



## CHAPTER 5: CATEGORICAL EXCLUSIONS (CLASS II)

	<u>Page</u>
<b>5.0 CATEGORICAL EXCLUSIONS (CLASS II)</b> -----	<b>5-1</b>
5.1 Introduction-----	5-1
5.2 Programmatic CatEx Projects-----	5-3
5.2.1 Programmatic CatEx - Actions-----	5-3
5.2.2 Programmatic CatEx - Process-----	5-10
5.2.3 Programmatic CatEx - Documentation-----	5-17
5.2.4 Programmatic CatEx - Approval-----	5-22
5.3 Non-Programmatic CatEx-----	5-22
5.3.1 Non-Programmatic CatEx - Actions-----	5-22
5.3.2 Non-Programmatic CatEx - Process-----	5-24
5.3.3 Non-Programmatic CatEx – Documentation-----	5-33
5.3.4 Non-Programmatic CatEx – Approval-----	5-35
5.4 References-----	5-36

### ATTACHMENT 1 – HOW TO FILL OUT FORM 128 IN SAP

### LIST OF FIGURES

Figure 5-1	CDOT Categorical Exclusion Determination Parts A & B-----	5-12
Figure 5-2	CDOT Categorical Exclusion Determination Parts C, D, and E-----	5-14





## 5.0 CATEGORICAL EXCLUSIONS (CLASS II)

This chapter discusses the Colorado Department of Transportation (CDOT) process and procedures for the Categorical Exclusion (CatEx) class of action (Class II). The other classes of action, Class I - Environmental Impact Statement (EIS) and Class III – Environmental Assessment (EA), are discussed in **Chapters 4** and **6** respectively. Most of this chapter is referring to the Federal Highway Administration’s (FHWA) process for CatExs. The Federal Transit Administration’s (FTA) process is somewhat different and is covered in **Chapter 10**.

### 5.1 Introduction

CatExs are the most common National Environmental Policy Act (NEPA) documents and are actions that do not individually or cumulatively have a significant environmental impact and are excluded from the requirement to prepare an EA or an EIS. The FHWA/ FTA regulations describe activities that are CatExs (FHWA, 23 CFR § 771.101 – 771.118). The regulations also describe unusual circumstances that would preclude an action from being classified as a CatEx. As identified in 23 CFR § 771.117(a), CatExs are actions that:

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

As identified in 23 § 771.117(b) any action which normally would be classified as a CatEx but could involve unusual circumstances will require the FHWA, in cooperation with the applicant, to conduct appropriate environmental studies to determine if the CatEx classification is proper. Such unusual circumstances include:

- (1) Significant environmental impacts
- (2) Substantial controversy on environmental grounds



Those projects involving Federal Transit Administration (FTA) can reference the guidance provided in **Chapter 10 FTA NEPA Compliance**.



FHWA/FTA, 1987 as amended. Environmental Impact and Related Procedures. 23 Code of Federal Regulations (CFR) 771 § 771.101 – 771.139





(3) Significant impact on properties protected by Section 4(f) of the DOT Act or Section 106 of the National Historic Preservation Act; or

(4) Inconsistencies with any federal, state, or local law, requirements or administrative determination relating to the environmental aspects of the action.

CatEx projects require no major federal action and have impacts that are generally well-understood. Since CatEx projects have no significant impacts on the environment, NEPA requirements are significantly less stringent than those for an EA or EIS. For example, public involvement and alternatives analysis are not explicitly required, and the level of documentation for FHWA approval is greatly reduced. Although public involvement is not explicitly required for a Programmatic or Non-Programmatic CatEx, it is still a good idea to have some sort of public involvement at least for those CatExs that include some right-of-way acquisition, construction impacts, road closures or detours, etc. Although a project may not have significant impacts, a large amount of public controversy can require preparation of an EA or EIS as appropriate.

Classifying a project as a CatEx does not exempt it from other federal or state environmental requirements. All applicable environmental requirements including, but not limited to consultation pursuant to Section 7 of the Endangered Species Act or Section 106 of the National Historic Preservation Act, must be completed before FHWA or CDOT make the CatEx determination. Documentation is required to record the rationale for decision-making on projects that are categorically excluded from further consideration under the NEPA process. **Section 2.2.3** of this Manual discusses when NEPA applies to a project.

FHWA regulations (FHWA 23 CFR § 771. 117) contain two lists of CatExs:

- ▶ **Programmatic CatEx Projects** – These projects are identified in 23 CFR § 771. 117(c) and do not normally require any further NEPA approvals from FHWA.
- ▶ **Non-Programmatic CatEx Projects** – These projects are identified in 23 CFR § 771. 117(d) and contain a representative list of actions that require CDOT and FHWA approval. These project types must meet the criteria for a CatEx in the Council on Environmental Quality (CEQ) regulations (CEQ, 40 CFR § 1508.4) and the evaluation criteria specified in FHWA, 23 CFR § 771.117(a).



## Types of CatExs

- Programmatic CatEx (also called the “c list”)
- Non-Programmatic CatEx (also called the “d list”)





FHWA and CDOT have developed the *Programmatic Agreement for the Review and Approval of Certain NEPA Categorically Excluded Transportation Projects Between the Federal Highway Administration, Colorado Division and the Colorado Department of Transportation* (CDOT, 2011) (CatEx Programmatic Agreement) that is intended to increase flexibility, streamline the environmental process, and reduce paperwork. The CatEx Programmatic Agreement expands the list of Programmatic CatEx projects to include some from the “d list” and adds an additional list, called the “P list”. These are actions that based on anticipated project activities and past experience, satisfy the definition of CatExs in 23 CFR 771.117(a) and (23 CFR 771.117(b)). There are still evaluation criteria that must be met in order to proceed as a Programmatic CatEx, which is further discussed in **Section 5.2.1** below.

## 5.2 Programmatic CatEx Projects

The rest of Chapter 5 describes FHWA's CatEx process as implemented by CDOT. Based on the actions identified in 23 CFR § 771.117(c) and through CatEx Programmatic Agreement, activities may be approved programmatically by CDOT. The following sections discuss:

- ▶ Actions that may be approved as Programmatic CatExs
- ▶ Programmatic CatEx process
- ▶ Documentation required
- ▶ Approval procedures

### 5.2.1 Programmatic CatEx - Actions

The types of projects listed in this section are considered to be programmatic CatExs. These FHWA actions normally do not require any further NEPA approvals by FHWA. For these actions, a Form 128 must be prepared and the numbering below should be used for project tracking. If more than one programmatic CatEx category applies, the main category will be listed in the CatEx number field on CDOT Form 128 and the remaining categories will be listed in the comment box on the lower half of the form. If both non-programmatic and programmatic categories apply, the project will be processed as a non-programmatic CatEx.



On August 4, 2011, the *Programmatic Agreement for the Review and Approval of Certain NEPA Categorically Excluded Transportation Projects between the FHWA Colorado Division, and CDOT* was implemented.





The following are Programmatic CatExs for CDOT per 23 CFR 771.117(c) and the CatEx Programmatic Agreement:

- c1. Activities which do not involve or lead directly to construction, such as planning and research activities; grants for training engineering to define the elements of a proposed action or alternatives so that social, economic, and environmental effects can be assessed; and Federal-aid system revisions which establish classes of highways on the Federal-aid highway system.
- c2. Approval of utility installations along or across a transportation facility
- c3. Construction of bicycle and pedestrian lanes, paths, and facilities
- c4. Activities included in the State's highway safety plan under 23 USC 402
- c5. Transfer of Federal lands pursuant to 23 USC 317 107(d) and/or 23 USC 317 when the land transfer is in support of an action that is not otherwise subject to FHWA review under NEPA
- c6. The installation of noise barriers or alterations to existing publicly owned buildings to provide for noise reduction
- c7. Landscaping
- c8. Installation of fencing, signs, pavement markings, small passenger shelters, traffic signals, and railroad warning devices where no substantial land acquisition or traffic disruption will occur
- c9. The following actions for transportation facilities damaged by an incident resulting in an emergency declared by the Governor of the State and concurred in by the secretary, or a disaster or emergency declared by the President pursuant to the Robert T. Stafford Act (42 USC 5121):
  - i. Emergency repairs under 23 USC 125; and
  - ii. The repair, reconstruction, restoration, retrofitting, or replacement of any road, highway, bridge, tunnel, or transit facility (such as a ferry dock or bus transfer station), including ancillary transportation facilities (such as pedestrian/bicycle paths and bike lanes), that is in operation or under construction when damaged and the action:
    - A. Occurs within the existing right-of-way and in a manner that substantially conforms to the preexisting



design, function, and location as the original (which may include upgrades to meet existing codes and standards as well as upgrades warranted to address conditions that have changed since the original construction); and

B. Is commenced within a 2-year period beginning on the date of the declaration.

- c10. Acquisition of scenic easements
- c11. Determination of payback under 23 USC 156 for property previously acquired with Federal-aid participation
- c12. Improvements to existing rest areas and truck weigh stations
- c13. Ridesharing activities
- c14. Bus and rail car rehabilitation
- c15. Alterations to facilities or vehicles in order to make them accessible for elderly and handicapped persons
- c16. Program administration, technical assistance activities, and operating assistance to transit authorities to continue existing service or increase service to meet routine changes in demand
- c17. The purchase of vehicles by the applicant where the use of these vehicles can be accommodated by existing facilities or by new facilities which themselves are within a CatEx
- c18. Track and railbed maintenance and improvements when carried out within the existing right-of-way
- c19. Purchase and installation of operating or maintenance equipment to be located within the transit facility and with no significant impacts off the site
- c20. Promulgation of rules, regulations, and directives
- c21. Deployment of electronics, photonics, communications, or information processing used singly or in combination, or as components of a fully integrated system, to improve the efficiency or safety of a surface transportation system or to enhance security or passenger convenience. Examples include, but are not limited to, traffic control and detector devices, lane management systems, electronic payment equipment, automatic vehicle locaters, automated passenger counters, computer-aided dispatching systems, radio communications systems, radio communications systems, dynamic message signs, and security



equipment including surveillance and detection cameras on roadways and in transit facilities and on buses.

