

Categorical Exclusion Checklist

Dist/Co/Rte/PM: 03/SAC/VAR/0.0 Fed. Aid No. (Local Project): EA/Project No.: 03-1H850/0317000009
 0/0.00

SECTION A: TYPE OF CE: Use the information in this section to determine the applicable CE and corresponding activity for this project.

1. Project is a CE under CE Assignment 23 USC 326. Yes No
 If "yes", check applicable activity in one of the three tables below (activity must be listed in 23 CFR 771.117 (c) or (d) list or included in activities listed in Appendix A of the CE Assignment MOU to be eligible for 23 USC 326).

Activity Listed in 23 CFR 771.117(c)

1	<input type="checkbox"/> Activities which do not involve or lead directly to construction such as planning and research activities; grants for training; engineering to define the elements of a proposed action or alternatives so that social, economic, and environmental effects can be assessed; and Federal-aid system revisions which establish classes of highways on the Federal-aid highway system.
2	<input type="checkbox"/> Approval of utility installations along or across a transportation facility.
3	<input type="checkbox"/> Construction of bicycle and pedestrian lanes, paths, and facilities.
4	<input type="checkbox"/> Activities included in the State's <i>highway safety plan</i> under 23 U.S.C 402.
5	<input type="checkbox"/> Transfer of Federal lands pursuant to 23 U.S.C 107(d) and/or 23 U.S.C 317 when the land transfer is in support of an action that is not otherwise subject to FHWA review under NEPA.
6	<input type="checkbox"/> The installation of noise barriers or alterations to existing publicly owned buildings to provide for noise reduction.
7	<input type="checkbox"/> Landscaping.
8	<input type="checkbox"/> Installation of fencing, signs, pavement markings, small passenger shelters, traffic signals, and railroad warning devices where no substantial land acquisition or traffic disruption will occur.
9 ¹	The following actions for transportation facilities damaged by an incident resulting in an emergency declared by the Governor of the State and concurred in by the Secretary, or a disaster or emergency declared by the President pursuant to the Robert T. Stafford Act (42 U.S.C 5121): ² <input type="checkbox"/> (i) Emergency repairs under 23 U.S.C 125; <input type="checkbox"/> (ii) The repair, reconstruction, restoration, retrofitting, or replacement of any road, highway, bridge, tunnel, or transit facility (such as a ferry dock or bus transfer station), including ancillary transportation facilities (such as pedestrian/bicycle paths and bike lanes), that is in operation or under construction when damaged and the action: (A) Occurs within the existing right-of-way and in a manner that substantially conforms to the preexisting design, function, and location as the original (which may include upgrades to meet existing codes and standards as well as upgrades warranted to address conditions that have changed since the original construction); and (B) Is commenced within a 2-year period beginning on the date of the declaration.
10	<input type="checkbox"/> Acquisition of scenic easements.
11	<input type="checkbox"/> Determination of payback under 23 U.S.C 156 for property previously acquired with Federal-aid participation.
12	<input type="checkbox"/> Improvements to existing rest areas and truck weigh stations.
13	<input type="checkbox"/> Ridesharing activities.
14	<input type="checkbox"/> Bus and rail car rehabilitation.
15	<input type="checkbox"/> Alterations to facilities or vehicles in order to make them accessible for elderly and handicapped persons.
16	<input type="checkbox"/> Program administration, technical assistance activities, and operating assistance to transit authorities to continue existing service or increase service to meet routine changes in demand.
17	<input type="checkbox"/> The purchase of vehicles by the applicant where the use of these vehicles can be accommodated by existing facilities or by new facilities which themselves are within a CE.
18	<input type="checkbox"/> Track and railbed maintenance and improvements when carried out within the existing right-of-way.
19	<input type="checkbox"/> Purchase and installation of operating or maintenance equipment to be located within the transit facility and with no significant impacts off the site.

