed scope/impacts are consistent with 23 CFR 771.117(e) when checking one or more of these PCE numbers.



Donna Buscemi  
Division Chief  
Environmental Planning Division

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May 2022



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## MEMORANDUM

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**TO:** OFFICE OF FINANCE FEDERAL AID PROGRAMMING SECTION CHIEF

**FROM:** OFFICE OF PLANNING AND PRELIMINARY ENGINEERING  
ENVIRONMENTAL PLANNING DIVISION CHIEF DONNA BUSCEMI

**SUBJECT:** APPENDIX A: PROGRAMMATIC CATEGORICAL EXCLUSION FOR  
RESURFACING

**DATE:** MAY 18, 2022

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### PURPOSE OF MEMORANDUM

To inform you that an Appendix A Programmatic Categorical Exclusion (Appendix A PCE) has been certified for the subject project/contract.

### SUMMARY

In compliance with the 2022 Programmatic Agreement for the Processing of Certain Categorical Exclusion Actions between the Maryland Department of Transportation State Highway Administration (MDOT SHA) and the Federal Highway Administration (FHWA), the subject project/contract has been classified as a Minor PCE. Based on environmental analyses, no significant environmental impacts would occur.

### ANALYSIS

Please see the attached Appendix A PCE form and correspondence for further details.

### ATTACHMENTS

Appendix A PCE form and all applicable correspondence and mapping.



## APPENDIX A PROGRAMMATIC CATEGORICAL EXCLUSION (RESURFACING)

This project or contract qualifies as an Appendix A Programmatic Categorical Exclusion (PCE) as indicated by the scope below. The PCE number is 26. Please use the date of this memo as the date of environmental approval for this project/contract. **Approval of this document does not constitute a permit of any kind (wetland/waterway, etc.).**

**Date:**

May 18, 2022 (Expires May 18, 2027)

**Scope of Work:**

The scope of work consists of resurfacing activities limited to resurfacing, grinding, milling, overlay, patching, slurry sealing, rumble strips, and pavement markings within existing right-of-way with no expansion of wearing surface.

- 1 - *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.*  
-23 CFR 771.117 (c)(1) [including but not limited to training and educational activities; non-invasive inspections; wetland monitoring activities; funding of non-construction related activities (such as labor and equipment purchases) as funded through the Transportation Alternatives Program, and other activities not leading to or involving construction.]
- 2 - *Approval of utility installations along or across a transportation facility.* -23 CFR 771.117 (c)(2) [limited to utilities within transportation right-of-way.]
- 3 - *Construction of bicycle and pedestrian lanes, paths, and facilities.* - 23 CFR 771.117(c)(4) [including but not limited to reconstruction, rehabilitation and maintenance of trails and recreational facilities.]
- 4 - *Activities included in the State's highway safety plan under 23 U.S.C. 402.* - 23 CFR 771.117(c)(4) [including activities that do not involve construction.]
- 6 - *The installation of noise barriers or alterations to existing publicly owned buildings to provide for noise reduction.*  
-23CFR 771.117 (c)(6) [including but not limited to minor rehabilitation of existing noise walls and in-kind replacement of noise walls.]
- 7 - *Landscaping.* -23CFR 771.117 (c)(7) [including but not limited to invasive species and overgrown vegetation removal, tree, stump and vegetation removal, branch and root pruning, planting of trees, shrubs, perennials and annuals, constructing planting beds, seeding/reseeding, meadow establishment, turfgrass or sod installation and maintenance, and other vegetation and ground cover maintenance activities.]
- 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.* -23 CFR 771.117(c)(8) [including but not limited to installation, removal, replacement, and/or repair of fixed static signs, rumble strips, hazard identification beacons (HIB), Accessible/ Countdown Pedestrian Signals (APS/CPS), loop detectors, traffic systemization, and other interconnection devices, and other ITS devices or elements.]
- 9 - *The following actions for transportation facilities damaged by an incident resulting in an emergency declaration by the Governor of the State and concurred by the Secretary, or a disaster or emergency declared by the President pursuant to the Robert T. Stafford Act (42 U.S.C. 5121): (i) Emergency repairs under 23 U.S.C. 125; and (ii) The repair, reconstruction, restoration, retrofitting, or replacement of any road, highway, bridge, tunnel, or transit facility (such as a ferry dock or bus transfer station), including ancillary transportation facilities (such as pedestrian/bicycle paths and bike lanes), that is in operation or under construction when damaged and the action: (A) Occurs within existing right-of-way and in a manner that substantially conforms to the preexisting design, function, and location as the original (which may include upgrades to meet existing code and standards as well as upgrades warranted to address conditions that have changed since the original construction); and (B) Is commenced within a 2-year period beginning on the date of the declaration -23 CFR 771.117(c)(9)*
- 11 - *Determination of payback under 23 U.S.C. 156 for property previously acquired under Federal-aid participation.* -23 CFR 771.117 (c)(11)

- 12** - Improvements to existing rest areas and truck weigh stations. -23 CFR 771.117 (c)(12) [including but not limited to minor improvements/repairs to existing facilities.]
- 
- 13** - Ridesharing activities. -23 CFR 771.117 (c)(13) [including but not limited to minor improvements or repairs to existing facilities such as offices and trailers.]
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- 14** - Bus and rail car rehabilitation. -23 CFR 771.117(c)(14)
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- 15** - Alteration to facilities or vehicles in order to make them accessible for elderly and handicapped persons. -23 CFR 771.117(c)(15) [including but not limited to replacement, repair and upgrade of existing ADA ramps and sidewalks to meet current standards.]
- 
- 16** - Program administration, technical assistance activities, and operating assistance to transit authorities to continue existing service or increase service to meet routine changes in demand -23 CFR 771.117 (c)(16)
- 
- 17** - 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 within a CE. -23 CFR 771.117 (c)(17)
- 
- 18** - Track and railbed maintenance and improvements when carried out within the existing right-of-way. -23 CFR 771.117 (c)(18) [including but not limited to improved railroad crossing surfaces.]
- 
- 20** - Promulgation of rules, regulations, and directives. -23CFR 771.117 (c)(20)
- 
- 21** - Deployment of electronics, photonics, communications, or information processing used singly or in combination, or as components of a fully integrated system, to improve the efficiency or safety of a surface transportation system or to enhance security or passenger convenience. Examples include, but are not limited to, traffic control and detector devices, lane management systems, electronic payment equipment, automatic vehicle locators, automated passenger counters, computer-aided dispatching systems, radio communications systems, dynamic message signs, and security equipment including surveillance and detection cameras on roadways and in transit facilities and on buses. -23 CFR 771.117 (c)(21)
- 
- 24** - Localized geotechnical and other investigation to provide information for preliminary design and for environmental analyses and permitting purposes, such as drilling test bores for soil sampling; archeological investigations for archeological resources assessment or similar survey; and wetland surveys. -23 CFR 771.117 (c)(24)
- 
- 25** - Environmental restoration and pollution abatement actions to minimize or mitigate the impacts of any existing transportation facility (including retrofitting and construction of stormwater treatment systems to meet Federal and State requirements under Sections 401 and 402 of the Federal Water Pollution Control Act (33 U.S.C. 1341; 1342) carried out to address water pollution or environmental degradation. -23 CFR 771.117 (c)(25) [including but not limited to minor SWM facility installation and maintenance (e.g. bioswale), retrofit/repair of larger SWM facilities, & minor stream maintenance.]
- 
- 26** - Modernization of a highway by resurfacing, restoration, rehabilitation, reconstruction, adding shoulders, or adding auxiliary lanes (e.g. parking, weaving, turning, climbing). -23 CFR 771.117 (c)(26) [including but not limited to overlay, milling, grinding, patching, wedge and level, repairing and/or resurfacing existing ramps, roadways, pedestrian/cyclist facilities, and parking surfaces where there will be no expansion of wearing surfaces; in-kind replacement, reconstruction, repair or modification of existing curbs, gutters, and sidewalks consistent with the constraints in 23 CFR 771.117(e).]\*
- 
- 27** - Highway safety or traffic operations improvement projects including the installation of ramp metering control devices and lighting. -23 CFR 771.117 (c)(27) [including but not limited to installation and repair of traffic barriers (including but not limited to guardrails and concrete barriers); correcting substandard roadway and intersection geometrics; improvements to existing roundabouts; minor safety related drainage improvements including removal, repair, extension, or installation of culverts, headwalls, or pipes; repair or installation of erosion control and slope protection measures such as slope stabilization, slide repairs, rip rap, and retaining walls consistent with the constraints in 23 CFR 771.117(e).]\*
- 
- 28**- Bridge rehabilitation/reconstruction/replacement or construction of grade separation to replace existing at-grade railroad crossings. -23 CFR 771.117 (c)(28) [including but not limited to routine and minor structure and bridge maintenance, rehabilitation, and repair actions such as in-kind and in-place (same footprint) replacement or repair of any existing small structure, box culvert or bridge. This also includes abrasive blast, hand and power tool cleaning, painting of bridges, and if lead paint is present-removal, containment, disposal and monitoring of such following current SHA specifications and EPA/MDE regulations (Contractors will be required to submit and follow health and safety plans) consistent with the constraints in 23 CFR 771.117(e).]\*
- 
- 31**- Transportation corridor fringe parking facilities. -23 CFR 771.117 (c)(31) [including but not limited to minor improvements to existing parking facilities.]
- 
- 32** - Construction of new truck weigh stations or rest areas. -23 CFR 771.117 (d)(5) [including but not limited to installation, repair and replacement of overhead traffic and truck height and weight detectors.]

