



Local Programs Procedures

LPP 08-02 Manual Update
Subject: Environmental Procedures and Other Technical Changes

Reference: *Local Assistance Procedures Manual* (LAPM), Chapter 6-Environmental Procedures, Chapter 1-Introduction and Overview, Chapter 2-Roles and Responsibilities, Chapter 3-Project Authorization, Chapter 7-Field Review, Chapter 8-Public Hearings, Chapter 10-Consultant Selection, Chapter 11-Design Standards, Chapter 12-Plans, Specifications & Estimate, Chapter 13-Right of Way, Chapter 14-Utility Relocations, Chapter 15-Advertise and Award, Chapter 16-Administer Construction Contracts, Chapter 17-Project Completion, Chapter 20-Deficiencies and Sanctions; *Local Assistance Program Guidelines* (LAPG), Chapter 6-Highway Bridge Replacement and Rehabilitation (HBRR), Chapter 8-Transportation Enhancement Activities (TEA), Chapter 11-Disaster Assistance, Chapter 12-Other Federal Programs, Chapter 24-Federal Safe Routes to School

Effective Date: May 30, 2008

Approved: Original Signed By
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WHAT IS AN LPP

LPPs are Local Programs Procedures. These documents are used for the rapid deployment of new procedures and policies between updates of the Local Assistance manuals, guidelines and programs. They are numbered according to calendar year and order in which released. This is the second LPP issued in 2008; hence, it is LPP 08-02.

PURPOSE

The purpose of this LPP is to make various changes to various chapters in the *Local Assistance Procedures Manual* (LAPM) and *Local Assistance Program Guidelines* (LAPG), primarily, to fully implement the applicable provisions contained in the federal Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) regarding the National Environmental Policy Act (NEPA) Delegation Pilot Program. Other minor administrative changes have also been made.

Caltrans-Division of Local Assistance
May 30, 2008

BACKGROUND

“Chapter 6, Environmental Procedures” contains the policies and procedures that local agencies must follow to be in compliance with the National Environmental Policy Act (NEPA) and other federal environmentally related laws. Failure to comply with the provisions of NEPA will render the local agency federal-aid transportation project ineligible for federal reimbursement. This chapter establishes the roles and responsibilities of local agencies, Caltrans District and Headquarters staff and provides procedural guidance on preparing and processing NEPA determinations and documents to ensure compliance in the most efficient means possible. The development of this LPP is a result with the execution of the SAFETEA-LU, Section 6004 and 6005 MOUs, which became effective on June 7, 2007, and July 1, 2007, respectively.

PREVIOUS PROCEDURE

Prior to execution of MOUs implementing SAFETEA-LU Section 6004 and 6005, Caltrans was only authorized to determine a project’s eligibility for Programmatic Categorical Exclusions. Only FHWA could make regular Categorical Exclusion (CE) determinations, approvals of Draft and Final Environmental Assessments (EAs), Findings of No Significant Impact (FONSIs), Draft and Final Environmental Impact Statements (EISs), Records of Decision (RODs), formal findings required under the Presidential Executive Orders regarding Protection of Wetlands and Floodplains, and requests for formal consultation required under the federal Endangered Species Act and the National Historic Preservation Act.

NEW PROCEDURE

Under the Section 6004 and Section 6005 MOUs, the FHWA assigned, and Caltrans assumed, all of United States Department of Transportation (USDOT) Secretary’s responsibilities under NEPA, including but not limited to, Categorical Exclusion (CE) determinations; approvals of Draft and Final Environmental Assessments (EAs); Findings of No Significant Impact (FONSIs); Draft and Final Environmental Impact Statements (EISs); Records of Decision (RODs); formal findings required under the Presidential Executive Orders protecting Wetlands and Floodplains; and requests for formal consultation required under the federal Endangered Species Act and the National Historic Preservation Act.

“Chapter 6, Environmental Procedures” has been revised to reflect new requirements under the Section 6005 NEPA Delegation Pilot Program, including but not limited to, procedures for preparing and processing Routine Environmental Assessments (EAs), Complex EAs, and EISs; procedures for conducting the 5-step Quality Assurance/Quality Control review of Draft and Final EAs and EISs, and procedures for completing the Quality Control Certification Form. This chapter has also been expanded to reflect the new signatory responsibilities of the District Director, Deputy District Director and Environmental Office Chief; the additional responsibilities of the local agency, District Local Assistance Engineer, District Environmental staff, Headquarters Environmental Coordinator, and Headquarters Legal; the procedures on when and how to update the Local Assistance Tracking System for each NEPA Class of Action, and guidance on maintaining project files.

USER FRIENDLY FEATURES

- These new procedures are incorporated in the electronic version of the LAPM and LAPG that are available at the Division of Local Assistance (DLA) Home Page on the Internet at: <http://www.dot.ca.gov/hq/LocalPrograms/index>. Under “Publications” select *Local Assistance Procedures Manual* or *Local Assistance Program Guidelines*.
- You may also purchase the Publications for Local Assistance DVD or CD, which acts as a one-stop shop for information and promotes flexible access to helpful information for local project delivery at: <http://www.dot.ca.gov/hq/LocalPrograms/lam/LApubsCD.htm>
- Additional user-friendly features were developed to make the manual easier to edit and to access on the DLA web site. Sidebars denote changes and these pages are to replace the affected pages in the LAPM and LAPG. However, Chapter 6 is being revised in its entirety, therefore no sidebars were indicated.
- To receive an electronic notification when new information is posted on the DLA web site, please subscribe to the DLA list server at:
<http://www.dot.ca.gov/hq/LocalPrograms/sub.htm>
- Comments and suggestions for improvement to the manual or the processes and procedures are welcome. They may be submitted to:

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SUMMARY OF CHANGES

LAPM Item	Change
Chapter 6 Table of Contents	Updated the Table of Contents to reflect the changes made.
Section 6.1 (Introduction), pages 6-1 through 10	<p>This section was rewritten in its entirety. This chapter is no longer limited to just Categorical Exemption/Categorical Exclusions (CEs).</p> <p>Under “<i>Authority</i>” the following were added:</p> <ul style="list-style-type: none"> • SAFETEA-LU, Section 6004(a) • Memorandum of Understanding (MOU) between FHWA, California Division and the California Department of Transportation State Assumption of Responsibility for Categorical Exclusions (effective June 7, 2007) • List of all applicable federal environmental laws <p>Under “<i>Roles and Responsibilities</i>” added responsibilities to the following:</p> <ul style="list-style-type: none"> • Local Agency • Caltrans - DLAE, District Senior Environmental Planner (SEP or designee), District Professionally Qualified Staff (PQS), District Local Assistance NEPA Delegation Coordinators, District Director (DD), Deputy District Director (DDD) for Planning or Environmental (or designee) • Division of Environmental Analysis (DEA) - HQ Environmental Coordinator (HQ EC) • Division of Legal • Division of Local Assistance (DLA) - Statewide NEPA Delegation Coordinator, Statewide NEPA Compliance Coordinator • FHWA • Other State and Federal Responsible and Regulatory Agencies
Section 6.2 (An Overview of the Environmental Process), pages 6-11 through 22	<p>Changes were made to this section for clarification. The following new web links were added:</p> <ul style="list-style-type: none"> • Initial Study/Environmental Assessment Annotated Outline at: http://www.dot.ca.gov/ser/downloads/templates/is_ea_SER_8-07.doc • Environmental Impact Report (EIR) - Environmental Assessment (EA) Environmental Impact Statement (EIS) at: http://www.dot.ca.gov/ser/downloads/templates/eir_ea_SER.doc • <u>EIR/EIS</u> - NEPA-Only Environmental Assessment Annotated Outline at: http://www.dot.ca.gov/ser/forms.htm

Cont. Section 6.2 (An Overview of the Environmental Process), pages 6-11 through 22	Under Interagency Agreements and MOUs, the following changes were made: <ul style="list-style-type: none"> - Programmatic CE Agreement was removed. - CE/CE Determination for Seismic Safety Retrofit projects was removed.
Section 6.3 (Other Considerations), page 6-23	“ <i>Section 6.3 Other Considerations</i> ” was made as a new section heading and added new headings under this section.
Section 6.4 through Section 6.9, pages 6-25 through 67	Added new flowcharts and updated the step-by-step-procedures for completing the following: <i>PES Form, Categorical Exclusion with No Technical Studies, Categorical Exclusion with Technical Studies, Routine Environmental Assessment (EA), Complex Environmental Assessment (EA), and Environmental Impact Statement (EIS)</i> . Removed references to Programmatic Categorical Exclusions.
Exhibits	Deleted the following Exhibits: <ul style="list-style-type: none"> • Exhibit 6-C - Sample Letter-Biological Resources • Exhibit 6-D Programmatic Categorical Exclusion Agreement... • Exhibit 6-E CE/CE/PCE Determination Form • Exhibit 6-F Instructions for Completing the CE/CE/PCE Form • Exhibit 6-G Actions Which Meet Criteria for a CE • Exhibit 6-H Additional Actions Which Meet Criteria for a CE.... • Exhibit 6-I Sample Transmittal Letter to the District ... • Exhibit 6-J Section 4(f) Evaluation – Coordination Meeting Suggested Points for Discussion • Exhibit 6-K Section 106 (Cultural Resources) Report – Coordination.... • Exhibit 6-L Biology Study (Section 7 Compliance) Coordination.... • Exhibit 6-M Wetlands Report – Coordination Meetinge... • Exhibit 6-N Floodplain Report – Coordination Meetinge...
Exhibits pages 6-69 through 127	Added the following new Exhibits: <ul style="list-style-type: none"> • Exhibit 6-C Table 2-Exempt Projects • Exhibit 6-D Table 3-Exempt Projects • Exhibit 6-E Categorical Exclusion Checklist • Exhibit 6-F Categorical Exemption/Categorical Exclusion Determination Form • Exhibit 6-G NEPA/CEQA Revalidation Form • Exhibit 6-H External Certifications Environmental Document Quality Control Reviews • Exhibit 6-I Instructions for Completing the External Certification Form

Chapter 1 Section 1.3 (Related Manuale), page 1-1	Redefined the “ <i>Standard Environmental Reference (SER)</i> ” in this section.
Section 1.4 (Terms and Definitions), pages 1-2 through 9	Updated the selected “Terms” and “Definitions” in this section and removed “ <i>PCE Agreement.</i> ”
Section 1.6 (Manual Updates), pages 1-9a, 9b	Some pages were shifted to succeeding pages. Corrected “ <i>Utility Facilities</i> ” to “ <i>Utility Relocations.</i> ” Corrected the DLA Home Page to: http://www.dot.ca.gov/hq/LocalPrograms/index
Flowchart 1.1, and 1.2 page 1-11, 13	Updated the information in the flowcharts.
Chapter 2 Section 2.7 (FHWA Responsibilities), pages 2-6b, 7, 9, 11, 12	Updated this section consistent with NEPA Delegation and Section 6004 and 6005 MOUs. Removed all references to PCEs. Added references to SAFETEA-LU, Section 6004 and 6005 and MOUs. Removed references to FHWA approval of environmental documents, where applicable. For consistency with PES Form, other minor modifications were made.
Exhibit 2-B page 2-15	Minor modifications were made under the “ <i>Activity</i> ” column for <i>Environmental Procedures (Chapter 6)</i> , for consistency with PES Form.
Chapter 3 Section 3-1 (Introduction), page 3-6	Updated the list of “ <i>Terms and Definitions.</i> ”
Section 3.3 (Request for Authorization), pages 3-8, 10	Clarified that Preliminary Engineering includes NEPA approval. Replaced “ <i>environmental document</i> ” with “ <i>NEPA document.</i> ”
Section 3.7 (Local Advance Construction Procedures), page 3-14	Clarified in the second paragraph that the agency understands the possible requirement of an FTIP amendment when the Advance Construction Authorization is converted.
Section 3.9 (Flexible Match), page 3-16	Second bulleted item, replaced ... “ <i>environmental process</i> ” with... “ <i>NEPA process.</i> ”

Exhibits 3-A, 3-B, 3-C, 3-D pages 3-21 through 30	Removed all references to “ <i>Programmatic CEs</i> ” under the required “ <i>Environmental Data.</i> ”
Exhibits 3-E, 3-F, 3-I pages 3- 34, 39, 45	Under Exhibit 3-E changed date instructions consistent with 6004 and 6005 MOU. Under Exhibit 3-F “ <i>Environmental Data</i> ” removed references to Programmatic CE. Under Exhibit 3-I made changes to the “ <i>Request for Local Advance Construction Authorization</i> ” requiring a copy of the request to be sent to the appropriate MPO, and to include the statement that the agency understands the possible requirement of FTIP amendment when the advance construction is converted. Also added “MPO” in the <i>Distribution</i> list.
Chapter 7 Flowchart 7-1, page 7-1	Removed references to PCE.
Section 7.3 (Notification), pages 7-5, 6	Removed references to PCE, FHWA, and FHWA’s approval of environmental document. Removed reference to “ <i>Environmental</i> ” in the fifth bulleted item under “ <i>Optional Field Reviews.</i> ”
Section 7.5 (Preparation of Field Review Form), page 7-7	Removed reference to FHWA approval of PES Form.
Section 7.6 (Field Review Data), page 7-8	Under the “ <i>Environmental Process,</i> ” removed reference to federally approved environmental documents. Clarified that the PES Form documents required “ <i>Scope of the project,</i> ” and “ <i>NEPA Class of Action,</i> ” in addition to other items listed.
Section 7.7 (Submittal of Field Review Form), page 7-9	Removed reference to FHWA approval of environmental document.
Exhibit 7-B page 7-14a	Deleted “Protection of Wetlands Statement” as a required attachment.
Chapter 8 Table of Contents	Updated the Table of Contents to reflect the changes made.

Section 8.2 (Necessity for a Public Hearing), pages 8-2, 3	<p>The following changes were made in this section:</p> <ul style="list-style-type: none"> • Under “<i>Environmental Assessment</i>,” removed references to ... “FHWA”.... and replaced with ... “Caltrans”...., • Under “<i>Environmental Impact Statement</i>,” removed references to FHWA and the <i>Local Assistance Environmental Manual</i>... • Deleted the heading “<i>State Regulations</i>.”
Section 8.4 (Public Notification), page 8-3	Revised specified federal regulation requiring public notice of public hearing.
Section 8.5 (Joint Public Hearings), page 8-5	Moved the word “ <i>considered</i> ” from page 8-6 to 8-5
Section 8.6 (Scheduling), page 8-6	Removed reference to FHWA and clarified that the District Director approves Final Environmental Documents.
Section 8.8 (Record of Public Hearing), page 8-7	Removed transmittal of copies of the Record of Public Hearing to FHWA. Removed reference to Chapter 4 of the <i>Local Assistance Environmental Manual</i> .
Section 8.10 (Location and Design Approval), page 8-8	Clarified that Caltrans District Director approves Final Environmental Documents.
Chapter 10 Section 10.2 (Identifying & Defining a Need for Consultants), page 10-6	Identified applicable <i>Standard Environmental Reference</i> (SER) chapters that consultants are required to follow when preparing EAs and EISs.
Exhibit 10-D pages 10-35 & 36	<p>Under A. Introduction, information no. 4. replaced ... “<i>FHWA</i>” ... approval of the FONSI and ROD with “<i>Caltrans</i>” approval.</p> <p>Under B. Agreement, item no. 1a) replaced ... “<i>FHWA and or state approval</i>.” of environmental documents (CE, FONSI, ROD) by ... “<i>District SEP, District Director and Deputy District Director</i>,” respectively.</p> <p>Under item 1c) reference to .e.”<i>Caltrans Environmental Handbook</i>” ... was updated to the ... “<i>SER</i>.”</p>
Exhibit 10-R page 10-81	Under Article II, item A. removed references to FHWA approval of NEPA documents.

Chapter 11 Section 11.2 (Statewide Design Standards for Local Assistance Projects), page 11-20	Clarified that under the NEPA Delegation Pilot Program, Caltrans as opposed to FHWA, is responsible for signing Summary of Floodplain Encroachment Report and Floodplain Evaluation Report and that FHWA approves significant floodplain encroachments.
Exhibit 11-E page 11-46	Made revisions to the list under item no.2(c) " <i>Environmental considerations.</i> "
Chapter 12 Section 12.3 (Environmental Procedures), pages 12-2, 3, 4	Reworded this section for consistency with the new PES Form. Clarified that under the NEPA Delegation Pilot Program the local agencies are required to provide a list of mitigation commitments to the DLAE with a CE, FONSI or ROD. Made minor changes to the section "Permits."
Chapter 13 Section 13.2 (Federal Aid and the Federal/State/Local Agency Relationship), page 13-2	Removed second bulleted item under " <i>FHWA Role.</i> "
Section 13.4 (Right of Way Authorization), pages 13-9, 10	Under this section the following changes were made: <ul style="list-style-type: none"> • Removed references to FHWA approving NEPA document. • Removed references to Programmatic Categorical Exclusion. • Clarified that environmental document means FONSI or ROD.
Section 13.6 (Environmental Approval), pages 13-12, 13	Under this section the following changes were made: <ul style="list-style-type: none"> • Minor changes on the first paragraph and removed references to FHWA approval. • Changed title of heading from "<i>Environmental Review—PES</i>" to "<i>Preliminary Environmental Review—PES.</i>" • Reworded the section "<i>The Environmental Document</i>" to improve readability.
Section 13.7 (Project Requiring Right of Way/Property Rights), page 13-13	Under this section clarified that the selected alternative may not be announced until the FONSI or ROD has been signed by the Department.
Section 13.12 (Right of Way Certification Form— Discussion), pages 13-26, 27	Under " <i>Environmental Mitigation</i> " clarified this section, references to FHWA approval were removed. Added "District" to...e "Environmental staff collaborate"....

Section 13.14 (Definitions), pages 13-37e40	Under this section the following changes were made: <ul style="list-style-type: none"> • Redefined “<i>Advanced Acquisition</i>” to include CE’s which technically are NEPA determinations, as opposed to NEPA. • Redefined “<i>Permit to Enter and Construct/Construction Permit</i>” by replacing the “<i>environmental evaluation</i>” to “<i>environmental analysis</i>.”
Exhibit 13-C page 13-55	Under “ <i>Relocation Consultants</i> ,” updated SER web site.
Chapter 14 Section 14e1 (Introduction), page 14e2	Under “ <i>Requesting Conflict Resolution Plan</i> ,” a prior NEPA approval is required for project environmental document.”
Exhibit 14eH, page 14e44	Clarified in the flowchart of the “ <i>Right of Way Utility Relocations Activities in All Stages of Highway Development</i> ” that “ <i>Environmental Document</i> ” means NEPA Document Approval. Local agencies may not proceed with Final Design or Right of Way stages until they obtain NEPA approval.
Chapter 15 Section 15e2 (Definition of Terms), page 15e4	Redefined “ <i>PE-Preliminary Engineering</i> ” by replacing “ <i>environmental document</i> ” with “ <i>NEPA document</i> . ”
Exhibit 15eB page 15e21	Under item no. 6. “ <i>Environmental</i> ” the first and second checkbox ... “ <i>environmental document</i> ”.... were changed to ... “ <i>approved NEPA document</i> .”
Exhibit 15eC, page 15e23	Changed “ <i>Environmental measures</i> ” to “ <i>Mitigation commitments</i> ”.... in the checklist.
Chapter 16 Section 16.5 (Contract Time), page 16-7	Third paragraph under the “ <i>Pre-Construction Conference</i> ” changed “ <i>environmental requirements</i> .” to ... “ <i>National Environmental Policy Act (NEPA) compliance requirements</i> .”
Chapter 17 Section 17e3 (Final Inspection Procedures for Federaleaid Projects), page 17e2	Under the first paragraph, replaced the helping verb from...” <i>should</i> ”.... to ... “ <i>shall</i> ”.....and clarified when and where commitments shall be documented for each NEPA Class of Action.
Chapter 20 Section 20.2 (Deficiencies), pages 20-1, 2, 4	Corrected the second bulleted item from... “ <i>Studies</i> ”.... to... “ <i>Study</i> ”.... Under “ <i>Major Project Delivery</i> ” removed references to “ <i>environmental clearance/approval</i> ” of environmental documents where applicable, and replaced with NEPA approval. Other minor changes were made.

LAPG Item	Change
Chapter 6 Section 6.5 (General Rules and Policies), page 6-22	Under Section 6.5.8 removed the requirement for DLAE to work with FHWA on environmental document and resolution of complex environmental issues.
Section 6.7 (Project Implementation), page 6-29	Under Section 6.7.4 removed the requirement for DLAE to work with FHWA on environmental document and resolution of complex environmental issues.
Section 6.13 (Commentary), page 6-41	Under Section 6.13.10 removed reference to environmental document being approved by FHWA.
Chapter 8 Exhibit 8-A, pages 8-10, 11, 33, 34 64, 118, 119	<p>Under Section A “<i>Program Background</i>” the following changes were made:</p> <ul style="list-style-type: none"> Deleted the references mentioned and referred to the <i>Local Assistance Procedures Manual</i> (LAPM) Updated address of the Department of Transportation-Central Publications Distribution Unit. <p>Under <i>Responsible Governmental Agencies and Their Roles</i> <i>Federal Highway Administration</i></p> <ul style="list-style-type: none"> Removed FHWA role for approving federal environmental documents. <p>Under <i>Preliminary Engineering - What is included/ What is excluded</i></p> <ul style="list-style-type: none"> Removed the requirements for federal environmental clearance. <p><i>Flowchart for Environment Process</i></p> <ul style="list-style-type: none"> Corrected title to “<i>Environmental Process.</i>” Removed all references to “<i>FHWA</i>” and replaced with “<i>Caltrans.</i>” <p>Under “<i>Environmental Document</i>” of the “<i>Preliminary Engineering Phase</i>”</p> <ul style="list-style-type: none"> The chapter number that was mentioned was corrected to ... “<i>Chapter 6</i>”.... Removed reference to FHWA approval and replaced with....Caltrans District Environmental Senior Planner (SEP) approval. <p>References to “<i>FNM 76</i>” were corrected to “<i>E-76</i>” (page 8-33 and 34)</p>
Chapter 11 Section 11.4 (Emergency Relief (ER) Program), page 11-9	Under “ <i>Processing of Emergency Relief Projects</i> ” inserted Environmental Compliance section directing local agencies to the SER for additional guidance on NEPA compliance for Emergency Opening and Permanent Restoration projects.

Exhibit 11-A page 11-19	Modified Environmental Clearance portion of Damage Assessment Form consistent with Caltrans/FHWA agreement that the FHWA Damage Assessment Form (DAF) no longer serves as the Categorical Exclusion.
Chapter 12 Section 12.6 (Intelligent Transportation System) page 12-30	Under “Environmental” removed all references to Programmatic Categorical Exclusions and corrected the chapter number that was cited as reference.
Chapter 24 Exhibit 24eA pages 24e11 through 17	The exhibit was reformatted. Corrected the errors on the “ <i>Project Cost Estimate for Infrastructure and Non-Infrastructure Projects</i> ”.

AUTHORITIES AND REFERENCES

- SAFETEA-LU ACT, Sections 6004 and 6005
- MOU between FHWA, California Division and the Caltrans State Assumption of Responsibility for CEs (23 USC §326 CE Assignment MOU)
- MOU between FHWA and Caltrans Concerning the State of California’s Participation in the Surface Transportation Project Delivery Pilot Program (23 USC 327)
- 23 CFR 771

CHAPTER 6 ENVIRONMENTAL PROCEDURES

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CHAPTER 6 ENVIRONMENTAL PROCEDURES

6.1 INTRODUCTION

One of the most important phases of the project development process is full and early compliance with the National Environmental Policy Act (NEPA) and other applicable federal environmentally related laws. Local agencies may not proceed with the final design of a project or request “Authorization to Proceed with Right of Way,” or “Authorization to Proceed with Construction” until Caltrans has signed a Categorical Exclusion (CE), a Finding of No Significant Impact (FONSI), or a Record of Decision (ROD). Failure to follow this requirement will make the project ineligible for Federal Highway Administration (FHWA) reimbursement. Upon final environmental approval, it is incumbent upon the District Local Assistance Engineer (DLAE) to provide the local agency with immediate notification and a copy of the signed CE, FONSI, or ROD, so the local agency can commence with final design.

This chapter provides an overview of the NEPA process and contains procedural guidance for preparing and processing CEs, routine Environmental Assessments (EAs), complex EAs and Environmental Impact Statements (EISs) in support of local assistance projects (local agency federal-aid transportation projects “off” the State Highway System [SHS]). The local agency is required to complete the Preliminary Environmental Study (PES) Form first, and then follow the step-by-step procedures (set forth in Chapter 6 of the *Local Assistance Procedures Manual* [LAPM]) that are associated with the particular NEPA Class of Action recommended in the PES Form.

Local agency projects proposed on the SHS are called “Locally Sponsored Projects.” For locally sponsored projects (local agency projects “on” the SHS), the local agency is required to prepare a Preliminary Environmental Analysis Report (PEAR) first, and then follow the procedures set forth in the Project Development Procedures Manual (PDPM). The content and format requirements of environmental technical studies/reports and NEPA documents prepared in support of either a local assistance project or a locally sponsored project must follow the guidance set forth in the Caltrans Standard Environmental Reference (SER) at: <http://www.dot.ca.gov/ser/>

AUTHORITY

National Environmental Policy Act (NEPA) and its supporting federal regulations establish certain requirements that must be adhered to for any project “...financed, assisted, conducted or approved by a federal agency....” In short, federal regulations require that a federal agency “...determine whether the proposed action may significantly affect the quality of the human environment.”
(<http://www.law.cornell.edu/uscode/42/ch55.html>)

Safe, Accountable, Flexible, Efficient Transportation Equity Act – A Legacy for Users (SAFETEA-LU). On August 10, 2005, President George W. Bush signed into law the new Federal Transportation Act for Federal Fiscal Years 2003-2009, (SAFETEA-LU). Title VI-Transportation Planning and Project Delivery (Sections 6002 through 6005) of the Act was, promulgated to improve the efficiency of environmental review and to streamline the federal environmental process.
(<http://www.fhwa.dot.gov/safetealu/index.htm>).

Two provisions in particular, “**Section 6004 - State Assumption of Responsibility for Categorical Exclusions,**” and “**Section 6005 - Surface Transportation Project Delivery Pilot Program,**” have the potential to shorten the environmental processes for state and local assistance federal-aid transportation projects by formally assigning to the State Department of Transportation responsibility and authority for the federal environmental review process, thus eliminating the need for separate FHWA review of environmental documents. These two programs are together referred to in the Department as “NEPA Delegation,” and Section 6005 is referred to as “Pilot Program.”

Section 6004(a) of the SAFETEA-LU (P.L.109-59) (SAFETEA-LU), codified as Section 326 of amended Chapter 3 of Title 23, United States Code (23 U.S.C. 326) allows the Secretary of the United States Department of Transportation (USDOT Secretary) to assign and the State to assume:

- responsibility for determining whether certain designated activities are included within classes of action that are categorically excluded from requirements for an EA, or EIS pursuant to regulations promulgated by the Council on Environmental Quality under 40 CFR Part 1500 (as in effect on October 1, 2003).
- all or part of certain federal responsibilities for environmental review, consultation, or other related actions required.

Memorandum of Understanding (MOU) between FHWA, California Division and the California Department of Transportation State Assumption of Responsibility for Categorical Exclusions (effective June 7, 2007). USDOT Secretary, acting by and through the FHWA, officially assigns specific responsibilities with respect to designated CEs to the State in accordance with the terms of the MOU. A copy of the MOU is available at:

http://www.dot.ca.gov/ser/downloads/MOUs/nepa_delegation/6004_MOU_executed_6-7-07.pdf

The MOU stipulates that the CE responsibilities assigned to the State by FHWA include:

- Activities listed in 23 CFR 771.117(c)
- The example activities listed in 23 CFR 771.117(d)
- Additional actions listed in Appendix A of the MOU

The MOU transfers to the State all responsibilities for processing the CEs designated in Stipulation I(B) and any required reevaluations of CEs under 23 CFR 771.129. The MOU superseded the November 18, 2003, Programmatic Categorical Exclusion Agreement.

Section 6005(a) of the SAFETEA-LU (P.L. 109-59) (SAFETEA-LU), codified as Section 327 of amended Chapter 3 of Title 23, United States Code (23 U.S.C. 327), established a Surface Transportation Project Delivery Pilot Program that allows the Secretary of the USDOT to assign, and a State to assume, the USDOT Secretary’s responsibilities under NEPA and all or part of the USDOT Secretary’s responsibilities for environmental review, consultation, or other action required under any federal law (e.g., Section 106 of the National Historic Preservation Act, Section 7 of the Endangered Species Act, Section 4(f) of the Department of Transportation Act, etc.) with respect to one or more highway projects within the State.

Memorandum of Understanding Between the Federal Highway Administration and the California Department of Transportation Concerning the State of California’s Participation in the Surface Transportation Project Delivery Pilot Program (effective July 1, 2007). USDOT Secretary, acting by and through the FHWA, officially assigns and the Department assumes all of the USDOT Secretary’s responsibilities under

NEPA. A copy of the MOU is available at:

http://www.dot.ca.gov/ser/downloads/MOUs/nepa_delegation/6005mou.pdf. It stipulates that pursuant to the MOU, the USDOT Secretary assigned, and the Department assumed, DOT Secretary responsibilities for environmental review, interagency consultation and regulatory compliance for the environmental review and/or approval of projects.

A list of all applicable federal environmental laws is provided below:

- 40 CFR 1500, “Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act,” (CEQ, November 29, 1978)
- U.S. DOT Order 5610.1C, (September 18, 1979)
- 23 CFR 771, “Environmental Impact And Related Procedures”
- Technical Advisory T6640.8A
- Clean Air Act (CAA) (42 U.S.C. 7401-7671(q), except for Conformity Determinations required under Section 176 of the CAA (42 U.S.C. 7506)
- Compliance with the Noise Regulations at 23 CFR 772
- Section 7 of the Endangered Species Act of 1973, 16 U.S.C. 1531-1544 and Section 1536
- Marine Mammal Protection Act, 16 U.S.C. 1361
- Anadromous Fish Conservation Act, 16 U.S.C. 757(a)-757(g)
- Fish and Wildlife Coordination Act, 16 U.S.C. 661-667(d)
- Migratory Bird Treaty Act, 16 U.S.C. 703-712
- Magnuson-Stevens Fishery Conservation and Management Act of 1976, as amended, 16 U.S.C. 1801 et seq.
- Section 106 of the National Historic Preservation Act of 1966, as amended, 16 U.S.C. 470(f) et seq.
- Archeological Resources Protection Act of 1977, 16 U.S.C. 470(aa)-11
- Archeological and Historic Preservation Act, 16 U.S.C. 469-469(c)
- Native American Grave Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3001-3013
- American Indian Religious Freedom Act, 42 U.S.C. 1996
- Farmland Protection Policy Act (FPPA), 7 U.S.C. 4201-4209
- Clean Water Act, 33 U.S.C. 1251-1377: Section 404, Section 401, and Section 319
- Coastal Barrier Resources Act, 16 U.S.C. 3501-3510
- Coastal Zone Management Act, 16 U.S.C. 1451-1465
- Land and Water Conservation Fund Act (LWCF), 16 U.S.C. 4601-4604
- Safe Drinking Water Act (SDWA), 42 U.S.C. 300(f)-300(j)(6)
- Wild and Scenic Rivers Act, 16 U.S.C. 1271-1287
- Emergency Wetlands Resources Act, 16 U.S.C. 3921, 3931
- Mitigation of Impacts to Wetlands and Natural Habitat, 23 CFR 777
- TEA-21 Wetlands Mitigation, 23 U.S.C. 103(b)(6)(m), 133(b)(11)
- Flood Disaster Protection Act, 42 U.S.C. 4001-4128
- 23 U.S.C. 138 and Section 4(f) of the Department of Transportation Act of 1966

- 49 U.S.C. 303 and implementing regulations at 23 CFR 774
- Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9601-9675
- Superfund Amendments and Reauthorization Act of 1986 (SARA)
- Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6901-6992(k)
- Executive Order 11990 - Protection of Wetlands
- Executive Order 11988 - Floodplain Management
- Executive Order 12898 - Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations
- Executive Order 13112 - Invasive Species

Refer to the SER (Chapter 1) for a description of each of the above statutes, regulations, policy and guidance.

ROLES AND RESPONSIBILITIES

LOCAL AGENCY

1. Develops a complete Project Description (including project limits, purpose and need, logical termini and independent utility) and prepares project area maps and cross-sections showing existing and proposed project.
2. Conducts a preliminary environmental investigation, requests technical information from resource and regulatory agencies, and completes the PES Form (Exhibit 6-A, "Preliminary Environmental Study [PES] Form") in accordance with the instructions provided in Exhibit 6-B, "Instructions for Completing the Preliminary Environmental Study (PES) Form" in this chapter.
Note: Coordination with the State Historic Preservation Office (SHPO), the U.S. Fish and Wildlife Service (USFWS), and the National Marine Fisheries Service (NMFS) beyond information gathering is the responsibility of the Caltrans District Senior Environmental Planner (SEP) (or designee).
3. Ensures that where PES Form indicates no technical studies are required, the continuation sheet of the PES Form summarizes how the requirements of relevant federal environmentally related laws have been met.
4. Submits the PES Form to the DLAE in accordance with the Step-by-Step Procedures provided at Section 6.4 of this chapter.
5. Waits to initiate required technical studies until the PES Form has been fully signed by Caltrans.
6. Prepares a draft Area of Potential Effect (APE) map and identifies historic properties.
7. Ensures that the qualifications of consultants preparing Section 106 studies meet the Secretary of Interior Standards for the appropriate discipline.
8. Ensures that consultant contracts and scopes of work direct the development of technical studies and reports consistent with the fully signed PES Form, and that the format and content of all technical reports and NEPA documents is consistent with guidance set forth in the SER.
9. Performs the first Quality Control Review on all EAs and EISs and their supporting technical studies.

10. Completes the External Certifications (Environmental Document Quality Control Review Certification) form for all EAs and EISs.
11. Utilizes the NEPA-Only EA and EIS Annotated Outlines or the Joint EIR/EIS, Joint EIR/EA and Joint IS/EA Annotated Outlines.
12. Is responsible for complying with applicable state and local laws, obtaining necessary permits, and ensuring that mitigation commitments are fully incorporated into Final Plans, Specifications and Estimates (PS&E), and fully implemented during construction.
13. Provides Caltrans with a list of mitigation commitments required to comply with NEPA.
Note: Reference to mitigation is in a NEPA context, not CEQA.
14. Provides Caltrans with a copy of all environmental permits, approvals and agreements from resource and regulatory agencies, including all terms and conditions of the permits, agreements and approvals.
15. Maintains copies of NEPA documentation and supporting technical reports for a period of three (3) years following FHWA reimbursement for final project costs. When mitigation is required, environmental documentation shall be maintained until all terms of required mitigation have been fully implemented. This includes the required monitoring period.
16. For major projects exceeding \$500 million, a draft Project Management Plan (PMP) shall be submitted by the local agency to the DLAE prior to the ROD, FONSI, or CE determination. A final PMP shall be submitted within ninety (90) days after the environmental determination which determines the scope of the project. See Chapter 2, "Roles and Responsibilities," of the LAPM for details.
17. Notifies the DLAE of changes in project scope, cost, schedule, or project limits.

CALTRANS:

1. District Local Assistance:

1.1 District Local Assistance Engineer (DLAE) or designee when applicable

- 1.1.1. Reviews the PES Form and supporting documentation for all projects.
- 1.1.2. Verifies that project is properly listed in the Regional Transportation Program (RTP) and Federal Statewide Transportation Improvement Program (FSTIP) prior to signing PES Form and CE Form.
- 1.1.3. Indicates concurrence with recommended NEPA Class of Action (CE, EA, EIS) and required technical studies by signing the PES Form.
- 1.1.4. Ensures, that where the PES Form indicates that no technical studies are required, the continuation sheet of the PES Form summarizes how the requirements of relevant federal environmentally related laws have been met.
- 1.1.5. Arranges and attends Early Coordination Meeting.
- 1.1.6. Jointly approves CE Determinations (with District SEP).
- 1.1.7. Informs the District SEP (or designee) of the local agency project delivery schedule, tracks review of local agency technical reports and NEPA documents, and notifies the District SEP (or designee) when issues arise or any changes occur that may affect the NEPA process.
- 1.1.8. Reviews and signs APE map (in coordination with District Professionally Qualified Staff [PQS]) for undertakings when applicable.

- 1.1.9. Immediately notifies local agency of NEPA approval so that they may commence with final design.
- 1.1.10. Serves as the focal point (unless otherwise designated) between the local agency and Caltrans.
- 1.1.11. Serves as the focal point for coordination with FHWA regarding engineering decisions and design exceptions.
- 1.1.12. Transmits (unless otherwise delegated) all correspondence and documentation between local agency and Caltrans.
- 1.1.13. Transmits (unless otherwise delegated) all correspondence and documentation between Caltrans and FHWA.
- 1.1.14. Ensures all environmental fields in Local Assistance Database, Local Program 2000 (LP2000) are completed promptly in support of annual reporting requirements and compliance with performance measures.
- 1.1.15. Determines and approves Reasonable and Feasible Noise Abatement Measures.
- 1.1.16. Jointly approves Summary of Floodplain Encroachment Form (with District SEP).
- 1.1.17. Makes Only Practicable Alternative Finding (for significant Floodplain encroachments). *Note: If a significant floodplain encroachment is identified as a result of floodplains studies, FHWA will need to approve the encroachment and concur in the Only Practicable Finding. See Chapter 17 of the SER for additional information regarding floodplains.*
- 1.1.18. Attends and supports public hearings on EAs and EISs.
- 1.1.19. Determines in coordination with the District SEP (or designee) whether mitigation represents a reasonable and prudent expenditure of public funds and whether mitigation measures are eligible for federal funding.
- 1.1.20. Maintains project files and general administrative files.
- 1.1.21. Ensures project files and general administrative files are available for inspection by FHWA staff upon reasonable notice (*Note: the Section 6005 Pilot Program MOU defines reasonable notice as making documents available on-site in no less than five (5) days following a request by FHWA*).
- 1.1.22. Assists, as needed, with the self-assessment of the Caltrans Quality Control and Quality Assurance process in the identification of areas needing improvement and the implementation of corrective actions necessary to address areas needing improvement.
- 1.1.23. Assists, as needed, in the development of the 6005 Quarterly Report to FHWA.
- 1.1.24. Maintains adequate organizational resources and sufficient staff capability and expertise to carry out the responsibilities assigned under the 6004 and 6005 MOU effectively.

1.2 District Senior Environmental Planner (SEP) or Designee

- 1.2.1. Reviews the PES Form and supporting documentation for all projects.
- 1.2.2. Determines NEPA Class of Action (CE, EA, EIS) and required technical studies by signing PES Form.
- 1.2.3. Ensures that where PES Form indicates that no technical studies are required, the continuation sheet of the PES Form summarizes how the requirements of relevant environmentally related laws have been met.

- 1.2.4. Attends Early Coordination Meeting when requested.
- 1.2.5. Determines if the CE/CE Form is ready for signature. Jointly signs CE/CE Form with DLAE. *Note: District SEP's signature on CE/CE Form may not be delegated below the level of the District SEP.*
- 1.2.6. Reviews NEPA documents and supporting technical reports and determines if they are complete and sufficient in accordance with the guidance set forth in the SER.
- 1.2.7. Jointly signs the Summary of Floodplain Encroachment Form with DLAE.
- 1.2.8. Section 7 Conference Opinion for Endangered Species Act (ESA) Proposed Species or Proposed Critical Habitat.
- 1.2.9. Initiates Section 7 Formal and Informal Consultation with USFWS and/or NMFS for ESA listed species and/or their critical habitat.
- 1.2.10. Establishes the environmental project file utilizing the Caltrans Uniform Environmental File System as soon as environmental studies begin.
- 1.2.11. Completes all environmental fields in the LP2000 in support of annual reporting requirements and compliance with performance measures.
- 1.2.12. Monitors District Local Assistance environmental process relating to project determinations, environmental analysis and project file documentation, checks for errors and omissions, and takes corrective action as needed.
- 1.2.13. Provides training to both internal and external partners on environmentally related topics, as requested or as resources allow.
- 1.2.14. Cooperates in monitoring performance under the MOU and modifies practices as needed to assure quality performance.
- 1.2.15. Assists with the development of the Section 6005 Quarterly Reports and the Quarterly Performance Reports under Section 6004.
- 1.2.16. Cooperates fully with FHWA in all quality assurance activities.
- 1.2.17. Provides FHWA any information necessary in order for the FHWA to carry out its government-to-government consultation.
- 1.2.18. Provides FHWA with evidence that the NEPA compliance and any other environmental responsibilities assigned under the 6004 and 6005 MOUs have been completed in accordance with the MOU prior to request for authorization for funding or other action.
- 1.2.19. Carries out assigned consultation, review, and coordination activities in a timely and proactive manner.
- 1.2.20. Makes all reasonable and good faith efforts to identify and resolve conflicts with federal, State, and local agencies.
- 1.2.21. Performs Document Quality Control Review and signs Certification forms for EAs and EISs.
- 1.2.22. Makes Wetlands Only Practicable Alternatives Finding and Least Environmentally Damaging Practicable Alternative (LEDPA).
- 1.2.23. Makes determination that proposed action includes all Practicable Measures to Minimize Harm.
- 1.2.24. Signs Protection of Wetlands Statement.

- 1.2.25. Coordinates with the Army Corps of Engineers (ACOE), Environmental Protection Agency (EPA), USFWS, and NMFS prior to making Wetland Determination.
- 1.2.26. Approves Section 4(f) de minimis and Programmatic Section 4(f) Evaluations.
- 1.2.27. Approves Draft Section 4(f) Evaluations for Public Circulation.
- 1.2.28. Approves Individual Section 4(f) Evaluations.
- 1.2.29. Determines validity of approved CEs, EAs, and EISs for Reevaluations (memo or report) and Revalidations (form).
- 1.2.30. Approves Notice of Intent (NOI) to prepare an EIS, and sends to FHWA for publication in the Federal Register (FR). *Note: Only a federal agency can post in the FR.*
- 1.2.31. Attends public hearing on EAs and EISs.

1.3 District Professionally Qualified Staff (PQS)

- 1.3.1. Reviews the PES Form and supporting documentation for all projects.
- 1.3.2. Reviews the PES Form and indicates the results of their review in the PQS signature block of the PES Form.
- 1.3.3. Indicates appropriate response to Question #35 under Section A of the PES Form, completes Sections B, C, and D (regarding Section 106), and signs the Section G of the PES Form for all projects.
- 1.3.4. When applicable, reviews and signs (in concert with the DLAE) the local agency-prepared APE maps, indicating approval.
- 1.3.5. Attends Early Coordination Meetings when requested and provides the local agency with guidance on proper procedures and required format and content of all cultural reports.
- 1.3.6. Reviews and approves cultural resource reports and transmits them to the SHPO when required.
- 1.3.7. Provides the DLAE with periodic updates and copies of all transmittals to the SHPO.

1.4 District Local Assistance NEPA Delegation Coordinator

- 1.4.1. Assists as needed with the district review of EISs and routine and complex EAs.
- 1.4.2. Assists with new record-keeping and reporting to document whether Caltrans performs the federal functions responsibly and appropriately, and whether or not the programs in fact streamlined the project delivery process.
- 1.4.3. Assists with quarterly reporting on CEs approved under the Section 6004 assignment.
- 1.4.4. Assists with 15-month programwide Section 6004 report.
- 1.4.5. Assists with Section 6005 formal federal audits twice a year for the first two years and once a year thereafter.
- 1.4.6. Assists with internal self-assessments.
- 1.4.7. Assists with audit protocol.
- 1.4.8. Assists with report to Legislature on time-savings and qualitative measures.

- 1.4.9. Assists with FHWA process reviews.
- 1.4.10. Assists with training internal staff and local agencies on the new forms and procedures to implement Section 6004 and 6005 assignment; provides outreach to local agencies and their consultants to explain the NEPA Delegation programs.
- 1.4.11. Provides training to local agencies and internal staff on the new procedures under NEPA Delegation and assists them through the new processes.
- 1.4.12. Assists in maintaining consistency in document review, reporting, and training between cross-district allocations.

1.5. District NEPA Quality Control Reviewer

- 1.5.1. Reviews technical reports, administrative Draft, Final EISs and Complex EAs.
- 1.5.2. Signs Internal Certifications (Environmental Document Quality Control Review Certification) form.

1.6. Deputy District Director (DDD) for Environmental or Designee

- 1.6.1. Signs EA (NEPA-only) title page, FONSI, and Supplemental EIS.

1.7. District Director (DD) or Designee

- 1.7.1. Signs EIS title page and ROD.
- 1.7.2. Signs Section 106 MOAs as concurring party.

2) Division of Environmental Analysis (DEA)

2.1. HQ Division of Environmental Analysis Environmental Coordinator (HQ EC)

- 2.1.1. Resolves disputes on environmental findings in accordance with protocols in SER.
- 2.1.2. Reviews and comments on EISs, complex EAs and Individual Section 4(f) Evaluations for compliance per Quality Control/Quality Assurance procedures set forth in the MOU.
- 2.1.3. Provides expertise as needed.
- 2.1.4. Provides concurrence date (via e-mail) on PES Form for EAs and EISs.

2.2. Chief, HQ Division of Environmental Analysis

- 2.2.1. As the Department's designated Preservation Officer, signs Section 106 MOAs as signatory for Caltrans.

3) Division of Legal

- 3.1. Reviews local assistance administrative EISs to ensure their legal sufficiency.
- 3.2. Defends local assistance NEPA documents in a court of law.
- 3.3. Reviews Individual Section 4(f) Evaluations to ensure they are legally sufficient.

4) Division of Local Assistance (DLA)

4.1. Statewide NEPA Delegation Coordinator

- 4.1.1. Manages the implementation of the NEPA Delegation Pilot Program for Local Assistance.
- 4.1.2. Works with districts, cities, counties, Regional Transportation Planning Associations (RTPAs), Metropolitan Planning Organizations (MPOs),

other Headquarters units, and FHWA, as needed, to ensure a smooth transition.

- 4.1.3. Ensures RTPAs, MPOs, and regulatory agencies working on local assistance projects understand the NEPA Delegation Programs.
- 4.1.4. Addresses local agency questions and concerns throughout the program.
- 4.1.5. Serves on or leads statewide and corporate teams to ensure that the local assistance needs and issues are addressed under NEPA Delegation.
- 4.1.6. Ensures that the local assistance NEPA Delegation and environmental programs are continuously updated to be consistent with DEA's policies and procedures, including data-tracking, reporting and document standards, and ensures local assistance issues are addressed in those policies.
- 4.1.7. Participates in FHWA semi-annual and annual audits, as requested, and ensure statewide quality control of the reporting for these and for the reports to the State Legislature.
- 4.1.8. Ensures statewide consistency and quality in the program statewide, including informing the NEPA Delegation SEPs immediately of policy developments. Provides them with training, guidance and tools for performing their jobs, and facilitating their interaction as part of a statewide team.
- 4.1.9. Monitors local assistance financial resources necessary to carry out the responsibilities being assumed and takes appropriate action to obtain the additional financial resources needed to carry out the responsibilities assumed in the MOUs.

4.2. Statewide NEPA Compliance Coordinator

- 4.2.1. Serves or leads statewide and corporate teams to ensure that local assistance environmental needs and issues are addressed in the local assistance guidance and procedures.
- 4.2.2. Maintains and updates the NEPA compliance components of the LAPM, the LP2000 database, and relevant sections in the SER pertaining to local assistance to be consistent with DEA's policies and procedures, including data tracking, reporting, and document standards.
- 4.2.3. Develops and provides training to DLAEs, District, and Region environmental staff for local assistance and local agencies as needed.
- 4.2.4. Performs process reviews to assess compliance with federal requirements.
- 4.2.5. Assists with and/or coordinates the resolution of issues that cannot be resolved in the district.
- 4.2.6. Assists with FHWA process reviews, semi-annual and annual audits, and reports to the State Legislature.

5) FHWA

- 5.1. Posts NOI and ROD in FR.
- 5.2. Performs environmental review, consultation or other related action on:
 - projects requiring FTA funding or approval
 - projects involving international and state border crossings
 - high priority projects under E.O. 13274

- projects funded by Federal Lands Highway Program unless Caltrans designs and constructs
- 5.3. Performs all government-to-government consultation with Indian Tribes as defined in 36 CFR Part 800.16(m).
- 5.4. Makes air quality conformity determinations as specified in the 6005 MOU.
- 5.5. Approves significant floodplain encroachments, identified as a result of floodplain studies, and concurs in the Only Practicable Alternative Finding.
- 5.6. Performs audits and process reviews to ensure Caltrans compliance with Section 6004 and 6005 MOUs.
- 5.7. Performs US DOT responsibilities for statewide and metropolitan planning.
- 5.8. Provides and assists with training as necessary.

6) Other State and Federal Responsible and Regulatory Agencies

- 6.1. Determine whether the local agency's action complies with the provisions of law germane to their statutory responsibility.

APPLICABILITY

Any local assistance project, "...financed, assisted, conducted, regulated or approved by a federal agency..." (FHWA), ([40 CFR Part 1508.18\[a\]](#)) is subject to compliance with the provisions of the NEPA. Any amount of federal involvement in a project requires that the entire project be included in the process, regardless of phases or segments not funded by FHWA. The scope of NEPA responsibility is not determined based on funding alone.

SCIENTIFIC AND COMMERCIAL DATA

NEPA requires that environmental information be "...of high quality based on accurate scientific analysis and expert agency comment..." ([40 CFR Part 1500.1\[b\]](#)). Local agencies are required to follow Caltrans policy and guidance set forth in the SER to ensure that NEPA determinations and documents reflect the most current scientific methodologies, and that analysis is of the highest quality.

6.2 AN OVERVIEW OF THE ENVIRONMENTAL PROCESS

This section provides a general overview of the NEPA process and the three classes of actions possible to achieve compliance with the requirements of NEPA. A brief overview of other applicable federal environmental requirements and general procedures for demonstrating compliance with these requirements is also provided.

A list of MOUs intended to expedite compliance with NEPA and other federal environmental requirements are provided later in this section. Information on the integration of California Environmental Quality Act (CEQA) and NEPA time frames for achieving environmental compliance, general information on permits, mitigation, scope change, and reevaluations are also discussed in this section.

NEPA

The NEPA process is guided by the National Environmental Policy Act and its implementing regulations, [23 CFR Part 771](#) (see Section 6-1, "Authority"). The process

helps determine the appropriate class of action (EIS, EA, or CE) based on the potential for “significant” impact as defined in [40 CFR Part 1508.27](#).

Other federal environmentally related laws are intended to protect a specific element of the environment. These include, but are not limited to, Section 4(f) (Protection of Publicly Owned Park, Recreation Area, Wildlife or Waterfowl Refuge or Land from Historic Sites), Section 106 (Protection of Cultural Resources & Historic Properties), Section 7 (Protection of Endangered Species), E.O. 11990 (Protection of Wetlands), E.O. 11998 (Protection of Floodplains), and E.O. 13112 (Invasive Species).

Federal actions must comply with the provisions of NEPA and all applicable federal environmentally related laws. The NEPA document is a summary of the findings made and conclusions reached during the environmental analysis of a proposed federal action. Therefore, when other federal environmentally related laws are involved, it is expected that compliance with these laws will be completed prior to completion of the NEPA process.

CATEGORICAL EXCLUSION (CE)

CEs are actions that meet the definition contained in [40 CFR Part 1508.4](#) based on past experience with similar actions that do not involve significant environmental impacts. They are actions: a) that do not induce significant impacts to plan growth or land use for the area, b) that do not require the relocation of significant numbers of people, c) that do not have a significant impact on any natural, cultural, recreational, historical or other resources, d) that do not involve significant air, noise, or water quality impacts, and e) that do not have significant impacts on travel patterns, or do not otherwise (either individually or cumulatively) have any significant environmental impacts ([23 CFR Part 771.117\[a\]](#)).

A CE is prepared and processed when environmental documentation supports the conclusion that no significant environmental impacts will occur as a result of the project. Refer to the SER, Chapter 30, for details on preparing CEs and Section 6.5 and 6.6 (in this chapter) for procedures on processing CEs.

Any action that normally would be classified as a CE, but would involve unusual circumstances will require FHWA (or Caltrans where assigned under Section 6004 or 6005) to conduct appropriate environmental studies to determine in cooperation with the local agency, if the CE classification is proper ([23 CFR Part 771.117\[b\]](#)).

Such unusual circumstances include:

- a) significant environmental impacts
- b) substantial controversy on environmental grounds
- c) significant impacts on properties protected by Section 4(f) of the DOT Act
- d) significant impacts on properties protected by Section 106 of the National Historic Preservation Act
- e) inconsistencies with any federal, state, or local law, requirement or administrative determination relating to the environmental aspects of the action

A list of actions meeting the criteria for a CE in accordance with [40 CFR Part 1508.4](#) and [23 CFR Part 771.117\(a\)](#), and normally not requiring any further NEPA approvals by Caltrans, where assigned under Section 6004 and 6005 MOUs, (or FHWA for projects not assigned) are provided in Exhibit 6-E, “Categorical Exclusion Checklist,” in this chapter.

Additional actions meeting the criteria for a CE in accordance with [40 CFR Part 1508.4](#) and [23 CFR Part 771.117\(a\)](#), may be designated as CEs only after approval by Caltrans, where assigned under Section 6004 and 6005 MOUs (or FHWA for projects not assigned). The local agency should refer to the CE Checklist provided at Exhibit 6-E “Categorical Exclusion Checklist,” when preliminarily considering whether the action meets the criteria for a CE.

FHWA and Caltrans further determined pursuant to 23 CFR Part 771.117(d) that the list of actions provided in Appendix A of the 6004 MOU also satisfies the criteria for a CE based on documentation that demonstrates that the specific conditions or criteria for the CEs are satisfied, and that significant environmental effects will not occur.

ENVIRONMENTAL ASSESSMENT (EA)

An EA is an analysis of the impacts of a project and is used to determine if the project will have significant environmental impacts. When a project cannot be designated as a CE by Caltrans and yet does not clearly require preparation of an EIS, preparation of an EA will assist in determining whether an EIS is needed.

The requirement to prepare an EA may come about through one or more of the following situations:

- a) based on information gathered during PES, where it is clear that the proposed project will not qualify for a CE, or where unusual circumstances are likely. The local agency identifies the potential for significance under Sections A and B of the PES Form and recommends the development of an EA (under Section G of the PES Form). The DLAE and District SEP determine that an EA is the appropriate NEPA Class of Action by signing the PES Form, and the HQ EC will concur via e-mail to the District SEP.
- b) during or upon completion of technical studies when it becomes apparent that the proposed project will not qualify for a CE, or that unusual circumstances exist, the decision to prepare an EA is made by the District SEP in collaboration with the DLAE and with the written concurrence by e-mail of the HQ EC.

Depending upon the complexity of issues involved in the project, Caltrans may determine that the Draft EA be reviewed and processed as a “Complex EA.” Complex EAs are projects that typically involved one or more of the following:

- multiple location alternatives
- debate related to purpose and need
- strong public controversy
- issues of logical termini or independent utility
- individual Section 4(f) determinations
- complex Endangered Species Act issues
- numerous cumulative impacts
- high mitigation costs

The DLAE and District SEP with concurrence of the HQ EC shall determine if the EA should be processed as a complex EA.

The local agency is responsible for conducting all required technical studies and for preparing the technical reports and the Draft EA in accordance with guidance set forth in

the SER. The EA is a summary of the findings and conclusions of technical reports and the results of regulatory and resource agency coordination, and should accurately reflect the outcome of both. Local agencies are required to use the:

- Initial Study/Environmental Assessment Annotated Outline, provided at: [http://www.dot.ca.gov/ser/downloads/templates/IS-EAoutline aug06.doc](http://www.dot.ca.gov/ser/downloads/templates/IS-EAoutline%20aug06.doc)
- Environmental Impact Report/Environmental Assessment Annotated - Outline provided at: [http://www.dot.ca.gov/ser/downloads/templates/EIR-EA Outline Annotated aug06.doc](http://www.dot.ca.gov/ser/downloads/templates/EIR-EA%20Outline%20Annotated%20aug06.doc), or
- NEPA-Only Environmental Assessment Annotated Outline provided at: <http://www.dot.ca.gov/ser/downloads/templates/>

The local agency is also responsible for performing the initial Quality Control Review of their Draft EA and supporting technical studies and for documenting their Quality Control Review on the External Certifications (Environmental Document Quality Control Review Certification) form, provided at:

http://www.dot.ca.gov/ser/vol1/sec6/ch38nepa/External_QC_Certification.doc prior to submitting their Draft and Final EAs to Caltrans for review and approval.

Caltrans District SEP (or designee) and District technical specialists are responsible for performing the second Quality Control Review of the Draft EA, supporting technical studies, and documenting their Quality Control Review on the Internal Certifications (Environmental Document Quality Control Review Certification) form provided at: (http://www.dot.ca.gov/ser/vol1/sec6/cha38nepa/Internal_QC_Certification.doc).

Approval of the Draft EA may be subject to revisions being made by the local agency prior to circulation. When District Environmental Staff determines that deficiencies exist, the DLAE notifies the local agency.

Technical reports and Draft EAs that do not comply with FHWA policies and guidance, requirements of all applicable federal laws, executive orders and regulations, or are not internally consistent, or are not prepared consistent with the applicable SER annotated environmental document outlines, will be returned to the local agency by the DLAE with guidance on necessary revisions needed for a compliance and sufficiency determination.

Technical reports and Draft EAs that do comply with FHWA policies and guidance, the requirements of all applicable federal laws, executive orders and regulations, and are found to be internally consistent and prepared consistent with the applicable SER annotated environmental document outlines are approved for public availability by the Caltrans District Director or Deputy District Director (Environmental) or the Environmental Office Chief, if designated by District Director.

NEPA encourages public participation. However, because there is no formal scoping requirement for an EA, the degree of public participations and the means of soliciting public inputs are determined on a case-specific-basis, taking into consideration the degree of public interest or controversy. The local agency initiates public circulation of the draft EA following approval by Caltrans and following public involvement, responds to comments as necessary, and prepares the Final EA. Local agencies are responsible for performing the initial Quality Control on Final EAs. When an EA does not identify any significant impacts, and no significant impacts are identified during the public availability, the local agency submits the record of public comments, responses, and request for a FONSI to the DLAE.

Pursuant to tracking and reporting requirements stipulated in the 6005 MOU, the local agency is also responsible for providing the DLAE with a list of all mitigation commitments and a copy of environmental permits and permit conditions.

In accordance with the 6005 MOU, Caltrans is responsible for making the official “finding” that a proposed project will not significantly impact the environment. The Caltrans District Director or Deputy District Director (Environmental) or Environmental Office Chief, if designated by District Director, signs the FONSI making this “finding.”

The DLAE notifies the local agency immediately upon Caltrans approval of the FONSI, so that they may commence with final design.

When an EA indicates that the project has the potential to result in a significant impact, an EIS must be prepared. An EA is not required when a decision has already been made to prepare an EIS. For details on preparing and processing an EA refer to the SER, [Chapter 31](#).

Prior to submitting a “Request for Authorization” for new phases of work, the local agency will enter the appropriate coding and the date Caltrans signed the FONSI, under “Environmental Data.” Refer to Chapter 3, Exhibit 3-G, “[Request for Authorization - Data Sheets](#),” and Exhibit 3-H, “[Request for Authorization - Application Instructions](#)” in the LAPM.

The District SEP (or designee) completes appropriate environmental fields in LP2000 for tracking, report, and performance monitoring.

ENVIRONMENTAL IMPACT STATEMENT (EIS)

An EIS is a full disclosure document and is the highest level of analysis required by NEPA. The determination to prepare an EIS may result from one or more of the following situations:

- based on information gathered during the PES, where it is clear that the proposed project will have significant impacts. The local agency indicates the potential for significance under Sections A and B of the PES Form, and the DLAE and District SEP (with written concurrence of HQ EC in e-mail) determine that EIS is the appropriate NEPA Class of Action, by signing the PES Form.
- based on the conclusions of the draft EA where the potential for “cumulative” significant adverse impacts are shown.

When it is determined that a proposal may have a significant environmental impact, the local agency drafts the NOI to prepare an EIS in collaboration with the DLAE and District SEP (or designee) and arranges for the Early Scoping Meeting.

The local agency conducts the Early Coordination Meeting, undertakes all required technical studies, and prepares the required technical reports and the Draft EIS in accordance with guidance set forth in the SER.

An EIS is a summary of the findings and conclusions of technical reports, the results of regulatory and resource agency coordination and should accurately reflect the outcome of both. The local agency is required to use the Environmental Impact Report/ Environmental Impact Statement Annotated Outline provided at:

http://www.dot.ca.gov/ser/downloads/templates/EIR-EIS_outline_aug06.doc,

or the NEPA-Only Environmental Impact Statement Annotated Outline provided at:
<http://www.dot.ca.gov/ser/downloads/templates/>.

The local agency is responsible for performing a quality control review of their EIS and supporting technical studies and completing the External Certifications (Environmental Document Quality Control Review Certification) form.

Details on preparing and processing EISs are provided in Section 6.9 of this chapter. The District SEP (or designee) tracks the review and processing of the EIS and records relevant dates and information in LP2000. The DLAE provides notification to the local agency of environmental document status and approval.

Prior to submitting a “Request for Authorization” for new phases of work, the local agency enters the appropriate coding and date of Caltrans District Director signature on the ROD under “Environmental Data.” Refer to the Chapter 3, Exhibit 3-G, “[Request for Authorization - Data Sheets](#),” and Exhibit 3-H, “[Request for Authorization - Application Instructions](#)” in the LAPM.

OTHER FEDERAL ENVIRONMENTALLY RELATED PROCESSES

Every action that has federal involvement must comply with laws that protect particular elements of the environment. Although NEPA requirements have remained relatively unchanged over the years, environmentally related processes have increased in number and importance.

Following is a summary of those federal environmentally related laws processes most commonly required on local assistance transportation projects. Local agencies are required to comply with the provisions of these laws prior to finalizing NEPA documentation.

- **Section 4(f) - (Protection of Publicly Owned Park, Recreation Area, Wildlife or Waterfowl Refuge, or Land from Historic Sites)** - The Section 4(f) process was established in the U.S. Department of Transportation Act of 1966 to give certain protections to publicly owned public parks, recreational areas, wildlife and waterfowl refuges, and land from historic sites of national, state or local significance. Section 4(f) requires that the agency must show that there are no feasible or prudent alternatives to the use of these areas. If Section 4(f) land is required, a Section 4(f) avoidance alternative is required. If Section 4(f) land is still required, all possible planning must be taken to minimize the impact. Guidance on compliance with the provisions of Section 4(f) is provided in the SER, [Chapter 20](#).
- **Section 106 - (Protection of Cultural Archaeological Resources & Historic Properties)** - The National Historic Preservation Act of 1966 declares a national policy of historic preservation and encourages preservation. It established the Advisory Council on Historic Preservation (ACHP) and required that federal agencies take into account the effect of their undertakings on historic properties and to afford the Advisory Council on Historic Preservation (Council) a reasonable opportunity to comment on the undertaking. ACHP promulgated procedures, codified in 36 CFR 800, et.seq., that must be followed on any federal project or action. Caltrans and FHWA entered into a Programmatic Agreement (PA) on how to implement 36 CFR Part 800 for California’s federal-aid highway program. Guidance on compliance with the provisions of 36 CFR Part 800 and the PA is provided in the SER, [Chapter 28](#).
- **Section 7 of the Endangered Species Act - (Protection of Endangered Species)** - The federal Endangered Species Act (ESA) provides a means to conserve the ecosystems upon which federally listed threatened and endangered species depend

and provide a program for the conservation of those species. The ESA requires federal agencies consult with the USFWS and NMFS to ensure that actions approved or funded by federal agencies (such as FHWA) are not likely to jeopardize the continued existence of threatened or endangered species, or result in the destruction or adverse modification of the critical habitat of such species. Compliance with Section 10 of the ESA does not meet Section 7 requirements. Guidance on compliance with the provisions of Section 7 of the U.S. ESA is provided in the SER, [Chapter 14](#).

- **Presidential Executive Order 11990 (E.O. 11990) - Protection of Wetlands** - EO 11990 requires that when a construction project involves wetlands, a finding must be made, 1) that there is no practicable alternative to such construction, and 2) that the proposed action includes all practicable measures to minimize impacts to wetlands resulting from such use. The FHWA Division Administrator or Caltrans, where assigned under Section 6004 or 6005 makes the finding required by Executive Order 11990. Guidance on compliance with the provisions of EO 11990 is provided in the SER, [Chapter 15](#).
- **Presidential Executive Order 11988 (E.O. 11988) - Floodplain Management** - In response to EO 11988, FHWA or Caltrans, where assigned under Section 6004 or 6005, requires a formal “Floodplain Finding” be made for federal actions involving significant encroachments in floodplains. The formal Floodplain Finding is based on information contained in the Location Hydraulic Report. The formal Floodplain Finding is included as part of the supporting documentation for the Final Environmental Impact Study (FEIS). Guidance on compliance with the provisions of E.O. 11988 is provided in the SER, [Chapter 17](#).
- **Presidential Executive Order 12898 (EO 12898) - “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations”**- This EO, issued on February 11, 1994, emphasizes the intent of Title VI of the Civil Rights Act of 1964. The EO requires federal agencies to ensure that their programs, policies and activities do not have the effects of: 1) excluding persons and populations from participation, 2) denying persons and populations the benefits of federal programs, or 3) subjecting persons and populations to discrimination because of race, color or national origin. Consideration of environmental justice impacts must be addressed in all NEPA classes of action. When preparing an EIS, local agencies must disclose disproportionate impacts on minority or low-income communities. Guidance on compliance with the provisions of EO 12898 is provided in the SER, [Chapter 25](#).
- **Presidential Executive Order 13112 (EO 13112) - Invasive Species, issued on February 3, 1999 (effective November 15, 1999)** - This EO prohibits the use of federal-aid for construction, re-vegetation, or landscaping activities that purposely include the use of known invasive plant species. Until an approved national list of invasive plants is defined by the National Invasive Species Council, “known invasive plants,” shall be consistent with the official noxious weed list of the State in which the activity occurs. Caltrans recommends use of federal-aid for new and expanded invasive species control efforts under each State’s Department of Transportation roadside vegetation management program. Where the potential exists for the introduction or spread of invasive species, the environmental document should include a discussion of the potential impact of these species and any anticipated prevention or control measures to be taken. Guidance on compliance with the provisions of EO 13112 is available in the SER, [Chapter 1](#).
- **Clean Air Act, as amended (42 U.S.C. 7401 et seq.)** - This Act requires that federally supported activities must conform to the State Implementation Plan (SIP), whose purpose is

that of attaining and maintaining the National Ambient Air Quality Standards (NAAQS). Section 176(c) of the Clean Air Act as amended in 1990, established the criteria and procedures by which FHWA (Title 23 U.S.C.) and MPOs determine the conformity of federally funded or approved highway and transit plans, programs, and projects to SIPs. The provisions of 40 CFR Part 51 and Part 93 (Final Rule effective November 24, 1993) shall apply in all non-attainment and maintenance areas for transportation-related criteria pollutants for which the area is designated non-attainment or has a maintenance plan. For additional information refer to the SER, [Chapter 1](#).

- **Clean Water Act of 1977 & 1987 (33 U.S.C. 1251-1359)** – This Act protects the chemical, physical and biological integrity of the Nation’s waters by regulating discharges of pollutants into waters of the U.S. Section 401 of the Clean Water Act (CWA) requires a water quality certification from the State or Regional Water Quality Control Board when a project requires a federal license or permit, and will result in a discharge into waters of the U.S. Section 402 of the CWA establishes a permitting system for the discharge of any pollutant into waters of the U.S. A National Pollutant Discharge Elimination System (NPDES) permit is required for all point discharges of pollutants to surface waters. Section 404 of the CWA establishes a permit program administered by the ACOE regulating the discharge of dredged or fill material into waters of the U.S. (including wetlands). For additional information refer to the SER, [Chapter 1](#).

GENERAL PROCEDURES FOR DEMONSTRATING COMPLIANCE WITH THESE PROCESSES

The general procedures for demonstrating compliance with these Acts are provided below:

- The local agency consults current databases, reviews relevant literature and maps, requests technical information from resource and regulatory agencies, and determines whether compliance with any of the above federal requirements is necessary. The local agency considers the results of this preliminary research when completing the PES Form, and submits the PES Form with all supporting documentation to the DLAE.
- The DLAE and District SEP (or designee) confirm applicability of relevant laws for the project by signing the PES Form. The District PQS determines applicability of Section 106 and confirms the need for APE map. Prior to initiation of technical studies, the local agency prepares a draft APE map for Section 106 studies in accordance with guidance in the SER (and preferably with the assistance of the District PQS) and requests the DLAE to schedule a Coordination Meeting. The Coordination Meeting is the appropriate forum to meet the Caltrans District staff responsible for reviewing and determining the adequacy of the technical reports, obtain District PQS and DLAE signatures on the APE map, and discuss the format and content requirements for each technical report.
- Local agency completes the required technical studies, prepares the technical reports and submits the reports to the DLAE for review and processing. To ensure timely project delivery, local agency and consultants are responsible for ensuring that the format and content of required technical reports and environmental documents are consistent with guidance and annotated outlines set forth in the SER.
- The Caltrans District SEP (or designee) reviews the reports, facilitates consultation under regulation or interagency agreement (or makes the appropriate finding or determination required by law, regulation or EO), and forwards the results of their action to the DLAE for transmittal to the local agency.

- Caltrans District SEP (or designee) logs transmittal date in LP2000 and tracks Caltrans and resource and regulatory agency review time and various other milestones.
- The local agency prepares the appropriate NEPA document based on the results of Caltrans consultation and processes the document to the DLAE for review and approval

INTERAGENCY AGREEMENTS AND MEMORANDUMS OF UNDERSTANDING

Several Agreements have been developed to expedite compliance with NEPA. These Agreements require full documentation and demonstration that the required conditions have been met.

Programmatic Agreement among the FHWA, the Advisory Council on Historic Preservation, the California State Historic Preservation Officer, and the California Department of Transportation Regarding Compliance with Section 106 of the National Historic Preservation Act, as it Pertains to the Administration of the Federal-Aid Highway Program in California (Section 106 PA), effective January 1, 2004. - The Section 106 Programmatic Agreement (PA) implements Section 106 of the NEPA for the Federal-aid Highway Program in California, except when the undertaking is on federally recognized Native American tribal land, in which case the 36 CFR Part 800 procedures must be followed. This Agreement allows Caltrans to consult directly with the SHPO for all steps of the Section 106 process on projects assigned under NEPA Delegation and for most steps on projects exempted from delegation. The Agreement exempts certain property types from evaluation and exempts certain types of projects from any 106 involvements. It reemphasizes the use of Environmentally Sensitive Areas (ESAs) to avoid site excavations for evaluation, defines APE guidelines, and sets out qualifications for decision-making staff. Any project must be screened by the District PQS to determine applicability of Section 106. A copy of the Agreement and guidance on compliance with the terms of the Agreement are provided in the SER, Volume 2, Exhibit 1.1 at:
(<http://www.dot.ca.gov/ser/vol2/PA-04-EH.pdf>)

Programmatic Agreement Regarding the Seismic Retrofit of Historic Bridge Structures in California (March 21, 1995) - This Agreement is for Section 106 process only and provides for the expeditious fulfillment of the requirements under Section 106. Additional assistance from the Caltrans PQS is required when utilizing this Agreement.

Memorandum of Understanding Among the Federal Highway Administration, California Department of Transportation, U.S. EPA, U.S. ACOE, USFWS and the NMFS, National Environmental Policy Act, and Clean Water Act, Section 404 Integration Process for Federal-aid Surface Transportation Projects in California (April 2006). The ACOE, USFWS, FHWA, EPA, NMFS and Caltrans agree on early and ongoing coordination for issues pertaining to waters of the U.S. and associated sensitive species and specifically for projects likely to require an EIS, an individual permit, impact special aquatic sites or impact greater than five (5) acres of other waters of the U.S. The MOU specifies written concurrences that must be obtained from the resource agencies.

If it is anticipated that the project will permanently impact more than five (5) acres of waters of the U.S. and is being processed with an EIS, the local agency, DLAE, and SEP (or designee) shall meet as early as possible to discuss MOU procedures and ensure conformity. A copy of the MOU and procedures for its use are provided in the

SER at: http://www.dot.ca.gov/ser/downloads/MOUs/NEPA404/nepa404_2006_final-mou.pdf

FHWA SECTION 4(F) NATIONWIDE PROGRAMMATICS

- **Independent Bikeway and Walkway Construction Projects, May 23, 1977-**
For independent bikeway and pedestrian walkway projects that require the use of recreation and park areas <http://environment.fhwa.dot.gov/projdev/4fbikeways.asp>
- **FHWA Projects that Necessitate the Use of Historic Bridges, July 5, 1983 -**
For historic bridge replacement projects. Full historic evaluation and to meet Section 106 requirements are still required
<http://environment.fhwa.dot.gov/projdev/4fbridge.asp>.
- **Federally aided Highway Projects with Minor Involvements with Public Parks, Recreation Lands, and Wildlife and Waterfowl Refuges, December 23, 1986 -**
This is for federal-aid projects that use minor amounts of land from publicly owned public parks, recreation areas, and wildlife and waterfowl refuges
<http://environment.fhwa.dot.gov/projdev/4fmparks.asp> *Note: This Programmatic 4(f) type may be superseded for many projects by Section 6009 (a), De Minimis Impacts to Section 4(f) Resources (discussed in bullet 6 below).*
- **Federally aided Highway Projects with Minor Involvements with Historic Sites, December 23, 1986 -** This is for federal-aid projects which use minor amounts of land from historic sites, which are eligible for inclusion on the National Register of Historic Places. This only applies when the use of the land does not constitute an adverse effect to the historic property at:
<http://environment.fhwa.dot.gov/projdev/4fmhist.asp> *Note: This Programmatic 4(f) type is largely superseded by Section 6009 (a), De Minimis Impacts to Section 4(f) Resources (discussed in bullet 6 below).*
- **Projects that have a Net Benefit to a Section 4(f) Property -** For any project, regardless of NEPA Class of Action (CE, EA or EIS), where a net benefit, or overall enhancement is achieved to the Section 4(f) property. A project does not achieve a net benefit if it will result in a substantial diminishment of the function or value that made the property eligible for Section 4(f) protection.
<http://www.dot.ca.gov/ser/vol1/sec3/special/ch204f/chap20.htm>
- **De Minimis Impacts to Section 4(f) Resources -** SAFETEA-LU Section 6009(a) amended existing Section 4(f) legislation to allow the U.S. DOT to determine that certain uses of Section 4(f) land will have no adverse effect on the protected resource. Under the NEPA assignment, Caltrans determines if a transportation use of Section 4(f) property results in a *de minimis* impact on that property at:
<http://www.dot.ca.gov/ser/vol1/sec3/special/ch204f/chap20.htm#deminimis>
- **Interim Guidance on Applying Section 4(f) On Transportation Enhancement Projects and National Recreational Trails Projects (August 22, 1994) -**
Section 4(f) should not be applied to the National Recreational Trails Funding Program and should only be applied to the “Transportation Enhancements Program” when certain conditions are not met by each project. The interim guidance issued in the FR as a final policy interpretation contains the basis for determinations and will be in effect until changes to 23 CFR Part 771 are disseminated through the regulatory

rulemaking process. Once 23 CFR Part 771 has been revised to address this subject, the interim guidance will become null and void.

