

FEDERAL HIGHWAY ADMINISTRATION - CALIFORNIA DIVISION
AND
CALIFORNIA DEPARTMENT OF TRANSPORTATION



FINAL REPORT #S50826

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**CATEGORICAL EXCLUSION /
PROGRAMMATIC CATEGORICAL EXCLUSION
PROCESS REVIEW**

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I. Executive Summary

During the months of February and March of 2007, a joint Federal Highway Administration (FHWA) and California Department of Transportation (Caltrans) review team evaluated the process of categorical exclusions (CEs) and Caltrans' implementation of the provisions of the November 18, 2003 Agreement for processing programmatic categorical exclusions (PCEs). CEs and PCEs are compliance methods under the National Environmental Policy Act (NEPA) without the need to prepare an environmental assessment (EA) or environmental impact statement (EIS).

Based on the questionnaire responses, interviews, and review of selected files, the review team determined that the Caltrans district environmental staff showed a good understanding of the CE/PCE process and requirements. In addition, the review team identified many best practices that some Caltrans districts are using, particularly in the areas of documenting, organizing files, tracking, and utilizing the CE form. These best practices are identified in Attachment 6 of this report.

While the process review was conducted by visiting Caltrans districts/regions and examining files in those locations, it is important to note that the decisions and documentation contained in those files represent the joint efforts of FHWA and Caltrans;¹ as a result, the findings in this process review are shared findings for both the FHWA and Caltrans programs. However, for PCEs, FHWA has substantially delegated the responsibility for compliance to Caltrans, and one of the purposes of this review was to evaluate how well Caltrans performs that responsibility.

The review team identified the following findings, observations, and recommendations; organized by the following specific areas of review:²

1. Appropriate CE/PCE determinations

- a. **General Determination Finding:** The review team agreed that the vast majority of reviewed projects were appropriately classified as CEs or PCEs, but the team identified eleven projects where the environmental file did not include enough information for the team to concur comfortably with the determination. One project proceeded with a CE despite substantial public controversy.
- b. **Environmental Engineering Finding:** Hazardous materials/waste screenings or initial site investigations were not always completed before making a CE/PCE determination. In addition, PCEs were sometimes approved for projects that had high potential for hazardous waste within the project right-of-way.
- c. **Recommendations:**
 - Create a CE checklist to aid environmental planners in making the appropriate CE/PCE determination.

¹ Most PCE projects do not have direct involvement by FHWA.

² For the purpose of this report, the review team uses the word "finding" to reflect areas that need specific improvements and "observation" to reflect areas that the Project Scope Statement required examination but are functioning properly.

- Include verification in the CE checklist that Hazardous Waste staff conducts hazardous materials screening and, Initial Site Assessment (ISA) if needed.
- Require documentation from a hazardous material specialist whenever a project includes ground disturbance and adjacent land use suggests potential contamination.
- Update the Local Assistance Procedures Manual to require screening and/or ISA documentation before approving the CE.
- Consider revisiting the issues of hazardous waste and PCEs to allow other minimal hazardous waste issues, if the PCE Agreement is ever revised.
- Include the list of the unusual circumstances for which appropriate studies would be required to determine if a CE is proper in the new CE checklist.
- Remind the districts that all documentation related to issues of public involvement/controversy should be included in the environmental file.

2. Appropriate approval process

- a. **Approval Observation:** The review team agreed Caltrans district environmental staff knew who had authority to approve CE/PCEs (Senior Environmental Planner or above), and the approving officials fully understood what they approved.

3. Planning, funding, and design requirements

- a. **Planning Finding:** The consistency of the proposed project with the Regional Transportation Plan (RTP) and Federal Statewide Transportation Improvement Program (FSTIP) must be verified at the time of NEPA approval. The person responsible for checking this information varies by district; it could be the Project Manager, Air Quality Specialist, DLAE, or Transportation Engineer. In addition, the environmental files often contained little documentation to demonstrate that all planning requirements were satisfied at the time of NEPA approval.
- b. **Final Design Finding:** Two projects began final design prior to NEPA approval.
- c. **Recommendations:**
 - Include documentation in the environmental file on the project's status in the RTP/FSTIP, such as a printout or memo to file with the project description, cost estimate, page number, and date the listing was verified.
 - Include a certification that the project is listed on the RTP and FSTIP in the new CE checklist.
 - Modify the Local Assistance Procedures Manual to clarify that, prior to signing the Preliminary Environmental Scoping (PES) Form and at the time of NEPA approval, the DLAE should verify that the project is properly listed on the FSTIP and RTP.
 - Reiterate that final design activities shall not proceed prior to NEPA.

4. Environmental Commitments

- a. **Environmental Commitments Observation:** Many of the projects reviewed did not include Plans, Specifications and Estimates (PS&E) packages in their environmental

files or the projects had not yet completed final design.³ On the majority of projects, the environmental commitments were listed on the CE form, and when the PS&E was available for verification, the commitments were incorporated into the PS&E.

5. Environmental reevaluation/consultation of CEs

- a. **Consultation/Re-evaluation Finding:** There was inconsistent and missing documentation of consultation and/or re-evaluation of CE determinations.
- b. **Recommendations:**
 - Ensure that the re-evaluation guidance currently in development also addresses CEs.
 - Provide training on the re-evaluation guidance.
 - Clearly document in the environmental files when the CE has been rescinded, superseded, or modified for a project.

6. Appropriate records, documentation, and tracking/retention

- a. **Project Files Finding:** Documentation of decisions, project changes, and conclusions was inconsistent across the districts, and some districts had far less substantial and, in some cases, inadequate files/documentation.
- b. **Storage Finding:** There was wide variability between the districts in terms of the available facilities for storage and retrieval of environmental and project files, especially the amount of storage space available and location of storage areas.
- c. **Tracking Observation:** The review team observed that all districts track CEs and PCEs, but their methods varied substantially from district to district.
- d. **Section 7 Finding:** Most environmental files did not consistently include a reference to the USFWS's list of species likely to occur in the project area, and Caltrans biologists were not explicitly documenting their "no effect" determinations, using the requisite language.
- e. **Air Quality Finding:** Some environmental files did not demonstrate or document project-level air quality conformity as required. In addition, the review team did not find any projects that mentioned Mobile Source Air Toxics (MSATs) in the environmental files of the seven reviewed projects authorized after the February 3, 2006 implementation date.⁴
- f. **Local Assistance PES Finding:** Two districts are using the PES form to document conclusions of technical studies instead of using the PES form as a scoping document.
- g. **CE Form Finding:** There is wide variability in the level of detail provided on the CE form and continuation sheets, including a few examples of hand-written alterations without initials or dates.
- h. **Recommendations:**
 - Reiterate to the districts the importance of consistently documenting project decisions and history in the environmental file and ensuring that good file keeping becomes a regular part of everyone's daily routine.

³ The review team acknowledges that a copy of the PS&E is not typically maintained in the environmental file, and the review team is not suggesting that it should be. Instead, the review team recommends that Environmental Planners be able to obtain a copy of the PS&E if requested.

⁴ Interim guidance for addressing MSATs in NEPA was issued on February 3, 2006. This review only included seven projects authorized after February 3, 2006, and there was no documentation of MSATs for these projects.

- Establish formal filing areas for environmental files and create a standardized filing system in each district using the requisite Records Retention Schedule and Uniform Filing Systems.
- Include the effect determination in the new CE checklist.
- Update Caltrans guidance on documenting endangered species processes and remind biologists to check the species list and document no effect determinations using the requisite language.
- Include an air quality hot spot analysis, RTP/TIP information, and MSATs on the new CE checklist.
- Update the LAPM and PES form instructions to clarify the purpose and proper use of the PES Form.

After reviewing 66 files from across the state, the review team concludes that the overall health of the CE/PCE process in California is generally good. However, the majority of the findings and recommendations center on the need for improved documentation in the environmental files. Implementation of the identified recommendations in this report would greatly enhance the process and facilitate future process reviews and/or audits.

The MOU implementing the Assignment of Responsibilities for Categorical Exclusions under SAFETEA-LU §6004 was effective on June 7, 2007 and the MOU implementing the NEPA Pilot Program under SAFETEA-LU §6005 was effective on July 1, 2007. Many of the recommendations in this report have already been implemented or are in development, including the revised CE form, new CE checklist, and guidance on re-evaluations. In addition, most of the team members of this process review have also participated in other preparations for both the §6004 CE Assignment and §6005 NEPA Pilot Program, and have already incorporated some of the knowledge gained from this review into those efforts.

II. Introduction

The National Environmental Policy Act (NEPA) requires the consideration and documentation of environmental impacts and alternatives for federal actions that significantly affect the quality of the human environment. Projects that clearly do not have significant impacts on the environment are categorically excluded from the requirement to prepare an environmental assessment (EA) or environmental impact statement (EIS), potentially shaving years off the project delivery schedule. However, most projects determined to be categorical exclusions (CEs) per 23 CFR §771.117 require documentation to demonstrate compliance with NEPA and all other applicable environmental laws. The Federal Highway Administration (FHWA) is responsible for NEPA compliance for highway projects that receive federal funds or have a federal approval (i.e., interstate access approval).

In 1990, the California Division of the Federal Highway Administration (FHWA) and the California Department of Transportation (Caltrans) agreed that a subset of projects so clearly qualified as CEs that FHWA should delegate the approval authority to Caltrans, thus creating a new method of NEPA compliance called programmatic categorical exclusions (PCEs). On November 18, 2003, FHWA and Caltrans revised their agreement for processing PCEs. This Agreement stated that FHWA would periodically evaluate Caltrans' implementation of the provisions of the Agreement and files would be accessible to FHWA for this purpose. Therefore, this process review focused in part on verifying compliance with the 2003 PCE Agreement.

Although FHWA is not typically involved in PCEs, FHWA retained oversight responsibility and approval authority of CE projects as of the time of the field reviews. On August 10, 2005, the President signed into law the current transportation authorization bill, also known as SAFETEA-LU. SAFETEA-LU §6004 and §6005 allow FHWA to assign to Caltrans certain responsibilities for approval of categorical exclusions and compliance with other related environmental laws and regulations.⁵ The MOU implementing the Assignment of Responsibilities for Categorical Exclusions under SAFETEA-LU §6004 was effective on June 7, 2007 and the MOU implementing the NEPA Pilot Program under SAFETEA-LU §6005 was effective on July 1, 2007. The §6004 MOU requires Caltrans to send FHWA a report at 18 months and 30 months on its performance of the program under the MOU, and FHWA will monitor compliance through process reviews at least every 15 months.⁶ The data from the process reviews will serve as a baseline for future process/program reviews and/or audits. Therefore, the scope of this process review was expanded to include CEs as an addition to PCEs.

In addition, FHWA has a commitment to environmental and fiscal stewardship for all projects funded under the federal-aid highway program. Therefore, another reason for FHWA to conduct this process review was to determine if the overall CE/PCE process is functioning as envisioned. This report describes the current health of the CE/PCE program, including best practices and findings for improvement.

⁵ SAFETEA-LU §6004 is restricted to CEs, whereas §6005 could apply to all projects including CEs, EAs, and EISs.

⁶ Stipulation IV.F.5 on Page 9 of the MOU.