- 
- 33** - Approvals 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. -23 CFR 771.117 (d)(6) [including but not limited to disposal of excess right-of-way under 23 CFR 710, Subpart D, where the proposed use does not have significant adverse impacts; approval for the lease/use of federally acquired right-of-way for non-highway purposes.]
- 

*This project or contract has been reviewed by the Environmental Planning Division (EPLD) and has been found to be consistent with the 2022 Programmatic Agreement for the Processing of Minor Categorical Exclusions Actions.*

\*EPLD has confirmed scope/impacts are consistent with 23 CFR 771.117(e) when checking one or more of these PCE numbers.



Donna Buscemi  
Division Chief  
Environmental Planning Division

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May 2022

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## MEMORANDUM

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**TO:** OFFICE OF FINANCE FEDERAL AID PROGRAMMING SECTION CHIEF

**FROM:** OFFICE OF PLANNING AND PRELIMINARY ENGINEERING  
ENVIRONMENTAL PLANNING DIVISION CHIEF DONNA BUSCEMI

**SUBJECT:** APPENDIX A: PROGRAMMATIC CATEGORICAL EXCLUSION FOR  
RECREATIONAL TRAILS PROGRAM (RTP) CONSTRUCTION AUTHORIZATION

**DATE:** MAY 18, 2022

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### PURPOSE OF MEMORANDUM

To inform you that an Appendix A Programmatic Categorical Exclusion (Appendix A PCE) has been certified for the subject project/contract.

### SUMMARY

In compliance with the 2022 Programmatic Agreement for the Processing of Certain Categorical Exclusion Actions between the Maryland Department of Transportation State Highway Administration (MDOT SHA) and the Federal Highway Administration (FHWA), the subject project/contract has been classified as a Minor PCE. Based on environmental analyses, no significant environmental impacts would occur.

### ANALYSIS

Please see the attached Appendix A PCE form and correspondence for further details.

### ATTACHMENTS

Appendix A PCE form and all applicable correspondence and mapping.

## APPENDIX A PROGRAMMATIC CATEGORICAL EXCLUSION (RTP CONSTRUCTION AUTHORIZATION)

This project or contract qualifies as an Appendix A Programmatic Categorical Exclusion (PCE) as indicated by the scope below. The PCE numbers are 3, 7, 8, 15, 24, 25, 26, 27, and 28. Please use the date of this memo as the date of environmental approval for this project/contract. **Approval of this document does not constitute a permit of any kind (wetland/waterway, etc.).**

**Date:**

May 18, 2022 (Expires May 18, 2027)

**Scope of Work:**

The scope of work consists of RTP activities limited to allow FHWA to authorize funding for construction projects. An individual Minor PCE, PCE, or CE must be completed for all RTP construction projects prior to advertisement for construction. This Appendix A PCE does not authorize advertisement for construction of a project.

- 1 - 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. -23 CFR 771.117 (c)(1) [including but not limited to training and educational activities; non-invasive inspections; wetland monitoring activities; funding of non-construction related activities (such as labor and equipment purchases) as funded through the Transportation Alternatives Program, and other activities not leading to or involving construction.]
- 2 - Approval of utility installations along or across a transportation facility. -23 CFR 771.117 (c)(2) [limited to utilities within transportation right-of-way.]
- 3 - Construction of bicycle and pedestrian lanes, paths, and facilities. - 23 CFR 771.117(c)(4) [including but not limited to reconstruction, rehabilitation and maintenance of trails and recreational facilities.]
- 4 - Activities included in the State's highway safety plan under 23 U.S.C. 402. - 23 CFR 771.117(c)(4) [including activities that do not involve construction.]
- 6 - The installation of noise barriers or alterations to existing publicly owned buildings to provide for noise reduction. -23CFR 771.117 (c)(6) [including but not limited to minor rehabilitation of existing noise walls and in-kind replacement of noise walls.]
- 7 - Landscaping. -23CFR 771.117 (c)(7) [including but not limited to invasive species and overgrown vegetation removal, tree, stump and vegetation removal, branch and root pruning, planting of trees, shrubs, perennials and annuals, constructing planting beds, seeding/reseeding, meadow establishment, turfgrass or sod installation and maintenance, and other vegetation and ground cover maintenance activities.]
- 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. -23 CFR 771.117(c)(8) [including but not limited to installation, removal, replacement, and/or repair of fixed static signs, rumble strips, hazard identification beacons (HIB), Accessible/ Countdown Pedestrian Signals (APS/CPS), loop detectors, traffic systemization, and other interconnection devices, and other ITS devices or elements.]
- 9 - The following actions for transportation facilities damaged by an incident resulting in an emergency declaration by the Governor of the State and concurred by the Secretary, or a disaster or emergency declared by the President pursuant to the Robert T. Stafford Act (42 U.S.C. 5121): (i) Emergency repairs under 23 U.S.C. 125; and (ii) The repair, reconstruction, restoration, retrofitting, or replacement of any road, highway, bridge, tunnel, or transit facility (such as a ferry dock or bus transfer station), including ancillary transportation facilities (such as pedestrian/bicycle paths and bike lanes), that is in operation or under construction when damaged and the action: (A) Occurs within existing right-of-way and in a manner that substantially conforms to the preexisting design, function, and location as the original (which may include upgrades to meet existing code and standards as well as upgrades warranted to address conditions that have changed since the original construction); and (B) Is commenced within a 2-year period beginning on the date of the declaration -23 CFR 771.117(c)(9)
- 11 - Determination of payback under 23 U.S.C. 156 for property previously acquired under Federal-aid participation. -23 CFR 771.117 (c)(11)