¹ On the CE form, distinguish between c9i or c9ii

² Include copy of the emergency declaration in the file

Categorical Exclusion Checklist

Dist/Co/Rte/PM:	03/SAC/VAR/0.0 0/0.00	Fed. Aid No. (Local Project):	EA/Project No.: 03-1H850/031700009
20	<input type="checkbox"/>	Promulgation of rules, regulations, and directives.	
21	<input type="checkbox"/>	Deployment of electronics, photonics, communications, or information processing used singly or in combination, or as components of a fully integrated system, to improve the efficiency or safety of a surface transportation system or to enhance security or passenger convenience. Examples include, but are not limited to, traffic control and detector devices, lane management systems, electronic payment equipment, automatic vehicle locaters, automated passenger counters, computer-aided dispatching systems, radio communications systems, dynamic message signs, and security equipment including surveillance and detection cameras on roadways and in transit facilities and on buses.	
22 ³	<input type="checkbox"/>	"Projects, as defined in 23 U.S.C. 101, that would take place entirely within the existing operational right-of-way. Existing operational right-of-way refers to right-of-way that has been disturbed for an existing transportation facility or is maintained for a transportation purpose. This area includes the features associated with the physical footprint of the transportation facility (including the roadway, bridges, interchanges, culverts, drainage, fixed guideways, ⁴ mitigation areas, etc.) and other areas maintained for transportation purposes such as clear zone, traffic control signage, landscaping, any rest areas with direct access to a controlled access highway, areas maintained for safety and security of a transportation facility, parking facilities with direct access to an existing transportation facility, transit power substations, transit venting structures, and transit maintenance facilities. Portions of the right-of-way that have not been disturbed or that are not maintained for transportation purposes are not in the existing operational right-of-way." Existing operational right-of-way also does not include areas outside those areas necessary for existing transportation facilities such as uneconomic remnants, excess right-of-way that is secured by a fence to prevent trespassing, <i>or that are acquired and held for a future transportation project</i> . A transportation facility must already exist at the time of the review of the proposed project being considered for the CE. This precludes the acquisition of right-of-way and the subsequent use of this CE to build within that right-of-way.	
23 ⁵	<input type="checkbox"/>	Federally-funded projects: Enter project cost \$ _____ and Federal funds \$ _____	
	<input type="checkbox"/>	(i) That receive less than \$5,267,324.01 of Federal funds; or	
	<input type="checkbox"/>	(ii) With a total estimated cost of not more than \$31,603,944.06 and Federal funds comprising less than 15 percent of the total estimated project cost.	
24	<input type="checkbox"/>	Localized geotechnical and other investigation to provide information for preliminary design and for environmental analysis and permitting purposes, such as drilling test bores for soil sampling; archeological investigations for archeology resources assessment or similar survey; and wetland surveys.	
25	<input type="checkbox"/>	Environmental restoration and pollution abatement actions to minimize or mitigate the impacts of any existing transportation facility (including retrofitting and construction of stormwater treatment systems to meet Federal and State requirements under sections 401 and 402 of the Federal Water Pollution Control Act (33 U.S.C. 1341; 1342) carried out to address water pollution or environmental degradation.	
26	<input checked="" type="checkbox"/>	Modernization of a highway by resurfacing, restoration, rehabilitation, reconstruction, adding shoulders, or adding auxiliary lanes (including parking, weaving, turning, and climbing lanes), if the action meets the constraints in paragraph (e) of this section [771.117(e)]. Note: In order to use this CE, certain constraints must be met. Complete Section A, Item 2 below.	
27	<input type="checkbox"/>	Highway safety or traffic operations improvement projects, including the installation of ramp metering control devices and lighting, if the project meets the constraints in paragraph (e) of this section [771.117(e)]. Note: In order to use this CE, certain constraints must be met. Complete Section A, Item 2 below.	
28	<input type="checkbox"/>	Bridge rehabilitation, reconstruction, or replacement or the construction of grade separation to replace existing at-grade railroad crossings, if the actions meet the constraints in paragraph (e) of this section [771.117(e)]. Note: In order to use this CE, certain constraints must be met. Complete Section A, Item 2 below.	
29	<input type="checkbox"/>	Purchase, construction, replacement, or rehabilitation of ferry vessels (including improvements to ferry vessel safety, navigation, and security systems) that would not require a change in the function of the ferry terminals and can be accommodated by existing facilities or by new facilities which themselves are within a CE.	
30	<input type="checkbox"/>	Rehabilitation or reconstruction of existing ferry facilities that occupy substantially the same geographic footprint, do not result in a change in their functional use, and do not result in a substantial increase in the existing facility's capacity. Example actions include work on pedestrian and vehicle transfer structures and associated utilities, buildings, and terminals.	
Activity Listed in Examples in 23 CFR 771.117(d)			
1	<i>Reserved.</i>		
2	<i>Reserved.</i>		
3	<i>Reserved.</i>		
4	<input type="checkbox"/>	Transportation corridor fringe parking facilities.	