- c22. Projects, as defined in 23 U.S.C. 101, that would take place entirely within the existing operational right-of-way. Existing operational right-of-way refers to right-of-way that has been disturbed for an existing transportation facility or is maintained for a transportation purpose. This area includes the features associated with the physical footprint of the transportation facility (including the roadway, bridges, interchanges, culverts, drainage, fixed guideways, mitigation areas, etc.) and other areas maintained for transportation purposes such as clear zone, traffic control signage, landscaping, any rest areas with direct access to a controlled access highway, areas maintained for safety and security of a transportation facility, parking facilities with direct access to an existing transportation facility, transit power substations, transit venting structures, and transit maintenance facilities. Portions of the right-of-way that have not been disturbed or that are not maintained for transportation purposes are not in the existing operational right-of-way.
- c23. Federally-funded projects: (i) that receive less than \$5,000,000 of Federal funds; or (ii) with a total estimated cost of not more than \$30,000,000 and Federal funds comprising less than 15 percent of the total estimated project cost.
- d6. Approvals for disposal of excess right-of-way or for joint or limited use of right-of-way, where the proposed use does not have significant adverse impacts (Non-Interstate).
- d7. Approvals for changes in access control (Non-Interstate)
- d9. Rehabilitation or reconstruction of existing rail and bus buildings and ancillary buildings where only minor amounts of additional land are required, and there is not a substantial increase in the number of users.
- d10. Construction of bus transfer facilities (an open area consisting of passenger shelters, boarding areas, kiosks, and related street improvements) when located in a commercial area or other high activity center in which there is adequate street capacity for projected bus traffic.
- P1. Adding or lengthening turning lanes (including continuous turning lanes), intersection improvements, channelization of traffic, or dualizing lanes at intersections and interchanges, or adding or lengthening bus queue-jumps



Approvals for change in Interstate Access Control (d7), as compared with non-interstate highways, may not be conducted by CDOT. This activity is a non-programmatic action and requires further NEPA approval by FHWA.





- P2. Flattening slopes; improving vertical and horizontal alignments
- P3. Installation of ramp metering control devices, freeway traffic surveillance and control systems, motorist aid systems, highway information systems, computerized traffic signalization systems or roadway lighting including purchase and installation of equipment for Traffic Operations Centers
- P4. Restoring, replacing, or rehabilitation of culverts, inlets, drainage pipes and drainage systems, including safety treatments to improve these features
- P5. Preventive maintenance activities, such as joint repair, pavement patching, crack sealing, skid hazard treatments, striping, and shoulder repair
- P6. Restoration, rehabilitation or resurfacing of existing pavement; the removal and replacement of old pavement structure; or changes to the pavement such as installation of rumble strips
- P7. Upgrading, removal or addition of guardrail, median barrier or impact attenuators
- P8. Railroad crossing elimination by closure and railroad overpass removal within existing right-of-way
- P9. Clear zone safety improvements, such as fixed object removal or relocation
- P10. Screening unsightly areas
- P11. Restoration and rehabilitation of existing bridge structures, including painting, crack sealing, joint repair, scour repair, scour counter measures, bridge rail or bearing pad placement, seismic retrofit, deck rehabilitation or replacement, or upgrade of bridge end approaches and guardrail transitions or other minor modifications
- P12. Widening of substandard bridge structures to provide shoulders
- P13. Acquisition of scenic or historic sites
- P14. Preservation of abandoned railway corridors (including the conversion and use thereof for pedestrian and bicycle trails)
- P15. Historic preservation, rehabilitation and operation of historic transportation buildings, structures, or facilities (including railroad facilities and canals)
- P16. Control and removal of outdoor advertising
- P17. Aesthetic treatments and other scenic beautification



- P18. Mitigation of water pollution due to highway runoff
- P19. Maintenance and/or replacement of existing noise barrier panels and/or posts
- P20. Perfection of title for right-of-way when the subsequent action is in support of an action that is not otherwise subject to FHWA review under NEPA (note: for Federal land transfers, use C5-Transfer of Federal lands pursuant to 23 USC 317 when the subsequent action is not an FHWA action [23 CFR 771.117(c)(5)])
- P21. Restoration, rehabilitation or replacement of retaining walls or slope protection
- P22. Restoration, rehabilitation or modification of truck escape ramps
- P23. Installation, restoration, rehabilitation or replacement of rockfall mitigation measures
- P24. Geotechnical and other subsurface investigation
- P25. Installation of communication lines or other quasi-utilities structures along or across a transportation facility

The above listed project types qualify as programmatic FHWA CatExs only if each of the following criteria are met or as individually granted through consultation by FHWA if the following criteria are **not** met:

1. The action does not have any significant environmental impacts as described in 23 CFR 771.117(a)
2. The action does not involve unusual circumstances as described in 23 CFR 771.117(b)
3. The action does not involve the following:
  - a) The addition of through lanes
  - b) Adverse impacts (other than construction impacts) to local traffic patterns or property access
  - c) Adverse impacts to community cohesion, planned community growth, or land use patterns
  - d) The acquisition of more than minor amounts of permanent right-of-way; as defined by not more than 5 acres per linear mile or more than 20% of the project land area for transportation related facilities (e.g. rest areas, intersections, maintenance yards) (note: this requirement does not apply to "perfection of title for right-of-way" projects under scopes of action c5 or P20)



If a project does not meet these criteria, it will require additional NEPA approval by FHWA.





- e) Any commercial or residential displacement
- f) A determination of adverse effect by the State Historic Preservation Officer (SHPO)
- g) A disproportionately high and adverse impact on minority or low-income populations
- h) A noise impact as defined by meeting or exceeding the Noise Abatement Criteria, or an increase of 10 or more decibels (A-weighted)
- i) An Individual Evaluation for Section 4(f) of the Department of Transportation Act of 1966
- j) The use of properties protected by Section 6(f) of the Land and Water Conservation Fund Act of 1965
- k) A US Army Corps of Engineers (USACE) Individual Section 404 permit
- l) Discharge to a protected water, or adversely affecting a waterway that is impaired by criteria related to roadways or road construction
- m) An adverse effect on a federally-listed threatened or endangered species or critical habitat
- n) An adverse impact on a regulatory floodway or the base floodplain (100-year flood) elevations of a water course or water body
- o) Work within or adjacent to a known Superfund site listed on US Environmental Protection Agency (EPA) website
- p) Changes in access control on the Interstate
- q) A regionally significant project for air quality purposes as defined in 40 CFR 93.101
- r) Tribal lands or impacts to tribal traditional cultural properties
- s) The use of a temporary road, detour or ramp closure unless the use of such facilities satisfy the following conditions:
  - Provisions are made for access by local traffic and so posted
  - Through-traffic dependent business will not be adversely affected
  - The detour or ramp closure, to the extent possible, will not interfere with any local special event or festival



**CDOT Form 128 requires two signatures: one for the top part and one for the bottom part:**

- Top part (Parts A and B) entails investigating whether there are environmental areas of concern with regard to the project
- Top part (Parts A and B) usually needed for right-of-way plan authorization and obligation of funds for right-of-way acquisition unless these areas do not have important environmental impacts and if the right-of-way is being purchased with non-federal funds
- Bottom part (Parts C, D, and E) for environmental permits and for ensuring environmental commitments are in the final plans and specifications
- Bottom part (Parts C, D, and E) needed for project advertisement and obligation of funds for construction



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- The temporary road, detour or ramp closure does not substantially change the environmental consequences of the action
  - There is no substantial controversy associated with the temporary road, detour, or ramp closure
- t) Substantial public opposition

Failure of any project to meet the conditions listed above will require FHWA approval of a Form 128 before the project may be designated as a CatEx project. If any of the above criteria are not met FHWA approval of Form 128 is required; provide the relevant criteria number in the comment box of Form 128.

## 5.2.2 Programmatic CatEx - Process

CDOT staff, typically the CDOT Region Planning and Environmental Manager (RPEM), decides the appropriate class of NEPA documentation needed for a project, in consultation with FHWA, although FHWA makes the final determination on class of action. These projects originate either through the CDOT planning process, which is further discussed in **Chapter 3**, or as a local agency project with CDOT oversight. The following sections discuss the processes for a CDOT Project Programmatic CatEx and a Local Agency Project with CDOT Oversight Programmatic CatEx. Conducting actions documented by the Form 128 will require information input by CDOT into the CDOT SAP computer tracking system. **Attachment 1** includes the step-by-step process to input information into the CDOT SAP computer tracking system. The CDOT SAP computer tracking system is accessible only to CDOT personnel.



Form 128 is currently completed in the CDOT SAP computer tracking system, which is only accessible to CDOT personnel. Information on the SAP process is included as **Attachment 1** to this Chapter.

### CDOT PROJECT

The following is the step-by-step process for approval of a programmatic CatEx project:

1. **Internal Scoping:** The CDOT project manager (typically an engineer) initiates Form 463 – Design Data and coordinates with all design and specialty disciplines, including Environmental, Right-of-Way, Utilities, Hydraulics, Traffic, Bridge Materials and Maintenance to get consensus on the scope of the project and to identify the multi-disciplinary project development team. Form 463 establishes the project within the CDOT tracking system. Environmental impact avoidance and minimization alternatives are discussed. The RPEM, or a designee, makes preliminary determinations regarding the anticipated environmental clearances and permits, and associated responsibilities for each. The RPEM, or a designee, schedules and coordinates with the CDOT





Environmental Programs Branch (EPB) as necessary to initiate environmental clearance processes required on Part B of Form 128.

2. The CDOT project manager drafts a preliminary detailed project schedule that is circulated to the multi-disciplinary project development team for comments. With input from the team, the project schedule is adopted and shared with the multi-disciplinary project development team.
3. **Environmental Clearances:** The RPEM, or a designee, coordinates with the Region or EPB resource specialists for initiation of the anticipated environmental clearances required for the top part (Parts A and B) of Form 128 (**Figure 5-1**). The documentation required is further discussed in **Section 5.2.3**, and these environmental clearances could include:
  - a. Air Quality (hot spot analysis)
  - b. Noise
  - c. Hazardous Materials (Initial Site Assessment [ISA] Checklist or Modified Environmental Site Assessment [MESA] or Phase I Environmental Site Assessment)
  - d. Threatened or Endangered Species
  - e. Wetland Delineation (Survey)
  - f. Paleontology
  - g. Archaeology
  - h. History
  - i. Historic Bridge
  - j. Section 4(f)
  - k. Section 6(f)
  - l. Other (Potentially may include Environmental Justice, Noxious Weeds, Migratory Birds, Water Resources, Visual/Aesthetics, etc.)