- 12** - Improvements to existing rest areas and truck weigh stations. -23 CFR 771.117 (c)(12) [including but not limited to minor improvements/repairs to existing facilities.]
- 
- 13** - Ridesharing activities. -23 CFR 771.117 (c)(13) [including but not limited to minor improvements or repairs to existing facilities such as offices and trailers.]
- 
- 14** - Bus and rail car rehabilitation. -23 CFR 771.117(c)(14)
- 
- 15** - Alteration to facilities or vehicles in order to make them accessible for elderly and handicapped persons. -23 CFR 771.117(c)(15) [including but not limited to replacement, repair and upgrade of existing ADA ramps and sidewalks to meet current standards.]
- 
- 16** - Program administration, technical assistance activities, and operating assistance to transit authorities to continue existing service or increase service to meet routine changes in demand -23 CFR 771.117 (c)(16)
- 
- 17** - 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 within a CE. -23 CFR 771.117 (c)(17)
- 
- 18** - Track and railbed maintenance and improvements when carried out within the existing right-of-way. -23 CFR 771.117 (c)(18) [including but not limited to improved railroad crossing surfaces.]
- 
- 20** - Promulgation of rules, regulations, and directives. -23CFR 771.117 (c)(20)
- 
- 21** - Deployment of electronics, photonics, communications, or information processing used singly or in combination, or as components of a fully integrated system, to improve the efficiency or safety of a surface transportation system or to enhance security or passenger convenience. Examples include, but are not limited to, traffic control and detector devices, lane management systems, electronic payment equipment, automatic vehicle locators, automated passenger counters, computer-aided dispatching systems, radio communications systems, dynamic message signs, and security equipment including surveillance and detection cameras on roadways and in transit facilities and on buses. -23 CFR 771.117 (c)(21)
- 
- 24** - Localized geotechnical and other investigation to provide information for preliminary design and for environmental analyses and permitting purposes, such as drilling test bores for soil sampling; archeological investigations for archeological resources assessment or similar survey; and wetland surveys. -23 CFR 771.117 (c)(24)
- 
- 25** - Environmental restoration and pollution abatement actions to minimize or mitigate the impacts of any existing transportation facility (including retrofitting and construction of stormwater treatment systems to meet Federal and State requirements under Sections 401 and 402 of the Federal Water Pollution Control Act (33 U.S.C. 1341; 1342) carried out to address water pollution or environmental degradation. -23 CFR 771.117 (c)(25) [including but not limited to minor SWM facility installation and maintenance (e.g. bioswale), retrofit/repair of larger SWM facilities, & minor stream maintenance.]
- 
- 26** - Modernization of a highway by resurfacing, restoration, rehabilitation, reconstruction, adding shoulders, or adding auxiliary lanes (e.g. parking, weaving, turning, climbing). -23 CFR 771.117 (c)(26) [including but not limited to overlay, milling, grinding, patching, wedge and level, repairing and/or resurfacing existing ramps, roadways, pedestrian/cyclist facilities, and parking surfaces where there will be no expansion of wearing surfaces; in-kind replacement, reconstruction, repair or modification of existing curbs, gutters, and sidewalks consistent with the constraints in 23 CFR 771.117(e).]\*
- 
- 27** - Highway safety or traffic operations improvement projects including the installation of ramp metering control devices and lighting. -23 CFR 771.117 (c)(27) [including but not limited to installation and repair of traffic barriers (including but not limited to guardrails and concrete barriers); correcting substandard roadway and intersection geometrics; improvements to existing roundabouts; minor safety related drainage improvements including removal, repair, extension, or installation of culverts, headwalls, or pipes; repair or installation of erosion control and slope protection measures such as slope stabilization, slide repairs, rip rap, and retaining walls consistent with the constraints in 23 CFR 771.117(e).]\*
- 
- 28**- Bridge rehabilitation/reconstruction/replacement or construction of grade separation to replace existing at-grade railroad crossings. -23 CFR 771.117 (c)(28) [including but not limited to routine and minor structure and bridge maintenance, rehabilitation, and repair actions such as in-kind and in-place (same footprint) replacement or repair of any existing small structure, box culvert or bridge. This also includes abrasive blast, hand and power tool cleaning, painting of bridges, and if lead paint is present-removal, containment, disposal and monitoring of such following current SHA specifications and EPA/MDE regulations (Contractors will be required to submit and follow health and safety plans) consistent with the constraints in 23 CFR 771.117(e).]\*
- 
- 31**- Transportation corridor fringe parking facilities. -23 CFR 771.117 (c)(31) [including but not limited to minor improvements to existing parking facilities.]
- 
- 32** - Construction of new truck weigh stations or rest areas. -23 CFR 771.117 (d)(5) [including but not limited to installation, repair and replacement of overhead traffic and truck height and weight detectors.]

- 
- 33** - Approvals 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. -23 CFR 771.117 (d)(6) [including but not limited to disposal of excess right-of-way under 23 CFR 710, Subpart D, where the proposed use does not have significant adverse impacts; approval for the lease/use of federally acquired right-of-way for non-highway purposes.]
- 

*This project or contract has been reviewed by the Environmental Planning Division (EPLD) and has been found to be consistent with the 2022 Programmatic Agreement for the Processing of Minor Categorical Exclusions Actions.*

\*EPLD has confirmed scope/impacts are consistent with 23 CFR 771.117(e) when checking one or more of these PCE numbers.



Donna Buscemi  
Division Chief  
Environmental Planning Division

Click the paperclip icon  in the lower left corner or click Document>Attach a File... in the top pull-down menu bar to view and print attachments

May 2022



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**MEMORANDUM**

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**TO:** OFFICE OF FINANCE FEDERAL AID PROGRAMMING SECTION CHIEF

**FROM:** OFFICE OF PLANNING AND PRELIMINARY ENGINEERING  
ENVIRONMENTAL PLANNING DIVISION CHIEF DONNA BUSCEMI

**SUBJECT:** APPENDIX A: PROGRAMMATIC CATEGORICAL EXCLUSION FOR  
RECREATIONAL TRAILS PROGRAM (RTP) NON-CONSTRUCTION ACTIVITIES

**DATE:** MAY 18, 2022

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**PURPOSE OF MEMORANDUM**

To inform you that an Appendix A Programmatic Categorical Exclusion (Appendix A PCE) has been certified for the subject project/contract.

**SUMMARY**

In compliance with the 2022 Programmatic Agreement for the Processing of Certain Categorical Exclusion Actions between the Maryland Department of Transportation State Highway Administration (MDOT SHA) and the Federal Highway Administration (FHWA), the subject project/contract has been classified as a Minor PCE. Based on environmental analyses, no significant environmental impacts would occur.

**ANALYSIS**

Please see the attached Appendix A PCE form and correspondence for further details.

**ATTACHMENTS**

Appendix A PCE form and all applicable correspondence and mapping.

## APPENDIX A PROGRAMMATIC CATEGORICAL EXCLUSION (RTP NON-CONSTRUCTION)

This project or contract qualifies as an Appendix A Programmatic Categorical Exclusion (PCE) as indicated by the scope below. The PCE number is 1. Please use the date of this memo as the date of environmental approval for this project/contract. **Approval of this document does not constitute a permit of any kind (wetland/waterway, etc.).**

**Date:**

May 18, 2022 (Expires May 18, 2027)

**Scope of Work:**

The scope of work consists of RTP non-construction activities that do not involve or lead directly to construction such as funding of labor, purchasing equipment, designing and printing trail maps, brochures, etc. and Geographical Information System (GIS) mapping.