³ On the CE form, identify in the project description that all work is within operation right-of-way.

⁴ "Fixed Guideway" means a public transportation facility using and occupying a separate right-of-way for the exclusive use of public transportation such as rail, a fixed catenary system (light rail, trolley, etc.) passenger ferry system, or for a bus rapid transit system.

⁵ On the CE form, distinguish between c23i or c23ii.

Categorical Exclusion Checklist

Dist/Co/Rte/PM:	03/SAC/VAR/0.0 0/0.00	Fed. Aid No. (Local Project):	EA/Project No.: 03-1H850/0317000009
5 <input type="checkbox"/>	Construction of new truck weigh stations or rest areas.		
6 <input type="checkbox"/>	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.		
7 <input type="checkbox"/>	Approvals for changes in access control.		
8 <input type="checkbox"/>	Construction of new bus storage and maintenance facilities in areas used predominantly for industrial or transportation purposes where such construction is not inconsistent with existing zoning and located on or near a street with adequate capacity to handle anticipated bus and support vehicle traffic.		
9 <input type="checkbox"/>	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.		
10 <input type="checkbox"/>	Construction of bus transfer facilities (an open area consisting of passenger shelters, boarding areas, kiosks and related street improvements) when located in a commercial area or other high activity center in which there is adequate street capacity for projected bus traffic.		
11 <input type="checkbox"/>	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.		
12 <input type="checkbox"/>	<p>Acquisition of land for hardship or protective purposes. Hardship and protective buying will be permitted only for a particular parcel or a limited number of parcels. These types of land acquisition qualify for a CE only where the acquisition will not limit the evaluation of alternatives, including shifts in alignment for planned construction projects, which may be required in the NEPA process. No project development on such land may proceed until the NEPA process has been completed.</p> <p>(i) Hardship acquisition is early acquisition of property by the applicant at the property owner's request to alleviate particular hardship to the owner, in contrast to others, because of an inability to sell his property. This is justified when the property owner can document on the basis of health, safety or financial reasons that remaining in the property poses an undue hardship compared to others.</p> <p>(ii) Protective acquisition is done to prevent imminent development of a parcel which may be needed for a proposed transportation corridor or site. Documentation must clearly demonstrate that development of the land would preclude future transportation use and that such development is imminent. Advance acquisition is not permitted for the sole purpose of reducing the cost of property for a proposed project.</p>		
13 <input type="checkbox"/>	Actions described in paragraphs (c)(26), (c)(27), and (c)(28) of this section that do not meet the constraints in paragraph (e) of this section.		
Activity Listed in Appendix A of the CE Assignment MOU for State Assumption of Responsibilities for Categorical Exclusions			
1 <input type="checkbox"/>	Construction, modification, or repair of storm water treatment devices (e.g., detention basins, bioswales, media filters, infiltration basins), protection measures such as slope stabilization and other erosion control measures throughout California.		
2 <input type="checkbox"/>	Replacement, modification, or repair of culverts or other drainage facilities.		
3 <input type="checkbox"/>	Projects undertaken to assure the creation, maintenance, restoration, enhancement, or protection of habitat for fish, plants, or wildlife (e.g., revegetation of disturbed areas with native plant species; stream or river bank revegetation; construction of new, or maintenances of existing fish passage conveyances or structures; restoration or creation of wellands).		
4 <input type="checkbox"/>	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).		
5 <input type="checkbox"/>	Routine seismic retrofit of facilities to meet current seismic standards and public health and safety standards without expansion of capacity.		
6 <input type="checkbox"/>	Air space leases that are subject to Subpart D, Part 710, title 23, Code of Federal Regulations.		
7 <input type="checkbox"/>	Drilling of test bores/soil sampling to provide information for preliminary design and for environmental analyses and permitting purposes.		