Example CDOT CatEx schedules are located in Section 3 of CDOT's Project Development Manual, which can be found here:

[http://www.coloradodot.info/business/designsupport/bulletins\\_manuals/project-development-manual/2013-project-development-manual/section-3-environmental/view](http://www.coloradodot.info/business/designsupport/bulletins_manuals/project-development-manual/2013-project-development-manual/section-3-environmental/view)

CDOT has standardized the way that the top part of Form 128 should be completed in order to streamline FHWA's review and approval process as such:

- ▶ **Checkbox and Date** - The check box to the left of the resources should be checked if there is an impact or anticipated impact to that resource. If the box is checked, then there should also be a date on the date line documenting when the clearance for that resource was completed. Also, if the box is checked, a determination should



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be made as to whether or not mitigation is required, further evaluation is required, a permit is required and/or if environmental resources and avoidance should be noted the plan sheets.

- ▶ **Date Only** - If there is no impact, or no impacts are anticipated, to a specific resource, the check box should not be checked. However, there should be a date on the line to document when the resource was evaluated and clearance was completed for that resource. This means that there are no impacts to that resource or that the resource is not present in the study area.
- ▶ **Neither Checkbox nor Date** - If a resource is clearly not present in the project area or if the project scope would clearly not impact a certain resource and therefore no verification would be necessary, the check box and date line can be left blank.

The appropriate clearance documentation must be in the project file for any resource with a check in the check box or a date on the date line. It is also good practice to keep in the project file why certain resources were not considered necessary for verification. The documentation could be as simple as a paragraph memo to the file stating that the resource is not present in the study area and the memo could cover several resources as necessary.

**Figure 5-1 CDOT Categorical Exclusion Determination Parts A & B**

<b>COLORADO DEPARTMENT OF TRANSPORTATION CATEGORICAL EXCLUSION DETERMINATION</b>	Date: _____	Revision Date: _____	Project Code #: _____
Project Name: _____		Project #: _____	
Project Description: _____			
<b>A. Categorical Exclusion Project Determination</b>			
1. This project has a Federal nexus (yes or no) _____			
2. This project fits Categorical Exclusion or Programmatic CE number _____			
3. CDOT _____ design plans dated _____ were referenced in selecting the Clearance Actions required in Block B of this form.			
<b>B. Clearance Actions</b>			
<b>REQUIRED</b> <small>If not checked is Not Applicable</small> <input type="checkbox"/> Air Quality (hot spot analysis) <input type="checkbox"/> Noise Hazardous Waste <input type="checkbox"/> - ISA Checklist <input type="checkbox"/> - MESA (or Phase I) <input type="checkbox"/> Threatened or Endangered Species <input type="checkbox"/> Wetland Delineation (survey)	<b>DATE COMPLETED</b> _____ _____ _____ _____ _____ _____	<b>REQUIRED</b> <small>If not checked is Not Applicable</small> <input type="checkbox"/> Paleontology <input type="checkbox"/> Archaeology <input type="checkbox"/> History <input type="checkbox"/> Historic Bridge <input type="checkbox"/> 4(f) <input type="checkbox"/> 6(f) Agreements <input type="checkbox"/> Other	<b>DATE COMPLETED</b> _____ _____ _____ _____ _____ _____
All required clearance actions indicated have been completed for the work described in the design plans referenced above. No significant environmental impacts will result from this project. All Permits and Additional Requirements indicated in Part C below will be obtained before project advertisement/construction. Implementation of project shall include required mitigation commitments.			
RPEM Signature _____		Date _____	Region # _____
I concur in the above category designation and the scope of environmental clearance/permits indicated. <b>FHWA Division Administrator Signature</b> (when required) (Please return form to RPEM) _____			
			Date _____



4. **Field Inspection Review (FIR):** The engineering project team prepares and provides the FIR engineering design plan set, which is approximately 30 percent design, for review and comment. Based on the environmental clearances documentation, the RPEM, or a designee, coordinates with the CDOT project manager and project team to further identify environmental impact avoidance and minimization opportunities. The RPEM, or a designee, communicates information requirements and anticipated timelines for necessary clearances and permits to the CDOT project manager.
5. Based on the environmental clearances documentation, the RPEM, or a designee, prepares a Summary of Mitigation Measures and provides this summary to the CDOT project manager for inclusion in the Final Office Review (FOR) plans and specifications, which is approximately 90 percent design. Additional information on mitigation and monitoring commitments is included in **Chapter 9**.
6. **Form 128 (Parts A and B):** Once all resources have been inspected that could be impacted, and impacts have been assessed, the RPEM approves the top of Form 128. Upon completion of Parts A and B of Form 128, funds for right-of-way acquisition can be obligated and negotiations for right-of-way acquisition can proceed.
7. The RPEM, or a designee, initiates coordination with the permitting agencies for Part C of Form 128.
8. **FOR:** Environmental impacts are definitively quantified for environmental permit applications and to ensure adequate representation in the project plans and specifications. Form 463 is completed.
9. The RPEM, or a designee, satisfies the requirements identified in Part C of Form 128. Permit requirements or other mitigation measures are communicated to the CDOT project manager for inclusion in the final plans and specifications.
10. **Final Check:** The final plans and specifications containing all mitigation measures are provided to the RPEM, or a designee, ideally a minimum of three weeks prior to when final clearance is required. The RPEM, or a designee, verifies that the relevant information presented in the Summary of Mitigation Measures is included in the Final Check plan set. Changes required to the Final Check plan set are explained/summarized by the environmental staff. The RPEM, or a designee, reviews and compiles the clearances and permits.



CDOT's Mitigation Tracking Spreadsheet is not required for Programmatic CatExs, but is a recommended tool to track mitigation and is available online at:

[http://www.coloradodot.info/programs/environmental/resources/forms/CDOT%20Mitigation%20Tracking%20Spreadsheet\\_June%202012.xlsx/view](http://www.coloradodot.info/programs/environmental/resources/forms/CDOT%20Mitigation%20Tracking%20Spreadsheet_June%202012.xlsx/view)



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11. **Environmental Project Certification:** The RPEM approves the Environmental Project Certification in Part E of Form 128 (Figure 5-2). This signature means that all environmental commitments are included or being otherwise handled that were identified during the environmental clearance efforts. A copy of the version of the plan set that was approved needs to be kept in the file to document changes that may be made under advertisement of the project for construction that will need subsequent clearance tracking in the file.
12. The CDOT Resident Engineer (in some cases, the CDOT project manager) signs and submits the final Form 463 and as applicable, submits the completed and signed Form 128, and the signed Form 1180 by the CDOT Business Manager – Plans, Specifications, and Estimates (PS&E), to FHWA and OFMB. Form 1180 approves the plans, specifications, and cost estimates for the project and requests funds be obligated for the project. If changes to the project design data have been made, a revised Form 463 would be submitted along with the coinciding Form 128.
13. A pre-construction meeting is held with all specialty disciplines to outline permit conditions and mitigation commitments, etc.

**Figure 5-2 CDOT Categorical Exclusion Determination Parts C, D, and E**

**C. Permits and Additional Requirements**

REQUIRED COMPLETED If not checked is Not Applicable	DATE COMPLETED	REQUIRED	DATE
<input type="checkbox"/> 404 Permit		<input type="checkbox"/> CO Parks & Wildlife SB 40	
<input type="checkbox"/> 401 Certification		<input type="checkbox"/> Wetland Finding	
<input type="checkbox"/> 402 Certification		<input type="checkbox"/> APCD Bridge/Structure Demo Permit	
<input type="checkbox"/> Const Dewatering Permit		<input type="checkbox"/> Hazardous Materials (Phase II)	
<input type="checkbox"/> Const Stormwater Permit		<input type="checkbox"/> 6(f) Completion	
<input type="checkbox"/> Floodplains Development Permit		<input type="checkbox"/> Other	

**D. Comments**

**E. Environmental Project Certification**

All clearance and permit requirements for this project have been completed and mitigation included in the \_\_\_\_\_ set of plans and specifications dated \_\_\_\_\_. The appropriate documentation is on file in the Region office.

RPEM Signature \_\_\_\_\_ Date \_\_\_\_\_

**Note to Project Manager:** Any changes to the plans and specifications after the date of the RPEM signature in Part B that affect environmental impacts or mitigation must be approved by the RPEM.

Previous editions are obsolete and may not be used

CDOT Form #128a 4/13

Distribution:  
RPEM (original); copies to: Project Manager, Region Right of Way (if ROW required), Central Files



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14. **Construction:** The Construction Project Engineer and the RPEM, or a designee, begins mitigation monitoring during construction to ensure compliance with permit requirements and mitigation commitments. Note: Long term monitoring of mitigation may be required to successfully complete some mitigation obligations and permit requirements.
15. The project is closed once construction is final and accepted by CDOT and most of the conditions of environmental permits have been satisfied. CDOT will prepare a Form 950 for project closure once all environmental commitments have been completed for the whole project. Project documentation and records should be maintained in accordance with CDOT Procedural Directive 51.1.

## LOCAL AGENCY PROJECT WITH CDOT OVERSIGHT

There are some differences in process when the project is championed by a Local Agency. The step-wise process is described below.

1. **Preliminary Agency Scoping:** The Local Agency project manager, typically an engineer, coordinates with the CDOT Resident Engineer and RPEM to prepare a scope of work for the local agency project.
2. **Project Scoping:** The Local Agency project manager and the project team hold a scoping meeting with all CDOT design and specialty disciplines, including Environmental, Right-of-Way, Utilities, Hydraulics, Traffic, Bridge Materials and Maintenance to get consensus on the scope of the project and to identify the multi-disciplinary project development team. Form 463 is initiated. Environmental impact avoidance and minimization alternatives are discussed. The RPEM, or a designee, makes preliminary determinations regarding the anticipated environmental clearances and permits, and associated responsibilities for each.
3. **Environmental Clearances:** The Local Agency project manager, or a designee, coordinates with the project team for initiation of the anticipated environmental clearances required for the top part (Parts A and B) of Form 128. The project team is typically an environmental consultant hired by the Local Agency with CDOT possibly helping as agreement and time allows. The documentation required is further discussed in **Section 5.2.3**.
4. **FIR:** The engineering project team prepares and provides the FIR engineering design plan set for review and comment. Based on the environmental clearances documentation, the Local Agency project manager, or a designee, coordinates with the RPEM and CDOT



The term “Local Agency” refers to a public agency, local public agency, established publicly owned organization, or private interest that can legally enter into an agreement with CDOT for a transportation project (CDOT, 2006).





project manager to further identify environmental impact avoidance and minimization opportunities.