- 1 - 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.** -23 CFR 771.117 (c)(1) [including but not limited to training and educational activities; non-invasive inspections; wetland monitoring activities; funding of non-construction related activities (such as labor and equipment purchases) as funded through the Transportation Alternatives Program, and other activities not leading to or involving construction.]
- 2 - Approval of utility installations along or across a transportation facility.** -23 CFR 771.117 (c)(2) [limited to utilities within transportation right-of-way.]
- 3 - Construction of bicycle and pedestrian lanes, paths, and facilities.** - 23 CFR 771.117(c)(4) [including but not limited to reconstruction, rehabilitation and maintenance of trails and recreational facilities.]
- 4 - Activities included in the State's highway safety plan under 23 U.S.C. 402.** - 23 CFR 771.117(c)(4) [including activities that do not involve construction.]
- 6 - The installation of noise barriers or alterations to existing publicly owned buildings to provide for noise reduction.** -23CFR 771.117 (c)(6) [including but not limited to minor rehabilitation of existing noise walls and in-kind replacement of noise walls.]
- 7 - Landscaping.** -23CFR 771.117 (c)(7) [including but not limited to invasive species and overgrown vegetation removal, tree, stump and vegetation removal, branch and root pruning, planting of trees, shrubs, perennials and annuals, constructing planting beds, seeding/reseeding, meadow establishment, turfgrass or sod installation and maintenance, and other vegetation and ground cover maintenance activities.]
- 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.** -23 CFR 771.117(c)(8) [including but not limited to installation, removal, replacement, and/or repair of fixed static signs, rumble strips, hazard identification beacons (HIB), Accessible/ Countdown Pedestrian Signals (APS/CPS), loop detectors, traffic systemization, and other interconnection devices, and other ITS devices or elements.]
- 9 - The following actions for transportation facilities damaged by an incident resulting in an emergency declaration by the Governor of the State and concurred by the Secretary, or a disaster or emergency declared by the President pursuant to the Robert T. Stafford Act (42 U.S.C. 5121): (i) Emergency repairs under 23 U.S.C. 125; and (ii) The repair, reconstruction, restoration, retrofitting, or replacement of any road, highway, bridge, tunnel, or transit facility (such as a ferry dock or bus transfer station), including ancillary transportation facilities (such as pedestrian/bicycle paths and bike lanes), that is in operation or under construction when damaged and the action: (A) Occurs within existing right-of-way and in a manner that substantially conforms to the preexisting design, function, and location as the original (which may include upgrades to meet existing code and standards as well as upgrades warranted to address conditions that have changed since the original construction); and (B) Is commenced within a 2-year period beginning on the date of the declaration -23 CFR 771.117(c)(9)**
- 11 - Determination of payback under 23 U.S.C. 156 for property previously acquired under Federal-aid participation.** -23 CFR 771.117 (c)(11)

- 12** - Improvements to existing rest areas and truck weigh stations. -23 CFR 771.117 (c)(12) [including but not limited to minor improvements/repairs to existing facilities.]
- 
- 13** - Ridesharing activities. -23 CFR 771.117 (c)(13) [including but not limited to minor improvements or repairs to existing facilities such as offices and trailers.]
- 
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- 
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- 
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- 
- 18** - Track and railbed maintenance and improvements when carried out within the existing right-of-way. -23 CFR 771.117 (c)(18) [including but not limited to improved railroad crossing surfaces.]
- 
- 20** - Promulgation of rules, regulations, and directives. -23CFR 771.117 (c)(20)
- 
- 21** - Deployment of electronics, photonics, communications, or information processing used singly or in combination, or as components of a fully integrated system, to improve the efficiency or safety of a surface transportation system or to enhance security or passenger convenience. Examples include, but are not limited to, traffic control and detector devices, lane management systems, electronic payment equipment, automatic vehicle locators, automated passenger counters, computer-aided dispatching systems, radio communications systems, dynamic message signs, and security equipment including surveillance and detection cameras on roadways and in transit facilities and on buses. -23 CFR 771.117 (c)(21)
- 
- 24** - Localized geotechnical and other investigation to provide information for preliminary design and for environmental analyses and permitting purposes, such as drilling test bores for soil sampling; archeological investigations for archeological resources assessment or similar survey; and wetland surveys. -23 CFR 771.117 (c)(24)
- 
- 25** - Environmental restoration and pollution abatement actions to minimize or mitigate the impacts of any existing transportation facility (including retrofitting and construction of stormwater treatment systems to meet Federal and State requirements under Sections 401 and 402 of the Federal Water Pollution Control Act (33 U.S.C. 1341; 1342) carried out to address water pollution or environmental degradation. -23 CFR 771.117 (c)(25) [including but not limited to minor SWM facility installation and maintenance (e.g. bioswale), retrofit/repair of larger SWM facilities, & minor stream maintenance.]
- 
- 26** - Modernization of a highway by resurfacing, restoration, rehabilitation, reconstruction, adding shoulders, or adding auxiliary lanes (e.g. parking, weaving, turning, climbing). -23 CFR 771.117 (c)(26) [including but not limited to overlay, milling, grinding, patching, wedge and level, repairing and/or resurfacing existing ramps, roadways, pedestrian/cyclist facilities, and parking surfaces where there will be no expansion of wearing surfaces; in-kind replacement, reconstruction, repair or modification of existing curbs, gutters, and sidewalks consistent with the constraints in 23 CFR 771.117(e).]\*
- 
- 27** - Highway safety or traffic operations improvement projects including the installation of ramp metering control devices and lighting. -23 CFR 771.117 (c)(27) [including but not limited to installation and repair of traffic barriers (including but not limited to guardrails and concrete barriers); correcting substandard roadway and intersection geometrics; improvements to existing roundabouts; minor safety related drainage improvements including removal, repair, extension, or installation of culverts, headwalls, or pipes; repair or installation of erosion control and slope protection measures such as slope stabilization, slide repairs, rip rap, and retaining walls consistent with the constraints in 23 CFR 771.117(e).]\*
- 
- 28**- Bridge rehabilitation/reconstruction/replacement or construction of grade separation to replace existing at-grade railroad crossings. -23 CFR 771.117 (c)(28) [including but not limited to routine and minor structure and bridge maintenance, rehabilitation, and repair actions such as in-kind and in-place (same footprint) replacement or repair of any existing small structure, box culvert or bridge. This also includes abrasive blast, hand and power tool cleaning, painting of bridges, and if lead paint is present-removal, containment, disposal and monitoring of such following current SHA specifications and EPA/MDE regulations (Contractors will be required to submit and follow health and safety plans) consistent with the constraints in 23 CFR 771.117(e).]\*
- 
- 31**- Transportation corridor fringe parking facilities. -23 CFR 771.117 (c)(31) [including but not limited to minor improvements to existing parking facilities.]
- 
- 32** - Construction of new truck weigh stations or rest areas. -23 CFR 771.117 (d)(5) [including but not limited to installation, repair and replacement of overhead traffic and truck height and weight detectors.]

- 
- 33** - Approvals 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. -23 CFR 771.117 (d)(6) [including but not limited to disposal of excess right-of-way under 23 CFR 710, Subpart D, where the proposed use does not have significant adverse impacts; approval for the lease/use of federally acquired right-of-way for non-highway purposes.]
- 

*This project or contract has been reviewed by the Environmental Planning Division (EPLD) and has been found to be consistent with the 2022 Programmatic Agreement for the Processing of Minor Categorical Exclusions Actions.*

\*EPLD has confirmed scope/impacts are consistent with 23 CFR 771.117(e) when checking one or more of these PCE numbers.



Donna Buscemi  
Division Chief  
Environmental Planning Division

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May 2022

Appendix B  
Minor PCE Form



Larry Hogan  
Governor  
Boyd K. Rutherford  
Lt. Governor  
James F. Ports, Jr.  
Secretary  
Tim Smith, P.E.  
Administrator

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## MEMORANDUM

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**TO:**

**FROM:** OPPE ENVIRONMENTAL PLANNING DIVISION CHIEF DONNA BUSCEMI

**SUBJECT:**

MINOR PROGRAMMATIC CATEGORICAL EXCLUSION

**DATE:**

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### PURPOSE OF MEMORANDUM

To inform you that a Minor Programmatic Categorical Exclusion (Minor PCE) has been approved for the subject project.

### SUMMARY

In compliance with the 2022 Programmatic Agreement for the Processing of Certain Categorical Exclusion Actions between the Maryland Department of Transportation State Highway Administration (MDOT SHA) and the Federal Highway Administration (FHWA), the subject project has been classified as a Minor PCE. Based on environmental analyses, no significant environmental impacts would occur. This documentation fulfills the requirements of the National Environmental Policy Act (NEPA) and the Maryland Environmental Policy Act (MEPA).

### ANALYSIS

Please see the attached Minor PCE form and correspondence for further details.

### ATTACHMENTS

Minor PCE form and all applicable correspondence and mapping.

cc:

# MINOR PROGRAMMATIC CATEGORICAL EXCLUSION

The below \_\_\_\_\_ as a Minor Programmatic Categorical Exclusion (Minor PCE) as indicated below.  
The PCE \_\_\_\_\_ . **Please use the date below as the date of environmental approval for this project/project(s). Approval of this document does not constitute a permit of any kind (wetland/waterway, etc.).**

**Date:** \_\_\_\_\_

**Project:** \_\_\_\_\_

**FMIS No.:** \_\_\_\_\_

**SPD No.:** \_\_\_\_\_

**County:** \_\_\_\_\_

**Scope of Work:** \_\_\_\_\_

**Notes:**

**Originating Office:** \_\_\_\_\_

**Prepared by:** \_\_\_\_\_

Project has been funded for future phase.