INTEGRATING CEQA AND NEPA

While this chapter deals exclusively with federal environmental requirements, local agencies are responsible for ensuring full compliance with other state and local environmental laws, and to the fullest extent possible, integrating the NEPA process with the review processes established by these laws. Because state and federal requirements are similar, it is possible to perform only one environmental process that satisfies both state and federal requirements simultaneously when federal approval is required. The environmental document types for CEQA/NEPA (i.e., CE/CE, IS/EA, EIR/EIS) do not necessarily need to match up with each other. An EA may be the appropriate document to prepare under NEPA when an EIR is appropriate under CEQA and so on. Guidance on developing of Joint CEQA/NEPA documents is available in the SER, [Chapter 37](#).

Following are some of the basic similarities and differences between the NEPA and CEQA.

- **Categorical Exclusion (NEPA)/Categorical Exemption (CEQA) Determination** - The list of projects exempt from the federal legislation is quite different from that of the State of California. Because NEPA requires that each federal agency identify its own list of CEs, the list of projects exempt from NEPA is specific to FHWA, unlike CEQA guidelines that list 32 standard categories for all agencies to use. Thus, a careful reading of 23 CFR 771.117 and the Section 6004 and 6005 MOUs is necessary to determine which actions are Categorical Exclusions. Separate determinations must be made for the NEPA and CEQA. Section 6.5 “Categorical Exclusions,” in this chapter describes this phase of the process.
- **Environmental Assessment/Initial Study** - The required contents of an EA are similar to that of an Initial Study (IS). However, NEPA requires that an EA discuss alternatives, whereas CEQA does not require a discussion of alternatives in an IS. Guidance on the development of Joint IS/EAs is available in the SER, [Chapter 37](#).
- **Integrating Other Environmentally Related Processes (NEPA/CEQA)** - One of the more complex aspects of the EA or EIS preparation is the requirement for integrating NEPA with other federal environmental requirements. The local agency must identify and list in the EA or EIS all other federal environmental requirements that may be applicable to the proposed action and, to the fullest extent possible, integrate the NEPA process with the review processes established by these laws. See Section 6.2 “Other Federal Environmentally Related Processes” in this chapter for a brief overview of the other federal environmental requirements. This degree of integration of state and local environmental review is not required under CEQA.
- **Significant Impact (NEPA) vs. Significant Effect (CEQA)** - NEPA requires the identification of any impacts and the avoidance and minimization of them, with compensation considered when reasonable. NEPA does not focus on assessment of whether each and every adverse impact is significant or not. Presence or absence of “**significant impacts**” as defined by NEPA is the determining factor for what type of environmental document is appropriate. NEPA’s definition of a significant impact does not necessarily correlate with CEQA identified “**significant effects**.” Further, CEQA requires mitigation only when an impact is designated as “**significant**.” This can result in measures to avoid or reduce impacts being identified under NEPA that would not be identified under CEQA.

In cases where the local agency project is processed with no federal involvement, the project will only require compliance with the CEQA.

TIMING FOR ENVIRONMENTAL PROCESSES

Estimating the time required for preparing and processing technical studies and environmental documents is very important when establishing a project delivery schedule. The amount of time needed to demonstrate full compliance with the provisions of NEPA and other federal environmental requirements varies depending upon project scope and the presence of federally protected environmental attributes within and immediately adjacent to the project area (direct), indirect (secondary), and cumulative impacts.

Compliance with the environmental requirements may occur simultaneously with Preliminary Engineering. However, the local agency may not commence with final design prior to obtaining the following environmental document approval: 1) a Caltrans signed CE, 2) FONSI, or 3) ROD. It is incumbent upon the DLAE to notify the local agency as soon as approval is granted and to forward a copy of the signed environmental approval.

The following time frames reflect best case scenarios and do not take into account the time involved in consultant selection, correction of inadequate studies, regulatory or advisory agency review and comment, projects involving large numbers of very complex, unusual environmental issues or controversy. The time frames also assume the various environmental studies and documents are performed and written simultaneously.

Below are some examples for estimating time frames:

- A project eligible for CE with “no required technical studies” can be processed in two (2) weeks, assuming the PES Form and supporting information are complete and sufficient.
- A CE “with required technical studies” may take from one (1) month to one (1) year depending upon the required technical studies that must be completed and the time of year the studies are initiated.
- It is important to identify and plan for critical survey periods when determining a project schedule. For example, surveys for certain plants species may have to be performed in spring or during their appropriate blooming/identifiable period.
- It is also important to factor in sufficient time for potentially lengthy processes such as Section 106. Depending upon the nature of the undertaking and its effects to historic properties, the Section 106 process can take less than one (1) week for screened undertakings to more than twenty (20) months for very complex projects involving multiple resources or requiring archaeological excavation.
- An EA that results in FONSI may take between six (6) months to a year for a project with few complications. The draft EA must undergo a thirty (30) day public availability period. Environmentally complicated or controversial projects may take more than one (1) year for the document to be completed and approved.
- Processing an EA which results in a FONSI with an Historic Property Survey Report (HSPR), or any other environmentally related process may require additional time because these environmentally related processes require separate studies and separate regulatory reviews. For example, a preliminary Finding of Effect to cultural or archaeological resources must be completed before a draft EA or an EIS can be

circulated for public review. Final Section 106 must be complete before the final EA or an FEIS can be approved.

- The local agency should start working on “required technical studies” as early as possible in order to avoid delays. **Note: *The local agency shall not begin “required technical studies” prior to obtaining DLAE and District SEP (or designee) concurrences on the PES Form and attending the Coordination Meeting.*** Section 106 studies should not begin until the District PQS can provide guidance on appropriate kinds and level of work. This will minimize the potential for investing in studies that may not be required.

6.3 OTHER CONSIDERATIONS

PERMITS

The local agency is responsible for obtaining all necessary permits, agreements, and approvals from resource and regulatory agencies (401/404, Encroachment, and Coast Guard Bridge Permit, etc.) prior to advertisement for construction. The local agency shall transmit one (1) copy of each permit (with conditions) to the DLAE for submittal to the District SEP (or designee). The District SEP (or designee) shall enter permit data (as required) into the LP2000.

MITIGATION COMMITMENTS AND PLANS, SPECIFICATIONS & ESTIMATE

The local agency shall develop a list of all mitigation as related to NEPA and provide it along with the technical reports and draft environmental document to the DLAE.

The local agency shall certify that all required mitigation has been completed and/or is included in the Final Plans, Specifications and Estimate (PS&E), and that any required ongoing maintenance of mitigation is implemented (23 CFR Parts 635, 771, and 772).

The DLAE (in coordination with the District SEP) ensures that mitigation is a reasonable expenditure of federal funds. Caltrans assures that mitigation measures and any required ongoing maintenance of mitigation are implemented by conducting periodic process reviews.

MITIGATION COMMITMENTS AND CONSTRUCTION

The local agency is responsible for ensuring that all required mitigation is included in the construction contract. The local agency checks plans in the field and certifies that all mitigation commitments have been completed and documentation to this effect has been prepared for inclusion in the project’s final record/voucher.

SCOPE CHANGE

In advance of any mitigation commitment, the local agency notifies the DLAE of any changes in the project scope or project limits. Major changes may require a Transportation Improvement Program (TIP) amendment or air quality redetermination. The DLAE notifies the District SEP (or designee) of the changes, and the District SEP (or designee) determines if additional environmental studies will be required, or if any mitigation agreements will require modifications. When permits, approvals, and agreements from resource and regulatory agencies require modifications, the DLAE requests the District SEP (or designee) initiates re-consultation/reevaluation immediately. Scope changes shall be documented and appended to the PES Form.

REEVALUATION

There are three triggers that necessitate the initiation of the consultation or reevaluation process:

1. Project is proceeding to the next major federal approval
2. Project changes
3. Three year timeline for an EIS

Reevaluations may include a site visit and evaluation by a qualified environmental planner and any technical specialists deemed necessary. Assessments by technical specialists should be prepared for any topical areas affected by a change in the project, its surroundings, new information or requirements, or other factors that may cause the original evaluation to no longer be valid. Additional studies and/or coordination with other agencies should be conducted as appropriate.

The local agency is responsible for informing the DLAE of any changes in the project so that these changes can be evaluated, and the validity of the CE Determination can be re-evaluated.

The local agency, DLAE, and District SEP (or designee) will consult and depending on the circumstances, there will be one of three possible conclusions: (1) the original CE Determination remains valid, (2) a CE Determination which addresses the magnitude of change in the scope of work and/or impact is necessary, or (3) a different type of environmental document is needed. Documentation of the decision and supporting information as appropriate shall be prepared and signed by the DLAE and the District SEP and placed in the project file.

A copy of the NEPA/CEQA Revalidation Form is available at:

<http://www.dot.ca.gov/ser/downloads/memos/nepa/Revalidationform6-13-07.doc>

The FHWA/Caltrans policy memo regarding Reevaluations is available at:

<http://www.dot.ca.gov/ser/downloads/memos/nepa/Signed%20Ltr-FHWA-NEPA-21June07.pdf>

PROCESS REVIEW

FHWA and Caltrans periodically conduct process reviews to determine the adequacy of existing processes and monitor the process for compliance with applicable laws, regulations and procedures. This includes but is not limited to, monitoring compliance with the assurances stated in the NEPA Pilot Program application; stipulations of the 6004 and 6005 MOU; monitoring the quality of NEPA documents and supporting technical reports, and monitoring PS&E and project construction to ensure mitigation commitments are included in PS&E, constructed, and (in the case of long-term commitments) monitored by the local agency.

TRAINING

The DLAE and District Training Coordinator are responsible for notifying the local agency of available training and for assisting them with training registration. Training opportunities available through external agencies or other federal/state agencies are posted at: <http://www.dot.ca.gov/hq/LocalPrograms/training/training.html>

RECORD KEEPING

The District SEP (or designee) is responsible for establishing the environmental project file as soon as environmental studies begin and for converting existing environmental project files to the Uniform Environmental File System. Instructions for using the Uniform Environmental Filing System are provided at:

<http://www.dot.ca.gov/ser/vol1/sec6/ch38nepa/chap38.htm#instructions>

CONSULTANT CONTRACTS FOR TECHNICAL STUDIES

Locally administered environmental consultant contracts for NEPA documents and technical studies shall comply with the provisions of the Brooks Act (40 U.S.C. 1101-1104), and the scope of services agreement negotiated between the local agency and its consultant shall be based on information contained in the complete and fully signed PES Form. The consultant's qualifications and the format and content of the technical reports shall be consistent with guidance set forth in the SER.

QUARTERLY REPORTING REQUIREMENT

In accordance with Stipulation IV.F.1 of the 6004 MOU, pertaining to performance monitoring and quality assurance, Caltrans shall submit to FHWA a list of all CE determinations made each fiscal quarter. The DLA will provide the DEA with a Discoverer Report on quarterly local assistance CE determinations based on information contained in LP2000. DLAE and District SEP (or designee) with assistance from the Local Assistance NEPA Delegation Coordinators are required to maintain all environmental fields in LP2000 consistent with the DLA July 20, 2007, Memo, Subject: Tracking Local Assistance NEPA Compliance Milestones, to ensure that information provided in the report is accurate and complete.

6.4 STEP-BY-STEP PROCEDURES – PES FORM

Following are step-by-step procedures for conducting a preliminary environmental investigation and completing the PES Form. It is important that the local agency and their consultants carefully follow and complete each step to avoid unexpected project costs or delays in project development and to ensure a “complete and sufficient” submittal. Local agency(ies) shall not commence with any required technical study until after the PES Form has been fully signed by all signatories.

The PES/Categorical Exclusion (CE) process is shown in Flowchart 6-1, “PES Form and Categorical Exclusion (CE) Process Flowchart,” (page 6-29). The numbers on the flowchart correlate with the step-by-step procedures within this section.

1. Local Agency (LA) develops complete project description and project maps.
2. LA reviews relevant literature, maps and inventories.
3. LA requests technical information from resource and regulatory agencies.
4. LA verifies research findings in the field (site visit).
5. LA completes PES Form (LAPM, Exhibit 6-A) in accordance with the Instructions (LAPM, Exhibit 6-B). On the PES Continuation Sheet the LA provides, (1) additional information on project description, (2) a summary of how the requirements of federal laws have been satisfied for all “No” answers (i.e., identify

the steps that were taken to determine a “No” response), and (3) specific information for all “Yes” and “To Be Determined” answers (i.e., if question #.15 regarding Federally listed Threatened and Endangered Species is checked “Yes,” identify the specific plant or animal species which was observed or which could potentially occur within the project).

6. LA signs PES Form and sends to DLAE with all supporting documentation.
7. DLAE date stamps the PES Form on day received and verifies that project is in the RTP and FSTIP, and that the scope of work is consistent with the project description in the FSTIP.
8. DLAE provides a review of the PES Form and maps to ensure that the project description matches what is programmed and that the packet is complete and sufficient. If the packet is incomplete, the DLAE returns the packet to the LA or schedules a field review to assist them with completion of the PES Form. DLAE invites the District SEP (or designee) and appropriate technical specialists (i.e., biologist, hazardous waste coordinator, PQS, etc.) to the field review. For complex projects, the DLAE may also want to invite the HQ EC and/or the Local Assistance NEPA Delegation Coordinator.
9. The District SEP (or designee) requests the District PQS review the PES Form and maps, and conduct Section 106 Screening. The District Biologist reviews the PES Form, maps and results of general reconnaissance surveys, and makes a “Finding of No Effect,” if applicable. District SEP identifies which District PQS, biologist, and other technical specialist will assist with reviewing the PES Form.
10. District PQS reviews PES Form, screens project under Section 106, completes questions #35 & #36 in Section A, and Sections B, C, D, indicates results of screening in Section G, signs the PES Form and returns the signed PES Form to the District SEP (or designee).
11. If the District SEP concurs with the recommended NEPA Class of Action and the recommended required technical studies, the District SEP signs the PES Form.

6.5. STEP-BY-STEP PROCEDURES – CATEGORICAL EXCLUSION WITH NO TECHNICAL STUDIES

Are further technical studies required? If “Yes,” GO TO STEP #17. If “No,” GO TO STEP #12.

12. The District SEP (or designee) completes the CE Checklist (LAPM, Exhibit 6-E) and the CE Form (LAPM, Exhibit 6-F) and for Section 6004 CEs; ensures Caltrans makes the project-level conformity determination consistent with the guidance provided in Chapter 38 of the SER.

Note: Projects covered under Section 6004 are processed using certain NEPA CEs categories only, and the conformity determination is made along with NEPA approval by Caltrans.

Does project meet the criteria for a CE? If “Yes,” GO TO STEP #13. If “No,” GO TO STEP #17.

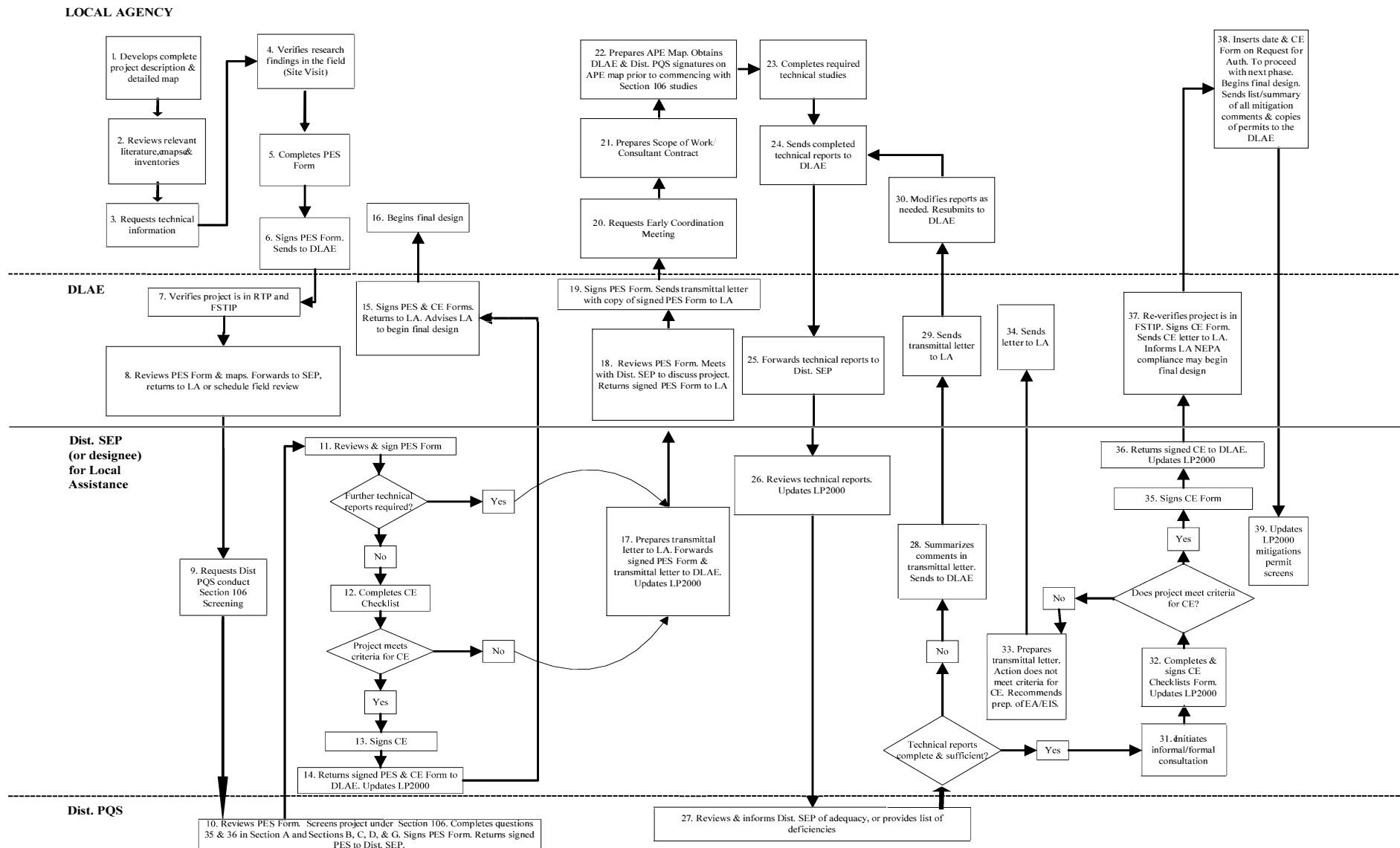
13. District SEP signs the CE Form.
14. District SEP (or designee) forwards the signed PES Form and signed CE Form to the DLAE, and updates LP2000 as follows: On Project Environmental Milestones Screen: (1) enter date completed PES Form was received by the DLAE and use comments field to note, a) if the LA submitted a complete and sufficient PES Form or if Caltrans had to assist with completing the PES Form during the field review, and b) reason for delay, if excessive, between Authorization to Proceed and receipt of PES Form, (2) enter date of last signature on PES Form and use comments field to note if multiple iterations were needed to produce complete/accurate form, internal delays (if applicable), and/or LA delays (if applicable), (3) enter date of letter to LA that transmitted the fully signed PES Form, and use comments field to capture internal and external delays associated with completing the PES Form, (4) enter date CE is received in the district or date CE is prepared by Caltrans, and use comments field to capture external/internal delays associated with the development of the NEPA determination, (5) enter date District SEP signs the CE Form and use comments field to note any delays or changes in scope from what was described in PES Form, (6) use Environmental Document drop-down arrow to select the environmental document identified on the PES Form, Section E. Preliminary Environmental Document Classification (NEPA) (i.e., 6004 CE(c), 6004 CE(d) or 6005 CE.
15. DLAE signs the PES Form and the CE Form. The DLAE retains the original PES Form and the original CE Form for the project files. The DLAE sends a copy of the signed CE and a copy of the fully signed PES Form to the LA, and informs the LA that compliance with NEPA is complete and they may now begin final design.
16. LA begins final design.

6.6 STEP-BY-STEP PROCEDURES – CATEGORICAL EXCLUSION WITH TECHNICAL STUDIES

17. When PES indicates that **further technical study is required**, District SEP (or designee) prepares transmittal letter to the LA outlining:
 - All technical studies/reports required.
 - A SER link for each of the technical studies.
 - The LA's responsibility for ensuring that all required technical reports are prepared in accordance with guidance set forth in the SER.
 - The LA's responsibility for ensuring that the conclusions of all technical reports are clearly stated and consistently summarized in the environmental document.
 - How the project-level conformity determination will be made. (See Step #31)
 - The LA's responsibility for preparing a summary/list of mitigation commitments (avoidance, minimization and mitigation measures) identified in each required technical report and providing said list to the DLAE along with each technical report.

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Flowchart 6-1 PES Form and Categorical Exclusion (CE) Process Flowchart



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- The LA's responsibility to incorporate all of the mitigation commitments (avoidance, minimization and mitigation measures) included on the list into their PS&E and be able to demonstrate that they have been incorporated into the project design.
- The LA's responsibility to provide a copy of all permits, when available, to the DLAE.

The District SEP (or designee) forwards the signed PES Form and the transmittal letter to the DLAE. District SEP (or designee) updates LP2000 for tracking compliance and annual reporting, as follows: On Project Environmental Milestones Screen, (1) enter date completed PES Form was received by the DLAE, and use comments field to note, a) whether the LA submitted a complete and sufficient PES Form, or if Caltrans had to assist with completing the PES Form during the field review, and b) reason for delay, if excessive, between Authorization to Proceed and receipt of PES Form, (2) enter date of last signature on PES Form and use comments field to note multiple iterations needed to produce complete/accurate form (if applicable), internal delays (if applicable) and/or LA delays (if applicable), (3) enter date of letter to LA transmitting fully signed PES Form, and use comments field to capture internal and external delays associated with completing the PES Form, (4) enter date the CE is received in the district, or date a CE is prepared by Caltrans, and use comments field to capture external/internal delays associated with the development of the NEPA determination, (5) enter date District SEP signs the CE Form, and use comments field to note any delays and if changes in project scope from what was described in PES Form, (6) use Environmental Document drop-down arrow to select the environmental document identified on the PES Form, Section G. Preliminary Environmental Document Classification (NEPA) (i.e., 6004 CE(c), 6004 CE (d) or 6005 CE, (7) on Environmental Studies – Environmental Study Milestones Screen, use Study Type drop-down arrow to select all required study types identified in Section B of the PES Form.

18. DLAE reviews project description, project maps, and PES Form to determine if the project is technically sound (adequate and feasible) from an engineering perspective. DLAE and the District SEP (or designee) meet to discuss the following:
 - Is the project technically sound from an engineering perspective?
 - Can the city or county get the project done in the amount of time indicated on the PES Form (i.e., have they missed any survey windows, or are the issues more complex than they anticipated)?
 - Will the funding need to be moved out to adjust for the schedule?
 - Do the technical studies/reports identified in the PES Form indicate that the LA may need to budget more money for NEPA compliance?
 - Is the LA's preliminary design on track?
 - Do the project maps make sense? Are the maps correct? Is the project footprint map consistent with the project, as identified in the FSTIP? Are the engineering drawings consistent with the project, as identified in the FSTIP?
 - Is the project likely to include mitigation commitments and/or mitigation that would warrant environmental review of the PS&E and project during/after construction?

19. DLAE signs the PES Form and sends a copy of the fully signed PES Form along with the transmittal letter outlining the requirements of each required technical study and report to the LA.
(Note: If DLAE authorizes the District SEP (or designee) to perform this step, a copy of letter that is sent to the LA shall be provided to the DLAE.)
20. LA may request an Early Coordination Meeting with the DLAE, District SEP (or designee) and others as needed, to discuss the specific requirements of each required technical report, etc. The District SEP (or designee), District PQS, and applicable technical specialists should be invited to participate in the meeting as needed, based on the environmental issues and the complexity of the project, etc.
21. LA prepares scope of work/consultant contract (if necessary) in accordance with LAPM, Chapter 10, "Consultant Selection," and the requirements contained in the PES Form and retains environmental consultant to undertake required technical studies. *(Note: Environmental Consultant scope of work must reference the SER and the LAPM).* The District SEP (or designee) is available to review the environmental scope of work to ensure that it accurately reflects Caltrans requirements.
22. LA prepares a draft APE Map (if applicable) according to the guidance in the SER and preferably after consultation with District PQS, and obtains DLAE and District PQS signatures on the APE map prior to commencing with any Section 106 studies.
23. LA/Consultant completes required technical studies in accordance with guidance in SER. *(Note: The LA is responsible for performing a quality assurance and quality control review of all technical reports, prior to submittal to the DLAE, to ensure that the format and content of each technical report is consistent with guidance prescribed in the SER.)*
24. LA sends the completed technical report(s) to the DLAE.
25. DLAE date stamps the report on the date received and forwards the technical report(s) to the District SEP (or designee).
26. District SEP (or designee) requests (in writing) appropriate District technical specialists (i.e., PQS, biologists, air, noise, hazardous materials, etc.) review the technical report and determine whether the report is complete and sufficient in accordance with the format and content requirements outlined in the SER. The District SEP (or designee) updates LP2000 as follows: On Environmental Studies – Environmental Study Milestones Screen, (1) enter the date each study/technical report was received by the DLAE, (2) enter the date each study/technical report was received by the District SEP (or designee), (3) using the agency drop-down arrow, select Caltrans as the agency, and indicate the date that each technical report is sent to the District technical specialist for review.
27. District technical specialists review technical reports and determine whether technical reports are complete and ready for resource/regulatory agency review (if applicable). *(Note: This service does not relieve LA's responsibility for quality assurance and quality control.)* When District technical specialists determine that the technical reports are not complete, they shall document all noted deficiencies in writing and submit them to the District SEP (or designee). When District technical specialists determine that the technical reports are complete and ready for resource/regulatory review (if applicable), they inform the District SEP (or designee).

(Note #1: Under NEPA Delegation, this can no longer be an “informal” or verbal process. All deficiencies must be documented in writing and project files must contain a documented record of deficiencies and demonstrate that any and all deficiencies have been corrected.) (Note #2: When there are no District technical specialists available to review a particular technical report, or when other priorities delay the review of technical reports in support of local assistance projects, the District SEP [or designee] shall inform the Environmental Branch Chief and request their assistance in resolving the issue.)

District SEP (or designee) considers: Are Technical Reports complete and sufficient? If “No,” GO TO STEP #28. If “Yes,” GO TO STEP #31.

28. District SEP (or designee) prepares a transmittal letter to the LA, summarizing all comments received from District technical specialists and forwards the letter to the DLAE.
29. DLAE sends transmittal letter, outlining any deficiencies to the LA.
30. LA modifies the technical reports in accordance with the comments and resubmits the report(s) to the DLAE, beginning at Step #24.
31. When all technical reports are determined to be complete and sufficient, District SEP may in the case of Section 7 BAs, initiate informal/formal consultation with appropriate resource and regulatory agencies. ***(Note: For 6005 CEs, as soon as the Air Quality staff determine that the Air Quality Report is complete and sufficient, the District SEP [or designee] sends a request for Air Quality Conformity Determination to FHWA).*** District SEP (or designee) updates LP2000 as follows: On Environmental Studies – Environmental Study Milestones Screen, (1) using the “Agency” drop-down arrow, select the agency that the particular technical study/report was sent to for action, and (2) indicate the “Date Sent to Agency” *(Note: This will be the date on the District SEP’s letter to the LA requesting consultation).* When the same technical study will be sent to multiple agencies (i.e., BA to USFWS and NMFS), list Study Type (BA) twice in the Study Type column and then under Agency, select USFWS for one and NMFS for the second.
32. When resource and regulatory agency action is complete, the District SEP (or designee) updates LP2000 as follows: On the Environmental Studies-Environmental Study Milestone Screen, 1) using the “Agency” drop-down arrow, select the agency that the particular technical report was sent to for actions, 2) enter the date of resource or regulatory agency letter, documenting their final correct opinion/concurrence/agreement, etc., (3) use the Delay drop-down arrow to indicate “Yes” or “No.” Enter “Yes” if USFWS or NMFS exceeded 135 days in issuing a Biological Opinion; if USFWS or NMFS exceeded thirty (30) days in issuing a Concurrence Letter; if the SHPO exceeds thirty (30) days in issuing concurrence on the HPSR or Finding of Effect (FOE) (if PA requires SHPO review); or if excessive delays occurred during any other agency review, (4) use the comments field to document number of iterations needed between Caltrans and LA to produce a complete and sufficient report and/or number of iterations needed between Caltrans and resource and regulatory agency to produce an acceptable report.

The District SEP (or designee) also completes the CE Checklist and determines whether conclusions of the technical studies and the results of consultation indicate that the action qualifies for the CE.

Does project meet criteria for the CE? If “No,” continue with STEP #33. If “Yes,” GO TO STEP#35.

33. When the CE Checklist indicates that the action does not meet the criteria for a CE, the District SEP (or designee) prepares a transmittal letter to the LA explaining why the action does not meet the criteria for a CE and recommends preparation of an EA or an EIS, as appropriate. The District SEP forwards the letter to the DLAE for transmittal to the LA and updates LP2000 accordingly.
34. DLAE sends the letter to the LA.
35. District SEP (or designee) verifies, 1) that there are no scope changes, or 2) that technical studies address areas where all project scope changes will occur. District SEP signs CE Form.
36. District SEP (or designee) prepares a transmittal letter for the DLAE, informing the LA that:
 - NEPA compliance is complete.
 - LA may commence with final design.
 - LA is responsible for incorporating all minimization, avoidance and mitigation measures, and the conditions of all permits agreements and approvals into final design.
 - LA is responsible for fully implementing all minimization, avoidance and mitigation measures, and the conditions of all permits during project construction.
 - A copy of all mitigation commitments and permits shall be sent to the DLAE prior to advertisement for construction.

District SEP forwards the signed CE and letter to the DLAE for transmittal to the LA and updates LP2000.

37. DLAE re-verifies that project is in the FSTIP and that there are no changes in project scope description, footprint; signs the CE Form; sends the signed CE Form and transmittal letter to the LA informing them that they may begin final design.
38. LA inserts the date the DLAE signed the CE/CE Determination Form in the LA/State Comments field when completing the Request for Authorization for the next phase of the project (see Chapter 3 “Project Authorization,” in the LAPM). LA begins final design. Prior to advertisement for construction, LA sends the DLAE a copy of all permits (i.e., Coastal, 401, 404, 1602 Series, Sec 10, State or Federal Encroachment and/or Right of Entry).
39. Upon receipt of list of mitigation commitments and permits, the District SEP (or designee) updates LP2000 Environmental-Permits Screen and Mitigation Commitments Screens in accordance with instructions provided in July 20, 2007 DLA memo, Subject: Tracking Local Assistance NEPA Compliance Milestones.

6.7 STEP-BY-STEP PROCEDURES – ROUTINE ENVIRONMENTAL ASSESSMENT (EA)

The requirement to prepare an EA may come about through one or more of the following situations:

- Based on information gathered during PES, where it is clear that the proposed project will not qualify for a CE or where unusual circumstances are likely. The LA identifies the potential for significance under Sections A of the PES Form and recommends the development of an EA (under Section E of the PES Form). The DLAE and District SEP determine (with an e-mail concurrence from HQ EC) that an EA is the appropriate NEPA Class of Action, by signing the PES Form.
- During or upon completion of technical studies, when it becomes apparent that the proposed project will not qualify for a CE or that unusual circumstances exist; the decision to prepare an EA is made by the District SEP in collaboration with the DLAE with written e-mail concurrence from HQ EC, and must be clearly documented for the project file.

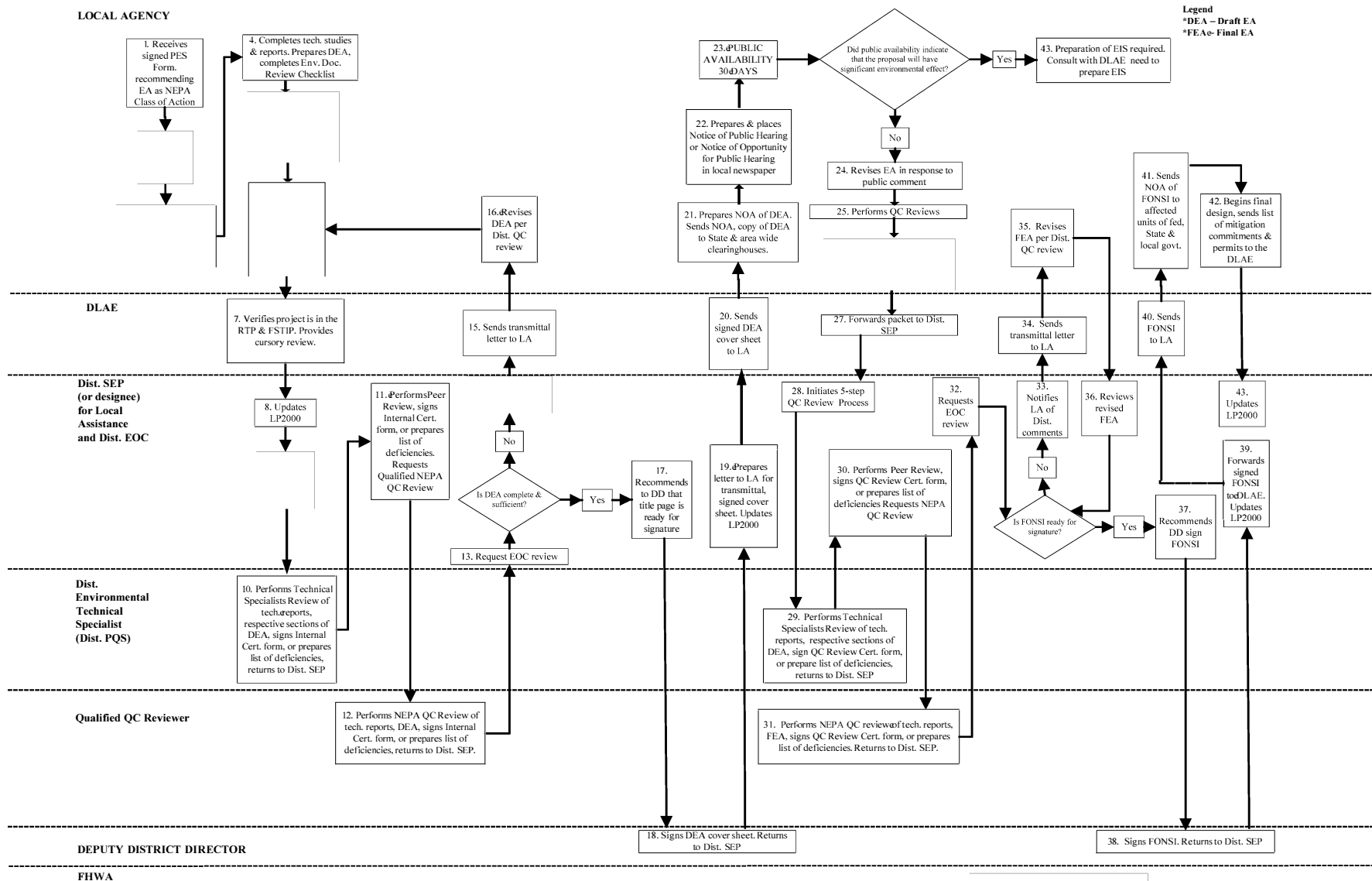
The Routine Environmental Assessment (EA) process is shown in Flowchart 6-2, “Routine Environmental Assessment (EA) Process Flowchart,” (page 6-37). The numbers on the flowchart correlate with the step-by-step procedures within this section.

1. LA receives signed PES Form recommending an EA as the NEPA Class of Action.
2. LA consults with interested agencies and others to advise them of the scope of the project and potential social, economic, or environmental impacts identified in the PES Form.
3. LA identifies alternatives and measures which might mitigate adverse environmental impacts.
4. LA (or consultant) completes technical studies, and prepares technical reports and administrative Draft EA in accordance with the appropriate Caltrans Annotated Outline, provided at: <http://www.dot.ca.gov/ser/forms.htm>. LA completes the Environmental Document Review Checklist, provided at http://www.dot.ca.gov/ser/vol1/sec6/ch38nepa/ED_Checklist.doc, cross-referencing items on the checklist with the corresponding page numbers found in the Draft EA.
5. LA performs Quality Control Review of all technical reports and Draft EA in accordance with Caltrans standards provided at: http://www.dot.ca.gov/hq/env/nepa_pilot/pdf/policies/NEPADelegationQCProgram-2July07.pdf, and completes and signs External Certifications (Environmental Document Quality Control Review Certification) form provided at: http://www.dot.ca.gov/ser/vol1/sec6/ch38nepa/External_QC_Certification.doc, prior to submitting the Draft EA and technical studies to DLAE.
6. LA submits five (5) copies of technical reports and Draft EA, original ED Checklist, and signed External Certifications (Environmental Document Quality Control Review Certification) form to the DLAE.
7. DLAE date stamps the Draft EA on date received, re-verifies that project is in the RTP and FSTIP, and provides a review of packet to ensure that the original fully signed External Certifications (Environmental Document Quality Control Review Certification) form, and the appropriate number of copies of the Draft EA and technical reports have been provided. If the signed Environmental Document Quality Control Review Certification form is not present, the DLAE should return packet to the LA and request Quality Control Review. If signed Environmental Document Quality Control Review Certification form is present, the DLAE forwards packet to the District SEP (or designee). The DLAE submits packet (or CD, if acceptable by district) to the District SEP (or designee) and requests for review.

8. District SEP (or designee) completes appropriate fields in LP2000 as follows: On Environmental – Environmental Assessment (EA) Screen, (1) enter date District (DLAE or Environmental) received LA-prepared Draft EA and use comments field to *a) indicate whether a Joint NEPA/CEQA document was prepared, and if not, why not, b) document the number of iterations needed to produce an acceptable Draft EA, c) document delays at LA, d) document delays at Caltrans*, (2) indicate next to Local Agency Quality Assurance/Quality Control, whether LA submitted a completed External Certifications (Environmental Document Quality Control Review Certification) form with their Draft EA, and use drop-down arrow to select “Yes” or “No” and use comments field to note whether the LA’s Quality Assurance Review was adequate
9. District SEP (or designee) initiates 5-step Quality Control Review by sending one (1) copy of the technical report and one (1) copy of the Draft EA to appropriate District environmental technical specialists and requests District technical specialists perform Quality Control Review.
10. District PQS and other environmental technical specialists review technical report(s) in their specialty area, and respective sections of Draft EA for technical accuracy and consistency between technical report and EA, and sign Internal Certifications (Environmental Document Quality Control Review Certification) form. *Note: The purpose of the Technical Specialist Review is to ensure the accuracy of specific resource studies and technical information summarized in the Environmental Document (ED). A Technical Specialist Review will be completed for each resource topic discussed in the ED as necessary.*
The review will be conducted for those sections in each chapter that contain information about the individual resource or technical area under consideration (e.g., Summary, Affected Environment, Environmental Consequences, and Avoidance, Minimization and/or Mitigation Measures, Cumulative Impacts), and will provide comments to ensure the following:
 - *accuracy of the information in the ED*
 - *consistency between the technical study and the information as summarized in the ED*
 - *all avoidance, minimization and/or mitigation measures are appropriately characterized and are feasible to implement*
 - *all anticipated permit and/or approval actions have been accurately identified within the ED*

The last District environmental technical specialist to review the Draft EA forwards the signed Internal Certifications (Environmental Document Quality Control Review Certification) form (if applicable) or list of deficiencies to the District SEP (or designee).
11. District SEP (or designee) performs Peer Review and generalist review of Draft EA, drafts list of deficiencies and requests District/Region Qualified NEPA Quality Control Review.
12. Qualified NEPA Quality Control Reviewer reviews Draft EA for compliance with FHWA’s NEPA standards, requirements and policies, and signs the Internal Certifications (Environmental Document Quality Control Review Certification) form,

Flowchart 6-2 Routine Environmental Assessment (EA) Process Flowchart



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or prepares list of deficiencies, then provides comments to the District SEP (or designee). *Note: The NEPA Quality Control Reviewer must have the following qualifications: (1) at least two years of experience leading the development of, or performing consultant oversight for transportation environmental documents in California, (2) demonstrated experience in preparing complex environmental documents or supervisory experience in a unit that reviews EISs, and (3) Certificate of Completion in the Department's NEPA Compliance Training.*

13. District SEP requests District EOC review. If Individual Section 4(f) Evaluation is required, District SEP also requests HQ EC and Legal review the draft Individual Section 4(f) Evaluation, if applicable. Once reviewed and accepted by HQ EC, Legal and District Environmental Branch Chief/ Environmental Office Chief recommends to DDD (Environmental) that title page is ready for signature. *Note: Under the Pilot Program the DDD for Environmental is authorized to approve Individual Section 4(f) Evaluations. A stand-alone Individual Section 4(f) Evaluation and an Individual Section 4(f) Evaluation that is included with a Routine EA must be submitted to the appropriate HQ EC and Legal Office for review. No Individual Section 4(f) Evaluation may be approved until it has been reviewed and accepted by the HQ EC and a Legal review has been completed (for draft evaluation) or legal sufficiency determined (for final evaluation) by the appropriate Legal Office. The Department will coordinate with the FHWA prior to determining that any action constitutes a constructive use of land from a publicly owned park, public recreation area, wildlife refuge, waterfowl refuge, or historic site (MOU 8.1.5).*

Is Draft EA complete and sufficient? If "No," GO TO STEP #14. If "Yes," GO TO STEP #17.

14. District SEP (or designee) prepares transmittal letter to the LA, summarizing all comments received from District technical specialists and forwards the letter to the DLAE.
15. DLAE sends transmittal letter to the LA outlining any deficiencies.
16. LA modifies technical reports and/or Draft EA, in accordance with Caltrans comments, and resubmits report(s) and Draft EA to the DLAE beginning at Step #6. Steps #6 through #7 are repeated until the District determines that the document is completed and sufficient.
17. District SEP signs and transmits letters to resource and regulatory agency initiating formal consultation and recommends to DD (or DDD-Environmental or EOC, if designated) that title page is ready for signature.
Note: Copies of the letters requesting formal consultation with resource and regulatory agencies and a copy of the letter requesting AQ Conformity Determination from FHWA shall be retained by District SEP (or designee) in order to complete the required fields in LP2000. Copies of response letters from resource and regulatory agencies are also transmitted to the DLAE and the District SEP (or designee).
18. DD (or DDD-Environmental or EOC, if designated) signs Draft EA cover sheet and returns to District SEP (or designee).
19. District SEP (or designee) prepares letter, which will transmit the signed Draft EA cover sheet to LA. Updates LP2000 as follows: On the Environmental-Environmental Assessment Screen, enter date of final signature (Chief, Environmental Branch) on the Internal Certifications (Environmental Document Quality Control Review Certification) form. On Environmental Studies – Environmental Study Milestones Screen, use "Agency" drop-down arrow to select

the Agency that the particular technical study/report was sent to for action and indicates the "Date Sent to Agency" (*Note: This will be the date on the District technical specialist's letter to the agency requesting consultation.*). When the same technical study will be sent to multiple agencies (i.e., BA or BE to USFWS and NMFS), list Study Type (BA or BE) twice in the Study Type column and then under Agency, select USFWS for one and NMFS for the second.

20. DLAE sends transmittal letter with signed Draft EA cover sheet to the LA.
21. LA prepares Notice of Availability (NOA) of EA and sends NOA and a copy of the EA to the State and area clearinghouses. If Joint IS/EA, the submissions required by CEQA fulfill the NEPA requirement.
22. LA prepares and places Notice of Public Hearing or Notice of Opportunity for Public Hearing in local newspaper. *Note: 23 CFR 771.119(e) requires that the EA be available for 15 days in advance of the public hearing.*
23. PUBLIC AVAILABILITY – 30 DAYS.

Did Public Availability indicate that the proposed action will have a significant environmental effect? If "No," GO TO STEP #24. If "Yes," GO TO STEP #43. An EIS will need to be prepared.

24. LA prepares Final EA in accordance with appropriate Caltrans Annotated Outline, provided at: <http://www.dot.ca.gov/ser/forms.htm>, and LA completes the Environmental Document Review Checklist, provided at: http://www.dot.ca.gov/ser/vol1/sec6/ch38nepa/ED_Checklist.doc. cross-referencing items on the checklist with the corresponding page numbers found in the Draft EA as necessary to respond to public comments received.
25. LA performs Quality Control review of the Final EA in accordance with Caltrans standards provided at: http://www.dot.ca.gov/hq/env/nepa_pilot/pdf/policies/NEPA_Delegation_QC_Program-2July07.pdf, and completes and signs the External Certifications (Environmental Document Quality Control Review Certification) form provided at: http://www.dot.ca.gov/ser/vol1/sec6/ch38nepa/External_QC_Certification.doc.
26. LA sends Final EA, Environmental Document Review Checklist, Notice of Public Hearing, and summary of comments received to the DLAE.
27. DLAE forwards packet to the District SEP (or designee).
28. District SEP sends a request for AQ Conformity Determination to FHWA and the District SEP (or designee) initiates 5-step Quality Control Review process by sending Final EA to appropriate District technical specialists and requesting a Quality Control Review. *Note: The conformity determination cannot be completed until there is a public comment period on the analysis. Most of the time the public circulation of the environmental document serves as the public circulation for the conformity analysis.*
29. District technical specialists review technical report(s) and respective sections of Final EA for technical accuracy and consistency between technical report and EA; sign the Internal Certifications (Environmental Document Quality Control Review Certification) form, and forward the signed form or (if applicable) list of deficiencies to the District SEP (or designee).
30. District SEP (or designee) performs Peer Review of Final EA and technical report(s) to ensure clarity, consistency and readability; signs the Internal Certifications (Environmental Document Quality Control Review Certification) form, or prepares list of deficiencies, and requests NEPA Quality Control Reviewer review of Final EA.

31. NEPA Quality Control Reviewer reviews technical reports and Final EA for compliance with FHWA's NEPA standards, requirements and policies; signs the Internal Certifications (Environmental Document Quality Control Review Certification) form or (if applicable) prepares list of deficiencies, and forwards to the District SEP (or designee).
32. District SEP drafts FONSI and requests EOC review of Final EA and FONSI.

Is Final EA complete and sufficient, and is a FONSI appropriate? If "No," GO TO STEP #33. If "Yes," GO TO STEP #37

33. District SEP (or designee) prepares transmittal letter to the LA outlining deficiencies, or reasons why a FONSI is not appropriate, and forwards to the DLAE.
34. DLAE sends transmittal letter to the LA.
35. LA revises Final EA accordingly and resubmits to the District SEP (or designee) via the DLA, or if an EIS must be prepared, proceed to Section 6.9.
36. District SEP reviews the revised Final EA. If still deficient GO TO Step# 33. Steps 33 through 36 are repeated until the District determines that the document is complete and sufficient. Once sufficient, District SEP drafts the FONSI.
37. District SEP request legal review if an Individual Section 4(f) Evaluation is required either stand-alone or part of ED. Once Legal has determined that the Individual Section 4(f) Evaluation is legally sufficient, the District SEP recommends to the DD (or DDD or EOC, if designated) that the FONSI is ready for signature.
38. The DD (or DDD-Environmental or EOC, if designated) signs FONSI and returns the signed FONSI to the District SEP (or designee).
39. District SEP (or designee) forwards signed FONSI to the DLAE and updates LP2000 as follows: On Environmental Studies – Environmental Study Milestones Screen (1) enter the date of resource or regulatory agency letter, documenting their final opinion/concurrence/agreement, etc., (2) use the Delay drop-down arrow to indicate "Yes" or "No." *Note: "Yes" should be used if USFWS or NMFS exceeded 135 days in issuing a Biological Opinion; if USFWS or NMFS exceeded 30 days in issuing a Concurrence Letter; if there are delays in signatures on project MOA or project PA under Section 106 (if applicable); or if excessive delays occurred during any other agency review,* (3) use the comments field to document number of iterations needed (between Caltrans and LA) to produce a complete and sufficient report and/or number of iterations needed (between Caltrans and resource and regulatory agency) to produce an acceptable report.
40. DLAE sends signed FONSI to the LA and notifies LA that they may begin final design.
41. LA sends the NOA of the FONSI to the affected units of federal, state and local government, and distributes Final ED to anyone that commented.
42. LA begins final design and provides the DLAE with each of the following:
 - a list of all Mitigation Commitments
 - a copy of all environmental permits, agreements or approvals (i.e., Coastal, 401, 404, 1602 Series, Sec 10, State or Federal Encroachment and/or Right of Entry)
43. District SEP (or designee) updates Environmental-PERMITs Screen and Mitigation Commitments Screen in LP2000 in accordance with instruction provided in July 20, 2007, DLA memo, Subject: Tracking Local Assistance NEPA Compliance Milestones.

6.8 STEP-BY-STEP PROCEDURES – COMPLEX ENVIRONMENTAL ASSESSMENT (EA)

Complex EAs are projects that involve one or more of the following

- multiple location alternatives
- debate related to purpose and need
- strong public controversy
- issues of logical termini or independent utility
- individual Section 4(f) determinations
- complex Endangered Species Act issues
- numerous cumulative impacts
- high mitigation costs

The requirement to prepare an EA in general may come about through one or more of the following situations:

- Based on information gathered during the PES, where it is clear that the proposed project will not qualify for a CE or where unusual circumstances are likely. The LA identifies the potential for significance under Sections A of the PES Form and recommends the development of an EA (under Section E of the PES Form). The DLAE and District SEP determine that an EA is the appropriate NEPA Class of Action, with e-mail concurrence of the HQ EC, and sign the PES Form.
- During or upon completion of technical studies when it becomes apparent that the proposed project will not qualify for a CE or that unusual circumstances exist, the decision to prepare an EA is made by the District SEP in collaboration with the DLAE, and with e-mail concurrence of the HQ EC, and must be clearly documented for the project file. A meeting should be conducted with the LA to discuss why the project is not a CE and to advise the LA on the requirements for an EA. The decision to follow the Complex EA process will be made by the District SEP as soon as sufficient information is available.

The Complex Environmental Assessment (EA) process is shown in Flowchart 6-3, “Complex Environmental Assessment (EA) Process Flowchart,” (page 6-47). The numbers on the flowchart correlate with the step-by-step procedures within this section.

1. LA receives the signed PES Form recommending a complex EA as the NEPA Class of Action.
2. LA prepares the Scope of Work/Consultant Contract (if necessary) in accordance with the LAPM, Chapter 10 “Consultant Selection,” and the requirements identified in the PES Form and policy and guidance set forth in the SER.
3. LA identifies alternatives and measures to minimize the potential for adverse environmental impacts.
4. LA completes technical studies and reports, prepares the administrative Draft EA, and completes the Environmental Document Review Checklist, provided at http://www.dot.ca.gov/ser/vol1/sec6/ch38nepa/ED_Checklist.doc, cross-referencing items on the checklist with the corresponding page numbers found in the administrative Draft EA.

5. LA performs Quality Control Review of all technical reports and administrative Draft EA in accordance with Caltrans standards provided at:
http://www.dot.ca.gov/hq/env/nepa_pilot/pdf/policies/NEPADelegationQCProgram-2July07.pdf, completes and signs the External Certifications (Environmental Document Quality Control Review Certification) form provided at:
http://www.dot.ca.gov/ser/vol1/sec6/ch38nepa/External_QC_Certification.doc
6. LA signs administrative Draft EA title page and submits the following completed and original signed documents to the DLAE:
 - Environmental Document Review Checklist
 - External Certifications (Environmental Document Quality Control Review Certification) Form
 - Five (5) hard copies of administrative Draft EA (or an electronic copy, if requested)
 - Two (2) hard copies of each technical report
 - Electronic copy of each technical report
7. DLAE date stamps the administrative Draft EA on date received, re-verifies that the project is in the FSTIP. Provides a cursory review of packet to ensure that the original fully signed Environmental Document Review Checklist, the completed fully signed External Certifications (Environmental Document Quality Control Review Certification) form, and the appropriate numbers of copies of the administrative Draft EA and technical reports have been provided. Submits packet (or CD, if requested) to District SEP (or designee).
8. District SEP (or designee) updates LP2000 as follows: On the Environmental Assessments (EA) Screen (1) enter the date the DLAE received the LA prepared Draft EA, (2) use comments field to indicate whether a Joint NEPA/CEQA document was prepared, and if not, why, (3) indicate whether the LA submitted a “completed” Environmental Document Quality Control Review Certification form with the administrative Draft EA, by using the drop down arrow to select “Yes” or “No” (next to LA Quality Assurance/Quality Control).
9. District SEP (or designee) initiates and coordinates the 5-step Quality Control Review process of the administrative Draft EA and technical studies by distributing one (1) copy of the applicable technical report and one (1) copy of the administrative Draft EA to each appropriate District technical specialist, and requesting that each reviewer perform District Quality Control Review of the technical report(s) and the administrative Draft EA in accordance with Caltrans NEPA Delegation Quality Control Program standards provided at:
http://www.dot.ca.gov/hq/env/nepa_pilot/pdf/policies/NEPADelegationQCProgram-2July07.pdf
10. District technical specialists review the technical report(s) and respective sections of administrative Draft EA. *Note: The purpose of the District technical specialist review is to ensure the accuracy of specific resource studies and technical information summarized in the ED. A technical specialist review will be completed for each resource topic discussed in the ED. The review will be conducted for those sections in each chapter that contain information about the individual resource or technical area under consideration (e.g., Summary, Affected Environment, Environmental Consequences, and Avoidance, Minimization and/or Mitigation*

Measures, Cumulative Impacts), and will provide comments to ensure the following:

- *accuracy of the information in the ED*
- *consistency between the technical study and the information as summarized in the ED*
- *all avoidance, minimization and/or mitigation measures are appropriately characterized and are feasible to implement*
- *all anticipated permit and/or approval actions have been accurately identified within the ED*

After reviewing the technical reports and administrative Draft EA, the District technical specialist will provide the District SEP (or designee) with either 1) a list of deficiencies, or 2) the signed Internal Certifications (Environmental Document Quality Control Review Certification) form.

11. District SEP (or designee) performs the Peer Review and signs Internal Certifications (Environmental Document Quality Control Review Certification) form, or prepares a list of deficiencies; provides administrative Draft EA to NEPA Quality Control Reviewer and requests reviewer perform District Quality Control Review of administrative Draft EA for compliance with FHWA's laws, regulations, Executive Orders and policy, and NEPA standards consistent with Caltrans NEPA Delegation Quality Control Program standards.

Note: The Caltrans NEPA Quality Control Reviewer must have the following qualifications: 1) at least two (2) years of experience leading the development of, or performing consultant oversight for transportation environmental documents in California, 2) demonstrated experience in preparing complex environmental documents or supervisory experience in a unit that reviews EISs, and 3) Certificate of Completion in the Department's NEPA Compliance Training.

The purpose of the NEPA Quality Control Review is to ensure that the project complies with the Council on Environmental Quality (CEQ) NEPA regulations and FHWA regulations, policies, and standards for the implementation of NEPA and all other applicable federal environmental laws. The NEPA Quality Control Review will provide comments to ensure the following:

- adequacy of the project's purpose and need statement, logical termini, independent utility and project description
- completeness of the alternatives analysis, including information supporting the range of alternatives selected for study in the document
- all proposed avoidance, minimization and mitigation measures are properly identified, characterized and are reasonable and practicable to implement
- evidence of coordination with any federal, state and local agencies necessary to comply with federal regulatory requirements
- compliance with FHWA Environmental Impact and Related Procedures (23 CFR 771) and FHWA environmental policies and applicable guidance
- compliance with other federal laws and regulations, such as Section 7 of the Endangered Species Act, Section 106 of the National Historic Preservation Act, Section 404 of the Clean Water Act, Executive Order 11990-Protection of Wetlands, Executive Order 11988-Floodplain Management, and Section 4(f) of the Department of Transportation Act

12. The District NEPA Quality Control Reviewer reviews the administrative Draft EA and either signs the Internal Certifications (Environmental Document Quality Control Review Certification) form or prepares a list of deficiencies and forwards to the District SEP overseeing local assistance environmental documents.
13. The EOC performs District Quality Control Review of administrative Draft EA in accordance with Caltrans NEPA Delegation Quality Control Program standards and considers whether the administrative Draft EA is ready for HQ review.

Is administrative Draft EA ready for HQ review? If "No," GO TO STEP #14. If "Yes," GO TO STEP #17.

14. When administrative Draft and/or technical reports are deficient, District SEP (or designee) prepares transmittal letter to the LA outlining all deficiencies, and requests that the administrative Draft EA be revised as necessary based on the District/NEPA Quality Control Reviewer's comments and forwards to the DLAE. Comments received from all five (5) levels of review will form the basis of revisions to the administrative Draft EA.
15. DLAE sends transmittal letter to the LA.
16. LA revises administrative Draft EA per District and NEPA Quality Control Reviewer's comments and resubmits at Step #6.
17. When administrative Draft EA and technical reports are complete and sufficient, the District SEP submits the following to the HQ EC and requests a Quality Assurance Review of the administrative Draft EA:
 - Transmittal Memo signed by the District/Region SEP requesting review
 - Five (5) copies of the administrative Draft EA or CD
 - One (1) copy of each technical study (or on CD, if requested)
 - One (1) copy of LA completed Environmental Document Review Checklist
 - One (1) copy of LA completed and signed External Certifications (Environmental Document Quality Control Review Certification) form
 - One (1) copy of completed and signed Internal Certification (Environmental Document Quality Control Review Certification) form

The Legal Office will review EAs, as time is available, at the request of the District/Region. If an Individual Section 4(f) Evaluation is required, District SEP also requests HQ EC and Legal review the draft Individual Section 4(f) Evaluation. Once reviewed and accepted by HQ EC, Legal and the District EOC recommend to DDD-Environmental that the title page is ready for signature.

18. HQ EC performs a QA Review of the environmental document to determine if the administrative Draft EA is substantively complete and ready for interdisciplinary quality assurance review.

Review period is thirty (30) days. In making this determination, the HQ EC will confirm that the administrative environmental document follows the annotated outline and includes the following:

 - Correct title page
 - All chapters and necessary resource topics are present and complete
 - All appendices are present and complete

- All required correspondence relative to procedural and regulatory requirements
- Complete, clear, legible and logical exhibits and figures

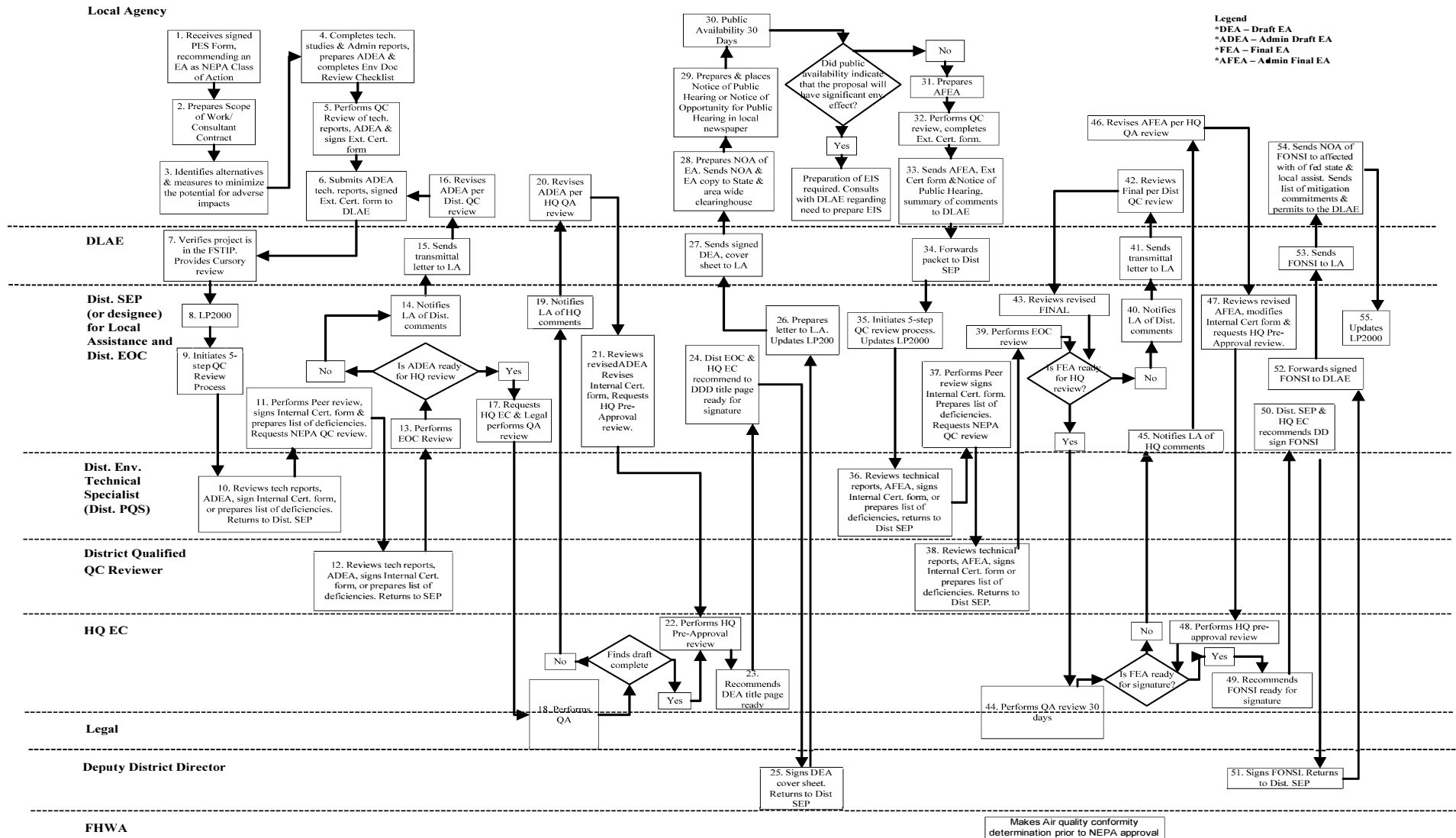
HQ EC will lead an interdisciplinary team of HQ technical specialists to review the document. Technical specialists will review pertinent portions of the document for accuracy to ensure that regulatory requirements are appropriately addressed. The project technical studies will be used in support of the review.

The HQ EC will review the entire environmental document and perform a NEPA Quality Assurance Review.

Did HQ EC find the administrative Draft EA complete? If “No,” GO TO STEP #19. If “Yes,” GO TO STEP #22.

19. When the HQ EC finds the administrative Draft EA incomplete, the HQ EC will consolidate and transmit comments on the administrative Draft EA to the District SEP (or designee), who in turn drafts a transmittal memo to the LA outlining HQ EC quality assurance comments and requesting the LA make the necessary revisions to the administrative Draft EA.
20. LA revises administrative Draft EA in response to HQ EC comments and resubmits revised Draft to District SEP (or designee).
Note: District/Region and HQ EC staff are available to assist LA with (1) clarification regarding comments, (2) resolution of issues identified in the comments, and (3) in determining adequate response to comments, as needed. A meeting or workshop may be convened by the HQ EC or the District/Region/DLAE to facilitate this process.
21. District SEP (or designee) reviews the revised administrative Draft EA and revises the Internal Certifications (Environmental Document Quality Control Review Certification) form, as appropriate, to reflect that all comments have been appropriately addressed and submits the following materials to HQ EC for HQ Pre-Approval Review:
 - Transmittal Memo signed by the District/Region SEP stating that the document has been revised pursuant to HQ EC comments and requesting pre-approval review.
 - One (1) copy of the revised environmental document
 - One (1) copy of revised environmental document with track changes
 - One (1) copy of comments with a response key
 - One (1) copy of the completed Environmental Document Review Checklist, as revised
 - One (1) copy of the signed Internal Certifications (Environmental Document Quality Control Review Certification) form as revised
22. HQ EC reviews the revised administrative Draft EA to ensure that all comments have been adequately addressed and the administrative Draft EA is ready for signature. The review period is ten (10) days. HQ EC must concur that its comments have been addressed. At this point, the HQ EC will take one of the following actions:
 - Find that minor changes are needed and coordinate directly with the document preparer to make the changes. GO TO STEP #19

Flowchart 6-3 Complex Environmental Assessment (EA) Process Flowchart



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- Determine that substantive issues remain and inform the District SEP in writing of the deficiencies and instruct them to resubmit the document upon subsequent revision. GO TO STEP #19
 - Conclude that the environmental document is adequate and ready for circulation. GO TO STEP #24
- 23a HQ EC recommends that the revised administrative Draft EA is ready for signature.
24. District EOC and the HQ EC will recommend to the DD (DDD- Environmental or EOC, if designated) that the title page is ready for signature.
25. DD (DDD-Environmental or EOC, if designated) signs the Draft EA cover sheet and returns the signed cover sheet to the District SEP (or designee). *Note: The DD may delegate signature authority to the DDD for Environmental or the EOC managing the environmental assessment unit that reviewed the document.*
26. District SEP (or designee) prepares a letter to the LA transmitting the signed cover sheet, informing them that they may begin public circulation, and forwards to the DLAE for transmittal to the LA. The District SEP (or designee) updates LP2000 as follows: On the Environmental Assessments (EA) Screen, (1) enter the date of final signature (EOC) on the Internal Certifications (Environmental Document Quality Control Review Certification) form, and (2) use Comments Field to document delays/concerns associated with internal reviews.
27. DLAE forwards the letter transmitting the signed Draft EA cover sheet to the LA.
28. LA prepares the NOA of the EA and sends NOA and a copy of the Draft EA to the State and area wide clearinghouses. If Joint IS/EA, the submissions required by CEQA fulfill the NEPA requirement.
29. LA prepares and places Notice of Public Hearing or Notice of Opportunity for Public Hearing in local newspaper. *Note: 23 CFR 771.119(e) requires that the EA be available for fifteen (15) days in advance of the public hearing.*
30. PUBLIC AVAILABILITY – 30 DAYS
- Did Public Availability indicate that the proposal will have a significant environmental effect? If “No,” GO TO STEP #31. If “Yes,” discuss the need to prepare an EIS with DLAE and District SEP.***
31. LA prepares administrative Final EA in accordance with Caltrans standards provided at: http://www.dot.ca.gov/hq/env/nepa_pilot/pdf/policies/NEPADelegationQCProgram-2July07.pdf.
Completes and signs the External Certifications (Environmental Document Quality Control Review Certification) form provided at:
http://www.dot.ca.gov/ser/vol1/sec6/ch38nepa/external_qc_certification.doc
33. LA drafts FONSI recommendation.
33. LA sends the administrative Final EA, Notice of Public Hearing, Summary of Comments received, and original signed External Certifications (Environmental Document Quality Control Review Certification) form to the DLAE.
34. DLAE date stamps and forwards administrative Final EA packet to the District SEP (or designee).
35. District SEP (or designee) initiates 5-step Quality Control Review of administrative Final EA by distributing the administrative Final EA to appropriate District technical specialists, and requesting Quality Control Review of the administrative Final EA,

in accordance with Caltrans NEPA Delegation Quality Control Program standards provided at:

http://www.dot.ca.gov/hq/env/nepa_pilot/pdf/policies/NEPADelegationQCProgram-2July07.pdf

District SEP updates LP2000 as follows: On the Environmental Assessments (EA) Screen, next to Public Circulation, enter date DD or designee signs Draft EA cover sheet, (2) use Comments Field to document internal/external delays/concerns, substantial controversy, requests for public hearing (*Note: EA must be available for a minimum of fifteen (15) days in advance of the public hearing*), and (3) enter date District (DLAE or District SEP [or designee]) received the administrative Final EA.

36. District technical specialists conduct Quality Control Review of administrative Final EA and either sign the Internal Certifications (Environmental Document Quality Control Review Certification) form provided at:
http://www.dot.ca.gov/ser/vol1/sec6/ch38nepa/Internal_QC_Certification.doc, or (if applicable) provide list of deficiencies to the District SEP (or designee).
37. District SEP (or designee) performs Peer Review of administrative Final EA and either prepares a list of deficiencies or signs the Internal Certifications (Environmental Document Quality Control Review Certification) form, and requests District NEPA Quality Control Review.
38. NEPA Quality Control Reviewer reviews the administrative Final EA for compliance with FHWA's laws, regulations, Executive Orders and policy and NEPA standards, signs the Internal Certifications (Environmental Document Quality Control Review Certification) form provided at:
http://www.dot.ca.gov/ser/vol1/sec6/ch38nepa/Internal_QC_Certification.doc and forwards the signed Internal Certifications (Environmental Document Quality Control Review Certification) form, or a list of deficiencies (if applicable) to the District EOCa
39. District EOC reviews the administrative Final EA and determines whether the administrative Final EA is ready for HQ review.

Is administrative Final EA ready for HQ review? If "No," GO TO STEP #40. If "Yes," GO TO STEP #44.

40. District SEP (or designee) drafts a letter to the LA outlining deficiencies and submits to the DLAE for transmittal to the LA.
41. DLAE sends the transmittal letter.
42. LA revises the administrative Final EA accordingly and resubmits to the District SEP (or designee) at Step #43.
43. District SEP reviews the revised administrative Final EA and determines whether the revised administrative Final EA is ready for HQ review. If "Yes," District SEP forwards the revised administrative Final EA to HQ EC and requests Quality Assurance Review. If "No," District SEP (or designee) notifies LA of deficiencies. Steps #40, #41, #42 and #43 are repeated until document is ready for review.
44. HQ EC performs Quality Assurance Review (30 days)

Is administrative Final EA ready for signature? If "No," notify District SEP (or designee) and GO TO STEP #45. If "Yes," GO TO STEP #49.

45. HQ EC (or designee) notifies the LA of deficiencies.

46. LA revises administrative Final EA per HQ Quality Assurance Review and resubmits revised administrative Final EA to the District SEP (or designee).
47. District SEP (or designee) reviews revised administrative Final EA, modifies Internal Certifications (Environmental Document Quality Control Review Certification) form, as needed, and requests HQ pre-approval review.
48. HQ EC performs HQ pre-approval review.

Is administrative Final EA ready for signature? If “No,” GO TO STEP #45. If “Yes,” GO TO STEP #49.

49. HQ SEP recommends FONSI ready for signature.
50. District EOC and HQ EC recommend DD sign FONSI.
51. DD signs FONSI and returns signed FONSI to District SEP.
52. District SEP forwards signed FONSI to DLAE and updates LP2000 as follows: On the Environmental Assessments (EA) Screen, next to administrative Final EA, (1) use Comments Field to document number of iterations needed to produce an acceptable Final EA, document delays at LA, document delays at Caltrans, indicate sufficiency/deficiency of quality/completeness of Local Agency’s Quality Assurance/Quality Control Environmental Document Quality Control Review Certification form, (2) next to Final Quality Assurance/Quality Control (Complex EA) enter date of final signature (Chief, Environmental Branch) on Environmental Document Quality Control Review Certification form, (3) use Comments field to document delays/concerns associated with internal reviews, (4) next to FONSI, enter date DD or designee signature appears on FONSI, (5) use comments field to document internal and external delays associated with the FONSI.
53. DLAE sends signed FONSI to the LA and notifies them that they may begin final design.
54. LA sends the NOA of the FONSI to the affected units of federal, State and local government, begins final design, and provides the DLAE with each of the following:
 - a list of all Mitigation Commitments
 - a copy of all Environmental Permits (i.e., Coastal, 401, 404, Sec 10, Encroachment and/or Right of Entry)
55. District SEP updates LP2000 as follows: On Environmental Studies – Environmental Study Milestones Screen, (1) enter the date of resource or regulatory agency letter, documenting their final opinion/concurrence/agreement, etc., (2) use the Delay drop-down arrow to indicate “Yes” or “No.” Enter “Yes” if USFWS or NMFS exceeded 135 days in issuing a Biological Opinion; if USFWS or NMFS exceeded thirty (30) days in issuing a Concurrence Letter; if there are delays in signing the project MOA or Project PA resolving effects under Section 106; or if excessive delays occurred during any other agency review, (3) use the comments field to document number of iterations needed between Caltrans and LA to produce a complete and sufficient report, and/or number of iterations needed between Caltrans and resource and regulatory agency to produce an acceptable report. District SEP also updates Environmental-PERMITs Screen and Mitigation-Commitments Screen in LP2000 in accordance with instruction provided in July 20, 2007, DLA Memo, Subject: Tracking Local Assistance NEPA Compliance Milestones.

6.9 STEP-BY-STEP PROCEDURES – ENVIRONMENTAL IMPACT STATEMENT (EIS)

The requirement to prepare an EIS may come about through one or more of the following situations:

- Based on information gathered during PES, it becomes clear that the proposed project will have a significant impact, or
- Technical studies and/or CE or EA conclude that the project will cause a significant impact.

The Environmental Impact Statement process is shown in Flowchart 6-4, “Environmental Impact Statement Process Flowchart” (page 6-57). The numbers on the flowchart correlate with the step-by-step procedures within this section.

1. LA receives signed PES Form recommending EIS.
2. LA requests a meeting with DLAE, District SEP, and HQ EC (if available) to discuss the EIS process, EIS document requirements, and identify potential cooperating and participating agencies.
3. LA prepares letters to cooperating and participating agencies and inviting them to participate in the development of the environmental document. Agencies that may have an interest in the project are listed under Section C of the PES Form. FHWA’s *Revised Guidance on Cooperating Agencies* provides examples of letters inviting agencies to participate in the environmental process. LA also drafts NOI. Typically, federal agencies have accepted their role (as Cooperating Agencies) prior to publication of the NOI and are listed in the NOI.
4. LA transmits NOI and invitation letters to the DLAE.
5. DLAE forwards letters and draft NOI to the District SEP (or designee).
6. District SEP sends the invitation letters to federal agencies.
7. District SEP forwards draft NOI to FHWA for publication in the FR.
8. FHWA publishes the NOI in the FR.
9. LA arranges and conducts the scoping meeting to determine the scope of issues to be addressed, and identify significant issues related to the proposed actions.
10. LA undertakes technical studies and prepares technical reports (as required) in accordance with guidance set forth in the SER.
11. LA prepares administrative Draft EIS consistent with Caltrans Annotated Outline in the SER provided at: http://www.dot.ca.gov/ser/downloads/templates/eir_eis.doc
12. LA completes the Environmental Document Review Checklist, provided at: http://www.dot.ca.gov/ser/vol1/sec6/ch38nepa/ED_Checklist.doc
13. LA performs Quality Control Review of all technical reports and administrative Draft EIS in accordance with Caltrans standards provided at: http://www.dot.ca.gov/hq/env/nepa_pilot/pdf/policies/NEPADelegationQCProgram-2July07.pdf, and completes and signs the External Certifications (Environmental Document Quality Control Review Certification) form provided at: http://www.dot.ca.gov/ser/vol1/sec6/ch38nepa/External_QC_Certification.doc.

14. LA submits the following completed and original signed documents to DLAE:
 - Environmental Document Review Checklist
 - External Certifications (Environmental Document Quality Control Review Certification) Form
 - Five (5) hard copies of administrative Draft EIS
 - Electronic copy of administrative Draft EIS
 - Two (2) hard copies of each Technical Report
 - Electronic copy of each Technical Report
15. DLAE (1) date stamps administrative Draft EIS on date received, (2) re-verifies that project is in the FSTIP, (3) provides cursory review of packet to ensure that the original fully signed External Certifications (Environmental Document Quality Control Review Certification) form and the appropriate number of copies of the administrative Draft EIS and technical reports have been provided, and (4) submits packet (or CD, if requested) to District SEP (or designee).
16. District SEP (or designee) updates the LP2000 as follows: On EIS Screen, (1) enter the date the NOI is published in the FR, use comments field to indicate date Caltrans sent the NOI to FHWA for publication in the FR, (2) enter date administrative Draft EIS received by the district (either the DLAE or Environmental); use comments field to indicate whether a Joint CEQA/NEPA document was prepared, and if not, why not; (3) next to LA Quality Control/Quality Assurance, indicate whether LA submitted a “completed” External Certifications (Environmental Document Quality Control Review Certification) form with the administrative Draft EIS, by selecting “Yes” or “No.”
17. District SEP initiates and coordinates 5-step Quality Control Review process of administrative Draft EIS and technical studies by distributing one (1) copy of the applicable technical report and one (1) copy of the administrative Draft EIS to each appropriate District technical specialist, and request that each reviewer perform District Quality Control Review of the technical report(s) and the administrative Draft EIS in accordance with Caltrans NEPA Delegation Quality Control Program standards provided at:
http://www.dot.ca.gov/hq/env/nepa_pilot/pdf/policies/NEPADelegationQCProgram-July07.pdf
18. District technical specialists conduct Quality Control Review of technical report(s) and respective sections of the administrative Draft EIS in accordance with Caltrans NEPA Delegation Quality Control Program standards provided at:
http://www.dot.ca.gov/hq/env/nepa_pilot/pdf/policies/NEPADelegationQCProgram-2July07.pdf

After reviewing the technical report and the administrative Draft EIS, the technical specialist signs the Internal Certifications (Environmental Document Quality Control Review Certification) form provided at:

http://www.dot.ca.gov/ser/vol1/sec6/ch38nepa/Internal_QC_Certification.doc, and forwards the signed form or list of deficiencies (if applicable) to the District SEP.