III. Purpose

The overall purpose of this process review was to assess the health of the CE/PCE program, including prudent and reasonable expenditures of federal funds, and to serve as a baseline for future process reviews and audits. More specific purposes included:

- Verify whether CE/PCE determinations and documentation are appropriate;
- Verify that the appropriate approval process is followed by the approving officials;
- Verify whether these projects meet the statewide and metropolitan planning requirements
- Verify that environmental commitments are incorporated into Plans, Specifications, and Estimates (PS&E);
- Review Caltrans' records and process for appropriate tracking/retention; and
- Verify environmental reevaluation/consultation of CEs is occurring as per the 23 CFR §771.129.

Objectives

This process review examined the overall health of the CE/PCE process, including prudent and reasonable expenditure of federal funds, and primarily focused on specific aspects in the following areas, as stated in the Project Scope Statement (see Attachment 8): (1) Determination, (2) Documentation, (3) Approvals, (4) Implementation, and (5) Consultation/Re-evaluation of CEs (per 23 CFR §771.129).

IV. Scope of Review

The scope of this process review included both capital (on the state highway system) and local assistance (off the state highway system) projects, which were classified as either CEs or PCEs, and were approved from 2003 through 2006.

The procedure of conducting the review greatly influenced the scope of the review. First, the FHWA process review team met with Caltrans representatives to develop the work plan and identify other Caltrans team members. Second, the FHWA team created the questionnaire (see Attachment 1) that the Caltrans team members distributed to every district. Third, the FHWA identified the projects selected for review following the method outlined below (see Attachment 4). Fourth, FHWA and Caltrans (the review team) visited the districts, conducted interviews (see Attachment 3), and reviewed the files (see Attachment 5). Finally, the entire review team participated in the development of this draft report.

The number of projects in each district selected for review was determined by the overall district workload, FHWA professional judgment, and quality of response to the questionnaires. Initially, the FHWA members of the review team selected 90 projects from Caltrans' Annual Reports and

LP2000 (the Local Assistance Database). Due to time constraints, the review team made adjustments and only reviewed 66 projects. The team selected a wide variety of federal-aid projects from all over California, including bridge and roadway projects, projects on and off the state highway system, and projects in final design as well as projects already constructed or currently under construction. The FHWA team members selected the projects from the lists without prior knowledge of the details of the projects selected.

The review team visited seven Caltrans districts and remotely evaluated the other five districts. For every district, the review team interviewed representatives from the capital program and the local assistance program. For those districts the team did not visit, the review team interviewed Caltrans staff by telephone, and those Caltrans districts delivered the selected files to the team for review. The district interview and file review schedule is listed below.

District 4	February 13, 2007
District 3	February 14 and 15, 2007
District 1	February 15, 2007 (remotely)
District 2	February 16, 2007 (remotely)
District 5	March 5 and 6, 2007
District 6	March 7 and 8, 2007
District 9	March 8, 2007 (remotely)
District 10	March 9, 2007
District 7	March 12 and 13, 2007
District 12	March 14 and 15, 2007
District 8	March 15 and 16, 2007 (remotely)
District 11	March 29, 2007 (remotely, no files selected for review)

Each district visit began with an opening meeting, during which the review team explained the purpose and scope of the review, the relationship between this review and future audits and/or reviews, and the next steps for this review. Three projects were selected for follow-up field reviews due to unclear project scope, public controversy noted in the file, or missing technical studies. The team decided not to conduct the follow-up field reviews for several reasons: one district later supplied some missing technical information to the review team, the difficulty of arranging the field review logistics with all the necessary people, and the uncertainty regarding the benefits of a follow-up field review.

V. Process Review Team Members

Federal Highway Administration: Lisa Cathcart-Randall⁷, Tay Dam, Dominic Hoang, and Amy Lamson

California Department of Transportation: Germaine Belanger, John Chisholm, Kelly Dunlap, Dale Jones, Gina Moran, and Rich Weaver

⁷ Lisa Cathcart-Randall participated in the process review until January 2007.

VI. Observations, Findings and Recommendation

Based on the questionnaire responses, interviews, and review of selected files, the review team determined that the Caltrans environmental staff in the districts showed a good understanding of the overall CE/PCE process and requirements. In addition, the review team identified many best practices that some Caltrans districts are using, particularly in the areas of documenting, organizing files, tracking, and utilizing the CE form. These best practices are identified in Attachment 6 of this report.

As one of the purposes of this process review was to assess the overall health of the CE/PCE program, Attachment 7 includes some basic statistics. Between 2003 and 2005⁸, Caltrans approved 2,427 PCEs and FHWA approved 875 CEs, for a total of 3,302 total projects categorically excluded from the requirement to prepare an EA or EIS.⁹ For the projects selected for review, the median total processing time was 125 days for PCEs and 810 days for CEs.¹⁰ Most of the questionnaires indicated that there have been both cost and timesavings resulting from the revised PCE agreement (2003), but quantitative data on processing time is not available prior to 2003.

While the process review was conducted by visiting Caltrans districts/regions and examining files kept in those locations, it is important to note that the decisions and documentation contained in those files represent the joint efforts of FHWA and Caltrans;¹¹ as a result, the findings in this process review are shared findings and observations for both the FHWA and Caltrans programs. However, for PCEs, FHWA has substantially delegated the responsibility for compliance to Caltrans, and one of the purposes of this review is to evaluate how well Caltrans performs that responsibility.

The review team identified the following findings, observations, and recommendations, organized by the specific areas of review.

1. Verify whether CE/PCE determinations are appropriate

⁸ At the time of project selection and preparation of this report, Caltrans' 2007 Annual Report (for projects approved during 2006) was unavailable. Therefore, the total overall project numbers for both the capital and local assistance programs are only available through 2005. Projects selected for review approved for 2006 were identified from the LP2000 database and FHWA's Document Management System.

⁹ Compiled from Caltrans Annual Reports (2003 to 2005) and LP2000 spreadsheet provided by Germaine Belanger, Caltrans Local Assistance Program. For the specific calculations, please see Attachment 7.

¹⁰ The review team calculated the median processing time on each of the 66 projects reviewed. For the specific calculations and start date, please see Attachment 7. Determining the processing time was a difficult task because there is not an official start date for CEs like there is for an EIS. Despite this limitation, the review team attempted to find documentation of the environmental start date for each project file reviewed to establish a baseline of the median processing time for both CEs and PCEs statewide. Therefore, the sources for starting dates varied substantially by project. It should be noted that many of these projects were on hold for extended periods of time for issues not related to environmental analysis, including funding, design changes, changed priorities, or local agency delay.

¹¹ Most PCE projects do not have direct involvement by FHWA.

- a. **General Determination Finding:** The review team did not find any projects that clearly had significant environmental impacts, and the review team agreed that the vast majority of reviewed projects were appropriately classified as CEs or PCEs. However, the team identified eleven projects where the environmental file did not include enough information for the team to concur comfortably with the determination.

Discussion: Under 23 CFR §771.117(b), FHWA regulations list the unusual circumstances that require appropriate studies in order to determine if the CE classification is proper, even if the project type is listed as a CE category in 23 CFR §771.117 (c) and (d). These circumstances include significant environmental impacts, substantial controversy on environmental grounds, significant impact on 4(f) or historic properties, and inconsistencies with any federal, state, or local law, requirement, or administrative determination.

For each project, the review team evaluated each of these unusual circumstances to determine by consensus if the project meets the criteria for a CE. No project reviewed clearly had significant impacts, but the review team identified eleven projects where the team could not concur comfortably with the determination.

- Five projects approved as PCEs did not meet the criteria specified in the 2003 PCE Agreement
 - i. Four projects with very high potential for hazardous materials in the ROW¹²
 - ii. One project that was adjacent to a Wild and Scenic River¹³
- Six projects with a lack of information in the environmental file
 - i. Three projects identified for follow-up review (CEs)
 - ii. One project without any supporting documentation (PCE)
 - iii. Two projects for which files were unavailable (PCEs)

One of the projects selected for follow-up review proceeded with a CE despite substantial public controversy. The review team found one project that documented substantial public controversy over community impacts. Due to the extent of the controversy, the review team questioned whether the project should have been determined to be a CE. For this project, FHWA was not informed of the level of controversy when the CE was signed.

Substantial public controversy on environmental grounds is listed as one of the unusual circumstances in 23 CFR §771.117(b) which require appropriate environmental studies in order to determine if the CE classification is proper. Often, CEQA requires a higher-level document than NEPA, for which there might be public meetings for projects determined to be CEs under NEPA. For all projects, the environmental file should contain copies of all public meeting documentation, public comments, agency correspondence, and responses, if any.

¹² More information on the hazardous materials is provided in the Finding 1b.

¹³ The 2003 PCE Agreement does not allow projects that have construction “in, across, or adjacent to a river in or proposed in the National System of Wild and Scenic Rivers” to be determined to be PCEs.

Recommendation: The review team recommends creating a CE checklist to aid environmental planners in making the appropriate CE/PCE determination. A checklist has been created for this purpose and will be available for use as Caltrans assumes CE responsibilities under SAFETEA-LU §§ 6004 and 6005. In addition, the review team recommends creating a checklist that includes all of the criteria for using a PCE. As the 2003 PCE Agreement would be superseded as Caltrans assumes responsibilities for CEs under SAFETEA-LU §6004 and §6005, this recommendation would no longer be applicable as PCE determinations would be eliminated.

In addition, the review team recommends that the new CE checklist incorporate a list of the unusual circumstances for which appropriate studies would be required to classify a project as a CE and that Caltrans remind the districts that all documentation related to issues of public controversy should be included in the environmental file.

- b. **Environmental Engineering Finding:** The review team found that hazardous materials/waste screenings or initial site investigations were not always completed before making a CE/PCE determination. In addition, PCEs were sometimes approved for projects that had high potential for hazardous materials within the project right-of-way.

Discussion: Identifying potential hazardous materials/waste in the project area is critical to understanding how it could affect the project's cost, schedule, and worker and public health and safety. Per the 2003 PCE Agreement, a project that has any *known* hazardous materials/waste within the proposed or existing right-of-way cannot be authorized with a PCE. Aerially deposited lead (ADL) less than 350 ppm or five mg/L soluble is the exception to this requirement. In addition, projects that have high *potential* for hazardous materials/waste within the proposed or existing right-of-way should not be classified as a PCE before conducting additional studies to verify the absence of hazardous materials/waste in the right-of-way.

According to Chapter 10 of Caltrans' Standard Environmental Reference (SER) and the Project Development Procedures Manual, Chapter 18, the three key steps of analysis that need to be documented are the screening, Initial Site Assessment (ISA) and, if needed, the Preliminary Site Investigation report (PSI).¹⁴ An ISA is needed if a project acquires new right-of-way and/or includes excavation.

Chapter 10 of the SER requires, at a minimum, a hazardous materials/waste screening to occur before the environmental review process is complete in order to determine the need for a separate technical report. The team did not consistently find documentation that this screening was done to determine the need to complete an ISA and PSI prior to approving the CE/PCE. At least nine projects deferred some portion of hazardous waste identification efforts until after NEPA, despite a PCE

¹⁴ These steps are also defined in the Work Breakdown Structure (WBS), which Caltrans uses to allocate resources to projects.

determination. At least 15 projects¹⁵ had high potential to encounter hazardous materials within the right-of-way, but a PCE was approved anyway. The details of these projects are listed below.

- One project was adjacent to an industrial use known for contamination
- One project had contamination on the opposite side of a railway berm¹⁶
- Two projects had thermoplastic paint removal
- Four projects noted potentially high levels of ADL in the right-of-way¹⁷
- Three other projects had reported releases of hazardous waste adjacent to the project
- Three projects were adjacent to a gas station, as identified in photos or maps in the environmental file, but the gas stations were not identified in the ISA
- One project identified that an additional site assessment needed to occur to determine the extent of potential contamination, but the environmental file contained no documentation of any follow-up investigation.