Categorical Exclusion Checklist

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2. This section must be completed in order to use a CE under 23 CFR 771.117(c)(26), (c)(27), or (c)(28).

ONLY FILL OUT THIS SECTION IF YOU ARE USING A CE UNDER 23 CFR 771.117(c)(26), (c)(27), or (c)(28). If any of the answers are "Yes" the action MAY NOT be processed under 23 CFR 771.117(c)(26), (c)(27), or (c)(28), however, the project may qualify for a CE under 23 CFR 771.117(d)(13). These constraints are found in 23 CFR 771.117(e).

Does the action include any of the following?

- A. Yes No: • An acquisition of more than a minor amount of right-of-way or that would result in any residential or nonresidential displacements
- B. Yes No: • A bridge permit from the U.S. Coast Guard; OR
 • An action that does not meet the terms and conditions of a U.S. Army Corps of Engineers nationwide or general permit under section 404 of the Clean Water Act (i.e., does the project require a Standard 404 permit [Individual Permit or Letter of Permission]?) AND/OR
 • A permit required under Section 10 of the Rivers and Harbors Act of 1899
- C. Yes No: • A finding of "adverse effect" to historic properties under the National Historic Preservation Act; OR
 • The use of a resource protected under 23 U.S.C. 138 or 49 U.S.C. 303 (section 4(f)) except for actions resulting in *de minimis* impacts; OR
 • A finding of "may affect, likely to adversely affect" threatened or endangered species or critical habitat under the Endangered Species Act
- D. Yes No: • Construction of temporary access, or the closure of existing road, bridge, or ramps, that would result in major traffic disruptions
- E. Yes No: • Changes in access control
- F. Yes No: • A floodplain encroachment other than functionally dependent uses (e.g., bridges, wetlands) or actions that facilitate open space use (e.g., recreational trails, bicycle and pedestrian paths); OR
 • Construction activities in, across, or adjacent to a river component designated or proposed for inclusion in the National System of Wild and Scenic Rivers

3. Project is a CE for a highway project under NEPA Assignment 23 USC 327. Yes No

(Use only if project does not qualify under CE Assignment 23 USC 326 [activities not included in three previous lists above].)

4. Independent Utility and Logical Termini

The project complies with NEPA requirements related to connected actions and segmentation (i.e. the project must have independent utility, connect logical termini when applicable, be usable and be a reasonable expenditure even if no additional transportation improvements in the area are made and not restrict further consideration of alternatives for other reasonably foreseeable transportation improvements). (FHWA Final Rule, "Background," *Federal Register* Vol. 79, No. 8, January 13, 2014.)

5. Categorical Exclusions Defined (23 CFR 771.117[a]).

FHWA regulation 23 CFR 771.117(a) defines categorical exclusions as actions which:

- do not induce significant impacts to planned growth or land use for the area;
- do not require the relocation of significant numbers of people;
- do not have a significant impact on any natural, cultural, recreational, historic or other resources;
- do not involve significant air, noise, or water quality impacts;
- do not have significant impacts on travel patterns; or
- do not otherwise, either individually or cumulatively, have any significant environmental impacts.

