

Different Types of Caltrans Projects

Introduction

This document provides a basic summary of Caltrans roles and responsibilities under the California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) for four different project types: capital projects, special-funded projects, local assistance projects, and encroachment permit projects. It is important to remember that although improvements on the State Highway System (SHS) may be funded wholly or in part by others, all improvements on the SHS are ultimately the responsibility of Caltrans as owner-operator of the SHS. As owner of the right of way, Caltrans is the entity ultimately responsible for the proper stewardship of all resources within the right of way and this stewardship responsibility cannot be delegated to others. In addition, on behalf of the Federal Highway Administration (FHWA), Caltrans provides oversight of the Federal-Aid Highway program for projects off the SHS. Since 2007, through its memorandum of understandings (MOUs) with FHWA, Caltrans has assumed responsibility for FHWA NEPA compliance. Caltrans is considered the federal lead agency for the purposes of NEPA for projects using FHWA funding or requiring FHWA approval, this status cannot be delegated to our partners. Caltrans retains CEQA lead agency status for all projects on the SHS unless otherwise noted below. Local agencies are CEQA lead agency for projects off the SHS in their jurisdictions.

- More information on allowing a project sponsor to serve as CEQA lead agency can be found here:
http://www.dot.ca.gov/ser/downloads/memos/CEQA_Lead_Agency_24Jun04.pdf

Capital Projects

Capital projects comprise the bulk of improvements that are planned, programmed, and delivered on the SHS (as opposed to projects implemented on local roadways). Funding for these projects comes from a variety of state and/or federal programs. There are different variations of capital projects to consider, each of which may affect Caltrans' roles and responsibilities. First, there are projects that are primarily sponsored and delivered by Caltrans (e.g., through the State Highway Operations and Protection Program [SHOPP] or interregional projects funded by the State Transportation Improvement Program [STIP]). Caltrans environmental staff are responsible for preparing documentation or providing oversight to consultant staff for compliance with CEQA and NEPA and other state and federal laws and regulations in accordance with Caltrans policies and procedures found in the Caltrans Project Development Procedures Manual (PDPM) and Standard Environmental Reference (SER).

Key Points for Capital Projects:

- Caltrans is always CEQA and NEPA lead agency for *Caltrans-funded* projects on the SHS.
- The Generalist/Coordinator works as part of the Project Development Team (PDT) led by the Project Manager.
- Projects are scoped using the Preliminary Environmental Analysis Report (PEAR) or Mini-PEAR.
- Environmental project data is tracked in the Standard Tracking and Exchange Vehicle for Environmental (STEVE) Database.

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Special-Funded Projects

Special-funded projects (also known as “oversight” or “locally-sponsored” projects or “projects sponsored by others”) are projects that are located on the SHS but that are funded wholly or in part by other entities (such as cities, counties, metropolitan planning organizations, regional transportation planning agencies, etc.). Project implementation may remain with Caltrans, or it may be carried out by the “sponsoring” agency, or project responsibilities may be shared. When another agency or entity sponsors or funds a project, a cooperative agreement is executed that spells out the roles and responsibilities of each party. When responsibilities are shared, the cooperative agreement will specify which party is responsible for implementing each phase of the project. Regardless of which agency or entity is the project sponsor and/or which agency or entity is designated as the implementing agency for any given phase of the project, Caltrans maintains CEQA lead agency status for projects on the SHS. In rare cases, the decision may be made to allow the sponsoring agency to act as CEQA lead agency, in which case Caltrans would remain a responsible agency under CEQA. In these cases, Caltrans considers the lead agency’s environmental document prior to project approval, prepares and issues findings (as applicable), and files a Notice of Determination with State Clearinghouse. Regardless of which agency serves as CEQA lead agency, these projects follow the policies and procedures found in the SER.

Key Points for Special-Funded Projects:

- The Generalist/Coordinator works as part of the Project Development Team (PDT) lead by the Project Manager and will include external partners/stakeholders as necessary.
- The environmental document must clearly identify the CEQA lead agency.
- Projects are scoped using the PEAR or Mini-PEAR.
- When the District Director has allowed a sponsoring agency to serve as CEQA lead, the Generalist/Coordinator should obtain a copy of the project’s cooperative agreement.
- When a sponsoring agency is the CEQA lead agency, it is important that the climate change section of the environmental document refer to actions taken by the sponsoring agency to reduce greenhouse gas (GHG) emissions, rather than relying on the actions undertaken by Caltrans to reduce GHG emissions.
- Environmental project data is tracked in the STEVE database.

Local Assistance Projects

Local Assistance projects are Federal-Aid highway projects that are located *off* the SHS. Because these projects are located off the SHS, the local agency serves as the CEQA lead for the project and is solely responsible for compliance with CEQA. Caltrans is the NEPA lead agency for all local assistance projects. The local agency will prepare (or cause to have prepared) the NEPA documentation for approval by Caltrans. Local Assistance projects follow the procedures outlined in Chapter 6 of the Local Assistance Procedures Manual and the SER.

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Key Points for Local Assistance Projects:

- The Generalist/Coordinator works with the District Local Assistance Engineer (DLAE) who acts as the Caltrans Project Manager.
- Projects are scoped using the Preliminary Environmental Study Form (PES).
- Project environmental data is tracked using the LP2000 Database.

Encroachment Permit Projects

Encroachment permits are issued when an outside agency or entity must encroach upon the SHS right of way in order to construct a project. Examples include work done by utility companies and/or telecommunications companies whose facilities may intersect with or be located within Caltrans right of way, and improvements made to local roads with a connection to the SHS (often as a result of land-use development). Generally, it is the responsibility of the applicant to comply with CEQA for encroachment permit projects. Caltrans will remain a responsible agency under CEQA as owner-operator of the SHS. Caltrans transportation and environmental planners are required to review and comment on the CEQA documents as a responsible agency under CEQA, and Caltrans Permit engineers are required to review and approve the plans submitted to ensure conformance to standards for the SHS. It is important that all required environmental documents and permits accompany the encroachment permit application before Caltrans can deem the application complete.

Key Points for Encroachment Permit Projects:

- Environmental staff work with the District Permit Engineer and staff who are generally located in Traffic Operations.
- Encroachment permit projects may require state and/or federal permits. Certain actions taken on the Interstate Highway System require FHWA approval and therefore NEPA compliance.
- Caltrans is generally a responsible agency under CEQA for encroachment permit projects. Caltrans will need to consider the lead agency's environmental document prior to approving the encroachment permit, prepare and issue findings regarding the project (as applicable), and prepare and file a Notice of Determination. The Notice of Determination must also include the identity of the person receiving the permit.
- If another agency cannot act as CEQA lead agency, Caltrans will serve as lead agency for the portion of the project within Caltrans right of way. An example would be activities performed within Caltrans right of way by a private utility company. Generally, the applicant will be required to prepare the CEQA documentation for Caltrans approval.
- Project environmental data may or may not be tracked in the STEVE Database.

References & Links

- <http://www.dot.ca.gov/ser/>
- <http://www.dot.ca.gov/hq/LocalPrograms/lam/lapm.htm>
- <http://www.dot.ca.gov/design/manuals/pdpm.html>
- <http://www.dot.ca.gov/trafficops/ep/manual.html>