The review team identified several possible reasons for the above-mentioned to occur: unfamiliarity with the criteria for using a PCE, lack of documentation in the environmental file, or an inadequate QA/QC process.

It is important to note that the review team found only one project where there was evidence that hazardous materials (high levels of ADL) were definitely present in the right-of-way for a project determined to be a PCE. However, the team reiterates the importance of documenting hazardous materials studies and determinations in the environmental files to ensure that all follow-up investigations are completed as needed and that the NEPA compliance method is appropriate.

Recommendation: The review team recommends including hazardous materials screening and ISA verification in the new CE checklist. If screening suggests further investigation is needed, then an ISA is required. In addition, the review team recommends that whenever a project includes ground disturbance and adjacent land use suggests potential contamination, Caltrans should require documentation from Hazardous Waste staff who meet the “Preparer Qualifications” as identified in the SER Chapter 10. The review team also recommends a revision to the Local Assistance Procedures Manual (LAPM) to require screening and if the screening suggests further work, ISA documentation be completed per the SER, Chapter 10 before approving the CE. As the §6004 MOU would supersede the 2003 PCE

¹⁵ This number includes the four projects listed in Finding 1a that clearly had hazardous waste concerns. This number also includes the nine projects mentioned above that deferred a portion of hazardous waste identification until after NEPA.

¹⁶ It is unclear whether the railway berm would provide an effective barrier to the migration of groundwater contamination into the ROW.

¹⁷ It was not possible for the review team to determine whether the ADL exceeded 350 ppm or five mg/L soluble because this information was not available in the environmental file. However, the environmental files for these four projects only indicated high levels of ADL were present.

Agreement, a recommendation to reiterate that PCEs cannot be approved for projects with hazardous materials/waste within the right-of-way would not be applicable. In addition, the review team recommends that, if the PCE Agreement is modified in the future, FHWA and Caltrans revisit this issue. The review team recommends allowing PCEs with minimal hazardous waste issues, such as thermoplastic paint and non-disturbance of hazardous waste within existing right-of-way, as long as proper identification efforts are completed.

2. Verify that the appropriate approval process is followed by the approving officials

- a. Approval Observation:** The review team found that all of the interviewed staff knew who has authority to approve CE/PCE, and the approving officials understood what they approved.

The 2003 PCE Agreement authorized Senior Environmental Planners (SEPs) as the appropriate approval officials for projects qualifying as PCEs, along with the Project Manager. For local assistance projects (off the state highway system), the DLAE approves the PCE as the Project Manager. These officials must also sign CEs before FHWA approves them. All districts now know who is authorized to sign PCEs, although there is some indication that there was some misunderstanding in the past.

When Caltrans sends out the new CE form and checklist to the districts, the review team recommends that Caltrans clarify that only the SEPs, or designated acting SEPs, have the authority to sign CEs. If the SEP is out of the office, the SEP should designate in writing an acting SEP in order for that acting SEP to be authorized to sign the CE/PCE. Written designation could be as simple as an email from the SEP.

3. Verify whether these projects meet the statewide and metropolitan planning requirements

- a. Planning Finding:** The consistency of the proposed project with the Regional Transportation Plan (RTP) and Federal Statewide Transportation Improvement Program (FSTIP) must be verified at the time of NEPA approval. The responsibility for checking this information varies by district; it could be the Project Manager, Air Quality Specialist, DLAE, or Transportation Engineer. In addition, the environmental files often contained little documentation to demonstrate that all planning requirements were satisfied at the time of NEPA approval.

Discussion: FHWA's NEPA regulations require that FHWA ensure that all activities proposed for federal funding satisfy all metropolitan and statewide planning requirements before proceeding to final design, right-of-way acquisition, and construction, per 23 CFR §771.113(a)(3). In order to comply with this regulation, FHWA requires that all planning requirements be satisfied at the time of NEPA approval. In addition, proposed projects in nonattainment/maintenance areas for air quality need to be listed in a conforming RTP, per 23 CFR §450.322(f)(6). Under 23

CFR §450.220(a), only projects programmed in the FSTIP are eligible for federal funding.

Therefore, it is critical to verify that all planning requirements have been met at the time of NEPA approval. Many projects that are determined to be CEs are often lumped together with other small projects into a category, such as roadway rehabilitation or safety, per 23 CFR §450.324. However, larger projects are often separated out to model air quality conformity.¹⁸ Because the RTP and FSTIP are amended continuously and because the project scope often changes, checking the RTP and FSTIP at the time of NEPA approval is a good practice because the RTP and FSTIP may need to be updated to reflect the current project cost and scope.

Currently, the responsibility for verifying that the project is properly listed in the FSTIP and RTP prior to signing the CE/PCE varies by district, and most environmental staff are not verifying this information, instead relying on the Project Manager, Air Quality Specialist, DLAE, or Transportation Engineer.¹⁹ For Local Assistance projects, the DLAE is currently responsible for all matters pertaining to project funding, including verification that the project is programmed in the FSTIP. For capital projects, most environmental planners assume that the Air Quality specialist or Project Manager verified planning requirements. However, the review team did not consistently find memos in the files that an Air Quality Specialist or Project Manager verified the planning and programming requirements.

For local assistance projects, the DLAE checks the FSTIP at several different stages, including the preparation of a program supplement agreement between Caltrans and the local agency, providing written notification to start, and signing/approving the finance letter in order for a local agency to receive reimbursement. Because the DLAE is responsible for all matters pertaining to project funding, the DLAE would be the responsible official to certify that all planning requirements are satisfied at the time of NEPA approval. The review team found that the engineering files in local assistance often contained planning and programming information, but this information was not in the environmental file nor was it necessarily verified at the time of NEPA approval.

For capital projects, the Project Manager (PM) is responsible for overall project development. Because the review team did not interview project managers, it is unknown whether the PM routinely checks the RTP or FSTIP prior to NEPA approval. Because the PM is responsible for matters pertaining to project development, perhaps the PM would be the responsible official to certify that all planning requirements are satisfied at the time of NEPA approval. For capital projects, the review team did not routinely find planning or programming information in the environmental files.

¹⁸ Please see Finding 6e for a more complete discussion of air quality and conformity issues.

¹⁹ As determined through the interviews conducted as part of this process review.

The review team did not retroactively verify whether the projects selected for review were properly listed on the RTP and FSTIP.

Recommendation: The review team recommends that the environmental file contain documentation of the project’s status in the RTP/FSTIP, such as a printout or memo to file with the project description, cost estimate, page number, and date the listing was verified. In addition, the review team recommends that the revised CE form contain a statement and the new CE checklist include a certification that the project is listed on the RTP and FSTIP. In addition, the review team recommends modifying the Local Assistance Procedures Manual to clarify that, prior to signing the PES Form and again at the time of NEPA approval, the DLAE verify the FSTIP and RTP information.

- b. **Final Design Finding:** The review team found evidence in the files that two projects began final design prior to NEPA approval.

Discussion: Per 23 CFR §771.113(a), “final design activities ... shall not proceed until... the action has been classified as a categorical exclusion (CE)...” The purpose of this regulation is to ensure independent environmental decision-making and avoid predetermination of the NEPA outcome. During project development, only design necessary to support and complete the environmental document, including compliance with NEPA and other related environmental laws and regulations is allowed. Final design activities shall not proceed until the proposed project has been classified as a categorical exclusion.²⁰

For projects determined to be CEs, there is often only one alternative, so design activities do not typically bias the alternatives selection. Furthermore, a bridge replacement project, typically determined to be a CE, often requires a substantial amount of design detail, including bridge width/length, number of piers, and construction method, in order to conduct endangered species consultation, complete NEPA, and obtain permits. However, final design level detail would not typically be necessary.

The review team found evidence that two projects began final design prior to NEPA approval. The first project that began final design prior to NEPA approval was a chip seal project that had 95% PS&E two months prior to the PCE signatures. The second project was a new bridge/box culvert to replace an existing low water crossing that had approved PS&E within five days of PCE signatures. Although the PS&E occurred after NEPA for the second project, the review team believes that it is highly unlikely that final design could have been completed in only five days.

²⁰ FHWA defines “classified” as determined to be one of the actions on the c-list (23 CFR 771.117(c)) or has been approved by FHWA as a d-list action (23 CFR 771.117(d)). Both projects mentioned here are on the d-list. The chip seal is a resurfacing (23 CFR 771.117(d)(1), and the bridge replacement is 23 CFR 771.117(d)(3)

Recommendation: The review team recommends that FHWA send a memo to Caltrans reiterating that final design activities shall not proceed prior to completion of the NEPA process per FHWA regulations.

4. Verify that environmental commitments are incorporated into Plans, Specifications, and Estimates (PS&E)

- a. **Environmental Commitments Observation:** Because there is another process review examining environmental commitment compliance, this review team only performed a cursory review of environmental commitment compliance. Many of the projects reviewed either did not provide PS&E packages to the review team as requested²¹ or the projects had not yet completed final design. Often, the environmental commitments were listed on the continuation page of the CE form. If the PS&E was provided, the review team attempted to verify that these commitments were incorporated. For a minimum of nine projects, the review team was able to verify that these commitments were incorporated into the PS&E.

Environmental commitments for projects that are determined to be CEs are generally minimal and typically focus on avoidance measures, such as work windows or fencing around environmentally sensitive areas. In addition, the review team also found that a minimum of eight projects included Environmental Certification forms in the environmental files.²²

5. Verify environmental reevaluation/consultation of CEs is occurring according to regulations

- a. **Consultation/Re-evaluations Finding:** The review team found inconsistent and missing documentation of consultation and/or re-evaluation of CE determinations.

Discussion: Per 23 CFR §771.129 (c), consultations with FHWA regarding the validity of the approved environmental document or CE determination must occur prior to requesting any major federal approvals from FHWA. Major federal approvals that occur after NEPA (as evidenced by a CE, EA/FONSI, and FEIS/ROD) include undertaking final design, authorizing acquisition of a significant portion of the right-of-way, or approving plans, specifications, and estimates (PS&E). This consultation can take a variety of forms (i.e., written re-evaluation, phone call, letter, email) depending on the extent of changes to the project or the project environment. The 2003 PCE Agreement is silent on re-evaluations. Because the 2003 PCE Agreement delegated the responsibilities for PCEs to Caltrans, there would be no

²¹ The review team acknowledges that a copy of the PS&E is not typically maintained in the environmental file, and the review team is not suggesting that it should be. Instead, the review team recommends that Environmental Planners be able to obtain a copy of the PS&E if requested.

²² The Caltrans requirement for the Environmental Certification form at Ready to List for the capital program began on June 21, 2004.

need for Caltrans to consult with FHWA for changes to the project or the project environment. However, Caltrans should still clearly document those changes.

The review team found that documentation of this consultation process was lacking in most of the environmental files. In fact, the review team only found one environmental file that contained documentation of a consultation with FHWA. For several projects, apparently, the CE was determined during consultation not to be valid, and there was inconsistency in how to “revalidate” the CE and in documenting the reasons for the decision. A new CE was issued for five projects, but a “reevaluation” was prepared for one project. In general, the review team found it difficult to track the project history when the CE was rescinded, superseded, or modified because the environmental file did not clearly document these decisions.