Note: The purpose of the Technical Specialist Review is to ensure the accuracy of specific resource studies and technical information summarized in the administrative draft EIS. A Technical Specialist Review will be completed for each resource topic discussed in the ED. The review will be conducted for those sections in each chapter that contain information about the individual resource or technical area under

consideration (e.g., Summary, Affected Environment, Environmental Consequences, and Avoidance, Minimization and/or Mitigation Measures, Cumulative Impacts), and will provide comments to ensure the following:

- *accuracy of the information in the ED*
- *consistency between the technical study and the information as summarized in the ED*
- *all avoidance, minimization and/or mitigation measures are appropriately characterized and are feasible to implement*
- *all anticipated permit and/or approval actions have been accurately identified within the ED*

After reviewing the technical reports and administrative Draft EIS, District technical specialist(s) provides District SEP with either (1) a list of deficiencies, or (2) the signed Internal Certifications (Environmental Document Quality Control Review Certification) form.

19. District SEP performs Peer Review of administrative Draft EIS in accordance with Caltrans NEPA Delegation Quality Control Program standards provided at: http://www.dot.ca.gov/hq/env/nepa_pilot/pdf/policies/NEPADelegationQCProgram-2July07.pdf. Signs the Internal Certifications (Environmental Document Quality Control Review Certification) form provided at: http://www.dot.ca.gov/ser/voll/sec6/ch38nepa/Internal_QC_Certification.doc or (if applicable) prepares list of deficiencies. District SEP (or designee) requests NEPA Quality Control Review of administrative Draft EIS and technical studies.
20. District NEPA Quality Control Reviewer reviews the administrative Draft EIS in accordance with Caltrans NEPA Delegation Quality Control Program standards provided at: http://www.dot.ca.gov/hq/env/nepa_pilot/pdf/policies/NEPADelegationQCProgram-2July07.pdf. Signs the Internal Certifications (Environmental Document Quality Control Review Certification) form provided at: http://www.dot.ca.gov/ser/voll/sec6/ch38nepa/Internal_QC_Certification.doc, or (if applicable) prepares list of deficiencies and forwards signed form or list of deficiencies to the District SEP.

Note: The Caltrans NEPA Quality Control Reviewers must have the following qualifications: (1) at least two (2) years of experience leading to the development of, or performing consultant oversight for transportation environmental documents in California, (2) demonstrated experience in preparing complex environmental documents or supervisory experience in a unit that reviews EISs, and (3) Certificate of Completion in the Department's NEPA Compliance Training.

The purpose of the NEPA Quality Control Review is to ensure that the project complies with the Council of Environmental Quality (CEQ) NEPA regulations and FHWA regulations, policies and standards for the implementation of NEPA, and all other applicable federal environmental laws. The NEPA Quality Control Review will provide comments to ensure the following:

- adequacy of the project's purpose and need statement, logical termini, independent utility and project description
- completeness of the alternatives analysis, including information supporting the range of alternatives selected for study in the document

- all proposed avoidance, minimization and mitigation measures are properly identified, characterized and are reasonable and practicable to implement
 - evidence of coordination with any federal, State and local agencies necessary to comply with federal regulatory requirements
 - compliance with FHWA Environmental Impact and Related Procedures (23 CFR 771) and FHWA environmental policies and applicable guidance
 - compliance with other federal laws and regulations, such as Section 7 of the Endangered Species Act, Section 106 of the National Historic Preservation Act, Section 404 of the Clean Water Act, Executive Order 11990-Protection of Wetlands, Executive Order 11988-Floodplain Management, and Section 4(f) of the Department of Transportation Act
21. District SEP requests Environmental Branch Chief perform District Quality Control Review of administrative Draft EIS.
 22. Environmental Branch Chief performs District Quality Control Review in accordance with Caltrans NEPA Delegation Quality Control Program standards provided at: http://www.dot.ca.gov/hq/env/nepa_pilot/pdf/policies/NEPADelegationQCProgram-2July07.pdf. Signs the Internal Certifications (Environmental Document Quality Control Review Certification) form provided at: http://www.dot.ca.gov/ser/vol1/sec6/ch38nepa/Internal_QC_Certification.doc, or (if applicable) prepares list of deficiencies (if applicable) and forwards signed form or list of deficiencies to the District SEP.
 23. District SEP reviews Internal Certifications (Environmental Document Quality Control Review Certification) form and considers all comments received during District Quality Control Review.

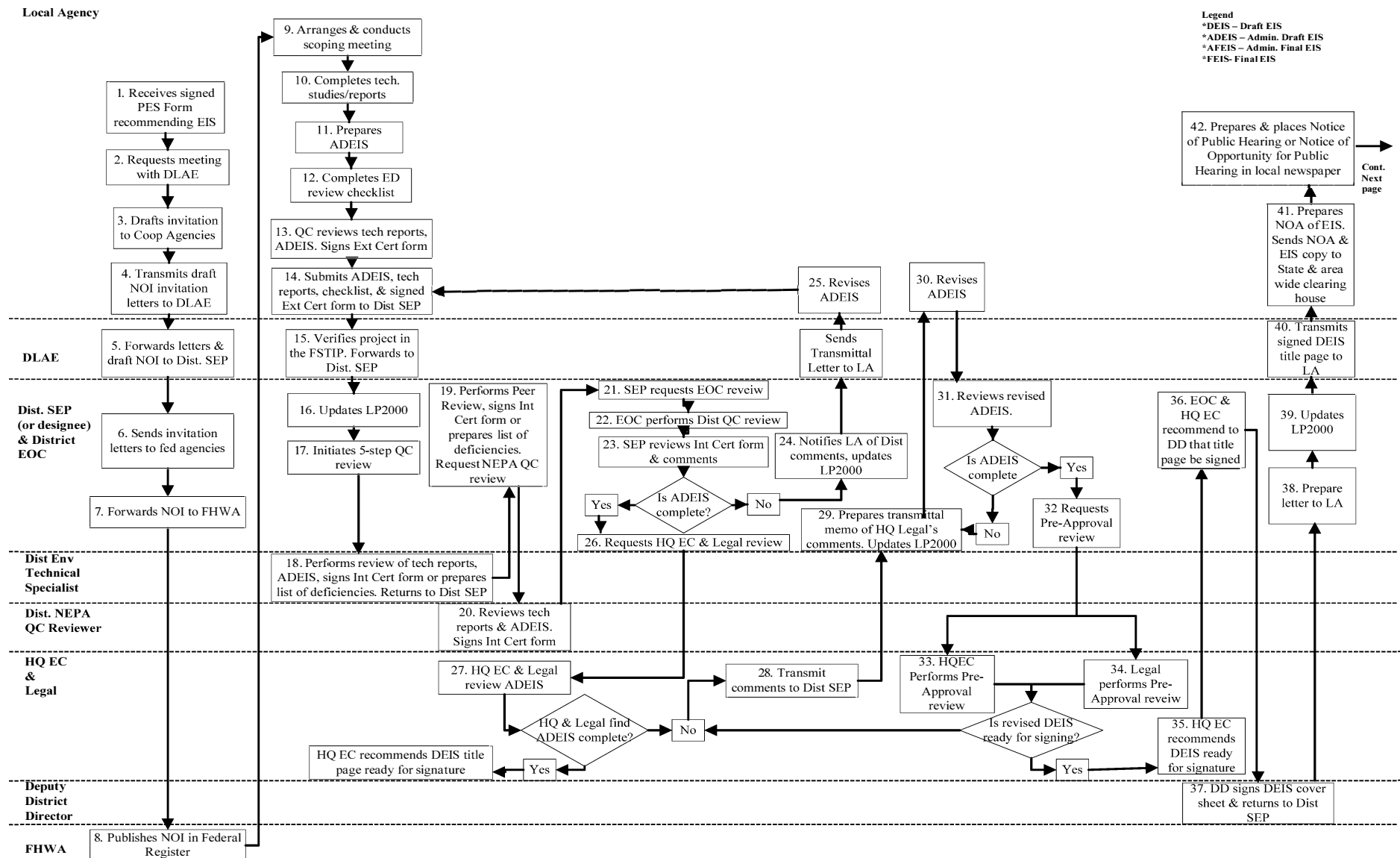
Is administrative Draft EIS complete and sufficient from the District's perspective? If "No," GO TO STEP #24. If "Yes," GO TO STEP #26.

24. When administrative Draft EIS and/or technical reports are deficient, the District SEP (or designee) prepares a transmittal letter to the LA outlining all deficiencies and requests that the administrative Draft EIS be revised as necessary, based on the District Quality Control Review. Comments received from all five levels of review will form the basis of revisions to the administrative environmental document.

The District SEP sends the letter to the LA via the DLAE and updates appropriate fields in LP2000.
25. The LA revises the administrative Draft EIS in accordance with comments received and resubmits the draft from STEP #14.
26. When the administrative Draft EIS and technical reports are complete and sufficient, the District SEP notifies HQ EC and the Legal Office that an administrative Draft EIS will be submitted for their review in one week. To initiate HQ EC review, District SEP submits the following to the HQ EC and requests a Quality Assurance Review of administrative Draft EIS:
 - Transmittal Memo signed by the District SEP, requesting review
 - Five (5) copies of the administrative Draft EIS (on CD, if requested)
 - Two (2) copies of each technical study or technical study on CD
 - Two (2) copy of LA completed Environmental Document Review Checklist
 - One (1) copy of LA completed and signed External Quality Control Certification Sheet

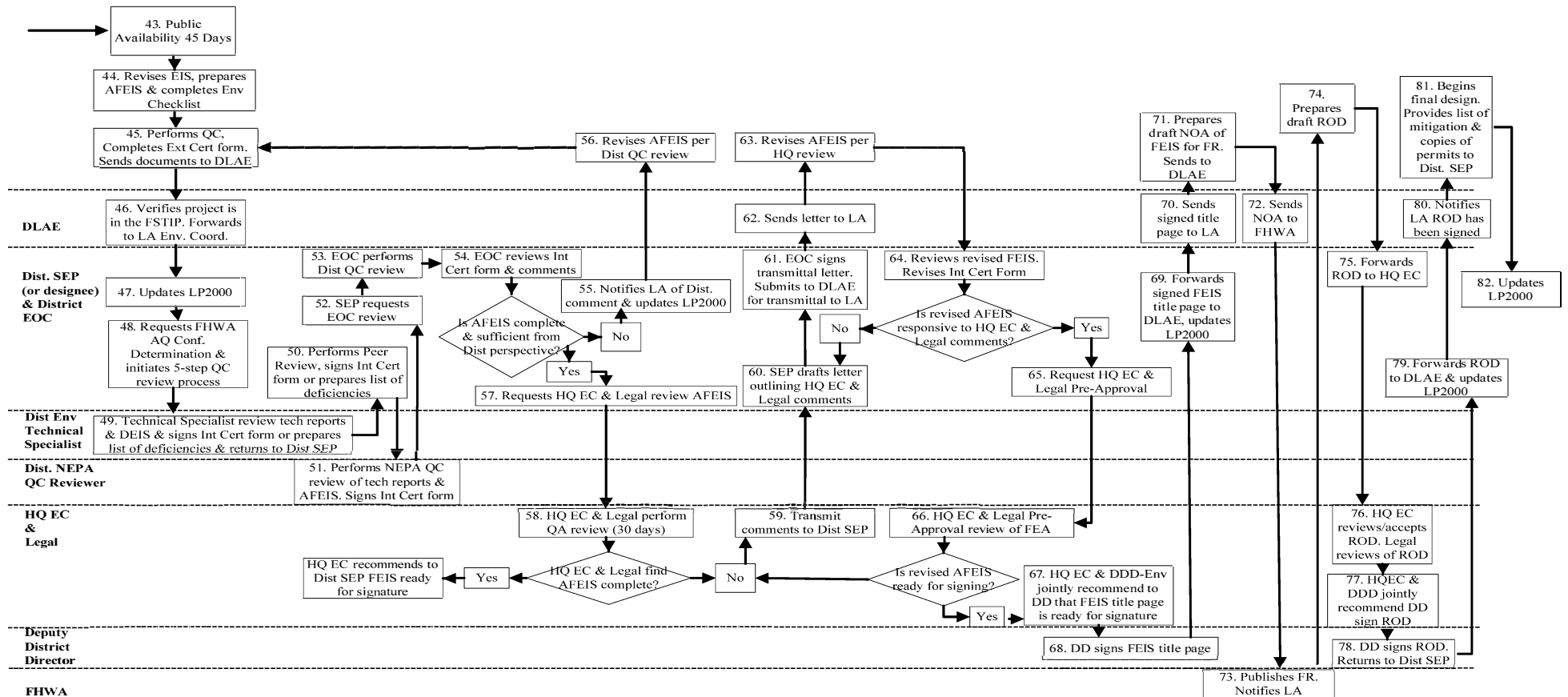
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Flowchart 6-4 Environmental Impact Statement (EIS) Process Flowchart



Local Agency

Legend
 *DEIS - Draft EIS
 *ADEIS - Admin. Draft EIS
 *AFEIS - Admin. Final EIS
 *FEIS - Final EIS



- One (1) copy of completed and signed Internal Quality Control Certification Sheet

To initiate Legal Division review, the District SEP submits the following to HQ Legal and requests a legal review on the administrative Draft EIS.

- Transmittal Memo signed by the District SEP, requesting review
 - One (1) copy of the administrative Draft EIS
 - One (1) electronic copy of the administrative Draft EIS
 - One (1) electronic copy of each technical study
 - One (1) copy of the LA completed Environmental Document Review Checklist
 - One (1) copy of the completed and signed Internal Certification Form
 - One (1) copy of the LA completed and signed External Certification Form
27. HQ EC performs a quality assurance review of the administrative Draft EIS to determine if the administrative Draft EIS is substantively complete and ready for interdisciplinary quality assurance review. The review period is thirty (30) days. In making this determination, the HQ EC will confirm that the administrative environmental document follows the annotated outline and includes the following:
- Correct title page
 - All chapters and necessary resource topics are present and complete
 - All appendices are present and complete
 - All required correspondence relative to procedural and regulatory requirements
 - Complete, clear, legible and logical exhibits and figures

HQ EC will then lead an interdisciplinary team of HQ technical specialists to review the administrative Draft EIS. HQ technical specialists will review pertinent portions of the administrative Draft EIS for accuracy to ensure that regulatory requirements are appropriately addressed. The project technical studies will be used in support of the review. HQ EC will review the entire administrative Draft EIS, perform the NEPA Quality Assurance Review in accordance with Caltrans NEPA Delegation Quality Control Program standards provided at:

http://www.dot.ca.gov/hq/env/nepa_pilot/pdf/policies/NEPA_Delegation_QC_Program-2July07.pdf. Signs the Internal Certifications (Environmental Document Quality Control Review Certification) form provided at:

http://www.dot.ca.gov/ser/vol1/sec6/ch38nepa/Internal_QC_Certification.doc

or (if applicable) prepares list of deficiencies. HQ EC will also request HQ Legal review of the administrative Draft EIS.

The responsible Legal Office performs a legal review of the administrative Draft EIS, concurrently and independently of HQ review, to determine if significant environmental issues are being appropriately addressed. The Legal Office will provide its legal review comments to the District SEP with a copy to HQ EC. Comments from the Legal Office are independent from HQ EC comments.

Did HQ EC and Legal find the administrative Draft EIS complete? If “Yes,” HQ EC will recommend to the District SEP that the administrative Draft EIS title page is ready for signature. If “No,” GO TO STEP #28.

28. When HQ EC and/or HQ Legal find administrative Draft EIS incomplete, HQ EC will consolidate all comments received from the interdisciplinary team and transmit comments on administrative Draft EIS to the District SEP for local assistance. A copy of HQ EC comments will be provided to the responsible Legal Office. The Legal Office will also transmit its comments to the District SEP for local assistance with a copy to HQ EC. Comments from Legal are independent from HQ EC comments.
29. District SEP (or designee) for local assistance prepares a transmittal memo to the LA summarizing HQ EC and HQ Legal's comments and requests LA make the necessary revisions to the administrative Draft EIS. District SEP (or designee) provides the DLAE with a copy of the letter and updates LP2000.

Note: HQ Legal comments remain internal to Caltrans. Only a summary of HQ Legal comments shall be provided to the LA. District and HQ EC staff should assist the LA with (1) clarification regarding comments, (2) resolution of issues identified in the comments, and (3) in determining adequate response to comments, as needed. A meeting or workshop may be convened by the HQ EC or the District/Region/DLAE to facilitate this process.

30. LA revises administrative Draft EIS in response to all comments received and resubmits revised administrative Draft EIS to the DLAE/District SEP.
31. District SEP (or designee) reviews revised administrative Draft EIS and revises Internal Certifications (Environmental Document Quality Control Review Certification) form, as appropriate, to reflect that all comments have been appropriately addressed.

Is revised administrative Draft EIS responsive to HQ comments and ready for HQ EC pre-approval review? If "No," GO TO STEP #29. Steps #29 through #31 are repeated until all comments are adequately addressed. If "Yes," GO TO STEP #32.

32. District SEP submits the following materials to the HQ EC and requests HQ Pre-Approval Review:
 - Transmittal Memo signed by the District/SEP stating that the administrative Draft EIS has been revised pursuant to HQ EC comments and requesting pre-approval review
 - One (1) copy of the revised ED
 - One (1) copy of revised ED with track changes
 - One (1) copy of comments with a response key
 - One (1) copy of the completed Environmental Document Review Checklist, as revised
 - One (1) copy of the completed and signed Internal Certifications (Environmental Quality Control Review Certification) form, as revised

District SEP also submits the following materials to the Legal Office:

- Transmittal memo signed by the District SEP stating that the document has been revised pursuant to the legal review and requested Pre-Approval Review
- One (1) copy of the revised ED
- One (1) copy of the revised ED with track changes
- One (1) copy of the comments with a response key
- One (1) copy of the completed Environmental Document Checklist, as revised

- One (1) copy of the signed Internal Certifications (Environmental Document Quality Control Review Certification) form, as revised
33. HQ EC performs Pre-Approval Review of revised administrative Draft EIS to ensure that all comments have been adequately addressed and that administrative Draft EIS is ready for signature. Review period is ten (10) working days. *(Note: Ten (10) working day review period is a goal. Actual review time may vary depending upon complexity of issues and current workload.)*
34. HQ Legal performs Pre-Approval Review of the revised administrative Draft EIS concurrently and independently of HQ EC, to ensure all comments have been adequately addressed and that administrative Draft EIS is ready for signature. Review period is ten (10) working days. *(Note: Ten (10) working day review period is a goal. Actual review time may vary depending upon complexity of issues and current workload.)*

Both HQ EC and Legal must concur that their comments have been addressed. At this point, HQ EC will take one of the following actions:

- Find that minor changes are needed and coordinate directly with the document preparer to make the changes.
- Determine that substantive issues remain and inform the District in writing of the deficiencies and instruct them to resubmit the document upon subsequent revision.
- Conclude that the ED is adequate and ready for circulation.

No approval action may be taken until both HQ EC quality assurance and legal review are satisfied.

Did HQ EC and Legal find revised administrative Draft EIS complete and ready for signature? If “No,” HQ EC prepares a memorandum for the District detailing deficiencies requiring correction. GO TO STEP #29. Steps #29 through #34 will be repeated until document is ready for signature. If “Yes,” Go to Step #35.

35. HQ EC recommends in writing to the District SEP that administrative Draft EIS is ready for signature. An Administrative Draft EIS may not be signed until the ready for signature recommendation is received by District.
36. When HQ EC recommends that revised administrative Draft EIS is ready for signature, the District Environmental Branch Chief and HQ EC jointly recommend to the DD that title page should be signed.
37. DD signs Draft EIS title page and returns the signed Title Sheet to the District SEP.
38. District SEP (or designee) prepares letter to the LA transmitting the signed Draft EIS title page and informing the LA that they may begin public circulation. District SEP (or designee) forwards the letter to the DLAE for transmittal to the LA.
39. District SEP updates LP2000 as follows: On the EIS Screen, next to Draft HQ Quality Control/Quality Assurance, (1) enter the date of final signature (Chief, Environmental Branch) on Environmental Document Quality Control Review Certification Form, (2) use Comments Field to document delays/concerns associated with internal reviews; (3) next to Draft Legal Sufficiency, enters date of Legal’s letter of sufficiency, and (4) use comments field to document delays/concerns associated with Legal’s review of administrative Draft EIS.
40. DLAE transmits letter with signed Draft EIS title page to the LA.

41. Following receipt of the signed Draft EIS title page and notification to begin public circulation, the LA prepares the NOA of Draft EIS and sends the NOA and a copy of the administrative Draft EIS to the State and area wide clearinghouses. If Joint EIS/EIR, the submissions required by CEQA fulfill the NEPA requirement.
42. LA prepares and places the Notice of Public Hearing or Notice of Opportunity for Public Hearing in local newspaper. (*Note: 23 CFR 771.123(h) requires that the draft be available for a minimum of 15 days prior to the public hearing.*)
43. PUBLIC AVAILABILITY – 45 DAYS.
44. LA responds to public comments, revises the EIS (as needed), prepares the administrative Final EIS consistent with Caltrans Annotated Outline in the SER at: http://www.dot.ca.gov/ser/downloads/templates/eir_eis.doc, and completes the Environmental Document Review Checklist, provided at http://www.dot.ca.gov/ser/vol1/sec6/ch38nepa/ED_Checklist.doc
45. LA performs Quality Control review of all technical reports and administrative Final EIS in accordance with Caltrans standards provided at: http://www.dot.ca.gov/hq/env/nepa_pilot/pdf/policies/NEPADelegationQCProgram-2July07.pdf
LA completes and signs the External Certifications (Environmental Document Quality Control Review Certification) form provided at: http://www.dot.ca.gov/ser/vol1/sec6/ch38nepa/External_QC_Certification.doc
LA submits the following completed and original signed documents to the DLAE:
 - One (1) hardcopy and CD of the administrative Final EIS
 - Notice of Public Hearing
 - Summary of comments received
 - Original signed External Certifications (Environmental Document Quality Control Review Certification) form
46. DLAE re-verifies that project is in the FSTIP and forwards packet to the District SEP (or designee).
47. District SEP updates LP2000 as follows: On EIS Screen, next to Public Circulation, enter date DD or designee signed cover of administrative Draft EIS, and use comment field to record beginning and ending date of public availability/comment (not less than 45 days), any internal/external delays concerns, and any substantial controversies over the project. Next to Public Hearing, enter date Public Hearing is conducted (if applicable) (*Note: EIS must be available for a minimum of fifteen (15) days in advance of the public hearing*). Use comments field to document whether there is a substantial controversy over the project and the nature of the controversy.
48. District SEP sends a request for Air Quality Conformity Determination to the FHWA and the District SEP initiates and coordinates the 5-step Quality Control Review process of the administrative Final EIS in accordance with Caltrans NEPA Delegation Quality Control Program standards provided at: http://www.dot.ca.gov/hq/env/nepa_pilot/pdf/policies/NEPADelegationQCProgram-2July07.pdf
(*Note: The conformity determination cannot be completed until there is a public comment period on the analysis. Most of the time the public circulation of the environmental document serves as the public circulation for the conformity analysis.*)

49. District technical specialists conduct Quality Control Review of technical report(s) and respective sections of the administrative Final EIS in accordance with Caltrans NEPA Delegation Quality Control Program standards provided at:
http://www.dot.ca.gov/hq/env/nepa_pilot/pdf/policies/NEPADelegationQCProgram-2July07.pdf, sign the Internal Certifications (Environmental Document Quality Control Review Certification) form provided at:
http://www.dot.ca.gov/ser/vol1/sec6/ch38nepa/Internal_QC_Certification.doc, and forward the signed form or list of deficiencies to the District SEP (if applicable).
50. District SEP performs Peer Review of administrative Final EIS in accordance with Caltrans NEPA Delegation Quality Control Program standards provided at:
http://www.dot.ca.gov/hq/env/nepa_pilot/pdf/policies/NEPADelegationQCProgram-2July07.pdf, and signs the Internal Certifications (Environmental Document Quality Control Review Certification) form provided at:
http://www.dot.ca.gov/ser/vol1/sec6/ch38nepa/Internal_QC_Certification.doc, or (if applicable) prepares list of deficiencies, and requests NEPA Quality Control Review of administrative Final EIS and technical studies.
51. NEPA Quality Control Reviewer reviews administrative Final EIS in accordance with Caltrans NEPA Delegation Quality Control Program standards provided at:
http://www.dot.ca.gov/hq/env/nepa_pilot/pdf/policies/NEPADelegationQCProgram-2July07.pdf, and signs the Internal Certifications (Environmental Document Quality Control Review Certification) form provided at:
http://www.dot.ca.gov/ser/vol1/sec6/ch38nepa/Internal_QC_Certification.doc, or (if applicable) prepares list of deficiencies and forwards signed form or list of deficiencies to the District SEP (or designee).
52. District SEP requests the District EOC for local assistance to perform the District Quality Control Review of administrative Final EIS.
53. Environmental Branch Chief performs District Quality Control Review in accordance with Caltrans NEPA Delegation Quality Control Program standards provided at:
http://www.dot.ca.gov/hq/env/nepa_pilot/pdf/policies/NEPADelegationQCProgram-2July07.pdf, signs the Internal Certifications (Environmental Document Quality Control Review Certification) form provided at:
http://www.dot.ca.gov/ser/vol1/sec6/ch38nepa/Internal_QC_Certification.doc, or (if applicable) prepares list of deficiencies and forwards signed form or list of deficiencies to the District SEP (or designee.)
54. District SEP reviews Internal Certifications (Environmental Document Quality Control Review Certification) form and considers all comments received during District Quality Control Review.

Is administrative Final EIS complete and sufficient from the District's perspective? If "No," GO TO STEP #55. If "Yes," GO TO STEP #57.

55. When administrative Final EIS and/or technical reports are deficient, the District SEP prepares a transmittal letter to the LA outlining all deficiencies and requesting that the administrative Final EIS be revised as necessary, based on the District Quality Control Review. Comments received from all five (5) levels of review will form the basis of revisions to the administrative Final EIS document. The District SEP sends the letter to the LA with a copy to the DLAE, and updates appropriate fields in LP2000.
56. LA revises the administrative Final EIS and resubmits document from Step #45.

57. District SEP notifies the HQ EC and Legal Office that the administrative Final EIS will be submitted for their review and determination of legal sufficiency, respectively, in one week.

To initiate HQ review, District SEP submits the following to the HQ EC and requests a Quality Assurance Review of the administrative Final EIS: *(DLAE shall be copied on all correspondence between the District, HQ EC and Legal)*.

- Transmittal Memo signed by the District SEP requesting review of Final EIS
- Five (5) hardcopies of the Final EIS and one (1) CD
- One (1) hardcopy of revised technical reports and one (1) CD
- One (1) copy of LA completed Environmental Document Review Checklist (for Final)
- One (1) copy of LA completed and signed External Certifications (Environmental Document Quality Control Review Certification) form
- One (1) copy of completed and signed Internal Certifications (Environmental Document Quality Control Review Certification) form

District SEP will also request the Legal Office to conduct a Legal Sufficiency Review of the administrative Final EIS. The HQ EC Review and the Legal Sufficiency Review typically occur in parallel.

To initiate Legal Sufficiency Review, District SEP submits the following to the Legal Office and requests determination of legal sufficiency:

- Transmittal Memo signed by the District SEP, requesting review
- One (1) copy of the administrative Draft EIS
- One (1) electronic copy of the administrative Draft EIS
- One (1) electronic copy of each technical study
- One (1) copy of the LA completed Environmental Document Review Checklist
- One (1) copy of the completed and signed Internal Certifications (Environmental Document Quality Control Review Certification) Form
- One (1) copy of the LA completed and signed External Certifications (Environmental Document Quality Control Review Certification Form

58. HQ EC performs a Quality Assurance Review of the administrative Final EIS to determine if the document is substantively complete and ready for interdisciplinary quality assurance review.

The review period is thirty (30) days. In making this determination, the HQ EC will confirm that the Final EIS follows the annotated outline and includes the following:

- Correct title page
- All chapters and necessary resource topics are present and complete
- All appendices are present and complete
- All required correspondence relative to procedural and regulatory requirements
- Complete, clear, legible and logical exhibits and figures

HQ EC will then lead an interdisciplinary team of HQ technical specialists to review the administrative Final EIS. HQ technical specialists will review pertinent portions of the administrative Final EIS for accuracy and to ensure that regulatory

requirements are appropriately addressed. The project technical studies will be used in support of the review. The HQ EC will review the entire administrative Final EIS, performing the NEPA Quality Assurance Review in accordance with Caltrans NEPA Delegation Quality Control Program standards provided at:

http://www.dot.ca.gov/hq/env/nepa_pilot/pdf/policies/NEPA_Delegation_QC_Program-2July07.pdf. Signs the Internal Certifications (Environmental Document Quality Control Review Certification) form provided at:

http://www.dot.ca.gov/ser/vol1/sec6/ch38nepa/Internal_QC_Certification.doc, or (if applicable) prepares list of deficiencies.

The Legal Office performs a Legal Sufficiency Review of the revised administrative EIS. The Legal Office will provide its Legal Sufficiency Review comments to the District SEP with a copy to the HQ EC. Comments from the Legal Sufficiency Review are independent from HQ EC comments.

Did HQ EC and Legal find the administrative Final EIS complete? If “Yes,” HQ EC will recommend to the District SEP that the Final EIS title page is ready for signature. The title page may not be signed until the ready-for-signature recommendation is received by the District/Region. If “No,” GO TO STEP #59.

59. If HQ EC and/or HQ Legal find administrative Final EIS incomplete, the HQ EC will transmit comments on the environmental document to the District SEP with a copy to the DLAE and to the responsible Legal Office. Legal Office will transmit its Legal Sufficiency Review comments to the District SEP and DLAE if applicable, with a copy to the HQ EC.
60. District SEP (or designee) prepares memo summarizing HQ EC and Legal’s comments and requests LA make the necessary revisions to the administrative Final EIS.

Note: Legal’s comments remain internal to Caltrans. Only summarized version is sent to the LA. The District staff and HQ EC should assist LA with (1) clarification regarding comments, (2) resolution of issues identified in the comments, and (3) in determining adequate response to comments, as needed. A meeting or workshop may be convened by the HQ EC or the District/Region/DLAE to facilitate this process.

61. District EOC signs and forwards the letter to the DLAE for transmittal to the LA.
62. DLAE (or designee) sends transmittal letter to the LA.
63. LA revises administrative Final EIS in response to all HQ comments and resubmits revised administrative Final EIS to the District SEP (or designee).
64. District SEP (or designee) reviews the revised administrative Final EIS and revises the Internal Certifications (Environmental Document Quality Control Review Certification) form, as appropriate, to reflect that all comments have been appropriately addressed.

Is revised administrative Final EIS responsive to HQ EC and Legal comments? If “No,” GO TO STEP #60. Steps #60 through #64 shall be repeated until document is adequate. If “Yes,” GO TO STEP #65.

65. To initiate HQ EC Pre-Approval Review, District SEP submits the following materials to HQ EC and requests HQ Pre-Approval Review.
 - Transmittal Memo signed by the District SEP stating that the administrative Final EIS has been revised pursuant to HQ EC comments and requested pre-approval review
 - One (1) copy of the revised administrative Final EIS

- One (1) copy of revised administrative Final EIS with track changes
- One (1) copy of comments with a response key
- One (1) copy of the completed Environmental Document Review Checklist, as revised
- One (1) copy of the signed Quality Review Certification Sheet (Final)

To initiate Pre-Approval Legal Sufficiency Review, the District SEP submits the following materials to the Legal Office:

- Transmittal memo signed by the District SEP stating that the document has been revised pursuant to the legal review and requested pre-approval review
 - One (1) copy of the revised environmental document
 - One (1) copy of the revised environmental with track changes
 - One (1) copy of the comments with a response key
 - One (1) copy of the completed Environmental Document Checklist, as revised
 - One (1) copy of the signed Internal Certifications (Environmental Document Quality Control Review Certification) Form, as revised
66. HQ EC and Legal Office review revised administrative Final EIS to ensure that all comments have been adequately addressed and that administrative Final EIS is ready for signature. Review period is ten (10) days. Both HQ EC and Legal Office must concur that their comments have been addressed. At this point, the HQ EC will take one of the following actions:
- Find that minor changes are needed and coordinate directly with the document preparer to make the changes
 - Determine that substantive issues remain and inform the District in writing of the deficiencies and instruct them to resubmit the document upon subsequent revision
 - Conclude that the environmental document is adequate and ready for circulation
- No approval action may be taken until both HQ EC quality assurance and Legal Office review or legal sufficiency are satisfied.
- The Legal Office will provide Pre-Approval Legal Sufficiency comments to the District SEP with a copy to the HQ EC.

Is the revised administrative Final EIS ready for signature? If “No,” GO TO STEP #59. Steps #59 through #66 are repeated until HQ determines document is ready for signature. If “Yes,” GO TO STEP #67.

67. When HQ EC and Legal Office find revised administrative Final EIS complete, the HQ EC and DDD (Environmental) jointly recommend (in writing) to the DD that the Final EIS title page is ready for signature.
68. DD signs the Final EIS title page and returns the signed Final EIS title sheet to the District SEP.
69. District SEP (or designee) forwards the signed Final EIS title page to the DLAE, and updates LP2000 as follows: On the EIS Screen, next to Final EIS, enter date stamp received by either the DLAE or District SEP (or designee); use comments field to identify preferred alternative, document number of iterations needed to produce an acceptable Final EIS; document delays at LA; document delays at Caltrans; indicate

sufficiency/deficiency of quality/completeness of the External Certifications (Environmental Document Quality Control Review Certification) form. Next to Final HQ Quality Control/Quality Assurance, enter date of final signature (EOC) on the Internal Certifications (Environmental Document Quality Control Review Certification) form, use comments field to document any delays/concerns. Next to Final Legal Sufficiency, enter date of Legal's letter of sufficiency, and use comments field to document delays/concerns associated with Legal's review of Final EIS. Next to Public Circulation of Final EIS, enter date DD or designee signed cover of Final EIS. Use comments field to document date request sent to the FHWA to publish Final EIS in FR, actual date of publication in FR, the beginning and ending date of public availability/comment (not less than 45 days), any internal/external delays/concerns, and whether there is continuing substantial controversy over the project.

70. DLAE sends the signed Final EIS title page to the LA.
71. LA prepares NOA of the Final EIS to affected units of federal, State and local government and sends to the DLAE.
72. DLAE sends NOA to the FHWA.
73. FHWA published NOA in the FR.
74. LA prepares draft ROD and sends to the District SEP (or designee).
75. District SEP forwards draft ROD to the HQ EC for review and acceptance.
76. HQ EC and Legal Office review ROD.
(Note: The ROD shall be reviewed and accepted by the HQ EC before it is approved by the District. While Legal Office review of the ROD is not required by regulation, it is recommended.)
77. When HQ EC determines that the ROD is ready for signature, the HQ EC and DDD (environmental) jointly recommend to the DD that ROD is ready for signature.
78. DD signs ROD and returns to the District SEP. *(Note: This signature may not be delegated.)*
79. District SEP forwards signed ROD to the DLAE, ensures environmental files are in Uniform Environmental File System, and updates LP2000 as follows: On the EIS Screen, next to Approval of ROD, enter date DD signature appears on the ROD.
(Note: Date of ROD should be no sooner than thirty (30) days after publication of the Final EIS notice in the FR or ninety (90) days after publication of a notice for the Draft EIS, whichever is later.) The comments field should be used to document internal and external delays associated with bringing about the ROD.
80. DLAE notifies the LA that ROD has been signed and that they may begin final design.
81. LA begins final design and provides the DLAE with each of the following:
 - a list of all Mitigation Commitments
 - a copy of all environmental permits, agreements, or approvals (i.e., Coastal, 401, 404, 1602 Series, Sec 10, State or Federal Encroachment and/or Right of Entry)
82. District SEP updates Environmental-PERMITs Screen and Mitigation-Commitments Screen in LP2000 in accordance with instruction provided in July 20, 2007, DLA Memo, Subject: Tracking Local Assistance NEPA Compliance Milestones.

6.10 REFERENCES

- National Environmental Policy Act of 1969, as amended (42 USC, 4321-4347)
- Council of Environmental Quality (CEQ), 40 CFR Part 1500, Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act,” November 29, 1978
- U.S. DOT Order 5610.1C, September 18, 1979, Considering Environmental Impacts by Agencies within the U.S. DOT
- 23 CFR 771, Environmental Impact and Related Procedures (April 1, 1994)
- FHWA Technical Advisory T6640.8A, October 30, 1987 re: Guidance on Environmental and Section 4(f) Documents
- Programmatic Agreement Among the Federal Highway Administration, the Advisory Council on Historic Preservation, the California State Historic Preservation Office, and the California Department of Transportation Regarding Compliance with Section 106 of the National Historic Preservation Act as it Pertains to the Administration of the Federal-Aid Highway Program in California (Section 106 PA) effective January 1, 2004
- http://www.arb.ca.gov/bluebook/bb06/40cfr/40cfr93_126.htm
- http://a257.g.akamaitech.net/7/257/2422/12feb20041500/edocket.access.gpo.gov/cfr_2004/julqtr/40cfr93.127.htm
- <http://www.dot.ca.gov/ser/downloads/ce/CE-CEChecklist.doc>
- <http://www.dot.ca.gov/ser/downloads/ce/CE-CE-form.doc>
- http://www.dot.ca.gov/ser/vol1/sec6/ch38nepa/External_QC_Certification.doc
- http://www.dot.ca.gov/ser/vol1/sec6/ch38nepa/Internal_QC_Certification.doc

Exhibit 6-A Preliminary Environmental Study (PES) Form

Federal Project No.: _____ <i>(Federal Program Prefix-Project No., Agreement No.)</i>	Final Design: _____ <i>(Expected Start Date)</i>
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To: _____ <i>(District Local Assistance Engineer)</i> _____ <i>(District)</i> _____ <i>(Address)</i> _____ <i>(E-mail Address)</i>	From: _____ <i>(Local Agency)</i> _____ <i>(Project Manager's Name and Telephone No.)</i> _____ <i>(Address)</i> _____ <i>(E-mail Address)</i>
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Is this Project "ON" the State Highway System? ☐ Yes ☐ No **IF YES, STOP HERE** and contact the District Local Assistance Engineer regarding the completion of other environmental documentation.

Federal State Transportation Improvement Program (FSTIP) <http://www.dot.ca.gov/hq/transprog/fedpgm.htm>: _____
(Currently Adopted Plan Date) *(Page No. ____ attach to this form)*

Programming for FSTIP:	Preliminary Engineering	Right of Way	Construction
_____	_____	_____	_____
<i>(Fiscal Year)</i>	<i>(Dollars)</i>	<i>(Fiscal Year)</i>	<i>(Dollars)</i>

Project Description as Shown in RTP and FSTIP:

Detailed Project Description: *(Describe the following, as applicable: purpose and need, project location and limits, required right of way acquisition, proposed facilities, staging areas, disposal and borrow sites, construction activities, and construction access.)*

(Continue description on "Notes" sheet, last page of this Exhibit, if necessary)

Preliminary Design Information:

Does the project involve any of the following? Please check the appropriate boxes and delineate on an attached map, plan, or layout including any additional pertinent information.

<table style="width: 100%;"> <tr><td>Yes</td><td>No</td></tr> <tr><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> <tr><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> <tr><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> <tr><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> <tr><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> <tr><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> <tr><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> <tr><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> <tr><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> <tr><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> <tr><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> </table>	Yes	No	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<table style="width: 100%;"> <tr><td>Yes</td><td>No</td></tr> <tr><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> <tr><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> <tr><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> <tr><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> <tr><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> <tr><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> <tr><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> <tr><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> <tr><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> <tr><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> <tr><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> </table>	Yes	No	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<table style="width: 100%;"> <tr><td>Yes</td><td>No</td></tr> <tr><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> <tr><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> <tr><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> <tr><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> <tr><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> <tr><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> <tr><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> <tr><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> <tr><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> <tr><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> <tr><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> </table>	Yes	No	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Required Attachments:

- ☐ Regional map ☐ Project location map ☐ Project footprint map (existing/proposed right of way)
☐ Engineering drawings (existing and proposed cross sections), if available ☐ Borrow/disposal site location map, if applicable
(Note: all maps (except project location map and regional maps) should be consistent with the project description (minimum scale: 1" = 200').)
☐ Notes to support the conclusions of this checklist/project description continuation page (attached)

Examine the project for potential effects on the environment, direct or indirect and answer the following questions. The “construction area,” as specified below, includes all areas of ground disturbance associated with the project, including staging and stockpiling areas and temporary access roads.

Each answer must be briefly documented on the “Notes” pages at the end of the PES Form.

A. Potential Environmental Effects	Yes	To Be Determined	No
General			
1. Will the project require future construction to fully utilize the design capabilities included in the proposed project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the project generate public controversy?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Noise			
3. Is the project a Type I project as defined in 23 CFR 772.5(h); “construction on new location or the physical alteration of an existing highway, which significantly changes either the horizontal or vertical alignment or increases the number of through-traffic lanes”?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Does the project have the potential for adverse construction-related noise impact (such as related to pile driving)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Air Quality			
5. Is the project in a NAAQS non-attainment or maintenance area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the project exempt from the requirement that a conformity determination be made? (If “Yes,” state which conformity exemption in 40 CFR 93.126, Table 2 applies): _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Is the project exempt from regional conformity? (If “Yes,” state which conformity exemption in 40 CFR 93.127, Table 3 applies): _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. If project is not exempt from regional conformity, (If “No” on Question #7)			
Is project in a metropolitan non-attainment/maintenance area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is project in an isolated rural non-attainment area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is project in a CO, PM10 and/or PM2.5 non-attainment/maintenance area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hazardous Materials/Hazardous Waste			
9. Is there potential for hazardous materials (including underground or aboveground tanks, etc.) and/or hazardous waste (including oil/water separators, waste oil, asbestos-containing material, lead-based paint, ADL, etc.) within or immediately adjacent to the construction area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Water Quality/Resources			
10. Does the project have the potential to impact water resources (rivers, streams, bays, inlets, lakes, drainage sloughs) within or immediately adjacent to the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. Is the project within a designated sole-source aquifer?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Coastal Zone			
12. Is the project within the State Coastal Zone, San Francisco Bay, or Suisun Marsh?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Floodplain			
13. Is the construction area located within a regulatory floodway or within the base floodplain (100-year elevation of a watercourse or lake)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Wild and Scenic Rivers			
14. Is the project within or immediately adjacent to a Wild and Scenic River System?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Biological Resources			
15. Is there a potential for federally listed threatened or endangered species, or their critical habitat or essential fish habitat to occur within or adjacent to the construction area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16. Does the project have the potential to directly or indirectly affect migratory birds, or their nests or eggs (such as vegetation removal, box culvert replacement/repair, bridge work, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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|--|--------------------------|--------------------------|--------------------------|
| 17. Is there a potential for wetlands to occur within or adjacent to the construction area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 18. Is there a potential for agricultural wetlands to occur within or adjacent to the construction area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 19. Is there a potential for the introduction or spread of invasive plant species? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Sections 4(f) and 6(f)

- | | | | |
|--|--------------------------|--------------------------|--------------------------|
| 20. Are there any historic sites or publicly owned public parks, recreation areas, wildlife or waterfowl refuges (Section 4(f)) within or immediately adjacent to the construction area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 21. Does the project have the potential to affect properties acquired or improved with Land and Water Conservation Fund Act (Section 6(f)) funds? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Visual Resources

- | | | | |
|---|--------------------------|--------------------------|--------------------------|
| 22. Does the project have the potential to affect any visual or scenic resources? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|

Relocation Impacts

- | | | | |
|--|--------------------------|--------------------------|--------------------------|
| 23. Will the project require the relocation of residential or business properties? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|

Land Use, Community, and Farmland Impacts

- | | | | |
|--|--------------------------|--------------------------|--------------------------|
| 24. Will the project require any right of way, including partial or full takes? Consider construction easements and utility relocations. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 25. Is the project inconsistent with plans and goals adopted by the community? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 26. Does the project have the potential to divide or disrupt neighborhoods/communities? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 27. Does the project have the potential to disproportionately affect low-income and minority populations? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 28. Will the project require the relocation of public utilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 29. Will the project affect access to properties or roadways? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 30. Will the project involve changes in access control to the State Highway System (SHS)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 31. Will the project involve the use of a temporary road, detour, or ramp closure? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 32. Will the project reduce available parking? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 33. Will the project construction encroach on state or federal lands? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 34. Will the project convert any farmland to a different use or impact any farmlands? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Cultural Resources

- | | | | |
|--|--------------------------|--------------------------|--------------------------|
| 35. Is there National Register listed, or potentially eligible historic properties, or archaeological resources within or immediately adjacent to the construction area?
(Note: Caltrans PQS answers question #35) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 36. Is the project adjacent to, or would it encroach on Tribal land? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

For Sections B, C, and D, check appropriate box to indicate required technical studies, coordination, permits, or approvals.

B. Required Technical Studies and Analyses	C. Coordination	D. Anticipated Actions/Permits/Approvals
<input type="checkbox"/> Traffic <i>Check one:</i>		
<input type="checkbox"/> Traffic Study	<input type="checkbox"/> Caltrans	<input type="checkbox"/> Approval
<input type="checkbox"/> Technical Memorandum	<input type="checkbox"/> Caltrans	<input type="checkbox"/> Approval
<input type="checkbox"/> Discussion in ED Only	<input type="checkbox"/> Caltrans	<input type="checkbox"/> Approval
<input type="checkbox"/> Noise <i>Check as applicable:</i>		
<input type="checkbox"/> Traffic Related		
<input type="checkbox"/> Construction Related		
<i>Check one:</i>		
<input type="checkbox"/> Noise Study Report	<input type="checkbox"/> Caltrans	<input type="checkbox"/> Approval
<input type="checkbox"/> NADR	<input type="checkbox"/> Caltrans	<input type="checkbox"/> Approval
<input type="checkbox"/> Technical Memorandum	<input type="checkbox"/> Caltrans	<input type="checkbox"/> Approval
<input type="checkbox"/> Discussion in ED Only	<input type="checkbox"/> Caltrans	<input type="checkbox"/> Approval
<input type="checkbox"/> Air Quality <i>Check as applicable:</i>		
<input type="checkbox"/> Traffic Related		
<input type="checkbox"/> Construction Related		
<i>Check one:</i>		
<input type="checkbox"/> Air Quality Report	<input type="checkbox"/> Caltrans	<input type="checkbox"/> Approval
<input type="checkbox"/> Technical Memorandum	<input type="checkbox"/> Caltrans	<input type="checkbox"/> Approval
<input type="checkbox"/> Discussion in ED Only	<input type="checkbox"/> Caltrans	<input type="checkbox"/> Approval
	<input type="checkbox"/> FHWA	<input type="checkbox"/> Conformity Finding (6005 CEs, EAs, EISs)
	<input type="checkbox"/> Caltrans	<input type="checkbox"/> Conformity Finding (6004 CEs)
	<input type="checkbox"/> Regional Agency	<input type="checkbox"/> PM10/PM2.5 Interagency Consultation
<input type="checkbox"/> Hazardous Materials/ Hazardous Waste <i>Check as applicable:</i>		
<input type="checkbox"/> Initial Site Assessment (Phase 1)	<input type="checkbox"/> Caltrans	<input type="checkbox"/> Approval
<input type="checkbox"/> Preliminary Site Assessment (Phase 2)	<input type="checkbox"/> Caltrans	<input type="checkbox"/> Approval
<input type="checkbox"/> Discussion in ED Only	<input type="checkbox"/> Caltrans	<input type="checkbox"/> Approval
	<input type="checkbox"/> Cal EPA.DTSC	<input type="checkbox"/> Review Database
	<input type="checkbox"/> Local Agency	<input type="checkbox"/> Review Database
<input type="checkbox"/> Water Quality/Resources <i>Check as applicable:</i>		
<input type="checkbox"/> Water Quality Assess. Report	<input type="checkbox"/> Caltrans	<input type="checkbox"/> Approval
<input type="checkbox"/> Technical Memorandum	<input type="checkbox"/> Caltrans	<input type="checkbox"/> Approval
<input type="checkbox"/> Discussion in ED Only	<input type="checkbox"/> Caltrans	<input type="checkbox"/> Approval
<input type="checkbox"/> Sole-Source Aquifer (Districts 5, 6 and 11)	<input type="checkbox"/> EPA (S.F. Regional Office)	<input type="checkbox"/> Approval of Analysis in ED
<input type="checkbox"/> Coastal Zone	<input type="checkbox"/> CCC	<input type="checkbox"/> Coastal Zone Consistency Determination

B. Required Technical Studies and Analyses	C. Coordination	D. Anticipated Actions/Permits/Approvals
<input type="checkbox"/> Floodplain		
<i>Check as applicable:</i>		
<input type="checkbox"/> Location Hydraulic Study	<input type="checkbox"/> Caltrans	<input type="checkbox"/> Approval
<input type="checkbox"/> Floodplain Evaluation Report	<input type="checkbox"/> Caltrans	<input type="checkbox"/> Approval
<input type="checkbox"/> Summary Floodplain Encroachment Report	<input type="checkbox"/> Caltrans	<input type="checkbox"/> Approval
	<input type="checkbox"/> Caltrans	<input type="checkbox"/> Only Practicable Alternative Finding
	<input type="checkbox"/> FHWA	<input type="checkbox"/> Approves significant encroachments and concurs in Only Practicable Alternative Findings
<input type="checkbox"/> Wild and Scenic Rivers		
	<input type="checkbox"/> River Managing Agency	<input type="checkbox"/> Wild and Scenic Rivers Determination
<input type="checkbox"/> Biological Resources		
<i>Check as applicable:</i>		
<input type="checkbox"/> NES, Minimal Impact	<input type="checkbox"/> Caltrans	<input type="checkbox"/> Approval
<input type="checkbox"/> NES		
<input type="checkbox"/> BA	<input type="checkbox"/> Caltrans	<input type="checkbox"/> Approves for Consultation
	<input type="checkbox"/> USFWS <input type="checkbox"/> NOAA Fisheries	<input type="checkbox"/> Section 7 Informal/Formal Consultation
<input type="checkbox"/> EFH Evaluation	<input type="checkbox"/> NOAA Fisheries	<input type="checkbox"/> MSA Consultation
<input type="checkbox"/> Bio-Acoustic Evaluation	<input type="checkbox"/> NOAA Fisheries	<input type="checkbox"/> Approval
<input type="checkbox"/> Technical Memorandum	<input type="checkbox"/> Caltrans	<input type="checkbox"/> Approval
<input type="checkbox"/> Wetlands		
<i>Check as applicable:</i>		
<input type="checkbox"/> WD and Assessment	<input type="checkbox"/> Caltrans	<input type="checkbox"/> Approval
	<input type="checkbox"/> ACOE	<input type="checkbox"/> Wetland Verification
	<input type="checkbox"/> NRCS	<input type="checkbox"/> Agricultural Wetland Verification
	<input type="checkbox"/> Caltrans	<input type="checkbox"/> Wetlands Only Practicable Alternative Finding
<input type="checkbox"/> Invasive Plants		
<input type="checkbox"/> Discussion in ED Only	<input type="checkbox"/> Caltrans	<input type="checkbox"/> Approval
<input type="checkbox"/> Section 4(f)		
<i>Check as applicable:</i>		
	<input type="checkbox"/> Caltrans	<input type="checkbox"/> Determine Temporary Occupancy
<input type="checkbox"/> De.minimis	<input type="checkbox"/> Caltrans	<input type="checkbox"/> De minimis finding
<input type="checkbox"/> Programmatic 4(f) Evaluation Type: _____	<input type="checkbox"/> Caltrans	<input type="checkbox"/> Approval
<input type="checkbox"/> Individual 4(f) Evaluation	<input type="checkbox"/> Caltrans	<input type="checkbox"/> Approval
	<input type="checkbox"/> Agency with Jurisdiction <input type="checkbox"/> SHPO <input type="checkbox"/> DOI <input type="checkbox"/> HUD <input type="checkbox"/> USDA	

B. Required Technical Studies and Analyses	C. Coordination	D. Anticipated Actions/Permits/Approvals
<input type="checkbox"/> Section 6(f)	<input type="checkbox"/> Agency with Jurisdiction <input type="checkbox"/> NPS	<input type="checkbox"/> Determines Consistency with Long-Term Management Plan
	<input type="checkbox"/> NPS	<input type="checkbox"/> Approves Conversion
<input type="checkbox"/> Visual Resources <i>Check one:</i>		
<input type="checkbox"/> Visual Impact Assessment	<input type="checkbox"/> Caltrans	<input type="checkbox"/> Approval
<input type="checkbox"/> Technical Memorandum	<input type="checkbox"/> Caltrans	<input type="checkbox"/> Approval
<input type="checkbox"/> Discussion in ED Only	<input type="checkbox"/> Caltrans	<input type="checkbox"/> Approval
<input type="checkbox"/> Relocation Impacts <i>Check one:</i>		
<input type="checkbox"/> Relocation Impact Memo	<input type="checkbox"/> Caltrans	<input type="checkbox"/> Approval
<input type="checkbox"/> Relocation Impact Study	<input type="checkbox"/> Caltrans	<input type="checkbox"/> Approval
<input type="checkbox"/> Relocation Impact Report	<input type="checkbox"/> Caltrans	<input type="checkbox"/> Approval
<input type="checkbox"/> Land Use and Community Impacts <i>Check one:</i>		
<input type="checkbox"/> CIA	<input type="checkbox"/> Caltrans	<input type="checkbox"/> Approval
<input type="checkbox"/> Technical Memorandum	<input type="checkbox"/> Caltrans	<input type="checkbox"/> Approval
<input type="checkbox"/> Discussion in ED Only	<input type="checkbox"/> Caltrans	<input type="checkbox"/> Approval
<input type="checkbox"/> Construction/Encroachment on State Lands <i>Check as applicable:</i>		
<input type="checkbox"/> SLC Jurisdiction	<input type="checkbox"/> SLC	<input type="checkbox"/> SLC Lease
<input type="checkbox"/> Caltrans Jurisdiction	<input type="checkbox"/> Caltrans	<input type="checkbox"/> Encroachment Permit
<input type="checkbox"/> SP Jurisdiction	<input type="checkbox"/> SP	<input type="checkbox"/> Encroachment Permit
<input type="checkbox"/> Construction/Encroachment on Federal Lands	<input type="checkbox"/> Federal Agency with Jurisdiction	<input type="checkbox"/> Encroachment Permit
<input type="checkbox"/> Construction/Encroachment On Indian Trust Lands	<input type="checkbox"/> Bureau of Indian Affairs	<input type="checkbox"/> Right of Way Permit
<input type="checkbox"/> Farmlands <i>Check one:</i>		
<input type="checkbox"/> CIA	<input type="checkbox"/> Caltrans	<input type="checkbox"/> Approval
<input type="checkbox"/> Technical Memorandum	<input type="checkbox"/> Caltrans	<input type="checkbox"/> Approval
<input type="checkbox"/> Discussion in ED Only	<input type="checkbox"/> Caltrans	<input type="checkbox"/> Approval
<i>Check as applicable:</i>		
<input type="checkbox"/> Form AD 1006	<input type="checkbox"/> NRCS	<input type="checkbox"/> Approves Conversion
	<input type="checkbox"/> CDOC	<input type="checkbox"/> Approves Conversion
<input type="checkbox"/> Conversion to Non-Agri Use	<input type="checkbox"/> ACOE	

B. Required Technical Studies and Analyses	C. Coordination	D. Anticipated Actions/Permits/ Approvals
<input type="checkbox"/> Cultural Resources (PQS completes this section) <i>Check as applicable:</i>		
<input type="checkbox"/> APE Map	<input type="checkbox"/> Caltrans PQS	<input type="checkbox"/> Screened Undertaking
	<input type="checkbox"/> Caltrans PQS and DLAE	<input type="checkbox"/> Approves APE Map
	<input type="checkbox"/> Local Preservation Groups and/or Native American Tribes	<input type="checkbox"/> Provides Comments Regarding Concerns with Project
<input type="checkbox"/> HPSR <input type="checkbox"/> ASR <input type="checkbox"/> HRER	<input type="checkbox"/> Caltrans	<input type="checkbox"/> Approves for Consultation
<input type="checkbox"/> Finding of Effect Report	<input type="checkbox"/> Caltrans	<input type="checkbox"/> Concurs on No Effect, No Adverse Effect with Standard Conditions
	<input type="checkbox"/> SHPO	<input type="checkbox"/> Letter of Concurrence on Eligibility, No Adverse Effect without Standard
<input type="checkbox"/> MOA	<input type="checkbox"/> Caltrans	<input type="checkbox"/> Approves MOA
	<input type="checkbox"/> SHPO	<input type="checkbox"/> Approves MOA
	<input type="checkbox"/> ACHP (if requested)	<input type="checkbox"/> Approves MOA
<input type="checkbox"/> Permits Copies of permits and a list of mitigation commitments are mandatory submittals following NEPA approval.	<input type="checkbox"/> ACOE	<input type="checkbox"/> Section 404 Nationwide Permit
	<input type="checkbox"/> ACOE	<input type="checkbox"/> Section 404 Individual Permit
	<input type="checkbox"/> Caltrans/ACOE/EPA	<input type="checkbox"/> NEPA/404 Integration MOU
	<input type="checkbox"/> USFWS	
	<input type="checkbox"/> NOAA Fisheries	
	<input type="checkbox"/> ACOE	<input type="checkbox"/> Rivers and Harbors Act Section 10 Permit
	<input type="checkbox"/> USCG	<input type="checkbox"/> USCG Bridge Permit
	<input type="checkbox"/> RWQCB	<input type="checkbox"/> Section 401 Water Quality Certification
	<input type="checkbox"/> CDFG	<input type="checkbox"/> Section 1602 Streambed Alteration Agreement
	<input type="checkbox"/> RWQCB	<input type="checkbox"/> NPDES Permit
	<input type="checkbox"/> CCC	<input type="checkbox"/> Coastal Zone Permit
	<input type="checkbox"/> Local Agency	
	<input type="checkbox"/> BCDC	<input type="checkbox"/> BCDC Permit

Notes: Additional studies may be required for other federal agencies.

ACHP	=	Advisory Council on Historic Preservation	HRER	=	Historical Resources Evaluation Report
ACOE	=	U.S. Army Corps of Engineers	HUD	=	U.S. Housing and Urban Development
ADL	=	Aerially Deposited Lead	MOA	=	Memorandum of Agreement
APE	=	Area of Potential Effect	MSA	=	Magnuson-Stevens Fishery Conservation and Management Act
APN	=	Assessor Parcel Number	NEPA	=	National Environmental Policy Act
ASR	=	Archaeological Survey Report	NADR	=	Noise Abatement Decision Report
BA	=	Biological Assessment	NES	=	Natural Environment Study
BCDC	=	Bay Conservation and Development Commission	NHPA	=	National Historic Preservation Act
BE	=	Biological Evaluation	NOAA	=	National Oceanic and Atmospheric Administration
BO	=	Biological Opinion	NMFS	=	National Marine Fisheries Service
Cal EPA	=	California Environmental Protection Agency	NPDES	=	National Pollutant Discharge Elimination System
CCC	=	California Coastal Commission	NPS	=	National Park Service
CDFG	=	California Department of Fish and Game	NRCS	=	Natural Resources Conservation Service
CDOC	=	California Department of Conservation	PM10	=	Particulate Matter 10 Microns in Diameter or Less
CE	=	Categorical Exclusion	PM2.5	=	Particulate Matter 2.5 Microns in Diameter or Less
CIA	=	Community Impact Assessment	PMP	=	Project Management Plan
CWA	=	Clean Water Act	PQS	=	Professionally Qualified Staff
DLAE	=	District Local Assistance Engineer	ROD	=	Record of Decision
DOI	=	U.S. Department of Interior	RTIP	=	Regional Transportation Improvement Program
DTSC	=	Department of Toxic Substances Control	RTP	=	Regional Transportation Plan
EA	=	Environmental Assessment	RWQCB	=	Regional Water Quality Control Board
ED	=	Environmental Document	SER	=	Standard Environmental Reference
EFH	=	Essential Fish Habitat	SEP	=	Senior Environmental Planner
EIS	=	Environmental Impact Statement	SHPO	=	State Historic Preservation Officer
EPA	=	U.S. Environmental Protection Agency	SLC	=	State Lands Commission
FEMA	=	Federal Emergency Management Agency	SP	=	State Parks
FHWA	=	Federal Highway Administration	TIP	=	Transportation Improvement Program
FONSI	=	Finding of No Significant Impacted	USCG	=	U.S. Coast Guard
FTIP	=	Federal Transportation Improvement Program	USDA	=	U.S. Department of Agriculture
HPSR	=	Historic Property Survey Report	USFWS	=	U.S. Fish and Wildlife Service
			WD	=	Wetland Delineation

E. Preliminary Environmental Document Classification (NEPA)

Based on the evaluation of the project, the environmental document to be developed should be:

Check one:

- ☐ Environmental Impact Statement (*Note: Engagement with participating agencies in accordance with SAFETEA-LU Section 6002 required*)
- ☐ Compliance with SAFETEA-LU Section 6002 regarding Participating Agencies required
- ☐ Complex Environmental Assessment
- ☐ Routine Environmental Assessment
- ☐ Categorical Exclusion without required technical studies.
- ☐ Categorical Exclusion with required technical studies

(if Categorical Exclusion is selected, check one of the following):

- ☐ Section 6004
- ☐ 23 CFR 771 activity (c)(____)
- ☐ 23 CFR 771 activity (d) (____)
- ☐ Activity ____ listed in the Section 6004 MOU
- ☐ Section 6005

F. Public Availability and Public Hearing

Check as applicable:

- ☐ Not Required
- ☐ Notice of Availability of Environmental Document
- ☐ Public Meeting
- ☐ Notice of Opportunity for a Public Hearing
- ☐ Public Hearing Required

G. Signatures**Local Agency Staff and/or Consultant Signature**

(Signature of Preparer)

(Date)

(Telephone No.)

(Name)

Local Agency Project Engineer Signature

This document was prepared under my supervision, in accordance with the *Local Assistance Procedures Manual*, Exhibit 6-B, "Instructions for Completing the Preliminary Environmental Study Form."

(Signature of Local Agency)

(Date)

(Telephone No.)

Caltrans District Professionally Qualified Staff (PQS) Signature

- ☐ Project does not meet definition of an “undertaking”; no further review is necessary under Section 106 (“No” Section A, #35).
- ☐ Project is limited to the type of activity listed in Attachment 2 of the Section 106 PA and based on the information provided in the PES Form, the project does not have the potential to affect historic properties (“No” Section A, #35).
- ☐ Project is limited to the type of activity listed in Attachment 2 of the Section 106 PA, but the following additional procedures or information is needed to determine the potential for effect (“To Be Determined” Section A, #35):
- ☐ Records Search ☐ _____ ☐ _____ ☐ _____
- ☐ Project meets the definition of an “undertaking”; all properties in the project area are exempt from evaluation per Attachment 4 of the Section 106 PA (“No” Section A, #35).
- ☐ The proposed undertaking is considered to have the potential to affect historic properties; further studies for 106 compliance are indicated in Sections B, C, and D of this PES Form (“Yes” Section A, #35).

(Signature of Professionally Qualified Staff)

(Date)

(Telephone No.)

The following signatures are required for all CEs, routine and complex EAs, and EISs:

Caltrans District Senior Environmental Planner (or Designee) and DLAE Signatures

I have reviewed this Preliminary Environmental Study (PES) Form and determined that the submittal is complete and sufficient. I concur with the studies to be performed and the recommended NEPA Class of Action.

(Signature of Senior Environmental Planner or Designee)

(Date)

(Telephone No.)

(Name)

(Signature of District Local Assistance Engineer or Designee)

(Date)

(Telephone No.)

(Name)

☐ HQ DEA Environmental Coordinator concurrence _____ . E-mail concurrence attached.
(date)

**Preliminary Environmental Investigation
Notes to Support the Conclusions of the PES Form
(May Also Include Continuation of Detailed Project Description)**

Brief Explanation of How Project Complies, or Will Comply with Applicable Federal Mandate (Part A):

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Distribution 1) Original - DLAE, 2) Local Agency Project Manager, 3) DLA Environmental Coordinator
4) Senior Environmental Planner (or designee), 5) District PQS

Updated: 05/15/08

EXHIBIT 6-B INSTRUCTIONS FOR COMPLETING THE PRELIMINARY ENVIRONMENTAL STUDY (PES) FORM

A Preliminary Environmental Study (PES) Form must be completed for **all** local agency federal-aid projects “off” the State Highway System (SHS). If a local agency desires federal reimbursement for National Environmental Protection Act (NEPA) compliance, then the local agency must submit a “Request for Authorization to Proceed with Preliminary Engineering” form (*Local Assistance Procedures Manual* (LAPM), Chapter 3, “Project Authorization” Exhibit 3-A) to the DLAE prior to commencing with the PES Form. The local agency may not proceed with any reimbursable activities prior to the project’s inclusion in a federally approved Federal Statewide Transportation Improvement Program (FSTIP) and receipt of “Authorization to Proceed” notification from Caltrans. (See LAPM, Chapter 3, “Project Authorization,” Section 3.2)

Detailed instructions for completing the Preliminary Environmental Study (PES) Form are provided below.

Federal-Aid Project No: (Federal Program Prefix-Project No., Agreement No.) Example: RPSTPLE 5017(020). Obtain federal-aid project number from your District Local Assistance Engineer (DLAE). This number is required in order for the District SEP (or designee) to process PES Form.

Final Design: Indicate the date the local agency expects to begin final design. The 23 CFR 771.113 (Timing of Administration activities) prohibits final design activities until NEPA approval has been obtained; this is the date by which NEPA clearance is needed.

To: (Self explanatory)

From: (Self explanatory)

Is the Project “ON” the SHS? Check “Yes” or “No.” If Yes, **STOP**, and contact the DLAE regarding the Departmental policy on local agency projects “on” the SHS.

Note: The current and long-standing policy is for the Department to be California Environmental Quality Act (CEQA) lead agency for improvement projects “on” the SHS. The Department’s practice of acting as CEQA Lead for projects on the SHS is based on the Department’s statutory obligation to plan, design, construct, operate and maintain the SHS as well as its actual ownership of the SHS. Further, as owner of the right of way, the Department is the entity ultimately responsible for property stewardship of all resources within State right of way. This stewardship obligation cannot be delegated to others. This applies even if the project is financed by others. See Departmental policy memo provided at:

http://www.dot.ca.gov/ser/downloads/memos/CEQA_Lead_Agency_24Jun04.pdf

Based on information contained in the above referenced policy memo, local agency projects “on” the SHS are processed as State Highway Projects in accordance with procedures set forth in the *Caltrans Project Development Procedures Manual*.

Federal Statewide Transportation Improvement Program (FSTIP): Enter the currently adopted FSTIP date and page number on which project is identified, and attach a copy of the FSTIP page (showing the project) to the PES Form. The FSTIP is available at:

<http://www.dot.ca.gov/hq/transprog/fedpgm.htm>

Note: The California FSTIP is a multi-year, statewide, intermodal program of transportation projects that is consistent with the statewide transportation plan and planning processes, metropolitan plans, and Federal Transportation Improvement Programs (FTIPs) and processes. The FSTIP is prepared by Caltrans in cooperation with the Metropolitan Planning Organizations (MPOs) and the Regional Transportation Planning

Agencies (RTPAs). The FTIPs/FSTIP contains all capital and non-capital transportation projects, or identified phases of transportation projects proposed for funding under the Federal Transit Act and Title 23 of the United States Code including federally funded projects.

Programming for FSTIP: Identify the fiscal year and dollar amount programmed in the FSTIP for each phase of the project (preliminary engineering, right of way, and construction).

Project Description as Shown in FSTIP: Enter the project description exactly as it appears in the FSTIP.

Detailed Project Description: Describe all aspects of the project including project location and limits, proposed facilities, and required right of way acquisition. Discuss the main transportation problem or problems that point to the need for the project and describe how the project will solve the identified problem or need (i.e., is the project necessary in order to correct existing roadway deficiencies, such as substandard geometry or lane width?). How will the project correct these deficiencies? Describe any design deficiencies, such as substandard cross section or horizontal or vertical alignment. Is the new or upgraded facility needed to serve a new housing development, or shopping complex? Discuss the logical termini of the project.

Note: 23 CFR 771.111(f) requires that federal-aid projects:

- *Connect logical termini and be of sufficient length to address environmental matters on a broad scope;*
- *Have independent utility or independent significance, i.e., be usable and be a reasonable expenditure even if no additional transportation improvements in the area are made; and*
- *Not restrict consideration of alternatives for other reasonably foreseeable transportation improvements.*

Provide as much detail as possible for all boxes checked “Yes” under Preliminary Design Information.

Preliminary Design Information: Check all applicable boxes and provide as much pertinent information on engineering drawings and maps as possible. If project will involve excavation, delineate location of excavation on map and indicate maximum depth of excavation. If right of way will be acquired, provide a map of the project area with the location of each parcel to be acquired. Provide Assessor Parcel Numbers for all parcels.

Required Attachments: Please note that all of the maps listed on the PES Form are **required**. Maps should be consistent with the project description and at a minimum scale of 1” = 200’.

A. Potential Environmental Effects:

Section A of the PES Form should not be completed until after the local agency has completed Steps 1 through 4 in the LAPM, Chapter 6, Section 6.7, Step-by-Step Procedures, as follows:

- Develop Complete Project Description and Detailed Map
- Review Relevant Literature Maps and Inventories
- Request Technical Information from Resource and Regulatory Agencies
- Verify Research Findings in the Field (Site Visit)

Following completion of Steps #1 through #4, answer each of the following questions. For “No” response, explain in the “Preliminary Investigation Notes to Support the Conclusions of the PES Form” how the mandate of federal law has been met (i.e., The Preliminary Environmental Investigation [Steps #1- 4 above] concluded that the resource is not present within the project area or that the resource is present, but will not be affected by the project. A technical memo explaining how the project will not affect the resource in question is attached, or a “No Effect” determination by a Caltrans Biologist is attached, etc.).

For “No” response, check the “No” box next to the appropriate question in Section A of the PES Form, and in the “Preliminary Investigation Notes to Support the Conclusions of the PES Form” briefly discuss how the mandates of federal law have been met.

For “Yes” response, indicate in Section B whether a technical study, technical memo or discussion in the ED will be prepared to comply with the federal requirements. Local Agency should consult the DLAE and District SEP (or designee) when determining the appropriate level of analysis. Required technical reports shall be prepared in accordance with guidance and procedures set forth in the *Standard Environmental Reference* (SER). Local agency shall not commence with technical studies until after the PES Form is fully signed by local agency and Caltrans staff.

All environmental contracts shall be prepared in accordance with guidance and procedures set forth in the LAPM, Chapter 10, “Consultant Selection.” The contract shall be consistent with requirements set forth in the PES Form and shall direct the preparation of reports in accordance with guidance set forth in the SER.

http://www.dot.ca.gov/hq/LocalPrograms/lam/prog_p/p10consult.pdf.

General

1. Will the project require future construction to fully utilize the design capabilities included in the proposed project?

Note: This question is designed to address independent utility and segmentation. The Council on Environmental Quality (CEQ) regulations (40 CFR 1502.13) are directed at avoiding improper segmentation, wherein the significance of the environmental impact of an action as a whole would not be evident, if the action were to be broken into component parts and the impact of those parts analyzed separately.

If “No,” check the “No” box next to Question #1 in Section A of the PES Form. In the “Preliminary Investigation Notes to Support the Conclusions of the PES Form,” briefly discuss the transportation problem, traffic and transportation conditions that the project is intended to address and clearly state the rationale supporting the project’s end points.

If “Yes,” or “To Be Determined,” check the appropriate box next to Question #1 in Section A of the PES Form. (*Note: Projects must satisfy the provisions of 23 CFR 771.111[f] in order to be eligible for federal reimbursement.*) Under Section B of the PES Form, indicate whether a Traffic Study, Technical Memorandum, or Discussion in ED Only will be prepared to clearly show how the action shall:

- Connect logical termini and be of sufficient length to address environmental matters on a broad scope.
- Have independent utility or independent significance, i.e., be usable and be a reasonable expenditure even if no additional transportation improvements in the area are made.
- Not restrict consideration of alternatives for other reasonably foreseeable transportation improvements.

2. Will the project generate any public controversy?

Consider whether there is any public controversy associated with the project and if so, on what grounds.

If “No,” check the “No” box next to Question #2 in Section A of the PES Form. In the “Preliminary Environmental Investigation Notes to Support the Conclusions of the PES Form” indicate what steps were taken to determine the potential for public controversy.

If “Yes,” or “To Be Determined,” check the appropriate box next to Question #2 in Section A of the PES Form. In the “Preliminary Environmental Investigation Notes to Support the Conclusions of the PES Form” indicate the grounds on which the controversy exists.

Note: Projects involving substantial public controversy on environmental grounds require additional environmental study (23 CFR 771.117[b] [2]).

If the basis for controversy is environmental, complete Section F of the PES Form as appropriate.

Consult with the DLAE and District SEP or designee when determining the extent of public involvement that may be necessary.

Noise:

3. Is the project a Type 1 project as defined in 23 CFR 772.5(h)... “construction on new location or the physical alteration of an existing highway, which significantly changes either the horizontal or vertical alignment, or increases the number of through-traffic lanes”?

Note: Federal law and state policy require that every project that adds through-lanes or significantly realigns roadways must receive a noise evaluation.

If “No,” check the “No” box next to Question #3 in Section A of the PES Form. Check all applicable boxes under Preliminary Design Information (i.e., widen existing roadway, increase number of through-lanes, new alignment, capacity increasing, etc). In the “Preliminary Environmental Investigation Notes to Support the Conclusions of the PES Form,” briefly discuss the scope of the project and how this type of work will not result in significant changes in the horizontal or vertical alignment nor increase the number of through-traffic lanes.

If “Yes,” or “To Be Determined,” check the appropriate box next to Question #3 in Section A of the PES Form. Indicate under Section B of the PES Form that a Noise Study Report, Technical Memorandum or Discussion in the ED Only will be prepared. Consult with the DLAE and District SEP (or designee) when determining which level of analysis will be necessary based on project scope and potential for impact.

The Noise Study Report shall be completed in accordance with guidance set forth at:

<http://www.dot.ca.gov/ser/vol1/sec3/physical/ch12noise/chap12noise.htm>

If a sound wall is needed, a Noise Abatement Decision Report will be required.

4. Does the project have the potential for adverse construction-related noise impacts (such as related to pile driving)?

Consider whether the construction of the project will involve pile driving, structure demolition, blasting, etc. Will the project have the potential for adverse construction-related noise impacts either on land or underwater?