**TIP/STIP No.:** \_\_\_\_\_

Is this project consistent with the Programmatic Agreement for Categorical Exclusions?

**1 - 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.**

**-23 CFR 771.117 (c)(1) [including but not limited to training and educational activities; non-invasive inspections; wetland monitoring activities; funding of non-construction related activities (such as labor and equipment purchases) as funded through the Transportation Alternatives Program, and other activities not leading to or involving construction.]**

**2 - Approval of utility installations along or across a transportation facility. -23CFR 771.117 (c)(2) [limited to utilities within transportation right-of-way]**

**3 - Construction of bicycle and pedestrian lanes, paths, and facilities. - 23 CFR 771.117(c)(4) [including but not limited to reconstruction, rehabilitation and maintenance of trails and recreational facilities.]**

**4 - Activities included in the State's highway safety plan under 23 U.S.C. 402. - 23 CFR 771.117(c)(4) [including activities that do not involve construction.]**

**6 - The installation of noise barriers or alterations to existing publicly owned buildings to provide for noise reduction.**

**-23CFR 771.117 (c)(6) [including but not limited to minor rehabilitation of existing noise walls and in-kind replacement of noise walls.]**



- 
- 7 - Landscaping.** -23CFR 771.117 (c)(7) [**including but not limited to** invasive species and overgrown vegetation removal, tree, stump and vegetation removal, branch and root pruning, planting of trees, shrubs, perennials and annuals, constructing planting beds, seeding/reseeding, meadow establishment, turfgrass or sod installation and maintenance, and other vegetation and ground cover maintenance activities.]
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- 
- 9 - The following actions for transportation facilities damaged by an incident resulting in an emergency declaration by the Governor of the State and concurred by the Secretary, or a disaster or emergency declared by the President pursuant to the Robert T. Stafford Act (42 U.S.C. 5121): (i) Emergency repairs under 23 U.S.C. 125; and (ii) The repair, reconstruction, restoration, retrofitting, or replacement of any road, highway, bridge, tunnel, or transit facility (such as a ferry dock or bus transfer station), including ancillary transportation facilities (such as pedestrian/bicycle paths and bike lanes), that is in operation or under construction when damaged and the action: (A) Occurs within existing right-of-way and in a manner that substantially conforms to the preexisting design, function, and location as the original (which may include upgrades to meet existing code and standards as well as upgrades warranted to address conditions that have changed since the original construction); and (B) Is commenced within a 2-year period beginning on the date of the declaration -23 CFR 771.117(c)(9)**
- 
- 11 - Determination of payback under 23 U.S.C. 156 for property previously acquired under Federal-aid participation.** -23 CFR 771.117 (c)(11)
- 
- 12 - Improvements to existing rest areas and truck weigh stations.** -23 CFR 771.117 (c)(12) [**including but not limited to** minor improvements/repairs to existing facilities.]
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- 15 - Alteration to facilities or vehicles in order to make them accessible for elderly and handicapped persons.** -23 CFR 771.117(c) (15) [**including but not limited to** replacement, repair and upgrade of existing ADA ramps and sidewalks to meet current standards.]
- 
- 16 - Program administration, technical assistance activities, and operating assistance to transit authorities to continue existing service or increase service to meet routine changes in demand** -23 CFR 771.117 (c)(16)
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- 
- 24 - Localized geotechnical and other investigation to provide information for preliminary design and for environmental analyses and permitting purposes, such as drilling test bores for soil sampling; archeological investigations for archeological resources assessment or similar survey; and wetland surveys.** -23 CFR 771.117 (c)(24)
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**26 - Modernization of a highway by resurfacing, restoration, rehabilitation, reconstruction, adding shoulders, or adding auxiliary lanes (e.g. parking, weaving, turning, climbing). -23 CFR 771.117 (c)(26) [including but not limited to** overlay, milling, grinding, patching, wedge and level, repairing and/or resurfacing existing ramps, roadways, pedestrian/cyclist facilities, and parking surfaces where there will be no expansion of wearing surfaces; installation of raised pavement markers (RPMs); in-kind replacement, reconstruction, repair or modification of existing curbs, gutters, and sidewalks consistent with the constraints in 23 CFR 771.117(e).]\*

**27 - Highway safety or traffic operations improvement projects including the installation of ramp metering control devices and lighting. -23 CFR 771.117 (c)(27) [including but not limited to** installation and repair of traffic barriers (including but not limited to guardrails and concrete barriers); correcting substandard roadway and intersection geometrics; improvements to existing roundabouts; minor safety related drainage improvements including removal, repair, extension, or installation of culverts, headwalls, or pipes; repair or installation of erosion control and slope protection measures such as slope stabilization, slide repairs, rip rap, and retaining walls consistent with the constraints in 23 CFR 771.117(e).]\*

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**32 - Construction of new truck weigh stations or rest areas. -23 CFR 771.117 (d)(5) [including but not limited to** installation, repair and replacement of overhead traffic and truck height and weight detectors.]

**33 - Approvals 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. -23 CFR 771.117 (d)(6) [including but not limited to** disposal of excess right-of-way under 23 CFR 710, Subpart D, where the proposed use does not have significant adverse impacts; approval for the lease/use of federally acquired right-of-way for non-highway purposes.]

**\*EM has confirmed scope/impacts are consistent with 23 CFR 771.117(e) when checking one or more of these PCE numbers.**

*This project is consistent with the 2022 Programmatic Agreement Regarding the Processing of Certain Categorical Exclusion Actions. No significant environmental impacts are expected to occur as a result of this project. This documentation fulfills the requirements of the National Environmental Policy Act; as such, no further environmental documentation is required.*

By:

Assistant Division Chief  
Environmental Planning Division

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**MEMORANDUM**

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**TO:**

**FROM:** OPPE ENVIRONMENTAL PLANNING DIVISION CHIEF DONNA BUSCEMI

**SUBJECT:**

MINOR PROGRAMMATIC CATEGORICAL EXCLUSION FOR MOTHER CONTRACT

**DATE:**

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**PURPOSE OF MEMORANDUM**

To inform you that a Minor Programmatic Categorical Exclusion (Minor PCE) has been approved for the subject project.

**SUMMARY**

In compliance with the 2022 Programmatic Agreement for the Processing of Certain Categorical Exclusion Actions between the Maryland Department of Transportation State Highway Administration (MDOT SHA) and the Federal Highway Administration (FHWA), the subject project has been classified as a Minor PCE. Based on environmental analyses, no significant environmental impacts would occur. This documentation fulfills the requirements of the National Environmental Policy Act (NEPA) and the Maryland Environmental Policy Act (MEPA). Please note this Minor PCE only covers activities necessary to secure a contractor and perform the preliminary investigation activities necessary to obtain environmental approval for individual locations under this contract. **THIS MINOR PCE DOES NOT COVER ANY CONSTRUCTION ACTIVITIES. INDIVIDUAL PROJECTS MUST BE SUBMITTED SEPARATELY** with a location map and description so that appropriate permits and environmental approvals can be obtained.

**ANALYSIS**

Please see the attached Minor PCE form and correspondence for further details.

**ATTACHMENTS**

Minor PCE form and all applicable correspondence and mapping.

cc:

# MINOR PROGRAMMATIC CATEGORICAL EXCLUSION

The below \_\_\_\_\_ as a Minor Programmatic Categorical Exclusion (Minor PCE) as indicated below. The PCE \_\_\_\_\_ . **Please use the date below as the date of environmental approval for this project/project(s). Approval of this document does not constitute a permit of any kind (wetland/waterway, etc.).**

**Date:** \_\_\_\_\_

**Project:** \_\_\_\_\_

**FMIS No.:** \_\_\_\_\_

**SPD No.:** \_\_\_\_\_

**County:** \_\_\_\_\_

**Scope of Work:** \_\_\_\_\_

**Notes:**

**Originating Office:** \_\_\_\_\_

**Prepared by:** \_\_\_\_\_

Project has been funded for future phase.