Recommendation: The review team acknowledges that guidance on this topic is currently in development. FHWA and Caltrans have been working together to create guidance on consultation and reevaluation under 23 CFR §771.129 along with a unified form to document the results of consultation and preparation of written re-evaluations. The guidance and the associated form are in final draft and should be finalized by summer 2007. Once the guidance and the form have been finalized, both FHWA and Caltrans staff will be given training on how to use them. The review team recommends that the preparers of this guidance ensure that CEs are also addressed. In addition, the review team recommends that environmental files clearly document when the CE has been rescinded, superseded, or modified for a project.

6. Review Caltrans’ records and process for appropriate tracking/retention

- a. **Project Files Finding:** The review team found that the documentation of decisions, project changes, and conclusions was uneven across the districts. Some Districts had consistently extensive files, fully completed supporting paperwork, and checklists, while other districts had far less substantial and, in some cases, inadequate files/documentation

Discussion: The team found a lot of variability in terms of the quality and completeness of project documentation. Some districts had consistently sufficient files, fully completed supporting paperwork, checklists, project summary sheets that tracked the project history, well-documented reissuance of a CE/PCE, and other project details. In other instances, the level of detail included was insufficient to ascertain why particular actions were taken, how conclusions were reached, or whether/why a CE had been reissued. In addition, one district that outsourced the environmental work to another district failed to maintain a copy of the CE and supporting documentation in their own files. Furthermore, one district was unable to locate files for two projects selected for review.

The 2003 PCE Agreement requires that “All PCE determinations must be documented in writing on the standard CE/PCE form (revised November 2003) and shall be, together with all appropriate engineering reports and supporting

environmental technical studies, retained in the district/region's files for a minimum of three years following completion of the project.”

Despite this guidance, supporting documentation was often lacking on PCEs. The review team found numerous examples of technical files absent from the environmental files despite apparent completion, only drafts or unsigned reports in the files, and notes indicating problems without subsequent documentation of resolution of these issues. In addition, engineering files were often not provided, despite a request from the review team and the requirement in the 2003 PCE Agreement.

Recommendation: The review team recommends that Caltrans and FHWA reiterate to the districts the importance of consistently documenting project decisions and history in the project file and ensuring that good file keeping becomes a regular part of everyone's daily routine.

- b. **Storage Finding:** The review team found wide variability between the districts in terms of the available facilities for storage and retrieval of environmental and project files, especially the amount of storage space available and location of the storage.

Discussion: The review team found that the storage areas for projects files varied from dedicated/centralized areas to a more informal “norm” of items being stored in cubicles and other available space. Some districts had formally established facilities and were fully following proper protocol through the establishment and use of Records Retention Schedules and the Uniform Filing System. In other districts, however, this level of thoroughness was not attained. The 2003 PCE Agreement and 49 CFR §18.42(b) require that all project files be retained at a minimum of 3 years after final voucher. All the interviewed staff indicated that they typically maintain project files for more than 3 years.

For each district that the review team visited, the storage areas were photographed for baseline purposes. For the districts that the team did not visit, the review team requested that the Caltrans districts submit photographs. The review team observed that if a district has a centralized storage area, it seemed easier and required less time for the districts to collect the requested files for the process review. As only three districts actively maintained a centralized filing system with two other districts in the process of acquiring additional storage space, most districts maintained active projects at their cubicles and used other available space to store completed projects.

Many interviewed staff expressed a concern that they did not have enough storage space to meet recordkeeping requirements. Instead of maintaining all information on a project in one location, several districts maintained separate filing areas for environmental engineering files (i.e., hazardous waste, stormwater, etc) or for sensitive information under lock and key, such as locations of archaeological sites or endangered species sightings.

Recommendation: The review team recommends that each district establish formal filing areas for environmental files and create a standardized filing system. In addition, the review team recommends that each district establish and use the requisite Records Retention Schedule and Uniform Filing Systems.

- c. **Tracking Observation:** The review team observed that all districts track their CEs and PCEs, but their methods and quality of tracking vary substantially from district to district.

According to the transmittal letter for the 2003 PCE Agreement to Caltrans district environmental staff, “district environmental branches will maintain a log of the following information for PCEs on the [State Highway System] SHS for each calendar year.” According to the interviews, all of the districts have some method to track PCEs for capital projects (on the SHS). Some districts use an Excel spreadsheet, one district uses Filemaker Pro, one region uses a regional database, a few districts maintain electronic copies of the signed form, and a couple districts leave it up to the SEP. In addition, at least five districts keep a binder just for PCEs. For local assistance projects, all districts acknowledged utilizing LP2000 as the primary method to track CEs and PCEs.

However, the review team observed several instances where the data from LP2000 or the Caltrans Annual Reports were not accurate. The review team observed fifteen data entry errors on approval dates and seven data errors on document type. In addition, the team selected one project from Caltrans Annual report that actually represented three separate projects with three individual CEs. It is critical that proper data entry is emphasized, especially for the annual reports and future process reviews and/or audits. The review team recommends that Caltrans continually emphasize the importance of accuracy of data entry and encourage staff to be more conscientious about it.

- d. **Section 7 Finding:** The review team found that very few environmental files consistently included a reference to the USFWS’s list of species likely to occur in the project area, and Caltrans biologists are not properly documenting their “no effect” determinations in the environmental files, using the requisite language.

Discussion: To comply with the federal Endangered Species Act (ESA), FHWA/Caltrans is required to determine if projects may affect a listed/proposed species and designated/proposed critical habitat. Under Section 7 of the ESA, FHWA/Caltrans has only three options for effect determinations: “no effect”; “may affect, not likely to adversely affect”; or “may affect, likely to adverse affect”. “No effect” is the only determination that does not require coordination with either the U.S. Fish and Wildlife Service (USFWS) or the National Marine Fisheries Service, whereas the other two determinations require biological evaluations/assessments and coordination.

In 2002, FHWA delegated the authority to make effect determinations to Caltrans biologists for the purposes of conducting informal consultation. This authority cannot be further delegated down to local agencies or consultants, even under the proposed NEPA assignments in §6004 and §6005. If a consultant or local agency makes the effect determination, a Caltrans biologist should document their concurrence by a memo to file or by signing the front cover of the report.

Although Caltrans guidance (SER Volume 3) identifies the need for documenting the ESA “no effect” determination, the team did not find consistent documentation of this determination in environmental files. This documentation could be located in the Natural Environment Study, the Biological Evaluation/ Assessment, a biologist’s memo to file, or even the CE form itself. Every district in Caltrans had some difficulty documenting “no effect” determinations in the files examined by the review team. Often, no determination was documented in the environmental file or the proper terminology for the determination was not used.

Often the Biological Assessments did not address all species on the USFWS species list; instead, only those species that would be affected by the project were addressed. Caltrans guidance and templates state that all species on the species list should be addressed in the Biological Assessment, even those species for which Caltrans makes a “no effect” determination.

If species are likely to occur in the project vicinity, FHWA/Caltrans is supposed to request a species list from USFWS. Technically, a species list is not explicitly required for CEs, which are not considered a “major federal action” under ESA unless species are likely to occur. However, every county in California has listed species, and it can be difficult to determine which species could occur without a list. Requesting an official list can be burdensome for a very small project that will not affect any listed species or critical habitat. However, two of the four USFWS offices in California provide an online official species list that suffices as a list of species in the project vicinity to make a “no effect” determination. The remaining two USFWS offices provide an online database by county and can provide a list by USGS 7 ½ minute quad if requested.

Recommendation: To ensure documentation of an effect determination for all species that are likely to occur in the project area, the team recommends including the effect determinations on the new CE checklist. If there are multiple species with different effect determinations, Caltrans biologists should document the effect determinations made under ESA for each species. As a best practice, the review team recommends that the biologists check either the online official species list or the online database, as available. Additionally, the review team recommends that the Caltrans guidance on documenting endangered species processes be updated to reinforce this requirement, and that the Office of Biological Studies send a reminder to the districts that reiterates this guidance.

- e. **Air Quality Finding:** The review team found that ten projects files did not demonstrate or document project-level conformity as required. In addition, the review team did not find any projects that mentioned Mobile Source Air Toxics (MSATs) in the environmental files of the seven reviewed projects authorized after the February 3, 2006 implementation date.

Discussion: 40 CFR §93.114 and 23 CFR §450.220(a) require that all projects utilizing federal funds come from a conforming RTP and FSTIP at the time of project approval. MPOs model regional air quality based on the transportation projects on these lists in order to demonstrate regional conformity for transportation projects in nonattainment and maintenance areas. Therefore, verification that a project is included in the RTP is the first step in demonstrating project-level conformity. In addition, a project that is located in a Carbon Monoxide or Particulate Matter (PM10) nonattainment/maintenance area must also analyze potential hotspots to demonstrate project-level conformity, per 40 CFR §93.116.²³ Caltrans SER Chapter 11 identifies the process for regional conformity analysis through the RTP and using hot spot analysis. However, the team did not consistently find documentation of proper conformity determinations or hotspot analysis in nonattainment areas.

In addition, the review team did not find any projects that mentioned Mobile Source Air Toxics (MSATs). MSATs are a relatively new area of concern with interim guidance issued on February 3, 2006, describing how to address the issue in NEPA. For the seven projects authorized after February 3, 2006, the team did not find any documentation to verify project compliance for MSATs. Most projects determined to be CEs will be exempt from quantitative analysis of MSATs. The Air Quality Specialist should note in their review whether the project qualifies as exempt, low potential MSAT effects (qualitative analysis), or higher potential MSAT effects (quantitative analysis required). FHWA's interim guidance states that the "project record should document the basis for the determination of "no meaningful potential impacts" with a brief description of the factors considered" and provides prototype language that could be included in the record.

Recommendation: The review team recommends that the new CE checklist include hot spot analysis, RTP/TIP information, and MSATs. The current MSAT template (HQ Planning Division Guidance) is a useful tool that should be used where necessary.

- f. **Local Assistance PES Finding:** The review team found that two districts are using the PES form to document conclusions of technical studies instead of using the PES form as a scoping document.

Discussion: Chapter 6 of the LAPM clearly defines the PES Form as an early scoping/preliminary investigation tool, outlining the NEPA Class of Action, required technical studies, required agency coordination and required permits based on

²³ 40 CFR §93.126 lists projects exempt from all conformity, and 40 CFR §93.127 lists projects exempt from regional conformity.

preliminary research. However, the review team found that two districts are using the PES form to document conclusions of technical studies instead of as a scoping document that identifies technical studies that need to be conducted. The answers on the expanded PES form were used to support the CE/PCE determination instead of the technical reports themselves. In these two districts, the PES form often took several years and several iterations to complete to Caltrans' satisfaction. Upon approval of the PES form, Caltrans very quickly approved the PCE.

Recommendation: The review team recommends that the Division of Local Assistance update the LAPM and PES form instructions to clarify the purpose and proper use of the PES Form. These instructions should explain that where the PES Form indicates no Technical Studies are required, the Continuation Sheet of the CE Form should summarize how the requirements of relevant federal environmentally related laws have been met. In addition, these instructions should reiterate the purpose of PES Form in the local assistance training course (ITS Federal-Aid Project Development for Local Agencies, Course II: Federal Requirements for Environmental Analysis).

- g. **CE Form Finding:** The review team found wide variability in the level of detail was provided on CE form and continuation sheets. The review team also found examples of hand-written alterations to the CE form without initials or dates.