If “No,” check the “No” box next to Question #4 in Section A of the PES Form. Check all applicable boxes under Preliminary Design Information (i.e., bridge work, equipment staging, excavation, pile driving road cuts, stream channel work, etc.) that could result in excessive noise. In the “Preliminary Environmental Investigation Notes to Support the Conclusions of the PES Form” briefly discuss how these types of activities will not result in excessive construction noise or generate underwater noise.

If “Yes,” or “To Be Determined,” check the “Yes” or “To be Determined” box as appropriate, next to Question #4 in Section A of the PES Form. Under Section B of the PES Form indicate whether a Technical Memorandum or Discussion in the ED will be prepared. Consult with the DLAE and District SEP (or designee) when determining which level of analysis will be necessary based on the potential for impact.

“Guidance on Transportation and Construction-Induced Vibration” is provided in the SER at:

<http://www.dot.ca.gov/ser/vol1/sec3/physical/ch12noise/chap12noise.htm>.

5. Is the project in a National Ambient Air Quality Standard (NAAQS) non-attainment or maintenance area?

Check the Table of Conformity Areas provided at:

<http://www.dot.ca.gov/hq/env/air/pages/conftable.htm>

Is the county that the project is located in, listed in the Table of Conformity Areas?

If “Yes,” check the “Yes” box as appropriate, next to Question #5 in Section A of the PES Form and proceed to Question #6.

If “No,” no further Air Quality (AQ) studies are needed because transportation conformity only applies in federal non-attainment and maintenance areas. Check the “No” box next to Question #5 in Section A of the PES Form and proceed to Question #9.

6. Is the project exempt from the requirement that a conformity determination be made?

Review the list of project types in 40 CFR Part 93, Sec. 93.126, Table 2 Exempt Projects, provided as Exhibit 6-C of this chapter, or electronically at:

http://a257.g.akamaitech.net/7/257/2422/12feb20041500/edocket.access.gpo.gov/cfr_2004/julqtr/pdf/40cfr93.126.pdf

Is project one of the project types included in the 40 CFR 93.126, Table 2?

If “Yes,” no conformity determination is required. Check the “Yes” box next to Question #6 in Section A of the PES Form, and state which conformity exemption in Table 2 applies. Skip Questions #7 & #8.

If “No,” a project level conformity determination may be required. Continue with Question #7.

7. Is the project exempt from regional conformity?

Review list of project types listed in 40 CFR Section 93.127, Table 3 Projects Exempt from Regional Analysis, provided as Exhibit 6-D of this chapter, or electronically at:

http://a257.g.akamaitech.net/7/257/2422/12feb20041500/edocket.access.gpo.gov/cfr_2004/julqtr/pdf/40cfr93.127.pdf.

Is project one of the project types included in 40 CFR 93.127, Table 3?

If “Yes,” **and project is located in a non-attainment/maintenance area for ONLY ozone**, no project-level conformity determination is required. Check the “Yes” box next to Question #7 under Section A of the PES Form, and state which conformity exemption in Table 3 applies. In the “Preliminary Environmental Investigation Notes to Support the Conclusions of the PES Form” state: “A regional emissions analysis is not required because project is one of the project types included in Table 3, and a localized hot spot analysis is not required because project is located in an area that is attainment/unclassified for ALL of CO, PM10 and PM2.5. Skip to Question #9.

If “Yes,” **and the project is located in an area that is non-attainment/attainment-maintenance for CO, PM10 and/or PM2.5, a project-level conformity determination is required.** Check the “Yes” box next to Question #7 under Section A of the PES Form and state which conformity exemption in Table 3 applies. Under Section B of the PES Form check Air Quality Report, Technical Memorandum, or Discussion in ED Only. Consult with the District SEP (or designee) to determine the appropriate level of analysis and documentation needed. Indicate coordination with and approval by Caltrans under Sections C and D of the PES Form. In the “Preliminary Environmental Investigation Notes to Support the Conclusions of the PES Form” state: “A regional emissions analysis is not required because project is one of the project types included in Table 3, however, a localized hot spot analysis is required because project is located in an area that is non-attainment/maintenance for CO, PM10 and PM2.5 (indicate which).” Guidance on conducting a Localized Hotspot Analysis is provided at:

<http://www.dot.ca.gov/ser/vol1/sec3/physical/ch11air/chap11.htm#Conformity>.

Do not begin technical studies until after the PES Form is fully signed. Skip to Question #9.

If “No,” **a project-level conformity determination is required including both a regional emissions analysis and hot spot analysis regional level conformity analysis (e.g. dispersion modeling).** Check the “No” box next to Question #7 in Section A of the PES Form. In Section B of the PES Form, check Air Quality Report, Technical Memorandum, or Discussion in ED Only. Consult with the District SEP (or designee) to determine the appropriate level of analysis and documentation needed. Indicate coordination with and approval by Caltrans under Sections C and D of the PES Form. Guidance on project-level conformity determinations and regional emissions analysis and hot spot analysis is provided at:

<http://www.dot.ca.gov/ser/vol1/sec3/physical/ch11air/chap11.htm#Conformity>.

Do not begin technical studies until after the PES Form is fully signed. Continue with Question #8.

Instructions for Completing the Preliminary Environmental Study (PES) Form

8. If project is **not exempt** (i.e., if “No” on Question #6 and Question #7) a project-level conformity determination is required. The project-level conformity determination would include both the regional emissions analysis and a hot spot analysis (in PM2.5, PM10 and CO non-attainment and/or maintenance areas).

For the regional emissions analysis in a **metropolitan non-attainment/maintenance area**, the project needs to be included in the MPOs currently conforming Regional Transportation Plan (RTP) and Transportation Improvement Program (TIP). To be “included” in the currently conforming RTP and TIP, there must be no significant changes in the project’s design concept and scope from those assumed in regional emissions analysis. Additionally, the assumed open-to-traffic date must be correct. On the first page of the PES Form identify the date of the currently adopted RTP and FTIP within which the project is included and provide the page numbers wherein the project is specifically listed.

For regional emissions in an **“isolated rural” non-attainment area** (non-attainment area with no MPO within the non-attainment area boundaries), a regional emissions analysis would be performed as part of the project-level conformity determination. Refer to 40 CFR 93.109 for guidance on projects not included in a conforming RTP and TIP. Specific Isolated Rural area requirements are in 40 CFR 93.109(1). Under Section B of the PES Form, check Air Quality Study and under Section C and D, check coordination with and approval by Caltrans respectively. Guidance on project-level conformity determinations and Regional Emissions analysis is provided at:

<http://www.dot.ca.gov/ser/vol1/sec3/physical/ch11air/chap11.htm#Conformity>.

Do not begin technical studies until after the PES Form is fully signed.

For projects in **CO, PM10, and/or PM2.5 non-attainment/maintenance areas**, a localized hot spot analysis also needs to be completed. Check Air Quality Study, Technical Memorandum, or Discussion in ED Only. Consult with the District SEP (or designee) to determine the appropriate level of analysis and documentation needed. Indicate coordination with and approval by Caltrans under Sections C and D of the PES Form. Guidance on conducting a localized hot spot analysis is provided at:

<http://www.dot.ca.gov/ser/vol1/sec3/physical/ch11air/chap11.htm#Conformity>.

Do not begin technical studies until after the PES Form is fully signed.

Hazardous Materials/Hazardous Waste

9. Is there a potential for hazardous materials (including underground or aboveground tanks, etc.) and/or hazardous waste (including oil/water separators, waste oil, asbestos-containing material, lead-based paint, ADL, etc.) within or immediately adjacent to the construction area?

Conduct screening in accordance with the procedures set forth in the SER, provided at:

<http://www.dot.ca.gov/ser/vol1/vol1.htm>

Note: Screening typically includes a review of local records of prior land uses and local and state-maintained databases of hazardous materials sites and underground tanks. During the site visit, note existing land uses (i.e., gas stations, auto wrecking yards, railroad yard or tracks, landfills, etc.) and any evidence of past land uses (i.e., above ground tanks, stained soil, 50-gallon drums, etc.).

Are there any signs of past or present hazardous materials or waste uses, or any known hazardous materials within or immediately adjacent to the construction area?

If “No,” check the “No” box next to Question #9 in Section A of the PES Form. On the “Preliminary Environmental Investigation Notes to Support the Conclusions of the PES Form” include the steps taken to determine whether any hazardous materials or wastes could potentially occur within or immediately adjacent to the construction area. Include field notes from site visit, documenting observations, (i.e., surrounding land uses [current and historic], general characteristics of area/soil, absence of staining on soil, proximity to gas station, landfill or rail yard, etc.)

If “Yes,” or “To Be Determined,” check the appropriate box next to Question #9 in Section A of the PES Form. Further study will be required. Check ISA (Phase I) in Section B of the PES Form and indicate coordination and permit requirements under Sections C and D of the PES Form.

The ISA (Phase I) shall be undertaken in accordance with guidance set forth in the SER, Chapter 10, “Hazardous Wastes,” provided at: <http://www.dot.ca.gov/ser/vol1/vol1.htm>

Water Quality/Resources

10. Does the project have the potential to impact water resources (rivers, streams, bays, inlets, lakes, drainage sloughs) within or immediately adjacent to the project area?

Review maps to determine if there are water resources (i.e., rivers, streams, lakes, reservoirs, impoundments, bays, inlets, estuaries, wetlands, drainage sloughs, vernal pools, swales, CWA Section 303d impaired water bodies, etc.) within or immediately adjacent to the project area. Confirm and note presence or absence on the “Preliminary Environmental Investigation Notes to Support the Conclusions of the PES Form.” Are there water resources in the immediate project vicinity that may be affected by the project?

If “No,” check the “No” box next to Question #10 under Section A of the PES Form. Under “Preliminary Environmental Investigation Notes to Support the Conclusions of the PES Form” briefly discuss the project’s potential for impacting water quality. Include a vicinity map (clearly showing project’s proximity to water resources) and a copy of the field notes confirming the absence of water resources.

If “Yes,” or “To Be Determined,” check the appropriate box next to Question #10 in Section A of the PES Form. Check “Yes” next to “Bridge Work,” “Stream Channel Work” or “Flooding,” as appropriate. Under Preliminary Design Information on the first page of the PES Form, check “Water Quality Assessment Report,” “Technical Memorandum,” “Analysis in ED or Permit Only,” (as applicable). Under Section B of the PES Form and under “Preliminary Environmental Investigation Notes to Support the Conclusions of the PES Form” specifically identify the water resources that may be affected by the project.

The technical report shall be prepared in accordance with guidance set forth in the SER, Chapter 9, “Hydrology, Water Quality and Stormwater,” provided at:

<http://www.dot.ca.gov/ser/vol1/vol1.htm>

Projects involving the dredging or filling in of waters of the US (including wetlands) will require coordination with the U.S. Army Corps of Engineers (ACOE) and may require water quality permits, such as Section 404 Individual or Nationwide Permit, Section 401 from Regional Water Quality Control Board (RWQCB), and/or 1600 permit from the California Department of Fish and Game (CDFG).

Projects involving work in navigable waters, such as the demolition or construction of bridges or docks and bulkheads, or that result in obstructions to navigation, or in the dumping of trash, or sewage into navigable waterways (Rivers & Harbors Act [Section 10]) will also require a Section 10 Permit.

Projects involving the construction of a bridge over a Navigable River will require coordination with the U.S. Coast Guard (USCG) and may require a USCG Bridge Permit. Check USCG (bottom of Section C of the PES Form) indicating that coordination with the USCG is required during the environmental and design phases of the project and check USCG Bridge Permit (bottom of Section D of PES Form) indicating that a Coast Guard Bridge Permit may be needed.

Since two to three months is normally required to process a routine application involving a public notice, local agencies should apply for permits as early as possible to allow sufficient time to obtain all necessary approvals prior to beginning construction. For large or complex projects, local agencies should request a “pre-application consultation” or informal meeting with the ACOE during the early planning phase of your project to minimize the potential for delays later.

Projects with five (5) acres or more of permanent impacts to waters of the US and processed with an EIS, will require an Individual Section 404 Permit. Local agency should consult with the DLAE (or designee) as early

as possible to ensure compliance with all provisions of the Memorandum of Understanding, among the FHWA, California Department of Transportation (Caltrans), United States Environmental Protection Agency (US EPA), United States Army Corps of Engineers (USACOE), United States Fish and Wildlife Service (USFWS), and the National Marine Fisheries Service (NMFS), National Environmental Policy Act (NEPA) and Clean Water Act Section 404 Integration Process for Federal Aid Surface Transportation Projects in California (April 2006) AKA: NEPA/404 MOU. MOU provided at:

http://www.dot.ca.gov/ser/downloads/MOUs/NEPA404/nepa404_2006_final_mou.pdf.

11. Is the project within a designated Sole-Source Aquifer?

A Sole-Source Aquifer is an aquifer upon which a community depends exclusively for its fresh water supply. The U.S. Environmental Protection Agency's Sole-Source Aquifer Program was established under Section 1424(e) of the U.S. Safe Drinking Water Act (SDWA) in 1977 to help prevent contamination of groundwater from federally funded projects. The Sole-Source Aquifer Program allows for EPA environmental review of any project which is financially assisted by federal funds to determine whether the project has the potential to contaminate a Sole-Source Aquifer. If there is such a potential, the project would need to be modified to reduce or eliminate the risk, or federal (FHWA) financial support may be withdrawn.

Four (4) aquifers in California have been designated as "Sole-Source Aquifers" by the EPA. These include:

- Santa Margarita Aquifer, Scotts Valley, Santa Cruz County
- Fresno Aquifer, Fresno County
- Ocotillo-Coyote Wells Aquifer, Imperial County
- Campo/Cottonwood Creek Aquifer, San Diego County

Consider if the project is located within or near one of the four EPA-designated Sole-Source Aquifers. Additional information regarding each aquifer is provided at:

<http://www.epa.gov/region09/water/groundwater/ssa.html>

If "No," check the "No" box next to Question #11 under Section A of the PES Form. No further study is needed. If the project is proposed within Santa Cruz, Fresno or Imperial Counties, or where proximity is questionable, state distance of project from Sole-Source Aquifer in the "Preliminary Environmental Investigation Notes to Support the Conclusions of the PES Form" and attach map showing project's relation to Sole-Source Aquifer boundary.

If "Yes," or "To Be Determined," check the appropriate box next to Question #11 under Section A of the PES Form. Additional study will be needed. Check Sole-Source Aquifer box under Section B of the PES Form. If the project is being processed with an EA or an EIS, EPA review of the NEPA document will be required prior to the public availability period. Check EPA box under Section C of the PES Form. If the project is being processed with a CE, and the project will involve a well or sewage disposal, or result in a threat of aquifer contamination or hazard to public health, EPA review will also be required prior to Caltrans approval of the CE. Check Sole-Source Aquifer under Section C of the PES Form, and check Coordination with EPA under Section C of the PES Form.

If the project is within a designated Sole-Source Aquifer, but does not involve a well or sewage disposal, or result in a threat of aquifer contamination or hazard to public health and will be processed with a CE, project is exempt from a project-by-project review by EPA. Documentation of research and impacts on the aquifer shall be prepared in accordance with guidance set forth in the SER, Chapter 9, "Hydrology, Water Quality and Stormwater," provided at:

<http://www.dot.ca.gov/ser/vol1/vol1.htm>

Coastal Zone

12. Is the project within the State Coastal Zone, San Francisco Bay or Suisun Marsh?

If "No," check the "No" box next to Question #12 under Section A of the PES Form. Reiterate location of project in the "Preliminary Environmental Investigation Notes to Support the Conclusions of the PES Form."

Where proximity is questionable, state distance of project (in miles) from State Coastal Zone jurisdiction. Attach a regional map showing location of project relative to State Coastal Zone.

If “Yes,” or “To Be Determined,” check the appropriate box next to Question #12 under Section A of the PES Form. Check Coastal Zone under Section B of the PES Form. Preparation of a separate technical report for coastal resources is not required. However, other technical reports may be needed to confirm project’s consistency with the State Coastal Zone Management Plan. As part of the permitting process, the following technical reports are often used to support the permit application: **water quality reports, visual assessments, community impact assessments, natural environment studies, biological assessments, and geotechnical reports**. In addition, the permitting agencies will require a copy of the approved final ED as well as documentation of consultation with resource and regulatory agencies including permits and approvals from these agencies.

Local agencies are responsible for obtaining a Coastal Consistency Determination or Waiver (required under the Federal Coastal Zone Management Act) from the California Coastal Commission (CCC). However, in order to obtain the consistency determination/waiver, the local agency must demonstrate that the project is consistent with the California Coastal Act and any Local Coastal Plan (LCP). The CCC Consistency Office will require a Coastal Development Permit (CDP) from the Local Coastal Agency (LCA), or at least a letter documenting consistency with the LCP before they will provide a consistency determination/waiver. Check Coordination boxes next to LCA and CCC (Federal Consistency Office) under Section C and check Action/Permit/Approval box next to CDP and Coastal Zone Consistency Determination under Section D of the PES Form.

Projects located within the San Francisco Bay Area and involving the construction, remodel or repair of structures, or the dredging or extraction of materials from within the San Francisco Bay, or in certain tributaries that flow into the Bay will also need to obtain a Bay Conservation and Development Commission (BCDC) permit prior to commencing any work within BCDC’s jurisdiction. Check Coordination with BCDC under Section C of the PES Form and check BCDC Permit under Section D of the PES Form.

Projects located within coastal areas outside San Francisco Bay will need to obtain a Coastal Zone Permit from the CCC prior to commencing any work within CCC’s jurisdiction. Check Coordination with CCC under Section C of the PES Form and check Coastal Zone Permit under Section D of the PES Form.

Consult with the DLAE and District SEP (or designee) to determine the best course of action.

Refer to the SER, Chapter 18, for additional guidance on compliance in Coastal Zone areas, at:

<http://www.dot.ca.gov/ser/vol1/sec3/special/ch18coastal/chap18.htm>

Floodplain

13. Is the construction area located within a regulatory floodway or within the base floodplain (100-year) elevation of a watercourse or lake?

Check current Federal Management Agency (FEMA) maps and current National Flood Insurance Program (NFIP) maps available from public libraries, State Department of Water Resources, city and county flood control managers, or public works departments.

Will the project encroach on the base (100 year) floodplain? If “No,” check the “No” box next to Question #13 in Section A of the PES Form. Attach a copy of relevant FEMA or NFIP map, showing location of project. In the “Preliminary Environmental Investigation Notes to Support the Conclusions of the PES Form,” cite FEMA and/or NFIP map number and date. Also indicate whether or not all work will occur within existing right of way.

If “Yes,” or “To Be Determined,” check the appropriate box next to Question #13 in Section A of the PES Form. Further study will be required to determine if the action would support base floodplain development and/or if the action will involve any work permanently encroaching on a regulatory floodway, or if the action

will involve any work affecting the base floodplain (100-year) elevations of a watercourse or lake. Check Location Hydraulic Study under Section B of the PES Form. The conclusion of the Location Hydraulic Study will determine whether a Floodplain Evaluation Report or a Summary of Floodplain Encroachment Report will be needed.

The Location Hydraulic Study shall be prepared in accordance with guidance set forth in the SER, Chapter 17, "Floodplains," provided at:

<http://www.dot.ca.gov/ser/vol1/sec3/special/ch17flood/chap17.htm>

Wild and Scenic Rivers

14. Is the project within or immediately adjacent to a Wild and Scenic River System?

Look up the river on the following web site to determine if it is designated wild and scenic. Consider the project's proximity to these rivers. *(Note: Designation protects river and a 0.25-mile corridor from development. Consider whether the action involves any construction in, across, or adjacent to a river, designated as a component of, or proposed for inclusion in the National System of Wild and Scenic Rivers published by the U.S. Department of the Interior/U.S. Department of Agriculture.)*

If "No," check the "No" box next to Question #14 in Section A of the PES Form. In the "Preliminary Environmental Investigation Notes to Support the Conclusions of the PES Form" indicate in miles of closest designated Wild and Scenic River. When the project is in the general vicinity of a Wild and Scenic River, indicate that the project is not within the 0.25-mile protected corridor. Attach Regional Map showing project's relation to river in question.

If "Yes," or "To Be Determined," check the appropriate box next to Question #14 in Section A of the PES Form. Further study will be required to determine if the construction, operation or maintenance of the project will affect the river and whether the effect will be significant. Check Wild and Scenic Rivers Study under Section B, coordination with River Managing Agency under Section C, and Wild and Scenic Rivers Determination under Section D of the PES Form.

Consult with the DLAE and District SEP (or designee) to determine the level of analysis that will be necessary based on the potential for impact.

The Wild and Scenic River Studies shall be undertaken in accordance with guidance set forth in the SER, Chapter 19, "Wild and Scenic Rivers," provided at:

<http://www.dot.ca.gov/ser/vol1/sec3/special/ch19wsrivers/chap19.htm>

Early coordination with the River Managing Agency is strongly encouraged to expedite the Wild and Scenic Rivers Determination.

Biological Resources

15. Is there a potential for federally listed threatened or endangered species or their designated critical habitat to occur within or adjacent to the construction area? Note: The Federal Endangered Species Act, Sections 7, 9 and 10 protect federally listed threatened and endangered species and their designated critical habitat.

Consult the U.S Fish and Wildlife Service (USFWS), Division of Endangered Species web site (<http://www.fws.gov/endangered/listdata.html>) to determine whether there are any federally listed threatened or endangered species, or their designated critical habitat in the county within which the project is located.

If "No," check the "No" box next to Question #15 in Section A of the PES Form and request the Caltrans District Biologist prepare a finding of "No Effect" for the project file.

If “To Be Determined,” check the “To Be Determined” box next to Question #15 in Section A of the PES determining if there is a potential for federally listed plant and animal species and/or their critical habitat to occur within the project area. *Note: Caltrans staff assistance will depend on current workload and staff availability. When Caltrans District Biologists are not available, the local agency will need to retain a qualified biologist to survey the project area and prepare a Technical Memo summarizing the following:*

- Description of project setting
- USFWS list of the federally listed plant and animal species and their critical habitat occurring within the county
- Brief discussion of the habitat needs of each species on the list
- General reconnaissance survey notes and conclusion as to whether or not any of the species on the USFWS list exist or could occur within the project area
- Caltrans District Biologists will review the Technical Memo, when appropriate, make a finding of “No Effect”

If “Yes,” or “To Be Determined,” check the appropriate box next to Question #15 in Section A of the PES Form. Further study will be required. Check the appropriate technical report (NES or BA) under Section B of the PES Form. Consult with the DLAE and the District SEP (or designee) to determine the appropriate study based on the potential for impact(s). When a NES or NES (Minimal Impacts) is required, encircle the appropriate one in Section B, check coordination with Caltrans under Section C, and check Approval by Caltrans under Section D. When a BA is required, encircle the appropriate study under Section B, check coordination with Caltrans under Section C, and check approval for consultation by Caltrans under Section D. For BAs and BEs for federal-listed plants, animals or their critical habitat, check coordination with USFWS under Section C and Section 7 Informal/Formal Consultation under Section D. For BAs for federal-listed species protected by the NOAA, NMFS, check coordination with NOAA Fisheries under Section C.

Consult the following web sites to determine if the project has the potential to affect fish species covered by a Fisheries Management Plan at:

<http://www.nmfs.noaa.gov/habitat/efh/Consultation/TOC.html>

<http://www.nmfs.noaa.gov/sfa/magact/>

If the project has the potential to affect fish species covered by a Fisheries Management Plan, an Essential Fish Habitat (EFH) Evaluation will be required. Check EFH Evaluation under Section B, coordination with NOAA under Section C, and Magnuson-Stevens Fishery Conservation and Management Act (MSA) Consultation under Section D of the PES Form.

If the project will involve pile driving, structure demolition, explosives, or blasting, or will generate other forms of underwater noise, a Bio-Acoustic Evaluation, to assess the effects of this noise or sound pressure levels on fish, diving birds and other underwater species, will be required. Check Bio-Acoustic Evaluation under Section B, coordination with NOAA Fisheries under Section C, and approval by Caltrans under Section D of the PES Form. The NES (Minimal Impacts), NES or BA shall be prepared in accordance with guidance set forth in the SER, Chapter 14, “Biological Resources,” provided at:

<http://www.dot.ca.gov/ser/vol1/sec3/natural/Ch14Bio/ch14bio.htm>

Templates for the NES (Minimal Impacts), NES and BA and Quality Control guidance for Standard Biological Technical Documents and Reports are provided at:

<http://www.dot.ca.gov/ser/forms.htm>

16. Does the project have the potential to directly or indirectly affect migratory birds or their nests or eggs (such as vegetation removal, box culvert replacement/repair, bridge work etc.)?

Note: The Migratory Bird Treaty Act implements various treaties between the United States and Canada, Mexico, former Soviet Union, Japan protecting migratory birds by making it unlawful at any time, by any means or in any manner, to pursue, hunt, take, capture, or kill said species. The law applies to the removal of nests (such as swallow nests on bridges) occupied by migratory birds during the breeding season.

If “No,” check the “No” box next to Question #16 in Section A of the PES Form. No further study is required.

If “Yes,” or “To Be Determined,” check the appropriate box next to Question #16 in Section A of the PES Form and indicate under Section B of the PES Form that a NES (Minimal Impacts), NES, BA or BE will be prepared.

Coordinate with Caltrans District Biologist under Sections C & D.

The NES (Minimal Impacts), NES, BE or BA shall be prepared in accordance with guidance set forth in the SER, Chapter 14, “Biological Resources,” provided at:

<http://www.dot.ca.gov/ser/vol1/sec3/natural/Ch14Bio/ch14bio.htm>

17. Is there a potential for wetlands to occur within or adjacent to the construction area?

Begin by reviewing National Wetland Inventory (NWI) maps available through the appropriate Natural Resource Conservation Service (NRCS) field office(s). Where NWI maps indicate a potential for wetlands, a biologist, or someone with knowledge of wetlands should field review the project area. If a biologist is not available, photos of the project area should be taken and submitted with the completed PES Form. Is there potential for wetlands?

If “No,” check the “No” box next to Question #17 in Section A of the PES Form. No further study is needed. Indicate the soil classification in the “Preliminary Environmental Investigation Notes to Support the Conclusions of the PES Form.” Attach a copy of the relevant NWI map, showing location of project relative to wetland designations and include any field notes from the site visit and photographs of project area with project limits delineated.

If “Yes,” or “To Be Determined,” check the appropriate box next to Question #17 in Section A of the PES Form. Further study will be required to determine the exact boundary of the wetland (based on the ACOE three-parameter definition 330 CFR 323.2[c]), and to quantify the project related impacts on the wetland. Check Wetlands and Wetland Delineation (WD) and Assessment under Section B, check coordination with Caltrans and USACE under Section C, and check approval of assessment by Caltrans, Wetland Verification by USACE, and Wetlands Only Practicable Alternative Finding by Caltrans under Section D.

The Wetland Delineation shall be prepared in accordance with guidance set forth in the SER, Chapter 15, “Wetlands and Other Waters of the U.S.,” provided at:

<http://www.dot.ca.gov/ser/vol1/sec3/natural/ch15wetland/ch15wet.htm>

18. Is there a potential for agricultural wetlands to occur within or adjacent to the construction area?

Note: The 404 Regulatory Program covers discharges of dredged or fill material to wetlands on agricultural lands and requires authorization by the ACOE (either an individual permit or NWP) unless the activity has a CWA statutory exemption, or the area is prior converted cropland. Field staff of the NRCS determines whether an agricultural site is a wetland.

Review relevant maps and information available from the appropriate National Resources Conservation Service field office to determine if any agricultural wetlands are present within the project area.

If “No,” check the “No” box next to Question #18 in Section A of the PES Form. No further study is needed. Indicate the types of land uses immediately surrounding the project area and whether all work will occur

within existing right of way, etc., in the “Preliminary Environmental Investigation Notes to Support the Conclusions of the PES Form.” Attach a copy of any field notes from the site visit and/or any photographs of project area with project limits delineated.

If “Yes,” or “To Be Determined,” check the appropriate box next to Question #18 in Section A of the PES Form. Further study will be required to determine the exact boundary of the agricultural wetland (based on the ACOE three-parameter definition 33 CFR 323.2[c]) and to quantify the project related impacts on the agricultural wetland. Check Wetlands and Wetland Delineation (WD) and Assessment under Section B, check coordination with Caltrans and NRCS under Section C, check approval of the WD and Assessment by Caltrans and Agricultural Wetland Verification by NRCS under Section D.

The WD shall be prepared in accordance with guidance set forth in the SER, Chapter 15, Wetlands and Other Waters of the U.S., provided at:

<http://www.dot.ca.gov/ser/vol1/sec3/natural/ch15wetland/ch15wet.htm>

19. Is there a potential for the introduction or spread of invasive plant species?

Note: Presidential Executive Order 13112 prohibits the use of federal-aid for construction, revegetation or landscaping activities that purposely include the use of known invasive plant species. This Order is concerned with plant material being used in revegetation, and with the spread of invasive from or to a project area. If the project area is infested with Star Thistle, for example, the project needs to include measures to ensure that material is not being spread to other areas by disposal off-site or by tracking seed on equipment. Also, if equipment/material is being brought in from areas of invasive plants, this must be identified to ensure that invasive plants are not inadvertently being spread to the project area.

Review the California official noxious weed list and the California Invasive Plant Council (Cal-IPC) Invasive Plant Inventory at: <http://www.cal-ipc.org/> to determine if invasive plants are in the project area, or if any plants proposed for project landscaping are included on the list.

If “No,” check the “No” box next to Question #19 in Section A of the PES Form. No further action regarding invasive plants is needed. In the “Preliminary Environmental Investigation Notes to Support the Conclusions of the PES Form” clearly state that the project will not involve construction, revegetation or landscaping activities that use known invasive plant species. If landscaping is proposed, list plant species proposed for use, or if invasive plants exist within the project area, list those plants in the “Preliminary Environmental Investigations Notes to Support the Conclusions of the PES Form.”

If “Yes,” or “To Be Determined,” check the appropriate box next to Question #19 in Section A of the PES Form. Check “Invasive Species” and “Discussion in ED Only” under Section B, check coordination with Caltrans in Section C, and check “Approval” (of Discussion in ED) under Section D. If an NES is being prepared for impacts to biological species, noxious weed management and invasive species would be addressed in the NES. An NES template is provided at:

http://www.dot.ca.gov/ser/vol1/sec3/natural/Ch14Bio/files/nas_10_4_05.doc

Sections 4(f) and 6(f)

20. Are there any historic sites or publicly owned public parks, recreation areas, wildlife or waterfowl refuges (Section 4(f)) within or immediately adjacent to the construction area?

Review right of way and parcel maps prior to conducting a site visit to determine property ownership. During the site visit note all land uses surrounding the project limits. If “No,” check the “No” box next to Question #20 in Section A of the PES Form. No further study is needed. In the “Preliminary Environmental Investigation Notes to Support the Conclusions of the PES” list all surrounding land uses. Attach Project Footprint Map.

If “Yes,” or “To Be Determined,” check the appropriate box next to question #20 in Section A of the PES Form. Further study will be required. Check Section 4(f) in Section B and write in specific Programmatic Section 4(f) Evaluation, if applicable. Consult with the DLAE and District SEP (or designee) to determine

whether a Programmatic Section 4(f) Evaluation, or an Individual Section 4(f) Evaluation is appropriate, or if the action constitutes a Temporary Occupancy, or qualifies for a de minimis finding. Programmatic and Individual Section 4(f) Evaluations shall be prepared.

Do not begin the Section 4(f) Evaluation until after the PES Form is fully signed. The consultant contract for the Evaluation shall be prepared in accordance with guidance and procedures set forth in the LAPM, Chapter 10, "Consultant Selection," provided at:

http://www.dot.ca.gov/hq/LocalPrograms/lam/prog_p/p10consult.pdf

Guidance on determining de minimis impacts to Section 4(f) properties, or on preparing an Individual Section 4(f), or one of the five (5) Programmatic Section 4(f) Evaluations:

- Parklands, Recreation Areas and Wildlife and Waterfowl Refuges
- Minor Involvement with Historic Sites
- Historic Bridges
- Bikeways and Walkways
- Projects that have a Net Benefit to Section 4(f) properties

Refer to SER, Chapter 20, Section 4(f) and Related Requirements, at:

<http://www.dot.ca.gov/ser/vol1/sec3/special/ch204f/chap20.htm>

21. Does the project have the potential to affect properties acquired or improved with Land and Water Conservation Fund Act (Section 6(f)) funds?

Review right of way and/or parcel maps prior to conducting a site visit to determine if there are any parks adjacent to, or that would be affected by the project. In order to determine whether Land and Water Conservation Fund (L&WCF) were involved in the acquisition or improvement of a 4(f) property, the park authority having jurisdiction over the property should be interviewed.

If "No," check the "No" box next to Question #21 in Section A of the PES Form. No further study is needed. In the "Preliminary Environmental Investigation Notes to Support the Conclusions of the PES Form" list all surrounding land uses. When one of the surrounding land uses is a park, identify ownership.

If "Yes," (*L&WCF funds were utilized for acquisition or improvement*), further study will be needed and all practical alternatives to the proposed conversion must be evaluated.

Check the "Yes," or "To Be Determined," box next to Question #21 in Section A of the PES Form. Check Section 6(f) in Section B, check coordination with Agency with Jurisdiction under Section C, and if the project will result in the conversion of the Section 6(f) property, check coordination with National Park Service (NPS) under Section C, and check Approves Conversion under Section D. The NPS Regional Office must concur that all environmental review requirements related to the proposed project have been met.

Section 6(f) study procedures are outlined in the SER, Chapter 20, provided at:

<http://www.dot.ca.gov/ser/vol1/sec3/special/ch204f/chap20.htm#consider>

Approval of a Section 6(f) conversion/replacement property shall be documented in the Section 4(f) Evaluation and Environmental Document.

Visual Resources

22. Does the project have the potential to affect any visual or scenic resources?

Refer to the Visual Impact Assessment (VIA) Guide in the SER, provided at:

<http://www.dot.ca.gov/ser/vol1/sec3/community/ch27via/VIAChecklistGuidefinal.doc>

Consider each of the ten (10) questions and select the response that most closely applies to the project in question. *Refer to Preliminary Design Information provided on the first page of the PES Form when answering questions.* Each response has a corresponding point value. After the checklist is completed the total

score will indicate the potential for impact and the level of detail needed to adequately address visual impacts in the PES Form.

Note: This scoring system should only be used as a preliminary guide and should not be used as a substitute for objective analysis on the part of the user. Although the collective score may direct the user toward a certain level of analysis, circumstances associated with any one of the ten question-areas may necessitate elevating the VIA to a greater level of detail.

Scores between 10-14 indicate a low potential for the project to affect a visual or scenic resource. If this is the case, check the “No” box next to Question #22 in Section A of the PES Form. No further study is needed. In the “Preliminary Environmental Investigation Notes to Support the Conclusions of the PES Form” briefly summarize the outcome of the ten (10) questions or attach a copy of the questions.

If “Yes,” or “To Be Determined,” check the appropriate box next to Question #22 in Section A of the PES Form and indicate under Section B of the PES Form whether a VIA Technical Memorandum or Discussion in the ED will be prepared. Refer to the scores from the ten (10) questions when determining which level of analysis is appropriate based on the potential for impact.

- Score 20-30 – potentially high adverse impacts, prepare VIA
- Score 15-19 – potential impacts, prepare abbreviated VIA
- Score 10-14 – little or no potential for impacts, prepare Technical Memorandum or Discussion in the ED.

When a VIA is needed, indicate Coordination with Caltrans in Section C of the PES Form, and Approval by Caltrans under Section D of the PES Form.

The VIA shall be prepared in accordance with guidance provided in the SER, Chapter 27, “Visual and Aesthetics Review,” at:

<http://www.dot.ca.gov/ser/vol1/sec3/community/ch27via/chap27via.htm#eval>

Keep in mind that the Administration has determined (23 CFR 771.135, Section 4[f] [49 U.S.C. 303]) that a Section 4(f) Constructive Use occurs when: (ii) The proximity of the proposed project substantially impairs aesthetic features or attributes of a resource protected by Section 4(f), where such features or attributes are considered important contributing elements to the value of the resource. Examples of substantial impairment to visual or aesthetic qualities would be the location of a proposed transportation facility in such proximity that it obstructs or eliminates the primary views of an architecturally significant historical building, or substantially detracts from the setting of a park or historic site which derives its value in substantial part due to its setting.

Relocation Impacts

23. Will the project require the relocation of residential or business properties?

Note: The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 provides important protections and assistance for people affected by federally funded projects. This law was enacted by Congress to ensure that people whose real property is acquired, or who move as a result of projects receiving federal funds, will be treated fairly and equitably and will receive assistance in moving from the property they occupy. Responsibility for the enforcement of this Act has been delegated to the FHWA and is carried out by the Office of Real Estate Services. Title 49: Transportation, Part 24—Uniform Relocation Assistance And Real Property Acquisition For Federal and Federally Assisted Programs, Section 24.205, Relocation Planning, Advisory Services and Coordination, requires that during the early stages of development, an agency shall plan federal and Federally Assisted Programs or projects in such a manner that recognizes the problems associated with the displacement of individuals, families, businesses, farms, and nonprofit organizations and develop solutions to minimize the adverse impacts of displacement. Such planning, where appropriate, shall precede any action by an agency which will cause displacement, and should be scoped to the complexity and nature of the anticipated displacing activity including an evaluation of program resources available to carry out timely and orderly relocations.

Will the project require the relocation of residential or business properties?

If “No,” check the “No” box next to Question #23 in Section A of the PES Form. No further study is needed.

If “Yes,” or “To Be Determined,” check the appropriate box next to Question #23 in Section A of the PES Form. Under Section B of the PES Form indicate whether a Relocation Impact Memo, Relocation Impact Study or Relocation Impact Report will be prepared. Consult with the DLAE and District SEP (or designee) when determining which level of analysis will be necessary based on the scope of the project. Indicate coordination with and approval by Caltrans under Section C and P of the PES Form.

The Relocation Impact Study or Report shall be prepared in accordance with guidance provided in the SER, Chapter 24, “Community Impacts,” at:

<http://www.dot.ca.gov/ser/vol1/sec3/community/ch24cia/chap24cia.htm#laws>

Land Use, Community and Farmland Impacts

24. Will the project require any right of way, including partial or full takes? Consider construction easements and utility relocations.

Note: As mentioned earlier, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 provides important protections for people whose real property is acquired as a result of projects receiving federal funds.

If “No,” check the “No” box next to Question #24 in Section A of the PES Form. Also check “No” next to Right of Way Acquisition under Preliminary Design Information on the first page of the PES Form.

In the “Preliminary Environmental Investigation Notes to Support the Conclusions of the PES Form” indicate that “all work (i.e., trenching, slope stabilization, etc.), if applicable, will occur within existing right of way” next to #23.

If “Yes,” or “To Be Determined,” check the appropriate box next to Question #24 in Section A of the PES Form. Further study will be needed. Indicate under Section B of the PES Form whether a Community Impact Assessment (CIA), Technical Memorandum, or Discussion in ED Only will be prepared. Consult with the DLAE and District SEP (or designee) when determining which level of analysis is appropriate based on scope of project and potential for impacts. Under Sections C & D of the PES Form indicate that coordination with and approval by Caltrans will be required.

On the first page of the PES Form, under Preliminary Design Information, check the “Yes” box next to Right of Way Acquisition and attach a map showing all affected APNs. On the “Preliminary Environmental Investigation Notes to Support the Conclusions of the PES Form” indicate the total acreage to be acquired and the purpose for the acquisition next to Question #23.

The Relocation Impact Study or Report shall be prepared in accordance with guidance provided in the SER, Chapter 24, “Community Impacts,” at:

<http://www.dot.ca.gov/ser/vol1/sec3/community/ch24cia/chap24cia.htm#laws>

Note: 23 CFR 771.111(h)(2)(iii) requires one or more public hearings or the opportunity for a public hearing for any federal-aid project which requires significant amounts of right of way, substantially changes the layout or functions of connecting roadways, or if the facility being improved has a substantial adverse impact on abutting properties.

25. Is the project inconsistent with plans and goals adopted by the community?

Note: NEPA requires that when a proposed federal action, normally classified as a CE, involves an unusual circumstance, such as “...likely to cause substantial division or disruption of an established community, disrupt orderly and planned development, or is likely to be not reasonably consistent with plans or goals that have been adopted by the community...,” the project shall be the subject of an EA or EIS.

Check comprehensive development plan, general plan and/or community plan and goals adopted by the community. Is project inconsistent?

If “No,” check the “No” box next to Question #25 in Section A of the PES Form. No further study is needed. In the “Preliminary Environmental Investigation Notes to Support the Conclusions of the PES Form” indicate steps taken to ensure consistency with local plans.

If “Yes,” or “To Be Determined,” check the appropriate box next to Question #25 in Section A of the PES Form. Additional study will be needed. Under Section B, Land Use and Community Impacts, indicate whether a CIA, Technical Memorandum, or Discussion in ED Only will be prepared. Consult with the DLAE and District SEP (or designee) when determining which level of analysis will be necessary based on the scope of the project and potential for impact.

The CIA shall be undertaken in accordance with guidance provided in the SER, Chapter 24, “Community Impacts,” at:

<http://www.dot.ca.gov/ser/vol1/sec3/community/ch24cia/chap24cia.htm#laws>

26. Does the project have the potential to divide or disrupt neighborhoods/communities?

Note: The U.S. DOT Order clarifies and reinforces Title VI responsibilities as well as addresses effects on low-income populations. The goal of the U.S. DOT Order is to ensure that programs, policies, and other activities do not have a disproportionately high and adverse effect on minority or low-income populations. This goal is to be achieved, in part, by implementing both Title VI and NEPA during the development and implementation of transportation activities. All reasonably foreseeable adverse social, economic, and environmental effects on minority populations and low-income populations must be identified and addressed. As defined in the Appendix of the DOT Order, adverse effects include, but are not limited to the “destruction or disruption of community cohesion or a community's economic vitality.”

Consult demographic data (i.e., age, ethnicity, and income) from most recent census, consider:

- sense of neighborhood and community cohesion relative to project
- community resources (parks, churches, shopping, schools, emergency services, libraries) travel patterns
- types of housing and businesses
- employment and tax base

Does the project have the potential to divide or disrupt neighborhoods?

If “No,” check the “No” box next to Question #26 in Section A of the PES Form. No further study is needed. In the “Preliminary Environmental Investigation Notes to Support the Conclusions of the PES Form” briefly describe the steps taken to support a “No” answer and briefly describe surrounding land uses.

If “Yes,” or “To Be Determined,” check the appropriate box next to Question #26 in Section A of the PES Form. Additional study will be needed. Under Section B, Land Use and Community Impacts, indicate whether a CIA, Technical Memorandum, or Discussion in ED Only will be prepared. Consult with the DLAE and District SEP (or designee) when determining the most appropriate level of analysis based on the scope of the project and potential for impact.

The CIA shall be undertaken in accordance with guidance provided in the SER, Chapter 24, Community Impacts, at:

<http://www.dot.ca.gov/ser/vol1/sec3/community/ch24cia/chap24cia.htm#laws>

27. Does the project have the potential to disproportionately affect low-income or minority populations?

Note: The U.S. DOT Order clarifies and reinforces Title VI responsibilities as well as addresses effects on low-income populations. The goal of the U.S. DOT Order is to ensure that programs, policies, and other activities do not have a disproportionately high and adverse effect on minority or low-income populations. This goal is to be achieved, in part, by implementing both Title VI and NEPA during the development and implementation of transportation activities. When the project will affect a Minority or Low-Income

Instructions for Completing the Preliminary Environmental Study (PES) Form

Community, Presidential E.O. 12898 (on Environmental Justice) requires federal agencies to assure that their actions do not result in disproportionate adverse environmental impacts on minority or low-income populations.

Check the Census to see which census tracts the project goes through and see if they are identified as “minority” or “low-income”.

If the project does not go through “minority” or “low-income” census tracts, no further study will be needed. Check the “No” box next to Question #27 in Section A of the PES Form. In the “Preliminary Environmental Investigation Notes to Support the Conclusions of the PES Form” state the date of the Census consulted.

If the project does go through “minority” or “low-income” census tracts, then further study may be required. Check the “Yes” or “To Be Determined” box next to Question #27 in Section A of the PES Form and consult with the DLAE and District SEP (or designee) to determine the appropriate level of analysis needed based on the scope of the project and the potential for impact. Under Sections C and D of the PES Form, indicate that coordination with Caltrans and approval by Caltrans is required.

The CIA shall be undertaken in accordance with guidance provided in the SER, Chapter 24, “Community Impacts,” at:

<http://www.dot.ca.gov/ser/vol1/sec3/community/ch24cia/chap24cia.htm#laws>

28. Will the project require the relocation of public utilities?

Note: Relocation of public utilities can disrupt public services to an established community. NEPA requires consideration of impacts associated with disruption of established communities. Additionally, the LAPM, Chapter 14, “Utility Relocations,” requires that the E-76 include a list of every utility facility anticipated to be adjusted along with the utility company name and best available estimate of the total local agency costs involved.

Review public services and utilities presently available to the project area and determine whether relocation will be necessary.

If “No,” check the “No” box next to Question #28 in Section A of the PES Form. If “Yes,” or “To Be Determined,” check the appropriate box next to Question #28 in Section A of the PES Form. Under Section B indicate whether a CIA, Technical Memorandum or Discussion in ED Only will be prepared. Consult with the DLAE and District SEP (or designee) when determining the appropriate level of analysis based on the scope of the project and the potential for impact. Under Sections C and D of the PES Form, indicate that coordination with Caltrans and approval by Caltrans is required.

The CIA shall be undertaken in accordance with guidance provided in the SER, Chapter 24, “Community Impacts,” at:

<http://www.dot.ca.gov/ser/vol1/sec3/community/ch24cia/chap24cia.htm#laws>

29. Will the project affect access to properties or roadways?

Note: 23 CFR 771.111(h)(2)(iii) requires consideration of potential impacts associated with any federal-aid project which substantially changes the layout or functions of connecting roadways or of the facility being improved, or has a substantial adverse impact on abutting properties. One or more public hearings of the opportunity for a public hearing may be required when substantial adverse impacts result.

If “No,” check the “No” box next to Question #29 in Section A of the PES Form. No further study will be needed. In the “Preliminary Environmental Investigation Notes to Support the Conclusions of the PES Form,” briefly list adjacent land uses and proposed access to those land uses during project construction.

If “Yes,” or “To Be Determined,” check the appropriate box next to Question #29 in Section A of the PES Form. Under Section B, indicate whether a CIA, Technical Memorandum or Discussion in ED Only will be prepared. Consult with the DLAE and District SEP (or designee) when determining the appropriate level of

analysis based on the scope of the project and the potential for impact. Under Sections C and D of the PES Form, indicate that coordination with Caltrans and approval by Caltrans is required.

The CIA shall be undertaken in accordance with guidance provided in the SER, Chapter 24, “Community Impacts,” at: <http://www.dot.ca.gov/ser/vol1/sec3/community/ch24cia/chap24cia.htm#laws>

*Keep in mind that the Administration has determined (23 CFR 771.135, Section 4[f][49 U.S.C. 303]) that a Section 4(f) Constructive Use occurs when: (iii) the project results in a **restriction on access**, which substantially diminishes the utility of a significant publicly owned park, recreation area, or a historic site.*

30. Will the project involve changes in access control to the State Highway System?

Note: 23 CFR 771.117 includes in the definition of an “Action” activities such as joint and multiple use permits and changes in access control which may or may not involve a commitment of federal funds.

A change in access control can come about from either:

- New connection to mainline freeway lanes.
- Addition of entrance or exit ramps that complete basic existing interchange.
- Major reconstruction where existing interchanges are being modified and/or dislocated ramps are being added or deleted.
- Removal of existing connection points.

Where the change in access control occurs on an interstate, FHWA concept approval will be needed. Where the change in access control occurs on a non-interstate, no FHWA involvement is needed.

If the project will not involve a change in access control to the SHS, check the “No” box next to Question #30 in Section A of the PES Form. No further study is needed. Briefly discuss project’s location relative to the SHS in the “Preliminary Environmental Investigation Notes to Support the Conclusions of the PES Form.” Include a Vicinity Map to showing the project’s relationship to the SHS.

If the project will involve a change in access control, check the “Yes” or “To Be Determined” box next to Question #30 as appropriate in Section A of the PES Form and consult the DLAE regarding the process for obtaining FHWA concept approval.

31. Will the project involve the use of a temporary road, detour, or ramp closure?

If “No,” check the “No” box next to Question #31 in Section A of the PES Form. No further study is needed.

If “Yes,” or “To Be Determined,” check the appropriate box next to Question #31 in Section A of the PES Form. Additional study will be needed to determine whether:

- Provisions have been made for access by local traffic.
- Through-traffic dependent business will be adversely affected.
- The detour or ramp closure will interfere with a local special event or festival.
- The temporary road, detour or ramp closure will substantially change the environmental consequences of the action.
- There is a substantial controversy associated with the temporary road, detour or ramp closure.

Under Section B of the PES Form, indicate whether a CIA, Technical Memorandum or Discussion in ED Only will be prepared. Consult with the DLAE and District SEP (or designee) when determining the appropriate level of analysis based on the scope of the project and the potential for impact. Under Sections C and D of the PES Form indicate that coordination with Caltrans and approval by Caltrans is required.

The CIA shall be undertaken in accordance with guidance provided in the SER, Chapter 24, “Community Impacts,” at:

<http://www.dot.ca.gov/ser/vol1/sec3/community/ch24cia/chap24cia.htm#laws>

Instructions for Completing the Preliminary Environmental Study (PES) Form

Keep in mind that the Administration has determined (23 Section 4[f] [49 U.S.C. 303]) that a Section 4(f) Constructive Use occurs when: (iii) the project results in a restriction on access which substantially diminishes the utility of a significant publicly owned park, recreation area, or a historic site.

32. Will the project reduce available parking?

If “No,” check the “No” box next to Question #32 in Section A of the PES Form. In the “Preliminary Environmental Investigation Notes to Support the Conclusions of the PES Form” briefly describe parking within the construction area and quantify the number of parking spaces that will be temporarily impacted during project construction. Delineate location of parking spaces on Project Footprint Map.

If “Yes,” or “To Be Determined,” check the appropriate box next to Question #32 in Section A of the PES Form. Further study will be required. Under Section B of the PES Form, indicate whether a CIA, Technical Memorandum or Discussion in ED Only will be prepared. Consult with the DLAE and District SEP (or designee) when determining the appropriate level of analysis based on the scope of the project and the potential for impact. Under Sections C and D of the PES Form, indicate that coordination with Caltrans and approval by Caltrans is required.

The CIA shall be undertaken in accordance with guidance provided in the SER, Chapter 24, “Community Impacts,” at:

<http://www.dot.ca.gov/ser/vol1/sec3/community/ch24cia/chap24cia.htm#laws> Section 4-6.7 of the *Environmental Handbook Volume 4*, “Community Impact Assessment” provides guidance on Parking Impacts at: <http://www.dot.ca.gov/ser/vol4/envhb4.pdf>

33. Will the project construction encroach on state or federal lands?

If “No,” check the “No” box next to Question #33 in Section A of the PES Form.

If “Yes,” or “To Be Determined,” check the appropriate box next to Question #33 in Section A of the PES Form. For Construction/Encroachments on State Lands, check the box next to State Lands under Section B of the PES Form and indicate the agency with jurisdiction (i.e., SLC, Caltrans, or SP), check coordination with the respective agency under Section C, and mark the appropriate box under Section D indicating the action that the agency will take.

For Construction/Encroachments on Federal Lands, check the box next to Federal Lands under Section B of the PES Form. Under Section C, check the box next to Federal Agency with Jurisdiction, indicating the need for ongoing coordination throughout the NEPA process. Under Section D check the box beside Encroachment Permits, indicating the action the federal agency with jurisdiction will take.

Note: Early and continued coordination with other agencies is crucial for smoothing the process of completing projects in a timely and efficient manner. Chapter 16 of the FHWA, Office of Real Estate Services Project Development Guide, provides guidance on coordination with other state and federal agencies. The guide is provided at:

<http://www.fhwa.dot.gov/realestate/coordnt.pdf>

34. Will the project convert any farmland to a different use or impact any farmlands?

Consult maps provided at: http://www.consrv.ca.gov/DLRP/fmmp/pubs/Order%20Form_1-4-07.pdf

If “No,” check the “No” box next to Question #34 in Section A of the PES Form. No further study will be needed. List surrounding land uses in the “Preliminary Environmental Investigation Notes to Support the Conclusions of the PES Form” or attach field notes from site visit, indicating surrounding land uses (i.e., farmlands).

If “Yes,” or “To Be Determined,” check the appropriate box next to Question #34 in Section A of the PES Form. Further study will be required. Check the appropriate study to be undertaken (i.e., CIA, Technical Memorandum, Discussion in ED Only, Form AD 1006). Consult with the DLAE and District SEP (or designee) when determining the appropriate level of analysis.

No technical reports are mandated by state or federal law concerning farmlands. However, it may be appropriate to prepare a separate CIA if any farmland will be affected by the proposed project. Guidance on preparing the farmland section of a CIA is provided at:

<http://www.dot.ca.gov/ser/vol1/sec3/community/ch23farm/chap23farm.htm>. Otherwise, a Technical Memorandum and/or Discussion in the ED Only addressing the following should suffice: (1) Identification of impacts on agricultural lands and on prime or unique farmland in the project area; (2) Form AD-1006 evaluation, if appropriate; (3) Evidence of coordination with USDA and/or California Department of Conservation (CDOC), as appropriate; and (4) Identification of possible mitigation measures for significant impacts. Under Section C of the PES Form check coordination with Caltrans, NRCS or CDOC and under Section D check action the respective agency will take.

Local agency should complete Parts I and III of U.S. Department of Agriculture [Form AD 1006](#), “Farmland Conversion Impact Rating,” and submit it with maps showing location of alternatives to the appropriate Natural Resources Conservation Service field office for verification of prime and unique farmlands.

Are lands subject to the Farmland Protection Policy Act? If “No,” no further study will be required. If “Yes,” any conversions to non-agricultural use will require coordination with the ACOE. Check coordination with ACOE under Section C of the PES Form. Document results of the Form AD 1006 in the “Preliminary Environmental Investigation Notes to Support the Conclusions of the PES Form.”

Note: Regarding the Farmland Conversion Impact Rating Form (AD-1006), sites with the highest combined scores are regarded as most suitable for protection and sites with the lowest scores, least suitable. Sites receiving a total score of less than 160 need not be given further consideration for protection and no additional sites need to be evaluated. Sites receiving scores totaling 160 or more shall be given increasingly higher levels of consideration for protection.

Cultural Resources

35. Is there National Register listed or potentially eligible historic properties or archaeological resources within or immediately adjacent to the construction area?

All federal-aid transportation projects require screening by a District Professionally Qualified Staff (PQS) in order to satisfy the requirements of Section 106 Programmatic Agreement, which became effective on January 1, 2004.

For this reason, there is no need for local agencies to undertake any research on the potential presence of historic or cultural resources unless advised to do so by the District PQS. A completed PES Form (including a detailed Project Description, Preliminary Design Information and Sections A and B) is needed by the PQS in order to perform the Section 106 screening.

The District PQS will indicate on the PES Form whether a record search, an APE map or technical studies are needed. The local agency should not initiate cultural studies until such time that the District PQS has determined the appropriate study areas for archaeology and historic architecture. The APE must be finalized and signed by the DLAE and District PQS prior to the completion and submittal of the Section 106 documentation. The local agency should request the DLAE to schedule an Early Coordination Meeting to discuss required format and content of required cultural reports.

36. Is the project adjacent to, or would it encroach on Tribal Land?

Note: In accordance with the 6004 MOU and Section 106 PA, the FHWA reserves any responsibility for all government-to-government consultation with Indian tribes as defined in 36 CFR 800.16(m). However, notice from the State to an Indian tribe advising the tribe of a proposed activity is not considered “government-to-government consultation” within the meaning of this MOU.

If the State adequately resolves any project-specific tribal issues or concerns, then the FHWA’s role in the environmental process shall be limited to carrying out any government-to-government consultation process, if needed.

If “No,” check the “No” box next to Question #36 in Section A of the PES Form. No further coordination is needed.

If “Yes,” or “To Be Determined,” check the appropriate box next to Question #36 in Section A of the PES Form and consult with the DLAE, District SEP (or designee) and District PQS on the most current procedures/guidance pertaining to encroachments on Tribal Land. Provide to the FHWA any information necessary in order for the FHWA to carry out its consultation, evaluation, or decision-making activities stipulated in the 6004 MOU, Section II(B)(1).

Sections B, C, & D

Section B: Section C: Section D: Check action, approval or permit coordinating agency will provide.

B. Required Technical Studies and Analyses

Local agency considers the results of the preliminary environmental investigation and the responses to the questions under Section A of the PES Form. Additional technical studies or documentation will be necessary for each “Yes” or “To Be Determined” response in Section A. Consult with the DLAE and District SEP (or designee) when determining the appropriate level of analysis under Section B.

C. Coordination

Local agency checks appropriate Coordinating Agency for each required study.

D. Anticipated Actions/Permits/Approvals

The local agency checks action, approval or permit needed. Note that a list of permits is provided at the bottom of Section D. The permit issuing agency will be the Coordinating Agency (in Section C) listed adjacent to the permit (in Section D). Consult the [California Permit Handbook](#).

E. Preliminary Environmental Document Classification (for NEPA)

Based on the answers provided in Section A through D of the PES Form, the local agency makes a preliminary recommendation as to the appropriate NEPA class of action.

Environmental Impact Statement: When the action has the potential to significantly affect the environment an EIS should be prepared. Examples of actions that normally require an EIS include:

- a new controlled access freeway
- a highway project of four or more lanes on a new location
- new construction or extension of fixed rail transit facilities
- new construction or extension of a separate roadway for buses or high occupancy vehicles not located within an existing highway facility

Complex Environmental Assessment: An action involving one or more of the following should be classified as a Complex EA:

- multiple location alternatives
- debate related to purpose and need
- strong public controversy
- issues of logical termini or independent utility
- individual Section 4(f) determinations
- complex Endangered Species Act issues
- numerous cumulative impacts
- high mitigation costs

Routine Environmental Assessment: An action that cannot be classified as a CE and yet it does not clearly require preparation of an EIS, or an action in which the significance of the environmental impact is not clearly established.

Categorical Exclusion with or without required technical studies: Review the list of activities provided at 23 CFR 771 (c), 23 CFR 771 (d) and Appendix A of the Section 6004 MOU to find the activity most closely resembling the project. Place a check mark next to the list that contains the similar activity and indicate the specific activity number.

Section 6005

The Section 6005 Pilot Program MOU, in addition to assigning Caltrans the authority to approve EISs and EAs, also assigned Caltrans approval of those CE activities not covered under the provisions of the Section 6004 MOU. The District SEP will ultimately determine the applicable MOU under which the CE determination shall be made.

Public Hearing and Public Availability

Local agency indicates whether a Public Hearing or Public Availability may be required. When determining whether a public hearing is necessary, note that all draft EISs require a public hearing, and NEPA requires a public hearing on EDs when there is:

- Substantial environmental controversy concerning the proposed action.
- Substantial interest in holding a hearing.
- A request for hearing by another agency with jurisdiction over the action.

Public Involvement for other federal environmental processes includes:

- Section 106 - notification to potentially interested parties if the project will affect a historic property
- E.O. 11990 (Wetlands) - a public notice, if the project will affect a wetland
- E.O. 11998 (Floodplain) - a public notice, if the project involves a of floodplain encroachment
- E.O. 12898 (Environmental Justice) - a public notice, if the project will adversely affect a minority or low-income community

G. Signatures:

Local Agency Staff and/or Consultant Signature: This is the name and telephone number of the person that performed the preliminary environmental investigation and completed the PES Form.

Local Agency Project Engineer Signature: This is the name of the local agency representative (typically the person having responsible charge for the project, i.e., Public Works Director or City Engineer). They sign the PES Form when they are satisfied that the form and all supporting documentation is “complete and sufficient.”

Caltrans District Professionally Qualified Staff (PQS) Signature: The District PQS will indicate the results of their screening in the PQS signature block of the PES Form, indicate appropriate response to Question 35 under Section B of the PES Form, complete Sections C, D, and E, (regarding Section 106), and sign the PES Form for all projects.

Caltrans District Senior Environmental Planner (or Designee) and DLAE (or Designee) Signatures: A Caltrans District Environmental signature is required on the PES Forms for all projects. Their signature means the submittal is complete and sufficient and that they concur with the studies to be performed and the recommended NEPA Class of Action. The DLAE or designee must also sign all PES Forms when they are satisfied that the form and supporting documentation are complete and sufficient, and when they concur with the studies to be performed and the recommended NEPA Class of Action.

Headquarters Environmental Coordinator Signature: The Headquarters (HQ) DEA (Regional) Environmental Coordinator concurrence is a required attachment to the PES Form when the recommended NEPA Class of Action is an EA or an EIS. The HQ DEA Environmental Coordinator concurrence means that

they have reviewed the PES Form and concur with the recommended NEPA Class of Action. The HQ DEA Environmental Coordinator will concur via e-mail to the District SEP (or designee), who shall attach the e-mail to the PES Form and check the box below and enter the date of concurrence on the PES Form.

Distribution: The original signed PES Form and appropriate guidance memo shall be maintained in the DLAE's project file. A copy of the signed PES Form shall be retained by the Local Agency Project Manager, and the District SEP (or designee). Additional copies of the PES Form may be retained by the District SEP (or designee) and the District PQS.

Updated: 05/15/08

EXHIBIT 6-C TABLE 2 -EXEMPT PROJECTS**CODE OF FEDERAL REGULATIONS****TITLE 40 -- PROTECTION OF ENVIRONMENT***§ 93.126 Exempt projects.*

Notwithstanding the other requirements of this subpart, highway and transit projects of the types listed in Table 2 of this section are exempt from the requirement to determine conformity. Such projects may proceed toward implementation even in the absence of a conforming transportation plan and TIP. A particular action of the type listed in Table 2 of this section is not exempt if the MPO in consultation with other agencies (see § 93.105(c)(1)(iii)), the EPA, and the FHWA (in the case of a highway project) or the FTA (in the case of a transit project) concur that it has potentially adverse emissions impacts for any reason. States and MPOs must ensure that exempt projects do not interfere with TCM implementation. Table 2 follows:

TABLE 2. -- EXEMPT PROJECTS**SAFETY**

Railroad/highway crossing.
 Hazard elimination program.
 Safer non-Federal-aid system roads.
 Shoulder improvements.
 Increasing sight distance.
 Safety improvement program.
 Traffic control devices and operating assistance other than signalization projects.
 Railroad/highway crossing warning devices.
 Guardrails, median barriers, crash cushions.
 Pavement resurfacing and/r rehabilitation.
 Pavement marking demonstration.
 Emergency relief (23 U.S.C. 125).
 Fencing.
 Skid treatments.
 Safety roadside rest areas.
 Adding medians.
 Truck climbing lanes outside the urbanized area.
 Lighting improvements.
 Widening narrow pavements or reconstructing bridges (no additional travel lanes).
 Emergency truck pullovers.

MASS TRANSIT

Operating assistance to transit agencies.
 Purchase of support vehicles.
 Rehabilitation of transit vehicles fn1.
 Purchase of office, shop, and operating equipment for existing facilities.
 Purchase of operating equipment for vehicles (e.g., radios, fareboxes, lifts, etc.).
 Construction or renovation of power, signal, and communications systems.
 Construction of small passenger shelters and information kiosks.

Reconstruction or renovation of transit buildings and structures (e.g., rail or bus buildings, storage and maintenance facilities, stations, terminals, and ancillary structures).
Rehabilitation or reconstruction of track structures, track, and trackbed in existing rights of way.
Purchase of new buses and rail cars to replace existing vehicles or for minor expansions of the fleet **fn1**.
Construction of new bus or rail storage/maintenance facilities categorically excluded in 23 CFR Part 771.

Air Quality

Continuation of ride-sharing and van-pooling promotion activities at current levels.
Bicycle and pedestrian facilities.

Other

Specific activities which do not involve or lead directly to construction, such as:
 Planning and technical studies.
 Grants for training and research programs.
 Planning activities conducted pursuant to titles 23 and 49 U.S.C.
 Federal-aid systems revisions.
Engineering to assess social, economic, and environmental effects of the proposed action or alternatives to that action.
Noise attenuation.
Emergency or hardship advance land acquisitions (23 CFR 710.503).
Acquisition of scenic easements.
Plantings, landscaping, etc.
Sign removal.
Directional and informational signs.
Transportation enhancement activities (except rehabilitation and operation of historic transportation buildings, structures, or facilities).
Repair of damage caused by natural disasters, civil unrest, or terrorist acts, except projects involving substantial functional, locational or capacity changes.

fn1 In PM [10] nonattainment or maintenance areas, such projects are exempt only if they are in compliance with control measures in the applicable implementation plan.

[58 FR 62246, Nov. 24, 1993; 62 FR 43780, 43816, Aug. 15, 1997; 69 FR 40004, 40081, July 1, 2004]

[EFFECTIVE DATE NOTE: 69 FR 40004, 40081, July 1, 2004, amended Table 2, effective Aug. 2, 2004.]

EXHIBIT 6-D TABLE 3 - EXEMPT PROJECTS

[Code of Federal Regulations]
[Title 40, Volume 19]
[Revised as of July 1, 2004]
From the U.S. Government Printing Office via GPO Access
[CITE: 40CFR93.127]

[Page 583]

TITLE 40--PROTECTION OF ENVIRONMENT**CHAPTER I--ENVIRONMENTAL PROTECTION AGENCY (CONTINUED)****PART 93 _DETERMINING CONFORMITY OF FEDERAL ACTIONS TO STATE OR FEDERAL IMPLEMENTATION PLANS--Table of Contents****Subpart A _Conformity to State or Federal Implementation Plans of****Sec. 93.127 Projects exempt from regional emissions analyses.**

Notwithstanding the other requirements of this subpart, highway and transit projects of the types listed in Table 3 of this section are exempt from regional emissions analysis requirements. The local effects of these projects with respect to CO or PM10 concentrations must be considered to determine if a hot-spot analysis is required prior to making a project-level conformity determination. These projects may then proceed to the project development process even in the absence of a conforming transportation plan and TIP. A particular action of the type listed in Table 3 of this section is not exempt from regional emissions analysis if the MPO in consultation with other agencies (see Sec. 93.105(c)(1)(iii)), the EPA, and the FHWA (in the case of a highway project) or the FTA (in the case of a transit project) concur that it has potential regional impacts for any reason. Table 3 follows:

Table 3--Projects Exempt From Regional Emissions Analyses

Intersection channelization projects.
Intersection signalization projects at individual intersections.
Interchange reconfiguration projects.
Changes in vertical and horizontal alignment.
Truck size and weight inspection stations.
Bus terminals and transfer points.

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EXHIBIT 6-E.- CATEGORICAL EXCLUSION CHECKLIST

District/Co/Route/P.M.	Fed.-Aid No.:	EA:
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1. Project is a CE under Section 6004 of 23 U.S.C. 326 Yes ☐ No ☐ If "yes," check applicable activity below.

Activity Listed in 23 CFR 771.117(c)			
<input type="checkbox"/> 1	Activities which do not involve or lead directly to construction.	<input type="checkbox"/> 11	Determination of payback under 23 CFR part 480 for property previously acquired with federal-aid participation.
<input type="checkbox"/> 2	Utility installations along or across a transportation facility.	<input type="checkbox"/> 12	Improvements to existing rest areas and truck weigh stations.
<input type="checkbox"/> 3	Bicycle and pedestrian lanes, paths, and facilities.	<input type="checkbox"/> 13	Ridesharing activities.
<input type="checkbox"/> 4	Activities included in the State's <i>highway safety plan</i> under 23 U.S.C. 402 .	<input type="checkbox"/> 14	Bus and rail car rehabilitation.
<input type="checkbox"/> 5	Transfer of Federal lands pursuant to 23 U.S.C. 317 when the subsequent action is not an FHWA action.	<input type="checkbox"/> 15	Alterations to facilities or vehicles in order to make them accessible for elderly and handicapped persons.
<input type="checkbox"/> 6	Installation of noise barriers or alterations to existing publicly owned buildings to provide for noise reduction.	<input type="checkbox"/> 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.
<input type="checkbox"/> 7	Landscaping.	<input type="checkbox"/> 17	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.
<input type="checkbox"/> 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.	<input type="checkbox"/> 18	Track and railbed maintenance and improvements when carried out within the existing right of way.
<input type="checkbox"/> 9	Emergency repairs under 23 U.S.C. 125 .	<input type="checkbox"/> 19	Purchase and installation of operating or maintenance equipment to be located within the transit facility and with no significant impacts off the site.
<input type="checkbox"/> 10	Acquisition of scenic easements.	<input type="checkbox"/> 20	Promulgation of rules, regulations, and directives.

Activity Listed in Examples in 23 CFR 771.117(d)			
<input type="checkbox"/>	1	Modernization of a highway by resurfacing, restoration, rehabilitation, reconstruction, adding shoulders, or adding auxiliary lanes (e.g., parking, weaving, turning, climbing).	<input type="checkbox"/>
<input type="checkbox"/>	2	Highway safety or traffic operations improvement projects including the installation of ramp metering control devices and lighting.	<input type="checkbox"/>
<input type="checkbox"/>	3	Bridge rehabilitation, reconstruction or replacement or the construction of grade separation to replace existing at-grade railroad crossings.	<input type="checkbox"/>
<input type="checkbox"/>	4	Transportation corridor fringe parking facilities.	<input type="checkbox"/>
<input type="checkbox"/>	5	Construction of new truck weigh stations or rest areas.	<input type="checkbox"/>
<input type="checkbox"/>	6	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.	<input type="checkbox"/>
<input type="checkbox"/>	7	Approvals for changes in access control.	<input type="checkbox"/>
<input type="checkbox"/>	8	Construction of new bus storage and maintenance facilities in areas used predominantly for industrial or transportation purposes, not inconsistent with existing zoning and located on or near a street with adequate capacity to handle anticipated bus and support vehicle traffic.	<input type="checkbox"/>
<input type="checkbox"/>	9	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.	<input type="checkbox"/>
<input type="checkbox"/>	10	Construction of bus transfer facilities when located in a commercial area or other high activity center in which there is adequate street capacity for projected bus traffic.	<input type="checkbox"/>
<input type="checkbox"/>	11	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.	<input type="checkbox"/>
<input type="checkbox"/>	12	Acquisition of land for hardship or protective purposes; advance land acquisition loans under section 3(b) of the UMT Act .	<input type="checkbox"/>

Activity Listed in Appendix A of the MOU for State Assumption of Responsibilities for Categorical Exclusions			
<input type="checkbox"/>	1	Construction, modification, or repair of storm water treatment devices, protection measures such as slope stabilization, and other erosion control measures.	<input type="checkbox"/>
<input type="checkbox"/>	2	Replacement, modification, or repair of culverts or other drainage facilities.	<input type="checkbox"/>
<input type="checkbox"/>	3	Projects undertaken to assure the creation, maintenance, restoration, enhancement, or protection of habitat for fish, plants, or wildlife.	<input type="checkbox"/>
<input type="checkbox"/>	4	Routine repair of facilities due to storm damage, including permanent repair to return the facility to operational condition that meets current standards of design and public health and safety without expanding capacity (e.g., slide repairs, construction or repair of retaining walls).	<input type="checkbox"/>
<input type="checkbox"/>	5	Routine seismic retrofit of facilities to meet current seismic standards and public health and safety standards without expansion of capacity.	<input type="checkbox"/>
<input type="checkbox"/>	6	Air space leases that are subject to Subpart D, Part 710, Title 23, Code of Federal Regulations .	<input type="checkbox"/>
<input type="checkbox"/>	7	Drilling of test bores/soil sampling to provide information for preliminary design and for environmental analyses and permitting purposes.	<input type="checkbox"/>

2. Project is a CE for a highway project under [Section 6005 of 23 U.S.C. 327](#). Yes ☐ No ☐ (Use only if project does not qualify under [Section 6004](#).)

3. Unusual Circumstances (23 CFR 771.117[b]). Project does not include any:

<input type="checkbox"/>	Significant environmental impacts.
<input type="checkbox"/>	Substantial controversy on environmental grounds.
<input type="checkbox"/>	Significant impact on properties protected by Section 4(f) of the DOT Act or Section 106 of the National Historic Preservation Act.
<input type="checkbox"/>	Inconsistencies with any federal, state, or local law, requirement or administrative determination relating to the environmental aspects of the action.

4. Air Quality. (SER Chapter 38)

A. Air Quality Checklist is complete and project meets all applicable air quality requirements. ☐

Identify who completed the Air Quality Checklist and the date it was completed.

B. Project is exempt from regional air quality conformity. (40 CFR 93.127, Table 3) Yes ☐ No ☐

If "no", list the current RTP and RTIP including dates and page numbers that contain the project.

C. For Section 6005 CE, FHWA determination of air quality conformity is complete. ☐

Provide name of FHWA contact and date of determination letter here:

Attach FHWA conformity determination letter.

5. Project complies with all other federal environmental laws, regulations, and executive orders on the PES form.

Environmental Statutory or Regulatory Compliance	Does Project Trigger Statute or Regulation?	Date and type of Technical Study or Memo to File or Field Survey	Outcome of Agency Coordination (Concurrence Type and Date)	Notes, Documentation Reference &/or Explanation
Historic Preservation (Section 106)	Yes <input type="checkbox"/> No <input type="checkbox"/>			
Executive Order on Floodplains	Yes <input type="checkbox"/> No <input type="checkbox"/>			
Wetland Protection	Yes <input type="checkbox"/> No <input type="checkbox"/>			
Coastal Zone	Yes <input type="checkbox"/> No <input type="checkbox"/>			
Wild and Scenic Rivers	Yes <input type="checkbox"/> No <input type="checkbox"/>			
Farmland Protection	Yes <input type="checkbox"/> No <input type="checkbox"/>			
Noise (23 CFR 772)	Yes <input type="checkbox"/> No <input type="checkbox"/>			
Hazardous Waste/Material	Yes <input type="checkbox"/> No <input type="checkbox"/>			
Environmental Justice	Yes <input type="checkbox"/> No <input type="checkbox"/>			
Project-Level Air Quality (CO, PM Hot spot and MSAT)	Yes <input type="checkbox"/> No <input type="checkbox"/>			
Water Quality	Yes <input type="checkbox"/> No <input type="checkbox"/>			
Relocation	Yes <input type="checkbox"/> No <input type="checkbox"/>			
Land Use	Yes <input type="checkbox"/> No <input type="checkbox"/>			
Other (i.e., Visual)	Yes <input type="checkbox"/> No <input type="checkbox"/>			

Environmental Statutory or Regulatory Compliance	Does Project Trigger Statute or Regulation?	Date and type of Technical Study or Memo to File or Field Survey	Outcome of Agency Coordination (Concurrence Type and Date)	Notes, Documentation Reference &/or Explanation
Section 4(f) (23 CFR 774) <input type="checkbox"/> De.minimis <input type="checkbox"/> Programmatic _____(type) <input type="checkbox"/> Individual. Legal sufficiency complete: Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>			
Section 6(f) <input type="checkbox"/> De.minimis <input type="checkbox"/> Programmatic _____(type) <input type="checkbox"/> Individual. Legal sufficiency complete: Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>			
Endangered Species (Section 7 FESA) Effect Determination: <input type="checkbox"/> No effect <input type="checkbox"/> Not likely to adversely affect <input type="checkbox"/> Likely to adversely affect	Yes <input type="checkbox"/> No <input type="checkbox"/>			
Essential Fish Habitat (Section 7 FESA) Effect Determination				

Prepared by: _____ Date: _____

LPP 08-02 Page 6-113
May 30, 2008

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EXHIBIT 6-F CATEGORICAL EXEMPTION/CATEGORICAL EXCLUSION DETERMINATION FORM

Revised September 6, 2007

Dist.-Co.-Rte. (or Local Agency) P.M/P.M. E.A. (State project) Federal-Aid Project No. (Local project)/ Proj. No.