Checking this box certifies that project meets the above definition for a Categorical Exclusion.

6. Exceptions to Categorical Exclusions/Unusual Circumstances (23 CFR 771.117[b]).

FHWA regulation 23 CFR 771.117(b) provides that any action which normally would be classified as a CE but could involve *unusual circumstances* requires the Department to conduct appropriate environmental studies to determine if the CE classification is proper. Unusual circumstances include actions that involve:

- Significant environmental impacts;
- Substantial controversy on environmental grounds;
- Significant impact on properties protected by section 4(f) of the DOT Act or section 106 of the National Historic Preservation Act; or
- Inconsistencies with any Federal, State, or local law, requirement or administrative determination relating to the environmental aspects of the action.

All of the above unusual circumstances have been considered in conjunction with this project. (Please select one.)

Checking this box certifies that **none of the above conditions apply** and that the project qualifies for a Categorical Exclusion.

Checking this box certifies that **unusual circumstances are involved**. However, the appropriate studies/analysis have been completed, and it has been determined that the CE classification is still appropriate.

Categorical Exclusion Checklist

SECTION B: Compliance with FHWA NEPA policy to complete all other applicable environmental requirements⁶ prior to making the NEPA determination:

During the environmental review process for which this CE was prepared, all applicable environmental requirements were evaluated. Outcomes for the following requirements are identified below and fully documented in the project file. [NOTE: EVERY SECTION BELOW MUST BE COMPLETED, DO NOT SKIP ANY SECTIONS.]

FSTIP

The project description on the Categorical Exemption/Categorical Exclusion Form matches the project description in the FSTIP and RTP, and the appropriate page of the FSTIP is in the project file.

Air Quality

[Air Quality Conformity Findings Checklist](#) has been completed and project meets all applicable AQ requirements.
 For 23 USC 326 projects which require an air quality conformity determination (this will apply to certain projects under 23 CFR 771.117(c)(22), (c)(23), (c)(26), (c)(27), and (c)(28)), list the date of the Caltrans conformity determination: _____
 For 23 USC 327 projects, list date of FHWA concurrence on conformity determination: _____

Cultural Resources

Section 106 compliance is complete. Select appropriate finding:
 Screened Undertaking No Historic Properties Affected No Adverse Effect with Standard Conditions
 No Adverse Effect without Standard Conditions Adverse Effect/MOA

Noise

23 CFR 772
 Is this a Type 1 project? Yes No (skip this section.)
 Future noise levels with project either approach or exceed NAC or result in a substantial increase.
 If yes, Abatement is reasonable and feasible Abatement is not reasonable or feasible

Waters, Wetlands

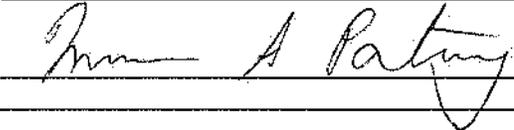
- Section 404 of the Clean Water Act
 Impacts to Waters of the U.S.: Yes No
 If yes, approval anticipated:
 Nationwide Permit Individual Permit Regional General Permit Letter of Permission
- Wetland Protection (Executive Order #11990)
 No Wetland Impact
 Permanent Wetland Impact; Only Practicable Alternative Finding is included in a separate document in the project file
- Section 401 of the Clean Water Act
 Exemption Certification

Biology

- **USFWS**
 No Effect Section 7 (Federal Endangered Species Act)
Consultation with USFWS Findings (Effect determination):
 Not Likely to Adversely Affect with USFWS Concurrence. Date: _____
 Likely to Adversely Affect with Biological Opinion Date: _____
- **NOAA Fisheries**
 No Effect Section 7 (Federal Endangered Species Act)
Consultation with NOAA Fisheries Findings (Effect determination):
 Not Likely to Adversely Affect with NOAA Fisheries Concurrence. Date: _____
 Likely to Adversely Affect with Biological Opinion Date: _____
- **Essential Fish Habitat (Magnuson-Stevens Act) Findings (Effect determination):**
 Magnuson-Stevens Fishery Conservation and Management Act does not apply
 No Adverse Effect Adverse Effect and consultation with NOAA Fisheries

⁶ Please consult the SER for a complete list of applicable laws, statutes, regulations, and executive orders that must be considered before completing the CE.