Discussion: The Continuation Sheet on the CE/PCE form was created to provide additional space for the Project Description. During the process review, the review team observed that some districts utilize the Continuation Sheet to summarize the outcome of technical reports, consultations, and NEPA commitments. The review team considered this summary information to be very helpful in quickly determining if the requirements of other federal environmental laws had been satisfied instead of wading through large files.

Some CE forms had good project descriptions and the continuation sheet often included additional information such as results of consultations, environmental commitments, right-of-way requirements, and technical studies prepared to support the determinations.

However, there were instances where the project descriptions were not clear, or right-of-way requirements were missing. Furthermore, there were instances where additional supporting information for the CE determination was neither contained on the continuation sheet nor in the environmental file. As a result, the validity of some CE/PCEs could not be immediately and objectively confirmed. At the other extreme, the review team also found that one district prepared CE forms that frequently exceeded five pages of text. Furthermore, the CE form is an official document that demonstrates compliance with NEPA and often other federal and state laws and regulations. The review team believes that it is inappropriate to have hand-written comments, project descriptions, or project numbers on the signed CE form because of the potential perception that the document may have been altered after approval. The

review team found three projects with this situation. While it is always better to type up a new form, in rare exceptions, hand-written corrections may be necessary. In this situation, the corrections should be minor and then initialed and dated by one of the signatories. In addition, it is important to ensure that this corrected form is retained in the official project files.

Recommendation: The team highly recommends developing a new CE checklist to provide supporting documentation for the CE, which would eliminate the need for lengthy CEs. Additionally, the team recommends that the Caltrans guidance on CEs be updated to reflect the findings in this report. Caltrans should then promote this guidance to the Caltrans districts and emphasize that the instructions on the CE form need to be followed. Any needed revisions to the CE form can be made using the revalidation form that will be part of the re-evaluation/consultation guidance.

VII. Implementation Plan

The implementation plan would rely on agreed-upon recommendations proposed in this report, and Caltrans' determination on how best to implement these recommendations. To the extent appropriate, FHWA would assist Caltrans in developing the procedures, guidance, and/or processes necessary to ensure successful incorporation of recommended process improvements.

The MOU implementing the Assignment of Responsibilities for Categorical Exclusions under SAFETEA-LU §6004 was effective on June 7, 2007, and the MOU implementing the NEPA Pilot Program was effective on July 1, 2007. Many of the recommendations in this report have already been implemented or are in development, including the revised CE form, new CE checklist, and guidance on re-evaluations. In addition, most of the team members of this process review have also participated in other preparations for both the §6004 CE Assignment and §6005 NEPA Pilot Program, and have already incorporated some of the knowledge gained from this review into those efforts.

One requirement of the §6004 MOU would be for FHWA to conduct a review of Caltrans' compliance at least every 15 months. As such, the future reviews will also be a component of the implementation plan. The review team members will draft a set of "lessons learned" to assist in future process reviews on CEs.

For this process review, the review team primarily focused on documentation and decisions, in addition to collecting data to use as a baseline. The review team recommends that future process reviews focus on implementation of the recommendations from this report, compliance with the myriad of federal laws and requirements, and follow-up field reviews to determine proper scoping and project descriptions.

VIII. Conclusion

After reviewing 66 files from across the state, the review team concludes that the overall health of the CE/PCE process in California is generally good. However, the majority of the findings and recommendations center on the need for improved documentation in the environmental files. Implementation of the identified recommendations in this report would greatly enhance the process and facilitate future process reviews and/or audits.

IX. Attachments

1. CE/PCE Questionnaire and Response rate
2. Review Checklist
3. Interview Questions and Interviewees
4. Projects Selected for Review
5. List of Project Files Requested
6. Best Practices
7. CE/PCE Statistics
8. Project Scope Statement

Attachment 1: CE/PCE Questionnaire and Response rate

CE/PCE PROCESS REVIEW QUESTIONNAIRE

District # : _____

Please check one: _____ Capital or _____ Local Assistance

1. Do you have guidance or checklists to facilitate the determination of level of analysis?
2. Who determines whether a project meets the requirements for a PCE or CE? How do they make that determination?
3. Who has the authority to sign PCEs?
4. Does guidance exist on how to process CE/PCE projects?
5. What are the procedures for processing CE/PCE projects?
6. For projects individually listed in the applicable plan and program, how do you ensure that CE/PCE projects are on the RTP/FSTIP, have consistent scope, and cost estimates?
7. What is the process used to address air quality conformity requirements?
8. What is/are the procedures for ensuring that environmental commitments are incorporated in PS&E packages on CE/PCE projects?
9. How long do you keep your project files, particularly CE/PCE documents and associated technical studies?
10. Who/where are project files kept?
11. Have there been any cost or timesavings resulting from the revised PCE agreement (2003)?
12. How many staff and with what expertise is available in your unit to fulfill your responsibilities on CE/PCE projects?
13. Are there specific issues within the CE/PCE program that you see as problematic?
14. In your experience, can you give any examples of what has worked well with the CE/PCE process and what needs improvement?

Response Rate

District	Capital	LAP
1	X	XX
2	XX	X
3	XXXXXX	X
4	X	
5	X	XX
6	XX	XX

District	Capital	LAP
7		XX
8	X	XX
9	X	
10	X	X
11	X	X
12		X

Attachment 2: Review Checklist

Date Reviewed: _____

Categorical Exclusion Process Review Checklist

Project Name	_____.
District _____	County _____.
Project or EA # _____	Local Agency _____.
Document Type <u>CE</u> <u>PCE</u> (circle one)	Date approved _____.
Project Description	_____.
	_____.

DETERMINATION (23 CFR 771)

<input type="checkbox"/> (c) list _____	<input type="checkbox"/> (d) list _____.
<input type="checkbox"/> Technical studies	<input type="checkbox"/> Resurface, restore, rehab, reconstruct
<input type="checkbox"/> Highway safety plan activities	<input type="checkbox"/> Add shoulders/aux lanes
<input type="checkbox"/> Landscaping	<input type="checkbox"/> Highway safety or traffic operations improvement
<input type="checkbox"/> Emergency repairs	<input type="checkbox"/> Bridge rehabilitation/reconstruction/replacement
<input type="checkbox"/> Fencing, signs, pavement markings	<input type="checkbox"/> New grade separated railroad crossing
<input type="checkbox"/> Signals, railroad warning devices	<input type="checkbox"/> Excess right-of-way or hardship acquisition
<input type="checkbox"/> Bike/ped facilities	<input type="checkbox"/> Change in access control
<input type="checkbox"/> Meets PCE agreement	<input type="checkbox"/> Unlisted Project _____.
<input type="checkbox"/> Less than 10 ac new ROW	<input type="checkbox"/> Less than 4 relocations
<input type="checkbox"/> No individual 4(f)	<input type="checkbox"/> Less than 1.5 ac wetlands
<input type="checkbox"/> No formal §7 consultation	<input type="checkbox"/> No Coast Guard construction permits
<input type="checkbox"/> No adverse effect under §106	<input type="checkbox"/> Consistent with Coastal Zone plan
<input type="checkbox"/> Conforms to Air Quality SIP	<input type="checkbox"/> No haz mat other than ADL
<input type="checkbox"/> No acquisition of ag land (> 60 points)	
<input type="checkbox"/> No construction in, across, or adjacent to National System of Wild and Scenic Rivers	
<input type="checkbox"/> No encroachments in regulatory floodway/significant encroachment on 100-year base floodplain	
<input type="checkbox"/> No unusual circumstances	
<input type="checkbox"/> No significant environmental impacts	
<input type="checkbox"/> No substantial controversy on environmental grounds	
<input type="checkbox"/> No significant impact on properties protected by §4(f) or §106 of National Historic Preservation Act	
<input type="checkbox"/> No inconsistencies with any Federal, State, or local law, requirement or determination	
<input type="checkbox"/> Proper Conformity Determination	<input type="checkbox"/> Project exempt from conformity
<input type="checkbox"/> Inappropriate determination _____	(reason)

DOCUMENTATION

<input type="checkbox"/> Adequate summary of project and impacts	<input type="checkbox"/> Inadequate summary of project and impacts
<input type="checkbox"/> Appropriate technical studies	<input type="checkbox"/> Missing required technical studies
<input type="checkbox"/> Inadequate documentation _____	(reason)

APPROVALS

<input type="checkbox"/> Appropriate Caltrans signature _____	(name if legible)
<input type="checkbox"/> Appropriate FHWA signature _____	(name if legible)

___ Inappropriate approval _____ (reason)

IMPLEMENTATION

- ___ Consistent cost/scope/design ___ Inconsistent cost/scope/design (not updated)
- ___ Consistent with planning documents ___ Inconsistent with planning documents
- ___ Environmental commitments incorporated ___ Environmental commitments not incorporated

RE-EVALUATIONS

- ___ Project under construction ___ Construction completed
- ___ No re-evaluation necessary ___ Consultation/Re-evaluation not completed
- ___ Documented re-evaluation/consultations _____ (dates)

RECORDKEEPING

- ___ File organized, efficient, readily available ___ Project file kept at least 3 years (so far)
- ___ Project file complete ___ Missing documents _____
- ___ Signed CE/PCE form
- ___ PES PEAR PSR PSSR PR PS&E Field Review
- ___ Biology NES /BA / BE memo to file concurrence / BO
- ___ Cultural resources HPSR / FOE memo to file concurrence / MOA
- ___ Haz Mat ISA / PSI memo to file resolved
- ___ Air Quality technical study memo to file conformity determ
- ___ 4f de minimis programmatic individual
- ___ Other _____ technical study memo to file concurrence
- ___ Other _____ technical study memo to file concurrence
- ___ Agency comment letters _____
- ___ Environmental commitments record ___ Documentation of re-evaluation
- ___ Proof of programming in RTP ___ Proof of programming in FSTIP
- ___ Evidence of change in project scope ___ Evidence of down-scoping (from EIS or EA)
- ___ Public involvement documentation and/or public comments

LENGTH OF ENVIRONMENTAL PHASE

- ___ Project Initiation Date Provided Date: _____
- Source: _____
- Time to Process: _____

OTHER

Attachment 3: Interview Questions and Interviewees

Name:

Title:

Date:

- What is your role in the process? What is your expertise/experience?
- How many people do you have on your staff? What is their expertise?
- Do you have enough experience, expertise, and staff to handle the workload?
- Walk me through the typical process for a CE.
- What is the name of the people in your office who can sign PCEs?
- Is most of your CE work completed in-house, by consultants, or a combination?
- How do you ensure that planning and air quality requirements are met?
- How do you track how long it takes to process CE and PCE projects?
- How do you track your PCEs? Do you keep a log (as required in the PCE agreement)?
- Can you share some suggestions for improving the process?
- Can you show us where keep your files?