PROJECT DESCRIPTION: (Briefly describe project, purpose, location, limits, right of way requirements, and activities involved.)

Enter project description in this text box. Use Continuation Sheet, if necessary.

CEQA COMPLIANCE *(for State Projects only)*

Based on an examination of this proposal, supporting information, and the following statements (See 14 CCR 15300 et seq.):

- If this project falls within exempt class 3, 4, 5, 6 or 11, it does not impact an environmental resource of hazardous or critical concern where designated, precisely mapped and officially adopted pursuant to law.
- There will not be a significant cumulative effect by this project and successive projects of the same type in the same place, over time.
- There is not a reasonable possibility that the project will have a significant effect on the environment due to unusual circumstances.
- This project does not damage a scenic resource within an officially designated state scenic highway.
- This project is not located on a site included on any list compiled pursuant to Govt. Code § 65962.5 ("Cortese List").
- This project does not cause a substantial adverse change in the significance of a historical resource.

CALTRANS CEQA DETERMINATION

☐ **Exempt by Statute.** (PRC 21080[b]; 14 CCR 15260 et seq.)

Based on an examination of this proposal, supporting information, and the above statements, the project is:

- ☐ **Categorically Exempt. Class** ____ **.** (PRC 21084; 14 CCR 15300 et seq.)
- ☐ **Categorically Exempt. General Rule exemption.** (This project does not fall within an exempt class, but it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment CCR 15061 [b][3]).

Signature: Environmental Branch Chief

Date

Signature: Project Manager

Date

NEPA COMPLIANCE

In accordance with 23 CFR 771.117, and based on an examination of this proposal and supporting information, the State has determined that this project:

- Does not individually or cumulatively have a significant impact on the environment as defined by NEPA and is excluded from the requirements to prepare an Environmental Assessment (EA) or Environmental Impact Statement (EIS).
- Has considered unusual circumstances pursuant to 23 CFR 771.117(b)
(<http://www.fhwa.dot.gov/hep/23cfr771.htm#sec.771.117>)

In non-attainment or maintenance areas for Federal Air Quality Standards, the project is either exempt from all conformity requirements, or conformity analysis has been completed pursuant to [42 USC 7506\(c\)](#) and [40 CFR 93](#).

CALTRANS NEPA DETERMINATION

- ☐ **Section 6004:** The State has been assigned and hereby certifies that it has carried out the responsibility to make this determination pursuant to Chapter 3 of Title 23, United States Code, Section 326 and a Memorandum of Understanding (MOU) dated June 7, 2007, executed between the FHWA and the State. The State has determined that the project is a Categorical Exclusion under:
- 23 CFR 771 activity (c)(___)
 - 23 CFR 771 activity (d)(___)
 - Activity ___ listed in the MOU between FHWA and the State
- ☐ **Section 6005:** Based on an examination of this proposal and supporting information, the State has determined that the project is a CE under Section 6005 of 23 U.S.C. 327.

Signature: Environmental Branch Chief Date Signature: Project Manager/DLA Engineer Date

Briefly list mitigation commitments on continuation sheet. Reference additional information, as appropriate (e.g., air quality studies, documentation of conformity exemption, FHWA conformity determination if Section 6005 project; §106 commitments; § 4(f); § 7 results; Wetlands Finding; Floodplain Finding; additional studies; and design conditions). **Revised September 6, 2007**

CATEGORICAL EXEMPTION/CATEGORICAL EXCLUSION DETERMINATION FORM
Continuation Sheet

Distribution: 1) District Local Assistance Engineer-Original copy
2) District Senior Environmental Planner (for Local Assistance) - copy
3) Local Agency Project Files

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EXHIBIT 6-G NEPA/CEQA REVALIDATION FORM

DIST./CO./RTE.	<i>Enter District, County & Route (State projects) or the County & Route (Local projects) here.</i>
PM/PM	<i>Enter the beginning and ending postmiles here (State projects).</i>
E.A. or Fed-Aid Project No.	<i>Enter the Expenditure Authorization (State projects) or Federal-Aid Project # (Local projects) here.</i>
Other Project No. (specify)	<i>Enter any other project number here, and specify the type.</i>
PROJECT TITLE	<i>Enter project title here.</i>
ENVIRONMENTAL APPROVAL TYPE	<i>Enter type of original environmental document/CE Determination here.</i>
DATE APPROVED	<i>Enter date that environmental document/CE Determination was originally approved here.</i>
REASON FOR CONSULTATION (23 CFR 771.129)	<i>Check reason for consultation:</i> <input type="checkbox"/> <i>Project proceeding to next major federal approval</i> <input type="checkbox"/> <i>Change in scope, setting, effects, mitigation measures, requirements</i> <input type="checkbox"/> <i>3-year timeline (EIS only)</i>
DESCRIPTION OF CHANGED CONDITIONS	<i>Briefly describe the changed conditions or new information on page 2. Append continuation sheet(s) as necessary. Include a revised Environmental Commitments Record (ECR) when applicable.</i>

NEPA CONCLUSION - VALIDITY

Based on an examination of the changed conditions and supporting information: (Check ONE of the three statements below, regarding the validity of the original document/determination [23 CFR 771.12]). If document is no longer valid, indicate whether additional public review is warranted and whether the type of environmental document will be elevated.

- ____ The original environmental document or CE remains valid. No further documentation will be prepared.
- ____ The original environmental document or CE is in need of updating; further documentation has been prepared and ☐ is included on the continuation sheet(s) or ☐ is attached.
 ____ (Yes/No) Additional public review is warranted (23 CFR 771.111[h][3])
- ____ The original document or CE is no longer valid.
 ____ (Yes/No) Additional public review is warranted (23 CFR 771.111[h][3])
 ____ (Yes/No) Supplemental environmental document is needed.
 ____ (Yes/No) New environmental document is needed. (If "Yes," specify type: _____)

CONCURRENCE WITH NEPA CONCLUSION

I concur with the NEPA conclusion above.

 Signature: Environmental Branch Chief

 Date

 Signature: Project Manager/DLAE

 Date

CEQA CONCLUSION: *(Only mandated for projects on the State Highway System.)*

Based on an examination of the changed conditions and supporting information (Check ONE of the three statements below, regarding the validity of the original document/determination [23 CFR 771.129]. If document is no longer valid, indicate whether additional public review is warranted and whether the type of environmental document will be elevated.)

- _____ **Original document remains valid. No further documentation is necessary.**
- _____ **Only minor technical changes or additions to the previous document are necessary. An addendum has been or will be ☐ prepared and is ☐ included on the continuation sheets or ☐ will be attached. It need not be circulated for public review. (CEQA Guidelines, §15164)**
- _____ **Changes are substantial, but only minor additions or changes are necessary to make the previous document adequate. A Supplemental environmental document will be prepared, and it will be circulated for public review. (CEQA Guidelines, §15163)**
- _____ **Changes are substantial and major revisions to the current document are necessary. A subsequent environmental document will be prepared, and it will be circulated for public review. (CEQA Guidelines, §15162)**
(Specify type of subsequent document, e.g., subsequent FEIR:)
- _____

CONCURRENCE WITH CEQA CONCLUSION

I concur with the CEQA conclusion above.

Signature: Environmental Branch Chief

Date

Signature: Project Manager

Date

CONTINUATION SHEET(S)

Address only substantial changes or substantial new information since approval of the original document and only those areas that are applicable. Use the list below as section headings as they apply to the project change(s). Use as much or as little space as needed to adequately address the project change(s) and the associated impacts, minimization, avoidance and/or mitigation measures, if any.

Changes in project design, e.g., substantial scope change; a new alternative; change in project alignment.

Changes in environmental setting, e.g., new development affecting traffic or air quality.

Changes in environmental circumstances, e.g., a new law or regulation; change in the status of a listed species.

Changes to environmental impacts of the project, e.g., a new type of impact, or a change in the magnitude of an existing impact.

Changes to avoidance, minimization, and/or mitigation measures since the environmental document was approved.

Changes to environmental commitments since the environmental document was approved, e.g., the addition of new conditions in permits or approvals. When this applies, append a revised Environmental Commitments Record (ECR) as one of the Continuation Sheets.

Distribution: 1) District Local Assistance Engineer - Original copy
2) District Senior Environmental Planner (for Local Assistance)– copy
3) Local Agency Project Files

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EXHIBIT 6-H EXTERNAL CERTIFICATIONS ENVIRONMENTAL DOCUMENT QUALITY CONTROL REVIEWS

Project Name: _____		<input type="checkbox"/> Local Assistance	<input type="checkbox"/> SHS
DIST-CO-RTE-PM: _____		EA: _____	
Federal-Aid No.: _____			
Document Type:	<input type="checkbox"/> EA	<input type="checkbox"/> EIS	<input type="checkbox"/> IS
	<input type="checkbox"/> EIR	<input type="checkbox"/> Draft	<input type="checkbox"/> Final
District Local Assistance Engineer (DLAE): _____			
Local Agency: _____	Contact: _____	Phone No: _____	
Caltrans Oversight Coordinator: _____			
Environmental Consultant: _____	Contact: _____	Phone No: _____	

I have performed the quality control review required by Caltrans and hereby find that this environmental document satisfactorily meets State and federal requirements, as applicable, in my area of expertise and is consistent with the applicable technical study (State "NA" if the technical area is not applicable).

Type of Review	Reviewer (Print Name)	Reviewer's Signature	Verification Date
Technical Specialist Reviewers:			
<input type="radio"/> Biology	_____	_____	_____
<input type="radio"/> Cultural	_____	_____	_____
<input type="radio"/> CIA	_____	_____	_____
<input type="radio"/> Visual	_____	_____	_____
<input type="radio"/> Hazardous Waste	_____	_____	_____
<input type="radio"/> Floodplain	_____	_____	_____
<input type="radio"/> Water Quality	_____	_____	_____
<input type="radio"/> Air Quality	_____	_____	_____
<input type="radio"/> Noise	_____	_____	_____
<input type="radio"/> Traffic	_____	_____	_____
<input type="radio"/> Section 4(f)	_____	_____	_____
<input type="radio"/> Other: _____	_____	_____	_____
Technical Edit Reviewer	_____	_____	_____

Required signatures may appear on multiple versions of this form to allow concurrent reviews by specialists and technical editor.

I have reviewed this environmental document and hereby find that it is internally consistent and was prepared consistent with Caltrans and FHWA requirements and guidance and the applicable SER annotated environmental document outline.

Environmental Consultant: _____ **Date:** _____

I have reviewed this environmental document and hereby find that the required quality control reviews shown above have been satisfactorily completed and that the environmental document meets all Caltrans and FHWA requirements.

Local Agency: _____ **Date:** _____

Date form sent to project file: _____

Distribution: 1) District Senior Environmental Planner (for Local Assistance) - Original copy
2) District Local Assistance Engineer - copy
3) Local Agency Project Files

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**EXHIBIT 6-I INSTRUCTIONS FOR COMPLETING THE EXTERNAL CERTIFICATIONS
(ENVIRONMENTAL DOCUMENT QUALITY CONTROL REVIEW CERTIFICATION) FORM**

The following quality control review process is required by the local agency/consultant for all draft and final EA and EIS documents.

Technical Specialist Reviewers:

The purpose of the technical specialist review is to ensure the accuracy of specific resource studies and technical information summarized in the environmental document. A technical specialist review will be completed for each resource topic discussed in the environmental document. The review will be conducted for those sections in each chapter that contain information about the individual resource or technical area under consideration (e.g., Summary, Affected Environment, Environmental Consequences, and Avoidance, Minimization and/or Mitigation Measures; Cumulative Impacts).

The local agency's or consultant's technical specialists who are responsible for conducting the technical studies and preparing the technical reports shall review the technical report(s) to ensure that:

- the technical reports were required in the fully signed PES form
- the format and content of each technical report is consistent with the format and content requirements set forth in the SER
- the qualifications of the preparer of the technical report are consistent with the qualifications set forth in the SER
- technical report is accurate and regulatory requirements are appropriately addressed
- the technical report clearly summarizes/concludes how the mandates of the applicable federal law have been met
- there is consistency between the technical study and the information as summarized in the environmental document
- all mitigation commitments are appropriately characterized and are feasible to implement
- all anticipated permit and/or approval actions have been accurately identified within the environmental document

The technical specialist signs the External Certifications (Environmental Document Quality Control) form certifying that they have performed the quality control review and the environmental document meets State and federal requirements in their area of expertise and is consistent with the applicable technical study.

Technical Edit Reviewer:

The local agency or consultant (environmental project manager), responsible for preparing, or overseeing the preparation of the NEPA document, shall review the technical reports and the NEPA document to ensure that:

- the NEPA document prepared is consistent with the NEPA class of action identified in the PES Form
- the format and content of the NEPA document is consistent with the applicable Annotated Outline:
 - Correct Title Page
 - All chapters and necessary resource topics are present and complete
 - All appendices are present and complete
 - All required correspondence relative to procedural and regulatory requirements
 - Complete, clear, legible and logical exhibits and figures
- the conclusions of the technical reports are consistently stated in the NEPA document
- the NEPA document is written in a clear and concise manner
- grammar, punctuation and spelling are correct

- the Environmental Document Review Checklist is complete, providing cross-referenced page numbers on the checklist
- the External Certifications (Environmental Document Quality Control) form is signed, certifying that the document is adequate within his or her area of expertise

The technical edit reviewer signs the External Certifications (Environmental Document Quality Control) form certifying that they have performed the quality control review and the environmental document meets State and federal requirements in their area of expertise and is consistent with the applicable technical study.

Environmental Consultant:

The local agency (principal engineer/project manager) shall review the technical reports and NEPA document to ensure that:

- the reports and NEPA document meet the requirements set forth in the Scope of Work
- the reports/document prepared are consistent with the PES Form
- the content and format of the reports and document is consistent with guidance set forth in the SER/annotate outline
- adequacy of the project's purpose and need statement, logical termini independent utility and project description
- completeness of the alternative analysis, including information supporting the range of alternatives selected for study in the document
- all proposed mitigation commitments are properly identified, characterized and are reasonable and practicable to implement
- correspondence from resource and regulatory agencies is included and clearly indicates that the mandates of law have been met
- compliance with FHWA Environmental Impact and Related Procedures (23 CFR 771) and FHWA environmental policies and applicable guidance
- compliance with other federal laws and regulations, such as Section 7 of the Endangered Species Act, Section 106 of the National Historic Preservation Act, Section 404 of the Clean Water Act, Executive Order 11990-Protection of Wetlands, Executive Order 11988-Floodplain Management, and Section 4(f) of the Department of Transportation Act
- the consultant's technical specialist and environmental project manager have signed the External Certifications form
- a copy of the complete Environmental Review Checklist with cross-referenced page numbers has been provided

The environmental consultant signs the External Certifications (Environmental Document Quality Control) form certifying that the document is internally consistent and was prepared consistent with Caltrans and FHWA requirements and guidance and the applicable SER annotated environmental document outline.

Local Agency:

The local agency (principal engineer/project manager) reviews the technical reports and environmental document to ensure that:

- the technical reports and environmental document prepared are consistent with the information required in the approved and signed PES Form and meet the requirements set forth in the scope of work
- the content and format of the technical reports and environmental document is consistent with guidance set forth in the SER/annotated outline:
 - all chapters and necessary resource topics are present, complete and the NEPA document is written in a clear and concise manner

- adequacy of the project's purpose and need statement, logical termini independent utility and project description
 - completeness of the alternative analysis
 - all proposed mitigation commitments are properly identified, characterized and are reasonable and practicable to implement
 - correspondence from resource and regulatory agencies is included and clearly indicates that the mandates of law have been met
 - compliance with FHWA Environmental Impact and Related Procedures (23 CFR 771) and FHWA environmental policies and applicable guidance
 - compliance with other federal laws and regulations, such as Section 7 of the Endangered Species Act, Section 106 of the National Historic Preservation Act, Section 404 of the Clean Water Act, Executive Order 11990-Protection of Wetlands, Executive Order 11988-Floodplain Management, and Section 4(f) of the Department of Transportation Act if applicable
- the consultant's technical specialist and environmental project manager have signed the External Certification form
 - a copy of the complete Environmental Review Checklist, with cross-referenced page numbers has been provided
 - correspondence from resource and regulatory agencies is included and clearly indicates that the mandates of federal law have been met

The principle engineer/project manager signs the External Certifications (Environmental Document Quality Control) form certifying that the above statements are true and submits the following to the DLAE:

- Transmittal Memo, signed by the local agency (principle engineer/project manager) stating that the document and supporting technical studies have been prepared
- Five (5) hard copies of the administrative environmental document
- One (1) electronic copies of the administrative environmental document
- One (1) copy of each technical study
- One (1) electronic copy of each technical study
- One (1) copy of the completed Environmental Document Review Checklist
- Completed and signed External Certifications (Environmental Document Quality Control Review Certification) form

Following Caltrans' review, the local agency is responsible for revising the document consistent with Caltrans' comments.

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CHAPTER 1 INTRODUCTION AND OVERVIEW

1.1 PURPOSE

This Procedures Manual has been prepared to aid California local agencies scope, organize, design, construct and maintain their public transportation facilities when they seek Federal Highway Administration (FHWA) funded federal-aid or state funding. The manual describes the processes, procedures, documents, authorizations, approvals and certifications, which are required in order to receive federal-aid and/or state funds for many types of local transportation projects.

1.2 BACKGROUND

The manual is a compilation and summary of information from many sources including federal and state law, regulations, guidelines and operating practices. It reflects the procedures and practices developed over many years of providing federal-aid funding and state funding for local projects. These practices and procedures have been modified many times, most recently for changes made by the 1991 Intermodal Surface Transportation Efficiency Act (ISTEA), SB 300/AB 471 (the 1989 State Transportation blueprint legislation), and the 1995 Caltrans reengineering of the local assistance procedures.

The general thrust of the changes under the above legislation and reengineering has been to provide the local agency with broad delegation, latitude and responsibility for developing its projects. However, under Title 23, United States Code, Caltrans is responsible for the administration of federal-aid (FHWA funded) transportation projects in California and cannot delegate this overall administrative responsibility.

This manual in conjunction with the *Local Assistance Program Guidelines* (LAPG), supersedes the *Local Programs Manual: Volume I, Project Processing Procedures*, and Volume II, *Contract Administration Procedures*.

1.3 RELATED MANUALS

The LAPG describes each of the federal-aid and state-aid local assistance programs and the requirements for obtaining project funding for these individual programs.

The Standard Environmental Reference (SER) provides a single, standard reference on compliance with the National Environmental Policy Act (NEPA) and related federal laws, executive orders, regulations, and policies. The reference is intended for statewide use by local agencies of Caltrans.

For local agency projects on the State Highway System (SHS), all applicable Caltrans manuals and guidelines shall be used. These describe the process and procedures for developing state system projects. These also contain discussions of the regional and state planning and programming processes.

The LAPG provides brief overviews of a specific program or project development phase or procedure. It is a good quick reference and will be updated to conform to this manual. If there are conflicts between the practices shown in the guidebooks and this manual, this manual shall prevail.

Other state and federal manuals and documents, including those noted as references, should be consulted for specific guidance in developing a project. Pertinent documents can be accessed through the Local Assistance Home Page on the Internet at:

<http://www.dot.ca.gov/hq/LocalPrograms/index>

1.4 TERMS AND DEFINITIONS

- Action - A highway or transit project proposed for FHWA funding. It also includes activities such as joint and multiple use permits, changes in access control, etc., which may or may not involve a commitment of federal funds.
- Administering Agency - The state or a city, county, other public agency, or nonprofit organizations, that advertises, opens bids, awards and administers the contract. They are frequently called local agency or agency and were previously called responsible agency.
- Affected Environment - The physical features, land, area, or areas to be influenced, or impacted, by an alternative alignment under consideration. This term also includes various social and environmental factors and conditions pertinent to an area.
- Affecting - Means will or may have an effect [or impact].
- Alternative - One of a number of specific transportation improvement proposals, alignments, options, design choices, etc., in a defined study area. For a transportation project, alternatives to be studied normally include the no-action alternative, an upgrading of the existing roadway alternative, new transportation routes and locations, transportation systems management strategies, multi-modal alternatives, if warranted, and any combinations of the above.
- Area of Potential Effect (APE): A term used in Section 106 (Cultural Resource studies) to describe the area in which historic resources may be affected by a federal undertaking.
- Avoidance Alternative - A general term used to refer to any alignment proposal, which has been either developed, modified, shifted, or downsized to specifically avoid impacting one or more resources.
- California Environmental Quality Act (CEQA): State environmental law requiring State and local agencies to consider the environmental impacts of their decisions when approving public and private projects. Local agencies are the CEQA Lead Agency for local agency transportation projects “off” the SHS, but Caltrans is the CEQA Lead Agency for local agency transportation projects “on” the SHS unless otherwise delegated.
- Categorical Exclusion (CE): One of three (3) Classes of Action which prescribes the level of documentation required in the NEPA process. CEs are Class II Actions, which do not individually or cumulatively have a significant effect on the environment, therefore, neither an EA nor an EIS is required. Under NEPA Delegation, there are two means of categorically excluding a project: 1) Section 6004 Categorical Exclusions and 2) Section 6005 Categorical Exclusions.

6004 Categorical Exclusions: On June 7, 2007, Caltrans and FHWA entered into an MOU pursuant to Section 6004 of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). Section 6004 MOU assigns to Caltrans authority and responsibility for CE determinations under the 23 CFR 771.117(c) list and 23 CFR 771.117(d) list, plus those activities specifically listed in Appendix A – Assigned Categories of Activities of the MOU.

6005 Categorical Exclusions: On June 22, 2007, Caltrans and FHWA entered into an MOU pursuant to Section 6005 of SAFETEA-LU. Under the Section 6005 MOU, Caltrans assumes responsibility for CE determinations for projects that are not on the “c” or “d” list or the Appendix A list, but for which a CE classification is appropriate under 23 CFR 771.117 “a” and “b.” Under the Section 6005 MOU, Caltrans was also assigned and assumed, the USDOT Secretary’s responsibilities for environmental review, interagency consultation, and other regulatory compliance-related action pertaining to the review or approval of CEs.

- Categorical Exemption/Categorical Exclusion Form: Joint state/local form used to document the applicable MOU under which the CE determination has been made.
- Construction (Const.)/Construction Engineering (CE) - This phase includes the work of project advertising¹ through construction, preparation of as built plans, final estimates, and payments. This phase must be authorized prior to advertising, and CE must be separately identified in this authorization.
- Construction Phase - The phase of the transportation project development process that involves the physical act of building by a contractor the proposed project to all plans and specifications developed during final design.
- Consultant - A private individual, corporation, or other business organization that may be selected to provide architectural, engineering, environmental, or other related technical services for a local agency project.
- Cumulative Impact - Cumulative impact is the impact on the environment, which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (federal or non-federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.
- Department of Transportation - The Department of Transportation of the State of California, as created by law; also referred to as the Department, State, or Caltrans.
- Direct Effects - Effects caused by a given action and occurring at the same time and place. Changes in noise levels, fill discharges in wetlands, and changes in visual conditions are some examples of direct effects.
- District - A subdivision of the Department organized to administer the affairs of the Department for a specific geographical area and for the local agencies in that area (see Exhibit 2-A of the LAPM).

¹ CE includes advertising only if not included in PE phase and only after the construction authorization date.

- DLA- Division of Local Assistance. The office in Caltrans headquarters that is responsible for administering, managing, and implementing the federal-aid highway and state local assistance programs.
- DLAE - The District Local Assistance Engineer, the individual in each district responsible for providing services and assistance to the local agencies.
- Early Coordination - Communication undertaken near the beginning of the transportation project development process to exchange information and work cooperatively with agencies and the public in an effort to determine the type and scope of studies, the level of analysis, and related study requirements.
- Effects - Includes: (a) Direct effects that are caused by the action and occur at the same time and place, (b) Indirect effects that are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. The terms "effect" and "impact" are synonymous under NEPA. Effects include ecological, aesthetic, historic, cultural, economic, social, or health, whether direct, indirect, or cumulative.
- Environment - The complex of social, natural, and cultural condition, which are present in the physical surroundings.
- Environmental Assessment (EA): One of three (3) Classes of Action which prescribes the level of documentation required in the NEPA process. EAs are Class III Actions in which the significance of the environmental impact is not clearly established. All actions that are not Class I (EISs) or Class II (CEs) are Class III. Class III Actions require the preparation of an EA to determine the appropriate environmental document required.
- Environmental Impact Statement (EIS): One of three (3) NEPA Classes of Action which prescribes the level of documentation required in the NEPA process. EISs are Class I Actions. These are actions that significantly affect the environment and for which an EIS must be prepared. Examples of Class I Actions include a highway project of four or more lanes on a new location, and new construction or extension of a separate roadway not located within an existing highway facility, etc.
- Federal-aid - As used in this manual, it refers to federal funds provided for the development of surface transportation and administered by the FHWA. Generally, these funds are derived from the Intermodal Surface Transportation Efficiency Act of 1991, Title 1, Surface Transportation. It also includes FHWA administered funds from previous acts frequently titled Highway Acts.
- FHWA - Federal Highway Administration, the federal agency responsible for administering the Federal-aid Highway Program.
- Field Review - A general term to describe a site visit for the purpose of gathering or verifying data, defining scopes of work, performing analyses, and making decisions for specific projects.
- Final Design Phase - The phase of the transportation project development process, which involves the preparation of detailed, working drawings, as well as specifications and estimates for approved transportation projects.

- Finding of No Significant Impact (FONSI) - A document by a federal agency that briefly presents the reasons why an action will not have a significant effect on the environment and for which an environmental impact statement, therefore, will not be prepared.
- FTIP - Federal Transportation Improvement Program, a three-year list of all transportation projects proposed for federal surface transportation funding within the planning area of one of the eighteen Metropolitan Planning Organizations (MPOs) in the state. These are only valid for reference when incorporated into the FSTIP and approved by FHWA/FTA (see Chapter 4 of the Caltrans *Project Development Procedures Manual* for more discussion).
- FSTIP - Federal Statewide Transportation Improvement Program, a three-year list of all state and local transportation projects proposed for federal surface transportation funding with the state. This is developed by Caltrans with cooperation of the MPOs and in consultation with the local non-urbanized government. The FSTIP includes the FTIPs, which are incorporated by reference and other rural federally funded projects. The FSTIP, including incorporated FTIPs is only valid for use after FHWA/FTA approval. See Chapter 4 of the Caltrans *Project Development Procedures Manual* for more discussion. Also see STIP below.
- FTA - Federal Transit Administration, the federal agency responsible for administering the federal transit program. Rules for the transit program are not covered in this manual (see Chapter 3, *Project Authorization*, Section 3.10 for procedures for transferring federal-aid funds from FHWA to FTA).
- Fully Funded – As related to the NEPA document, projects must be fully funded and shown in the applicable FTIP/RTP before Caltrans can approve the related NEPA document. Partial funding of a project may get their Preliminary Engineering (PE) started but the environmental NEPA document is not approvable without the total funding.
- Headquarters - The headquarters office of the Department located at 1120 “N” St., Sacramento, CA 95814.
- Impacts - A term to describe the positive or negative effects upon the natural or human environment as a result of a specific project or projects.
- Independent Utility - The ability of a transportation improvement to be usable and be a reasonable expenditure even if no additional transportation improvements in the area are made.
- Indirect Effects - Effects caused by a given action, occurring later in time, or farther removed in distance but which are reasonably foreseeable. Induced changes to land use patterns, population density or growth rate are examples.
- ISTEA - Intermodal Surface Transportation Efficiency Act of 1991. ISTEA is an act signed by the President on December 18, 1991, providing authorizations for the next 6 years for highways, highway safety, and mass transportation. For definition of the various programs established by this act refer to the *Local Assistance Program Guidelines* (LAPG).

- Level-of-Service (LOS) - Also known, as “Traffic Service.” LOS is a qualitative measure describing operational conditions within a traffic stream. LOS is based on service measures such as speed and travel time, freedom to maneuver, traffic interruptions, comfort and convenience. LOS is also affected by conditions such as number of access points, lane width, number of lanes, and percentage of large vehicles. Six levels of service are defined by letter designations from A to F with LOS A representing the best operating conditions, and LOS F the worst.
- Local Agency - A California City, county, or other local public agency. In many instances this term is used loosely to include nonprofit organizations.
- Logical Termini - Features such as cross route locations that are considered rational end points for a transportation improvement and which serve to make it useable.
- Metropolitan Planning Organization (MPO) - Federally mandated regional organizations responsible for comprehensive transportation planning and programming for in urbanized areas. Work products include the Transportation Plan, the Transportation Improvement Program, and the Unified Planning Work Program.
- Mitigation Measures - Specific design commitments made during the environmental evaluation and study process, which serve to moderate or lessen impacts deriving from the proposed action. In accordance with CEQ, mitigation includes avoidance, minimization, rectification, reduction and compensation.
- National Environmental Policy Act (NEPA) – Federal environmental law requiring federal agencies to consider the environmental impacts of their actions, evaluate least damaging alternatives, and insure decisions are made in the public’s best interest based on a balanced consideration of the need for safe and efficient transportation.
- New Location - An area, or an alignment, proposed for highway development that is not currently used for transportation purposes.
- NHS - National Highway System (see Chapter 2, *Roles and Responsibilities*, Section 2.2).
- No Action - An alternative that is used as the basis to measure the impacts and benefits of the preferred alternative(s) in an Environmental Assessment or EIS. The No Action alternative consists of the existing conditions on the roadway, plus any safety or maintenance improvements, which have been identified in the CDOT 5-Year Transportation Improvement Program.
- No-Build Alternative - Normally includes short-term, minor restoration types of activities (e.g. safety and maintenance improvements) that maintain continuing operation of an existing facility. The no-build alternative serves as a baseline for the comparison of other alternatives.
- Notice of Intent (NOI) - A notice published in the Federal Register that an EIS will be prepared and considered. The notice shall briefly describe the proposed action and possible alternatives, describe the agency’s proposed scoping process including whether, when, and where any scoping meetings will be held, and state the name and address of a person within the agency who can answer questions about the proposed action and the EIS.

- Permit - Written permission given by a governmental agency to take certain action during specific steps of the transportation project development process. Permits may include permission for any construction, excavation, depositing of material, or other work in navigable waters (Corps of Engineers), permission required for the discharge of dredged, or fill material into waters of the United States (Corps of Engineers), and permission to construct bridges, causeways, and drawbridges in navigable waters (U.S. Coast Guard). A permit may also refer certain other clearances or certifications such as a clearance from the Federal Aviation Administration for proposed highway construction in the vicinity of public use and military airports, and water quality certifications for the licensing of an action that would result in a discharge into regulated waters. These approvals, plus certain others relating to solid waste management, underground storage tanks, coastal zone areas, etc., involve approvals, and documentation commonly referred to as permits.
- Phase - For the purposes of federal-aid authorization, the development of a project is broken into stages or phases: Preliminary Engineering, Right of Way and Construction. Each of these phases must be individually authorized, usually at different times in the development of a project.
- Preliminary Engineering (PE) - This phase includes all project initiation and development activities undertaken after its inclusion in the approved FSTIP through the completion of PS&E. It may include preliminary Right of Way engineering and investigations necessary to complete the environmental document.
- Project Development - The overall process of advancing a transportation project from concept to implementation. Project development typically encompasses environmental and engineering tasks including planning, location, preliminary design, final design, and construction.
- Project Need - A detailed explanation of the specific transportation problems, or deficiencies, which have generated the search for improvements. It should refer to technical information, as necessary, such as measures of traffic efficiency, or demand (origin-destination patterns, modal links, queue lengths, motorist delays, level of service, etc.), and other goals (economic development, safety improvement, legislative directives, etc.). Much of this information should be generated by the transportation planning process at a very early stage. The explanation of need should be a problem statement discussion, not a solution oriented discussion.
- Project Purpose - A broad statement of the overall intended objective to be achieved by a proposed transportation facility. Normally, the purpose can be defined in just a few sentences. For instance, it may address expanded capacity in a given transportation corridor to facilitate the safe and efficient movement of people and goods, or improved access to a given area or community.
- Public Hearing - A meeting designed to afford the public the fullest opportunity to express opinions on a transportation project. A verbatim record (transcript) of the proceedings is made part of the project record.
- Public Involvement - These activities, which present information to the public, seek public comments, and which serve to ensure consideration of public opinion.

- Public Meeting - An announced meeting conducted by transportation officials designed to facilitate participation in the decision-making process and to assist the public in gaining an informed view of a proposed project at any level of the transportation project development process. Also, such a gathering may be referred to as a public information meeting.
- Record of Decision (ROD) - The ROD documents the Secretary of Transportation's decision to approve the Preferred Alternative as described in the Environmental Impact Statement (EIS).
- Record Retention - Project records shall be kept for **at least 3 years** after FHWA's final payment of the final voucher, per 49 CFR, Part 18.
- Right of Way (R/W) - This phase includes the work necessary to appraise and acquire project right of way, relocate individuals or businesses, and revise or relocate utilities.
- S&H Code - California Streets and Highways Code, this code contains many of the laws governing funding and development of local streets and roads projects.
- Scope - Scope consists of the range of actions, alternatives, and impacts to be considered in a NEPA document.
- Scope of Work - A detailed description of tasks is prepared in advance of engineering and environmental work to explicitly define the contents of studies.
- Section 4(f) - Section 4(f) of the U.S. Department of Transportation Act of 1966 permits the use of land for a federally-funded transportation project from a significant publicly owned park, recreation area, wildlife or waterfowl refuge, or historic site when it has been determined that: (1) there are no feasible and prudent alternatives to such use, and (2) the project includes all possible planning to minimize harm to the property.
- Significant Impacts - Any number of social, environmental, or economic effects, or influences which may be brought about as a result of the implementation of a transportation improvement. "Significant impacts" may include effects, which are direct, secondary, or cumulative. The term "significant" is used and interpreted by the FHWA in determining which type of NEPA document is appropriate. Categorical exclusions are those actions, which do not involve significant effects. Environmental Impact Statement (EIS) projects in most cases can and do involve significant impacts.
- Significantly - As used in NEPA requires consideration of both context and intensity. Context means that the significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality. Intensity refers to the severity of the impact.
- State funds - As used in this manual, includes the state funds provided to local agencies for specific transportation projects and programs administered by the Division of Local Assistance. State funds are currently provided for the following projects: Bicycle Lane Account, Proposition 116, Bicycle Projects, Proposition 116, Environmental Enhancement and Mitigation (EEM), Federal Apportionment Exchange and State Match programs. The *Local Assistance Program Guidelines* (LAPG) further defines these programs.

- STIP - State Transportation Improvement Program, a seven-year list of projects proposed in RTIPs and the Proposed STIP that are approved and adopted by the California Transportation Commission (CTC) (see Chapter 4 of the *Caltrans Project Development Procedures Manual* for more discussion).
- Study Area - An identified amount of land or topography, selected, and defined at the outset of engineering, or environmental evaluations, which are sufficiently adequate in size to fully identify, analyze, document impacts and effects for proposed projects within its boundaries.
- Transportation Project Development Process - An interactive, multi-phase series of activities typically spanning a period of years which involve comprehensive planning, prioritization, detailed engineering and environmental studies, and agency and public involvement which lead to the selection, design, and construction of identified transportation improvements.
- 23 USC - The section (Title 23) of the United States Code containing laws relating to highways.
- 23 CFR - The section (Title 23) of the Code of Federal Regulations containing regulations (general and permanent rules published in the Federal Register) relating to highways. Not included are regulations based on Civil Rights requirements in Title 49, the Uniform Relocation Assistance and Real Property Policies, and other federal laws and regulations as described in this manual.

1.5 MANUAL ORGANIZATION

The manual is divided into 20 chapters. Each chapter describes a process and procedural steps important to the development of a local assistance project. Projects may not need to fulfill each process to be successfully implemented and to be eligible for federal or state funding, but each should be considered.

FEDERAL-AID PROJECTS

Federal-aid projects require consideration of the processes described in each chapter in this manual. For these projects, each chapter should be reviewed to determine whether the actions, activities, and decisions required are applicable to the individual project.

The *LAPG* further defines these programs.

Flow Chart 1-1 outlines the federal-aid project process and references the associated chapters. This chart is not intended to represent the actual chronological sequence of federal-aid implementation.

STATE FUNDED PROJECTS

Projects seeking only state funds require less oversight and review than those seeking federal-aid funds. Not all of the processes described in the chapters of this manual apply to these projects. Chapters 1, 2, 3, 4, 5, 10, 17 and 19 apply in whole, or in part to these projects.

The *LAPG* further defines these programs.

Flow Chart 1-2 highlights the actions needed for state funded projects.

CHAPTER SUMMARIES

The chapters are generally in chronological sequence when developing a project; however, some of the procedures can be done concurrently, or must be repeated for the next phase of a project. The flow charts in the exhibits for this chapter define the general relationship between the processes. The flow charts at the beginning of most chapters further define the relationships between these processes and procedures.

Chapter 2, *Roles and Responsibilities*, defines the roles and responsibilities for the various entities involved in developing a local assistance project.

Chapter 3, *Project Authorization*, describes the process to obtain project authorization and fund obligation required for each phase of a federal-aid project. It also discusses the federal policy concerning funding projects at less than the full allowable federal share (underfunding), transferring funds to FTA, and the CTC fund allocation vote process.

Chapter 4, *Agreements*, describes the agreements needed between the local agency and the state, and between the state and FHWA to obtain reimbursement of funds.

Chapter 5, *Accounting/Invoices*, describes the general accounting procedures necessary to receive reimbursement for work done in any phase of the project.

Chapters 6-8, *Environmental Procedures*, *Field Review*, and *Public Hearings*, discuss the project initiation and environmental procedures needed to bring a project to the stage at which the local agency decision makers commit the project to final design and implementation.

Chapter 9, *Civil Rights and Disadvantaged Business Enterprises (DBE)*, describes the requirements for establishing and reporting DBE program and project goals. This process may be necessary during the initial project stage, or may not be required until a later phase.

Chapter 10, *Consultant Selection*, describes the requirements for selecting and hiring consultants to perform project activities.

Chapters 11 & 12, *Design Standards and Plans, Specifications & Estimate*, describe the design standards to be used and the Plans, Specifications and Estimate (PS&E) development necessary to bring the project to the advertising and construction stage.

Chapters 13 & 14, *Right of Way* and *Utility Facilities*, describe the procedures used to acquire right of way or relocate utilities.

Chapters 15-17, *Advertise and Award Project*, *Administer Construction Contracts*, and *Project Completion*, describe the procedures from advertising through construction administration, project completion, and completion of the final reports.

Chapter 18, *Maintenance*, describes the ongoing maintenance responsibilities and activities needed to assure that the project remain a functional public asset, and the related inspection and reporting requirements.

Chapter 19, *Process Reviews*, describes the process reviews by which Caltrans and/or FHWA will make periodic checks to ensure that the agencies have complied with their commitments and certifications under federal and state laws, regulations, and these procedures.

Chapter 20, *Deficiencies and Sanctions*, describes the course of action to be expected when local agencies fail to comply with state and federal requirements during their project. An appeal process is available when district decisions or sanctions are not acceptable.

1.6 MANUAL UPDATES

This manual is available to each local agency in a printed format and is also available on the Internet. The Caltrans Web Server is at <http://www.dot.ca.gov>. For direct access to this manual at the Division of Local Assistance Homepage go to:

<http://www.dot.ca.gov/hq/LocalPrograms/index>

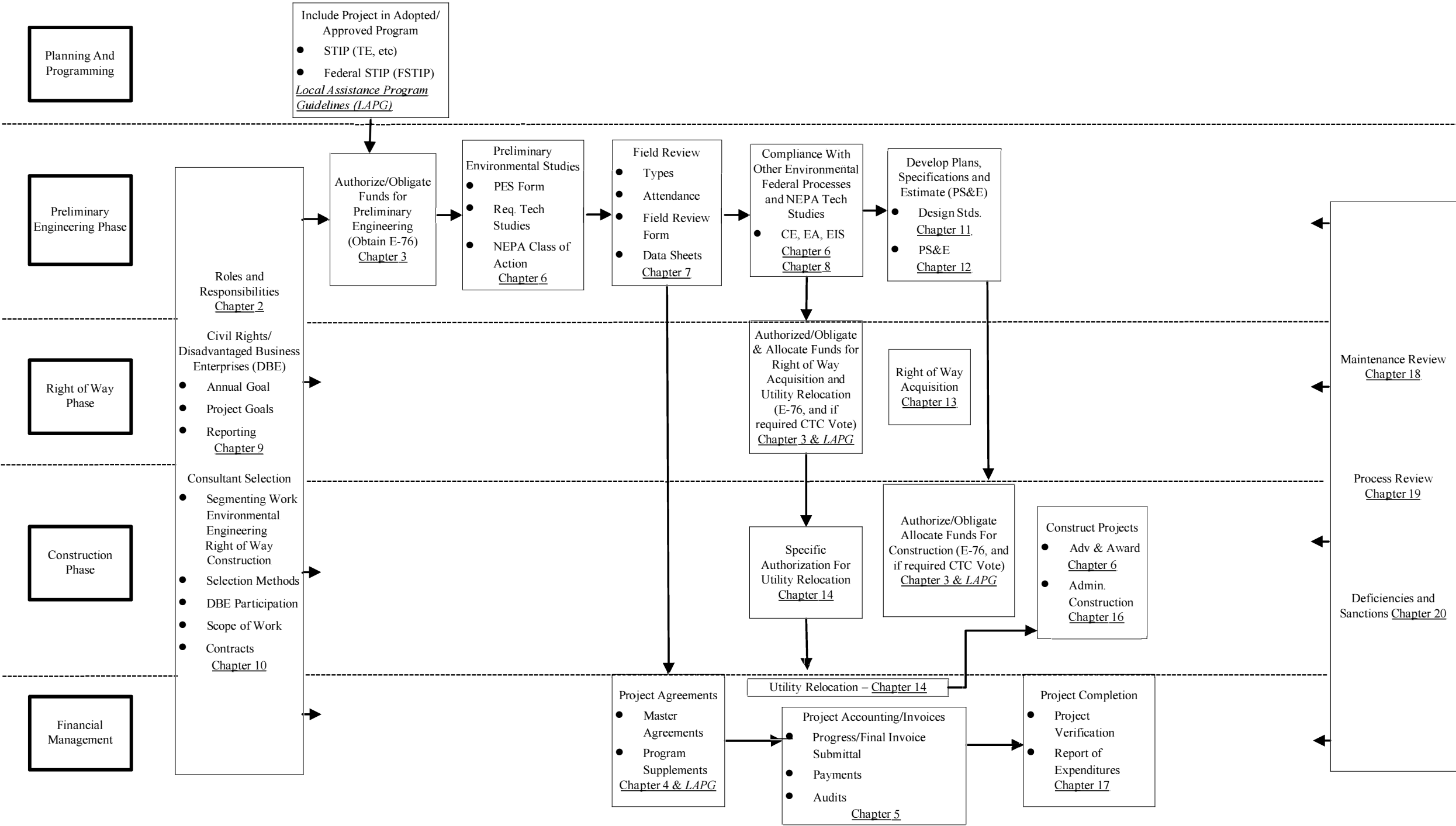
As updates are made, they will be available on the Internet, and the agency will be responsible for obtaining its own printed copy if needed.

Comments and suggestions for improvement to the manual or the processes and procedures described herein are welcome. They may be submitted to:

Department of Transportation
Division of Local Assistance, Office of Procedures Dev. and Training - MS 1
Attention: The Chief
P.O. Box 942874
Sacramento, CA 94274-0001
FAX (916) 654-2409

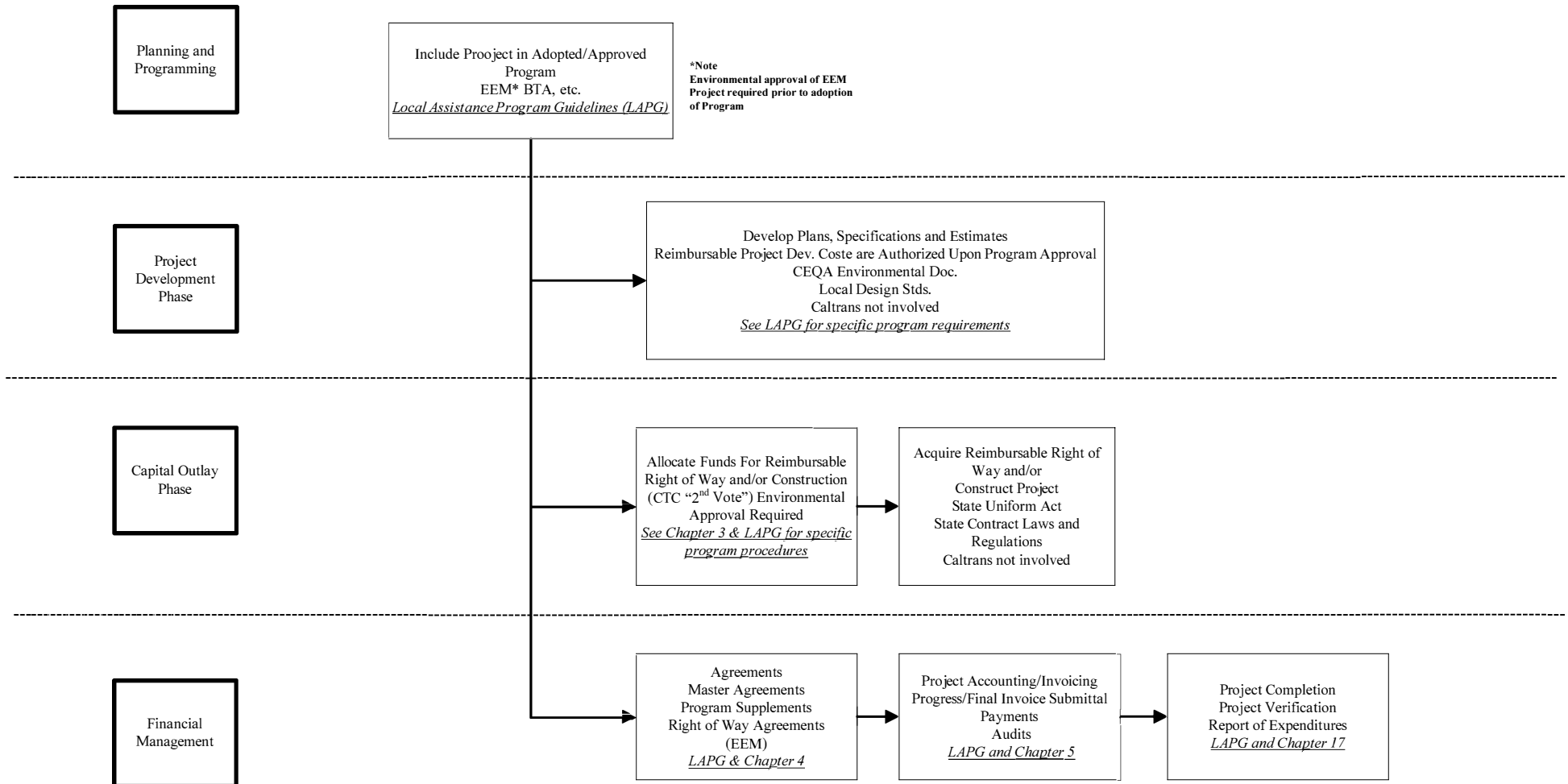
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Flow Chart 1-1 Project Development Flow Chart (Typical Procedures for Federal-aid Projects)



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Flowchart 1-2 Project Development Flowchart (Typical Procedures for “State-Only” Projects)



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SAFETEA-LU also requires that all local agencies receiving any amount of federal financial assistance for a “major” project with an estimated total cost of \$100 million or more that is not covered by the above, shall prepare an annual Financial Plan and make the plan available to Caltrans/FHWA upon request. FHWA-California Division has made a “blanket” request that Financial Plans for “major” projects with an estimated total cost of \$100 million or more, but less than \$500 million be submitted with the “Construction Authorization” request.

PROJECT MANAGEMENT PLAN

A draft Project Management Plan shall be submitted prior to the Record of Decision (ROD), Finding of No Significant Impact (FONSI), or Categorical Exclusion (CE) determination. A final Project Management Plan shall be submitted within 90 days after the ROD, FONSI, or CE determination which determine the scope of the projects. The plan shall:

- Document the procedures and processes that are in effect to provide timely and appropriate information to the project decision makers to effectively manage the scope, costs, schedules, quality of, and the federal and state requirements applicable to the project. Document the role of the agency leadership and management team in the delivery of project
- Be updated and submitted prior to the authorization of federal financial assistance for construction and updated thereafter as required.

FINANCIAL PLAN

A Financial Plan for major projects of \$100 million to \$500 million or more shall:

- Be submitted when all elements of the plan are fully completed, but not later than when requesting authorization of federal financial assistance for construction. For design build projects, the plan must be received prior to award of the design build contract.
- Be updated and submitted annually once the initial Financial Plan is approved until construction is substantially complete.
- Be based on detailed estimates of the cost to complete the project.
- Provide for the annual submission of updates to Caltrans that are based on reasonable assumptions as determined by Caltrans of future increases in the costs to complete the project.
- Use costs expressed in year of expenditure dollars and estimated using a risk-based approach consistent with current FHWA Cost Estimating Guidance located at:

<http://www.fhwa.dot.gov/programadmin/mega/index.htm>

ASSISTANCE

Information regarding the preparation, timing, etc., of the above plans is available through the District Local Assistance Engineer (DLAE). Other valuable information that may be helpful in the preparation of the above plans as well as other project areas is available at the FHWA web site at:

<http://www.fhwa.dot.gov/programadmin/mega/index.htm>

2.7 FHWA RESPONSIBILITIES

As discussed above, the FHWA has the overall authority and responsibility for implementing and monitoring federal laws, regulations and executive orders. For local agency projects that involve federal funding, the FHWA's responsibilities typically involve Project Implementation and Process Review activities. **Note: FHWA approval is required for changes in interstate access control, lease of interstate Right of Way, or disposal of interstate Right of Way. Compliance with the provisions of National Environmental Policy Act (NEPA) and other federal environmentally related law is also required.**

PROJECT IMPLEMENTATION

For all federal-aid projects, the FHWA is responsible for the following project implementation activities:

1) Obligation of federal funds

On August 10, 2005, President George W. Bush signed into law the new Federal Transportation Act (SAFETEA-LU) for Federal Fiscal Year 2005-2009. Sections 6004 and 6005 of that Act and their associated MOUs transferred virtually all NEPA responsibilities from FHWA to Caltrans. FHWA remains responsible for the following NEPA related activities:

- Posting NOI and ROD in Federal Register.
- Performing environmental review, consultation, or other related action on projects: a) requiring FTA funding or approval, b) crossing international borders, c) on the President's E.O. Streamlining List, d) involving federal lands unless Caltrans designs and constructs, and e) specifically requested by Caltrans in the 6005 MOU (12 projects)
- Performing all government-to-government consultations with Indian Tribes as defined in 36 CFR Part 800.16(m).
- Assisting with engineering-decisions when requested.
- Making air quality conformity determinations as specified in 6005 MOU.
- Approving significant floodplain encroachment identified as a result of floodplain studies and occurring in the Only Practicable Finding.
- Performing audits and process reviews to ensure Caltrans compliance with Section 6004 and 60055 MOUs.
- Performing US DOT responsibilities for statewide and metropolitan planning.
- Providing and assisting with training as necessary.

For projects that are under FHWA "Full Oversight" per Stewardship Agreement, the FHWA is also responsible for the following activities:

- Authorization to Proceed
- Approval of additional access points on the Interstate
- Final Inspection

OVERSIGHT

Interstate - For Interstate projects on the NHS over \$1 million (except 3R projects), the FHWA has overall responsibility for ensuring compliance with all federal requirements.

For all other projects, FHWA responsibility for ensuring compliance with federal requirements is limited to non-Title 23 activities (right of way and civil rights).

Major Intelligent Transportation Systems (ITS) Projects (both NHS and non-NHS). An ITS project that implements part of a regional ITS initiative that is multi-jurisdictional, multi-modal, or otherwise affects regional integration of ITS systems.

The local agencies must submit a Systems Engineering Management Plan (SEMP) for all major ITS projects to FHWA for approval prior to authorization (E-76) for final design. See Chapter 12.6, “Intelligent Transportation Systems,” of the LAPG for details.

Minor ITS Projects - These ITS projects do not require a System Engineering Review Form (SERF) or SEMP approval by Caltrans or FHWA. However, the SERF still must be filled out as part of the field review package. The procedures for minor ITS will follow the traditional 1- phased federal-aid Preliminary Engineering procedures.

Minor projects include:

- Legacy System Expansion – This includes expansion and/or upgrading of existing systems, which add no new capabilities or interfaces. For example, expansion of existing traffic signal systems with similar equipment and no new software. Another example would be purchase of additional buses using similar specifications as for existing vehicles.
- Commercial Off-The-Shelf (“COTS”) – Example: purchasing new electronic fare boxes that do not interface with other transit ITS packages and do not require any software development. COTS software is often customized for an installation, but only by selecting modules and/or setting parameters – not by writing software.
- Application Service Provider (“ASP”) – Example: contracting for off-site operations and maintenance of a pre-existing “next bus arrival” web site, with no new interfaces and no software development. In essence, this involves leasing a pre-existing service rather than buying a product.

Projects that fit one or more of the above definitions are “minor” projects regardless of project cost. It should be recognized that, although there may be no “formal” Systems Engineering (SE) requirements or oversight for such minor projects (beyond filling out the SERF), good procurement practices should still ensure that the solicitation documents contain detailed system requirements and specifications, plus a thorough Acceptance Testing Plan. These items are elements of the SE process; hence, this is one example of scaling down the SE process to fit the needs of a small project.

While it is the FHWA's policy to rely primarily on their Program Review/Product Evaluation Program to carry out these responsibilities, other process review techniques, including project-specific activities may be used when appropriate.

2.8 CALTRANS RESPONSIBILITIES

Caltrans is responsible to the FHWA for administering the successful implementation of federal-aid programs and projects. Caltrans also administers the implementation of state funded programs and projects for the CTC and State Legislature.

These responsibilities are divided into three areas: Policy and Procedures, Program Management, and Project Implementation.

POLICY AND PROCEDURES

Caltrans establishes uniform policies and procedures to assist the local agencies in meeting the program requirements for their projects. Caltrans in collaboration with FHWA interprets federal and state laws, rules and regulations, and provides guidance in the form of manuals, guidebooks, handbooks, reference materials and service, and training to assist the agencies in planning, designing, constructing, and maintaining their transportation systems.

Caltrans policy and procedure development is achieved in coordination and consultation with the FHWA, representatives of local agencies, MPOs, RTPAs, other affected agencies, and organizations.

PROGRAM MANAGEMENT

Each specific local assistance program provides funding which requires distribution, management, and oversight control to ensure that the funds are expended to meet the program goals and that allocations and budget authority are not exceeded. Caltrans distributes both state and federal fund allocations to the MPOs, RTPAs, cities, counties and others as specified by law.

Once the distributions are established, Caltrans provides program guidance for their expenditure. Some programs may require annual or periodic project application and selection to establish eligibility lists. Caltrans also monitors project implementation to ensure that the projects are implemented in a timely manner to achieve program goals. LAPG manual describes each current program.

PROJECT IMPLEMENTATION

Some major federal-aid project implementation steps delegated by the FHWA to Caltrans cannot be further delegated to the local agency level and remain Caltrans' responsibility. These include:

- Approval of Authorization to Proceed (E-76) for projects that are State-Authorized
- Preparation of agreements
- Decision to hold Field Review for NHS projects
- Approval of Local Agency DBE Program/Annual Anticipated DBE Participation Level
- Pre-award audit review of consultant contracts >\$250,000
- Approval of Utility Relocation Agreements involving federal reimbursement

- Approval of Specific Authorization for Utility Relocation involving federal reimbursement
- Independent Assurance Sampling and Testing (IAST) for NHS projects
- Approval of payments from the State Controller

The individual chapters covering these topics should be consulted for details concerning the responsibilities. Where the FHWA has not delegated final approval, Caltrans monitors local agency activities, reviews or prepares documents, and makes recommendations to FHWA. For example, Caltrans will review all environmental documents for completeness and sufficiency before submitting them to FHWA for approval. **Note: Pursuant to the SAFETEA-LU, Sections 6004 and 6005 and respective implementing MOUs, FHWA assigned and Caltrans assumed responsibilities for NEPA compliance and approval.**

Caltrans also provides assistance to the local agencies in interpreting the regulations, manuals and guidelines, as they apply to specific project conditions. The District Local Assistance Offices and Headquarters Division of Local Assistance personnel are available to aid the local agency through the required process and procedural steps.

Where expertise is not otherwise available, the local agency may also request assistance from Caltrans technical specialists in solving special technical problems. Environmental issues, right of way concerns, hazardous wastes, labor compliance, equal employment opportunity, Title VI, and Disadvantage Business Enterprise are among these areas where assistance is available. The use of this expertise must be requested early and be well coordinated to assure that Caltrans limited resources and personnel will be available when needed.

PROCESS REVIEWS

As outlined in Chapter 19 “Process Review,” of the *Local Assistance Procedures Manual* (LAPM), Caltrans and FHWA will use the process review as the main method to determine if local agencies are in compliance with all federal-aid laws, regulations, and procedures. The process reviews will be used to evaluate all aspects (including Title 23 requirements) of the local agencies federal-aid program and to improve local assistance procedures.

MAINTENANCE REVIEWS

Annually, Caltrans reviews project maintenance for selected agencies using federal-aid funds so that every agency is covered during a four-year cycle. Chapter 18, “Maintenance,” of the LAPM describes these maintenance review procedures in detail.

2.9 CITY, COUNTY AND OTHER LOCAL PUBLIC AGENCY RESPONSIBILITIES

The cities, counties, joint power authorities, transit agencies and other public agencies have the primary responsibility for implementing the specific projects which carry out the programs described in this manual. Nonprofit entities may also qualify for this. For the purpose of this manual, these agencies/entities are commonly called local agencies.

PROJECT IMPLEMENTATION

The local agency is responsible for the conception, planning, programming, environmental investigation, design, right of way, construction and maintenance of the projects on their local transportation system. It must ensure that its staff members, consultants and contractors comply with the applicable state and federal laws, regulations and procedures in developing, and constructing its projects.

If a local agency has never implemented a federal-aid or state funded project, or does so infrequently; it should review the processes with the DLAE prior to beginning any implementation activity. It may wish to seek the administrative services of another agency, which is more familiar with the process and procedure details.

The local agency is delegated decision-making authority and responsibility for most design and construction-related activities of federal-aid projects. These include:

- Getting the project into the FSTIP
- Preparing the Request for Authorization for each project phase
- Decision to hold field review for projects off the NHS
- Determining/Approving project DBE Availability Advisory percentage
- Selecting consultant and approving consultant contracts
- Approving local design standards for projects off the NHS
- Approving design exceptions for projects “off” the NHS
- Preparing and Certifying PS&E (Caltrans must approve the local agencies’ PS&E procedures for most NHS projects and FHWA for Full Oversight NHS projects)
- Qualifying/selecting right of way consultants
- Certifying right of way
- Right of Way acquisitions and relocation
- Preparing and approving Quality Assurance Programs (non-NHS projects only)
- Advertising and awarding construction project
- Construction contract administration and inspection (Caltrans must approve the local agencies construction administration procedures for high cost, complex, corridor-type NHS projects)
- Construction contract acceptance (FHWA will make final inspection of projects that are Full Oversight)
- Coordinating railroad agreements
- Contract compliance

The individual chapters covering these topics should be consulted for details concerning the responsibilities.

2.10 CALIFORNIA TRANSPORTATION COMMISSION

The California Transportation Commission (CTC) has programming and fund allocation responsibility for some federal-aid and state funded programs used for local assistance projects. It is the responsibility of the local agency to notify the DLAE to request a CTC vote where applicable.

PROGRAMMING

The CTC selects projects for inclusion in the STIP for the following programs:

- Transportation Enhancements (TE) (Federal)
- Proposition 116 - Bicycle Program
- Environmental Enhancement and Mitigation (EEM) Program

FUND ALLOCATION

When a project is ready for implementation, the CTC must vote to allocate funding to the following programs. This action is commonly called the “**second vote**.”

- Transportation Enhancements (TE) (Federal)
- Proposition 116 - Bicycle Program
- EEM Program

2.11 METROPOLITAN PLANNING ORGANIZATIONS, REGIONAL TRANSPORTATION PLANNING AGENCIES AND COUNTY TRANSPORTATION COMMISSIONS

These organizations have broad transportation planning duties and responsibility for programming most projects using federal-aid or state allocations from the programs described in this manual.

These organizations are responsible for providing each local agency with their application rules, procedures and timelines. They are also responsible for providing the local agency with results of the decisions about its projects and the agency, CTC and federal approval dates.

The local agency must work closely with these organizations to ensure that its projects are placed in the appropriate TIP with the correct funds in the proper years. Federal funds and many state funds cannot be obtained without this programming step.

Chapter 4 of the *Caltrans Project Development Procedures Manual* discusses the programming process in more detail.

2.12 OTHER PUBLIC AGENCIES AND ORGANIZATIONS

Other federal, state, regional and local entities may have an interest, role or jurisdiction in the development and implementation of a local project. Examples at the federal level include the Environmental Protection Agency, the Army Corps of Engineers, and the Fish and Wildlife Service. At the state level, examples include the Department of Fish and Game, Air Resources Board, and State Historic Preservation Officer. Regional agencies include the Air or Water Quality Control Boards and Flood Control Districts.

The State Resources Agency selects the projects to be funded by the CTC for the EEM program.

The role of these agencies will vary with the project scope, location and environmental impact. Coordination should begin early to prevent critical delays later in the project development.

Quasi-public or nonprofit organizations may apply for and receive programmed funds for some programs, notably EEM. These agencies must follow the same rules and regulations, which apply to any other local agency developing a state or federal-aid funded project. When such an agency does not have a full staff of administrative, engineering, contracting, or accounting personnel, Caltrans encourages it to work through a local agency that can provide these services and is familiar with the applicable rules.

EXHIBIT 2-B FEDERAL-AID LOCAL ASSISTANCE RESPONSIBILITIES			
ACTIVITY	Projects on the National Highway System (NHS)	Projects not on the NHS	COMMENTS
	(Excluding Interstate ¹)		
	State-Authorized	State-Authorized	
Project Authorizations (Chapter 3)			
Prepare "Request for Authorization"	Local Agency	Local Agency	
Approve "Authorization to Proceed" (E-76) for each project phase	State	State	Authorization must precede any reimbursable activities.
Obligate Funds	FHWA	FHWA	
Agreements (Chapter 4)			
Prepare Agreements	State		
Execute Master Agreement/Program Supplements	Local Agency/State		
Invoices (Chapter 5)			
Prepare Invoices	Local Agency		
Approve Payment	State		
Environmental Procedures (Chapter 6)			
Conduct preliminary investigations and complete Preliminary Environmental Studies Form (PES)	Local Agency		
Concur with required technical studies and NEPA Class of Action)	State		
Conduct required technical studies and prepare technical reports and NEPA document (CE, EA, EIS)	Local Agency		Complete PES and attend early coordination meeting before starting technical studies.
Review technical reports and NEPA document	State		
Determine adequacy of technical reports, conduct interagency consultation and approve NEPA document	State		

¹ Projects on or impacting the Interstate regardless of funding will require a project-by-project review by FHWA. For these and all projects on state highways, the local agency should coordinate closely with the DLAE and District Project Development Manager to ensure that all required authorizations/obligations and other reviews and approvals are obtained in a timely manner and in accordance with state highway development procedures. Early consultation by Caltrans with FHWA will aid in coordination for necessary involvement and needed approvals, if any.

FEDERAL-AID LOCAL ASSISTANCE RESPONSIBILITIES			
ACTIVITY	Projects on the National Highway System (NHS) (Excluding Interstate ¹)	Projects not on the NHS	COMMENTS
	State-Authorized	State-Authorized	
Field Review (Chapter 7)			
Decision to hold Field Review	State (See Comments)	Local Agency	State required Field Reviews limited to high cost, complex, corridor-type NHS projects.
Prepare Field Review Form	Local Agency	Local Agency	
Attend/Sign Field Review Form	Local Agency, State and FHWA	Local Agency	State will (and FHWA may) attend all required NHS Field Reviews, and others when appropriate.
Public Hearings (Chapter 8)			
Decision on Type of Public Hearing	Local Agency		Formal or Open Forum
Approval to circulate EA/EIS	FHWA		Public hearings are held after the EA or Draft EIS has been approved.
Civil Rights & Disadvantaged Business Enterprises (Chapter 9)			
Provide Civil Rights Assurances	Local Agency (In Master Agreement and Program Supplements)		
Complaint Investigations/Contractor Compliance	Local Agency		May be assisted by State
Local Agency Compliance Reviews	State/FHWA		
Approve Local Agency DBE Annual Anticipated DBE Participation Level	State		
Determine/Approve Project DBE Availability Advisory Percentage	Local Agency		
Consultant Selection (Chapter 10)			
Select Consultant and approve contract	Local Agency		
Pre-award audit	State		Limited to Contracts >\$250,000

¹ Projects on or impacting the Interstate regardless of funding will require a project-by-project review by FHWA. For these and all projects on state highways, the local agency should coordinate closely with the DLAE and District Project Development Manager to ensure that all required authorizations/obligations and other reviews and approvals are obtained in a timely manner and in accordance with state highway development procedures. Early consultation by Caltrans with FHWA will aid in coordination for necessary involvement and needed approvals, if any.

PPNO - Project Planning Number

PS&E - Plans, Specifications and Estimate

RIP - Regional Improvement Program (Portion of STIP)

RSTP - Regional Surface Transportation Program

RTPA - Regional Transportation Planning Agency

R/W - Right of Way

SAFETEA-LU - Safe, Accountable, Flexible, Efficient, Transportation Equity Act – A Legacy for Users

SEMP - Systems Engineering Management Plan

SERF - Systems Engineering Review Form

SR2S - Safe Routes to School Program

STD - State Transportation Department

STIP - State Transportation Improvement Program

STP - Surface Transportation Program

TE - Transportation Enhancements Program

TEA-21 -Transportation Equity Act for the 21st Century

USC - United States Code

TERMS AND DEFINITIONS

Allocation - An administrative distribution of funds.

Apportionment - A statutorily prescribed division or assignment of funds. An apportionment is based on prescribed formulas in the law and consists of dividing authorized obligational authority for a specific program among the states.

Authorization to Proceed - Federal project Funding eligibility approval for a particular phase of work by the Federal Highway Administration (FHWA).

Construction Engineering - Supervision and inspection of construction activities, additional staking functions considered necessary for effective control of the construction operations, testing materials incorporated into construction, checking shop drawing, and measurements needed for the preparation of pay estimates.

E-76 - Federal-aid Program Document titled: “Authorization to Proceed” Form. It provides federal authorization to begin reimbursable work for a specific phase of work.

Federal Fiscal Year - The accounting period for the federal budget. The Federal Fiscal Year (FFY) is from October 1 until September 30. The FFY is designated by the calendar year in which it ends. For example, FFY 06 runs from October 1, 2005, until September 30, 2006.

Finance Letter - Project funding summary document required by Local Programs Accounting. It is prepared by the administering agency and submitted to Caltrans as backup information for the federal-aid/state project agreement.

FSTIP - Federal Statewide Transportation Improvement Program, a three-year list of all state and local transportation projects proposed for federal surface transportation funding and/or are considered regionally significant. This is developed by Caltrans in cooperation with MPOs/RTPAs and in consultation with local and other rural entities. The FSTIP, including FTIPs, requires FHWA/FTA approval.

FTIP - Federal Transportation Improvement Program, a three-year list of all transportation projects proposed for federal surface transportation funding within the planning area of one of the eighteen Metropolitan Planning Organizations (MPOs) in the state. These are only valid for reference when incorporated into the FSTIP and approved by FHWA/FTA (see Chapter 4 of the *Caltrans Project Development Procedures Manual* for more discussion).

Full Oversight Projects - Categories of projects subject to Full Oversight (review and approval) by the FHWA. Includes projects on the Interstate that are new or reconstruction (not 3R) greater than \$1 million as well as complex and high cost projects.

LAPG - The *Local Assistance Program Guidelines* manual provides local project sponsors with a complete description of the federal and state programs available for financing local public transportation related facilities.

LAPM - The *Local Assistance Procedures Manual* describes the processes, procedures, documents, authorization, approvals and certifications, which are required in order to received federal-aid and/or state funds for many types of local transportation projects.

Local Agency - A city, county or other public entity.

Local Assistance Project - A local surface transportation project funded with federal and/or state funds for the operation, maintenance, and acquisition or development of facilities or land, provided the local entity retains ownership after completion of the project. Examples include:

- Project on Local Street with federal CMAQ funds
- Project on Local Street with RIP (STIP) funds

National Environmental Policy Act (NEPA)^a - Federal environmental law requiring federal agencies to consider the environmental impacts of their actions, evaluate least damaging alternatives and ensure decisions are made in the public's best interest based on a balanced consideration of the need for safe and efficient transportation.

Obligation - The federal government's legal commitment (promise) to pay or reimburse the states or other entities for the federal share of a project's eligible costs.

Obligation Authority (OA) - Total amount of federal funds that may be obligated in a FFY.

Overall Work Plan (OWP) - The OWP is the MPO/RTPA's transportation planning structure/plan for the state fiscal year, July 1 through June 30.

Preliminary Engineering (PE) - This phase includes all project initiation and development activities (including NEPA approval) undertaken through the completion of PS&E. It may include preliminary Right of Way engineering and investigations necessary to comply with the provisions of NEPA.

State-Authorized Project - A classification of federal-aid projects, which are not subject to FHWA review and approval as required by Title 23 Code of Federal Regulations. For State-Authorized federal-aid projects the FHWA and Caltrans may exercise the maximum delegation of authority to local agencies (see Chapter 2, Section 2.4, “Stewardship - Letters of Agreement” and Figure 2-1, “FHWA Oversight”).

3.2 PRIOR TO FEDERAL AUTHORIZATION

Prior to federal authorization, all federally funded transportation projects must be included in the current federally approved Federal Transportation Improvement Program/Federal Statewide Transportation Improvement Program (FTIP/FSTIP). The FTIP/FSTIP (or amendment thereto) must identify scope of work, project location, project sponsor, federally funded phases of work, programmed FFY, and the types and amounts of federal funds. ER projects that involve substantial functional, locational, or capacity changes also must be included in the FTIP/FSTIP.

Noncapacity increasing projects funded by the following federal programs are typically included in Caltrans’ administered Lump Sum listing of projects. The following Lump Sum listings of projects are developed, in cooperation with the MPOs/ RTPAs and local agencies:

- Highway Bridge Program (HBP previously HBRRP)
- Local Seismic Safety Retrofit Program (LSSRP)
- Hazard Elimination and Safety (HES) Program
- Safe Routes to School (SR2S) Program
- Railroad Grade Crossing Program

Note: *Transportation Enhancements (TE) funded projects are now programmed in the State Transportation Improvement Program (STIP) (see Chapter 23 “Local Agency State Transportation Improvement Projects,” of the LAPG for requirements associated with federally funded STIP projects).*

Projects funded with regionally programmed Surface Transportation Program (STP) or Congestion Mitigation and Air Quality Improvement (CMAQ) funds may be included in a Regional Lump Sum listing of projects as adopted by the appropriate MPO/RTPA. The RTPA/MPO is responsible for project eligibility determination and financial constraint of the regional program. When a local agency requests federal authorization of a project, the MPO/RTPA’s approved list of projects must be provided to the Caltrans District Local Assistance Engineer (DLAE).

Planning type projects funded with PL (MPO Planning Funds) or Section 5303 funds are not required to be listed in the FTIP/FSTIP when they do not lead to construction; however, these projects must then be included in a federally approved planning document such as Overall Work Plan (OWP).

Soon after a project is selected and programmed for inclusion or amended into the FTIP/FSTIP, the sponsoring agency should contact the Caltrans DLAE to discuss how and when they plan to proceed with project implementation. The discussion should cover the timing and process for the authorization/obligation of federal funds, whether a “Formal Field Review” is required or recommended (see Chapter 7, “Field Reviews,” of the LAPM), and the California Transportation Commission (CTC) allocation(s) of STIP funds, if necessary.

If federally funded work is to be performed by a consultant or contractor, the local agency must have a Caltrans approved Disadvantaged Business Enterprise Race-Neutral Implementation Agreement (Exhibit 9-A) and the approved Local DBE Annual Submittal Form (Exhibit 9-B). The Local Agency DBE Annual Submittal Form is due to the DLAE by June 1 of each year for the following FFY. (See Chapter 9, “Civil Rights and Disadvantaged Business Enterprises,” of the LAPM.)

3.3 REQUEST FOR AUTHORIZATION

The project sponsor identified in the FTIP/FSTIP to receive the federal funds is responsible for requesting the Federal Authorization to Proceed. The project sponsor must prepare and submit a “Request for Authorization to Proceed” package to the appropriate Caltrans District Local Assistance Office. The request package should include, as a minimum, the agency’s “Request for Authorization to Proceed”(see Exhibits 3-A, B, C, or D), “Request for Authorization to Proceed Data Sheets(s)” (see Exhibit 3-E), and all required support documentation. The Caltrans District Local Assistance Office must submit to Caltrans Headquarters Division of Local Assistance (DLA), the “Federal Project Log Sheet” (Exhibit 3-G) with the appropriate documents attached.

If the Request for Authorization package is complete and all federal and state requirements have been satisfied, a minimum of three (3) weeks processing time should be allowed to receive federal Authorization to Proceed for “State-Authorized” projects. Another week or more may be required for “Full Oversight” projects that require FHWA authorization. Additional time may also be required near the beginning or end of the FFY.

If the “Request for Authorization to Proceed” package is incomplete, unacceptable or missing information that cannot be quickly obtained by FAX, telephone, e-mail, or other source, the package will be returned to the local agency for resubmittal.

PRELIMINARY ENGINEERING

Eligible preliminary engineering (PE) work includes location and environmental studies, NEPA approval (Chapter 6, “Environmental Procedures,” of the LAPM), final design (Plans, Specifications and Estimate [PS&E]) and other related work including the cost of advertising leading to physical construction of a project. Preliminary R/W studies, as needed for NEPA compliance (see Chapter 13, “Right of Way,” of the LAPM), may be considered eligible and authorized as part of PE.

Only eligible work performed after the date of federal authorization is eligible for federal reimbursement. The preliminary studies portion of PE may be authorized prior to an optional or mandatory field review (see Chapter 7, “Field Reviews,” of the LAPM). This allows for the reimbursement of selecting consultants and other specialists who may be needed for field review. However, a completed Field Review form shall be submitted to Caltrans within four-months from the initial PE authorization. Otherwise, the authorization to proceed will be canceled automatically.

“Authorization to Proceed with PE” must lead to R/W acquisition or construction in a timely manner. Per 23 CFR 630.112 (a)(2), if R/W is not acquired or a construction contract is not awarded by the close of the tenth fiscal year following the year of PE authorization, any expended federal funds must be returned to the federal government, unless a time extension is granted by the FHWA.

INTELLIGENT TRANSPORTATION SYSTEMS

For Intelligent Transportation Systems (ITS) projects, PE includes Systems Engineering, equipment, software development, and use of a Systems Manager or Systems Integrator (see Section 12.6, “Intelligent Transportation Systems Program,” of the LAPG for details on Systems Engineering and use of a Systems Manager or Systems Integrator).