**TIP/STIP No.:** \_\_\_\_\_

Is this project consistent with the Programmatic Agreement for Categorical Exclusions?

**1 - 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.**

**-23 CFR 771.117 (c)(1) [including but not limited to training and educational activities; non-invasive inspections; wetland monitoring activities; funding of non-construction related activities (such as labor and equipment purchases) as funded through the Transportation Alternatives Program, and other activities not leading to or involving construction.]**

**2 - Approval of utility installations along or across a transportation facility. -23CFR 771.117 (c)(2) [limited to utilities within transportation right-of-way]**

**3 - Construction of bicycle and pedestrian lanes, paths, and facilities. - 23 CFR 771.117(c)(4) [including but not limited to reconstruction, rehabilitation and maintenance of trails and recreational facilities.]**

**4 - Activities included in the State's highway safety plan under 23 U.S.C. 402. - 23 CFR 771.117(c)(4) [including activities that do not involve construction.]**

**6 - The installation of noise barriers or alterations to existing publicly owned buildings to provide for noise reduction.**

**-23CFR 771.117 (c)(6) [including but not limited to minor rehabilitation of existing noise walls and in-kind replacement of noise walls.]**

- 
- 7 - Landscaping.** -23CFR 771.117 (c)(7) [**including but not limited to** invasive species and overgrown vegetation removal, tree, stump and vegetation removal, branch and root pruning, planting of trees, shrubs, perennials and annuals, constructing planting beds, seeding/reseeding, meadow establishment, turfgrass or sod installation and maintenance, and other vegetation and ground cover maintenance activities.]
- 
- 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.** -23 CFR 771.117(c)(8) [**including but not limited to** installation, removal, replacement, and/or repair of fixed static signs, rumble strips, hazard identification beacons (HIB), Accessible/ Countdown Pedestrian Signals (APS/CPS), loop detectors, traffic systemization, and other interconnection devices, and other ITS devices or elements.]
- 
- 9 - The following actions for transportation facilities damaged by an incident resulting in an emergency declaration by the Governor of the State and concurred by the Secretary, or a disaster or emergency declared by the President pursuant to the Robert T. Stafford Act (42 U.S.C. 5121): (i) Emergency repairs under 23 U.S.C. 125; and (ii) The repair, reconstruction, restoration, retrofitting, or replacement of any road, highway, bridge, tunnel, or transit facility (such as a ferry dock or bus transfer station), including ancillary transportation facilities (such as pedestrian/bicycle paths and bike lanes), that is in operation or under construction when damaged and the action: (A) Occurs within existing right-of-way and in a manner that substantially conforms to the preexisting design, function, and location as the original (which may include upgrades to meet existing code and standards as well as upgrades warranted to address conditions that have changed since the original construction); and (B) Is commenced within a 2-year period beginning on the date of the declaration -23 CFR 771.117(c)(9)**
- 
- 11 - Determination of payback under 23 U.S.C. 156 for property previously acquired under Federal-aid participation.** -23 CFR 771.117 (c)(11)
- 
- 12 - Improvements to existing rest areas and truck weigh stations.** -23 CFR 771.117 (c)(12) [**including but not limited to** minor improvements/repairs to existing facilities.]
- 
- 13 - Ridesharing activities.** -23 CFR 771.117 (c)(13) [**including but not limited to** minor improvements or repairs to existing facilities such as offices and trailers.]
- 
- 14 - Bus and rail car rehabilitation.** -23 CFR 771.117(c)(14)
- 
- 15 - Alteration to facilities or vehicles in order to make them accessible for elderly and handicapped persons.** -23 CFR 771.117(c) (15) [**including but not limited to** replacement, repair and upgrade of existing ADA ramps and sidewalks to meet current standards.]
- 
- 16 - Program administration, technical assistance activities, and operating assistance to transit authorities to continue existing service or increase service to meet routine changes in demand** -23 CFR 771.117 (c)(16)
- 
- 17 - 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 within a CE.** -23 CFR 771.117 (c)(17)
- 
- 18 - Track and railbed maintenance and improvements when carried out within the existing right-of-way.** -23 CFR 771.117 (c)(18) [**including but not limited to** improved railroad crossing surfaces.]
- 
- 20 - Promulgation of rules, regulations, and directives.** -23CFR 771.117 (c)(20)
- 
- 21 - Deployment of electronics, photonics, communications, or information processing used singly or in combination, or as components of a fully integrated system, to improve the efficiency or safety of a surface transportation system or to enhance security or passenger convenience. Examples include, but are not limited to, traffic control and detector devices, lane management systems, electronic payment equipment, automatic vehicle locators, automated passenger counters, computer-aided dispatching systems, radio communications systems, dynamic message signs, and security equipment including surveillance and detection cameras on roadways and in transit facilities and on buses.** -23 CFR 771.117 (c)(21)
- 
- 24 - Localized geotechnical and other investigation to provide information for preliminary design and for environmental analyses and permitting purposes, such as drilling test bores for soil sampling; archeological investigations for archeological resources assessment or similar survey; and wetland surveys.** -23 CFR 771.117 (c)(24)
- 
- 25 - Environmental restoration and pollution abatement actions to minimize or mitigate the impacts of any existing transportation facility (including retrofitting and construction of stormwater treatment systems to meet Federal and State requirements under Sections 401 and 402 of the Federal Water Pollution Control Act (33 U.S.C. 1341; 1342) carried out to address water pollution or environmental degradation.** -23 CFR 771.117 (c)(25) [**including but not limited to** minor SWM facility installation and maintenance (e.g. bioswale), retrofit/repair of larger SWM facilities, & minor stream maintenance.]
-



**26 - Modernization of a highway by resurfacing, restoration, rehabilitation, reconstruction, adding shoulders, or adding auxiliary lanes (e.g. parking, weaving, turning, climbing). -23 CFR 771.117 (c)(26) [including but not limited to overlay, milling, grinding, patching, wedge and level, repairing and/or resurfacing existing ramps, roadways, pedestrian/cyclist facilities, and parking surfaces where there will be no expansion of wearing surfaces; installation of raised pavement markers (RPMs); in-kind replacement, reconstruction, repair or modification of existing curbs, gutters, and sidewalks consistent with the constraints in 23 CFR 771.117(e).]\***

**27 - Highway safety or traffic operations improvement projects including the installation of ramp metering control devices and lighting. -23 CFR 771.117 (c)(27) [including but not limited to installation and repair of traffic barriers (including but not limited to guardrails and concrete barriers); correcting substandard roadway and intersection geometrics; improvements to existing roundabouts; minor safety related drainage improvements including removal, repair, extension, or installation of culverts, headwalls, or pipes; repair or installation of erosion control and slope protection measures such as slope stabilization, slide repairs, rip rap, and retaining walls consistent with the constraints in 23 CFR 771.117(e).]\***

**28- Bridge rehabilitation/reconstruction/replacement or construction of grade separation to replace existing at-grade railroad crossings. -23 CFR 771.117 (c)(28) [including but not limited to routine and minor structure and bridge maintenance, rehabilitation, and repair actions such as in-kind and in-place (same footprint) replacement or repair of any existing small structure, box culvert or bridge. This also includes abrasive blast, hand and power tool cleaning, painting of bridges, and if lead paint is present-removal, containment, disposal and monitoring of such following current SHA specifications and EPA/MDE regulations (Contractors will be required to submit and follow health and safety plans) consistent with the constraints in 23 CFR 771.117(e).]\***

**31- Transportation corridor fringe parking facilities. -23 CFR 771.117 (c)(31) [including but not limited to minor improvements to existing parking facilities.]**

**32 - Construction of new truck weigh stations or rest areas. -23 CFR 771.117 (d)(5) [including but not limited to installation, repair and replacement of overhead traffic and truck height and weight detectors.]**