D1 – Jan Bulinski (DLAE), Mark Mueller, Darron Hill (TE)

D2 – Cindy Anderson (Acting office chief), Chris Quiney (EC), Julie Owen (LAP)

D3 – Virginia Denison (SEP LAP), Ben Bramer (DLAE), Steve Probst (TE LAP), Michael McCollum (TE LAP), Dawn Cheser (Planner LAP), John Webb (NR Office Chief LAP)

D3 – Jeremy Ketchum (SEP)

D4 – Melanie Brent (Enviro Analysis Office Chief), Valerie Heusinkveld (SEP), Jared Goldfine (SEP)

D4 – JoAnn Cullom (SEP LAP), Muhaned Aljabiry (DLAE)

D5 – John Luchetta (SEP)

D5 – Mike Giuliano (DLAE), Gary Ruggerone (SEP)

D6 – Gail Miller (SEP), Jim Perrault (DLAE) Lance Brangham (SEP)

D7 – Carlos Montez (SEP), Gary Iverson (SEP), Dale Benson (TE LAP), David Wang (TE LAP), Dawn Kukla (SEP LAP), Jim Kaufman (TE)

D7 – Carlos Montez (SEP), Gary Iverson (SEP)

D8 – Sean Yeung (DLAE), Alicia Colburn (SEP LAP), Stephanie Blanco (SEP), James Shankel (Acting SEP)

D9 – Tom Dayak (SEP), Tom Meyers (DLAE), Juergen Vespermann (SEP)

D10 – Mary Oliva (SEP), Kirsten Helton (SEP)

D10 – Margaret Lawrence (SEP LAP), Julie Myrah (SEP LAP)

D11 – Joseph Asuncion (LAP), Barbara Balch (LAP), Clint Harris (SEP LAP), Kevin Hovey (SEP), Susanne Glasglow (Deputy District Director)

D12 – Alan Williams (DLAE), Crisanto Tomongin (TE LAP), Leslie Manderscheid (SEP). Dawn Kukla (SEP)

D12 – Dawn Kukla (SEP), Leslie Manderscheid (SEP), Smita Deshpande (SEP)

Attachment 4: Projects Selected for Review

Environmental Documents Selected for Process Review

District	County	Agency	Project Prefix	Project # or EA #	Location / Route / KP	Work Description	Env Doc	Date Signed
1	HUM	Caltrans		31440	101 KP56.2-57.5	Replace SB Van Duzen Bridge	CE	1/5/04
1	MEN	Fort Bragg	RPL	5088(010)	on Franklin Street from Oak Street to Manzanita Street	street reconstruction including drainage and pedestrian improvements	PCE	10/20/05
1	MEN	Caltrans		291710	1 KP60.83	New Tieback Retaining Wall	PCE	6/23/06
1	MEN	City of Wilits	BRLS	0582(002)	Railroad Ave Bridge over Baechtel Creek	Bridge Replacement	CE	9/6/06
2	THE	Caltrans		29592	99 KP16.0-17.3	Dye Creek Bridge Replacement	CE	2/23/04
2	PLU	Plumas County	STPLX	5909(060)	On Arlington Rd at Indian Cr 0.1 mi w of Beckwourth-Greenville Rd, Br#9C0009	Bridge Rail	PCE	3/5/04
2	MOD	Modoc County	BRLO	5903(028)	On County Rd 85 at 4.7 mi west of Hwy 299 over the Pit River , Br#3C0092	Bridge Replacement	PCE	5/29/04
2	SHA	Shasta County	BRLO	5906(070)	Zogg Mine Road at Zogg Creek, Bridge #06C-223	Bridge Replacement	PCE	1/7/05
2	SHA	RDG	RSTPL	5068(019)	South Bonnyview Rd	South Bonnyview Road from the Sacramento River to State Route 27	CE	10/3/06
3	SAC	Sacramento	STPL	5002(084)	at the intersection of 16th / 12th Streets and Richards Blvd.	Construct new signalized intersection	PCE	5/5/03
3	ED	Caltrans		0A390	89 KP23.6-24.7	Slope Stabilization	CE	5/7/03
3	NEV	Caltrans		3A260	49 KP7.4-8.9	Safety Project - Shoulder Widening	PCE	3/5/04
3	SUT	Sutter County	BRLO	5918(052)	Cranmore Road at East Canal	Bridge Replacement	CE w/ tech studies	8/12/04
3	ED	Caltrans		4C090	49 KP6.6/8.2	Geotech Investigations for Logtown Safety Project	PCE	3/28/05
3	YUB	Marysville	STPL	5009(024)	In the city of Marysville - Rideout Way from Hall St to Covillaud St - roadway rehab	Road Rehabilitation	PCE	7/12/05
3	YUB	Marysville	STPL	5009(023)	(1) East 17th Street from Huston Street to State Route (SR) 20; (2) on East 18th Street from Covillaud to SR 70, and (3) on East 19th Street from Hall Street to Covillaud Street.	Road Rehabilitation	PCE	8/11/05
3	BUT	City of Chico	BRLS	5037(014)	Cohasset Rd between Sycamore Creek and Airpark Blvd	Road Widening and Bridge Replacement	CE	11/6/06
3	SIE	Caltrans		2E7000	49 PM 18.63 (north of Downieville)	Replace Rock Slope Protection	PCE	11/30/06

4	MRN	Fairfax	CML	5277(016)	SFD Blvd. From Oak Manor Drive to June Ct. in Fairfax	Sidewalk	PCE	6/2/03
4	SON	Caltrans		20990	128 KP17.2-21.7	Replace Maacama & Redwood Ck Bridges	CE	6/20/03
4	CC	El Cerrito	CML	5239(008)	Fairmont Ave.	Ped/Bike/Streetscape Improvements	PCE	10/27/03
4	CC	Oakland	STPLH	5012(073)	Citywide	Bicycle Related - Other	PCE	3/12/04
4	SOL	Solano County	BRLO	5923(041)	Cook Lane at Baker Slough (Bridge #23C-0063)	Bridge replacement	CE w/ tech studies	4/26/04
4	SF	Caltrans		926781	280 KP5.7	Excess Land Sale	PCE	9/27/04
4	SOL	Vallejo	HP21L	5030(034)	Wilson Avenue from Hichborn Dr. to SR 37	Road widening, realignment and reconstruction of lanes, sidewalks, bike paths, turnouts and signals	CE w/ tech studies	3/21/05
4	SON	Caltrans		28380	116 KP41.8-44.7	Improve Vertical and Horizontal Curves and Widen Roadway	CE	8/1/05
4	NAP	Napa County	STPL	5921(036)	Wooden Valley Road from the Solano County Line to SR 121	Road Rehabilitation	PCE	10/5/05
4	NAP	Napa County	STPL	5921(037)	Silverado Trail from 0.5 Mile north of Oakville Cross Rd to 1.5 miles south of Oakville Cross Rd	Road Rehabilitation	PCE	11/21/05
4	SOL/ NAP	Caltrans		15290K	80 PM 5.6-R28.4 6.8-8.0	Install Traffic Operations System elements	PCE	1/11/06
4	ELD	CA Parks and Rec		RT-09-006	Rubicon Trail in the D.L. Bliss State Park	Trail Reconstruction	CE	2/2/06
4	CC	P1H1	BRLS	5375(009)	Golf Club Rd over Grayson Cr	Bridge Replacement	CE	11/8/06
5	SLO	Arroyo Grande	STPLX	5199(015)	On Traffic Way over Arroyo Grande Creek Brd No. 49C-318	Bridge Rail	PCE	4/5/04
5	SCR	Caltrans		0A700	9 KP20.8	Waterman's Gap Intersection Modification	PCE	5/6/04
5	MON	King City	BRLSZD	5194(002)	FIRST STREET AT SAN LORENZO CREEK--BR. NO. 44C0059	Seismic Retrofit	PCE	9/7/04
5	SLO	San Luis Obispo County	STPLER	5949(057)	IN SAN LUIS OBISPO COUNTY, LOS OSOS ON SANTA YSABEL ST: SECOND ST TO SOUTH BAY BLVD	TRAFFIC CALMING & BEAUTIFICATION	CE w/ tech studies	10/13/04
5	SBT	San Benito County	STPLZ	5943(022)	IN SAN BENITO COUNTY AT THREE BRIDGES, BRD. NO'S 43C-0022, 0042 & 0046.	SEISMIC RETROFIT - 3 BRIDGES	CE w/ tech studies	12/20/04
5	SLO	Caltrans		0A550	166 KP42.5-45.1	Realign Horizontal Curves	CE	1/31/05
5	SB	Caltrans		0H920	166 KP26-30.2	Rock and Slope Protection	PCE	5/17/05
5	SCR	Santa Cruz	RPSTPL	5025(023)	City of Santa Cruz over San Lorenzo River under SR-1 to Encinal St.	Construct Bike/Ped Bridge & Bike Path	PCE	12/15/05

5	SLO	County of Saint Luis Obispo	RPSTPLE	5949(097)	Main St in town of Cambria between Burton Dr and Cambria Dr	Street enhancements - lighting and crosswalks	PCE	1/3/06
6	FRE	Fresno County	BRLO	5942(047)	Huntington Lake Road Bridge over Balsam Creek.	Bridge Replacement (BR# 42C-0062)	CE w/ tech studies	1/22/04
6	KER	Bakersfield	CML	5109(089)	construct right-turn lanes on (1) Truxton Ave at Commercial Way; (2) Truxton Ave at Office Park and (3) Ming Ave at the SR99 N/B on/off ramps.	Turning Lane	CE w/ tech studies	1/25/04
6	FRE	Caltrans		46640	180 KP124.4	Kings Canyon Park Side Hill Viaduct	CE	4/1/04
6	KIN	Caltrans		47480	43 KP22.3-22.7	Flint Avenue Intersection Improvements	PCE	5/24/04
6	KIN	Caltrans		32550	198 KP9.4-10.2	Construct Interchange	CE	6/15/05
6	KER	Bakersfield	STPL	5109(092)	(1) Harris Rd from Gosford Rd to 450ft e/o Silvergate St; (2) Harris Rd from Stine Rd to Annette St; (3) Madison St from Hayes St to SR58 and (4) "Q" Street: 31st St to Columbus St	AC Overlay, road reconstruction and rehabilitation	PCE	7/8/05
6	FRE	Clovis	STPL	5208(067)	Peach Ave: Herndon Ave to 150 ft s/o Magill Ave	Roadway Widening	CE w/ tech studies	9/2/05
7	LA	Artesia	DEM03L	5355(018)	Artesia Blvd: Gridley to Pioneer; 183rd St: Gridley to Pioneer; Pioneer Blvd: South St to 183rd St	Pavement resurfacing, Streetscape, Traffic Calming, Angle Parking, Signal Upgrade	CE w/o tech studies	1/13/03
7	LA	Alhambra	HP21L	5130(011)	Mission Rd: First St to easterly city limit	Roadway Widening	PCE	3/10/03
7	LA	Caltrans		2N9701	405 KP7.4	Highway Improvement	PCE	3/18/03
7	LA	Arcadia	STPL	5131(009)	various streets; Duarte Road Rehabilitation, Sunset Blvd, Santa Anita Ave.	Road Rehabilitation	PCE	7/30/03
7	VEN	Caltrans		4J9700	33 KP8.89.4	Asphalt/Drainage Improvements	PCE	9/19/03
7	VEN	Camarillo	BRLO	5393(010)	The bridge is located west of Via Rosal to approximately 70m east of Calleguas Creek	Replace Pleasant valley Rd Bridge at Calleguas Creek. Widen Pleasant Vally Rd.	CE w/ tech studies	10/31/03
7	LA	Caltrans			101	Off-Ramp Widening	CE	12/3/03
7	LA	San Gabriel	STPL	5217(005)	San Gabriel Blvd from Las Tunas Dr to Longden Dr	Road Rehabilitation	PCE	2/19/04
7	LA	Caltrans	199630	24440K	405 KP0.0-20.3	Replace Bridge Approach/departure slabs and Grind PCC	PCE?	5/17/04
7	LA	Baldwin Park	STPLH	5323(014)	Los Angeles St & Stewart Ave, Los Angeles St & Bresse Ave, Los Angeles St & Center Ave	New Signals	PCE	10/11/05
7	VEN	Caltrans		4L6001	118 KP12.5-13.0	Rebuild slope & MBGR (Dir Order)	PCE	11/15/05