The Systems Engineering analysis of major ITS projects, as defined in Section 12.6 of the LAPG, must be approved by the FHWA prior to advancing to detailed component design. Therefore, major ITS projects require two separate PE phase authorizations. The Systems Engineering Review Form (SERF) of major ITS projects must be approved by FHWA prior to, or shortly after (if prepared by a consultant) the first PE authorization. Development of the Systems Engineering Management Plan (SEMP) is contingent upon federal approval of the SERF. FHWA approval of the SEMP is required prior to the second PE authorization and proceeding to final detailed design.

Minor ITS projects can undergo the traditional one PE phase authorization and will not require FHWA approval of the SERF and SEMP. However, the local agency still must complete the SERF, as part of the Field Review Form.

RIGHT OF WAY

Eligible Right of Way (R/W) work includes the preparation of R/W plans, making economic studies, other R/W related-preliminary work, appraisal for parcel acquisition, review of appraisals, payments for real property acquired, preparation for and trial of condemnation cases, management of properties acquired, furnishing of relocation assistance, and other related labor expenses (see 23 CFR 710 for details). This work is covered in the local agency’s “Request for Authorization to Proceed with Right of Way,” (Exhibit 3-B of this chapter).

Only eligible work performed after federal “Authorization to Proceed” with R/W may receive federal reimbursement.

As noted above, some R/W activities necessary for the completion of the NEPA process may be authorized as part of PE. However, an approved NEPA document is required prior to the majority of R/W activities (e.g., negotiating with property owners, acquisition and relocation assistance, see Chapter 13, “Right of Way,” of the LAPM). The request for R/W authorization must include an approved NEPA document and completed Field Review Form if not submitted previously.

RIGHT OF WAY UTILITY RELOCATIONS

If federal reimbursement is sought for utility relocations (adjustments), all work must be performed in accordance with the FHWA’s “Alternate Procedure” 23 CFR 645.119 (e)(2). Refer to Chapter 14, “Utility Relocations,” of the LAPM for detailed information and procedures related to eligible costs, required federal actions (Authorization to Proceed [E-76], FHWA Specific Authorization to Relocate Utilities and FHWA Approval of Utility Agreement[s]), sequence of activities, notifications, support documentation and federal reimbursement.

The DLAE must identify the name of the utility owner, type of facility, and estimated cost to relocate/adjust each utility in the “State Comments” section of the E-76.

IMPORTANT: If federal funds are used to finance any phase of work on a project, all project R/W activities, including utility relocation must conform to requirements of 23 CFR, Part 645. Failure to comply will jeopardize federal funding.

CONSTRUCTION AND CONSTRUCTION ENGINEERING

Eligible construction costs include, the actual cost to construct the highway itself including its appurtenant facilities and any removal, adjustment or demolition of buildings or major obstruction, utility or railroad work that is a part of the physical construction of the project construction engineering, and administrative settlement of cost for contract claims.

Federal “Authorization to Proceed” with construction must be received prior to advertising the construction contract. **Projects advertised prior to federal authorization are NOT eligible for federal reimbursement.**

The request package for “Authorization to Proceed” with construction must include a Field Review form, a copy of the approved NEPA document (either a signed Categorical Exclusion [CE], Finding of No Significant Impact [FONSI], or Record of Decision [ROD]), if not previously submitted, approved Right of Way Certification, project finance letter, engineer’s estimate, PS&E Certification (Exhibit 12-C), PS&E Checklist (Exhibit 12-D) and PS&E package.

For SAFETEA-LU major projects of \$100 million or more, an annual Financial Plan must be prepared prior to Construction Authorization, and submitted to the DLAE with the request for construction authorization. Major projects of \$500 million or more, the preparation and submittal of a draft Project Management Plan is required prior to environmental approval. Both the Financial Plan and Project Management Plan are to be submitted to the DLAE. The requirements for both of these plans are discussed in Chapter 2 “Roles and Responsibilities,” of the LAPM.

Construction Engineering (CE) includes, the supervision and inspection of construction activities, additional staking functions considered necessary for effective control of the construction operations, testing materials incorporated into the construction, checking shop drawings, and measurements needed for establishing pay quantities. CE costs must be specifically included in the “Authorization to Proceed with Construction” and authorized to be eligible for federal reimbursement. CE costs must also be included on the project finance letter. If CE is authorized after construction begins, only those CE costs incurred after the date of the CE authorization are eligible for federal reimbursement.

Typically, the federal reimbursement of CE costs is limited to 15% of the total federal funds obligated for construction. Construction costs exclude costs of PE, right of way and CE. For implementation purposes, CE costs in excess of 15% on “State-Authorized” projects must be reviewed for reasonableness and approved by the Caltrans DLAE.

If Caltrans source inspection services will be requested, the local agency must submit/justify their request (refer to Exhibit 16-V “Source Inspection Request From Local Agency To Caltrans District Local Assistance Engineer,” of the LAPM) at least 30 days prior to local agency submittal of their “Request for Authorization to Proceed with Construction.” Caltrans may perform the requested source inspection services, subject to the availability of their inspectors (see “Source Inspection,” Section 16.14, “Quality Assurance Program,” of the LAPM).

Some ITS projects may be fully deployed without ever advancing to construction. There are other ITS projects with nonconstruction activities, which might be handled as consultant, low-bid, or service contracts (see the PE and/or procurement discussion of Section 12.6, “Intelligent Transportation Systems” of the LAPG).

California Government Code 16304 stipulates that any federal and state local assistance funds encumbered for a project are typically available for disbursement for a period of seven (7) and five (5) years, respectively, from the beginning of the fiscal year(s) the funds are appropriated in the State Budget Act. A DLA prepared project Finance Letter (based on information provided by the project sponsor) is sent to the project sponsor and reflects various project fund reversion dates. It is imperative that a local agency request federal authorization only when they are ready to do the work and only for work that will be completed and invoiced within this time period. Federal authorization for the remaining project work should be requested at a future date.

3.6 UNDERFUNDED PROJECTS

When the federal funds programmed for a project in the FTIP/FSTIP are insufficient to reimburse a local agency at the maximum federal reimbursement rate (legal pro rata) permitted for a federal fund type, the project is defined as “federally underfunded.” From a federal perspective, underfunded projects result in more federal projects for a given amount of federal funds. The increased oversight/administration costs make this an inefficient way of utilizing federal funds.

Section 630.106 of Title 23 (Highways) of the United States Code of Federal Regulations (CFR) stipulates:

- (f)(1) The federal-aid share of eligible project costs shall be established at the time of project authorization in one of the following manners:*
- *Pro rata, with the authorization stating the federal share as a specified percentage; or*
 - *Lump sum, with the authorization stating that federal funds are limited to a specified dollar amount not to exceed the legal pro rata.*
- (2) The pro rata or lump sum share may be adjusted before or shortly after contract award to reflect any substantive change in the bids received as compared to the State Transportation Department's (STD's) estimated cost of the project at the time of FHWA authorization, provided that federal funds are available.*
- (3) Federal participation is limited to the agreed federal share of eligible costs incurred by the state, not to exceed the maximum permitted by enabling legislation.*
- (g) The state may contribute more than the normal nonfederal share of Title 23, U.S.C. projects. In general, financing proposals that result in only minimal amounts of federal funds in projects should be avoided, unless they are based on sound project management decisions.*

Therefore, except as permitted by 23 CFR 630.106 (f)(2), once a federal fund source is placed under agreement (E-76) for a phase of work, the pro rata reimbursement rate for that federal fund type (apportionment) and phase of work is fixed for the life of the project. In other words, when a phase of work is placed under federal agreement (E-76), the project sponsor has agreed to deliver a scope of work for an agreed upon amount of federal funds. If project costs increase, the federal share of the eligible costs is fixed at the federal pro rata established at the time of the project was placed under agreement. For this reason, MPOs/RTPAs should strive to fund projects at the maximum federal reimbursable rate.

ADMINISTRATIVE RULES

Current FHWA administrative rules require that federal funds represent a substantial share of the eligible project costs. For projects subject to Full Oversight, the FHWA will not authorize projects with a federal share below fifty percent (50%) of the total eligible costs. Exceptions to the above limitations are permitted for the following types of projects:

- Advance Construction authorizations
- Bond Funded projects
- The preliminary location studies portion of the preliminary engineering and right of way phases of work

For State-Authorized projects, Caltrans DLAE will consider underfunding on a project-by-project basis. However, if there is a potential for a Region to lapse funds to the “Use It or Lose It” provisions of AB1012, Caltrans will not permit the initial underfunding of projects for that Region.

Many federal “earmark” and “discretionary” federal funding programs (Demonstration Discretionary Bridge, etc.) release or allocate federal funds on an annual basis. For long-term and/or high cost projects, the total anticipated federal funds might not be available at the time of the initial federal authorization for the project phase of work. Therefore, for these types of funds, FHWA will permit adjustment to the federal pro rata as the federal funds become available.

FEDERAL REIMBURSEMENT OF UNDERFUNDED PROJECTS

At the time of Federal Authorization (E-76), the federal reimbursement rate for a project or phase of work is established by dividing the authorized federal funds by the federal participating costs of work, not to exceed the legal pro rata.

For progress invoices, the federal reimbursement rate is limited to the rate established in FMIS by the most current Federal Authorization to Proceed/Obligation of Funds (E-76). On the final invoice, the federal reimbursement rate may fluctuate to ensure that the local agency receives the total federal funds to which it is entitled not to exceed the legal pro rata or obligated federal funds.

3.7 LOCAL ADVANCE CONSTRUCTION PROCEDURES

When federal funds are not available for obligation due to an insufficient balance of funds or OA, a local agency may request in writing federal authorization to proceed with the project (or project phase) under advance construction procedures (see Exhibit 3-I, “Request for Local Advance Construction Authorization” in this chapter).

Under local advance construction procedures, following federal authorization to proceed, the local agency will use its own funds to perform work eligible for future federal reimbursement. The local agency must have sufficient local funds to pay for all project costs until such time as federal funds become available. An FTIP amendment may be required when the Advance Construction Authorization is converted to a real obligation of federal funds (see Exhibit 3-1 “Request for Local Advance Construction Authorization” in this chapter). The local agency must consider the risk that the federal funds may never become available.

The following local federal-aid programs are eligible for Advance Construction:

- Congestion Mitigation & Air Quality Improvement (CMAQ) Program
- Regional Surface Transportation Program (RSTP)
- Highway Bridge Program (HBP previously HBRRP)

A project authorized under advance construction procedures must comply with all federal requirements including programming in the FTIP. Local advance construction federal authorization does not constitute a commitment of federal funds to the project, and a program supplement agreement will not be issued. The Federal Authorization date establishes the start date for performing federally reimbursable work. If and when federal funds become available, a follow-up Authorization to Proceed (E-76) must be processed to obligate the federal funds (i.e., place funds under agreement with FHWA). The project or project phase must be listed in the current FTIP/FSTIP at this time. The program supplement agreement between Caltrans and the local agency also must be executed and/or finance letter signed/approved by Caltrans before a local agency can receive federal reimbursement.

NOTE: *Federal-aid projects utilizing “tapered match” provisions (discussed below) are not eligible for advance construction authorization.*

3.8 TAPERED MATCH

The use of “tapered match” provisions enables a project sponsor to vary the nonfederal share of a federal-aid project over time provided, the federal contribution toward the overall project does not exceed the federal pro rata limit.

Traditionally, a project sponsor is responsible for paying the required nonfederal share of the project costs on each invoice submitted for reimbursement. Under the tapered match approach, a nonfederal-matching ratio is assigned to the project, rather than individual payments. The federal share can be as high as one-hundred percent in the early stages of project reimbursement provided, that the overall federal contribution does not exceed the statutory federal-aid limit at the end of project completion.

Tapered match provisions cannot be used on advance construction projects, STP funded projects where the nonfederal match is being provided on program-wide-basis, and bond projects authorized under Title 23-Section 122. These activities are considered inconsistent with the intent of tapered match.

The use of tapered match provisions is subject to review and approval by both Caltrans (Office of Federal Resources) and FHWA (California Division). The project sponsor must submit written taper match plan to the DLA for review. The project sponsor shall also show that they have their matching pro rata share available and are committed to providing it as applicable. The request must include the justification and a tapered match schedule.

The FHWA may approve cases where tapered match would:

- Expedite project completion.
- Reduce the project’s overall cost.
- Provide incentive to attract additional nonfederal funds to the project.

3.9 FLEXIBLE MATCH

Federal flexible match provisions allow a wide variety of public and private contributions to be credited toward the nonfederal match for federal-aid projects. Eligible contributions include donations of public and private cash, R/W (Acquisition) and in certain cases, public and private materials or services rendered.

The use of flexible match also is subject to review and approval by both Caltrans (Office of Federal Resources) and the FHWA (California Division). The project sponsor must submit a written flexible match plan to the DLAE for review. The plan must specify the appraised value (fair market value) of donated property, materials, and/or services.

Eligibility of flexible match for credit against nonfederal match is subject to the following:

- **Cash:** Private, state, and local entity funds must be received during the period between project approval/authorization and submittal of the project final voucher.
- **Right of Way:** Private, state, local agency property may be donated any time during the project development process. The property must be appraised to determine the fair market value and must be included in the total project cost. The donation of the property shall not influence the NEPA process.
- **Materials:** Private and local entity donation of materials must be appraised to determine fair market value. Credit for state donated materials is not permitted.
- **Services:** State and local entity services may only be credited toward the nonfederal match for Transportation Enhancements (TE) projects. Private donation of services must be documented as to fair market value.

In addition to the referenced flexible match opportunities above, certain sources of federal grant funds may be eligible to match certain categories of highway projects. For more information refer to FHWA's "*Innovative Finance Primer*" Chapter 2 "Innovative Management of Federal Funds," located at:

<http://www.fhwa.dot.gov/innovativefinance/ifp/innoman.htm>

3.10 FTA TRANSFER

Under provisions of the ISTEA of 1991, and continued by the Transportation Equity Act for the 21st Century (TEA-21), and Safe, Accountable, Flexible, Efficient Transportation Equity Act - A Legacy for Users (SAFETEA-LU), state, regional, and local agencies have greater opportunity to select transit-related projects to meet their transportation needs. These provisions include:

- An expanded eligibility criteria under major funding programs (including STP and CMAQ) to implement both highway and transit improvements,
- The ability to transfer federal funds from one funding program to another permitting the implementing agencies to capitalize on expanded eligibility (e.g. HB Program to STP), and
- The ability to transfer federal funds from the jurisdiction of the FHWA to that of the FTA, and vice versa.

**EXHIBIT 3-A REQUEST FOR AUTHORIZATION
TO PROCEED WITH PRELIMINARY ENGINEERING**
(Local Agency Letterhead)

To: (DLAetName)
District Local Assistance Engineer
Caltrans, Office of Local Assistance
(District Address)

Date: _____
FTIP/FSTIP ID: _____
Federal Project No: _____
EAT: _____
PPNO (For STIP Projects): _____
Major ITS (Phase 1 or 2): _____
Project Description: _____

Dear (DLAE Name):

In order to begin federally reimbursable preliminary engineering work for the above-referenced project, we request that you secure Federal Authorization to Proceed and obligation of funds. The federal funds requested do not exceed those provided to this agency in the federally approved Federal Transportation Improvement Program (FTIP)/Federal Statewide Transportation Improvement Program (FSTIP).

Attached are the following documents required to authorize this phase of work:

Request for Authorization Package

- ☐ Completed Request for PE Authorization Data Sheet (Exhibit 3-E)
- ☐ Copy of FTIP/FSTIP Reference
- ☐ Completed Finance Letter (Exhibit 3-O)
- ☐ For Major ITS Projects – Phase 2 Only: FHWA approved Systems Engineering Management Plan (SEMP) (Note that federal approval of the SEMP is contingent on prior federal approval of the Systems Engineering Review Form [SERF])
- ☐ Copy of Executed Cooperative Agreement (only for projects on State Highway System)
- ☐ Request for Capital Subvention Reimbursement Allocation (Exhibit 3-H) (only for projects on State Highway System)

Field Review Form (Exhibit 7-B)

- ☐ Completed Field Review Form (Exhibit 7-B), or
- ☐ **A Field Review Form will be submitted within four (4) months of the Federal Authorization date, otherwise, it is understood the authorization to proceed will be canceled automatically. It is further understood that a Program Supplement Agreement will NOT be prepared until after the Field Review Form is submitted.**

Environmental Document

- ☐ Type of NEPA Document. Approval Date: _____
 - ☐ Categorical Exclusion (CE) Form
 - ☐ Findings of No Significant Impact (FONSI)
 - ☐ Record of Decision (ROD)
 - ☐ Re-evaluation
- ☐ This agency has not completed the environmental process. The NEPA Document will be submitted at a later date, prior to beginning of final design (PS&E).

Disadvantaged Business Enterprise (DBE)

- ☐ The Annual Anticipated DBE Participation Level (AADPL) for FFY _____ was approved by Caltrans on _____.
- ☐ All work for this phase of the project will be performed by local agency staff.
- ☐ For consultant contracts the Local Agency Proposer/Bidder-DBE (Consultant Contract) Information (Exhibit 10-O) will be provided immediately upon execution of the consultant contract.

Pre-Award Audit

- ☐ Completed Audit Disposition (Exhibit 10-K), or
- ☐ Audit Disposition was not completed because neither federal-aid nor state funds will be used to fund a consultant contract, or
- ☐ Pre-award audit was not performed because the consultant contract is for \$250,000 or less and does not meet the criteria outlined in Exhibit 10-K, requiring pre-award audit, or
- ☐ Audit Disposition is not being submitted at this time. It will be submitted to the DLAE prior to entering a contract with the consultant(s).

California Transportation Commission (CTC) Allocation

- ☐ A CTC allocation is not required, or
- ☐ A CTC allocation of \$ _____ (federal/state) funds for the PA/ED and/or PS&E component(s) of work was made at the _____ meeting of the CTC, or
- ☐ A CTC allocation of funds has been scheduled for the _____ meeting of the CTC. It is understood that the authorization/obligation of any federal STIP funds will not be made until after the CTC allocation.

Project Agreement and Liquidation of Funds

Upon FHWA issuance of the "Authorization to Proceed" and Agency submittal of the "Field Review" form (Exhibit 7-B) a "Program Supplement Agreement" will be prepared to encumber the federal and/or state funds for the project. This Agency understands that any federal and/or state funds encumbered for the project are typically available for disbursement for a period of seven (7) and five (5) years respectively, from the beginning of the fiscal year(s) that those funds are appropriated in the State Budget Act, unless an extension is granted by the Department of Finance. It is anticipated that this phase of work will be completed by _____ (month, year).

Invoice Submittal

This Agency understands that only relocation work performed after federal "Authorization to Proceed" (E-76) is eligible for reimbursement. Invoices for reimbursement will not be submitted until after the federal and state (if applicable) funds are encumbered via an executed "Program Supplement Agreement" and/or State approval Finance Letter. In addition, it is also understood that an invoice must be submitted at least once every six (6) months for each project phase until all funds are expended. If there are no eligible expenses, then a written explanation will be provided for that six (6) month period along with the target amount and date for the next invoice submittal.

CERTIFICATION

I certify that the facts and statements in this Request for Authorization Package are accurate and correct. This Agency agrees to comply with the applicable terms and conditions set forth in Title 23, U.S. Code, Highways, and the policies and procedures promulgated by the Federal Highway Administration and California Department of Transportation relative to the above-designated project.

I understand that this Agency is responsible for all costs in excess of the federal and/or state funds obligated / encumbered as well as for all costs it incurred prior to receiving the FHWA issued "Authorization to Proceed." I further understand that all subsequent phases of the project will require a separate "Federal Authorization to Proceed."

For all ITS projects, I understand that our project shall be consistent with the Regional ITS Architecture, adhere to ITS Standards, and undergo Systems Engineering analysis. For Major ITS projects, I understand that this Agency shall not proceed with component detailed design until after FHWA approval of the SEMP and receipt of "Authorization to Proceed."

Please advise us as soon as the "Federal Authorization to Proceed" has been issued. You may direct any questions to:

_____(Name of Local Agency Contact)____ at _____(phone number and e-mail address)_____.

Name

Title

Agency

Distribution: DLAE

**EXHIBIT 3-B REQUEST FOR AUTHORIZATION
TO PROCEED WITH RIGHT OF WAY**
(Local Agency Letterhead)

To: (DLAetName)
District Local Assistance Engineer
Caltrans, Office of Local Assistance
(District Address)

Date: _____
FTIP/FSTIP ID: _____
Federal Project No: _____
EA: _____
PPNO (For STIP Projects): _____
Project Description: _____

Dear (DLAE Name):

In order to proceed with right of way phase of work for the above-referenced project, we request that you secure Federal Authorization to Proceed and obligation of funds. The federal funds requested do not exceed those provided to this agency in the federally approved Federal Transportation Improvement Program (FTIP)/Federal Statewide Transportation Improvement Program (FSTIP).

Attached are the following documents required to authorize this phase of work:

Request for Authorization Package

- ☐ Completed Request for R/W Authorization Data Sheet (Exhibit 3-E)
- ☐ Copy of FTIP/FSTIP Reference Sheet
- ☐ Completed Finance Letter (Exhibit 3-O)
- ☐ Copy of Executed Cooperative Agreement, if not previously submitted (only for projects on State Highway System)
- ☐ Request for Capital Subvention Reimbursement Authority (Exhibit 3-H) (only for projects on State Highway System)

Field Review Form (Exhibit 7-B)

- ☐ Completed Field Review Form (Exhibit 7-B), or
- ☐ The Field Review Form was submitted previously on _____.

Environmental Document

- ☐ Type of NEPA Document. Approval Date: _____
- ☐ Categorical Exclusion (CE) Form
- ☐ Findings of No Significant Impact (FONSI)
- ☐ Record of Decision (ROD))
- ☐ Re-evaluation

Disadvantaged Business Enterprise (DBE)

- ☐ The Annual Anticipated DBE Participation Level (AADPL) for FFY _____ was approved by Caltrans on _____.
- ☐ All work for this phase of the project will be performed by local agency staff.
- ☐ For consultant contracts the Local Agency Proposer/Bidder-DBE (Consultant Contract) Information (Exhibit 10-O) will be provided immediately upon execution of the consultant contract.

California Transportation Commission (CTC) Allocation

Check which of the following applies:

- ☐ A CTC allocation is not required, or
- ☐ A CTC allocation of funds for the right of way component of work was made at the _____ meeting of the CTC, or
- ☐ A CTC allocation of funds has been scheduled for the _____ meeting of the CTC. It is understood that the authorization/obligation of any federal STIP funds will not be made until after the CTC allocation.

Project Agreement and Liquidation of Funds

Upon FHWA issuance of the "Authorization to Proceed" (and agency submittal of the "Field Review" form [Exhibit 7-B] if not previously submitted), a "Program Supplement Agreement" and/or state approved "Finance Letter" will be prepared to encumber the federal and/or state funds for the project. This Agency understands that any federal and/or state funds encumbered for the project are typically available for disbursement for a period of seven (7) and five (5) years respectively, from the beginning of the fiscal year(s) that those funds are appropriated in the State Budget Act, unless, an extension is granted by the Department of Finance. It is anticipated that this phase of work will be completed by _____ (month, year).

Invoice Submittal

This Agency understands that only work performed after federal "Authorization to Proceed" (E-76) is eligible for reimbursement. Invoices for reimbursement will not be submitted until after the federal and state (if applicable) funds are encumbered via an executed "Program Supplement Agreement" and/or state approval Finance Letter. In addition, it is also understood that an invoice must be submitted at least once every six (6) months for each project phase until all funds are expended. If there are no eligible expenses, then a written explanation will be provided for that six (6) month period along with the target amount and date for the next invoice submittal.

CERTIFICATION

I certify that the facts and statements in this Request for Authorization Package are accurate and correct. This Agency agrees to comply with the applicable terms and conditions set forth in Title 23, U.S. Code, Highways, and the policies and procedures promulgated by the Federal Highway Administration and California Department of Transportation relative to the above-designated project.

I understand that this Agency is responsible for all costs in excess of the federal and/or state funds obligated / encumbered as well as for all costs it incurred prior to receiving the Federal Highway Administration issued "Authorization to Proceed."

Please advise us as soon as the Authorization to Proceed has been issued. You may direct any questions to:

____ (Name of Local Agency Contact) _____ at _____ (phone number and e-mail address) _____ .

Name

Title

Agency

Distribution: DLAE

**EXHIBIT 3-C REQUEST FOR AUTHORIZATION
TO PROCEED WITH UTILITY RELOCATION
(Local Agency Letterhead)**

To: (DLAetName)
District Local Assistance Engineer
Caltrans, Office of Local Assistance
(District Address)

Date: _____
FTIP/FSTIP ID: _____
Federal Project No: _____
EA: _____
PPNO (For STIP Projects): _____
Project Description: _____

Dear (DLAE Name):

In order to proceed with Utility Relocation phase of work for the above-referenced project, we request that you secure Federal Authorization to Proceed and obligation of funds. The federal funds requested do not exceed those provided to this agency in the federally approved Federal Transportation Improvement Program (FTIP)/Federal Statewide Transportation Improvement Program (FSTIP).

Attached are the following documents required to authorize this phase of work:

Request for Authorization Package

- ☐ Completed Request for R/W Authorization Form (Exhibit 3-B)
- ☐ Request for Authorization Data Sheet (Exhibit 3-E)
- ☐ Copy of FTIP/FSTIP Reference Sheet
- ☐ Completed Finance Letter (Exhibit 3-O)
- ☐ Copy of Executed Cooperative Agreement, if not previously submitted (only for projects on State Highway System)
- ☐ Request for Capitol Subvention Reimbursement Authority (Exhibit 3-H) (only for projects on State Highway System)

Field Review Form (Exhibit 7-B)

- ☐ Completed Field Review Form (Exhibit 7-B), or
- ☐ The Field Review Form was submitted previously on _____.

Environmental Document

- ☐ Type of NEPA Document. Approval Date: _____.
- ☐ Categorical Exclusion (CE) Form
- ☐ Findings of No Significant Impact (FONSI)
- ☐ Record of Decision (ROD)
- ☐ Re-evaluation/Revalidation Form

Disadvantaged Business Enterprise (DBE)

- ☐ The Annual Anticipated DBE Participation Level (AADPL) for FFY _____ was approved by Caltrans on _____.
- ☐ All work for this phase of the project will be performed by local agency staff.
- ☐ For consultant contracts the Local Agency Proposer/Bidder-DBE (Consultant Contract) Information (Exhibit 10-O) will be provided immediately upon execution of the consultant contract.

Utility Relocation

- ☐ This Agency agrees to comply with 23 CFR 645.119 "Alternate Procedure" (as explained in Chapter 13, "Right of Way," and Chapter 14, "Utility Relocations," of the LAPM). This alternate procedure is provided to simplify the processing of utility relocations or adjustments under the provisions of 23 CFR 645. Under this procedure, the FHWA authorized the Department of Transportation (Caltrans) to act in relative position of the FHWA for review and approval of the arrangements, fees, estimates, plans, utility agreements, and other related matters required by such regulation as prerequisites for authorizing the utility owner to proceed with and complete the work.

It is understood that the scope of the Department's approval authority under the Alternate Procedure includes all actions necessary to advance and complete all types of utility work under the provisions of such regulation, except Section 645.119 (B)(1) and 645.119 (b)(2). Two of such documents that need the Department's approval are FHWA Specific Authorization and FHWA Approval of the Utility Agreement(s). See Chapter 14, "Utility Relocations," of the LAPM for more information on the activities necessary for federal participation in utility relocations. The approval authority has been delegated to the Right of Way District Utility Coordinators.

California Transportation Commission (CTC) Allocation

Check which of the following applies:

- ☐ A CTC allocation is not required, or
☐ A CTC allocation of funds for the right of way component of work was made at the _____ meeting of the CTC, or
☐ A CTC allocation of funds has been scheduled for the _____ meeting of the CTC. It is understood that the authorization/obligation of any federal STIP funds will not be made until after the CTC allocation.

Project Agreement and Liquidation of Funds

Upon FHWA issuance of the "Authorization to Proceed" (and agency submittal of the "Field Review" form [Exhibit 7-B]), if not previously submitted), a "Program Supplement Agreement" and/or state approved "Finance Letter" will be prepared to encumber the federal and/or state funds for the project. This Agency understands that any federal and/or state funds encumbered for the project are typically available for disbursement for a period of seven (7) and five (5) years respectively, from the beginning of the fiscal year(s) that those funds are appropriated in the State Budget Act, unless an extension is granted by the Department of Finance. It is anticipated that this phase of work will be completed by _____ (month, year).

Invoice Submittal

This Agency understands that only relocation work performed after federal "Authorization to Proceed" (E-76), approval of the Specific Authorization, and appropriate Utility Agreement is eligible for reimbursement. Invoices for reimbursement will not be submitted until after the federal and state (if applicable) funds are encumbered via an executed "Program Supplement Agreement" and/or state approval Finance Letter. In addition, it is also understood that an invoice must be submitted at least once every six (6) months for each project phase until all funds are expended. If there are no eligible expenses, then a written explanation will be provided for that six (6) month period along with the target amount and date for the next invoice submittal.

CERTIFICATION

I certify that the facts and statements in this Request for Authorization Package are accurate and correct. This Agency agrees to comply with the applicable terms and conditions set forth in Title 23, U.S. Code, Highways, and policies and procedures promulgated by the Federal Highway Administration and California Department of Transportation relative to the above-designated project.

I understand that this Agency is responsible for all costs in excess of the federal and/or state funds obligated / encumbered, as well as, for all costs it incurred prior to receiving the FHWA issued Authorization to Proceed.

EXHIBIT 3-D REQUEST FOR AUTHORIZATION TO PROCEED WITH CONSTRUCTION**(Local Agency Letterhead)**

To: (DLAetName)
District Local Assistance Engineer
Caltrans, Office of Local Assistance
(District Address)

Date: _____
FTIP/FSTIP ID: _____
Federal Project No: _____
EA: _____
PPNO (For STIP Projects only): _____
Project Description: _____

Dear (DLAE Name):

In order to advertise, award and administer the construction contract for the above-referenced project, we request that you secure Federal Authorization to Proceed and obligation of funds. The federal funds requested do not exceed those provided to this agency in the federally approved Federal Transportation Improvement Program (FTIP)/Federal Statewide Transportation Improvement Program (FSTIP).

Attached are the following documents required to authorize this phase of work:

Request for Authorization Package

- ☐ Completed Request for Construction Authorization Data Sheet (Exhibit 3-E)
- ☐ Copy of FTIP/FSTIP Reference Sheet
- ☐ Completed Finance Letter (Exhibit 3-O)
- ☐ Copy of Executed Cooperative Agreement (only for projects on State Highway System)
- ☐ Request for capital Subvention Reimbursement Authority (Exhibit 3-H) (only for projects on State Highway System)

Field Review Form (Exhibit 7-B)

- ☐ Completed Field Review Form (Exhibit 7-B), or
- ☐ The Field Review form previously was submitted on _____.

Environmental Document

- ☐ Type of NEPA Document. Approval Date: _____.
- ☐ Categorical Exclusion (CE) Forms
- ☐ Findings of No Significant Impact (FONSI)
- ☐ Record of Decision (ROD)
- ☐ Re-evaluation

Disadvantaged Business Enterprises

- ☐ The Annual Anticipated DBE Participation Level (AADPL) for FFY _____ was approved by Caltrans on _____.
- ☐ All work for this phase of the project will be performed by local agency staff.
- ☐ For construction contracts the Local Agency Proposer/Bidder-DBE (Construction Contract) Information (Exhibit 15-G) will be provided immediately upon Execution of the consultant contract.

Right of Way Certification (Exhibits 13-A or 13-B)

- ☐ Right of Way Certification # _____ which was approved on _____.
- ☐ Right of Way Certification # _____ was approved on _____ and previously submitted.

PS&E Package and PS&E Certification

- ☐ Completed PS&E package, PS&E Certification (Exhibit 12-C), and PS&E Checklist (Exhibit 12-D), or
- ☐ The PS&E package, PS&E Certification, and PS&E Checklist were submitted and accepted on _____.

Local Agency Construction Contract Administration Checklist

- ☐ Local Agency Construction Contract Administration Checklist (Exhibit 15-A), or
- ☐ The Local Agency Construction Administration Checklist was submitted previously and our procedures have not changed.

California Transportation Commission (CTC) Allocation

Check which of the following applies:

- ☐ A CTC allocation is not required, or
- ☐ A CTC allocation of funds for the construction component of work was made at the _____ meeting of the CTC, or
- ☐ A CTC allocation of funds has been scheduled for the _____ meeting of the CTC. It is understood that the authorization/obligation of any federal STIP funds will not be made until after the CTC allocation.

Project Agreement and Liquidation of Funds

Upon FHWA issuance of the "Authorization to Proceed" (and agency submittal of the "Field Review" form [Exhibit 7-B], if not previously submitted), a "Program Supplement Agreement" and/or state approved "Finance Letter" will be prepared to encumber the federal and/or state funds for the project. This Agency understands that any federal and/or state funds encumbered for the project are typically available for disbursement for a period of seven (7) and five (5) years respectively, from the beginning of the fiscal year(s) that those funds are appropriated in the State Budget Act, unless an extension is granted by the Department of Finance. It is anticipated that this phase of work will be completed by (month, year)

Invoice Submittal

This Agency understands that project construction contracts advertised prior to federal authorization are NOT eligible for reimbursement. It is also understood that construction-engineering cost must be specifically included and authorized in the federal Authorization to Proceed with Construction to be eligible for reimbursement. If construction engineering (CE) is authorized after construction begins, only those construction-engineering costs incurred after the date the CE is authorized are eligible for reimbursement.

Invoices for reimbursement will not be submitted until after the federal and state (if applicable) funds are encumbered via an executed "Program Supplement Agreement" and /or state approved Finance Letter. It is understood that an invoice must be submitted at least once every six (6) months for each project phase until all funds are expended. If there are no eligible expenses then a written explanation will be provided for that six (6) month period along with the target amount and date for the next invoice submittal.

CERTIFICATION

I certify that the facts and statements in this "Request for Authorization Package" are accurate and correct. This Agency agrees to comply with the applicable terms and conditions set forth in Title 23, U.S. Code, Highways, and the policies and procedures promulgated by the Federal Highway Administration and California Department of Transportation relative to the above-designated project.

I understand that upon submittal of this request and a completed "Field Review" form, the federal and/or state funds will be encumbered via a Program Supplement Agreement and /or state approved Finance Letter. This Agency will comply with the liquidation deadlines as explained in Government Code 16304.

I understand that this Agency is responsible for all costs in excess of the federal and/or state funds obligated/encumbered and all costs it incurred prior to receiving the FHWA issued "Authorization to Proceed" for this phase of the project.

EXHIBIT 3-E - REQUEST FOR AUTHORIZATION TO PROCEED DATA SHEET(S)**PROJECT REFERENCE DATA**

DIST-CO-RTE-AGENCY: _____
 FEDERAL PROJECT NO.: _____
 CALTRANS EA: _____

FTIP / FSTIP ID: _____
 PPNO (STIP): _____
 CTIPS REFER. NO.: _____
 BRIDGE NO.(s): _____

RESPONSIBLE/IMPLEMENTING AGENCY

RESPONSIBLE AGENCY: _____ IMPLEMEN. AGENCY: _____

PROJECT DESCRIPTION

PROJECT TITLE: _____
 WORK DESCRIPTION: _____

PROJECT LOCATION

PROJECT LOCATION: _____

URBAN(IZED) AREA: _____ INDIAN RESERV. : (Y/N) _____
 CONG. DIST. & %'s: _____ TOLL ROAD: (Y/N) _____
 RURAL (Y/N): _____

FEDERAL AID ROUTE

FED-AID SYSTEM: (Y/N) _____ FUNCIONAL CLASSIF. : _____
 STATE HWY: (Y/N) _____ STATE ROUTE: _____

ADMINISTERING AGENCY

LOCAL or CALTRANS (CT): _____ IF CT, PROJ. MANAGER: _____

THIS FEDERAL AUTHORIZATION REQUEST

OVERSIGHT: ☐ STATE-AUTHORIZED or ☐ FULL OVERSIGHT
 ADV. CON. (Y/N): _____ 100% SAFETY (Y/N): _____

COST SUMMARY:

<u>PHASE OF WORK</u>	<u>TOTAL</u>	<u>FED PART</u>	<u>FED 1</u>	<u>FED 2</u>	<u>STATE</u>	<u>OTHER</u>	<u>LOCAL</u>
PREV. OBLIG	_____	_____	_____	_____	_____	_____	_____
THIS REQUEST	_____	_____	_____	_____	_____	_____	_____
SUBTOTAL	_____	_____	_____	_____	_____	_____	_____
<u>PHASE OF WORK</u>	<u>TOTAL</u>	<u>FED PART</u>	<u>FED 1</u>	<u>FED 2</u>	<u>STATE</u>	<u>OTHER</u>	<u>LOCAL</u>
PREV. OBLIG	_____	_____	_____	_____	_____	_____	_____
THIS REQUEST	_____	_____	_____	_____	_____	_____	_____
SUBTOTAL	_____	_____	_____	_____	_____	_____	_____
TOTAL	_____	_____	_____	_____	_____	_____	_____

FEDERAL DEMONSTRATION PROJECT INFORMATION

PUBLIC LAW, SECTION: _____ FEDERAL DEMO ID: _____
 LEGISLATIVE PROJECT NO.: _____ ESTIM. CONST. DATE: _____
 RELATED DEMO PROECTS: _____

Exhibit 3-E
Request for Authorization to Proceed Data Sheet(s)

Local Assistance Procedures Manual

FTIP / FSTIP DATA

MPO/RTPA NAME: _____ FTIP / FSTIP YEAR: _____
FED. FUNDED PHASES: _____ SHEET OR AMD. NO.: _____
APPROVAL DATE: _____
FED FUND TYPES/TOTALS: _____ APPRV'D EPSP (Y or N): _____)

DISADVANTAGED BUSINESS ENTERPRISE (DBE) SUBMITTALS:

Race-Neutral Implementation Agreement CT APPROVAL DATE: _____

DBE Annual Submittal Form:

FED FISCAL YEAR: _____ CT APPROVAL DATE: _____

INITIAL AUTHORIZATION & ESTIMATED COMPLETION DATES

<u>PHASE OF WORK</u>	<u>INITIAL FEDERAL AUTHORIZATION DATE</u>	<u>ESTIMATED COMPLETION DATE</u>
PE	_____	_____
RW	_____	_____
CON	_____	_____

ENVIRONMENTAL DATA

NEPA DOCUMENT TYPE:

<input type="checkbox"/> CE	_____	Date Caltrans SEP/DLAE signed CE Form (use the latest date)
<input type="checkbox"/> EA / FQNSI	_____	Date Caltrans DD (DDD or designee) signed the FONSI
<input type="checkbox"/> EIS / ROD	_____	Date Caltrans signed the ROD
EIS Number	_____	Year of Public Release of EIS and EIS number (assigned by FHWA)
AIR BASIN	_____	(For CMAQ Program Funds)

R/W ESTIMATE

R/W ACQ PARCELS: _____ \$ _____
RAP (FAMILY): _____ \$ _____
(BUSINESS): _____ \$ _____
LRH/HRDSHP: _____ \$ _____
UTILITIES: _____ \$ _____
SUPPORT: _____ \$ _____
TOTAL: _____ \$ _____

UTILITY RELOCATION & ADJUSTMENTS

<u>UTILITY OWNER</u>	<u>UTILITY TYPE</u>	<u>COST TO RELOCATE</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
TOTAL UTILITY RELOCATION COSTS		_____

DESCRIPTION OF R/W PARCELS BY TYPE OF ACQUISITION/ACTIVITY

<u># PARCELS</u>	<u>ACQUISITION TYPE AND/OR ACTIVITY</u>	<u># ACRES</u>	<u>EST. COST</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

R/W CERTIFICATION

R/W CERT. NO. _____ Date Approved by Caltrans: _____

LOCAL AGENCY COMMENTS

THIS REQUEST PREPARED BY:

NAME: _____
TITLE: _____
PHONE NO.: _____
E-MAIL: _____

AGENCY CONTACT FOR PROGRAM SUPPLEMENT AGREEMENT

NAME: _____
TITLE: _____
E-MAIL: _____
PHONE NO.: _____

Distribution: DLAE

Estimated Completion Date: Enter the estimated completion date for each phase of work.

Environmental Data: Identify the NEPA Class of Action (CE, EA or EIS) for the project by inserting a check mark next to the appropriate class and indicate the date the NEPA Determination or document was signed. For EISs, indicate the year of the public release of the EIS and the EIS Number (assigned by FHWA).

A copy of the signed NEPA Determination or document should accompany the requests for Authorization to Proceed with Right of Way and/or Construction.

Air Basin: The name of the Air Basin is required for projects funded with federal Congestion and Air Quality Improvement Program (CMAQ) funds.

Right of Way Acquired Parcels: Report the number of right of way parcels to be acquired and the estimated cost.

Family Relocation Assistance Payments (RAP-Family): Report the total number of family relocation assistance payments to be made and the estimated costs.

Business Relocation Assistance Payments (Business): Report the total number of business relocation assistance payments to be made and the estimated costs.

Last Resort Housing/Hardship (SRH/HRDSHP): Report the total number of Last Resort Housing/Hardship payments to be made and the estimated costs.

Utilities: Report the total estimated amount of utility payments to be made. Enter the amount to the nearest dollar.

Support: Report the total estimated dollar amount of the support payments to be made. Enter the amount rounded to the nearest dollar.

Total: Sum of all the R/W estimates above.

Utility Relocations/Adjustments: Enter the name of the utility owner, type of utility, and estimated cost to relocate/adjust each utility for which federal reimbursement is being requested. The local agency must be totally obligated to pay for the utility relocation work. Refer to Chapter 14, "Utility Relocations," of the *Local Assistance Procedures Manual* (LAPM) for requirements and information related to federal participation in utility relocation work.

#Parcels: Enter the number of parcels for each type of acquisition and/or activity

Acquisition Type and/or Activity: Enter the type of acquisition (residential, business or easement, partial or full take, etc.) and/or Activity (relocation assistance, type of easement, other type of compensation, etc.)

Acres: Enter the number of acres attributable to each acquisition type and/or activity.

Estimated Cost: Enter the estimated cost attributable to each acquisition type and/or activity.

Right of Way Certification: Enter the Right of Way Certification status (1,2, or 3) as defined in 23 CFR 635.309 and Chapter 13 'Right of Way' of the LAPM and enter the date the Right of Way Certification was accepted by the Caltrans Right of Way official.

Local Agency Comments: Provide any important project information related to the current request for authorization. If more space is needed, submit the information on a separate sheet of paper.

Person Preparing Request for Authorization: Enter the name, title, e-mail address, and phone number of the person preparing the request for authorization and to whom questions may be addressed.

Contact for Program Agreement: Enter the name, title, phone number and e-mail address of the person to whom the project funding agreements should be sent for signature by the local agency.

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EXHIBIT 3-1 REQUEST FOR LOCAL ADVANCE CONSTRUCTION AUTHORIZATION*(On Local Agency Letterhead)*

To: (DLAEaName)
District Local Assistance Engineer
Caltrans, Office of Local Assistance
(District Address)

Date: _____
FTIP/FSTIP ID: _____
Federal Project No: _____
EA: _____
Project Description: _____

Re: Request for Advance Construction Authorization for (Project Phase) for (Project Title) at (Project Location)

Dear: (DLAE Name)

The *(Name of Local Agency)* requests federal Advance Construction authorization for the *(Preliminary Engineering, Right of Way, Construction and/or Construction Engineering)* phase(s) of work for the above referenced project.

(Indicate local agency reasons/justification for requesting Advance Construction Authorization)

The *(Name of Local Agency)* understands that currently there are insufficient federal transportation funds (and/or Obligation Authority (OA)) to obligate the appropriate funds for the proposed work. The *(Name of Local Agency)* agrees to use local funds in lieu of federal funds to finance the cost of work until such time that federal funds (and/or OA) become available for obligation and subsequent reimbursement of the federal share of work. It is understood that an FTIP amendment may be required when the Advance Construction Authorization is converted to a real obligation of federal funds. It also is understood that federal reimbursement is **not** guaranteed.

The *(Name of Local Agency)* understands that work performed prior to federal authorization is ineligible for federal reimbursement and that advertising the construction contract prior to federal authorization will deem the construction and construction phases of work ineligible for federal funds

For questions regarding this request you may contact *(Local Agency contact name and phone number)*.

Local Agency Representative Authorized to Commit Local Funds

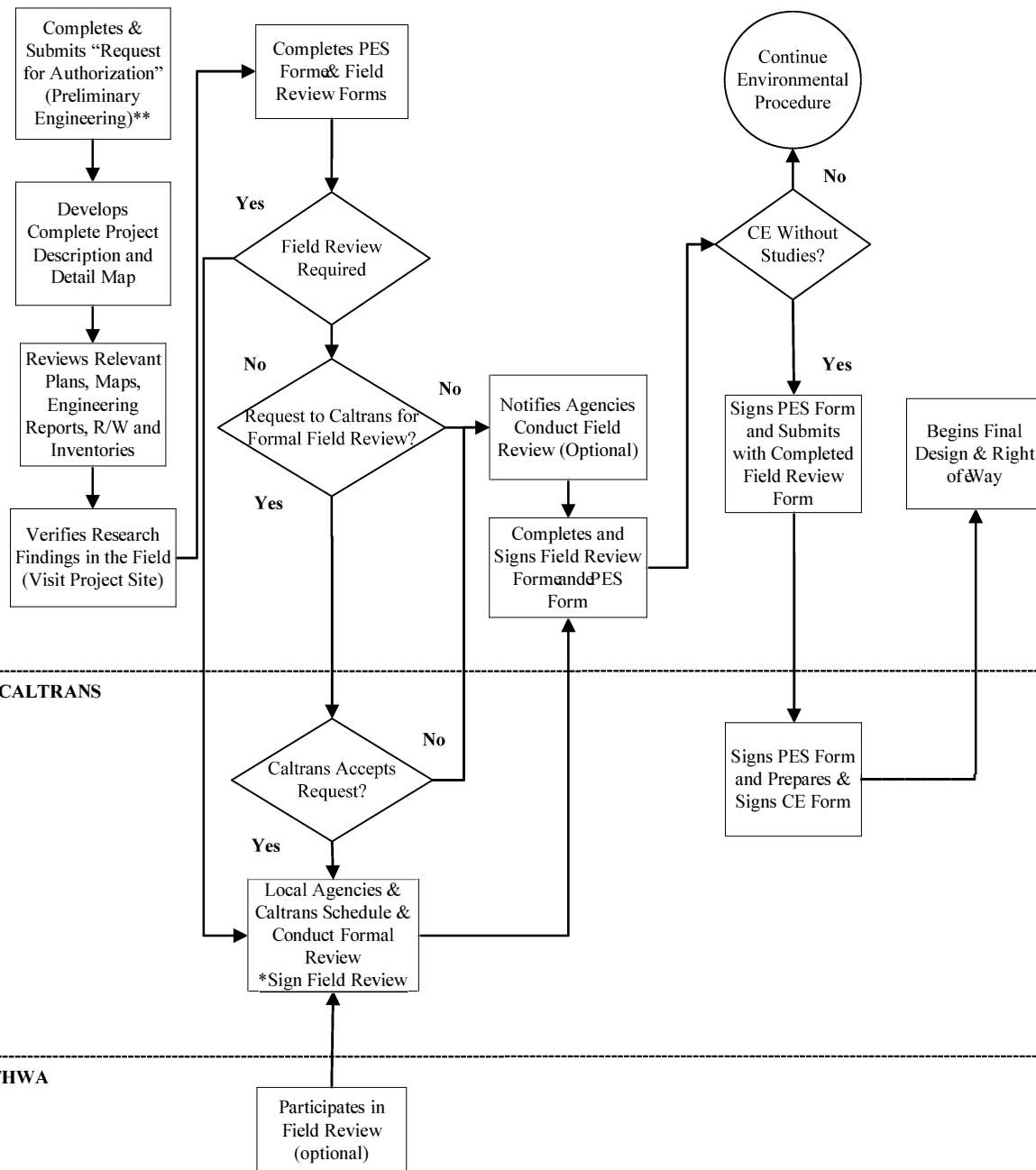
Title

Distribution: 1) DLAE 2) DLA 3) MPO

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Field Review Procedures For Developing Local Federal-aid Projects*

Local Agency



*For all state highway projects, consult the Caltrans *Project Development Procedures Manual*, the DLAE and project manager to fully coordinate development responsibilities. Projects on or impacting the Interstate require FHWA project-by-project review.

** Authorization(s) must precede any federally reimbursable work. Agency may self-fund field review and delay Authorization for later activities.

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PS&E AND CONSTRUCTION ADMINISTRATION PROCEDURES

When Caltrans requires a field review for major NHS projects, PS&E and construction administration procedures (standards, agencies involved, use of consultants, project management, value analysis, specifications, materials testing, etc.) will be discussed. The PS&E procedures will be put in writing for Caltrans' and FHWA's approval before the local agency starts final design (see Chapter 12, *Plans, Specifications & Estimate* of the LAPMa).

The construction administration procedures will also be put in writing. The procedures must be approved by Caltrans and FHWA before construction will be authorized (see Chapter 15, *Advertise and Award Project* of the LAPM).

NHS projects that are not considered "major" will not require these approvals.

OPTIONAL REVIEW

A field review is optional for all projects off the NHS (non-NHS). The field review is also optional for all NHS projects determined by Caltrans to be minor in nature. It is a suggested practice for all projects.

7.3 NOTIFICATION

The local agency contacts the DLAE to discuss when and how they wish to proceed with project implementation, if this was not already done as part of the initial project authorization process.

REQUIRED REVIEWS

For required field reviews, the DLAE determines the type of field review required and coordinates, as appropriate, with the local agency on scheduling. The DLAE notifies Caltrans and FHWA attendees. The local agency is responsible for making other review preparations and notifying other interested parties. Each attendee should receive a copy of the draft Field Review Form before the actual field review.

In addition to the District Local Assistance representative, Caltrans attendees, when applicable, should include an environmental reviewer, a right of way reviewer, and a representative from the Office of Structure Design (if a structure is involved). In order to optimize their value to the local agencies, these Caltrans specialists should become familiar with the project prior to attending the field reviews. Others may attend as appropriate. If the project involves a state highway, a representative from the appropriate District Project Development or Traffic Branch must be contacted to determine their involvement in the project development, and the need for a Project Report and encroachment permit.

A representative from FHWA should be consulted for all projects on the NHS for which FHWA has Full Oversight. Request for FHWA consultation should be coordinated through the DLAE (see Chapter 2, "Roles and Responsibilities," and Chapter 6, "Environmental Procedures," for further details).

OPTIONAL FIELD REVIEWS

For projects that Caltrans has determined, a field review is not required. The local agency is responsible for deciding whether to perform a field review (formal or informal) and for notifying all potentially affected agencies, utility companies, etc. and making arrangements for any on-site or office meetings. In deciding whether and how to conduct a review, an agency should consider the following factors: functional classification, project type and State-Authorized/FHWA Full Oversight status, project complexity, total cost, interested, and affected parties and type of funds.

If a local agency wishes Caltrans (or FHWA) staff to participate in the field review process, a request must be made to the DLAE. Caltrans' participation is based on the following factors:

- Availability of Caltrans staff and time requirements
- Experience of local agency staff
- Complexity of project, type of structures
- Funding program
- Right of way and design issues

For railroad crossing projects, the PUC participates in the review process.

Discussions with the DLAE should also indicate whether Caltrans' participation in any subsequent phases of the project is expected. This is especially important if PS&E reviews are needed for structures. Caltrans and the agency should reach a clear agreement early in the process on the extent of Caltrans' staff participation in any phase of project development.

7.4 TENTATIVE PLANS

The local agency should have a tentative plan as well as horizontal and vertical alignment sketches available for review by participants, either prior to, or at the field review. On projects that involve bridges, the agency should also provide preliminary hydrologic and hydraulic data (see Exhibit 11A-D). This information need not be in great detail, but sufficient to make an engineering review of the proposal.

7.5 PREPARATION OF FIELD REVIEW FORM

The local agency shall prepare and complete the Field Review Form (Exhibit 7-B [or DAF for ER projects]) for all federal-aid projects, even if a Field Review were not required. (For ER projects, the DAF is used in lieu of the Field Review Form-see Chapter 11 of the LAPG) The field review form documents the results and decisions of the field review and other initial project research. It also provides data necessary to prepare the "Request for Authorization" and the Program Supplement Agreement.

The field review process and documents should be completed, as early as possible. For HBRR funded (Bridge) projects, the field review documents, including major structure data sheets, must be completed prior to any request for authorization. For other types of projects, authorization for preliminary engineering may be granted prior to submittal of the field review to Caltrans when federal reimbursement is needed, to hire consultants or others in order to obtain information needed to complete the field review. The field review document must be completed and submitted prior to, or concurrently with the first occurrence of either step below:

- Initial submittal of the PES form (completed and with supporting information attached) for Caltrans review and approval (see Chapter 6, “Environmental Procedures,” of the *Local Assistance Procedures Manual* (LAPM))
- Submittal of the Agreements Checklist requesting a Supplemental Agreement

FIELD REVIEWS ATTENDED BY CALTRANS AND THE FHWA

For projects on the NHS, early review and discussions should be held with the DLAE and the FHWA engineer. Similar early discussions should occur for HBRR funded (Bridge) projects to ensure funding eligibility.

If a field review is required, Caltrans and the FHWA will attend. Caltrans and the FHWA may also attend optional field reviews if requested. The local agency shall fill out the Field Review Form as completely as possible prior to the field review, and send a copy with a location map to each of the interested parties attending the field review. This allows the participants to come to the meeting prepared to discuss the specific issues and methodologies, which can lead to successful project implementation. The earliest date for the field review should be two weeks after the receipt of the draft Field Review Form by the district. Copies for the FHWA, Division of Local Assistance, and Office of Structure Design must be submitted to the district for further transmittal.

Caltrans has delegated design exception approval authority to the City/County Public Works Director (see Chapter 11, “Design Standards,” of the LAPM). However, proposed design exceptions should be identified and discussed at the field review.

The Field Review Form should be updated and signed by the local agency, district, and FHWA representatives, as appropriate, at the field review even if some of the questions remain unanswered. Information determined after the field review is to be provided by the local agency as a supplement to the Field Review Form and may require FHWA concurrence.

OPTIONAL FIELD REVIEWS NOT ATTENDED BY CALTRANS OR THE FHWA

If the field review is optional and Caltrans and the FHWA will not be attending, the local agency may complete the Field Review Form without a formal or informal review or meeting. An on-site visit by the project engineer and project manager is recommended as good practice to verify the data and information used to complete the forms. The forms should be transmitted to the DLAE as soon as they are complete.

7.6 FIELD REVIEW DATA

SCOPE

The project must be defined in sufficient detail to accurately specify where it is, why it is necessary and what will be done. This process of project definition began with the planning and programming process. Now, further details are needed to clarify the limited FSTIP information with the specific project location, system and conditions as they currently exist and as they will be upon project completion. If the scope changes significantly from the approved FSTIP description, now or at any time during project development, a FSTIP amendment may be necessary. Items 1 to 5 on the “Field Review Form” (Exhibit 7-B) and Exhibits 7-C (“Roadway Data”), 7-D (“Major Structure Data”), 7-E (“Railroad Grade Crossing Data”), vicinity maps, typical section(s), alternative sketches, signal warrants, and collision diagrams, as appropriate, provide data related to the general scope of the project. For non-roadway projects, the Field Review Form and

attachments would be modified as appropriate for the project activity and scope, e.g., site plans, work plans, building sketches.

ENVIRONMENTAL PROCESS

All federal-aid projects must undergo a documented environmental review and receive a NEPA approval (Caltrans signed Categorical Exclusion [CE], Finding of No Significant Impact [FONSI] or Record of Decision [ROD]) before proceeding to final design, Right of Way acquisition or construction. The Preliminary Environmental Study (PES) Form documents the requirements for technical studies and the NEPA Class of Action (CE, EA, EIS) and is equally as important as the environmental approval. Environmental requirements and procedures for processing required technical studies and the NEPA document are discussed in Chapter 6 of this manual. Specific information regarding the format and content of required technical studies and NEPA documents (CE, EA, EIS) is contained in the SER.

The “Preliminary Environmental Study (PES) Form,” Exhibit 6-A is designed to identify:

- The scope of the project
- The existing condition of the project area
- The potential existence of sensitive environmental resources within the project area
- Required technical studies
- The responsible or regulatory agencies where early coordination or consultation is necessary or where approvals and permits are needed
- NEPA Class of Action

RIGHT OF WAY

The need to acquire right of way or relocate utilities can significantly affect project development, especially costs and scheduling. Activity within Caltrans right of way requires coordination and an encroachment permit. Federal laws and regulations must be followed if there is FHWA participation in any project phase, whether in R/W phase or only in the construction phase. The acquisition and relocation program will be conducted in accordance with the Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970, as amended (42 US Code 4801, et. seq.). Item 7 of the “Field Review Form” (Exhibit 7-B) highlights the possible right of way activities with a cost estimate breakdown. The need for utility relocation should be identified.

PROJECT COST

Good initial estimates are needed to define whether there are sufficient funds available to implement the project. Item 7 of the Field Review Form provides for an overview by phase and anticipated Federal participation. Item 8 can be used to further break this down by federal fund type and state funding. State or local funds are normally required to match the federal funds. To the greatest extent possible, FHWA funded projects should be funded at the full federal participating ratio (see Chapter 3, “Project Authorization,” Section 3.2, “Underfunding Policy”).

PROJECT ADMINISTRATION

The agency submitting the request is normally responsible for administering all phases of the project. If another arrangement is expected, this should be noted. If the agency plans to hire a consultant to assist with any phase, this should be noted. This allows the agency

to work sufficient time into their schedule for consultant selection (see Chapter 10, “Consultant Selection”). If the state is expected to administer any phase or to review the PS&E, hold early discussions with the appropriate Caltrans district to ensure that the required staff is available when needed. A cooperative agreement is needed to define work and cost sharing responsibilities.

PROJECT SCHEDULE

A federal project is normally scheduled for a specific year in the FHWA approved FSTIP document. While the funds are usually carried forward into new FTIP and FSTIP adoptions, this is at the discretion of the MPO. For State funded projects, the specific program guidelines define the year or years the program funds are available. The delivery schedule for advertising should be reviewed to see if the project could be developed in a timely manner. The items discussed above define some of the critical steps in this effort. For federally funded projects, if there will be significant delays, the agency should work with the MPO to reschedule the work through a current FSTIP amendment or into the next FSTIP. State program guidelines define the appropriate actions for the State funded projects. In non-MPO areas, contact the Caltrans District FSTIP coordinator for necessary amendments.

7.7 SUBMITTAL OF FIELD REVIEW FORM

As soon as formal or informal discussions and review are complete, the local agency prepares the final Field Review Form and attachments (see Section 7.5 above for the latest times for completion). If a field review is required for NHS projects, all appropriate forms and attachments shall be completed. If the field review is optional, the two page Field Review summary (Exhibit 7-B) must be completed, as a minimum. See the brackets (“[]”) notation under Item 12 of Exhibit 7-B for additional attachments.

The local agency consults with the district regarding the number of copies to be sent. The district forwards a Field Review Form (two if a bridge is involved) with the required attachments to the Division of Local Assistance. The local agency may wish to provide copies to their MPO and other interested parties.

The project engineer and project manager should periodically review the Field Review Form and data to ensure that the project development is proceeding as initially proposed or that significant changes have been approved.

The field review document must be completely filled out and submitted prior to or concurrently with the first occurrence of either step below:

- Initial submittal of the PES form (completed and with supporting information attached) for Caltrans review and approval (see Chapter 6, “Environmental Procedures”)
- Submittal of the Agreements Checklist requesting a Supplemental Agreement

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CHAPTER 8 PUBLIC HEARINGS

8.1 INTRODUCTION

Community involvement is essential to developing local transportation projects that fully consider social, economic, environmental and other impacts and minimize the effects on the community and environment. All affected interests must be aware of the project's impact. Community involvement must be an integral part of the overall project development process.

Generally, the most productive interaction with the public and other agencies takes place through informal meetings, conferences, and direct correspondence rather than through formal public hearings. The number and extent of these informal meetings will vary greatly depending on the proposal, impacts, location, etc. A basic strategy for securing community involvement should be determined early in the project development process. Who to contact, size of groups, area of interest, details of presentation, how to contact, etc. must be decided on a project by project basis. Individuals, businesses, neighborhood associations and other officials and institutions may be affected by the project and interested in participating in the development process.

As a culmination of the project and environmental information gathering and development, a public hearing is required for certain federal-aid projects (discussed later). This public hearing process may be satisfied through either a "formal" or an "open forum" public hearing.

FORMAL PUBLIC HEARING

The formal public hearing process provides a structured forum in which to test the conclusions reached during the preliminary stages of project development, specifically need for the project, project alternatives and major design features, social, economic, environmental and other impacts, and consistency with local, regional and state planning goals and objectives.

The formal public hearing is conducted as a structured meeting between the project authorities and the "public" audience. A presiding officer has the project team of experts explain the project to the audience and then the audience, one at a time, responds with comments and questions. All these activities are formally recorded and entered into a hearing record. The record is held open after the formal meeting for 10 to 30 days for additional written comments.

The formal hearing or opportunity for a hearing occurs during circulation of the draft environmental document prior to making any commitment to a specific design alternative or location.

OPEN FORUM PUBLIC HEARING

The open forum hearing is conducted in an open meeting format similar to a map showing or project briefing. Individuals may arrive at various times, be given a brief orientation and then directed to project team members for one-on-one explanations and discussions about their specific concerns and questions. The opportunity is provided to have their comments and questions recorded verbally or in writing for the hearing

record. The less formal atmosphere of this type hearing can contribute to a better understanding of the project features, provide for a more direct response to specific individual questions and concerns and move toward the solution of problems.

The open forum hearing also occurs during circulation of the draft environmental document prior to making any commitment to a specific design alternative or location. The public notices of the hearing and a hearing record are required as in the formal hearing process.

Chapter 11 of Caltrans *Project Development Procedures Manual* outlines the general concept and features for the two types of hearings. A review of these sections may assist the local agency in deciding which type is most appropriate for its project.

8.2 NECESSITY FOR A PUBLIC HEARING

FEDERAL REGULATIONS

The agency shall hold or sponsor public hearings or public meetings whenever appropriate or in accordance with statutory requirements applicable to the agency (40 CFR 1506.6(c)). The criteria shall include whether there is:

- Substantial environmental controversy concerning the proposed action,
- Substantial interest in holding the hearing, or
- A request for a hearing by another agency with jurisdiction over the action, supported by reasons why a hearing will be helpful

CATEGORICAL EXCLUSION

Projects processed with a Categorical Exclusion are actions which will not have any significant social, economic, or environmental effects, and therefore, do not require a public hearing.

ENVIRONMENTAL ASSESSMENT

Projects processed with an Environmental Assessment (EA), must involve environmental agencies, applicants and the public to the extent practicable (40 CFR 1501.4[b]). 23 CFR 771.111(h) requires that one or more public hearings or opportunities for hearings be provided for any federal-aid project which:

- Requires significant amounts of right of way
- Substantially changes the layout or functions of connecting roadways or the facility being improved
- Has a substantial adverse impact on abutting property
- Otherwise has a significant social, economic, environmental or other effect, or
- For those projects that Caltrans (under National Environmental Policy Act [NEPA] Delegation) determines a public hearing is in the public interest

ENVIRONMENTAL IMPACT STATEMENT

A public hearing is required during the circulation period of all Draft Environmental Impact Statements (EIS).

EXCEPTION TO THE PUBLIC HEARING PROCESS

Compliance with the public hearing process is not required for emergency opening work on disaster assistance projects (see Chapter 11 “Emergency Relief” of the *Local Assistance Program Guidelines* [LAPG]).

8.3 OPPORTUNITY FOR HEARING AND WITHDRAWAL OF REQUEST FOR HEARING

If there is reason to believe that the project is noncontroversial and that it is unlikely that a hearing would be requested, either by the public or any agency, a Notice of Opportunity for a Public Hearing may be utilized rather than directly scheduling a hearing.

When only a small number of requests for a hearing are received, it is permissible to meet with the parties at a convenient time and location, explain the project and answer any questions. These meetings shall be very carefully documented and made a part of the project record. If satisfied, the requesting party may withdraw the request for a hearing in writing. If the requesting party does not wish to withdraw the request, a hearing shall be held.

8.4 PUBLIC NOTIFICATION

Public notices are published as a means to inform the public of various proposals and to invite public participation. Methods of public notification include:

- Paid public notice in a local newspaper
- Supplemental news releases and special paid notices
- Flyers or bulk rate circulars distributed to residents
- Notices on bulletin boards in public places such as city halls, libraries, supermarkets
- Television and radio
- Distribution of notices through schools and service clubs
- Indication in the draft environmental document that a hearing will be held or a notice of opportunity for a hearing will be published.

40 CFR 1506.6(b) requires that a public notice of NEPA related hearings, public meetings, and the availability of environmental documents be provided to inform those persons and agencies who may be interested or affected. This includes groups, agencies or individuals who:

- Have requested notification, or
- By nature of their function, interest, or responsibility may be interested in or affected by the proposal

In all cases where non-English speaking people are affected by the proposal, the local agency determines if the language barrier is of such magnitude as to warrant special publicity in the language of those affected. Particular effort is to be made to seek out and invite minority leaders and representatives of low mobility groups. In lieu of sending the representatives of low mobility groups the notice, a letter containing the pertinent data can be sent.

In the case of an action with effects primarily of local concern, notification may include:

- Notice to state and area wide clearinghouses
- Notice to Indian tribes when effects occur on reservations
- Publication in local newspapers (in papers of general circulation rather than legal papers)
- Notice through other local media
- Notice to potentially interested community organizations including small business associations
- Publication in newsletters that may be expected to reach potentially interested persons
- Direct mailing to owners and occupants of nearby of affected property
- Posting of notice on and off site in the area where the action is located

CONTENT OF THE NOTICE

Both the Notice of Public Hearing and the Notice of Opportunity for Public Hearing shall include:

- Sufficient detail of the surrounding area to enable the reader to readily identify the proposal location
- An appropriate schematic map depicting the proposal limits. Alternative design features are to be either displayed by schematic inserts or described in the notice. Indicate if any alternatives would be located in wetlands.
- A statement to the effect that project maps, drawings, the environmental assessment or draft environmental impact statement, and other pertinent information received and/or developed by the local agency will be available for inspection and copying at the local agency's office or other convenient location in the vicinity of the proposal. In addition to the required information, any other data that will make the notice more informative should be included.
- A specific note that an open forum format will be used when this is the case

To ensure widespread and comprehensive project notification, the local agency shall establish and maintain a list upon which any federal agency, local official, public advisory group or agency, civic association, community group, or individual may enroll to receive notices of proposals in the area specified.

NOTICE OF PUBLIC HEARING

The Notice shall be published at least twice in a newspaper having a general circulation in the vicinity of the proposal and in any newspaper having a substantial circulation in the area concerned such as foreign language and community newspapers. The first Notice shall be published at least 30 days prior to the scheduled hearing. The second

Notice should be published approximately one week before the hearing. The timing of additional publication is optional.

If a draft EIS is to be considered at a public hearing the agency shall make the statement available to the public at least 15 days in advance of the hearing (unless the purpose of the hearing is to provide information for the draft EIS (40 CFR 1506.6(c)(2)).

In addition to the items noted in the above "Content of the Notice," each notice of public hearing shall specify:

- The date, time, and place of the hearing
- That tentative schedules for right of way and construction will be discussed
- That relocation assistance programs will be discussed
- That written statements and exhibits may be submitted up to a specified date at least 10 days after the hearing with the procedure for submissions

On projects of particular local interest or great complexity, the local agency may wish to consider the use of bulk-rate type circulars in addition to the published notices.

The local agency shall furnish the District Local Assistance Engineer (DLAE) with a clipping or legible copy (identify newspaper and date published) of the notice of public hearing at the time of first publication. Copies of all notices shall be incorporated into the hearing record.

- A sample public hearing notice is shown in Exhibit 8-A.

NOTICE OF OPPORTUNITY FOR PUBLIC HEARING

The notice of opportunity for public hearing shall explain the procedure and specify the deadline for requesting a public hearing. The deadline for requesting a public hearing shall not be less than 21 days after the date of publication of the first Notice, or less than 14 days after the date of publication of the second notice.

The local agency shall furnish the DLAE with a clipping or legible copy (identify newspaper and date published) of the Notice of Opportunity for Public Hearing at the time of first publication.

A sample notice of opportunity is shown in Exhibit 8-B.

8.5 JOINT PUBLIC HEARINGS

The local agency shall cooperate with State and other local agencies to the fullest extent possible to reduce duplication between NEPA, State and local requirements, unless the agencies are specifically barred from doing so by some other law (40 CFR 1506.2). This procedure provides for concurrent compliance with the public review requirements, including joint public hearings of both NEPA and CEQA.

If a joint NEPA and CEQA environmental document is being prepared for a local agency project and it has been determined that the criteria for deciding whether to hold a hearing has been met (40 CFR 1506.6[c]), a combined public hearing should be considered.

8.6 SCHEDULING

Federal regulation 40 CFR 1502.6(c)(2) states that if a Draft EIS is to be considered at a public hearing, the agency shall make the Draft EIS available to the public at least 15 days in advance (unless the purpose of the hearings is to provide information for preparing the Draft EIS).

Formal or open forum public hearings are held after the EA or Draft EIS has been approved for circulation by the Caltrans District Director (DD) and prior to commitment to any of the alternatives to be presented at the hearing.

8.7 HEARING PROCEDURES

Public hearings are held at a place and time convenient for persons affected by the proposal.

Whether a hearing is conducted by representatives of the local agency or of a cooperating agency, the local agency arranges to have suitable personnel available to respond to questions which may arise. The local agency is responsible for successful completion of all hearing requirements.

A presiding officer shall be identified for the hearing. If the hearing covers controversial issues, the agency should consider selecting a neutral person, who has no interest in the project, to act as presiding officer.

At each public hearing, it shall be announced that:

- The hearing is being held to present studies to date on the location and/or design features of the proposal, and to provide a forum for public discussion of the major features, including social, economic and environmental effects of the proposal.
- The hearing is being held prior to making any commitment to the various alternatives being presented at the hearings that no studies or plans will be finalized until the complete public record has been analyzed including data gathered at the public hearing and received in response to the draft environmental document.
- The final deadline for submitting written statements and exhibits will be no later than 10 days after the hearing or for more complex or controversial proposals, a longer and clearly specified period. Written material should be submitted to the local agency at the address given in the handout.
- Subsequent to the hearing and prior to requesting approval, all data gathered at the hearing or submitted for the record will be available for inspection and copying at the local agency's office or other location.

The items to be covered in the presentation and/or hearing handouts are:

- A discussion of the local, State and federal roles for developing the proposal.
- A summary of coordination and interaction to date.

- The major features of the proposal and alternatives thereto.
- The location of any wetlands crossed by a project shall be identified.
- A discussion on the feasibility of providing a means of public access to any navigable river over which a new bridge is to be constructed. The term “navigable river” is construed to mean any body of water that will require a U.S. Coast Guard permit to cross over.
- A discussion on the requirements for California Transportation Commission approval of any proposed new connections to freeways, where applicable.
- A discussion on tentative right of way requirements, the schedule of acquisition, the estimated number of families, business and other concerns to be relocated, housing availability, and the relocation assistance program.
- A discussion on the tentative time schedule for construction noting any significant items that may affect the schedule.
- A discussion of any other items that may be informative because of the particular conditions of the proposal.

8.8 RECORD OF PUBLIC HEARING

Whenever a formal or open forum public hearing is held, a Record of Public Hearing is prepared to provide documentation of the proceeding. The Record of Public Hearing includes a title page, table of contents, resume of the hearing, index of speakers, a verbatim transcript, reproductions of displays, documents submitted for the record, reproductions of publicity items (including public hearing notices) and a list of invitations. The open forum hearing record shall also include a synopsis of the comments, concerns and questions discussed with the public but not entered into the formal “verbatim” transcript.

Copies of the Record of Public Hearing shall be forwarded to the DLAE. Additional copies may be requested by the DLAE. Requests for additional copies normally are made at the time of the hearing.

8.9 REHEARING

The findings and conclusions of the public hearing are valid only as long as the conditions surrounding the original hearing remain constant.

Federal regulations (40 CFR 1502.9 [c]) require that the local agency prepares supplements to either draft or final environmental impact statement if:

- The agency makes substantial changes in the proposed action that are relevant to environmental concerns, or
- There are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts (e.g., substantial unanticipated development in the area affected by the proposal)

A new public hearing or opportunity for a public hearing is required under either of the above scenarios.

The local agency is responsible for reassessing changes in project location and design features and changes in the surrounding area and shall prepare, circulate, and file a supplement to an environmental impact statement in the same fashion (exclusive of scoping) as a draft and final statement, and schedule rehearing as necessary.

8.10 LOCATION AND DESIGN APPROVAL

Caltrans District Director's approval of the final environmental document constitutes location and design approval.

10.2 IDENTIFYING & DEFINING A NEED FOR CONSULTANTS

The need for a consultant is identified by comparing the project's schedule and objectives with the local agency's capabilities, its staff availability of the required expertise, and its funding resources. If the local agency does not have sufficient staff capabilities, it may choose to solicit assistance from another agency, or use a qualified private consultant to perform the required work.

If the local agency determines that there is a need to solicit assistance from another local agency, or to use a consultant, the DLAE should be notified if federal-aid or state funds are to be requested for the project segment to be contracted out.

APPOINTING THE CONTRACT ADMINISTRATOR

The Contract Administrator is responsible for ensuring the quality of consultant contract products or services. The Contract Administrator is appointed as soon as the need for consultant services is identified. The Contract Administrator is involved throughout the development of the selection process and the contract provisions and in the administration of the consultant's work. The Contract Administrator must be a qualified local agency employee, or have staff that is qualified to ensure the consultant's work is complete, accurate, and consistent with the terms and conditions of the consultant contract. The Contract Administrator or staff members must be thoroughly familiar with the work to be contracted out and the standards to be used.

The Contract Administrator's duties include the following:

- Provides direction to ensure the proposed work is advertised properly.
- The Request for Qualifications (RFQ); description of work, and Request for Proposals (RFP), if used, are prepared and distributed.
- Prepares the draft contract.
- Arranges for preparation in advance of an independent estimate of the value of the work to be contracted out.
- Ensures that the selection procedures are followed.
- Analyzes the selected/best-qualified consultant's cost proposal.
- Serves as the local agency's primary contact person for the successful consultant.
- Monitors the consultant's progress and providing direction.
- Reviews billings and makes a determination whether costs billed are reasonable in relation to the work performed during billing period.
- Approves the consultant's progress payments.
- Identifies other local agency persons for the consultant to contact, if needed.

The use of a consultant for a "management" role should be limited to unique or very unusual situations. These situations require a thorough justification as to why the local agency cannot perform the management. Consultants used in management roles must be selected; using the same procedures as those for other consultants specified in this chapter.

DETERMINING THE PROJECT SCHEDULE

The local agency develops a schedule for performance of work and completion of the project. The schedule must include sufficient time to allow for:

- Selecting the consultant.
- Developing the consultant contract.

- Completing the pre-award audit.
- Conducting meetings and project reviews.