**33 - Approvals 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. -23 CFR 771.117 (d)(6) [including but not limited to disposal of excess right-of-way under 23 CFR 710, Subpart D, where the proposed use does not have significant adverse impacts; approval for the lease/use of federally acquired right-of-way for non-highway purposes.]**

**\*EM has confirmed scope/impacts are consistent with 23 CFR 771.117(e) when checking one or more of these PCE numbers.**

*This project is consistent with the 2022 Programmatic Agreement Regarding the Processing of Certain Categorical Exclusion Actions. No significant environmental impacts are expected to occur as a result of this project. This documentation fulfills the requirements of the National Environmental Policy Act; as such, no further environmental documentation is required.*

By:

Assistant Division Chief  
Environmental Planning Division

Click the paperclip icon  in the lower left corner or click Document>Attach a File... in the top pull-down menu bar to view and print attachments

Appendix C  
PCE Form



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## MEMORANDUM

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**TO:**

**FROM:** OPPE ENVIRONMENTAL PLANNING DIVISION CHIEF DONNA BUSCEMI

**SUBJECT:**

PROGRAMMATIC CATEGORICAL EXCLUSION

**DATE:**

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### PURPOSE OF MEMORANDUM

To inform you that a Programmatic Categorical Exclusion (PCE) has been approved for the subject project.

### SUMMARY

In compliance with the 2022 Programmatic Agreement for the Processing of Certain Categorical Exclusion Actions between the Maryland Department of Transportation State Highway Administration (MDOT SHA) and the Federal Highway Administration (FHWA), the subject project has been classified as a PCE. Based on environmental analyses, no significant environmental impacts would occur. This documentation fulfills the requirements of the National Environmental Policy Act (NEPA) and the Maryland Environmental Policy Act (MEPA).

### ANALYSIS

Please see the attached PCE form and correspondence for further details.

### ATTACHMENTS

- PCE form and all applicable correspondence and mapping.

cc:



# Scope of Impacts

## Section 4(f) Resources

Does the project require a *de minimis* finding for parkland/wildlife and waterfowl refuge?

Does the project require a *de minimis* finding for historic resources?

Does the project require temporary occupancy criteria concurrence?

Has the project been approved as a Section 4(f) exception per 23 CFR 774.13(g)?

Is this a Recreational Trails Program Project legislatively exempt from Section 4(f) per 23 USC 206(h)(2)?

Has the project been approved as a Programmatic Section 4(f) Evaluation? (*\*Not for use with "Minor Use of Historic Bridges" Programmatic*)

Date of Approval

Notes: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## Other Parkland Resources

Does the project contain parcels funded with LWCF assistance?

Does the project contain parcels funded with POS assistance?

Does the project contain parcels funded with Capper Cramton assistance?

Notes: \_\_\_\_\_  
\_\_\_\_\_

## Cultural Resources

Impacts Historic District/Site?

Effect Determination:

Appendix:  Date: \_\_\_\_\_

Letter  MHT Concurrence Date \_\_\_\_\_

Notes: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Right-of-Way & Community**

Will the action require an amount of new right-of-way (including fee simple, temporary, perpetual or revertible easement or right-of-entry) that, in context of the project area, has a substantial impact on land use and property values throughout the study area?

List total amount and type of ROW needed:

\_\_\_\_\_

Will the action require residential and/or business displacements where, in context of the project area will have a substantial impact on the community?

List total number of residential and/or business displacements and relocation assistance plan:

\_\_\_\_\_

Will the action induce substantial foreseeable land use changes or affect planned growth?

Will the action cause any disproportionately high or adverse impacts to minority or low-income populations?

Will the action require changes in access restrictions that would require FHWA approval, i.e. short / partial or full IAPA?

Scenic Byway?

Consistent with County/Local Master Plan?

County Plan: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Public Involvement**

Public Involvement Type

Detour Required?

Lighting Required?

Notes: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Smart Growth**

The scope of this project is consistent with the *Programmatic Agreement Regarding the Processing of Certain Categorical Exclusion Actions* and is therefore exempt from the requirements of the PFA law because it is not considered to be a "major capital project" as defined in §2-103.1(A)(4) of the Transportation Article.

**Noise**

A noise analysis is not required.

A noise analysis is required because this action includes one or more of the following:

\_\_\_\_\_

Is noise abatement feasible and reasonable?

Is this a Type II Noise Project?

Notes: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Air Quality**

**Transportation Conformity:** If this project is located in an ozone non attainment area, it conforms to the Clean Air Act as long as the current project design concept and scope are reflected in the current conforming TIP or TIP amendment and long range plan. Please see page 1 of this PCE for the TIP/STIP ID. If the description in the TIP/STIP or long range plan is not consistent, the PCE cannot be approved and the TIP and/ or long range plan must be amended.

**Mobile Source Air Toxics (MSATs):**The FHWA October 2016 *Updated Interim Guidance Update on Mobile Source Air Toxic Analysis in NEPA Documents* provides guidance on when and how to analyze MSAT within the National Environmental Policy Act (NEPA) review process for proposed highway projects. As this project is classified as a Categorical Exclusion for NEPA purposes per 23 CFR 771.117, this project is considered a Project with No Meaningful Potential MSAT Effects according to the guidance and no analysis of MSAT is required.

Notes: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Natural Resources**

Permits Required?  S/EC  SWM  Tidal License  ATP  MDSPGP  NTWWP  USCG  SLOA  LOA

Impacts Floodplain?  Amount: \_\_\_\_\_

Impacts Wetland?

Amount: \_\_\_\_\_

Impacts Trees?

Occurs in Critical Area for CACB?

General Approval  Presentation

MOU General Approval Section

Critical Area Commission Approval Date: \_\_\_\_\_

Mitigation Required? Amount of Mitigation: \_\_\_\_\_

Impacts Streams?  Amount: \_\_\_\_\_

Requires Time of Year Stream Restrictions?

If Yes, Stream Classification:

DNR-ERP/WHS Response Date: \_\_\_\_\_ USFWS Response Date: \_\_\_\_\_

See attached DNR & USFWS response letters.

Will the action adversely affect or jeopardize rare, threatened or endangered species and/or critical habitat as per written correspondence with USFWS and/or DNR?

Affects FIDS Habitat?

Is this project located within the Green Infrastructure Network?

Does this project occur in Tidal Waters?

Does this project require a US Coast Guard Permit?