5. The project team prepares the environmental documentation necessary for the environmental clearances required for the top part (Parts A and B) of Form 128. This documentation is provided to CDOT for their review and comment. A brief technical memorandum summarizing the environmental clearances completed is prepared and submitted to the RPEM.
6. Based on the environmental clearances documentation, the Local Agency project manager, or a designee, prepares a Summary of Mitigation Measures and provides this summary to the project team for inclusion in the FOR plans and specifications. A copy of the Summary of Mitigation Measures is provided to the RPEM. Additional information on mitigation and monitoring commitments is included in **Chapter 9**.
7. **Form 128 (Parts A and B)**: The RPEM approves the top part of Form 128. Upon completion of Parts A and B of Form 128, usually funds for right-of-way acquisition can be obligated and negotiations for right-of-way acquisition can proceed.
8. The Local Agency project manager, or a designee, initiates coordination with the permitting agencies for Part C of Form 128.
9. **FOR**: Environmental impacts are definitively quantified for environmental permit applications and to ensure adequate representation in the project plans and specifications.
10. The Local Agency project manager, or a designee, coordinates with the RPEM, or a designee, to verify the requirements identified in Part C of Form 128 have been completed. Permit mitigation measures are communicated to the Local Agency project manager for inclusion in the final plans and specifications.
11. **Final Check**: The final plans and specifications containing all mitigation measures are provided to the RPEM, or a designee, ideally a minimum of three weeks prior to when final clearance is required. The RPEM, or a designee, verifies that the relevant information presented in the Summary of Mitigation Measures is included in the Final Check plan set. Changes made to the plans subsequent to the Final Check plan set are explained/summarized. The RPEM, or a designee, reviews and compiles the clearances and permits. A copy of the version of the plan set that was approved needs to be kept in the file to document changes that



CDOT's Mitigation Tracking Spreadsheet is not required for Programmatic CatExs, but is a recommended tool to track mitigation and is available online at:

[http://www.coloradodot.info/programs/environmental/resources/forms/CDOT%20Mitigation%20Tracking%20Spreadsheet\\_June%202012.xlsx/view](http://www.coloradodot.info/programs/environmental/resources/forms/CDOT%20Mitigation%20Tracking%20Spreadsheet_June%202012.xlsx/view)



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Department of  
Transportation



may be made under advertisement of the project for construction that will need subsequent clearance tracking in the file.

12. **Environmental Project Certification:** The RPEM approves the Environmental Project Certification in Part E of the Form 128. This signature means that all environmental commitments are included or being otherwise handled that were identified during the environmental clearance efforts.
13. The Resident Engineer (in some cases the project manager) signs and submits the final Form 463, and as applicable, the completed and signed Form 128, and the signed CDOT Business Manager Form 1180 - PS&E, to FHWA and OFMB. If changes to the project design data have been made, a Revised Form 463 would be submitted instead along with the coinciding Form 128. OFMB then initiates the Form 418 with FHWA. Form 418 is initiated whenever federal aid or oversight is involved for approval.
14. FHWA receives copies of Forms 463, 128 1180 and 418. FHWA approves Form 418 when federal funds are involved.
15. FHWA approves Form 418; funds are obligated and authorized for the construction phase. The project is sent to advertisement.
16. A pre-construction meeting is held with all specialty disciplines to outline permit conditions and mitigation commitments, etc.
17. **Construction:** The CDOT Construction Project Engineer and the local agency team begin mitigation monitoring during construction to ensure compliance with permit requirements and mitigation commitments. Note: Long term monitoring of mitigation may be required to successfully complete mitigation obligations and permit requirements.
18. The project is closed once construction is final and accepted by CDOT and most of the conditions of environmental permits have been satisfied. Project closure is further detailed in the CDOT *Local Agency Manual* (CDOT, 2006).



CDOT Forms are available at

<http://www.coloradodot.info/library/forms>

### 5.2.3 Programmatic CatEx - Documentation

Documentation (Form 128) must be provided for all CatEx projects, regardless of whether they are Programmatic or Non-Programmatic projects. This ensures that CDOT is not only complying with NEPA, but systematically ensuring project and program compliance with Colorado Transportation Commission policies, the CDOT Environmental Ethic, and the numerous environmental regulations that may be required for a project. The documentation for a Programmatic CatEx is the same regardless of whether



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Department of  
Transportation



the project is a CDOT project or a Local Agency project with CDOT oversight.

The top part (Parts A and B) of Form 128 provide a list of environmental clearances to be completed as part of the Programmatic CatEx process. These environmental clearances include:

- ▶ **Air Quality:** Air quality is most relevant to projects within nonattainment or maintenance areas. Projects within these areas must comply with the Transportation Conformity Rule associated with the Clean Air Act. A project that includes a facility that may be a hot spot for carbon monoxide or particulate matter may require a hot spot analysis. Each analysis should be documented in the required technical report. Additional information on conducting an air quality hot spot analysis is included in **Section 9.1**. For projects outside of nonattainment and maintenance areas, no formal documentation is typically needed. If a hot spot analysis is not required for a project within a nonattainment or maintenance area, a brief technical memorandum or similar documentation to the project file should be prepared to identify the reasons why the analysis is not necessary.
- ▶ **Noise:** Type 1 projects require an examination of traffic noise. A Type 1 project generally involves construction of a roadway in a new location, physically alters the vertical or horizontal alignment of an existing roadway, or increases the number of through traffic lanes. Additional information on conducting a noise analysis is included in **Section 9.22**. Results from a detailed noise analysis should be documented in the required technical report. If a project is Type 1 but does not require a detailed noise analysis (i.e. modeling), a brief technical memorandum or similar documentation to the project file should be prepared documenting the reasons why modeling is not required. If the project is not Type 1, no formal documentation is typically needed.
- ▶ **Hazardous Materials:** Every project requires an ISA Checklist (Form 881), a MESA, or a Phase I Environmental Site Assessment. **Section 9.25** provides additional information on when an ISA, MESA, or a Phase I is applicable depending on the size and type of project.
- ▶ **Threatened and Endangered Species:** As a first step, it is recommended that a Biological Resources Report or memo is prepared for the project as a time and cost saving measure. The purpose of this report is to give an overview of the biological resources that are present in the project area and should cover



most biological issues on the site, including threatened and endangered species, wetlands, migratory birds, species of special concern (e.g. prairie dogs), and noxious weeds. If there are potential impacts to a threatened and endangered species, the process outlined in **Section 9.9** should be followed. Otherwise, the Biological Resources Report serves as documentation for the absence of threatened and endangered species in the project area.

- ▶ **Wetlands:** Wetland identification should be conducted. It is recommended that the wetland identification be conducted as part of the Biological Resources Report or memo. If wetlands are identified that would be impacted, a Wetland Delineation should be conducted for submittal to the USACE for a jurisdictional determination as outlined in **Section 9.6**. Since FHWA requires that CDOT mitigate for jurisdictional and non-jurisdictional wetlands, the jurisdictional determination step can be skipped if the project team would like to consider any wetland as jurisdictional and mitigate accordingly. Otherwise, the Biological Resources Report or memo serves as documentation for the absence of wetlands in the project area.
- ▶ **Paleontology:** If the project requires any type of excavation (six inches or greater in ground that is not on fill or will affect substrate that is not fill), a Paleontological Survey is required. **Section 9.11** provides additional information on the process for the survey of paleontological resources.
- ▶ **Archaeology:** If the project requires any type of excavation (six inches or greater in ground that is not fill or substrate that is not fill), an Archaeological Survey and coordination with the SHPO in accordance with Section 106 of the National Historic Preservation Act must be conducted. **Section 9.10** provides additional information on the process for the survey of archaeological resources.
- ▶ **History/Historic Bridges:** According to the Programmatic Agreement between FHWA, the Advisory Council on Historic Preservation, the State Historic Preservation Officer, and CDOT, a Section 106 review is required for all projects, whether or not it is affecting bridges and properties adjacent to bridges, and for bridges located within or near eligible historic districts. **Section 9.10** provides additional information on the process for the survey of historic resources. CDOT's May 2010 Section 106 Programmatic Agreement includes a section regarding Section 106 consultation requirements for non-eligible, eligible, and listed bridges identified in previous statewide historic bridge inventories



or newly- documented as part of individual projects. Coordination with a CDOT Historian is required.

- ▶ **Section 4(f):** Once any Section 4(f) properties are defined, FHWA and CDOT must determine the potential impacts and “uses” of those properties in relation to the project. Commonly affected Section 4(f) impacts include parks, trails, or historic properties. **Section 9.19** discusses the Section 4(f) process.
- ▶ **Section 6(f):** For conversions of property purchased utilizing Land and Water Conservation Funds (Section 6(f)), replacement with fair market value equivalence is required. Fair Market Value equivalence is determined using CDOT’s standard right-of-way appraisal process. Fair market value replacement of land is preferred, but other options may be negotiated with Colorado Parks and Wildlife and the National Parks Service. **Section 9.20** provides additional guidance on Section 6(f).
- ▶ **Other:** Based on the preliminary determinations made by the RPEM, or a designee, regarding the anticipated environmental clearances for a project, additional environmental clearances may be required. The additional environmental clearances could include Environmental Justice, Water Resources, Visual/Aesthetics, Socioeconomic regarding business access changes, etc. **Chapter 9** further discusses the methodologies and processes for these resources.

The bottom part (Parts C, D, and E) of Form 128 provide a list of permits and additional requirements to be completed as part of the environmental project certification for the Programmatic CatEx. These permits and additional requirements include:

- ▶ **404 Permit (Clean Water Act):** Impacts to streams and related jurisdictional wetlands could require a USACE 404 nationwide permit. An Individual permit is required for projects with larger impacts to wetlands (typically greater than 0.5 acres in size). Additional information on the permitting process is included in **Section 9.4**.
- ▶ **401 Certification (Clean Water Act):** A Colorado Department of Public Health and Environmental (CDPHE) Section 401 water quality certification is required if an Individual 404 permit is required. Additional information on the permitting process is included in **Section 9.5**.
- ▶ **402 Certification - Construction Dewatering Certification:** If groundwater is encountered, a CDPHE dewatering permit may be



required. Additional information on the permitting process is included in **Section 9.4**.