SEGMENTING CONSULTANT WORK

Consultant services are most effective when consultant work is segmented appropriately. The extent of segmenting depends upon the type and complexity of the work. Combining preliminary engineering tasks with the preparation of the required environmental analysis is normally desirable. Preparing an Environmental Assessment (EA) or Environmental Impact Statement (EIS) is more than simply writing a report. Assessment and impact reports include preliminary engineering needed to analyze project alternatives and produce an engineering and planning assessment. Initial project studies include only as much traffic and engineering analysis of alternatives, as is needed to produce a sound EA or EIS (see Chapter 6, “Environmental Procedures,” of the LAPM and Chapters 31 and 32 of the *Standard Environmental Reference* [SER]). Final detailed design must be delayed until environmental clearance has been received if federal reimbursement is desired.

Refer to Figure 10-1 “Segmenting Consultant Work” in this chapter, which illustrates several satisfactory ways to segment consultant activities.

VALUE ENGINEERING ANALYSIS

For projects on the federal-aid system with a total project cost of \$25 million or more and a bridge project with a total project cost of \$20 million or more, federal requirements included in “SAFETEA-LU” Section 1904 “Stewardship and Oversight” mandate that a “value engineering analysis” be performed on these projects. For more information on this subject, please see Chapter 12 “Plans, Specifications & Estimate,” Section 12.5 “Value Engineering Analysis” of this manual.

Exhibit 10-D Consultant Agreement Outline

CONSULTANT AGREEMENT OUTLINE**A. INTRODUCTION**

The introduction includes the following information:

1. Date of Agreement**2. Names, Addresses and Other Data Identifying Agreeing Parties**

State the complete name and address of each party to the agreement together with information with respect to whether the party is an individual, an agency of government, a partnership, or a corporation. If a corporation is one of the parties, show the State of Incorporation and the location of the office, where the consultant's work will be available for inspection by local agency and state representatives. For the sake of brevity, a suitable short title, such as "State," "County," "Engineer" or "Consultant," is designated and defined for each of the parties and used throughout the remainder of the agreement.

3. Location and Description of the Project.

State the location and description of the project as precisely, and as briefly as possible. Give the name of the project, if one exist. If major structures are to be included their approximate locations, lengths, and types, if known, are to be shown.

4. Name of Contract Administrator

All (3 or 4) references to . . . "NEPA compliance not being complete until Caltrans approves the CE, EA/FONSI or EIS/ROD". . . need to be expanded to read: "Compliance with the provisions of NEPA occurs only after Caltrans signs the Categorical Exclusion (CE), Finding of No Significant Impact (FONSI), or Record of Decision (ROD) and all mitigation commitments have been fully incorporated (constructed and/or implemented) into the action." (Ref: 23 CFR 771.105 [d] Measures necessary to mitigate adverse impacts be incorporated into the action).

B. AGREEMENT**1. Description of Work to be Done****a) Consultant Services**

Detail based on the services to be furnished by the consultant. Nature and extent verified in the negotiations to make precise statements to eliminate subsequent uncertainties and misunderstandings. It also includes any milestones and due date of each milestone; description of the deliverables; form of the deliverables; and effort involved in each deliverable. Describes acceptance criteria. Environmental documents are not considered complete until Caltrans District SEP signed the CE, Caltrans Deputy District Director signs FONSI, or the Caltrans District Director signs the ROD (see Chapter 6, "Environmental Procedures" of the *Local Assistance Procedures Manual* [LAPM]).

b) Right of Way

State whether Right of Way requirements are to be determined and shown by the consultant; whether land surveys and computations with metes and bounds descriptions are to be made; and whether Right of Way plots are to be furnished.

c) Subsurface Investigations

State specifically whether or not the consultant has responsibility for making subsurface investigations. If borings or other specialized services are to be made by others under the supervision of the consultant, appropriate provisions are to be incorporated. Archaeological testing and data recovery guidance can be found in Volume 2, Cultural SER.

d) Surveys

State whether or not the consultant has the responsibility for performing preliminary or construction surveys.

e) Local Agency Obligations

All data applicable to the project referred to in the agreement and are in possession of the local agency or another agency, or government are to be made available to the consultant,. Any other assistance or services to be furnished to the consultant are to be stated clearly.

f) Conferences, Meetings, Visits to Site, Inspection of Work

The agreement provides for conferences as needed, visits to the site, and inspection of the work by representatives of the state or FHWA

g) Checking Shop Drawings

For agreements requiring the preparation of construction drawings, make provision for checking shop drawings.

h) Consultant's Services During Construction

The extent, if any of the consultant's services during the course of construction as material testing, construction surveys. etc., are specified in the agreement together with the method of payment for such services.

i) Number of Copies

The number of copies of papers or documents to be furnished, such as reports, brochures, sets of plans, specifications or Right of Way plots are specified. The type of media reports, plans, specifications, etc., are to be submitted. Provisions may be made for payment for additional copies.

2. Date of Beginning and Completion

Beginning and ending dates must be specified for work under the agreement. Usually the beginning date is a given number of days after a letter of notification has been sent to the consultant. The time allowed for performing the work is specified; it should be reasonable for the kind and amount of services contemplated; and it is written into the agreement. It is desirable that Critical Path Method (CPM) networks be prepared and incorporated into the contract by reference.

3. Payments

State the basis of payment for the services to be furnished. The services may be considered as a whole or by units. The agreement establishes a method of payment as the work progresses, or as each unit is completed; and for final settlement after all work is delivered, accepted, and approved. The agreement sets a maximum limit on the total amount payable. This also applies to all subcontracts in excess of \$25,000.

ARTICLE II STATEMENT OF WORK

(INSERT APPROPRIATE STATEMENT OF WORK INCLUDING A DESCRIPTION OF THE DELIVERABLES)

A Consultant Services

Detail based on the services to be furnished should be provided by the CONSULTANT. Nature and extent should be verified in the negotiations to make precise statements to eliminate subsequent uncertainties and misunderstandings. Reference to the appropriate standards for design or other standards for work performance stipulated in the CONSULTANT Agreement should be included. Describe acceptance criteria, and if the responsible CONSULTANT/engineer shall sign all Plans, Specifications and Estimate (PS&E) and engineering data furnished under the contract including registration number. Environmental documents are not considered complete until a Caltrans District SEP signs the Categorical Exclusion (CE), a Caltrans Deputy District Director signs the Finding of No Significant Impact (FONSI), or the Caltrans District Director signs the Record of Decision (ROD) (see Chapter 6, “*Environmental Procedures*,” in the LAPM and the *Standard Environmental Reference* [SER]).

B Right of Way

State whether Right of Way requirements are to be determined and shown by the CONSULTANT, whether land surveys and computations with metes and bounds descriptions are to be made, and whether Right of Way plots are to be furnished.

C Subsurface Investigations

State specifically whether or not the CONSULTANT has responsibility for making subsurface investigations. If borings or other specialized services are to be made by others under the supervision of the CONSULTANT, appropriate provisions are to be incorporated. Archaeological testing and data recovery guidance can be found in the SER.

D Local Agency Obligations

All data applicable to the project and in possession of the LOCAL AGENCY or another agency, or government that are to be made available to the CONSULTANT are referred to in the agreement. Any other assistance or services to be furnished to the CONSULTANT are to be stated clearly.

E Conferences, Visits to Site, Inspection of Work

The agreement provides for conferences as needed, visits to the site, and inspection of the work by representatives of the state, or FHWA. Costs incurred by CONSULTANT for meetings, subsequent to the initial meeting shall be included in the fee.

F Checking Shop Drawings

For agreements requiring the preparation of construction drawings, make provision for checking shop drawings. Payment for checking shop drawings by the CONSULTANT may be included in the contract fee, or provision may be made for separate payment.

G Documentation

Agreements where appropriate, shall provide that the CONSULTANT document the results of the work to the satisfaction of the LOCAL AGENCY, and if applicable, the state and FHWA. This may include preparation of progress and final reports, plans, specifications and estimates, or similar evidence of attainment of the agreement objectives.

H Number of Copies

The number of copies of papers or documents to be furnished, such as reports, brochures, sets of plans, specifications, or Right of Way plots are specified. Provision may be made for payment for additional copies.

ARTICLE III CONSULTANT'S REPORTS AND/OR MEETINGS

(Choose either Option 1 or Option 2.)

(Option 1 - Use paragraphs A & B below for standard contracts.)

- A. The CONSULTANT shall submit progress reports at least once a month. The report should be sufficiently detailed for the Contract Manager to determine, if the CONSULTANT is performing to expectations, or is on schedule; to provide communication of interim findings, and to sufficiently address any difficulties or special problems encountered, so remedies can be developed.
- B. The CONSULTANT's Project Manager shall meet with the LOCAL AGENCY's Contract Manager, as needed, to discuss progress on the contract.

(Option 2 - Use paragraphs A & B below for on-call contracts.)

- A. The CONSULTANT shall submit progress reports on each specific project in accordance with the Task Order. These reports shall be submitted at least once a month. The report should be sufficiently detailed for the LOCAL AGENCY's Contract Manager and/or Project Coordinator to determine, if the CONSULTANT is performing to expectations, or is on schedule; to provide communication of interim findings, and to sufficiently address any difficulties or special problems encountered, so remedies can be developed.
- B. The CONSULTANT's Project Manager shall meet with the LOCAL AGENCY's Contract Manager or Project Coordinator, as needed, to discuss progress on the project(s).

ARTICLE IV PERFORMANCE PERIOD

(A time must be set for beginning and ending the work under the agreement. Usually, the beginning date is a given number of days after a letter of notification has been sent to the CONSULTANT. The time allowed for performing the work is specified; it should be reasonable for the kind and amount of services contemplated; and it is written into the agreement. If it is desirable that Critical Path Method (CPM) networks, or other types of schedules be prepared by the CONSULTANT, they should be identified and incorporated into the contract.

(Choose either Option 1 or Option 2.)

(Option 1 - Use paragraphs A & B below for standard and on-call contracts.)

- A. This contract shall go into effect on (DATE), contingent upon approval by the LOCAL AGENCY, and the CONSULTANT shall commence work after notification to proceed by the LOCAL AGENCY'S Contract Manager. The contract shall end on (DATE), unless extended by contract amendment.
- B. The CONSULTANT is advised that any recommendation for contract award is not binding on the LOCAL AGENCY until the contract is fully executed and approved by the LOCAL AGENCY.

(Option 2 - Use paragraph C below in addition to paragraphs A & B above for on-call contracts.)

- C. The period of performance for each specific project shall be in accordance with the Task Order for that project. If work on a Task Order is in progress on the expiration date of this contract, the terms of the contract may be extended by contract amendment.

ARTICLE V ALLOWABLE COSTS AND PAYMENTS

(Choose either Option 1, 2, 3, or 4.)

(Option 1 - Use paragraphs A through G below for standard contracts.)

- A. The method of payment for this contract will be based on actual cost-plus-a-fixed fee. The LOCAL AGENCY will reimburse the CONSULTANT for actual costs (including labor costs, employee benefits,

- The final design should be able to convey the base flood, Q100.
- The base flood (Q100) or overtopping flood, whichever is greater shall be used to evaluate the costs, risks and impacts associated with encroachments on the 100-year base flood plain.
- The minimum design flood for foundation analysis should be the base flood (Q100). Bridges with scourable beds should withstand the effects of the base flood (Q100) without failure. The top of pier footing should be placed at, or below the calculated total scour condition including anticipated lateral channel migration. Pile extensions and pile shafts should have sufficient embedment depth for the potential scour conditions.
- Consideration should be given to the long-term effects as to the bridge waterway adequacy. This is part of data to be collected and retained for FHWA's use per CFR Section 650.311. Specifically, this data is included in the Sufficiency Rating (see the *Recording and Coding Guide for the Structure Inventory and Appraisal of the Nation's Bridges*, published by FHWA), which is used in the HBRR Program, as a basis for establishing eligibility and priority for replacement, and rehabilitation of bridges (CFR 650.409).

CULVERTS:

There are two primary design frequencies that should be considered in the design of drainage culverts. A culvert should convey:

- The ten percent (10%) probability flood or tide (Q10) without causing the headwater elevation to rise above the inlet top of culvert.
- The one percent (1%) probability flood (Q100) without damage to the facility or adjacent property.

OPEN CHANNELS/CONDUITS:

- Open channels/conduits should be designed according to the above bridge criteria with appropriate freeboard.

ROADSIDE DRAINAGE:

- The spacing of roadway inlets for pavement drainage vary with the desirable limits or water spread, which in turn depend on the type of facility, design storm frequency, traffic volume, design speed, and any local requirements. The recommended limits for water spread on various types of roadway facilities are provided in Chapters 800 to 890 of the *Caltrans Highway Design Manual*.

Additional information on the design of culverts including: hydrologic and hydraulic design considerations; height of fill limitations; protection from abrasion and corrosion; as well as, other economic, construction and maintenance considerations are included in the *Caltrans Highway Design Manual*.

Floodplain Encroachments

Proposed actions which encroach on a base floodplain or support incompatible floodplain development must be evaluated in a location Hydraulic Study to assess impacts on natural and beneficial floodplain values in accordance with 23 CFR 650A. The location hydraulic study must provide the following information:

- A brief description of the project hydrology
- A description of the types of traffic
- Emergency access data, availability of detours, etc.
- Comments on constraints which influence selection of available alternatives
- The location of property at risk
- An estimate of potential damage to property at risk
- A discussion of the environmental impacts

A summary of the location hydraulic study shall be included in the environmental document. When there is a significant encroachment within the base floodplain, a finding that the project is the only practicable alternative (the local agency must assure the opportunity for early public involvement) shall be included in the final environmental "NEPA" document.

The Department will be responsible for floodplain studies and floodplain findings under the Pilot Program and Section 6004. For local assistance projects, the Summary Floodplain Encroachment Report and Floodplain Evaluation Report is to be filled out, signed by the local agency project engineer, and concurred by the DLAE. If a significant floodplain encroachment is identified as a result of floodplains studies, FHWA will need to approve the encroachment and concur in the Only Practicable Finding. See Chapter 17 of the SER for additional information regarding floodplains.

Encroachments within regulatory floodways are generally not permitted. Local agencies should consult the appropriate federal, state or local regulatory agency for more information.

The design selected for the encroachment must be supported by an analysis of design alternatives, with consideration given to capital costs, risks, and other economic, engineering, social, and environmental concerns. Refer to 23 CFR 650.117 for the required content of the design studies. Upon completion of the environmental process, a hydraulic design study is required as part of the final design process.

The above technical engineering reports shall be prepared by a registered Civil Engineer in the State of California. The reports shall bear the registration seal, signature, license number and registration certificate expiration date of the California Registered Professional Engineer responsible for preparing the report.

When there is a potential for extensive disruption of essential services or incurring losses due to implementation of the proposed action; a comprehensive risk and cost analysis may be advisable during the final design stage. If a risk/cost analysis is anticipated, it is recommended that the results of preliminary studies be reviewed with the FHWA to confirm the need for the analysis.

For additional information on analysis of encroachments onto a floodplain, refer to Chapter 17, "FloodPlains," of the *Standard Environmental Reference* (SER) and at this web site: <http://www.dot.ca.gov/ser/vol1/vol1.htm>.

EXHIBIT 11-E CHECKLIST FOR DRAINAGE STUDIES AND REPORTS**CHECKLIST FOR DRAINAGE STUDIES AND REPORTS**

This is a checklist of items to be considered for inclusion in hydraulic studies and reports. For definition of terms see section entitled “*Definitions*” of this chapter.

1. PRELIMINARY**a. Review of basic guidelines**

1. A floodplain cannot be altered in any way until it has been shown that such alteration will pass the base flood without significant damage to either the flood plain or surrounding property. This requirement is often referred to as “conveyance of the base flood.” (Conveyance may be through structures, over the roadway, through escapements, through overflow channels, or any combination of the above.)
2. Approval for actions within a flood plain cannot be given until various options of alignments, grade, and waterway area have been appraised.
3. No bridge abutments or embankment shall encroach on a regulatory floodway.

b. Collect appropriate and readily available published data such as:

1. USGS quadrangle maps
2. NFIP maps – Flood plain maps may be obtained from the National Flood Insurance Program (NFIP), or the Local Caltrans District office
3. Aerial photos - Check with Caltrans
4. Runoff records - USGS water supply papers
5. Rainfall records- Various sources
6. Prior hydrology reports including photos and plans

c. Coordinate with other agencies

1. Determine whether permits are required.
2. Determine how the area is zoned.
3. Investigate possibility of cooperative projects.
4. Determine whether there exist or proposed water resource projects that will influence the design, and summarize details (Watershed area, storage capacity, etc., when pertinent).
5. Determine whether there is ongoing or proposed clearing, construction, land leveling, land development, aggregate mining, etc., that would affect flow in or the stability at the stream.

d. Floodplain Encroachments

1. Executive order 11988 establishes the federal policy on floodplain management. This policy has been implemented by 23 CFR, Part 650A (23 CFR 650A).
2. CFR 650A requires all encroachments and all actions, which affect an area, subject to flooding by flood or tide having a one-percent chance of being exceeded in any given year, to comply with a floodplain management policy. Repairs made to existing facilities with emergency funds (see *Local Programs Manual* which discusses Emergency Relief) during or immediately following a disaster are exempt from this policy.

e. The hydrology and hydraulics report shall:

1. Only be as comprehensive as the conditions warrant. Calculations with short comments are sufficient for a culvert in a well-defined drainage environment. A complete comprehensive document is required for a major stream crossing in an ecological setting.
2. Generally be structured along these guidelines with:
 - a. Background data and estimates of future flood.
 - b. Calculations to determine velocities, water surface elevations, backwater and scour depth (the lead agency should provide a disk with the data used to run HEC-2 or WSPRO. If a program other than these is used, that program should be provided on a disc along with the data used).
 - c. Illustrative photos.
 - d. Comments on selection of design flood, conveyance of 100-year flood, channel change, effect on stream stability, and provisions for fish passage.

f. Suggested desirable hydraulic features

1. The following features should be considered in the design of a bridge or culvert:
 - a. Use of warped wingwalls
 - b. No open vents
 - c. No piers in main channel
 - d. Use of energy dissipaters
 - e. Extending pier walls to edge of deck
 - f. No piers in navigable channel

2. FIELD RECONNAISSANCE – Should be made by the engineer making the hydrologic and hydraulic analysis

a. Channel stability

1. Estimate the erodability of streambed material.
2. Document bends, meanders, and any eroded areas.
3. Is the existing protection providing adequate erosion control, and if so, is it fragile?
4. Are there signs of aggradations or degradation? Other scour considerations?
5. Are there any upstream or downstream mining operations?

b. Potential problems

1. Consideration of the value of the property that would be damaged by the base flood or overtopping flood.
2. Size and amount of drift.
3. Ice, snow.
4. Banks that would erode if flow is accelerated or redirected.
5. Check adequacy of abutment protection.

c. Environmental considerations

1. Avoid support of incompatible floodplain development.
2. Minimize the impact of highway actions that adversely affect the base floodplain.
3. Restore and preserve the natural and beneficial floodplain values (fish, wildlife, plants, open space, natural beauty, scientific study, outdoor recreation, agriculture, aqua culture, forestry, natural moderation of floods, water quality maintenance, groundwater discharge, etc.).
4. Be consistent with the standards/criteria of the National Flood Insurance Program of the Federal Emergency Management Agency (FEMA).

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12.2 PS&E PROCEDURES FOR MAJOR NHS PROJECTS

For major projects on the NHS, the local agency's written PS&E procedures must be approved by Caltrans before final design is started. The DLAE will determine which projects require this approval at the field review (see Chapter 7, *Field Review*, of this manual). The procedures should identify changes from the procedures described in this chapter and as a minimum cover the following items:

- Project Management personnel and procedures
- Highway Design Standards (and any other Technical standards as appropriate)
- Consultant Selection procedures
- Project DBE participation procedures
- Review and approval procedures
- Oversight procedures if a State highway is involved
- Maintenance of records and Access

The DLAE should consult with headquarters Division of Local Assistance (DLA) for assistance with the review of the local agency procedures.

12.3 ENVIRONMENTAL PROCEDURES

The Code of Federal Regulations, Title 23 (Highways), Part 771.113 (23 CFR 771.113) prohibits starting work on the final design phase of a federally funded project until after approval of the final environmental document (see Chapter 6 "Environmental Procedures" of this manual). Failure to comply with this requirement will make a project ineligible for federal reimbursement.

COMPLIANCE WITH ENVIRONMENTAL LAWS

The local agency is responsible for insuring that mitigation measures presented as commitments in environmental documents, and that conditions and restrictions, associated with regulatory permits, are incorporated into appropriate contract documents, plans, specifications and estimates prior to proceeding with major construction activities such as land acquisition or construction. Environmental documents referred to here may be a Categorical Exclusion (CE), Environmental Assessment (EA), or Environmental Impact Statement (EIS).

Failure to meet mitigation commitments may render the project ineligible for federal reimbursement.

Omission or modification of a mitigation commitment, thereby creating new significant environmental effects, will result in the need to prepare a re-evaluation to assess any changes that have occurred and their effect on the validity of the environmental document. Changes in project design, applicable laws or regulations, or environmental impacts may also require environmental re-evaluation, including additional studies, consultation and public involvement. If the document is an EIS, a Supplemental EIS may be required.

PRELIMINARY DESIGN

Local agencies may complete all necessary design work needed to complete the environmental document or to comply with other environmental laws during the National Environmental Policy Act (NEPA) process. This should not be construed as an authorization to proceed with final design for the entire project, but only for those aspects of the project necessary to consider specific environmental concerns. An example of this is where such work is necessary to permit the full evaluation of environmental impacts and to permit the consideration of appropriate mitigation measures, e.g., impacts to wetlands, Section 4(f) areas and resources covered by Section 106 of the National Historic Preservation Act.

FINAL DESIGN

Local agencies may not proceed with final design activities until Caltrans District Senior Environmental Planner (SEP) and the DLAE have signed the CE Form, Caltrans Deputy District Director has signed the Finding of No Significant Impact (FONSI), or Caltrans District Director has signed the Record of Decision (ROD). Granting approval to proceed with final design prior to final environmental approval would be a premature commitment to one alternative at a time when other alternatives, including the alternative of taking no action, are still being actively considered in the environmental process. Upon final environmental approval, it is incumbent upon the DLAE to immediately provide notification to the local agency and a copy of the approved environmental determination or documents.

Local agencies are required to provide a list of mitigation commitments to the DLAE (for projects processed with a CE), provide a list of mitigation commitments in the FONSI (for projects processed with an EA), and provide a list of mitigation commitments in the ROD (for projects processed with an EIS).

Unique mitigation commitments including but not limited to, excavation of historic sites, protection of public-owned public parklands, removal and disposal of hazardous materials, and the establishment of sensitive plant communities or wetland mitigation sites are often complex and require technical expertise in the translation and transfer into final design. Any plant establishment and monitoring periods must also be addressed during final design.

For complex projects, Caltrans staff is available to assist in the translation and proper transfer of mitigation commitments into the final design. Caltrans assures that mitigation commitments and any required ongoing maintenance of mitigation are implemented by conducting periodic process reviews.

PERMITS

The local agency is also responsible for translating permit conditions and restrictions into the final design. Permits include, but are not limited to: Army Corps of Engineers (ACOE) Section 404 Nationwide Permit; Section 404 Individual Permit; NEPA/404 Integration MOU, Section 10 Permit; United States Coast Guard (USCG) Bridge Permit; Regional Water Quality Control Board (RWQCB) Section 401 Water Quality Certification; RWQCB National Pollution Discharge (NPDES) Permit; California Department of Fish and Game (CDFG) Streambed Alteration Agreement; California Coastal Commission

(CCC) Coastal Zone Permit, and Bay Conservation and Development Commission (BCDC) Permit. Typical mitigation includes hay bales, silt fencing, dust control, riprap, soil stabilization matting, slope drain, turbidity barrier, etc

Local agencies should work closely with the permitting agency to ensure accurate translation and proper transfer of permit conditions and restrictions (as appropriate) into final design. Conversations with regulatory agencies regarding translation of permit conditions and restrictions should be well documented.

DOCUMENTATION

Well documented records, referencing the page numbers and/or plan sheets on which commitments are illustrated, should be maintained by the local agency, as this information will be necessary when certifying PS&E. This information will also be useful during process reviews.

12.4 METHOD OF CONSTRUCTION

CONTRACTING METHOD

Except as noted below, all federal-aid construction projects must be completed by contracts awarded to the lowest responsible bidder of a competitive bid process (23CFR 635.104). In addition, local agencies may not, under any circumstances, negotiate with a bidder prior to award to reduce the price of a construction contract.

Occasionally, situations arise which may support the use of a contracting method other than competitive bidding. Noncompetitive construction contracting may be approved under the following conditions:

- When an emergency exists of such magnitude that work cannot be delayed
- There is only one organization qualified to do the work
- Competition is deemed inadequate after soliciting bids
- When it is more cost effective to do the project by “force account” (defined below)

The use of a non-competitive contracting method must be thoroughly justified in writing (generally by the use of a Public Interest Finding), submitted to the Caltrans DLAE for review, documented in the project files, and retained for future reference. For local federal-aid projects that are subject to FHWA Full Oversight (see Chapter 2, *Roles and Responsibilities*), justification must be submitted to the DLAE for FHWA’s review and approval.

FORCE ACCOUNT (DAY LABOR)

Federal regulations (23 CFR 635.203) defines “force account” as the direct performance of construction work by a local agency, railroad, or public utility using labor, equipment, materials and supplies furnished by them and under their direct control. Payment under force account is based on the actual cost of labor, equipment, and materials furnished, with consideration for overhead and profit.

Since work by force account is an exception to the normal contract method, which is based on competitive bidding, each local agency must also look to its own charter and applicable state code(s) when considering work by force account.

CHAPTER 13 RIGHT OF WAY

13.1 GENERAL

“Right of Way” refers to the real property rights, which local agencies must possess to construct local assistance transportation projects utilizing federal funds. The provisions of this chapter apply to all local assistance projects involving federal funds **off** the State Highway System (SHS), whether or not these funds are expended for purchase of real property rights. For local agency projects on the SHS or any portion thereof, Caltrans and/or the local public agency must follow the Caltrans Manuals that apply to the work being done, among them, the *Right of Way Manual* and the *Cooperative Agreement Manual*.

The authority to acquire property for a public project is found in the US Constitution and the Bill of Rights and the processes to exercise this authority are contained in federal law.

Under federal laws and regulations that apply whenever federal funds are used for a project, affected property owners and those displaced by the project are entitled to be treated in ways that provide the due process of law and which ensure they are justly compensated for losses they experience.

These laws and regulations are also intended as a safeguard to ensure that federal funds are not unnecessarily or inappropriately expended.

The information in this section has been compiled from many sources but the underlying federal and state laws remain unchanged. This chapter should not be used as a substitute for these laws, statutes, regulations policies, and/or procedures when conducting right of way activities using federal funds.

Note: All documents and papers related to a project must carry the federal-aid project number for identification.

13.2 FEDERAL-AID AND THE FEDERAL/STATE/LOCAL AGENCY RELATIONSHIP

The Federal Highway Administration (FHWA) is the federal agency most typically involved in transportation projects undertaken with federal funding for the programs discussed in this manual. It has the authority and responsibility for implementing and monitoring federal laws, regulations and executive orders affecting these programs. When a project utilizes federal funding, the FHWA is involved pursuant to these responsibilities and the delegations described below.

Caltrans has obtained major delegations of authority from FHWA under the provisions of the 1991 Intermodal Surface Transportation Efficiency Act (ISTEA), Transportation Equity Act of the 21st Century (TEA-21), and previous transportation acts. Further, it has passed on these delegations to local agency partners to the greatest extent possible. With each delegation goes the responsibility for initiating and completing each project phase in accordance with the appropriate state and federal laws and regulations without extensive FHWA or state oversight.

ISTEA established provisions for Congress to adopt a National Highway System (NHS) of 155,000 miles of major roads in the United States. This system was established to

provide an interconnected system of principle arterials, which serve major populated centers, international border crossings, ports, airports, public transportation facilities, and which meets national defense requirements as well as serving interstate travel. Until Congress made its official adoption, the NHS was defined as all principal arterials, including the Interstate System.

On November 28, 1995, the President signed the legislation defining the NHS. The system includes all interstate routes, a selection of urban and rural principal arterials, the defense strategic highway network and strategic highway connectors.

In California, about 180 miles of local agency principal arterials were selected to be a part of the NHS. Some procedures in this manual for projects on the NHS are different from those for projects not on the NHS (non-NHS). One of the early local agency determinations should be whether the project is on the NHS.

FHWA ROLE

For all federal-aid projects FHWA is responsible for the following project activities:

- Obligation of federal funds
- Approval of E-76 for Right of Way activities and utilities under the Alternate Procedure
- Execution of Project Agreements
- Acceptance of Right of Way Certification for projects on the NHS where total project costs exceed \$1 million

The intent of this chapter is to provide local agencies with the basic understanding of Right of Way procedures for locally sponsored federal-aid transportation projects. Local agencies, which will be actively involved in right of way acquisition and relocation, must comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended in 1987 (the Uniform Act). This law can be found in Chapter 10 of the Caltrans *Right of Way Manual*, the FHWA *Project Development Guide* (see Appendices A and B) and at Section 49 of the Code of Federal Regulations (CFR) Part 24.

Note: The Uniform Act must be followed on all local agency projects even if no federal funds are used for the acquisition of right of way for the project. Although, substantial responsibility for the administration of local agency projects has been delegated to Caltrans (see below, “Caltrans Role”), FHWA has retained the overall responsibility for compliance with the Uniform Act. Towards this end, FHWA periodically performs Process Reviews of local agency projects to ensure that the Uniform Act requirements are being met.

In addition, local agencies must also comply with all requirements of Title VI of the 1964 Civil Rights Act on federal-aid projects. This is to ensure that all services and/or benefits derived from any right of way activity will be administered without regard to race, color, gender, or national origin (see FHWA *Project Development Guide*, Appendix C-12. For additional details on the FHWA/Caltrans relationship, refer to Chapter 2, “Roles and Responsibilities,” of the *Local Assistance Procedures Manual* (LAPM).

federal and local funds used to finance the locally sponsored project. It is the contractual basis for the state to reimburse the local agency for work done.

Special covenants or clauses in the agreement define the agency's specific responsibilities in implementing and maintaining the project. Others define state or local responsibilities for providing project funds.

13.4 RIGHT OF WAY AUTHORIZATION

When federal funds are to be used for right of way costs, the Field Review Form and the Right of Way Estimate must be completed, and National Environmental Policy Act (NEPA) approval obtained before requesting authorization. If federal-aid is sought for any phase of the project, all right of way activities must conform to federal requirements. Failure to conform to these requirements will jeopardize federal funding. **Note:** If any right of way activities are performed prior to authorization, those activities are normally ineligible for reimbursement later. Requests for authorization should be submitted to the DLAE. If the request is complete, the DLAE will initiate the authorization process.

PROJECT PROGRAMMING

The initial step in obtaining federal-aid on a local assistance project involves selecting and programming the project into a federally approved Transportation Improvement Program. This will require careful estimates of the costs involved for all phases of the project including preliminary and construction engineering, utility relocation, right of way (if additional property interests are required), and construction.

Real property rights that are acquired for a local agency project must be sufficient for all activities necessary for the construction of the project and for the ongoing operation and maintenance of the facility when completed. It is the responsibility of the local agency to determine the property rights that will be necessary for each project and that these rights are sufficient for the project.

Procedures to program projects can be found in Chapter 1, "Introduction /Overview," and Chapter 2, "Financing the Federal-aid Highway Program," of the *Local Assistance Program Guidelines* (LAPG). Questions concerning project programming should be referred to the DLAE.

REQUEST FOR AUTHORIZATION TO PROCEED

After a project is selected and programmed in a Federal Approved State Transportation Improvement Program (FSTIP), the local agency should then contact the DLAE to obtain authorization to receive federal funds. The authorization must precede any activities for which reimbursement will be requested. When the project requires the relocation of utility facilities, the request must include a listing of each affected utility company together with an estimate of the cost of relocation for each company and a request for approval of the use of the Alternate Procedure. The local agency is responsible for initiating the Request for Authorization (Preliminary Engineering) through Caltrans to FHWA. For additional details, please refer to Chapter 3, "Project Authorization," of the LAPM.

The project authorization obligates FHWA to reimburse allowable project costs and confirms that federal funds are available in the amount requested for that project. However, this is subject to the condition that acquisition of right of way may only commence after the necessary requirements have been met including NEPA compliance.

The local agency must prepare a “Request for Authorization” package (see Chapter 3, Exhibits 3-A “Request for Authorization to Proceed with Preliminary Engineering,” Exhibit 3-B “Request For Authorization to Proceed with Right of Way,” Exhibit 3-C “Request for Authorization To Proceed with Construction,” and Exhibit 3-D “Federal Transit Administration Transfer,” of the LAPM) and certify to the accuracy of all the data on the forms. Separate work authorizations and fund obligations are normally made for preliminary engineering, right of way, and construction, if federal funds are to be used for these phases of the project. The authorization to proceed must be obtained prior to starting an item of work for which the agency will seek reimbursement.

When the DLAE determines that the project has been authorized and obligated, an “Authorization to Proceed” is printed which shows the authorization and obligation dates. This form is then sent to the local agency as verification that they may begin with that phase of the project and subsequently be eligible for reimbursement. If the project cannot be authorized, the local agency is informed and advised what corrective actions are necessary.

AUTHORIZATION TO BEGIN RIGHT OF WAY WORK (E-76)

Each phase (capital/support) or function (appraisals, acquisition, utility relocation, etc.) of right of way claimed for reimbursement must be programmed and authorized by an E-76 prior to beginning that phase or function. Any work done prior to authorization will be ineligible. An E-76 may program multiple phases.

Local agencies may not proceed with final design or request for authorization to proceed with right of way or construction until full compliance with the provisions of NEPA has been documented and approved by Caltrans. Failure to follow this requirement will make the project ineligible for FHWA reimbursement. Upon final environmental approval, it is incumbent upon the DLAE to provide the local agency with immediate notification and a copy of the signed Categorical Exemption/Categorical Exclusion Determination Form or approved environmental document (Finding of No Significant Impact [FONSI] or Record of Decision [ROD]), so the local agency can commence with final design and/or request authorization to proceed with right of way activities.

Preliminary acquisition activities including a title search and preliminary property map preparation necessary for the completion of the environmental process, can be advanced under preliminary engineering prior to NEPA compliance, while other work involving contact with affected property owners must normally be deferred until NEPA approval, except as provided in 23 CFR 710.503 for protective buying and hardship acquisition, and in 23 CFR 710.501 early acquisition.

Only under these exceptional circumstances will the agency be allowed to acquire property prior to environmental approval. For example, the agency may acquire property in advance of the normal schedule if the owner claims hardship, or the property must be protected from future development. Appropriate documentation must accompany the request to FHWA for approval of Hardship and Protection acquisitions. When making these advanced acquisitions, ensure that the intent of the Uniform Act and the NEPA are not circumvented. For additional information, please refer to Chapter 5 “Hardship and Protection” of the *Right of Way Manual*, or contact Caltrans Right of Way Local Programs Coordinator in your area.

13.5 PRELIMINARY RIGHT OF WAY ACTIVITIES

REQUEST AUTHORIZATION TO PROCEED (PE)

Separate work authorizations and fund obligations are normally made for Preliminary Engineering (PE), Right of Way (including appraisal, acquisition, relocation assistance, and utility relocation) and Construction phases, if federal funds are to be used in each of these phases.

PRELIMINARY STUDIES

At this early stage in the development process, it is crucial to correctly evaluate the project requirements: namely, the limits, location (including existing utilities), scope, costs, and whether any additional right of way will be required. Each agency should establish a process for accumulating this data, which will play an integral part in successfully completing the Field Review, the Preliminary Environmental Study (PES) Form and the Plans, Specifications & Estimate (PS&E) for the project.

FIELD REVIEWS

Formal field reviews, which may include FHWA and Caltrans representatives are not required on local agency transportation projects off of the National Highway System (NHS) (for additional details, see Chapter 7, “Field Review” of the LAPM. However, Field Reviews are suggested practice for all complex projects. A representative from FHWA should be consulted on all projects that require "full oversight" by FHWA. All requests for FHWA participation should be coordinated through the DLAE.

Local Agencies should complete the PES Form and the first two pages of the Field Review Form prior to requesting a Field Review. If it appears that additional right of way will be required, one of the intended results of the Field Review is to provide sufficient data to complete the right of way estimate (see “Right of Way Estimate” in this chapter). The information contained in these two documents is crucial in obtaining FHWA authorization to proceed further with the next stage of the project (see “Request for Authorization to Proceed Right of Way” in this chapter).

The Field Review process brings together all interested parties in order to reach agreement on the important aspects of the project, including such items as the design features, alternative proposals for building the project, respective responsibilities of the various agencies involved, level of documentation required in the NEPA process, and whether a public hearing will be necessary. For Right of Way objectives, the Field Review may confirm the need to acquire right of way and relocate the occupants, or relocate utilities and/or railroad facilities, which can significantly affect the project development in particular, the costs and scheduling. The review also facilitates the identification of compensable property interests plus uncovering project requirements such as the need for temporary construction easements, permits to enter, etc. Therefore, it is strongly encouraged that the Caltrans Right of Way Coordinators be invited to participate in the Field Reviews, as their assistance could be extremely helpful.

When the preliminary review is completed, the local agency is responsible for completing the Field Review Form. If there are right of way requirements for the project, the DLAE should forward a copy of this form to the Right of Way Local Programs Coordinator. For NHS projects, all appropriate forms and attachments must be completed. For non-NHS projects, the two-page Field Review Summary must be completed at a minimum. Items 7 and 9 apply to right of way issues.

13.6 ENVIRONMENTAL APPROVAL

NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)

All local agency federal-aid transportation projects “off” the SHS must comply with the provisions of the NEPA and the implementing regulations (23 CFR 771.117) thereto. Local agencies may not proceed with final design, right of way acquisition, or project construction until full compliance with the NEPA has been documented and approved by Caltrans.

The level of documentation required in the NEPA process will vary depending upon the NEPA Class of Action. A proposed major highway or a new highway on a different alignment, for example, will normally require an extensive study (an Environmental Impact Statement [EIS]), while minor improvements to existing highways such as a roadway intersection signal installation may require only a short analysis (a Categorical Exclusion [CE]).

All local agency projects must demonstrate compliance with NEPA and other federal environmental laws before proceeding with right of way work or the final design of a project.

PRELIMINARY ENVIRONMENTAL REVIEW--PES

The PES Form (Chapter 6, Exhibit 6-A of the LAPM) is designed to identify such items as the existing conditions in the project area, environmental issues that may require further study and the need for public hearing, or resource or regulatory agency permit. PES Section B, question 16 specifically relates to right of way impacts and a “YES” answer would indicate that further action is necessary.

PUBLIC HEARINGS

In general, public hearings should be held for a project if there is substantial environmental controversy, if there is widespread interest in holding the hearing or if an agency with jurisdiction over the project requests one. The procedures for holding hearings, including the requirements for notifying the public, the contents of the notification, scheduling, and the hearing process are all discussed in Chapter 8, “Public Hearings,” of the LAPM.

Federal regulations require public hearings under certain circumstances. For example, projects being processed with an Environmental Assessment (EA) require a public hearing when significant amounts of right of way will be required for the project. Public hearings are also required during the circulation period of all draft EIS.

Public involvement is advantageous because it can broaden the agency’s knowledge of the project area. If a public hearing is to be held and additional right of way or property rights will be required for the project, right of way personnel should be involved as early as possible. A public forum offers an excellent opportunity to discuss the acquisition and relocation impacts with the affected persons. The importance of explaining these projects within the context of a public hearing cannot be overstated. One of the most difficult aspects of any project is the displacement of people and/or personal property. Property owners rarely see the importance of a project when balanced against their own needs and desires. Often the project simply means the disruption of their lives and lifestyle, or the need to relocate and reestablish their residence or business in a new area. As a result, those most directly affected are often hostile and unwilling to reach any agreement on an amicable basis.

The public hearing is often their first real opportunity for information and contact with project representatives. One of the keys to a successful project may be the cooperation engendered at the first public hearing. As the project progresses, there may be a need for additional hearings devoted solely to right of way issues and impacts.

THE ENVIRONMENTAL DOCUMENT

Depending upon the potential for impact, there are three (3) NEPA Class of Actions under which a federal-aid project may be processed. These include: Categorical Exclusion (CE) determination, an Environmental Assessment (EA), or Environmental Impact Statement (EIS) document. The purpose of the environmental determination or document is to disclose to the public and decision makers the proposed action, potential environmental impacts, and proposed avoid, minimization, and mitigation measures to offset adverse impacts. Right of Way acquisition and activities associated with the action must be considered as part of the scope of the action and, the environmental investigation and environmental determination or document must also address impacts associated with Right of Way activities. Guidance on analyzing impacts associated with Right of Way acquisition and use is provided in the *Standard Environmental Reference* (SER) at: <http://www.dot.ca.gov/ser/vol1/vol1.htm>.

13.7 PROJECTS REQUIRING RIGHT OF WAY/PROPERTY RIGHTS

Local federally funded projects involving the acquisition of right of way should be discussed with the District Local Programs Right of Way Coordinator as early as possible in the project development stage. There are several reasons for this. As noted above, while some PE activities (i.e., ordering title reports, preparing base maps and appraisal maps, conducting project-wide comparable sales searches and gathering cost estimates) may be conducted and subsequently reimbursed by FHWA prior to NEPA compliance, the majority of right of way activities (such as, negotiating with property owners, relocating displaced persons, and utility relocation) may not be performed on federal-aid projects prior to NEPA compliance. This restriction minimizes the potential for predetermined project site or alignment selection.

While Draft and Final EAs and EISs may identify the preferred alternative, the selected alternative shall not be announced until the FONSI and ROD, respectively. Activities such as assigning appraisers to specific parcels, contacting the property owners to commence appraisal activities (i.e., sending the Notice of Decision to Appraise), and completing the appraisal may not occur until after FONSI or ROD has been signed by Caltrans.

THE RIGHT OF WAY ESTIMATE

If property rights are necessary, the next phase in the project development is the completion of the Right of Way Estimate. The estimate is of primary importance in the cost-efficient delivery of the project. This process and subsequent document provide a detailed analysis of the following:

- Type of properties to be acquired.
- The size and number of the parcels.
- If displacement is to occur, what is the nature (e.g., residential, commercial, etc.), how many are affected and what is the projected timing.
- How much time and what personnel are needed to appraise and acquire the right of way and perform any necessary relocation work, including utilities.
- Any liability for utility relocations.

The Estimate should include:

- The estimated fair market value of the properties to be acquired.
- The anticipated relocation assistance payments.
- The portion of the local agency's liability to relocate utility facilities outside of the right of way.

An accurate estimate of right of way costs based on current market data is essential for forecasting capital expenditures and future staffing needs. For example, overestimating may result in deferring, down-scoping, or eliminating a project; underestimating could affect the financial ability to build the project or inadequate staffing needs. The District Right of Way staff may assist the local agency in preparing and reviewing the estimate documents.

Rough estimates are often prepared during the preliminary phase of a project. However, these estimates should be updated prior to use in a budgeting or programming document. Maps should be available once the project scope is defined. Detailed maps are critical in preparing good right of way estimates.

ADVANCE ACQUISITION/HARDSHIP/PROTECTION

Hardship acquisitions are situations where unusual circumstances have befallen the owner(s) of the property and are aggravated or perpetuated because of the proposed project and cannot be solved by the owner without acquisition by the local agency.

“Protection” acquisitions occur when property is purchased in advance of normal acquisition to prevent development on a proposed alignment. If the purchase were deferred, the result would be higher acquisition, relocation and/or construction costs.

Local agencies may acquire hardship and protection properties with their own funds prior to NEPA compliance without jeopardizing federal participation in future programmed project costs. These advance acquisitions require prior FHWA approval, and any such acquisition must comply with the Uniform Act if the local agency anticipates seeking reimbursement for the acquisition costs when the project is approved for federal- aid. The local agency should immediately contact the District Right of Way Local Programs Coordinator regarding FHWA approval before proceeding with any acquisition. See Chapter 5 for process and procedures of the Caltrans *Right of Way Manual*.

RELOCATION PLANNING

When projects involve displacement, the successful resolution of these displacees' needs requires careful planning. Housing resources must meet the needs of the displaced in terms of size, price, location and timely availability. Advisory services and various notices to vacate, some with specific timing requirements must be provided. Businesses must be given assistance in relocating with a minimum of disruption during the move. Payments must be made to displaced persons at the time they are needed during the move to the new location. These things do not happen automatically, they require planning.

FHWA has long stressed the need for relocation planning. Congress gave new emphasis to the need for consideration of the impacts of displacement in the 1987 Amendment to the Uniform Act. 49 CFR 24.205(a) states that Planning may involve a relocation survey or study which may include the following: (1) An estimate of the number of households to be displaced including information such as owner/tenant status, estimated value and

RIGHTS OF ENTRY

A Right of Entry allows an agency representative to enter someone's property for a specific purpose at a specified time. Obtaining a Right of Entry can require that the agency pay just compensation at the time agency takes possession. A Right of Entry does not replace the Right of Way Contract. It shall not be used to certify control of the right of way for the project. The local agency must first have an appraisal of the property rights prepared and present an offer of settlement to the owner. The Right of Entry will not be utilized if the project will displace people or impact improvements of a significant nature. A Right of Entry is appropriate only when the local agency would normally acquire the needed interest, but the owner cannot or will not provide an executed right of way contract, and eminent domain proceedings are not the practical approach. It is used only in extraordinary circumstances and can never be used for the sole reason of meeting the scheduled Certification date.

NOTE: The Form that is acceptable is the state's "Agreement for Possession and Use," Exhibit 8-EX-25 of the Caltrans *Right of Way Manual*. This Form should not replace the use of a Right of Way Contract.

STATUS OF ACCESS CONTROL

Access to the project must be adequate to meet the needs during construction. At the same time, access rights for persons whose property abuts on the project boundaries cannot be denied or unreasonably restricted, unless other access is available or provided to the owner during construction. If no access can be provided, the owner is entitled to compensation during the course of construction.

STATUS OF AFFECTED RAILROAD OPERATING FACILITIES

The local public agency must confirm that all arrangements have been made with the railroad. If railroad-operating right of way is not within the project limits or ends two feet of the rail crossing, then "NONE" would be noted on the Certification form. Railroads are considered clear for advertising when all arrangements have been made with the railroad for entry on to their property and/or for working on or near the tracks. Types of agreements that may be required include Temporary Construction Easement or Right of Entry, Construction and Maintenance Agreements or Service Contracts. Contact the railroad for specific requirements.

MATERIAL AND DISPOSAL SITES

When projects involve the excavation or importation of soils and other materials to or from a material and/or disposal site, separate agreements providing for the use of the sites, the owner's name, and the duration of the agreement must be listed.

Note: Typically, on local public agency projects there is excess material, which the contractor disposes of as part of the contract. The disposal site is not a project need. Under these circumstances, in completing the No Right of Way Certification, the "NO" column should be checked. Only when a separate disposal site is necessary as a part of the project should the "YES" answer be given.

UTILITY RELOCATION

It is the local agency's responsibility to provide for the relocation, protection or removal of all private and public utility facilities which conflict with the construction of the proposed project. It is necessary to reach agreement concerning: (1) the date by which the relocation will be completed, (2) the financial liability for the relocation costs with

each of the utility companies having facilities within the project area or that are affected in some way by the project, and (3) who will perform the utility relocation work.

Note: **23 CFR 635.309(b) requires utility arrangements to be completed prior to project construction except where it is determined such work is not feasible or practical.** Federal participation in the utility relocation costs is a right of way issue and not a construction matter, even if the relocation will occur during construction. A separate Authorization Approval must be received prior to any utility relocation.

RIGHT OF WAY CLEARANCE

The preliminary investigations included in the field review will reveal the presence of any improvements or physical obstructions that must be removed prior to construction. Care should be taken in arranging for the removal of these items in order to properly coordinate with the construction schedule.

AIRSPACE AGREEMENTS

Airspace leases are revenue-producing agreements for parcels within (above or below) the operating right of way. When subsequent projects are proposed, which affect the airspace leasehold areas or pose a problem for the lessee's use of the site, provision must be made in the contract to minimize this conflict. If airspace leasehold area is required for the project, the lease must be cancelled and arrangements for the lessee's relocation must be made prior to certifying the project.

COMPLIANCE WITH THE RELOCATION ASSISTANCE PROGRAM

The Uniform Act prescribes certain benefits and protections for persons displaced by local projects, which are funded in whole or in part with federal money. Among other benefits the Uniform Act provides are relocation payments for residential displacees and for businesses, farms, and nonprofit organizations. The Act also provides certain protections such as requiring the availability of replacement housing for residential displacees, minimum standards for such housing, and assurances that displacees have sufficient time in which to choose their replacement properties. Finally, the Act provides for certain "advisory services" for displacees. Each of these legal requirements must be satisfied and then addressed in the Right of Way Certification.

COOPERATIVE AGREEMENTS

Cooperative Agreements are defined as any formal agreement between Caltrans and a local agency for a project on the SHS wherein the parties share in the development activities. If there are Cooperative Agreements covering responsibilities or obligations for the respective portions of the project, these agreements must be listed on the Right of Way Certification form.

ENVIRONMENTAL MITIGATION

When an approved NEPA document includes mitigation commitments involving the acquisition of property, a list of those commitments along with the date each parcel is expected to be acquired, must be listed on the Right of Way Certification. While wetland and floodplain mitigation is mainly the responsibility of the project engineer and their environmental staff and/or consultant, the mitigation measures involving the acquisition of property to accommodate replacement wetlands is the responsibility of the District Right of Way staff. To ensure the most efficient and expeditious implementation of mitigation commitments, it is imperative that the local agency project engineer, District

Right of Way Engineer and District Environmental staff collaborate closely on the acquisition of mitigation parcels and the subsequent implementation of mitigation measures.

ACCEPTANCE OF RIGHT OF WAY CERTIFICATION

When there are right of way issues involved, the local agency will certify that the issues have been resolved. Because local agencies are now certifying their own projects, it should be stressed that the authorized official or designated alternate executing the Certification must be certain that the proper right of way procedures have been followed and that the requirements of the Uniform Act have been met.

All local agencies may certify their own projects but it is of crucial importance to adhere to state and federal standards, so that the federal funds for the project will not be jeopardized. This emphasizes the gravity for non-qualified agencies in the selection of qualified consultants or in contracting with a qualified agency to perform the various right of way functions. Upon receipt, the District Right of Way Local Programs Coordinator will review the Certification to see that each item has been completed in compliance with federal and state laws and regulations and if applicable, the date by which the right of way will be cleared.

If all of the right of way issues have been dealt with in a satisfactory manner, both duplicate originals will be accepted and a signed original copy will be returned to the local agency.

If there are irregularities in the Certification and it cannot be accepted as submitted, the Right of Way Local Programs Coordinator will return the Certification to the local agency with an explanation as to why it cannot be accepted and the steps that are necessary for acceptance.

Certifications 1, 2, and 3 will be accepted in the district. Certifications 3W will be forwarded to Caltrans headquarters for review and FHWA's approval.

13.13 REIMBURSEMENT/FISCAL POLICY

PURPOSE

This section contains critical requirements and basic principles relating to the eligibility of Right of Way transactions for federal reimbursement. From this overview, the local agency should be able to understand the overall federal and state requirements. Detailed procedures are found in Chapter 5, "Accounting/Invoices," of the LAPM.

REIMBURSEMENT PROCESS OVERVIEW--CALTRANS

Caltrans receives federal funds on a reimbursement basis. This means Caltrans must first obtain Authorization to Proceed (E-76), incur costs, and bill the FHWA for payment before receiving payment. Federal funds are received by Caltrans as reimbursement for federally eligible expenditures.

As noted above, the normal sequence of events to obtain prior Federal Authorization and reimbursement through Caltrans is:

- a. Obtain authorization to begin work. Federal authorization is gained by obtaining an E-76, "Approval to Proceed" which means funding is available. Only eligible expenditures incurred for work after the date FHWA approves the request are reimbursable.

- b. Reimbursement is limited to the amount shown on the E-76. However, the amount can be revised. If necessary, execute a revised E-76 with FHWA. The revised E-76 is used to increase or decrease the federal funding limit shown on previous agreements.
- c. Submit progress payment invoices during the course of the work and a final invoice upon completion, along with the other documents discussed below.
- d. Final Voucher Project with FHWA after work is completed. Caltrans may audit project charges to ensure that FHWA is billed for all federally eligible expenses. When Caltrans has billed FHWA for all expenses, it sends vouchering documents to FHWA and closes out the project.

Project costs incurred prior to approval of the E-76 are ineligible for federal reimbursement. Charges incurred for eligible costs after the E-76 is signed are federally reimbursable. Actual federal reimbursement is not made until an E-76 is approved and executed. If there is no Program Supplement or an award package for construction, no reimbursement will be given even if the E-76 is approved and executed. Progress payments can be made during the Right of Way phase. Upon completion of a project, Caltrans may audit the charges and close out the project.

If the local agency wants federal participation for a Hardship or Protection parcel, federal approval must be obtained in advance of the NEPA compliance. If approval is not obtained, the local agency should be aware that the acquisition must still comply with the Uniform Act in order to be eligible for federal reimbursement for other project costs.

REPORTING COSTS

FHWA has approved Caltrans' cost accounting and cost coding systems. FHWA has agreed as to which Caltrans activities and expenditures are eligible for reimbursement for each phase of work. These agreements are incorporated into Caltrans' accounting system, coding instructions, and manuals--serving as a model for local agencies.

The local agency must be able to separate all costs, and code them as eligible or ineligible. Caltrans will review this breakdown to ensure only eligible costs are reimbursed.

Right of Way costs are recorded in Caltrans' accounting system in two categories:

- Capital Outlay
- Incidental (Support)

Capital Outlay consists of those Right of Way costs necessary to acquire and clear right of way for the construction of the project. All Capital Outlay costs must be charged to a specific project. In order to meet the FHWA requirements, Capital Right of Way costs must be documented in sufficient detail to determine eligibility. This includes transactions for land, improvements, damages, utility relocation, demolition and clearance, relocation assistance, condemnation deposits and income and expense relating to sale of improvements.

Incidental costs include personnel and operating expenses of the Right of Way functions, which produce the Capital Outlay payments. The term "Incidental Cost" is used by FHWA, and "Support Cost" is used by Caltrans.

A Federal Project number is assigned to each project and must be noted on all project documents.

- When crediting federal funds is required, the cost of the disposition may be offset against the sales price.
- Except for parcels on the Interstate program, the disposal of excess resulting from a project's termination is treated the same as any other disposal. Then the parcel can be used for another highway project without giving a credit to FHWA.

The net proceeds of the sales credit should be shown on the Progress Payment requests as credit to the project's capital costs. This procedure reduces acquisition costs and payment due to the local agency.

Q. Rental Income and Expense and Disposition of Improvements

Vacated or improved land, acquired prior to actual need for highway construction must be available for rent. FHWA participates in rental income and property management expenses if the property was acquired with federal funds.

Rental account records must be maintained to record income and direct expenses identifiable to a parcel. Eligible property management costs include costs such as repairs to a rental unit, activities of a rental agent, advertising, etc. Any rental income or expense apportioned to a property's excess portion is ineligible for federal participation. The federal share of net rental income should be shown on the Progress Payment Requests as a credit to the project, or a deduction from any payment due to the local agency.

The local agency should separate costs incurred to collect rent on a parcel-by-parcel basis, and then offset the costs against the actual rent collected.

Accounting records must be maintained for the disposition of improvements. Net income from the sale of improvements, except those on excess land, is shown as a credit to the project. Cost of the sale of improvements within the right of way is considered an expense that is a debit item and may be applied to gross sales proceeds. These credits must be given to the acquisition phase and not the rental phase.

13.14 DEFINITIONS

Access rights - The right of ingress and/or egress to and from a property, which abuts on an existing street or highway. Access rights cannot be denied or unreasonably be restricted, unless other access is available. If it is not, compensation is paid for this restriction of access.

Advanced Acquisition - The acquisition of property by the local agency temporarily using their own funds prior to NEPA approval of the environmental document. To be eligible for future federal reimbursement, right of way activities must have been performed in accordance with all federal/state guidelines and the property acquired must be included in the right of way for the project. The two types of Advance Acquisition are Hardship and Protection:

- Hardship - a situation where unusual personal circumstances not shared by others (example; financial, or health) accrue to an owner of property and are aggravated or perpetuated by the pending project and can only be resolved by early acquisition of the property by the agency.

- Protection - a situation where substantial building activity or appreciation of vacant land value is likely to occur and early acquisition by the agency is needed to prevent development of the site and avoid higher acquisition, relocation or construction costs in the future.

Note: Hardship and Protection acquisitions must comply with the Uniform Act, Title VI of the Civil Rights Act, and 49 CFR 24. Local agencies must ensure all right of way activities comply with these criteria to avoid jeopardizing federal participation in subsequent project costs.

Bundle of Rights - ownership of real property includes a great many rights, such as the right of occupancy and use, the right to sell it in whole or in part, the right to bequeath, the right of transfer by contract for a specific period of time. It is also referred to as the benefits to be derived by the occupancy and use of the real estate.

Damages - the loss in the value of the remainder in a partial acquisition of a property.

Dedication - Pursuant to the “police power” of government, this involves the setting aside of property for public use without compensation as a condition precedent to the granting of a permit, license, or zoning variance by a local governmental agency. The property owner must initiate contact with the local agency for a request to develop before the local agency can proceed with dedication requirements.

Donation - the voluntary conveyance of real property without compensation, which may be utilized for an improvement project. Donations of future right of way can only be accepted if the offer to donate is done voluntarily by the property owner who is advised of the right to receive an appraisal but signs a written waiver of the right to be compensated.

Right of way that is donated for federal-aid transportation projects must also comply with the provisions of NEPA, even if no other right of way or rights in real property are required for the project.

Easement - the right or privilege to use real property (including access rights) is distinct from the ownership of real property. There are a number of types as follows:

- Highway Easement - a right or rights granted or acquired for the construction, maintenance, and operation of a highway, which does not transfer fee title.
- Slope, Drainage or Utility Easements - easements for these purposes, covering areas which will either remain permanently under the acquiring agency control, or be relinquished, or conveyed to a utility owner by agreement.
- Temporary Easement - a property right which is required for only a limited time period. On a specific date, all of the acquiring agency’s interest in the area is terminated. An example is a Temporary (Construction) Easement that is used when the agency must enter a property for temporary use during construction of the project.

There must be a specified time period for which the temporary right exists which is sufficient to allow for delays in advertisement of the project and for the anticipated construction order of work.

Eminent Domain - the inherent power reserved by government to acquire private property rights by due process of law when the necessity arises. When exercising this right, two

basic requirements must be met: the use must be public, and just compensation must be paid to the owner prior to taking possession of the property.

Environmental Mitigation – measure necessary to mitigate adverse impacts resulting from a federal-aid transportation project. Mitigation must represent a reasonable public expenditure after considering the impacts of the action and the benefits of the proposed mitigation measures. Mitigation measures typically assist in compliance with federal statutes (example; Federal Endangered Species Act), Executive Orders (example; E.O. 11990 Protection of Wetlands, E.O. 11998 Protection of Floodplains) or Administrative regulation or policy. In some instances mitigation will require the acquisition of alternate sites to replace wildlife habitat or wetlands, or by building sound walls for noise attenuation.

Excess - property acquired for a project but which is in excess of the right of way requirements. Excess is created when there is a design change or when additional property was acquired to avoid an “uneconomic remnant.” Whenever there is federal participation in right of way acquisition, any subsequent decertification and ensuing disposal (sale or trade) of the newly created excess land requires FHWA’s prior approval.

Fee Simple - an absolute ownership without limitations or restrictions but subject to the inherent powers of government; namely, eminent domain, escheat, police power, and taxation.

Hazardous Materials/Waste - A material is hazardous if it poses a threat to human health or the environment. The term “hazardous waste” is applicable to storage, deposit, contamination, etc., involving a hazardous material, which has escaped, or has been abandoned. It can be defined in general terms as any of the following:

- Flammable
- Reactive (subject to spontaneous explosion or fire) substances
- Corrosive--Toxic

Regulations require all toxic substances be removed in accordance with applicable environmental laws prior to a public project proceeding to construction.

Inverse Condemnation - the legal process initiated by a property owner to claim compensation for the taking of, or damages, to his property as a result of a public project.

Just Compensation - the amount paid to a property owner for the losses suffered as a result of the project. The measure of Just Compensation is Fair Market Value (see below, Market Value).

Local Agency - a unit of government (e.g., county, city, municipality) authorized to undertake a project for which federal-aid is requested. This is sometimes referred to as local public agency.

Market Value - The California Code of Civil Procedure Section 1263.320 defines “Fair Market Value” of property acquired as:

- (a) The highest price on the date of valuation that would be agreed to by a seller, being willing to sell but under no particular or urgent necessity for doing so, nor obliged to sell, and a buyer being ready, willing and able to buy but under no particular necessity for doing so, each dealing with the other with full knowledge of all the uses and purposes for which the property is adaptable and available.

- (b) The fair market value for which there is no relevant comparable market is its value on the date of valuation as determined by any method of valuation that is just and equitable.

Negotiation - the process of communication whereby an agreement is arrived at for the voluntary transfer of ownership at terms mutually acceptable to all parties of interest.

Partial Acquisition - the taking of only a part of a property for public use under the power of eminent domain and for which just compensation must be paid, offsetting the damages and/or special benefits to the remaining property.

Permit to Enter and Construct/Construction Permit - used when temporary rights are needed to perform work solely for the owner's benefit. These documents provide no permanent rights to the local agency (and the rights would not be condemned). Permits to Enter would also be used to collect data for hazardous waste or soil analysis and for environmental analysis. It is possible to make payment for a Permit to Enter when appropriate.

Real Estate - refers to the physical land and appurtenances including structures affixed thereto.

Relocation Assistance - the process by which a government agency meets the legal requirements for providing relocation services, moving cost payments, increased costs to find and acquire replacement property for all eligible individuals, families, and business displaced by a project. (Not to be confused with relocation of utilities).

Remainder - property remaining in possession of the owner after a partial acquisition.

Required Right of Way - any interests in real property required for the project that lay outside the existing right of way line. Includes any requirements from state or local agency-owned excess land, land purchased for other projects, and land purchased by other agencies.

Right of Entry - a document used to obtain permission to enter and perform some activity prior to the effective date of a Right of Way Contract or an Order for Possession. It shall not be used to certify control of right of way for the project, except in emergency situations only. Solicitation of Rights of Entry prior to the appraisal process should be restricted to circumstances, which are exceptional or emergency in nature. Ordinarily, the Right of Entry will not dislocate people or impact improvements of a significant nature. In all instances when a Right of Entry is secured, the document must explain the provisions for use, disposal, amount, and the time period (see "Rights of Entry," in Section 13.12). Rights of Entry should not be confused with Temporary (Construction) Easement.

Right of Way Certification - a written statement prepared by the local agency summarizing the status of all right of way related matters with respect to a proposed construction project. An authorized Caltrans Right of Way Representative will accept the Right of Way Certification.

Turnkey Consultant - A consulting firm that would be considered a "Multifunctional Organization." A firm that provides the expertise in all areas of Right of Way (Appraisal, Acquisition, Relocation Assistance, Utilities, Property Management, Excess Lands).

Uneconomic Remnant - a remainder of land so small or irregular that it has little or no value or utility to the owner.

- Minimum two (2) years experience in the acquisition of rights for eminent domain purposes.
- Knowledge of the Uniform Relocation and Real Property Acquisition Policies Act and state Eminent Domain Law. By signing the Right of Way Contract, the Broker or Principal of the Company acknowledges responsibility for maintaining a complete file on each parcel.
- Specific knowledge and experience appropriate for the proposed project.

It is **extremely important** for the local agency to be fully aware of the acquisition consultant's qualifications and knowledge of the Uniform Act. If there are violations by the acquisition consultant or consulting firm, the local agency could jeopardize a portion of, or all of the federal funding for the entire project.

If you have questions or concerns, please contact the Department's Right of Way Local Programs Coordinator in your area.

Acquisition Consultants Responsibilities under the Uniform Act:

- Ensure establishment of just compensation by local agency prior to initiation of negotiations.
- Expeditious acquisition within 30-days of approved appraisal.
- First Written Offer should be presented in person when possible.
- Summary Statement (basis for the appraisal) to be included with the first written offer.
- Owner to be given responsible time to consider offer and present material relevant to value determination (i.e. 30 days and a minimum of 3 contacts).
- Payment is required before taking possession unless date of possession clause is used in contract.
- Local agency is responsible for payment of all incidental expenses (title, escrow, surveys, prepayment penalties, etc.)
- Preparation of Administrative Settlements when it is reasonable and in the public interest.
- Diary entries including confirmation of delivering Title VI information if project is federally funded.

Relocation Consultants

To be used when there are occupants and/or personal property within the project area that must be relocated outside the project area. Occupancy may be residential or nonresidential, including agricultural uses. Relocation specialists may be used to prepare the relocation impact documents (part of the NEPA compliance process) in the planning stage. Refer to: <http://www.dot.ca.gov/ser/vol1/sec3/community/ch24cia/chap24cia.htm>. A consultant proficient in both acquisition and relocation may be retained for both functions under the "caseworker" approach.

When selecting relocation consultants, care must be exercised to ensure that the candidates have expertise with types of occupancy affected by contemplated project, whether residential (owner-occupied), residential (tenant-occupied), personal property only, business, or nonprofit organization. The greater the complexity of the project, the greater the need for highly specialized and/or experienced relocation consultants.

Relocation Consultants should possess:

- Minimum two (2) years experience at the working level providing public agency relocation assistance.
- Knowledge of the Uniform Relocation and Real Property Acquisition Policies Act and state eminent domain Law.
- Specific knowledge and experience appropriate for the proposed project.

Property Management Consultants

To be used when tenants will be in occupancy of the right of way after the agency has acquired the property but prior to displacement.

When selecting property management consultants, care must be exercised to ensure that the candidates have expertise with types of tenancies affected by the contemplated project, whether residential, personal property only, business, or nonprofit organization. The greater the complexity of the project, the greater the need for highly specialized and/or experienced property management consultants.

Property Management Consultants should possess:

- Real Estate Broker's or Salesperson's License (when under the direct supervision of a Real estate Broker) as issued by the CA Department of Real Estate (required by law).
- Minimum two (2) years experience at the working level in management of rental properties.
- Knowledge of applicable sections of the Uniform Relocation and Real Property Acquisition Policies Act, state eminent domain law, and Landlord Tenant Law.
- Specific knowledge and experience appropriate for the proposed project.

Right of Way Project Management Consultants

May be used to coordinate and direct the work of other consultants as well as local agency staff. Will have primary responsibility to ensure the work products for the project satisfy all requirements of applicable laws, statutes, regulations, policies, and procedures.

Project Management Consultants should possess:

- Minimum five (5) years experience at a supervising, managerial, or oversight level in a right of way organization operating with the power of eminent domain.
- Knowledge of the Federal and State Uniform Relocation and Real Property Acquisition Policies Act and Article 1, Section 19, California Constitution (granting the power of eminent domain law).
- Familiarity with project management theories and techniques, including project scheduling, staff assignments, and coordination and communication with other project entities.

Project Management Consultant or Principal of the consulting firm's responsibilities:

- Ensure right of way process has been followed in accordance with the Uniform Act.
- Ensure consultants have appropriate licenses for the scope of work.
- Ensure Broker signs or initials all right of way contracts.
- Approval of all right of way files (signature in diary) that files are complete and in accordance to the Uniform Act with appropriate diary entries.

Turnkey Right of Way Consultants

Multi-functional organizations that may be used to provide all right of way services required of a given project. Should be competent in each individual functional area. Turnkey consultants must have sufficient staff to preserve separation of the appraisal, appraisal review, and acquisition functions. An individual may be technically proficient in multiple functions, but may not be used as a turnkey consultant. All appropriate licenses/certifications are required for the type of services performed.

CHAPTER 14 UTILITY RELOCATIONS

14.1 INTRODUCTION

The procedures in this chapter have been designed to comply with the FHWA's regulations and requirements under Code of the Federal Regulations (CFR) governing utility relocations. The purpose of this chapter is to provide guidelines to the local agency when performing Right of Way Utility Relocations on projects outside of the State Highway System (SHS) and financed with federal funds ("Off-System" project).

Utility Relocation procedures in this chapter only apply when relocating public utility facilities that serve the general public. Service connections and private utilities are handled through Right of Way Acquisition under Cost to Cure (23 CFR710.203.)

Forms and Exhibits included in this chapter are to provide the local agency with working samples. The language in these forms has been reviewed and approved by Caltrans Legal Department. The local agency has the option to modify the format of these forms or to use its own forms. However, the local agency's own forms have to satisfy all required elements under 23 CFR 645.113, and the use of non-approved forms and clauses will require reviewing and approval by Caltrans Legal Department on a case-by-case basis.

For any locally sponsored project that involves any portion of a state's right of way under a Cooperative Agreement ("On System" Project), Right of Way Utility Relocations will be accomplished in accordance with the Utility Procedures described in the *Caltrans Right of Way Manual* (ROW Manual) and *Encroachment Permits Manual*.

These manuals are available online at the following URLs:

ROW Manual:

<http://www.dot.ca.gov/hq/row/rowman/manual/>

Encroachment Permits Manual:

http://www.dot.ca.gov/hq/traffops/developserv/permits/encroachment_permits_manual/

DEFINITIONS

Public Utility Facilities - publicly and privately owned utility facilities, which serve the public.

Impacted Utility Facility - a public utility facility has been identified as in conflict with the proposed activity of a transportation project.

Utility Relocation - any adjustment to the impacted utility facility required by the proposed transportation project.

Owner - utility company, municipal utility department, who owns the impacted facility.

Utility Coordinator - local agency's person who acts as a liaison with owners.

District Utility Coordinator: Caltrans Right of Way Utility Coordinator assigned to this project.

Conflict Resolution Plan - (a.k.a. Relocation Plan) plan from owner to resolve the conflict with activity of a transportation project. This plan should clearly define scope of work and the duration of construction.

Claim Letter - owner's liability determination along with supporting documentations. It is the owner's responsibility to support their claim.

Unanticipated Utility Relocation – unforeseen, or discovery utility relocations as a result of accident or incomplete utility verification/conflict identification.

UTILITY RELOCATION PROCEDURES

The following steps have been modeled after the Caltrans Right of Way Utility Relocations procedures. These activities are performed in different stages of project development (see Exhibit 14-H, "Stages of R/W Utilities Through Stages of Project Development") to ensure proper and complete utility clearance prior to Right of Way Certification.

This procedure is designed to identify utility conflicts early in the design stage. It provides the Project Engineer with an opportunity to evaluate the proposed plan and make adjustments to avoid or lessen the impact on existing utility facilities. Thus, it reduces utility relocation cost, saves time, and prevents discovery conflicts during construction.

It is strongly recommended that each local agency adopt and follow these procedures:

UTILITY VERIFICATION:

- In the early phase of the Design process, the Utility Coordinator sends a proposed project plan to owner and request for owners' facility map(s) of any facility located within project limits.

Utility Coordinator forwards owners' map(s) to the Project Engineer. The Project Engineer plots all existing facilities onto UTILITY SHEET (refer to Caltrans *Designs Standard Plan* or *American Society of Civil Engineers [ASCE], Standard Guidelines for the Collection and Depiction of Existing Subsurface Utility Data*).

IDENTIFYING CONFLICT:

- Project Engineer identifies all impacted utility facilities within project limits.
- Provide conflict maps for each impacted facility to the Utility Coordinator.

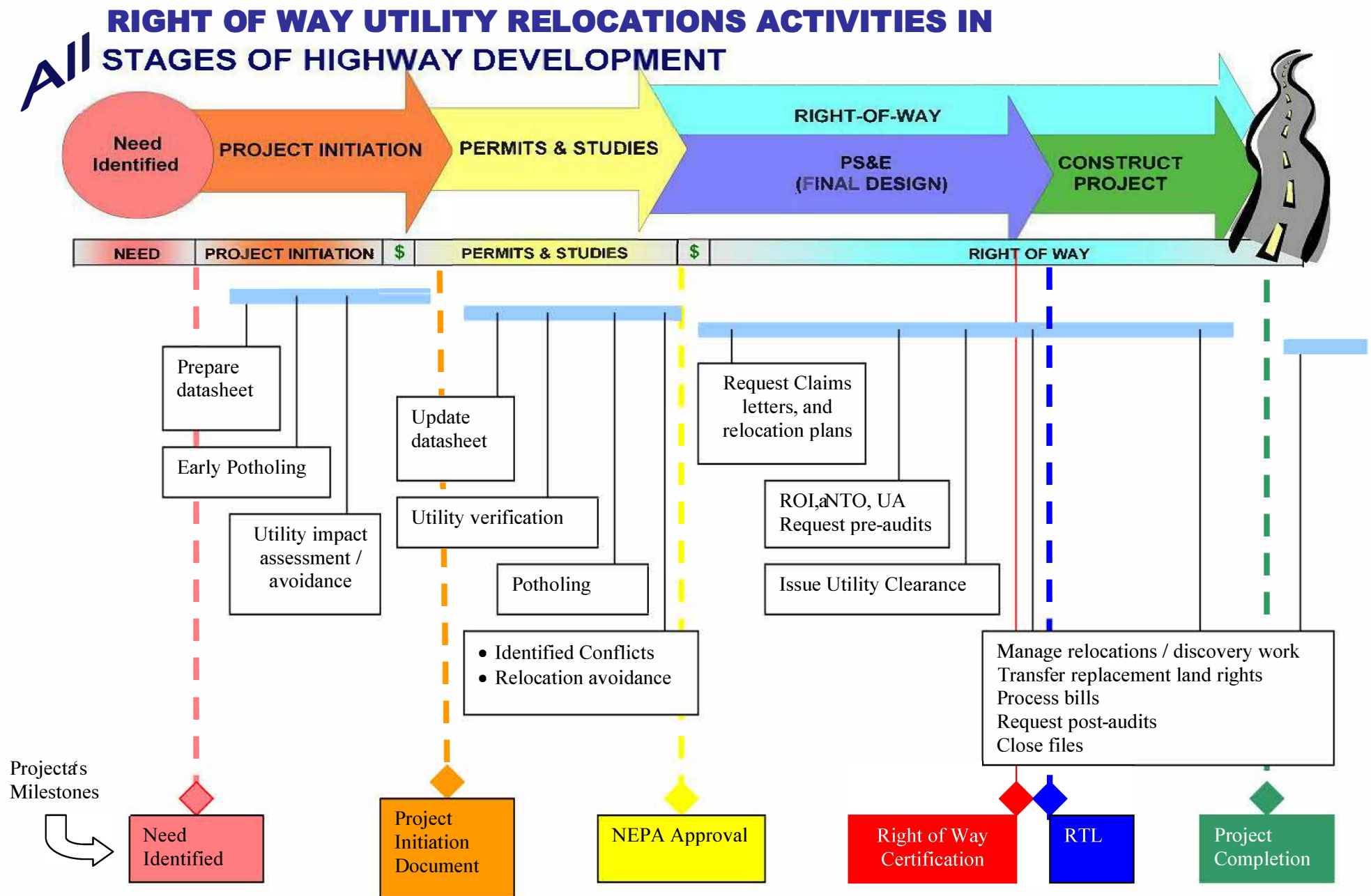
REQUESTING CONFLICT RESOLUTION PLAN: (This step would be done only after NEPA approval.)

- Utility Coordinator contacts and informs the owner(s) of the conflict(s) and requests conflict resolution plan(s), detail cost estimate(s), and owner's liability determination.
- When the above items are received from owner(s), the Utility Coordinator will forward the plan(s) to the Project Engineer for approval.