Categorical Exclusion Checklist

Floodplains	
Floodplains (Executive Order #11988) <input type="checkbox"/> No Floodplains <input checked="" type="checkbox"/> No Significant Encroachment <input type="checkbox"/> Significant Encroachment	
Section 4(f) Transportation Act (23 CFR 774)	
Section 4(f) regulation was considered as a part of the review for this project and a determination was made: <input checked="" type="checkbox"/> Section 4(f) does not apply <i>(Project file includes documentation that property is not a Section 4(f) property, that project does not use a Section 4(f) property, or that the project meets the criteria for the temporary occupancy exception.)</i> <input type="checkbox"/> Section 4(f) applies <input type="checkbox"/> De Minimis <input type="checkbox"/> Programmatic: Type _____ (List one of the five appropriate categories as defined in 23 CFR 774.3) <input type="checkbox"/> Individual: <input type="checkbox"/> Legal Sufficiency Review complete <input type="checkbox"/> HQ Coordinator Review Complete	
Section 6(f) – Properties Acquired with Land and Water Conservation Fund grants	
Was the above property purchased with grant funds from the Land and Water Conservation Fund? <input checked="" type="checkbox"/> No, Section 6(f) does not apply. No additional documentation required. <input type="checkbox"/> Yes <input type="checkbox"/> Documentation of approval from National Park Service Director (through California State Parks) has been received for the conversion/and replacement of 6(f) property.	
Coastal Zone	
Coastal Zone Management Act of 1972 <input checked="" type="checkbox"/> Not in Coastal Zone <input type="checkbox"/> Qualifies for Exemptions <input type="checkbox"/> Qualifies for Waiver <input type="checkbox"/> Coastal Permit Required <input type="checkbox"/> Consistent with Federal State and Local Coastal Plans <input type="checkbox"/> Federal Consistency	
Coast Guard – Bridge Over Navigable Waters of the U.S.	
<input checked="" type="checkbox"/> Not applicable <input type="checkbox"/> 23 USC 144(c) USCG Bridge Permit Exception <input type="checkbox"/> 33 CFR 115.70 Advance Approval <input type="checkbox"/> USCG Bridge Permit	
Relocation and Right of Way	
<input checked="" type="checkbox"/> No Relocations <input type="checkbox"/> Project involves _____ (#) relocations and will follow the provisions of the Uniform Relocation Act. <input type="checkbox"/> No right of way acquisitions or easements. <input type="checkbox"/> Project involves _____ (#) acquisitions and _____ (#) easements.	
Hazardous Waste and Materials	
<ul style="list-style-type: none"> • Are hazardous materials or contamination exceeding regulatory thresholds (as set by U.S. EPA, Cal EPA, County Environmental Health, etc.) present? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No • If yes, is the nature and extent of the hazardous materials or contamination fully known? <input type="checkbox"/> Yes <input type="checkbox"/> No If no, briefly discuss the plan for securing information:	
SECTION C: Certification	
Based on the information obtained during environmental review process and included in this checklist, the project is determined to be a Categorical Exclusion pursuant to the National Environmental Policy Act and is in compliance with all other applicable environmental laws, regulations, and Executive Orders.	
Prepared by (print name):	Masum A Patwary Governor's Office of Planning & Research
Title:	Associate Environmental Planner DEC 03 2019
Signature:	 STATE CLEARINGHOUSE Date: 12/21/2019