- ▶ **Construction Stormwater Certification (Colorado Discharge Permit System [CDPS]):** Projects that disturb one acre or greater require a CDPS construction storm-water permit from the CDPHE Water Quality Control Division (WQCD) and a Storm Water Management Plan (SWMP) in CDOT's approved format. Additional information on the permitting process is included in **Section 9.4**.
- ▶ **Floodplains Development Permit:** This permit is required by counties that participate in FEMA's National Flood Insurance Program and to entities that are proposing to perform work in a floodplain. Additional information on the permitting process is included in **Section 9.5**.
- ▶ **Colorado Parks and Wildlife (CPW) Senate Bill 40 (SB40):** For impacts to stream banks, stream channels, and riparian areas, SB40 certification from CPW is required. Additional information on the certification process is included in **Section 9.8**.
- ▶ **Wetland Finding:** For impacts to jurisdictional and non-jurisdictional wetlands and Waters of the US, a Wetland Finding is required for approval by CDOT and FHWA if a particular threshold is reached. Additional information on preparing a Wetland Finding is included in **Section 9.6**.
- ▶ **APCD Bridge/Structure Demo Permit:** Prior to demolition of bridges or other structures, a permit must be obtained from the APCD. The notification of demolition form should be submitted to CDPHE at least 10 days prior to demolition.
- ▶ **Hazardous Materials (Phase II):** If recommended by the ISA, MESA, or Phase 1 Environmental Site Assessment, a Phase II subsurface soil and groundwater investigation for potential hazardous materials that present a liability issue during right-of-way acquisition, or require management during construction to protect worker health and safety and the environment, or to properly dispose of the hazardous material is required. **Section 9.25** provides additional information on when a Phase II is applicable depending on the size and type of project.
- ▶ **6(f) Completion:** Support for the conversion and mitigation by the agency operating the Section 6(f) encumbered properties is required. Final approval of the conversion and mitigation must be obtained from CPW and the National Park Service. **Section 9.20** provides more information on completing the Section 6(f) process.



- ▶ **Other:** Based on the preliminary determinations made by the RPEM, or a designee, regarding the anticipated permits for a project, additional permits may be required. “Other” can also document that the stormwater management plan has been approved and accepted by the Water Pollution Control Manager (WPCM).

Documentation that supports the CatEx determination becomes part of the project file and provides evidence that CDOT’s decision was based on factual information and sound judgment. The level of documentation should be commensurate with the action’s potential for adverse impacts.

### 5.2.4 Programmatic CatEx - Approval

All Programmatic CatExs require the review and approval of CDOT. CDOT may coordinate with FHWA depending upon the project and type of action. The CDOT RPEM, or a designee, will sign Part B of Form 128 after environmental clearances have been obtained. Once the RPEM signs Part B of Form 128, the project can then be obligated for final design and typically right-of-way negotiations can then proceed. The RPEM will not sign Part E of Form 128 until all clearances and permits for the project have been obtained and mitigation requirements are included in the plans and specifications. The approval process for Programmatic CatExs is the same for CDOT projects and Local Agency projects with CDOT oversight.

### 5.3 Non-Programmatic CatEx

Non-programmatic CatExs are actions that meet the criteria for a CatEx in the CEQ regulations (CEQ, 40 CFR § 1508.4) if they are appropriately analyzed, documented, and approved by FHWA. The applicant must submit documentation that demonstrates that the specific conditions or criteria for these CatExs are satisfied and that significant environmental effects will not result.

#### 5.3.1 Non-Programmatic CatEx - Actions

The following are Non-Programmatic CatEx actions for CDOT per 23 CFR 771.117(d) and as modified by the CatEx Programmatic Agreement:

- d1. Modernization of a highway by resurfacing, restoration, rehabilitation, reconstruction, adding shoulders, or adding auxiliary lanes (including parking, weaving, turning, and climbing)
- d2. Highway safety or traffic operations improvement projects, including the installation of ramp metering control devices and lighting



FHWA Non-Programmatic  
Categorical Exclusion  
Environmental Review  
Summary form available at:

[http://www.coloradodot.info/programs/environmental/resources/guidance-standards/8\\_14\\_03-ce-checklist.pdf/view](http://www.coloradodot.info/programs/environmental/resources/guidance-standards/8_14_03-ce-checklist.pdf/view)





- d3. Bridge rehabilitation, reconstruction, or replacement or the construction of grade separation to replace existing at-grade railroad crossings
- d4. Transportation corridor fringe parking facilities
- d5. Construction of new truck weigh stations or rest areas
- d6. Approvals for disposal of excess right-of-way or for joint or limited use of right-of-way, where the proposed use does not have significant adverse impacts (Interstate)
- d7. Approvals for changes in access control (Interstate)
- d8. Construction of new bus storage and maintenance facilities in areas used predominantly for industrial or transportation purposes where such construction is not inconsistent with existing zoning and located on or near a street with adequate capacity to handle anticipated bus and support vehicle traffic
- d9. This is a Programmatic CatEx action per the CatEx Programmatic Agreement.
- d10. This is a Programmatic CatEx action per the CatEx Programmatic Agreement.
- d11. Construction of rail storage and maintenance facilities in areas used predominantly for industrial or transportation purposes where such construction is not inconsistent with existing zoning and where there is no significant noise impact on the surrounding community
- d12. Acquisition of land for hardship or protective purposes; advance land acquisition loans under Section 3(b) of the Urban Mass Transportation (UMT) Act of 1964 as amended
- d13. Acquisition of pre-existing railroad right-of-way pursuant to 49 USC 5324(c). No project development on the acquired railroad right-of-way may proceed until the NEPA process for such project development, including the consideration of alternatives, has been completed
  - i. Hardship acquisition is early acquisition of property by the applicant at the property owner's request to alleviate particular hardship to the owner, in contrast to others, because of an inability to sell his property. This is justified when the property owner can document on the basis of health, safety or financial reasons that remaining in the property poses an undue hardship compared to others.



The Denver Regional Council of Government (DRCOG) regionally significant roadway project criteria include:

- Adding a new metropolitan transportation system highway segment of a least one-centerline mile in length
- A highway-widening project one-centerline mile or more in length
- Additions or deletions of a high-occupancy vehicle lane one-centerline mile or more in length, or changes in vehicle occupancy requirements
- Freeway acceleration/deceleration /climbing/auxiliary lanes that connect two interchanges that are one mile or more apart
- New metropolitan transportation system roadway grade separated interchanges
- An improvement to an existing interchange that (1) adds or deletes travel movements or (2) upgrades a local service "diamond" arterial-freeway interchange by adding flyover ramps





- ii. Protective acquisition is done to prevent imminent development of a parcel which may be needed for a proposed transportation corridor or site. Documentation must clearly demonstrate that development of the land would preclude future transportation use and that such development is imminent. Advance acquisition is not permitted for the sole purpose of reducing the cost of property for a proposed project.
- e. Where a pattern emerges of granting CatEx status for a particular type of action, FHWA will initiate rulemaking proposing to add this type of action to the list of CatExs in paragraph (c) or (d) of this section, as appropriate.

### 5.3.2 Non-Programmatic CatEx - Process

Prior to initiating a Non-Programmatic CatEx project, the *FHWA Non-Programmatic Categorical Exclusion Environmental Review Summary* form should be reviewed. If any of the following questions, which are included on page one of the form, can be answered in the positive, further investigation will be required to determine if a Non-Programmatic CatEx is appropriate for the project:

- ▶ If an Individual Clean Water Act Section 404 permit is required, does the USACE object to a CatEx class of environmental document?
- ▶ If the project adversely affects endangered or threatened species and/or their critical habitat, does the US Department of Interior Fish and Wildlife Service (USFWS) object to the CatEx class of environmental document?
- ▶ If a DOT letter of consent is required for easement, does the federal land management agency have unresolved issues with the environmental analysis?
- ▶ Is there any substantial controversy on environmental grounds?

In addition, if any of the following questions, which are also included on page one of the *FHWA Non-Programmatic Categorical Exclusion Environmental Review Summary* form, can be answered in the positive and cannot be otherwise resolved by amending the planned action, the project should not be approved as a Non-Programmatic CatEx:

- ▶ Are significant environmental impacts expected?
- ▶ Are there any inconsistencies with the federal, state, or local law, requirement or administration determination relating to the environmental aspects of the action expected?



- ▶ Does this project add additional capacity??
- ▶ Is there substantial construction on a new alignment?
- ▶ Will the project significantly change traffic patterns?
- ▶ Are there significant impacts expected to properties protected by Section 4(f) of the US DOT Act or Section 106 of the National Historic Preservation Act?
- ▶ Is the right-of-way required significant because of its: size, location, use, or relationship to remaining property and abutting properties?
- ▶ Is there a substantial noise increase (greater than 10 A-weighted decibels [dBA]) or noise levels greater than allowable by CDOT guidelines and mitigation is not reasonable and feasible?

As discussed in **Section 2.4**, CDOT staff, typically the CDOT RPEM, decide the appropriate class of NEPA documentation needed for a project in consultation with FHWA, although FHWA makes the final determination on class of action. These projects originate either through the CDOT planning process, which is further discussed in **Chapter 3**, or as a Local Agency project with CDOT oversight. The following sections discuss the processes for a CDOT Project Non-Programmatic CatEx and a Local Agency Project with CDOT Oversight Non-Programmatic CatEx. Conducting actions documented by the Form 128 will require information input by CDOT into the CDOT SAP computer tracking system. **Attachment 1** includes the step-by-step process to input information into the CDOT SAP computer tracking system.

### CDOT PROJECT

The following is the step-by-step process for approval of a Non-Programmatic CatEx project:

1. **Internal Scoping:** The CDOT project manager coordinates with all design and specialty disciplines, including Environmental, Right-of-Way, Utilities, Hydraulics, Traffic, Bridge Materials and Maintenance to get consensus on the scope of the project and to identify the multi-disciplinary project development team. FHWA should be invited but can be briefed afterwards if they are unable to attend. Environmental impact avoidance and minimization alternatives are discussed. The RPEM, or a designee, makes preliminary determinations regarding the anticipated environmental clearances and permits, and associated responsibilities for each. The RPEM, or a designee, schedules and coordinates with the CDOT EPB as necessary to initiate environmental clearance processes required on Part B of Form 128.