LIABILITY DETERMINATION:

After the conflict resolution plan(s) is approved by the Project Engineer:

- A liability determination must be made to determine whether the local agency is legally liable for any portion or all of the relocation cost. (See Chapter 13, "Utility Relocation," Section 13.04.00 of *ROW Manual* for guidance.)



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- District – A subdivision of the department organized to administer the affairs of the Department for a specific geographical area and for the local agencies in that area (see Exhibit 2-A of the LAPM)
- DLA- Division of Local Assistance (Caltrans Headquarters unit only)
- DLAE - The District Local Assistance Engineer, the individual in each district responsible for providing services and assistance to the local agencies.
- E-76 - Federal-aid Program Document titled: “Authorization to Proceed” Form
- EA - Expenditure Authorization number
- EEO - Equal Employment Opportunity
- ER - Emergency Relief
- Finance Letter - A document required by Local Program Accounting (see Exhibit 15-N) and submitted by the administering agency to Caltrans with information required as backup for the federal-aid/state project agreement.
- Full Oversight – Projects on the Interstate that are new or reconstruction (not 3R) greater than \$1 million for which FHWA has Full Oversight.
- FTIP – Federal Transportation Improvement Program
- FSTIP - Federal Statewide Transportation Improvement Program
- FHWA - Federal Highway Administration
- HPMS - Highway Performance Monitoring System
- Headquarters - The Headquarters office of the Department located at 1120 “N” St., Sacramento, CA 95814.
- ISTEA - Intermodal Surface Transportation Efficiency Act of 1991.
- Invoice - A detailed list of expenditures that an administering agency requests reimbursement for with federal funds, pursuant to the Local Agency-State Agreement (see Chapter 5, Exhibit 5-B, “Sample Federal-aid Invoice with Two Appropriations & Different Reimbursement Rates”).
- LRHa- Last Resort Housing
- Local agency - A California city, county, or other local public agency. In many instances this term is used loosely to include nonprofit organizations.
- Local Agency-State Agreement - Agreement between the state and local agency. Generally refers to the Master agreement and all supplemental agreements (Program Supplements) to the master agreements. These agreements are required for the state to provide reimbursement to the local agency for all federal-aid projects.

- Locode - Numeric identifier for each local agency or administering agency (assigned by the Division of Local Assistance).
- LPP - Local Programs Procedures. Documents used for the rapid deployment of new procedures and policies between updates of Local Assistance manual, guidelines and programs. Each procedure is numbered according to calendar year and order in which released.
- MPO – Metropolitan Planning Organization
- NHS - National Highway System - A specially Designated Highway System established by the Intermodal Surface Transportation and Efficiency Act of 1991 and adopted by the United States Congress.
- Office Engineer - Chief of the Headquarters or District Office of Office Engineer. The office engineering unit is responsible for insuring that the PS&E is complete, biddable and buildable.
- PS&E - Plans, Specifications & Estimate
- PE - Preliminary Engineering. This phase includes all project initiation and development activities undertaken after its inclusion in the approved FSTIP through the completion of PS&E. It may include preliminary Right of Way engineering and investigations necessary to complete the NEPA document.
- Prequalification - The AASHTO defines prequalification as a means of predetermining job experience and work capacity and to identify individuals and organizations from whom the agency may accept a bid. The AASHTO also has encouraged the use of prequalification procedures in its 1981 Suggested Guidelines for Strengthening Bidding and Contract Procedures.
- R/W - Right of Way, This phase includes the work necessary to appraise and acquire project right of way, relocate individuals or businesses, and revise or relocate utilities.
- RAP - Relocation Assistance Program
- Report of Expenditures – Collectively refers to the following final report documents: Final Inspection of Federal-aid Project (FIF 7/96), final Invoice, Final Detail Estimate, Change Order Summary (containing liquidated damages/contractor's claims, date of completion, date of acceptance by City or County), Final Report of Utilization of Disadvantaged Business Enterprise (DBE), Materials Certificate, and Report of Completion of Structures if bridges were constructed.

13. CCOs/CLAIMs

- ☐ A CCO approval process shall be established. For NHS projects, major change orders will be approved by DLAE prior to performance of work (see Chapter 16, Section 16.43 "Contract Change Orders").
- ☐ There shall be a list of the approved CCOs.
- ☐ All CCOs shall note federal-aid eligibility or not.
- ☐ Pending claims to be identified and documentation in contract file

14e Traffic Safety in Highway and Street Work Zones

- ☐ Traffic Control Plan (TCP)/Traffic Management Plan (TMP) in the PS&E? Yes ☐ No ☐
(see Chapter 16, Section 16.6 "Traffic Safety in Highway and Street Work Zones")
Comments:

Responsible Person _____ (if not the RE)

- ☐ Local Agency shall field review the project to see that the TCP agrees with the actual conditions.
- ☐ Local Agency shall be analyzing construction work site accidents for the purpose of correcting deficiencies which might be found to exist on this project projects and to improve the content of future TCPs.

15e Materials File

- ☐ The Quality Assurance Program (QAP) is in the project files (see Chapter 16, Section 16.44 "Quality Assurance Program").
- ☐ There shall be procedures for and filing of: (if appropriate)
Notice of Materials to be used
Certifications of Compliance
"Buy America" Requirements
- ☐ Acceptance Sampling and Testing Reports shall be in the files.
- ☐ There shall be a "Summary Log" of tests.
- ☐ Frequency tables shall be used.
- ☐ Failed tests shall be documented in the files with cross references to re-tests.
- ☐ Resident Engineer shall review all test reports.

16. Environmental

- ☐ The approved NEPA document is in the project files.
- ☐ The construction project shall adhere to the mitigation requirements in the approved NEPA document.

17e For Projects on the State Highway System

- ☐ A Caltrans Encroachment Permit has been issued.
- ☐ Local Agency shall comply with State's Representative's oversight requirements.

Local agency's Resident Engineer
agency employee or Consultant,
(Consultants on retainer are considered
Local agency employees)

Local agency's person in "Responsible (Local)
Charge" if Resident Engineer is a Consultant.

Date: _____

LOCAL AGENCY PROJECT ADVERTISING CHECKLISTProject# _____
DIST-----CO-----RTE-----PM-----Agency

Federal Project# _____

Location: _____

Limits: _____

	<u>YES</u>	<u>NO</u>	<u>NOT APPLICABLE</u>
PS&E Review	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are the following complete?			
Mitigation commitments incorporated	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Right of Way Certification	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Design	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Traffic (Electrical/Signing/Striping)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Materials	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Landscaping	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hydraulics	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Permits	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bridge Plans	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are all encroachments permits obtained?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are design exceptions approved?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is material testing and sampling arranged?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DBE Annual Submittal Form approved?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is there force account work for this project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is agency furnished material approved?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are the federal funds for construction authorized?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Has a fund allocation been approved by the California Transportation Commission (if required)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Have a complete set of Plans and Special Provisions been sent to the Caltrans District Local Assistance Engineer (two copies if structures (bridges) are involved)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
How long is the advertisement period? _____			

Reviewed by: _____
 (Name of Local Agency Representative)
 Title: _____
 Date: _____

Distribution: Local Agency Project File

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conflicts at the lowest possible management level. A Caltrans special provision on partnering is included as a sample in the “Boiler Plate” contract documents in Section 12.8 of this manual.

Partnering is not a requirement of the federal-aid program, but it is eligible for participation as part of the construction engineering cost of the project. Generally, the costs are shared between the contractor and administering agency. Partnering can be a valuable extension of the pre-construction conference.

Partnering is not an alternate dispute resolution method. It is a change in the attitude and the relationship between owner and contractor. Partnering is the creation of a relationship between the owner and contractor that promotes achievement of mutual and beneficial goals. Partnering is where trust, cooperation, teamwork and the successful attainment of mutual goals are the hallmark.

The keys to making partnering work include communication, willing participants, senior management support, up front commitment, and a plan. Communication starts early in the process through a team-building session. All the key managers for the project are assembled for a workshop which focuses on team building, goal setting, identifying issues, and solving problems. The workshop is run by a facilitator who ensures all issues are brought out into the open. Authority to solve problems is delegated to the lowest level. Follow up meetings are held to evaluate goals and objectives.

When a local agency chooses to use the partnering approach, the partnering workshop can be independent of the pre-construction conference or integrated as a breakout session

When formal partnering is desired the contract should contain appropriate specifications for partnering. The Caltrans Office Engineer in each district is available to assist in providing specifications for the process. Partnering is not always appropriate and judgment should be exercised when selecting which projects this process would be beneficial to. Informal partnering may also be beneficial and does not require contract provisions to be implemented.

PRE-CONSTRUCTION CONFERENCE

For all construction projects, the administering agency shall schedule a pre-construction conference, unless the administering agency determines that the project is of such a minor nature that a meeting is not necessary

The meeting shall be attended by representatives of the local agency and contractor. It is suggested that other affected agencies; local authorities (police, fire, etc.), and public utilities personnel be invited to attend. When an invitation is extended to Caltrans, representation will be up to the DLAE when he/she determines resources are available. Additional meetings may be advisable where considerable effort and time is required to cover specific areas, such as labor compliance, Equal Employment Opportunity (EEO), record keeping, etc.

Local agency representatives shall explain the various forms, reports, as well as sanctions for noncompliance with local, State, and federal requirements. Discussion is to include requirements for Equal Employment Opportunity, state and federal safety, labor compliance and DBE. Potential utility and traffic safety problems should also be discussed, as well as National Environmental Policy Act (NEPA) compliance requirements.

A written record of attendance and items discussed shall be made by the administering agency. A copy of the written record or the reasons for not holding the pre-construction conference shall be kept in the project files.

16.5 CONTRACT TIME

PROCEDURES

The administering agency is responsible for reviewing working days, contract time requirements, and documenting time extensions according to their own requirements. These requirements must be consistent with other similar projects not using federal-aid. Contract time extensions proposed after acceptance of the contract must have written approval of the administering agency. Generally the approval is made by change order for a specified amount of working days. Approvals can be made if the justification demonstrates a delay to the controlling item of work in the contractors schedule

The administering agency shall maintain a written record of project progress. This record must indicate factors which may affect the work, such as weather conditions, utility delays, strikes or labor disputes, and material shortages. Based on these factors a record of working days shall be maintained.

Documentation similar to Exhibit 16-A, "Weekly Statement of Working Days," Form CEM-2701 (Old HC-146) is an acceptable record of project progress and shall be retained in the project file. A discussion of the use of the form is contained in Section 2-08 of the State's *Construction Manual*.

16.6 SUBCONTRACTORS

INTRODUCTION

Subcontracting procedures only apply to federal-aid projects on the NHS.

PROCEDURES

1. NHS PROJECTS

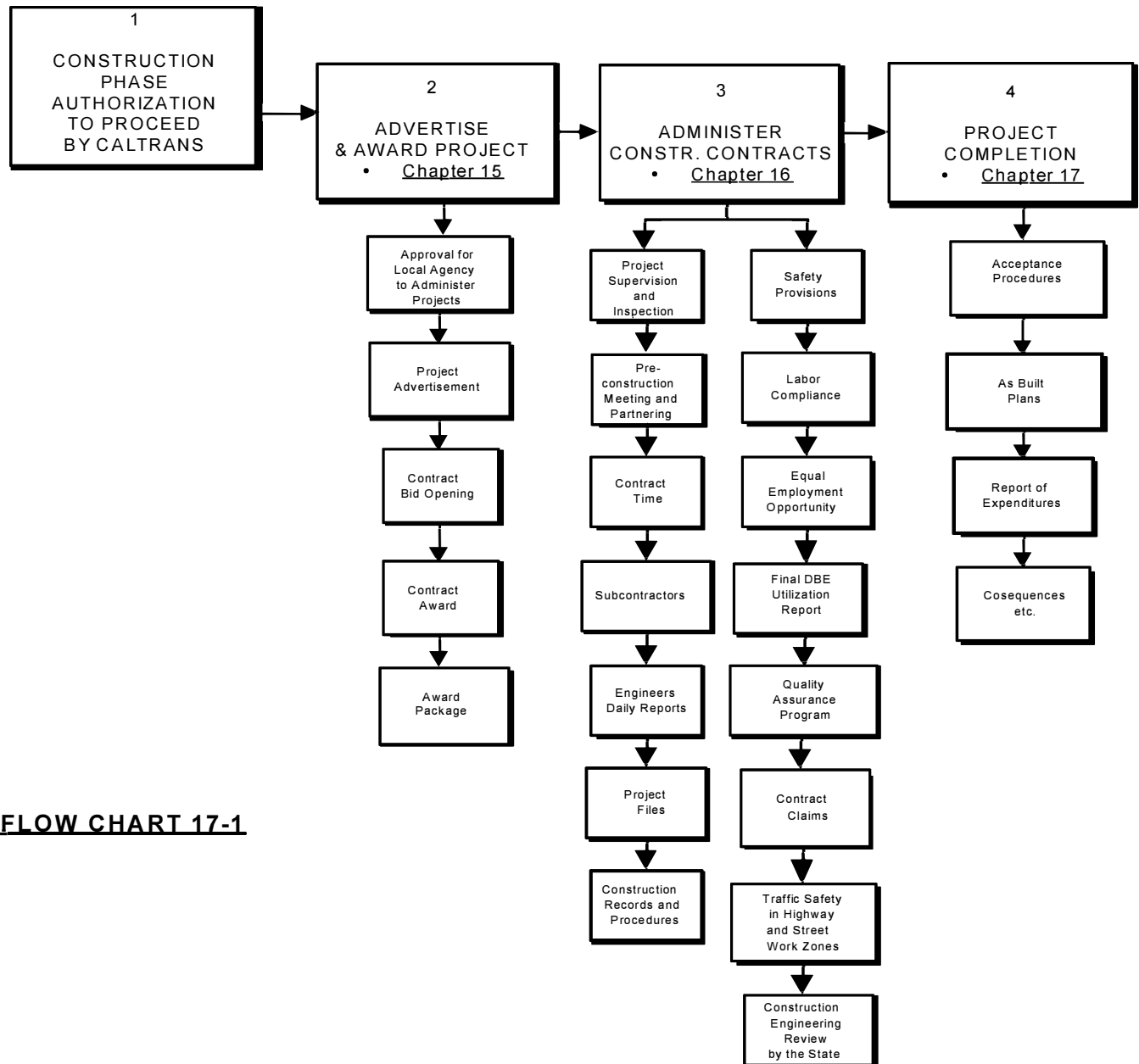
Contracts for NHS projects shall specify the minimum percentage of work that a contractor must perform with "its own organization." This percentage shall be not less than thirty percent (30%) (for NHS projects only) of the total original contract price excluding any identified "specialty items"¹. When "specialty items" are specifically identified, they may be performed by subcontract and the amount of any such specialty items may be deducted from the total original contract before computing the amount of work required to be performed by the contractor's own organization. The contract amount upon which the above requirement is computed includes the cost of materials and manufactured products which are to be purchased or produced by the contractor under the contract provisions.

¹ Local agencies which use *Caltrans Standard Specifications* or the *Standard Specifications for Public Works Construction (Green Book)* and choose to use the thirty percent (30%) (NHS Projects only) or the no limit option (Non NHS projects) specified for federal-aid projects must include a special provision to override the *Caltrans Standard Specifications Section 8-1.01*, or the *Green Book specifications Section 2-3.1*, which require that the minimum percentage of work that a contractor must perform with its own organization is 50 percent excluding any identified specialty items. The no limit for subcontractors option for Non NHS projects also requires that the FHWA boiler plate provisions (FHWA Form 1273) section VII must be overridden by a Special Provision to exclude the thirty percent (30%) requirement.

CHAPTER 17 PROJECT COMPLETION

17.1 INTRODUCTION

This chapter covers the topic of project completion. It is to be used mainly as a guide for administration of federal-aid contracts by local agencies. Each Resident Engineer should be familiar with the contents of this chapter, and Chapters 15, “Advertise and Award Project,” and Chapter 16, “Administer Construction Contracts,” before administering such contracts.



FLOW CHART 17-1

This chapter and Chapters 15, “Advertise and Award Project,” and Chapter 16, “Administer Construction Contracts,” of the *Local Assistance Procedures Manual* (LAPM) are for the use of local agencies, which administer federal-aid projects under a “Local Agency-State Agreement.” These three chapters cover general contract administration procedures.

When a locally sponsored project funded with federal-aid is within the state R/W and the State (Caltrans) is the administering agency, the Caltrans’ *Construction Manual* is normally used in lieu of these procedures.

17.2 DEFINITION OF TERMS

- EEO - Equal Employment Opportunity
- Final Invoice - Invoice listing final cost incurred for a particular phase of the project i.e., Preliminary Engineering, Construction Engineering, Right of Way, or Construction. The DLAE is required to verify project completion and approve payment before forwarding the final invoice to Local Programs Accounting (LPA). For example see Exhibit 17-C, and refer to Chapter 5, “Accounting/Invoices,” for instructions.
- Full Oversight - Projects on the Interstate that are new or reconstruction (not 3R) greater than \$1 million for which FHWA has Full Oversight.
- Form FHWA 1446C - Final Inspection of Federal-aid Project. Document used by Caltrans to complete the final inspection of NHS Projects subject to FHWA Full Oversight. (Exhibit 17-B).
- Form FIF-6/05 - Final Inspection Form and revision date. Document used by local agency to complete the final inspection of all projects (Exhibit 17-C).
- Progress Invoice - Periodic billing invoice by local/regional agencies for reimbursement of costs on on-going contracts.
- Report of Expenditures - Collectively refers to various final report documents.
- State-Authorized Project – A classification for federal-aid projects, which are not subject to FHWA review and oversight required by Title 23 Code of Federal Regulations. For State-Authorized federal-aid projects, the FHWA and Caltrans exercise the maximum degree of delegation or authority to local agencies (see Chapter 2, Section 2.4, “Stewardship- Letters of Agreement” and Figure 2-1, *FHWA Oversight*

17.3 FINAL INSPECTION PROCEDURES FOR FEDERAL-AID PROJECTS

Local agencies shall document fulfillment of environmental mitigation commitments for final inspection Report of Expenditures and ultimate accountability as follows:

- Categorical Exclusion (CE) - Local agency shall provide the DLAE with a list of environmental mitigation commitments when requesting CE determination.
- Environmental Assessment (EA) - Local agency shall summarize when environmental mitigation commitments in the draft Finding Of No Significant Impact (FONSI).
- Environmental Impact Statement (EIS) - Local agency shall summarize environmental commitments in the draft Record of Decision (ROD).

In addition, they shall acknowledge any long-term commitment to maintenance of those mitigation measures.

CHAPTER 20 DEFICIENCIES AND SANCTIONS

20.1 INTRODUCTION

As outlined in earlier chapters, Caltrans will no longer be involved in most project level reviews and approval activities. The Process Review is now Caltrans primary method of ensuring that federal and state requirements are met, (see Chapter 19, “Process Reviews,” of the *Local Assistance Procedures Manual* [LAPM]). During a Process Review of a local agencies project files or project site, errors and/or deficiencies could be found. If that happens, federal and/or state funds may be withdrawn from a project depending on the severity and circumstance of the deficiency.

It is important to note that the formal process review is not the only method of discovering project deficiencies. Errors or deficiencies are discovered occasionally as part of the normal routine of processing of project submittals by the District Local Assistance Engineers (DLAEs) or Division of Local Assistance Area Engineers.

This chapter is intended to assist local agencies that are involved in developing local assistance projects by providing examples of the deficiencies that have been found in the past and the possible ramifications for those errors or deficiencies. It should be understood that the examples given are by no means all inclusive. The key to avoiding possible sanctions is to follow the procedures outlined in this manual, the *Local Assistance Program Guidelines* (LAPG), and the *Standard Environmental Reference* (SER), and if you have any questions to consult your DLAE.

Section 20.4, “Local Assistance Dispute Resolution Process,” of this chapter also provides means for local agency to appeal a sanction that they feel has been imposed upon them unfairly or they feel the penalty is too harsh for the error or deficiency. This appeal process is not limited to just the appeal of sanctions; it can be used by local agencies when they are not satisfied with the decision they receive from a district office.

20.2 DEFICIENCIES

PROCEDURAL DEFICIENCIES

A Procedural Deficiency is defined as a finding that a local agency’s practices and procedures fail to demonstrate sufficient familiarity for acceptable levels of conformance with procedures and required certifications defined in the LAPM. In addition to jeopardizing federal and/or state funding on completed or ongoing projects, certifications for future projects may be conditioned, or not accepted until the deficiencies are corrected.

Examples of some of the most common procedural deficiencies (found by Caltrans) are:

- Continued submission of Request for Authorization that contains errors and omissions (see Chapter 3, “Project Authorization,” of the LAPM).
- Continued submission of Preliminary Environmental Study Form that contains errors and omissions (see Chapter 6, “Environmental Procedures,” of the LAPM).

- Continued submission of Plans, Specifications & Estimate Certifications that contains errors and omissions (see Chapter 12, “Plans, Specifications & Estimate,” of the LAPM).
- Continued submission of Right of Way Certifications that contains errors and omissions (see Chapter 13, “Right of Way,” and Chapter 14, “Utility Relocations,” of the LAPM).
- Continued submission of Local Agency Contract Award Checklist that contains errors and omissions (see Chapter 15, “Advertise and Award Project,” of the LAPM).
- Failure of the local agency to comply with the Caltrans Disadvantaged Business Enterprise (DBE) program, particularly with regard to policy, utilization of DBEs, monitoring, and reporting (see Chapter 9, “Civil Rights and Disadvantaged Business Enterprises,” of the LAPM).

MAJOR PROJECT DEFICIENCY

A Major Project Deficiency is defined as an error of commission or omission, which violates federal or state law or regulation, and if uncorrected, would prevent federal or state participation in all or a portion of the project.

Examples of some of the most common (found by Caltrans and FHWA) of Major Project Deficiencies (federal) are:

- Failure to initiate an environmental reevaluation following National Environmental Policy Act (NEPA) approval, when changes in the scope of the project are proposed, or when new project environmental impacts surface due to changes in law or investigations, shall result in loss of all or part of the federal funding for the project (see Chapter 6, “Environmental Procedures,” of the LAPM).
- Failure to fulfill mitigation commitments or adhered to restrictions identified in the approved NEPA document shall result in a loss of all or part of federal funding for the project (see Chapter 6, “Environmental Procedures,” of the LAPM).
- Right of Way activities in violation of the Uniform Relocation Assistance and Real Properties Policy Act, as amended, can result in all or partial loss of project funding. Project funding losses can result even if there are not federal funds in Right of Way but only in other phases (see Chapter 13, “Right of Way,” of the LAPM).
- Force Account/Day Labor work, without proper justification, is not reimbursable (see Chapter 12, “Plans, Specifications & Estimate,” of the LAPM).
- For Emergency Relief (ER) projects, billing for emergency opening but actually doing permanent restoration work can result in a loss of all or part of the federal funding for the project (see Chapter 11, “Disaster Assistance,” of the LAPG).

- In the absence of prior approval documentation, the use of publicly owned equipment, mandatory use of borrow/disposal sites, use of patented/proprietary materials, use of warranty/guaranties, and use of agency-furnished materials, shall make all or part of the construction phase ineligible for reimbursement with federal funds (see Chapter 12, “Plans, Specifications & Estimate,” of the LAPM)
- Failure to submit a “Material Certificate” shall result in a partial loss of funding for the construction phase. Failure to adequately document and address all exceptions to the certification will result in all or partial loss of reimbursement. Failure to implement an approved materials and testing program for the project will result in the loss of federal funds for the project (see Chapter 16, “Administer Construction Project,” and Chapter 17, “Project Completion,” of the LAPM).
- Failure to enforce the Contract DBE provisions with regard to utilization or substitution will make all or part of the construction phase ineligible for reimbursement with federal funds (see Chapter 9, “Civil Rights and Disadvantaged Business Enterprises,” of the LAPM). (*This applies to Contracts executed before May 1, 2006 with race-conscious DBE goals.*)
- Failure to maintain the completed project (roadway and appurtenances constructed with federal funds and/or mitigation sites), or portions of the project shall result in repayment of all or a portion of the federal reimbursement. (See Chapter 18, “Maintenance,” of the LAPM).

Examples of some of most common (found by Caltrans) Major Project Deficiencies (State) are:

- RTPAs that use Exchange Funds for non-Article XIX purposes or for other than projects will have to return the funds given to them (see Chapter 18, “Optional Federal Exchange and State Match Programs,” in the LAPG).
- Counties that use Exchange Funds for other the non-Article XIX purposes will have to return the funds given to them (see Chapter 18, “Optional Federal Exchange and State Match Programs,” in the LAPG).
- On Environmental Enhancement and Mitigation (EEM) projects, reimbursable costs must be invoiced for by the end of the first state fiscal year following the fiscal year, during which funds were allocated by the CTC. Failure to comply will result in loss of the federal reimbursement (see Chapter 20, “Environmental Enhancement and Mitigation,” in the LAPG).

UNRECOVERABLE PROJECT DEFICIENCY

An Unrecoverable Project Deficiency is defined as “a deficiency of such magnitude as to create doubt that the policies and objectives of Title 23 of the USC (or other applicable federal codes) will be accomplished by the project,” (quote from “PS&E Certification”) and the project has proceeded to the point that the deficiency cannot be corrected. This level of deficiency shall result in the withdrawal of all or a portion of the federal and/or state funds from the project.

Examples of some of the most common (found by Caltrans and FHWA) Unrecoverable Project Deficiencies (Federal) are:

- Projects that are not on an approved FTIP/FSTIP are not eligible for reimbursement with federal funds for any project activities prior to approval of the FTIP/FSTIP and project authorization (see Chapter 2, “Financing the Federal-Aid Highway Program,” in the LAPG.)

- Any preliminary engineering, right of way and construction activities done prior to authorization are not eligible for reimbursement (see Chapter 3, “Project Authorization,” of the LAPM)
- Violation(s) of permit requirements or conditions obtained as a requirement of the environmental process, or failure to secure required permits, or NEPA approvals will result in a loss of all or part of the federal project funding (see Chapter 6, “Environmental Procedures,” of the LAPM).
- No pre-award audit for consultant contracts over \$250,000.
- Consultant contract awarded, but not through competitive negotiations, when a noncompetitive negotiated contract is not warranted.
- Design work (over and above what is required for NEPA compliance) prior to NEPA approval is not eligible for reimbursement with federal funds (see Chapter 3, “Project Authorization,” Chapter 6, “Environmental Procedures,” and Chapter 12, “Plans, Specifications & Estimate,” of the LAPM).
- Failure to include required contract provisions, Form FHWA-1273 and other contract provisions - certifications, in the bid documents shall make the construction phase of the project ineligible for federal reimbursement (see Chapter 12, “Plans, Specifications & Estimate,” of the LAPM).
- Right of Way Acquisition prior to NEPA approval (except for hardship and protection with FHWA prior approval) is not eligible for federal reimbursement (see Chapter 3, “Project Authorization,” Chapter 6, “Environmental Procedures,” and Chapter 13, “Right of Way,” of the LAPM).
- Additional costs resulting from incorrect statements on Right of Way Certification are not eligible for federal reimbursement (see Chapter 13, “Right of Way,” of the LAPM).
- Failure to open the bids publicly, failure to read the bids aloud, or failure to discuss reason(s) for not reading bid(s) aloud shall make the construction phase ineligible (see Chapter 15, “Advertise and Award Project,” of the LAPM).
- Award of the construction contract to other than the lowest, responsive bidder for bids based on competition shall make the construction phase ineligible for reimbursement with federal funds (see Chapter 15, “Advertise and Award Project,” of the LAPM).
- Negotiations with bidder(s) prior to award, except for force account projects, shall make the construction phase ineligible for reimbursement with federal funds (see Chapter 12, “Plans, Specifications & Estimate,” and Chapter 15, “Advertise and Award Project,” of the LAPM).
- Award of the contract to a suspended or debarred contractor shall make the construction phase ineligible for reimbursement with federal funds (see Chapter 15, “Advertise and Award Project,” of the LAPM).

Section A

PROGRAM BACKGROUND

About These Guidelines

These guidelines are intended to assist agencies that will implement projects to apply for transportation enhancement activities funds. The guidelines explain how enhancement activities are nominated, selected, funded, and administered. Although this is not a grant process, it is a two-stage competitive process for federal-aid funds. For most projects, selection decisions will occur at the regional level and funding decisions at the State level. (Only statewide projects are both selected and funded at the State level.) Projects in the final adopted program will be funded on a reimbursement basis.

Key points for applicants to know are:

- **This is a reimbursable program, not a grant;**
- **A local funding share is required in each phase of the project;**
- **Organizations must nominate projects in partnership, through a public agency that is willing and able to take responsibility for carrying out and maintaining the project;**
- **Improvements to private property and commercial facilities are not eligible;**
- **Projects must comply with federal environmental requirements; and**
- **Projects must comply with other federal regulations including those for considering disadvantaged business enterprises in consultant selection and for paying prevailing wages during construction.**
- **Suggested minimum project size is \$100,000 in federal funds making the minimum overall project cost approximately \$114,000 (\$125,000 for a bicycle or pedestrian project), but regional agencies Caltrans and the Commission will consider projects of unusual merit in the \$50,000 - \$100,000 range.**

Technical terms and abbreviations used in the text are defined in the DEFINITION OF TERMS at the end of these guidelines and are underlined where they first appear in the text. Section B includes a detailed discussion of project eligibility. The names of contacts in the Regional Transportation Planning Agencies and Caltrans Districts are included in the Appendix.

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About the Program

California may receive more than \$200 million over a 6 year period (which started with the 1992 Federal Fiscal Year) for transportation enhancement activities from the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA). This represents a ten percent (10%) set-aside of one of the ISTEA programs, the Surface Transportation Program funds. This money is available only for transportation enhancement activities.

Administering agencies (those receiving federal-aid funds for transportation enhancement activities) have found it to be in their best interest to be aware of the procedures and requirements for developing federal-aid projects. These are *substantially more involved in time and money* than the requirements for claiming State funds. Agencies unfamiliar with the requirements of Title 23, United States Code are encouraged to obtain and review the Caltrans *Local Assistance Procedures Manual* (LAPM). The Manual can be obtained from:

STATE OF CALIFORNIA
Department of Transportation
CENTRAL PUBLICATIONS DISTRIBUTION UNIT
1900 Royal Oaks Drive
SACRAMENTO, CALIFORNIA 95815-3800
Fax (916) 324-8997
E-mail: <http://caltrans-opac.ca.gov/publicat.htm>

Vision

The National Policy in ISTEA discusses creation of a national intermodal transportation system that "...must be the centerpiece of a national investment commitment to create the new wealth of the Nation for the 21st century." It defines this system as "all forms of transportation in a unified, interconnected manner..." ISTEA reflects a growing recognition that transportation programs, while vital for national mobility and international competitiveness, must also include consideration of the overall environmental context and community values and setting. The intent of the federal enhancements program is for transportation enhancements to become a common part of transportation investment policy, integrated into many projects.

Transportation enhancement funds are to be used for transportation-related projects that enhance quality-of-life, in or around transportation facilities. *Projects must be over and above required mitigation and normal transportation projects, and the project must be directly related to the transportation system.* The program should have a quality-of-life benefit while providing the greatest benefit to the greatest number of people.

Transportation enhancement activities are a means of more creatively and sensitively integrating transportation facilities into their surrounding communities. What distinguishes transportation enhancement activities from other worthwhile “quality-of-life” and environmental activities are their potential to create a transportation experience that is more than merely adequate. At the same time they may protect the environment and provide a more aesthetic, pleasant and improved interface between the transportation system for the communities and people adjacent to transportation facilities. Doing this will require expanded partnerships on all levels.

Responsible Governmental Agencies and Their Roles

Federal Highway Administration

The Federal Highway Administration has responsibility for approving the Federal State Transportation Improvement Program, for allocating funds to the State, and for approving and authorizing transportation enhancement activities expenditures.

California Transportation Commission (Commission)

The Commission has responsibility for the Fund Estimate (a special document), programming decisions, and funding eligible transportation enhancement activities. The Commission defines the size of the program through the Fund Estimate. The Commission must select which projects will be funded from among activities recommended by Regional Transportation Planning Agencies and the California Department of Transportation. The Commission programs these projects into the State Transportation Improvement Program. The Commission also ensures that proper environmental documentation has been approved prior to funding the right of way and/or construction phases of a transportation enhancement activities project. (See Allocation of Funds for Capital Outlay – The Second Vote on page D-6 for a discussion of phases.)

California Department of Transportation (Caltrans)

The California Department of Transportation (Caltrans) has primary responsibility for the administration of this program, including development of policies and procedures, and monitoring program implementation. Caltrans has responsibility for making eligibility determinations in cooperation with the Federal Highway Administration. Caltrans, utilizing a selection committee of Caltrans and other State and Federal agency representatives, screens and scores activities of a statewide nature (defined on page B-11), based on the statewide screening and ranking criteria, and recommends a prioritized list of such transportation enhancement activities in the Proposed State Transportation Improvement Program (PSTIP). The Department comments from a policy standpoint on specific activities to help the Commission determine which activities will be funded, develops contracts for activities on its rights-of-way, and certifies completion. Caltrans is responsible for submitting invoices for eligible costs to the Federal Highway Administration. Caltrans has responsibility delegated to it by the Federal Highway Administration to see that requirements under Title 23 are met and has responsibility for final acceptance of the projects. Caltrans sponsors enhancement activities and nominates them to the appropriate Regional Transportation Planning Agency.

Regional Transportation Planning Agencies (RTPAs)

The Regional Transportation Planning Agencies (RTPAs), including Metropolitan Planning Organizations and local transportation planning agencies, have responsibility for selecting activities within their jurisdiction, based on statewide screening and ranking criteria. RTPAs recommend their prioritized lists of eligible transportation enhancement activities to the Commission in their Regional Transportation Improvement Programs (RTIPs). In addition, RTPAs may provide comments to Caltrans and the Commission on portions of statewide projects located within their jurisdiction. The RTPA with authority for activity screening and ranking shall be the same agency established for other ISTEA funds in Senate Bill 1435. RTPAs comment on specific activities, with regard to their priorities, to help the Commission determine which activities will be funded. The RTPAs have responsibility to ensure adequate public participation in the entire regional process.

Metropolitan Planning Organizations

The Metropolitan Planning Organizations approve all statewide projects (see page B-11) within their jurisdiction prior to programming in the State Transportation Improvement Program (STIP). After programming in the STIP, they vote both regional and statewide projects into their Federal Transportation Improvement Program prior to Federal approval.

Public Agency Applicants

Public agency applicants nominate transportation enhancement activities to the appropriate RTPAs. Applicants submit activities of a statewide nature to Caltrans, with copies to affected RTPAs and counties.

Once the project is ready to incur capital outlay costs (acquisition phase and construction phase), a second vote by the Commission is required prior to the authorization to proceed, the E-76.

Application Submittal

No costs incurred before Caltrans' written approval date can be reimbursed. Therefore, application preparation costs are not eligible for reimbursement.

Preliminary Engineering - What is included/ What is excluded

The preliminary engineering phase includes preparation of environmental documentation and preparation of construction documents. Preliminary right of way work to provide data for environmental documentation may also be reimbursed from preliminary engineering phase moneys.

No costs beyond project-related costs are eligible. To be eligible for reimbursement, all project support costs, such as preliminary engineering, must be included in the project cost approved in the State Transportation Improvement Program (STIP). Costs can be shifted between phases. Mitigation costs, which arise in the course of the project, are covered up to the limit of the project cost approved in the STIP.

The administering agency may use its own workforce to do preliminary engineering work. It may also retain consultants after satisfying Caltrans' requirements for selecting consultants. Agreements between administering agencies and consultants must be approved by Caltrans. (See Implementation Section D.)

Some applicants prefer to pay for preliminary engineering themselves. They prefer to hire their own local design consultants, thereby avoiding the cost and time required to meet federal requirements for contracting services (three to six months for the Request for Proposal, interviews and selection process). Following this path makes preliminary engineering non-reimbursable.

Proposed projects must comply with the National Environmental Policy Act (NEPA) and other federal regulations. This process can be more costly and take longer than State clearance under the California Environmental Quality Act (CEQA). If the proposed project includes a railroad, historic properties, archaeological sites, parkland, endangered species, wetlands, or if public controversy is involved, additional time could be involved in the process. Projects utilizing State funds for match must comply with requirements of both NEPA and CEQA.

One of the federal environmental regulations is Section 4(f) of the Department of Transportation Act of 1966. It requires preservation of publicly owned parks, recreation areas, wildlife and waterfowl refuges, and historic sites of national, State, or local significance (see Implementation Section, page D-8). Projects affecting these types of resources are subject to Section 4(f).

All projects are subject to Section 106 of the National Historic Preservation Act of 1966, even though not all will have cultural resources. For example, a pedestrian facilities project under construction could find historic or cultural artifacts during the process of grading.

When development is part of the project, starting the preliminary engineering phase obligates the agency to begin construction within ten years of federal approval. Regardless of the source of funds used to construct, federal funds used for preliminary engineering must be returned if construction does not start.

Right of Way (Acquisition) - What is included/What is excluded

Generally, the right of way phase is included when: utilities will be relocated; a purchase, easement, or lease is involved; an operating railroad facility will be crossed or modified; an occupant or business will be relocated; or an access issue is involved (see Appendix for Right of Way Checklist).

Environmental analysis and public hearing requirements must be completed before starting most right of way activities. Acquisition projects often require special environmental studies, even when no development will occur on the site. For example, these might include archaeological resources or endangered species database searches. Federal authorization to begin work must be obtained in advance when federal funds are to be used for reimbursement of right of way costs.

All right of way activities must be performed in accordance with the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act as amended, and in conformance with Caltrans Right of Way procedures for local federal-aid projects. Funds may be used for costs such as appraisals, surveys, legal matters, purchase, relocation assistance, or utilities relocation.

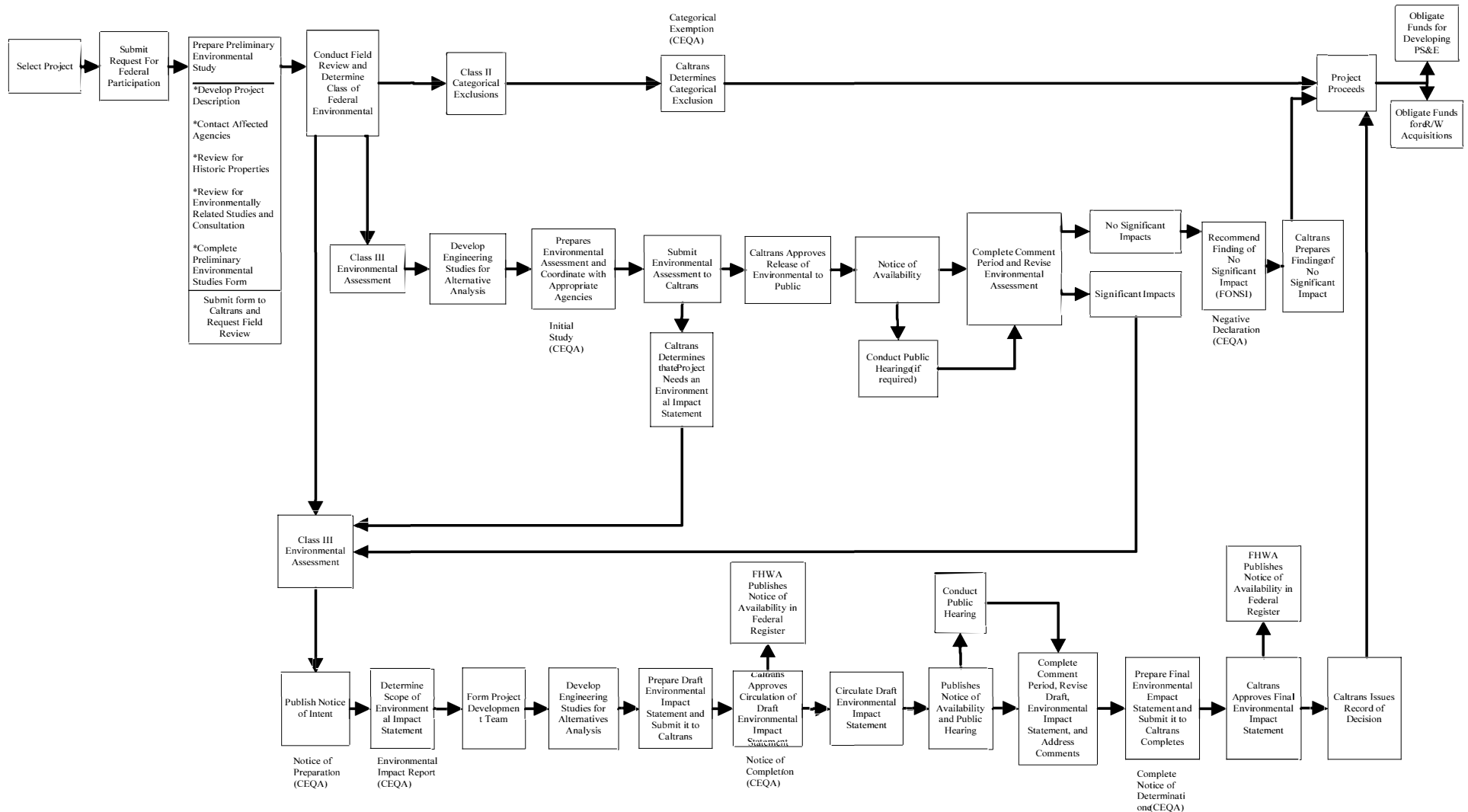
An offer to acquire property must be written and may be made only after appraisal(s) are approved and funding is authorized by a vote of the Commission. Commencement of negotiations with property owners prior to Federal approval may jeopardize reimbursement eligibility.

Agreements between local agencies and right of way consultants, private negotiators, and private relocation assistance service personnel must be approved by Caltrans. Federal funds may be used only for costs incurred after Caltrans approves the consultant agreements and the authorization to proceed (E-76).

- Section 106 of the National Historic Act of 1966 provides authority for the protection of historic and cultural properties. Section 106 requires Federal agencies to take into account the effects of any federally-funded project on National Register listed or eligible properties and consult with the State Historic Preservation Officer and the Advisory Council on Historic Preservation as appropriate pursuant to Title 36 Code of Federal Regulations 800. The administering agency will be responsible for preparing any documentation necessary to fulfill these requirements. The “106” process can be completed in two months to two years or more, depending on the type of project, impact on the historic property and mitigation measures required to protect the historic property.
- Executive Order 11990, May 24, 1977, “Protection of Wetlands” requires federal agencies to make a wetlands finding which determines whether or not there is a practicable alternative to construction located in wetlands, whether all practicable measures to minimize harm to the wetlands have been included in the federal action, taking into account all economic, environmental, and other pertinent factors that have a bearing on practicability. The administering agency is required to delineate wetlands, identify impacts and evaluate avoidance alternatives in the environmental phase of project development. The administering agency is required to obtain a 404 permit prior to advertisement for construction. This law and the Section 404 permit program of the Clean Water Act of 1977 play an important part in the preliminary engineering phase. Timing of the field review should be arranged usually in late winter, spring, or early summer to identify wetlands plant species.
- Other federal environmental laws. The administering agency will be required to prepare any other studies necessary to comply with any other Federal Statutes or Executive Orders commensurate with the anticipated impacts of the project.
- Executive Order 11991, Floodplain Management, May 24, 1977 applies to projects in the floodplain. It requires that FHWA make a “Only Practicable Alternative Finding” if a federally funded project will encroach upon the base (100-year) floodplain. The administering agency is responsible for any studies necessary to support such finding, if necessary.

Required mitigation and permits will be incorporated into the final construction documents (plans, specifications and estimate).

ENVIRONMENT PROCESS



D-10

appropriate. Caltrans attendance will be optional due to cut backs in local assistance staff. Caltrans staff will try to attend the field review on those projects where major issues need to be addressed. Therefore, it is important to give Caltrans staff as much advance notice on those projects you wish Caltrans to attend.

The field review is intended to provide the administering agency the opportunity to explain the project scope and to determine the Federal and State requirements that must be satisfied. At the discretion of the administering agency, potentially involved federal, State, and local representatives and permitting agencies are invited to explain their requirements and time frames.

The Regional Transportation Planning Agencies may attend the field review to approve and project scope and cost changes (see discussion of Under-Expenditures and Over-Expenditures, in this section).

If Caltrans staff can attend the field review, the administering agency should submit a filled out copy of the field review form to the DLAE and other Caltrans personnel that will be attending prior to the meeting.

The basic project description, funding, administration and environmental portions of the field review form should be filled out for submittal. For other than roadway-related projects, much of the remaining data requested on the form may not apply.

For some projects, the field review may be an office meeting or even handled by phone conversation to discuss how to fill out the form. The procedure used should be agreed upon between the Project Administrator and the DLAE. In most cases the field review serves a very important function, especially to inform the Project Administrator of the process to comply with the federal requirements, to ensure maximum federal funding eligibility.

Generally, field reviews are scheduled for projects after they are in a federal-approved Federal State Transportation Improvement Program (FSTIP). Since the date of Federal eligibility is established by the FSTIP approval and the "Authorization to Proceed", all costs, including the field review, will then be eligible for reimbursement.

Field reviews may be held prior to the project being on an approved FSTIP to expedite the process. In this case the field review will not be a reimbursable cost.

Even if the field review is itself an eligible cost, reimbursement can only occur after execution of the new master agreement and supplemental agreement. The supplemental agreement is usually executed after the field review.

The administering agency should take a copy of the transportation enhancement activities application and a filled out field review form to the field review and be prepared to discuss the following:

- Project scope and cost
- System identified (on or off the State Highway System)
- Proposed funding, strategy for meeting requirements for each funding program
- Environmental studies and management plans previously conducted
- Environmental document and studies required

- Right of way and utility requirements
- Permit requirements
- Project timelines
- Maintenance responsibilities.

Allocation of Funds for Capital Outlay – The Second Vote

Projects voted into the State Transportation Improvement Program (STIP) proceed through the preliminary engineering phase before returning to the Commission for their “second vote”. Once a project has environmental approval, but prior to acquisition or construction contract advertisement, a Commission “second vote” for funding is scheduled. Generally, the vote is scheduled 60 days in advance of the Commission meeting. Allocation requests are for the capital phases of the project (right of way and/or construction), which will be initiated within six months. The Project Administrator will coordinate this process with the DLAE.

The Commission releases funds through the State budget system, but expenditure of funds is still subject to obtaining Federal “Authorization to Proceed” and execution of the master and supplemental agreements. In addition, State transportation funding shortfalls may require projects to be put on "hold" when they are ready for their second vote.

Consultant Selection for All Phases

To ensure eligibility for reimbursement, consultant selection should occur after receiving the “Authorization to Proceed” for the preliminary engineering phase. Consultant selection must conform to federal requirements, including participation by disadvantaged business enterprises (DBEs). Administering Agency is required to certify that they complied with those requirements.

Consultant contracts for design-related services must result from negotiations which utilize qualifications-based selection procedures. Qualifications-based procedures do not allow for price to be used as a factor in the selection process. See Chapter 14 “Consultant Selection in LAPM.

Preliminary Engineering Phase

Eligible costs for preliminary engineering usually may be incurred beginning on the date the Federal Highway Administration and Federal Transit Administration approve the Federal State Transportation Improvement Program (FSTIP) or FSTIP amendments that include the project, and issuance of the blanket “Authorization to Proceed”. The administering agency should contact their RTPA for the FSTIP date and their District Local Assistance Engineer to see if the blanket “Authorization to Proceed” has been approved.

Environmental Documentation

Transportation enhancement projects must meet the requirements of the California Environmental Quality Act (CEQA), the National Environmental Policy Act (NEPA) and all other relevant federal environmental requirements. See Chapter 6, “Environmental Procedures,” in the LAPM.

All environmental investigations, reviews, and consultations will be administering agency responsibility, and compliance with all applicable environmental requirements will be reflected in the environmental document and the conditions of the environmental document approval.

The DLAE will review the environmental document for completeness before sending it to Caltrans District Environmental Senior Environmental Planner (SEP) for approval.

The administering agency is the lead agency responsible for complying with the provisions of the CEQA. Where a State Highway is involved, Caltrans reviews the CEQA document.

Under SAFETEA-LU, Sections 6004 and Section 6005 and the CE Assignment and NEPA Delegation Assignment MOUs, Caltrans reviews and approves for compliance with NEPA and the other federal environmental requirements for all federal-aid projects. The other requirements include:

- Section 4(f) of the Department of Transportation Act of 1966 applies when a proposed project will result in the use of land in a publicly owned park, recreation area, or wildlife and waterfowl refuge, or any significant historic site. Such a use may not occur unless there is adequate documentation that there is no prudent and feasible alternative to the use of the land in the property, and the action includes all possible planning to minimize harm to the property resulting from such use. Each enhancement project must be evaluated to determine if Section 4(f) applies. Specific documentation and procedural requirements involving FHWA and other Federal agencies must be followed.
- Section 7 of the Endangered Species Act of 1973 requires Federal agencies to consult with the U. S. Fish and Wildlife Service (National Marine Fisheries Service, if applicable) if a federally-funded project may affect a listed endangered species or critical habitat of an endangered species. The administering agency will be responsible for assessing the potential for impact.
- Section 106 of the National Historic Act of 1966 provides authority for the protection of historic and cultural properties. Section 106 requires Federal agencies to take into account the effects of any federally-funded project on National Register listed or eligible properties and consult with the State Historic Preservation Officer and the Advisory Council on Historic Preservation as appropriate pursuant to Title 36 Code of Federal Regulations 800. The administering agency will be responsible for preparing any documentation necessary to fulfill these requirements. The “106” process can be completed in two months to two years or more, depending on the type of project, impact on the historic property and mitigation measures required to protect the historic property.
- Executive Order 11990, May 24, 1977, “Protection of Wetlands” requires federal agencies to make a wetlands finding which determines whether or not there is a practicable alternative to construction located in wetlands, whether all practicable measures to minimize harm to the wetlands have been included in the federal action, taking into account all economic, environmental, and other pertinent factors that have a bearing on practicability. The administering agency is required to delineate wetlands, identify impacts and evaluate avoidance alternatives in the environmental phase of project development. The administering agency is required to obtain a 404 permit prior to advertisement for construction. This law and the Section 404 permit program of the Clean Water Act of 1977 play an important part in the Preliminary Engineering Phase. Timing of the field review should be arranged usually in late winter, spring, or early summer to identify wetlands plant species.

- Other federal environmental laws. The administering agency will be required to prepare any other studies necessary to comply with any other Federal Statutes or Executive Orders commensurate with the anticipated impacts of the project.
- Executive Order 11991, Floodplain Management, May 24, 1977 applies to projects in the flood plain. It requires that FHWA make a “Only Practicable Alternative Finding” if a federally funded project will encroach upon the base (100-year) flood plain. The administering agency is responsible for any studies necessary to support such finding, if necessary.

Required mitigation and permits will be incorporated into the final construction documents (plans, specifications and estimate).

Construction Documents – Design Standards & Reviews

Instructions for preparing project plans, specifications and estimates are contained in Chapter 11 “Design Standards” and 12 “Plans, Specifications & Estimate” of the LAPM.

As a minimum, transportation enhancement activities will use American Association of State Highway and Transportation Officials (AASHTO) standards or Local Agency’s Standards on local roads, Caltrans standards for bikeways or when an encroachment permit is required on a Caltrans facility, and the California Uniform Building Code whenever it is applicable.

Exceptions to design standards must be approved by the Local Agency’s Director of Public Works prior to the project proceeding to construction. While safety is of paramount concern, design solutions are encouraged that respect the integrity and value of historic preservation, communities, rivers, streams, lakes and coastal areas, wetlands and other environmental, scenic and aesthetic resources.

The administering agency will certify compliance with the above requirement and the environmental document.

Whenever applicable, the Americans with Disabilities Act must be met.

Right of Way (Acquisition) Phase

Local agencies must comply with federal acquisition regulations if transportation enhancement activities funds are used for either acquisition or construction. Violation of right of way provisions could jeopardize federal funds for acquisition and construction.

The Commission votes to allocate funds for capital outlay before the Right of Way phase is eligible for reimbursement and can proceed. CEQA and NEPA approvals are required prior to the right of way phase allocation vote.

Whenever federal funds will ultimately be used for the project, the acquisition of real property for the project is subject to the provisions of the Uniform Act, no matter if carried out by private parties or by federal, state or local agencies.

A “Significant Quantity Deviations” is:

- For projects between \$3,000.00 and up to \$100,000.00 where the dollar figure is in excess of \$10,000.00 and 25% of the original DAF.
- For projects between \$100,000.00 and up to \$1,000,000.00 where the dollar figure is in excess 15% of the original DAF.
- For projects over 1,000,000.00 where the dollar figure is in excess of 10% of the original DAF.

PROCESSING OF EMERGENCY RELIEF PROJECTS

Following program approval by the FHWA Administrator, expenditures for emergency measures, temporary repairs, establishment of detours and preliminary engineering are generally eligible for reimbursement. Reimbursement of funds to a local agency, however, is not permitted until the work described in a DAF is programmed and approved by FHWA.

Repair projects under the Emergency Relief (ER) program must comply with the requirements of the National Environmental Policy Act (NEPA) of 1969. Emergency repairs to restore essential travel, minimize the extent of damage, or protect remaining facilities are normally classified as Categorical Exclusions (CE) under 23 CFR 771.117(c)(9). Under the NEPA Pilot Program and MOUs for emergency repairs (a.k.a. emergency openings), the FHWA Damage Assessment Form (DAF) no longer serves as the CE. It is necessary to complete a Categorical Exclusion/Categorical Exemption Form for emergency opening either simultaneously or within a reasonable time after the DAF.

For additional guidance on NEPA compliance for Emergency Opening and Permanent Restoration projects refer to the *Standard Environmental Reference (SER)* at http://www.dot.ca.gov/ser/downloads/general/Emergency_Projects.pdf

Permanent type restoration work must conform to the same basic procedures used for other classes of federal-aid highway construction. The planning requirements, however, have been simplified for ER projects. All ER projects, except those involving substantial functional, locational or capacity changes, are exempt from the TIP/FSTIP process. An “Authorization to Proceed,” must be approved by the FHWA before any permanent restoration type project may be advertised for contract, see Chapter 3, “Project Authorization,” in the *Local Assistance Procedures Manual (LAPM)*.

RIGHT OF WAY CERTIFICATION PROCEDURES

Emergency Repair Phase: A Right of Way Certification is required **AFTER** the roadway is opened. The Certification is not needed to meet the requirement for advertising, awarding, and administering as the work should already be completed. The Right of way Certification is a formal document to confirm that no individuals or business entities were denied the use of their property during the emergency repair activities and that no personal property was moved. A Right of way Certification Level 1, No Right of Way, should be prepared by a District Right of Way Agent and kept in the Local Assistance file. See Chapter 13, “Right of Way,” in the LAPM.

If either persons or properties were affected during the emergency repair phase, even temporarily, the actions must be reviewed to determine if anyone has a right to be compensated for their loss. If warranted, an appraisal should be prepared followed by the acquisition and relocation assistance. A Right of Way Certification Level 1 should be

prepared by the District Right of Way Agent describing the rights acquired and ensuring that any relocation assistance complies with the Federal Uniform Act. This Right of Way Certification should be kept in the Local Assistance file.

Restoration Phase: This phase is to be treated like a regular project and all right of way activities will have to be certified **PRIOR** to advertising, obtaining bids, awarding and administering the contract

CONTRACTING METHODS

A Governor's Proclamation of Emergency usually triggers suspension of the State Contract Act, thereby permitting soliciting of informal bids from qualified contractors. This will permit an immediate start of emergency repair work. A local agency should always consult with its legal counsel prior to soliciting informal bids for an emergency type project.

The force account method may be used to perform emergency opening and temporary operations required to minimize the extent of damage, protect remaining facilities, and re-establish essential travel.

Typically, repair work designated as "permanent restoration" is performed by contract following a two-to-three week advertising period. Serious damage to essential transportation facilities sometimes requires that restoration of such facilities be started immediately.

Permanent restoration, while usually performed by the contract method, may on occasion be performed by local agency forces using force account procedures (see Chapter 12 "Plan, Specifications & Estimates," in the LAPM). Performing permanent work by force account is reserved for unusual situations such as encountering a lack of bidders, projects with scattered and remote locations, and where there is a need for specialized personnel.

When a local agency plans to incorporate force account into the PS&E for a federally-financed project, it must document the justification in writing, and it must be approved by the City/County Public Works Director. If the Director of Public Works is not registered as a California Civil Engineer, the approval can be delegated to the City/County Engineer or the highest level registered engineer in the agency who is. Requests to undertake such work using the force account method must be fully justified and approved before construction begins.

EXPEDITING EMERGENCY RELIEF PROJECTS

Local agencies are expected to maintain safe roadways during disasters. Emergency repairs necessary to protect life and property should be undertaken immediately. Such repairs do not require prior authorization from a Federal/State inspection team, however, keeping good records (i.e., pictures, diagrams, diaries, etc.) is essential to support later reimbursement. The inspection team will later review and authorize work resulting from the disaster that was repaired prior to the inspection team's review. The inspection team will also authorize emergency work remaining to be performed, and work designated as PR. Work so designated should be undertaken as soon as possible after receipt of authorization from FHWA and Caltrans. A local agency is responsible for the preparation of project plans, specifications and estimate (PS&E).

Title 23 Damage Assessment Form

U.S. Department of Transportation Federal Highway Administration Region 9 Title 23 Damage Assessment Form		Fed. Proj. #: Contract Admin.:	Report Number: Disaster Number: Caltrans EA:
Locode: Applicant:		County:	DAF Approval Date:
Location of Damage:		Dist Co Rte KM	Inspection Date:
Bridge Data:	Bridge No Type:	Functional Classification _____	Federal Aid Route:
Traveled Way:	Width: Type:	Fed Aid Hwy <input type="checkbox"/> yes <input type="checkbox"/> no F-Class Check <input type="checkbox"/> yes <input type="checkbox"/> no On State Hwy <input type="checkbox"/> yes <input type="checkbox"/> no	Local Route No.:
Shoulder:	Width: Type:		
Description:			ADT (existing):
			Photos Roll.# Picture.#
COST ESTIMATE			
	Type of Repair	Description or Work	Cost
EMERGENCY (EO)	Emergency Repair to Date		PE _____
	<input type="checkbox"/> Force Account		RW _____
	<input type="checkbox"/> Contract		CE _____
			Const _____
	Emergency Repair Remaining		PE _____
	<input type="checkbox"/> Force Account		RW _____
	<input type="checkbox"/> Contract		CE _____
			Const _____
SUBTOTAL EMERGENCY =			
(PR)	Restoration Work		PE _____
	<input type="checkbox"/> Force Account		RW _____
	<input type="checkbox"/> Contract		CE _____
			Const _____
Note: Prior Authorization required to proceed with restoration			SUBTOTAL RESTORATION =
NEPA Compliance <input type="checkbox"/> Signed CE/CE Determination Form (attached) <input type="checkbox"/> CE/CE Determination Form or other NEPA Document (to be completed)		Preliminary Engineering (10%) _____ Right of Way _____ Construction Engineering 15% _____	
Stewardship <input type="checkbox"/> Exempt <input type="checkbox"/> CA <input type="checkbox"/> FHWA Oversight		Construction _____ TOTAL ESTIMATED COST.=	
Recommendation <input type="checkbox"/> Eligible <input type="checkbox"/> Ineligible	FHWA Engineer _____ Date _____		
Concurrence <input type="checkbox"/> Yes <input type="checkbox"/> No	State Engineer _____ Date _____		
Concurrence <input type="checkbox"/> Yes <input type="checkbox"/> No	Local Agency Engineer _____ Date _____		

U.S. DEPARTMENT OF TRANSPORTATION FEDERAL HIGHWAY ADMINISTRATION - REGION 9 DAMAGE ASSESSMENT FORM (Title 23, Federal Aid System/Federal Domain)	Report No. _____ Sheet No. _____ of _____ Applicant _____
---	---

Quantity	Unit	Labor, Materials & Equipment	Unit Price	Cost

Note: Attach additional forms if necessary.

Phase 2 will be obligated and authorized after environmental clearance and SEMP is completed and approved by FHWA. Based on 23 CFR 940, all ITS projects shall undergo Systems Engineering Analysis. The SEMP provides for management of the Systems Engineering Analysis. See the Systems Engineering section and Exhibit 12-E in this chapter for additional details.

Since software development in ITS projects involve a certain amount of iterative development and uncertainty, such projects are not suitable for low-bid type contracts. Therefore, flexibility is allowed for non-construction ITS projects or Phase 2 software/hardware component developments, to be procured by consultant services contracts. See Procurement Section of this guideline for the definition of non-construction.

If an ITS project includes minor amounts of construction, say 5% to 10% of project, compared to the nonconstruction portion, flexibility is allowed to have the entire project deployed in the PE phase.

If the construction portion is significant, and a significant amount of software development is involved, care should be taken to coordinate closely the completion of the software and electronic equipment portion with the construction portion to avoid any contract delays. This will be typically performed by different procurement methods, software by consultant services and construction by low-bid contract.

Many ITS projects are relatively complex requiring the need for most local agencies to obtain consultants for engineering and design services to develop and design an ITS project. For these types of services, the Consultant Selection procedures (qualifications-based) in Chapter 10 of the LAPM must be followed. These ITS consultant contracts could involve traditional planning, research, design, system integration, traffic management, software development, operations, maintenance and project evaluation services.

The special skills of a system integrator and/or a system manager may also be needed to assure successful development and deployment of ITS projects. The system integrator's role is to establish solid requirements, assure successful integration of ITS components, subsystems and systems, and possibly perform the subsystem and system testing. The system manager will work on behalf of and in coordination with the local agency to complete the overall implementation of the ITS projects.

By the nature of this activity, consultant contracts for ITS system integrators and system managers normally extend through the PE, construction, and testing phases. For complex ITS projects, it is strongly advised that such services be obtained in order to assure a successful project.

Per Federal Laws and Regulations section in this guideline, the FHWA may authorize exceptions to ITS Standards for the upgrade, or expansion of existing ITS systems under certain conditions. Therefore, for minor ITS projects, the local agencies are delegated the authority to make the exception determination based on 23 CFR 940.7 and document the determination. For major ITS projects, the FHWA will make the exception determination based on 23 CFR 940.7.

ITS projects that include a state contribution of funds (STIP funds) have relatively short PE and construction deadlines. These state-mandated deadlines are too short to account for the services of a systems integrator or systems manager. Therefore, the local agencies must be aware of the need to request time extensions in advance of the deadline in order to be reimbursed for these services, or classify the construction phase of the consultant's activities as construction engineering. See Chapter 23. 2.1, "Timely Use of Funds" of the LAPG for information on STIP deadlines and time extension.

ENVIRONMENTAL

The environmental process and environmental clearances for ITS projects are processed under normal federal-aid regulations and procedures. For environmental guidance, see Chapter 6 "Environmental Procedures," of the LAPM. Generally, the only ground disturbance that normally occurs on ITS projects is the excavation of long narrow trenches on existing public roads for fiber optics. Existing utility poles are often used for mounting surveillance equipment. Occasionally, ITS projects involve the construction of transportation management centers or information kiosks. These types of projects create relatively small "footprints." Such projects are not likely to cause any negative environmental impacts, except in rare cases where they might encounter an archaeological site, a historic site or an endangered species habitat.

With few exceptions, most ITS projects can be classed as a Categorical Exclusion (CE). CE approvals have been delegated to Caltrans. CE projects are normally projects that do not have any significant impacts. The following are examples of ITS projects which are normally CE:

- Traffic operations improvement projects, which include: *installation of ramp metering, deployment or construction of a transportation management center and interconnect of traffic signals along a corridor.*
- Construction of bus transfer facilities (an open area consisting of passenger shelters, boarding areas, kiosks) when located in a commercial area or other high activity center in which there is adequate street capacity for projected bus traffic. *Traveler information kiosks are in this category.*

CE projects do not have any unusual circumstances or require any special studies. Normally, projects that do not involve any ground disturbance fit the PCE category. For example, ITS projects consisting only of electronic equipment installation in an office and/or software development activities fit the PCE category. See Chapter 6, "Environmental Procedures," of the LAPM for more specific rules on meeting the CE criteria.

RIGHT OF WAY

Generally, the amount of right-of-way needed for ITS projects are minor, since the right of way is primarily used for the placement of fiber optics under existing city streets or county roads. The only right of way that maybe needed is easements for fiber optics. Occasionally, an ITS project may involve utility relocations or the purchase of right of way for construction of a traffic management center, information kiosk, etc. For guidance on right of way procedures, see Chapter 13, "Right of Way," of the LAPM.

EXHIBIT 24-A

Application for Federal Safe Routes to School Funding

Check one:

This application is for: ☐ Infrastructure project
☐ Non-infrastructure project

This application is to be completed when seeking funds for infrastructure and/or non-infrastructure projects from the federal Safe Routes to School (SRTS) program. It consists of six (6) parts which asks for the following information:

PART 1: General Information About the Applicant

PART 2: General Information About the Project

PART 3: Organization Background and Capacity

PART 4: Detailed Information About the Project

PART 5: Project Cost Estimates

PART 6: Project Delivery Schedule

NOTE: Applicants can recreate this application form, however, the format and all questions must remain exactly the same as presented and submitted with attachments in hard copy to your Caltrans District Local Assistance Engineer (DLAE). Please submit three (3) sets of the application package to the DLAE in your Caltrans District Office. Refer to the DLA web site for the DLAE in your District and their mailing address: <http://www.dot.ca.gov/hq/LocalPrograms/dlae.htm>.

Applications from nontraditional applicants (school districts, nonprofit organizations, public health/education departments, federally recognized Native American Tribes, hospitals) must be accompanied by a signature from a top official from a City/County/Metropolitan Planning Organization (MPO)/Regional Transportation Planning Agency (RTPA) certifying that they will agree to be the responsible agency over the nontraditional awardee. If a nontraditional applicant is awarded funds for an infrastructure project, a signature is required from a public works official from the public agency certifying that they agree to operate and maintain the facility after construction.

An incomplete application will be disqualified from review. The entire application text must not exceed 30 pages. Maps, photographs, and Letters of Support may be included in the application package separately as attachments and will not be counted as part of the 30 page limit. **All Letters of Support to Caltrans must be directed to "To Whom it May Concern." Do not send them directly to the Director at Caltrans Headquarters or District Director.**

Applications must be stapled in the upper left-hand corner. Those bound by any other means will not be accepted; i.e., binders, protective covers, spiral threading, etc. If you wish to submit a transmittal letter, please attach it to the application with a removable binder clip.

PART 1: General Information About the Applicant

Name of applicant (or responsible agency):

If a nontraditional applicant, name of responsible City/County/MPO/RTPA that has agreed to partner with the applicant:

Name and title of contact person responsible for this project:

Name, title, and signature of top official from a City/County/MPO/RTPA (if applicable):
_____ (Type here and sign below)

Mailing address of responsible contact person responsible for this project:

Street address: _____ City: _____ County: _____ Zip: _____

Telephone number of contact person responsible for the project: _____

E-mail address of contact person responsible for the project: _____

Fax number of contact person responsible for the project: _____

PART 2: General Information About the Project

Check all of the areas that you will use SRTS funds for:

☐ Education ☐ Encouragement ☐ Enforcement ☐ Engineering

State Legislative District(s): Senate _____ Assembly _____

Caltrans District: _____

Metropolitan Planning Organization (MPO)/Regional Transportation Planning Agency (RTPA):

Project title:

Clearly state the specific deliverables that will result from your project:

Identify other safety efforts already underway in your locale that may complement your project:

Brief description of project:

Brief description of targeted location; i.e., urban/rural/suburban setting, geographic characteristics, etc.:

Identify the names of school(s) in the target area, the total student enrollment in each of the schools, and approximate number of children who currently walk/bicycle to school:

If submitting more than one application, the priority number of this application: _____

Total number of project applications being submitted: _____

PART 3: Organization Background and Capacity

1. Provide a brief overview of your organization if the applicant is a nontraditional applicant (example, a mission statement, geographical area served, experience with projects similar to the one proposed, etc).
- _____

PART 4: Detailed Information About the Project(s)

When seeking funds for infrastructure projects, the following four (4) documents must be attached to this application:

1. A clear, color rendering of a general map showing the location of all proposed improvements and their proximity to the school and school routes within the two-mile radius.
2. A clear site plan for each improvement location showing existing and proposed conditions, preferably in color.
3. Detailed Engineer's Estimate (use form posted on the Division of Local Assistance Home Page in the internet under SRTS located at: www.dot.ca.gov/hq/LocalPrograms).
4. Completed "warrant" sheets per the California MUTCD for projects with traffic control devices (if required).

For both infrastructure and non-infrastructure projects, applicants are encouraged to provide letters of support from project partners and advocacy groups. These letters should be attached to the back of this application and do not count toward the total number of pages that are allowed.

Please respond to the following eight (8) statements when seeking infrastructure or non-infrastructure funds. They must be answered in sufficient detail and clarity to enable the review committee to fully understand your proposed project. They will be evaluated against all the other project proposals received. Refer to Section 24.6 of the SRTS Guidelines which explains the project selection process.

NOTE: The Evaluation element is a requirement of the program. It is not an option. It involves preparation of the Student Tally and Parent Survey at the beginning and end of the SRTS project in the target school(s). Forms along with data collection descriptions and instructions are posted on the Safe Routes to School web site. All applicants must provide the requested data to the National Center for Safe Routes to School at the completion of their project. The purpose is to determine the project's effectiveness in increasing the number of children walking and bicycling to school.

1. Describe the extent to which your project incorporates elements of the following 5 Es, and identify the individual and agency/organization responsible for the implementation of each element (maximum: 20 pts.)

If an Infrastructure Project:

- Engineering – Participation by engineers in providing correct technical information, oversight of construction facilities, conducting engineering studies, providing engineering data, consulting with engineers, etc. (11 pts.)

- Education – Programs that improve safety and convenience for children who walk or bicycle to school; i.e., public safety awareness campaigns or safety training. (3 pts.)
- Encouragement – Activities that promote walking and bicycling to school; i.e., providing incentives to children who are physically active, introducing children and parents to walking and bicycling through Walk to School Day events, “Walking Wednesdays,” purchasing and distributing bicycle helmets, etc. (3 pts.)
- Enforcement – Participation by law enforcement in the development and implementation of a project; i.e., ensuring safe speed limits are posted near schools, ticketing abusers, conducting safety check points, etc. (3 pts.)

If a Non-infrastructure Project:

- Education – See description above. (10 pts.)
- Encouragementa– See description above. (5 pts.)
- Enforcementa– See description above. (3 pts.)
- Engineering – See description above. (2 pts.)

2. Cite the names and organizations/agencies that contributed to the development of a plan for this application and explain how they will continue to be involved in the project if it is funded; that is, formation of an ongoing “team.” (10 pts.)

- Was there representation from the school, parents, professionals in the areas of health, transportation, enforcement, local elected officials, and other key members of the community in formulating this project? (5 pts.)
- Describe the collaborative process followed in the development of this project and the individual contributions of each. (5 pts.)

3. Does the applicant have a commitment from other agencies and organizations to have a role in implementing the project once awarded? (maximum: 5 pts.)

- Cite the name, title, and contact information of the individual responsible for ensuring completion of this project. (3 pts.)
- Has the commitment been formalized? Please describe. (2 pts.)

4. Describe in detail any other efforts within the agency or organization that are planned or underway to support or compliment the proposed project. (maximum: 10 pts.)

- Cite any funding commitments that have been made by agencies or organizations to sustain this project. (5 pts.)
 - Is this project consistent with the goals and objectives of local or regional planning documents; i.e., City/County Master Plan or General Plan, School Safety Plan, Circulation Plan, etc.? (5 pts.)
-

-
5. Describe the safety-risks children currently encounter at the project location when walking or bicycling to school. Include supporting data such as accident reports, survey results, etc. (maximum: 15 pts.)
- How was the determination made for each of the risks? (3 pts.)
 - Describe the extent and severity of the risks; namely, fatalities, injuries. (2 pts.)
 - Describe the safety-risks; namely, high vehicular speeds along two-lane roadways without sidewalks exposing children to debris, mud, overgrown vegetation, etc. or recently reported abductions/kidnappings/peer bullying/gang assaults reported against children along commute routes. (10 pts.)
-
6. Describe how this project will correct the risks identified above. (maximum: 15 pts.)
- Describe the specific “fixes” for each of the risks identified above. (10 pts.)
 - Describe the range of alternatives considered. (5 pts.)
-
7. Describe how this project will increase walking and bicycling to school. (maximum: 15 pts.)
- What barriers will be removed to allow for increased walking and bicycling? (10 pts.)
 - Describe how increased walking and bicycling among students will be sustained. (5 pts.)
-
8. Describe in detail, your agency or organization’s capacity to undertake this project. (10 pts.)
- Cite how the lead agency has managed other federal grants. (5 points)
 - Who (staff persons and/or volunteers) will be working on this project and what are their roles and responsibilities? (2 pts.)
 - Do you have other funding resources available for this project in addition to SRTS funds to cover any cost overruns? (3 pts.)
-

PART 5: Project Cost Estimate

Please provide cost estimate figures in the formats displayed below.

FOR INFRASTRUCTURE PROJECTS:

PROJECT COST ESTIMATE (as applicable)**

	SRTS \$	Other \$	Total\$
Preliminary Engineering			
Environmental			\$0.00
PS&E			\$0.00
Right of Way			
Engineering			\$0.00
Appraisals & Acquisitions			\$0.00
Utilities			\$0.00
Construction			
Construction			\$0.00
Construction Engineering			\$0.00
Before/After Evaluation			
City/County Partnership Costs			\$0.00
Subtotal			
	\$0.00	\$0.00	\$0.00
Contingency*			\$0.00
Total Project Cost**			
	\$0.00	\$0.00	\$0.00

*Contingency "Total Cost" may not exceed 10% of the "Subtotal"; however, exceptions will be considered on a case-by-case basis.

**SRTS funds may not exceed \$1,000,000

Has a non-infrastructure grant been submitted or approved to complement this infrastructure improvement?

☐ Yes ☐ No

FOR NON-INFRASTRUCTURE PROJECTS:

PROJECT COST ESTIMATE (as applicable)**

	SRTS \$	Other \$	Total\$
Staff Time			\$0.00
Contractual Services*			\$0.00
Materials			\$0.00
Other Direct Costs			\$0.00
Before/After Evaluation			\$0.00
City/County Partnership Costs			\$0.00
Total**			
	\$0.00	\$0.00	\$0.00

*No copyright permitted on materials.

**SRTS funds may not exceed \$500,000.

PART 6: Project Delivery Schedule

Please provide estimated completion dates for the major milestones on your project.

Target Dates for Infrastructure Projects

1. Obtain Authorization to Proceed with Preliminary Engineering (PE) _____
2. Complete Student Tally and Parent Survey _____
3. Complete the NEPA document _____
4. Submit first invoice _____
5. Complete final design and Plans, Specifications, & Estimate (PS&E) _____
6. Obtain Authorization to Proceed with Right of Way _____
7. Obtain Right of Way Clearance (certification) _____
8. Obtain project Authorization to Proceed with Construction _____
9. Award Construction Contract _____
10. Complete construction _____
11. Submit second Student Tally and Parent Survey results _____
12. Submit final invoice with a report of expenditures, and close out the project _____

Target Dates for Non-Infrastructure Projects (as applicable):

1. Obtain Federal Authorization to Proceed _____
2. Submit Student Tally and Parent Survey results _____
3. Submit first invoice _____
4. Complete project and produce deliverables _____
5. Submit second Student Tally and Parent Survey results _____
6. Submit final invoice with a report of expenditures and close out the project _____

Distribution: 1) Applicants, 2) DLAES, 3) Chief, DLA, 4) Chief, Project Delivery & Safety
5) DLA Safe Routes to School Coord., 6) DLA Area Engineers

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