CATEGORICAL EXCLUSION FOR MIDDLE-MILE BROADBAND
NETWORK PROJECTS

NEPA CATEGORICAL EXCLUSION
DETERMINATION FORM (rev. 5/23)

**Project Information**

**Project Name (if applicable):**

**DIST-CO-RTE:**       **PM/PM:**

**EA:**       **Federal-Aid Project Number:**

Note: Also enter the EA and Federal-Aid Project Number in the footer beginning on page 2 and remove this note.

**Project Description**

See continuation sheets

# Caltrans NEPA Determination

Caltrans has determined this project meets the conditions set forth below and therefore is categorically excluded from the requirements to prepare an EA or EIS under NEPA.

The actions listed in Appendix A, Number 6 (“Actions including, but not limited to, right-of-way use agreements, encroachment permits, and consent letters that are subject to subpart D of 23 CFR 710”) of the 23 USC 326 CE Assignment MOU between FHWA, California Division and the California Department of Transportation (2022) may be classified as a categorical exclusion, provided the following conditions are met:

* The action is required in order to implement a project that is part of the California Middle-Mile Broadband Network
* The Federal Action consists of: Approval of a non-highway use of the right-of-way/grant of a right-of-way use agreement
* The action does not, either individually or cumulatively, have any significant environmental impacts as described in 23 CFR 771.117(a); and
* The action does not involve unusual circumstances as described in 23 CFR 771.117(b):
	+ Significant environmental impacts;
	+ Substantial controversy on environmental grounds;
	+ Significant impact on properties protected by Section 4(f)[[1]](#footnote-1) requirements 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.
* The action can be authorized under a Section 404 Nationwide Permit, or Regional General Permit, including one specific to Middle-Mile Broadband Network activities when issued. Sufficient information to issue a Wetlands Only Practicable Alternative Finding must be included in the CE documentation; and
* The action would not significantly encroach on the base floodplain and no impacts to the natural and beneficial floodplain values are anticipated; and
* The action would not impact the features or attributes of a designated scenic river that make it eligible for inclusion in the National System of Wild and Scenic Rivers published by the U.S. Department of Interior/U.S. Department of Agriculture; and
* The action does not require any U.S. Coast Guard construction permits;
* The use of this CE certifies that the project has been evaluated and is designed to prevent unauthorized releases of hazardous materials. Caltrans would maintain compliance with the Department of Toxic Substances Control (DTSC) Soil Management Agreement for Aerially Deposited Lead-Contaminated Soils effective July 1, 2016, and that there are no known Cortese sites within the project footprint based on a record search; and
* The action does not require formal Section 7 Consultation for effects to federally listed or proposed species or critical habitat (likely to adversely affect determination for any species or critical habitat), or can be covered under an existing Programmatic Biological Opinion or the specific Programmatic Biological Opinion for Middle-Mile Broadband Network activities when issued; and
* The action is consistent with the State's Coastal Zone Management Plan, if applicable.

[x]  The proposed project(s) are in compliance with Title VI of the Civil Rights Act of 1964 and Executive Order 12898 Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations. It is anticipated that no impacts would occur with the construction and implementation of the Middle-Mile Broadband Network.

[x]  Categorical Exclusion (CE) issued by Caltrans approving certain actions subject to subpart D of 23 CFR 710 for projects that are a part of the California Middle-Mile Broadband Network.

**Senior Environmental Planner or Environmental Branch Chief**

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|       |  |       |  |       |
| Print Name |  | Signature |  | Date |

**Project Manager/ DLA Engineer**

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| Print Name |  | Signature |  | Date |

See Attached District Prepared Middle-Mile Broadband Network CE Checklist

See Attached District Prepared Environmental Commitment Record.

# Continuation sheet:

## Project Description

This project would include the installation of approximately 10,000-miles of broadband infrastructure throughout California within the State Highway System, including Interstate routes.

Due to the varied topography and locations of the 10,000-mile broadband infrastructure across the State of California, the design would be dependent on project site features. Work would include the installation of subsurface broadband conduit and fiber, the installation of network repeater hubs at approximately 50-mile intervals, as well as the installation of vaults (Pull, Splice, and Buried) at various locations.

All work will take place within 30-feet of highway rights-of-way except where not feasible. The areas of project impact in most areas will be limited to the existing paved surfaces, disturbed shoulders, and maintained Caltrans right-of-way.

**Purpose:** This Middle-Mile Broadband Network project will install the broadband infrastructure along the State Highway System (SHS) necessary to connect to a third-party operated Last Mile Broadband Network which will bring internet connectivity to homes, businesses, and community institutions.

**Need:** In July 2021, California Governor Gavin Newsom signed into law Senate Bill (SB) 156 to create an open-access middle-mile network to bring equitable high-speed broadband service to all Californians.

The lack of available middle-mile broadband infrastructure has been a major issue in connecting California’s unserved and underserved communities. The statewide open-access middle-mile network included in SB 156 is a foundational investment to ensure every Californian has access to broadband Internet service that meets the connectivity needs of today, and well into the future. This project intends to support providing critical statewide broadband infrastructure to enhance access to and increase the affordability of high-speed internet for all Californians.

## Environmental Commitments

Due to the varied topography and locations of the 10,000-mile broadband infrastructure across the State of California, the design and construction methods would be dependent on project site features. For each project, environmental resources would be evaluated within the project areas and measures would be identified in the supporting technical documents. These measures would be implemented prior to and during construction (see District Project file for supporting documentation). In addition, Caltrans would continue to work closely with resource agency partners to develop programmatic agreements to streamline the environmental process and address potential impacts. Please refer to the following agreements for associated environmental requirements:

* Section 7 Programmatic Biological Opinion(s)
* Section 404 USACE Nationwide or Regional General Permit
* Section 106 Programmatic Agreement
1. Middle-Mile Broadband Network Projects are not considered transportation projects and therefore exempt from the requirements of 23 CFR 774 [↑](#footnote-ref-1)