2. The CDOT project manager drafts a preliminary detailed project schedule that is circulated to the multi-disciplinary project development team for comments. The project schedule is adopted and shared with the multi-disciplinary project development team. Examples of CDOT CatEx schedules can be found in the Environmental Section (Section 2) of CDOT's Project Development Manual.
3. **Project Planning and Programming:** The CDOT project manager should verify that the project is included in the Statewide Transportation Plan (SWP): Statewide Transportation Improvement Program (STIP). If the project is located in an urban area, the CDOT project manager should verify that the project is included in the Regional Transportation Plan (RTP) and the Transportation Improvement Program (TIP). If a project is not included in the SWP, STIP, RTP, and TIP, it cannot be approved by FHWA. Please note that projects that do not meet the metropolitan planning organization regionally significant project criteria are not required to be in the STIP, RTP, or TIP.
4. **Environmental Clearances/Documentation:** The RPEM, or a designee, coordinates with the Region or EPB resource specialists for initiation of the anticipated environmental clearances required for the top part (Parts A and B) of Form 128. The documentation required for Form 128 is further discussed in **Section 5.3.3**. Information to support a Non-Programmatic CatEx should include:
  - A. **Purpose and Need for Action:** A brief (one to two paragraphs) purpose and need shall be prepared. **Sections 4.6** and **6.3** provide additional information on preparing a purpose and need for the project.
  - B. **Project Description:** A brief project description shall describe the action to be undertaken, including the project limits (logical termini/independent utility); construction activities such as shoulder backing, culverts, staging areas, and facilities; disposal and borrow sites required; any right-of-way acquisition; utility relocations; and construction activities that may require temporary facilities such as haul roads, detours, or ramp closures.
  - C. **Project Planning and Programming:** The status of the project in the STIP, RTP, and TIP shall be discussed, or if the project does not meet regionally significant project criteria and is not required to be in the STIP, RTP, or TIP, the reason shall be provided. **Section 3.5** provides additional information on fiscal conformance of projects.



- D. **Public Involvement:** Public involvement activities should be documented. **Chapter 7** provides additional information on CDOT's requirements for public involvement.
- E. **Right-of-Way:** If right-of-way acquisition is required, the number of parcels affected, number of acres required, number of residential relocations, and number of business relocations, will be identified. **Section 9.17** provides additional information on right-of-way requirements.
- F. **Threatened and Endangered Species/Migratory Birds/Wildlife:** These environmental clearances were previously discussed in **Section 5.2.3**. **Section 9.9** provides additional information on threatened or endangered species.
- G. **Water Quality, Wetlands, Floodplains/Stream Encroachments:** If a water body is located within the project area and potentially impacted by the project, the water quality of the water body shall be assessed. The CDPHE 303(d) list of state impaired waters should be reviewed to determine if any water quality impairments are associated with the water body. In addition, the project shall comply with CDOT's and the Local Agency's (if applicable) MS4 permit. The requirements for wetlands were previously discussed in **Section 5.2.3**. If a floodplain is impacted, coordination with the FEMA and mitigation is required. **Section 9.4** provides additional information on water quality.
- H. **Air Quality:** This environmental clearance was previously discussed in **Section 5.2.3**. **Section 9.2** provides additional information on air quality.
- I. **Invasive Species:** If noxious weeds or invasive species are identified in the initial survey of the project area, the extent of the infestation, the risk of spreading to unaffected areas, and the size and length of time that the project will be under construction should be evaluated to determine whether an Integrated Noxious Weed Management Plan (INWMP) should be prepared or whether those weed control or other invasive species BMPs should be documented in the plans and specifications. Additional information on the process is included in **Section 9.7**.
- J. **Hazardous Materials:** This environmental clearance was previously discussed in **Section 5.2.3**. **Section 9.25** provides additional information on hazardous materials.
- K. **Land Use/Urban Policy:** If the project is not consistent with local land use plans or zoning, an explanation on the reason



- for this inconsistency needs to be provided. **Section 9.12** provides additional information on land use.
- L. **Prime, Unique, Statewide, or Locally Important Farmland:** **Section 9.21** provides additional information on farmlands.
  - M. **Section 6(f):** Section 6(f) was previously discussed in **Section 5.2.3** and **Section 9.20** provides additional information.
  - N. **Noise:** This environmental clearance was previously discussed in **Section 5.2.3**. **Section 9.22** provides additional information on noise analysis.
  - O. **Historic Preservation:** This environmental clearance was previously discussed in **Section 5.2.3**. **Section 9.10** provides additional information on historic properties.
  - P. **Native American Consultation:** The project team should coordinate with the RPEM and CDOT EPB staff as necessary. **Section 9.10** provides additional information on Native American consultation.
  - Q. **Paleontological:** This environmental clearance was previously discussed in **Section 5.2.3**. **Section 9.11** provides additional information on paleontological resources.
  - R. **Section 4(f) Properties:** This environmental clearance was previously discussed in **Section 5.2.3**. **Section 9.19** provides additional information on Section 4(f).
  - S. **Socio/Economic Factors:** Socioeconomic impacts, including impacts to low-income and minority populations (Environmental Justice), shall be discussed. If necessary, a Socioeconomic Technical Memorandum or an Environmental Justice Evaluation Technical Report should be prepared. Additional information on the process is included in **Sections 9.13, 9.14, and 9.15**.
  - T. **Other Environmental Factors:** Based on the preliminary determinations made by the RPEM, or a designee, regarding the anticipated environmental clearances for a project, additional environmental clearances may be required. The additional environmental clearances could include Visual/Aesthetics, Land Use, etc. **Chapter 9** further discusses the methodologies and processes for these resources.
  - U. **Mitigation:** CDOT's Mitigation Tracking Spreadsheet is recommended to provide a summary to the project team for inclusion in the CatEx, FOR plans, and specifications. Additional information on mitigation and monitoring commitments is included in **Chapter 9**.



CDOT's Mitigation Tracking Spreadsheet is required for Non-Programmatic CatExs and is available online at:

[http://www.coloradodot.info/programs/environmental/resources/forms/CDOT%20Mitigation%20Tracking%20Spreadsheet\\_June%202012.xlsx/view](http://www.coloradodot.info/programs/environmental/resources/forms/CDOT%20Mitigation%20Tracking%20Spreadsheet_June%202012.xlsx/view)



**COLORADO**  
Department of  
Transportation



5. **FIR:** The project team prepares and provides the FIR engineering design plan set, which is approximately 30 percent design, for review and comment. Based on the environmental clearances documentation, the RPEM, or a designee, coordinates with the CDOT project manager and project team to further identify environmental impact avoidance and minimization opportunities. The RPEM, or a designee, communicates information requirements and anticipated timelines for necessary clearances and permits to the CDOT project manager.
6. Based on the environmental clearances documentation, the RPEM, or a designee, updates the mitigation and monitoring commitments as necessary and provides this information to the CDOT project manager for inclusion in the FOR plans and specifications, which is approximately 90 percent design.
7. **Form 128 (Parts A and B):** The RPEM, or a designee, approves the top part of Form 128. Usually funds for right-of-way acquisition can be obligated and negotiations for right-of-way acquisition can proceed.
8. The RPEM, or a designee, prepares the Non-Programmatic CatEx documentation (see **Section 5.3.3**) and submits it to FHWA along with Form 128 and back-up clearance documentation for approval.
9. The FHWA project representative approves the top part of Form 128 and the associated documentation and returns the originals to the RPEM for the project file. Upon completion of Parts A and B of Form 128, funds for final design and right-of-way acquisition can be obligated and negotiations for right-of-way acquisition can proceed.
10. The RPEM, or a designee, initiates coordination with the permitting agencies for Part C of Form 128.
11. **FOR:** Environmental impacts are definitively quantified for environmental permit applications and to ensure adequate representation in the project plans and specifications. Form 463 is completed.
12. The RPEM, or a designee, satisfies the requirements identified in Part C of Form 128. Permit mitigation measures are added to the mitigation and monitoring commitments and are communicated to the CDOT project manager for inclusion in the final plans and specifications.
13. **Final Check:** The final plans and specifications containing all mitigation measures are provided to the RPEM, or a designee,



ideally a minimum of three weeks prior to when final clearance is required. The RPEM, or a designee, verifies that the relevant information presented in the mitigation and monitoring commitments is included in the Final Check plan set. Changes made to the plans subsequent to the Final Check plan set are explained/summarized. The RPEM, or a designee, reviews and compiles the clearances and permits.

14. **Environmental Project Certification:** The RPEM, or a designee, approves the Environmental Project Certification in Part E of Form 128. This signature means that all environmental commitments are included or being otherwise handled that were identified during the environmental clearance efforts.
15. The CDOT Resident Engineer (in some cases the CDOT project manager) signs and submits the final Form 463, and as applicable, the completed and signed Form 128, and the signed Form 1180 - PS&E by the CDOT Region Business Manager, to FHWA and OFMB. If changes to the project design data have been made, a revised Form 463 would be submitted instead along with the coinciding Form 128.
16. A pre-construction meeting is held with all specialty disciplines to outline permit conditions and mitigation commitments, etc.
17. **Construction:** The Construction Project Engineer and the RPEM, a designee, begins mitigation monitoring during construction to ensure compliance with permit requirements and mitigation commitments. Note: Long term monitoring of mitigation may be required to successfully complete mitigation obligations and permit requirements.
18. The project is closed once construction is final and accepted by CDOT and most of the conditions of environmental permits have been satisfied. CDOT will prepare a Form 950 for project closure. Project documentation and records should be maintained in accordance with CDOT Procedural Directive 51.1.

#### LOCAL AGENCY PROJECT WITH CDOT OVERSIGHT

There are some differences in process when the project is championed by a Local Agency. The step-wise process is described below.

1. **Preliminary Agency Scoping:** The Local Agency project manager coordinates with the CDOT Resident Engineer and RPEM, or a designee, to prepare a scope of work for the local agency project.