7	VEN	Caltrans		1189G1	150 KP30.17	Bridge Replacement	CE	3/6/06
8	RIV	Caltrans		08-0C990	86S	Left Turn Lanes, traffic signals, and flashing beacons	PCE	7/15/03
8	RIV	Caltrans		44530	371 KP72.28	Add a right turn lane on EB SR371 to southwest quadrant of Kirby Rd intersection in city of Anza	CE	4/15/04
8	SBD	San Bernardino County	CML	5954(071)	Near Redlands at the intersection of SR 38 and Wabash Avenue	Signals and interconnect	PCE	5/21/04
8	RIV	Caltrans		46350	060 KP6.7	In Riverside County from Byrne Rd to Valley Way	CE	5/10/05
8	SBD	Highland	STPL	5449(009)	5th Street from SR 30 to Boulder Avenue	Roadway widening	CE w/ tech studies	6/14/05
8	SBD	Yucaipa	BRLKS	5457(008)	3rd Street at Wildwood Creek	New bridge to remove low water crossing	PCE	7/21/05
8	RIV	Caltrans		0F950	078 KP0	From County Line to Hobson Way in Riverside County	CE	9/7/05
9	MNO	Caltrans		31760	395 KP93-120.5	Walker CAPM	CE	10/27/04
9	KER	California City	CML	5399(006)	Neuralia Road from Moss Avenue to Redwood Boulevard	Paving of a dirt road	CE w/ tech studies	2/5/05
9	INYO	Caltrans		316600	395 KPR13.7-19.0	Roadway Rehab and bring up to current standards	CE	1/31/06
10	SJ	Stockton	TCSP016	5008(060)	Project# E2CA16 - Miracle Mile / Pacific Avenue. City of Stockton; on Pacific Avenue from Castle Street to Harding Way.	Road Rehabilitation	PCE	4/16/03
10	SJ	Stockton	STPLH	5008(068)	intersection of March Lane and Pershing Avenue.	Add left turn lanes and modify traffic signals	PCE	11/26/03
10	STA	Escalon	STPL	5337(008)	On Mchenry Ave Between Catherine Ave and Jones Rd.	Road Rehabilitation	PCE	5/3/04
10	SJ	Caltrans		3A120	5 KP R13.9-R15.6	Mossdale Widening	CE	6/29/04
10	SJ	Caltrans		49900	26 KP15.3-15.9	Bellota Curve Correction	PCE	8/2/04
10	SJ	San Joaquin County	BRLSZD	5929(135)	Tracy Blvd. across Grant Line Canal (Br# 29C-0022).	Seismic Retrofit (Mandatory)	CE w/ tech studies	1/10/05
10	MER	Merced	CML	5085(012)	Fahrens Creek Bikepath between West Donna Drive and Auburn Court.	Construct Bike Path which includes constructing bike crossings over Fahrens Creek	PCE	3/21/05
10	MER	Los Banos	CML	5160(011)	Near Los Banos HS, at Page Avenue, crossing the CCID Canal to Bluff Drive in the Cresthills subdivision in Los Banos.	Construct Pedestrian/Bicycle Bridge	PCE	4/27/05
10	MER	Caltrans		38150	165 KP26.9-30	"AC Overlay, Digouts, Intersection" Improvements & Shoulder Widening	CE	8/16/05

10	SJ	San Joaquin County	BHLS	5929(119)	Wilson Way Bridge (Br # 29C-0048) across the Stockton Diverting Canal.	Bridge Rehabilitation	CE w/ tech studies	10/24/05
10	STA	Caltrans		0F730	99 KPR15-R23.3	Highway Planting Restoration	PCE	11/17/05
10	SJ	Caltrans		0L6601	26 KP16.0-17.6	Flashing warning beacons, pavement lights, pavement markings	PCE	6/28/06
10	MPA	Caltrans		0P440	Ferguson slide - SR 140 between Briceburg and El Portal	ER to bypass landslide	CE	8/10/06
12	ORA	Caltrans		0F6201	5 KP10.9	Widening to Standard land and shoulder widths	PCE	2/10/03
12	ORA	Mission Viejo	STPL	5451(022)	Alicia Parkway from Muirlands Boulevard to Charlinda Drive	Roadway widening	CE w/ tech studies	5/14/03
12	ORA	La Habra	STPL	5266(009)	Lambert Road from the west city limits west of Wall Street to Beach Boulevard (SR 39)	Road rehabilitation	PCE	5/19/03
12	ORA	La Habra	STPL	5266(010)	Lambert Road from Monte Vista Avenue to Harbor Boulevard and Hacienda Road from Whittier Boulevard (SR 72) to the North City Limits	Road rehabilitation	PCE	5/19/03
12	ORA	Caltrans		952121	5 KP29.2	Air Space lease	CE	7/2/03
12	ORA	Irvine	STPL	5410(052)	MacArthur Boulevard from Campus Drive to Douglas and from Main Street to 1,000 feet south of Redhill Avenue	Road rehabilitation	CE w/o tech studies	10/7/04
12	ORA	Caltrans		0C550K	133 KP0.0	Rehab pavement from Forest Ave to SR1 in Laguna Beach, including sub-grade excavations for curb and gutter replacement and possible geotech borings	PCE	10/27/04
12	ORA	Caltrans		0H2033	57 KP25.1	Repair damaged slope drainage pipe, remove excess dirt and build toe of slope	PCE	6/1/05
12	ORA	Anaheim	STPL	5055(112)	Lincoln Avenue from 700 feet west of Rio Vista Street (SR 57) to Rio Vista Street	Road rehabilitation	PCE	10/28/05

Attachment 5: List of Project Files Requested

Example: DISTRICT 1

Tentative Field Visit Dates

- Feb 15 and 16
- Files reviewed in District 3 - Sacramento

Team Members

- Amy Lamson, FHWA
- Dominic Hoang, FHWA
- Gina Moran, Caltrans
- Germaine Belanger, Caltrans LAP

Needed for Field visit:

- Project files
- Conference room – big table for team to examine files
- Access to a copy machine or all copied files
- Time with Senior EP (1 hour)
- List of names of Senior EPs who can approve PCEs (2003 to present)

Project Files needed:

- CE/PCE form
- All technical study reports
- Technical specialist memos to file (i.e., biology, cultural resources, AQ clearance, etc)
- Agency comment and/or concurrence letters or BOs (USFWS, NMFS, SHPO, etc), if any
- PES/ PEAR/ PID/PSR/PSSR/PR, if available
- Environmental Commitment Record, if any
- PS&E, if available
- Public involvement documentation and/or public comments, if any
- Documentation of re-evaluation/consultation with FHWA, if any
- Evidence of changes in project scope
- Proof of programming (RTP/FSTIP), if available (page number, emails to Planning, etc)
- Field Review form
- Current project status – in final design, under construction, or completed
- Project Initiation Date

Attachment 6: Best Practices

Project file / Organization

- Well-organized files with tabs indicating separate compliance areas (bio, cultural, etc)
- Evidence of public involvement and comments, if available
- Emails in file and memos to file
- Copies of comment letters to local agencies
- Used post-it notes to indicate if something has changed
- Providing project status on post-it note on folder
- Included FSTIP info/ RTIP funding pages
- Included maps, CDs, photos, if available
- “Authorization to proceed” package included environmental info
- Showed oversight of consultants through concurring memos and emails

Tracking

- North Region tracking system
- Good tracking and good evidence of QA/QC

CE form

- Include list of technical studies, clearance, and all mitigation measures on CE form
- Used CE continuation page to document date of concurrence letters from USFWS, NMFS or SHPO
- CE form stated that it superseded a previous CE
- CE form stated permits still needed
- Used word “END” at bottom of CE continuation page
- Engineer signed back of project description to verify accuracy

Local Assistance

- Expanded answers on PES form
- CT attended field reviews and assisted local agencies in PES form completion in field

Technical issues

- Used FHWA Construction Noise Model
- Great example of PCE for geotechnical borings
- Documented “no effect” properly
- PM2.5 conformity determination from FHWA in file
- ROW lease evaluated environmental resources of parcel
- Environmental Certification form in file
- Created and utilized a PCE checklist
- Draft environmental document review format
- CE Request form is an interesting way to get advance info from engineers

Attachment 7: CE/PCE Statistics

Total CEs (2003-2005)*

	<u>PCE</u>	<u>CE</u>	<u>Total</u>
North	187	101	288
D4	213	170	383
Central	628	211	839
D7	766	187	953
D8	211	65	276
D11	277	73	350
D12	145	68	213
Total	2427	875	3302

*2006 data not included because information not available for capital projects

The review team calculated the median processing time on each of the 66 projects reviewed. Determining the processing time was a difficult task because there is not an official start date for CEs like there is for an EIS. Despite this limitation, the review team attempted to find documentation of the environmental start date for each project file reviewed to establish a baseline of the median processing time for both CEs and PCEs statewide. Therefore, the source for starting dates varied substantially by project. It should be noted that many of these projects were on hold for extended periods of time for issues not related to environmental analysis, including funding, design changes, changed priorities, or local agency delay. The statewide average was determined by averaging the processing times of all 66 projects evaluated. The statewide median was determined by taking the median time for all 66 projects evaluated.

Average Processing Time (Days)

District	PCE	CE
1	599	1207
2	288	426
3	297	929
4	61	1225
5	1133	1427
6	471	1387
7	56	438
8	423	1006
9	436	698
10	183	1061
12	301	309

**Statewide
Average 340 968**

Median Processing Time (Days)

District	PCE	CE
1	599	1207
2	288	426
3	111	929
4	7	1060
5	982	1523
6	269	1387
7	57	438
8	285	1006
9	436	698
10	138	1459
12	83	309