Notes: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_





**Programmatic Categorical Exclusion Classification (No.) - Federal Regulation Reference**

- 2** - Approval of utility installations along or across a transportation facility. -23 CFR 771.117 (c)(2)
- 3** - Construction of bicycle and pedestrian lanes, paths, and facilities. -23 CFR 771.117 (c)(3) [**including but not limited to** construction of trails, trailhead, and recreational facilities.]
- 5** - Transfer of Federal lands pursuant to 23 U.S.C. 107(d) and/or 23 U.S.C. 317 when the land transfer is in support of an action that is not otherwise subject to FHWA review under NEPA. -23 CFR 771.117(c)(5)
- 6** - The installation of noise barriers or alterations to existing publicly owned buildings to provide noise reduction. -23 CFR 771.117 (c)(6) [**including but not limited to** installation of berms and other noise reduction measures, rehabilitation/repair of existing noise walls and in-kind replacement of noise walls.]
- 7** - Landscaping. -23 CFR 771.117 (c)(7) [including but not limited to planting and/or vegetation removal requiring extensive ground disturbance.]
- 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. -23 CFR 771.117(c)(8) [**including but not limited to** installation, removal, replacement, and/or repair of fixed static signs, rumble strips, hazard identification beacons (HIB), Accessible/Countdown Pedestrian Signals (APS/CPS), loop detectors, traffic systemization, and other interconnection devices, and other ITS devices or elements.]
- 9** - The following actions for transportation facilities damaged by an incident resulting in an emergency declaration by the Governor of the State and concurred by the Secretary, or a disaster or emergency declared by the President pursuant to the Robert T. Stafford Act (42 U.S.C. 5121): (i) Emergency repairs under 23 U.S.C. 125; and (ii) The repair, reconstruction, restoration, retrofitting, or replacement of any road, highway, bridge, tunnel, or transit facility (such as a ferry dock or bus transfer station), including ancillary transportation facilities (such as pedestrian/bicycle paths and bike lanes), that is in operation or under construction when damaged and the action: (A) Occurs within existing right-of-way and in a manner that substantially conforms to the preexisting design, function, and location as the original (which may include upgrades to meet existing code and standards as well as upgrades warranted to address conditions that have changed since the original construction); and (B) Is commenced within a 2-year period beginning on the date of the declaration. -23 CFR 771.117(c)(9)
- 10** - Acquisition of scenic easements. -23 CFR 771.117 (c)(10) [**including but not limited to** scenic easements and fee simple right-of-way for scenic or historic preservation purposes including those for the Transportation Alternatives Program, National Recreational Trails Program, or Scenic Byways Program.]
- 12** - Improvements to existing rest areas and truck weigh stations. -23 CFR 771.117 (c)(12) [**including but not limited to** improvements or repairs to existing facilities such as truck parking facilities, offices, and trailers.]
- 13** - Ridesharing activities. -23 CFR 771.117 (c)(13) [**including but not limited to** installation of new ridesharing facilities such as parking lots; improvements or repairs to existing facilities such as offices and trailers.]
- 15** - Alterations to facilities or vehicles in order to make them accessible for elderly and handicapped persons. -23 CFR 771.117 (c)(15) [**including but not limited to** installation, replacement, repair and upgrade of existing ADA ramps and sidewalks to meet current standards.]
- 19** - Purchase and installation of operating or maintenance equipment to be located within the transit facility and with no significant impacts off the sites. -23 CFR 771.117 (c)(19)
- 22** - Projects, as defined in 23 U.S.C. 101, that would take place entirely within the existing operational right-of-way. Existing operational right-of-way means all real property interests acquired for the construction, operation, or mitigation of a project. This area includes the features associated with the physical footprint of the transportation facility (including the roadway, bridges, interchanges, culverts, drainage, fixed guideways, mitigation areas, etc.) and other areas maintained for transportation purposes such as clear zone, traffic control signage, landscaping, any rest areas with direct access to a controlled access highway, areas maintained for safety and security of a transportation facility, parking facilities with direct access to an existing transportation facility, transit power substations, transit venting structures, and transit maintenance facilities. -23 CFR 771.117 (c)(22)
- 23** - Federally funded projects: (i) That receive less than \$5,000,000 of Federal funds; or (ii) With a total estimated cost of not more than \$30,000,000 and Federal funds comprising less than 15 percent of the total estimated project cost. -23 CFR 771.117 (c)(23) (**note:** total adjusted annually to reflect increases in the Consumer Price Index as identified by the Department of Labor).

- 25** - Environmental restoration and pollution abatement actions to minimize or mitigate the impacts of any existing transportation facility (including retrofitting and construction of stormwater treatment systems to meet Federal and State requirements under Sections 401 and 402 of the Federal Water Pollution Control Act (33 U.S.C. 1341; 1342) carried out to address water pollution or environmental degradation. -23 CFR 771.117 (c)(25) [**including but not limited to** modifying, upgrading, repairing, or retrofitting existing SWM facilities or installing new SWM facilities including ESD; other water quality activities such as stream relocation, stream stabilization, stream restoration, and fish passage remediation.]
- 
- 26** - Modernization of a highway by resurfacing, restoration, rehabilitation, reconstruction, adding shoulders, or adding auxiliary lanes (e.g. parking, weaving, turning, climbing). -23 CFR 771.117 (c)(26) [**excluding thru travel lanes and including but not limited to** adding and widening auxiliary lanes, shoulders, curbs, gutters, and sidewalks, installing traffic calming measures consistent with the constraints in 23 CFR 771.117(e)]\*
- 
- 27** - Highway safety or traffic operations improvement projects including the installation of ramp metering control devices and lighting. -23 CFR 771.117 (c)(27) [**including but not limited to** installation of guardrail and concrete barrier; correcting substandard roadway and intersection geometrics; constructing new roundabouts; safety related drainage improvements including removal, repair, extension, or installation of culverts, headwalls, or pipes; repair or installation of erosion control and slope protection measures such as slope stabilization, slide repairs, rip rap, and retaining walls consistent with the constraints in 23 CFR 771.117(e)]\*
- 
- 28** - Bridge rehabilitation, reconstruction or replacement or the construction of grade separation to replace existing at-grade railroad crossings. -23 CFR 771.117 (c)(28) [**including but not limited to** bridge rehabilitation, reconstruction or replacement as consistent with Sections III and IV of the PA and the constraints in 23 CFR 771.117(e)]\*
- 
- 29** - Purchase, construction, replacement, or rehabilitation of ferry vessels (including improvements to ferry vessel safety, navigation, and security systems) that would not require a change in the function of the ferry terminals and can be accommodated by existing facilities or new facilities which themselves are within a CE. -23 CFR 771.117 (c)(29)
- 
- 30** - Rehabilitation or reconstruction of existing ferry facilities that occupy substantially the same geographic footprint, do not result in a change in their functional use, and do not result in a substantial increase in the existing facility's capacity. Example actions include work on pedestrian and vehicle transfer structures and associated utilities, buildings, and terminals. -23 CFR 771.117(c)(30)
- 
- 31** - Transportation corridor fringe parking facilities. -23 CFR 771.117(d)(4) including but not limited to installation of new facilities]
- 
- 32** - Construction of new truck weigh stations or rest areas. -23 CFR 771.117(d)(5)
- 
- 33** - Approvals 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. -23 CFR 771.117(d)(6) [**including but not limited to** disposal of excess right-of-way under 23 CFR 710, Subpart D, where the proposed use does not have significant adverse impacts; approval for the lease/use of federally acquired right-of-way for non-highway purposes.]
- 
- 34** - Approvals for changes in access controls. -23 CFR 771.117(d)(7) [**excluding actions** that require FHWA approval such as Interstate Access Point Approval that necessitates Full IAPA documentation.]
- 
- 35** - Construction of new bus storage and maintenance facilities in areas used predominately for industrial or transportation purposes where such construction is not inconsistent with existing zoning and located on or near a street with adequate capacity to handle anticipated bus and support vehicle traffic. -23 CFR 771.117 (d)(8)
- 
- 36** - Rehabilitation or reconstruction of existing rail and bus buildings and ancillary facilities where only minor amounts of additional land are required and there is not a substantial increase in the number of users. -23 CFR 771.117(d)(9)
- 
- 37** - Construction of bus transfer facilities (an open area consisting of passenger shelters, boarding areas, kiosks and related street improvements) when located in a commercial area or high activity center in which there is adequate street capacity for projected bus traffic. -23 CFR 771.117(d)(10)
- 
- 38** - Construction of rail storage and maintenance facilities in areas used predominately for industrial or transportation purposes where such construction is not inconsistent with existing zoning and where there is no significant noise impact on the surrounding community. -23 CFR 771.117(d)(11)


- 39** - Acquisition of land for hardship or protective purposes. Hardship and protective buying will be permitted only for a particular parcel or limited number of parcels. These types of land acquisition qualify for a CE only where the acquisition will not limit the evaluation of alternatives, including shifts in alignment for planned construction projects, which may be required in the NEPA process. No project development on such land may proceed until the NEPA process has been completed. -23 CFR 771.117 (d)(12)(i) and (ii)(Refer to 23 CFR 771.117 (d)(12)(i) and (ii) for a detailed description of 'hardship acquisition' and 'protective acquisition').

- \*EM has confirmed scope/impacts are consistent with 771.117(e) when checking one or more of these PCE numbers.**

*This project is consistent with the 2022 Programmatic Agreement Regarding the Processing of Certain Categorical Exclusion Actions. No significant environmental impacts are expected to occur as a result of this project. This documentation fulfills the requirements of the National Environmental Policy Act; as such, no further environmental documentation is required.*

Concur:

Donna Buscemi  
Division Chief  
Environmental Planning Division

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Revised May 2022

**Print Form**