2. **Project Scoping:** The Local Agency project manager and the project team hold a scoping meeting with all CDOT design and specialty disciplines, including Environmental, Right-of-Way, Utilities, Hydraulics, Traffic, Bridge Materials and Maintenance to get consensus on the scope of the project and to identify the multi-disciplinary project development team. FHWA should be invited but can be briefed afterwards if they cannot attend. Environmental impact avoidance and minimization alternatives are discussed. The RPEM, or a designee, makes preliminary determinations regarding the anticipated environmental clearances and permits, and associated responsibilities for each.
3. **Project Planning and Programming:** The CDOT project manager should verify that the project is included in the STIP. If the project is located in an urban area, the CDOT project manager should verify that the project is included in the RTP and the TIP. If a project is not included in the STIP, it cannot be approved by FHWA. Please note that projects that do not meet the regionally significant project criteria and that are not federally funded are not required to be in the STIP, RTP, or TIP.
4. **Environmental Clearances/Documentation:** The RPEM, or a designee, coordinates with the Region or EPB resource specialists for completion of the anticipated environmental clearances required for the top part (Parts A and B) of Form 128. The project team is typically an environmental consultant hired by the Local Agency with CDOT possibly helping as agreement and time allows. The documentation required is further discussed in **Section 5.3.3**.
5. **FIR:** The project team prepares and provides the FIR engineering design plan set, which is approximately 30 percent design, for review and comment. Based on the environmental clearances documentation, the Local Agency project manager, or a designee, coordinates with the RPEM and CDOT project manager to further identify environmental impact avoidance and minimization opportunities.
6. The project team prepares the environmental documentation necessary for the environmental clearances required for the top part (Parts A and B) of Form 128. This documentation is provided to CDOT for their review and comment. A brief technical memorandum summarizing the environmental clearances completed is prepared and submitted to the RPEM.
7. Based on the environmental clearances documentation, the Local Agency project manager, or a designee, prepares the mitigation



and monitoring commitments documentation and provides this summary to the project team for inclusion in the FOR plans and specifications, which is approximately 90 percent design. A copy of the documentation is provided to the RPEM.

8. **Form 128 (Parts A and B):** The RPEM approves the top part of Form 128. Upon completion of Parts A and B of Form 128, usually funds for right-of-way acquisition can be obligated and negotiations for right-of-way acquisition can proceed.
9. The Local Agency team prepares the Non-Programmatic CatEx documentation (see **Section 5.3.3**) and submits it to CDOT for review. CDOT then submits it to FHWA along with Form 128 for approval.
10. The FHWA project representative approves the top part of Form 128 and associated documentation and returns the originals to the RPEM for the project file. Upon completion of Parts A and B of Form 128, funds for final design and right-of-way acquisition can be obligated and negotiations for right-of-way acquisition can proceed.
11. The Local Agency project manager, or a designee, initiates coordination with the permitting agencies for Part C of Form 128.
12. **FOR:** Environmental impacts are definitively quantified for environmental permit applications and to ensure adequate representation in the project plans and specifications. Form 463 is completed.
13. The Local Agency project manager, or a designee, coordinates with the RPEM, or a designee, to verify that the requirements identified in Part C of Form 128 have been completed. Permit mitigation measures are communicated to the Local Agency project manager for inclusion in the final plans and specifications.
14. **Final Check:** The final plans and specifications containing all mitigation measures are provided to the RPEM, or a designee, ideally a minimum of three weeks prior to when final clearance is required. The RPEM, or a designee, verifies that the relevant information presented in the mitigation and monitoring commitments documentation is included in the Final Check plan set. Changes made to the plans subsequent to the Final Check plan set are explained/summarized. The RPEM, or a designee, reviews and compiles the clearances and permits.
15. **Environmental Project Certification:** The RPEM approves the Environmental Project Certification in Part E of Form 128. This signature means that all environmental commitments are included



or otherwise being handled that were identified during the environmental clearance efforts.

16. The Resident Engineer (in some cases the project manager) signs and submits the final Form 463, and as applicable, the completed and signed Form 128, and the signed Form 1180 - PS&E by the CDOT Region Business Manager, to FHWA and OFMB. If changes to the project design data have been made, a revised Form 463 would be submitted instead along with the coinciding Form 128. OFMB then initiates the Form 418. Form 418 is initiated with FHWA whenever federal aid or oversight is involved for approval.
17. FHWA receives copies of Forms 463, 128 1180 and 418. FHWA approves Form 418 when federal funds are involved.
18. FHWA approves Form 418; funds are obligated and authorized for the construction phase. The project is sent to advertisement.
19. A pre-construction meeting is held with all specialty disciplines to outline permit conditions and mitigation commitments, etc.
20. **Construction:** The CDOT Construction Project Engineer and the local agency team begin mitigation monitoring during construction to ensure compliance with permit requirements and mitigation commitments. Note: Long term monitoring of mitigation may be required to successfully complete mitigation obligations and permit requirements.
21. The project is closed once construction is final and accepted by CDOT and most of the conditions of environmental permits have been satisfied. Project closure is further detailed in the CDOT Local Agency Manual (CDOT, 2006).

### 5.3.3 Non-Programmatic CatEx - Documentation

The top part (Parts A and B) of Form 128 documents the necessary environmental clearances. These environmental clearances for Form 128 were previously discussed in **Section 5.2.3**.

There are several documentation options for a Non-Programmatic CatEx. The decision on which option to use should be agreed-upon by the RPEM or designee and the FHWA Operations Engineer. Options include:

- ▶ FHWA *Non-Programmatic Categorical Exclusion Environmental Review Summary* form  
(<http://www.coloradodot.info/programs/environmental/resources/forms>)



- ▶ CDOT's Documented CatEx Template (<http://www.coloradodot.info/programs/environmental/resources/forms>)
- ▶ Technical reports
- ▶ Combination of Documented CatEx Template and EA style
- ▶ Other

No matter which documentation option is chosen, typical necessary information includes:

- ▶ Purpose and Need for Action
- ▶ Project Description
- ▶ Project Planning and Programming
- ▶ Public Involvement
- ▶ Right-of-Way
- ▶ Threatened or Endangered Species/Migratory Birds/Wildlife
- ▶ Water Quality, Wetlands, Floodplains/Stream Encroachments
- ▶ Air Quality
- ▶ Invasive Species
- ▶ Hazardous Materials
- ▶ Land Use/Urban Policy
- ▶ Prime, Unique, Statewide, or Locally Important Farmland
- ▶ Recreation
- ▶ Noise
- ▶ Historic Preservation
- ▶ Native American Consultation
- ▶ Paleontological
- ▶ Section 4(f) Properties
- ▶ Socio/Economic Factors
- ▶ Other Environmental Factors
- ▶ Mitigation

Documentation that supports the CatEx determination becomes part of the administrative record and provides evidence that CDOT's decision was based on factual information and sound judgment. The level of documentation should be commensurate with the action's potential for adverse impacts.



### 5.3.4 Non-Programmatic CatEx - Approval

All Non-Programmatic CatExs require the review and approval of FHWA. The CDOT RPEM, or a designee, will sign Part B of Form 128 after environmental clearances have been obtained. FHWA is sent Form 128 and the agreed-upon documentation for review and signature if the project is a federal project. Once FHWA signs Part B of Form 128 and returns it to the CDOT RPEM for the project file, right-of-way negotiations typically can proceed. The RPEM will not sign Part E of Form 128 until all clearances and permits or their requirements for the project have been obtained or identified in the project plans and specifications to be handled by the contractor, FHWA has signed Part B, and mitigation or subsequent permit requirements are included in the plans and specifications.



## 5.4 References

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## ATTACHMENT 1 – How to Fill Out Form 128 in SAP

Conducting actions documented by the 128 Form will require information input by CDOT into the CDOT SAP computer tracking system. The following explains how to access this form, when and how to input the form information, how it is linked into other parts of the SAP system and important quirks of the system at this point in time.

1. The first step in environmental clearance of a project in SAP is to **Log onto SAP** like you would for entering your timecard. In other words, click on the SAP icon and enter your user name and password for SAP. Your password may, or may not, be the same as for logging onto your computer.
2. The next step is to enter **Project Builder** by entering the short-cut (transaction code) number “CJ20N” where you would enter your timecard function “CAT2”. If you forget the shortcut item or have not bookmarked it as a “Favorite” yet, you can also find Project Builder by going into the User Menu and scrolling down until you see “Project Builder” and clicking on that item to open it.
  - a. Click on the “open folder” button on the left of the window.
  - b. Add the 5-digit sub-account code in the “Project Definition” box and click on the green check-mark in that window or hit enter button. This will bring up the specific project (if the project has been put into SAP by the engineer).
  - c. You will see a set of tabs on the right half of the window – click on “Cust. Enhancement” tab. Click on “Custom Fields” box that pops up.
  - d. You will see another set of tabs – click on “Environmental”.
  - e. Enter the project clearance type in the first field. Use the drop down list to select the appropriate type (Programmatic, Non-programmatic, FONSI, or ROD). You then need to hit the “enter” key on the keyboard. This will auto-populate this information in the Form 463 as well as in the Form 128.
    - 1) If you enter either CatEx category, the only other field that is not grayed-out in which you can enter information is the comment field – the rest will be auto-populated from the Form 128.
    - 2) If you enter either a FONSI or a ROD category, the three boxes called “Date of Clearance” (date when the FONSI or ROD was signed), “Project Code # Cleared Under” (subaccount code), and “Project # Cleared Under” (contract number) will be un-grayed and will be available for entering data. In these fields you should enter the project subaccount and project number that the ROD or FONSI was acquired under.

The screenshot shows the SAP Project Builder interface for an 'Engineering Project - 20193'. The 'Environmental' tab is active, displaying the 'Environmental Details' section. The 'Type of Clearance' is set to 'P - CE Programmatic (128 Req'd)'. Other fields include 'Federal Nexus' (PC08), 'Date of Clearance Action' (08/18/2014), and 'Environmental Project Certification' (08/18/2014). The 'Project ID Cleared Under' and 'Project Number Cleared Under' fields are currently empty.