**Statewide
Median 125 810**

CE Processing Time

District	Project / EA #	Doc	Start Date	Source of Start Date	Date Signed	Days
1	5088(010)	PCE	12/9/03	Locals signed PES	10/20/05	681
1	291710	PCE	1/28/05	Enviro Study Request	6/28/06	516
1	31440	CE	9/8/98	Enviro Study Request	1/5/04	1945
1	0582(002)	CE	5/25/05	Locals signed PES	9/5/06	468
2	5909(060)	PCE	1/22/04	Cultural resources memo	3/5/04	43
2	5903(028)	PCE	12/13/02	PES	5/28/04	532
2	29592	CE	12/12/02	ESA species list	2/17/04	432
2	5068(019)	CE	8/10/05	PES 1st draft	10/3/06	419
3	5002(084)	PCE	3/13/02	Locals signed PES	5/5/03	418
3	3A260	PCE	9/19/01	PEAR	3/5/04	898
3	4C090	PCE	3/21/05	biologist memo	3/28/05	7
3	5009(024)	PCE	5/25/05	Locals signed PES	7/13/05	49
3	2E7000	PCE	8/11/06	Enviro Study Request	11/30/06	111
3	5918(052)	CE	1/23/02	PES	8/12/04	932
3	0A390	CE	10/24/00	Enviro Eval memo, 1st CE 11/22/99	5/7/03	925
4	5277(016)	PCE	5/21/03	PES	6/2/03	12
4	5012(073)	PCE	7/24/03	Locals signed PES	3/12/04	232
4	926781	PCE	9/27/04	No enviro analysis	9/27/04	0
4	15290K	PCE	1/10/06	Cultural resources memo	1/11/06	1
4	5030(034)	CE	5/20/03	Locals sign PES	3/21/05	671
4	20990	CE	8/26/99	Preliminary Environmental eval	6/20/03	1394
4	28380	CE	8/4/03	Begin Environmental Studies	7/29/05	725
4	5375(009)	CE	1/30/01	PES	11/8/06	2108
5	0A700	PCE	8/27/01	Enviro Study Request	5/5/04	982
5	0H920	PCE	5/1/04	Enviro Study Request	5/17/05	381
5	5025(023)	PCE	5/18/00	Locals sign PES	12/15/05	2037
5	5949(057)	CE	7/26/99	PES	10/13/04	1906
5	5943(022)	CE	8/20/02	Locals sign PES	12/20/04	853
5	0A550	CE	11/30/00	Request for Enviro Scoping	1/31/05	1523
6	5109(089)	PCE	12/3/03	Locals sign PES	1/23/04	51
6	47480	PCE	1/24/03	PEAR	5/24/04	486
6	46640	PCE	6/25/01	Enviro Study Request, 1st CE on 3/26/04	1/19/05	1304
6	5109(092)	PCE	5/25/05	Locals sign PES	7/8/05	44
6	5208(067)	CE	4/19/05	locals sign PES	9/2/05	136
6	32550	CE	3/26/98	Environmental Scoping	6/15/05	2638
7	5130(011)	PCE	1/29/03	CT LAP signed PES	3/10/03	40
7	4J9700	PCE	8/6/03	Enviro Study Request	9/19/03	44
7	5355(018)	PCE	1/8/04	Locals signed PES	1/20/04	12
7	5217(005)	PCE	11/27/03	Locals signed PES	3/2/04	96
7	24440K	PCE	11/23/04	Enviro Study Request	1/31/05	69
7	4L6001	PCE	9/1/05	Enviro Study Request	11/14/05	74
7	5393(010)	CE	7/14/03	Locals sign PES	10/31/03	109
7	1189G1	CE	1/29/04	Enviro Study Request	3/6/06	767

8	0C990	PCE	12/11/02	106 checklist, new CE for re-eval	7/15/03	216
8	5954(071)	PCE	11/28/01	PIP	5/21/04	905
8	5457(008)	PCE	10/6/04	Locals sign PES	7/21/05	288
8	0F950	PCE	11/30/04	PIP	9/7/05	281
8	5449(009)	CE	7/25/03	1st PES submittal	6/14/05	690
8	46350	CE	9/26/01	PES approved by CT	5/10/05	1322
9	31760	PCE	8/18/03	PEAR	10/27/04	436
9	5399(006)	CE	10/23/03	PES	2/5/05	471
9	316600	CE	7/21/03	PSSR, 1st as PCE 2/18/04	1/31/06	925
10	5337(008)	PCE	12/17/03	PES	5/3/04	138
10	5085(012)	PCE	3/14/05	PQS signed PES	3/21/05	7
10	0F730	PCE	10/8/04	PIP	11/17/05	405
10	5929(119)	CE	4/20/01	Locals sign PES	10/24/05	1648
10	3A120	CE	7/1/00	PAED schedule start date	6/29/04	1459
10	0P440	CE	5/26/06	Big landslide	8/10/06	76
12	0F6201	PCE	5/14/02	PID? Original CE rescinded	2/10/03	272
12	5266(009)	PCE	3/7/03	Field Review	5/29/03	83
12	5266(010)	PCE	3/7/03	Field Review	5/29/03	83
12	5410(052)	PCE	9/1/04	Locals signed PES	10/7/04	36
12	0C550K	PCE	4/5/01	Original Enviro Study Request, 1st CE superseded	10/27/04	1301
12	0H2033	PCE	5/2/05	Director's order	6/1/05	30
12	5451(022)	CE	10/16/01	1st PES submittal	5/14/03	575
12	952121	CE	5/20/03	Enviro Study Request	7/2/03	43

Attachment 8: Project Scope Statement

FEDERAL HIGHWAY ADMINISTRATION CALIFORNIA DIVISION

Process Review on Implementation of Categorical Exclusions Project Scope Statement (S49792)

OBJECTIVE/PURPOSE

Through Risk/Program Analysis, the California Division of the Federal Highway Administration (FHWA) has identified Categorical Exclusions (CE) and Programmatic Categorical Exclusions (PCE) to be high-risk area due to need to review said documentation per our 2003 PCE Agreement with Caltrans. This process/program review is also based upon FHWA's commitment to environmental stewardship and the limited oversight of categorically excluded transportation projects. This process/program review will evaluate Caltrans' implementation of provisions of a November 19, 2003 Memorandum for processing PCEs signed by the Chief Division of Environmental Analysis (Attachment A), which directed each Caltrans District to follow defined procedures for each project. This data will serve as a baseline for future process/program reviews and/or audits. Therefore, FHWA is initiating a process review to determine if the CE/PCE process is functioning as envisioned.

The purpose of this process/program review is to:

- Verify whether CE/PCE determinations and documentation are appropriate;
- Verify that the appropriate approval process is followed by the approving officials;
- Verify whether these projects meet requirements for the Regional Transportation Plan (RTP) and cost estimate as shown in the RTP;
- Review Caltrans' records and process for appropriate tracking/retention and scope/design (PS&E review); and
- Verify environmental reevaluation/consultation of CEs is occurring as per the 23 CFR 771.129.

A report will be prepared documenting the team's findings and, if necessary, recommendations to improve processes and better ensure proper use of categorical exclusions.

SCOPE/APPROACH/MEASURES

During the course of this review, the team will determine if proper implementation and documentation of CE/PCE was completed. In order to get a cross-section of projects, the scope of this evaluation will include both state projects and local assistance projects, as well as both CEs and PCEs. This evaluation will consider a variety of projects from each district, including bridge and roadway projects, projects on and off the state highway system, and projects that are completed and under construction. Approximately 90 projects statewide will be judgmentally

selected from Caltrans' Annual Reports, with equal distributions of state/local projects and CE/PCE projects from each district relative to region/district workload. The Local Assistance Database will also be used to identify additional local projects (if necessary).

The initial effort will be to develop a questionnaire to be circulated to selected environmental and local assistance staff in the districts. The survey will focus on documentation, determinations, approvals, implementation, and record keeping. These site visits will be closely coordinated with Caltrans and will include interviews with appropriate district and headquarters personnel.

This process review will examine the overall health of the CE/PCE process, including prudent and reasonable expenditure of federal funds, and will primarily focus on specific aspects in the following areas (as per existing Caltrans procedures):

1. Determination
 - Made in accordance with 23 CFR 771.117 "c" and "d"
 - Made in accordance with the PCE agreement
 - Is appropriate based on scope of action/work and impacts
2. Documentation
 - Adequate and appropriate documentation/summary of environmental impacts in project file
 - Appropriate supplemental/technical studies
3. Approvals
 - Appropriate approving official signature as per the 2003 Caltrans release memo for the PCE agreement
 - Appropriate Federal Highway approvals on documents (CE, determination forms, and e-76)
4. Implementation
 - Cost, scope and design consistent through PS&E
 - For individually listed projects in the applicable plan and program, cost, scope and design consistent with Regional Transportation Plan (RTP), Federal Transportation Improvement Program (FTIP), and Federally approved State Transportation Improvement Program (FSTIP)
 - (Environmental commitments are being reviewed under separate Program/Process Review)
5. Consultation/Re-evaluation of CEs (per 23 CFR 771.129)
 - Appropriate re-evaluation/consultation documentation
 - Appropriate procedures in place
6. Record keeping
 - Project record being kept for the appropriate amount of time (3 years)

- Storing of project record – where and by whom
- Organization and efficiency of locating documents

RESPONSIBILITIES

A multi-disciplinary team with representation from FHWA – California Division and Caltrans will conduct this review. Team members and others with applicable expertise will assist on an “as needed” basis. The basic team is identified below.

FHWA

- Lisa Cathcart-Randall
- Dominic Hoang
- Tay Dam
- Amy Lamson

Caltrans

- Kelly Dunlap
 - POC for district activity: district/region staff TBD; DEA Coordinator for appropriate district/region (Gina Moran, Dale Jones, and John Chisholm)
- Germaine Belanger
 - POC for district activity: DLAE and districts local assistance environmental coordinators

TRAVEL

It is anticipated that the team will need to travel to districts in Southern California (one or more visits to D 11, 12, 7, 8), in Central Region (D 5, 6, 9, 10), and North California (D 1, 2, 3, 4). In order to review files, documentation, and interview Caltrans’ staff it is likely that the team will need at least one night accommodation in each location. Therefore, travel costs are expected to range from \$5,700 to 8,000.

SCHEDULE/MILESTONES

TIMELINES	MILESTONES
11/7/06 (Completed)	Hold internal “kick-off” meeting
11/13/06 (Completed)	Identify Caltrans team members
11/17/06 (Completed)	Draft work plan complete
11/30/06 (Completed)	Final work plan approved
12/15/06 – 1/19/07	Circulate survey questionnaire
January-March 2007	Conduct site visits, interviews, etc.
3/1/07	Complete status report
April - May 2007	Review and analyze data. Prepare Draft Report.
5/1/07	Complete Draft Report. Circulate for management review
6/1/07	Circulate Final Draft Report for Signature
6/15/07	Conduct “Closeout” Conference
7/2/07	Issue and distribute final signed report

RECOMMENDATIONS/APPROVAL

Recommendation: /s/ Lisa B. Cathcart-Randall Date December 13, 2006
 Lisa Cathcart-Randall, Senior Transportation Specialist

/s/ Tay Dam Date December 13, 2006
 Tay Dam, Senior Project Development Engineer

/s/ Dominic Hoang Date December 13, 2006
 Dominic Hoang, Project Development Engineer

/s/ Amy Lamson Date December 13, 2006
 Amy Lamson, Environmental Specialist

Approval: /s/ Dennis A. Scovill Date December 13, 2006
 Dennis A. Scovill, Chief Operating Officer

GUIDELINES

Interviews and Reviews

Questionnaires will be distributed to all Caltrans districts. Interviews and reviews may be conducted with, but not necessarily limited to the following District personnel:

- DLAE and/or district Local Assistance environmental coordinator and Local Agency staff, as appropriate
- Senior Caltrans District Environmental Planners
- Project Team Members (District Environmental Staff, Project Managers, Project Engineers, or others)

Review Procedures

The review is separated into two parts as follows:

1. Project Development: Process and Procedures
 - a. District Interviews and Project Site Visits:
 - i. Implement work plan, including questionnaire.
 - ii. Begin interviews and review of written procedures to determine how Caltrans advances projects under CE/PCE.
 - b. Review and visit a sample of projects to determine if decisions made during project development, construction, and closeout have been implemented or there is a reasonable expectation that they will be implemented. This review will include the following documents:
 - i. Environmental Documents and Technical Reports
 - ii. PS&E packages (if any)
2. Prepare report documenting findings and recommending long-term process improvements, if necessary
 - a. Report (to the extent necessary) will:
 - i. Document results
 - ii. Identify any deficiencies
 - iii. Identify best practices
 - iv. Provide any needed recommendations
 - b. Overall goal is to:
 - i. Confirm appropriate implementation of CE/PCE
 - ii. Identify ways to improve reporting, as necessary
 - iii. Evaluate the effectiveness of record keeping at bringing all relevant compliance information together in a single place