- f. You can enter a comment in the comment field regarding information you want to show up in the Form 463 such as “Form 128 was initiated on Nov. 2, 2008” or whatever you want to communicate at that time.
  - g. The other gray-out fields will to be populated from the Form 128.
    - 1) The “Date of Clearance” box is auto-populated from Part B signature of the 128 if it is for any CatEx category. This will be the RPEM signature date for programmatic clearances and the FHWA date if it is non-programmatic.
    - 2) The final box called “Environmental Project Certification (Cleared for Advertisement)” is auto-populated from Part E signature of the Form 128. This will be true for FONSI/ROD projects as well as for CatEx projects.
  - h. To Exit Project Builder – hit the green back arrow on the top of the page. Hit the “Floppy Disk” icon to the left of the green back arrow to save the information you just entered. Then hit the green back arrow again to exit. If you forget to do this save, and hit the back green arrow again to exit without hitting the “Floppy Disk” icon, there will be a prompter to save the data anyway. Save the data by checking the “yes” box in this prompter if you are at this stage. With either path to save, you will be back at the Project Builder main page where you entered the 5-digit subaccount code using the “open folder” icon. Hit the yellow up arrow to get to the main SAP page.
3. The Federal nexus box is a pull-down menu for “Yes” (it has a Federal nexus) or “No” (it does not have a Federal nexus). Select one. This will auto-populate Form 128. Do not worry if you don’t see “Yes” or “No” in the box once it’s selected. This is a formatting issue for Project Builder, but it will show up correctly in Form 128.
  4. The next step is to enter **Form-128 Categorical Exclusion** by entering the short-cut (transaction code) number “ZJ17” where you would enter your timecard function “CAT2”. If you forget the shortcut item or have not bookmarked it as a “Favorite” yet, you can also find Project Builder by going into the User Menu and scrolling down until you see “Form-128 Categorical Exclusion” and clicking on that item to open it. The Form 128 will need to be filled out for final design even if this is a project with a FONSI or a ROD. This is because the bottom part of the form is used for Project Certification that verifies the mitigation commitments identified in the EA or EIS have been included in the Plans and Specifications or have been otherwise addressed. Therefore, in this case, the Form 128 is being used for the Project Certification of this EA or EIS project design, and not only for a CatEx clearance.
    - a. There is a field that is auto-populated from Project Builder for the Federal nexus. However, if you find that this was entered incorrectly and the Federal nexus status needs changed, you can change it here in Form 128 and it will auto-populate back into Project Builder. For projects with Federal funds or where a Section 404 permit is required, Form 128 will not save unless the Federal nexus value is yes. The intent is to be able to separate out Federal and non-Federal CatExs for reporting purposes. The information will be used to sort projects at the end of the year when FHWA needs to know the number of CatExs CDOT has completed that have a Federal nexus. It is not linked to anything and can be changed if the status changes, but it is a required field and you cannot save your Form 128 without this information. If you need help deciding if there is a Federal nexus since it is not only about the funding source, see **Chapter 2 Section 2.2.3** of this Manual.



- b. **Under Basic Data** - Fill in the 5-digit sub-account code under “Project Description” and hit the “enter” key. The basic project information will auto-populate the form from Project Builder. **Under Basic Data** - Enter the “Creation Date” of when the Form 128 was initiated. This number is not linked to anything and can be changed if you want down the road. The “Creation Date” is required to save the form or to print the form. It assumes that the current date would be used, unless you are documenting a pre-SAP form 128 and want to keep the original date for information purposes. The “Revision Date” is also not linked to anything and can be used if the project gets revised or rescoped and the new clearance dates to follow are for that revised project.
- c. **Under Part A. Categorical Exclusion Project Determination** - Select a category of Form 128 under the “CE number”. If this is a project with a FONSI or a ROD, the “Part A” box will be grayed-out and you can skip this step. If this is a CatEx project, there will be a pull-down menu that selects from the *Programmatic Agreement between CDOT and FHWA for Categorical Excluded Transportation Projects* (CDOT, 2011) or 23 CFR 771.117 paragraphs (C) or (D) from which you can select the correct project number that best fits your project. The only selections available in the pull-down are based upon the clearance type entered in Project Builder. For example, if this is a “Programmatic” CatEx, then only the programmatic categories will be available for selection on the pull-down. This numbering system is also used in this chapter of the NEPA manual for your convenience. You can only choose one number here so if your project needs more than one CatEx number, you can enter other numbers under the comment field in Part D. This is just a quirk of SAP.
- d. **Under Part B.**
- 1) If this project had a FONSI or ROD, the rest of the top part clearances (part B) of the Form 128 are grayed-out because it is assumed that the environmental issues have been studied and identified during the EA/EIS process. However, because this function does not allow for updates to environmental clearances to be addressed in the Form 128 in the case where the FONSI or the ROD might not be recent or where a Reevaluation is required for changes in scope or resources, and if it’s an issue, there could be a change in SAP that allows for access to these resource boxes even if the FONSI or ROD is selected.
  - 2) If this project is for a CatEx, follow the directions in **Section 5.2.2** for how to complete the Part B of the Form 128. If you cannot enter information in Part B and this is a CatEx, check that the “CE Number” has been selected above in Part A. However, if you do not check the boxes as being required, you can still enter a date for clearance next to it. For example, if you ask a historian whether we need a historic clearance on a project and they say that you do not need one which is documented in an email, you might want to put the date of the email next to “Historics” clearing that resource from further investigation, even though the box is not checked that the clearance is “required”. This tracks that historical resources were thought about and dismissed. If you have resources not specially covered in the resource categories offered, you can check the “Other” box and use the text box next to it to identify what else is requiring investigations. Items in the “other” box might include migratory birds, noxious weeds, environmental justice, farmlands, etc. This box does not wrap so you might need to supplement the space with a footnote in Part D comment box, another quirk of SAP.



- 3) For a Signature in the top part (Part B) block, check the box that indicates “All clearance requirements have been completed for the work indicated in the CDOT Form #463 references above”. This allows data to be put in the “Certified By” and “Certified On” boxes. This form in SAP will not actually have a signature in SAP. The form will have to be printed and signed as a hard copy for the file. Once a signature is secured, the name of the signator can be typed into the “RPEM” or “FHWA” blocks and the dates of the signature manually placed next to that name. The signator does not have to be the RPEM but as delegated by the REPM as outlined in earlier sections of this chapter. For the name of the RPEM or designee to print correctly, the user name of the RPEM should be selected for the name. For example, “neetk” will print as “Kerrie Neet”. The user names should also be available in the pull-down menu. For the FHWA name, it will print as entered. There was a problem when SAP first unveiled the Form 128 where the signature date would change to the current date every-time the form was printed. This problem is now fixed and will retain the original signature date upon subsequent printings. If “Programmatic” is selected above as the CatEx category, the FHWA signature box will be grayed-out and will not be accessible. Directions for completing the CatEx Form and checking the resource boxes are discussed in **Section 5.2.2**.
  - e. **Under Part C.** Check the boxes of permits and other clearances that occur in Part C on the form. There is an “Other” box here available too and can be used to clear the Stormwater Management Plan, to document that MS4 documentation was received from the municipality for local agency projects, or to identify if any other permits or additional requirements that are required for final signature. This box also does not wrap so you might need to supplement the space with a footnote in Part D comment box.
  - f. **Under Part D.** This is the comment box and it is not linked with any other function in SAP and will only show up on the Form 128. This box text will wrap and should show up in its entirety when printed. This part is typically used to identify particularly sensitive issues associated with this project or to outline conditions of a clearance, such as requiring a storm-water permit before work can begin if a permit was not received prior to advertisement of the project for bid.
  - g. **Under Part E – Environmental Project Certification.** The “Bottom Part,” or Part E signature of the Form 128 is for Project Certification. As in Part B, the signator name is entered into the box and the date put next to that entry. This will not be an actual signature in SAP so this form will need to be printed for the files and the hard copy signed. This date entered in the SAP Form 128 is VERY critical for other functions in SAP. It feeds into the “Environmental Project Certification (Cleared for Advertisement)” box in the Form 463 in Project Builder which is required prior to funding being released by OFMB or the business office for construction, and therefore, for project advertisement.
5. Form 128 Linkage with other SAP Functions
- a. The Project Builder (the environmental tabs) feeds the type of environmental clearance (FONSI/ROD/programmatic CatEx/non-programmatic CatEx) displayed in Form 128. This cannot be manually put in the Form 128 but must come from the environmental tabs.
  - b. The Project Builder (CJ20N) information that the engineer puts into the Project Manager Tab (and also comes from OFMB, the Business Manager, and the Environmental Tabs) auto-populates the Form 463 that is project related. This information also auto-populates the project information that supports the top



- part of the Form 128. This information cannot be entered directly into the Form 128 by the environmental and planning personnel. If this information is not available in the Form 128 when the 5-digit account code is entered, that indicates that the engineer has not yet set up the project in SAP.
- c. The ability to save information into the Form 128 is governed by one main factor - the project must be set up in SAP by the engineer in Project Builder.
  - d. The top part (Part B) signature of the Form 128 feeds the Form 463 in Project Builder as an entry (Box 5 of Form 463 is built using the Environmental Tabs in Project Builder and the Form 128). Lack of this signature entered in a timely fashion does not hold up any process that goes through SAP. This date is required for right-of-way actions to occur but this is more of a notification rather than an entry that is required for SAP. The right-of-way group will need special notification that they are cleared to proceed with right-of-way actions since they have no way of knowing if the Form 128, Part B was signed.
  - e. The bottom part (Part E) signature of the Form 128 feeds the Form 463, "Environmental Project Certification (Cleared for Advertisement)" box in Project Builder as an entry. The timing of this signature is **VERY** critical which is required prior to funding being obligated by OFMB or the business office for construction, and therefore, for project advertisement.
  - f. The comment box in Form 128 only prints out on the Form 128 and does not link with any other function or form in SAP. The comment box in the Environmental Tab in Project Builder also only prints out on the Form 463 and does not link with any other function or form in SAP as well.
6. Quirks and Trouble-shooting the SAP System
- a. **Who to call if I have trouble?** Valerie Metaiguer with CDOT works the Project Builder and Form 128 functions in SAP. Her contact information is: 303-757-9837 or [valerie.metaiguer@state.co.us](mailto:valerie.metaiguer@state.co.us).
  - b. **How do I print a blank Form 128?** This is currently a quirk in SAP. For now, either set up the project information in the form including the "Creation Date" and print once that is populated, or use the copy posted on CDOT's website at <http://www.coloradodot.info/library/forms/cdot0128.pdf>.
  - c. **Why are the boxes grayed-out?** Boxes are usually grayed-out when authorization has not been granted from the RPEM to that person trying to enter data, that person is only authorized to view the information in display mode, the project has not been set up in SAP by the engineer, the data is already entered (or will be entered) elsewhere in SAP, or the scoping date has not been entered and "confirmed" by the engineer for that project in Project Builder. Boxes can also be grayed-out if they are linked with other parts of the form or with other forms that are supposed to generate the data and feed those grayed-out boxes. This occurs in the Form 128 and the Environmental Tab with:
    - 1) Form 128 - Part A of the Form 128 when FONSI or ROD is selected so that resource clearances are already granted under those forms,
    - 2) Form 128 - For the CatEx "type" that is auto-populated from the Environmental Tab (although this causes problems if it is done when the project is not set to "lock" which the engineers are reluctant to do because it blocks them from easily making changes so we are trying to change this to go from Form 128 to the Environmental Tab instead of the other way around. Just for further information, if the SAP user status is set to "PMGR only" then only the project manager tab is editable, if it is set to



“BMGR only”, then only the Business Managers tab is editable. Either of these settings would block the Environmental tab from being edited),

- 3) Form 128 - For the project contract and description data in the top part of Form 128 that is auto-populated from Project Builder in CJ20N that the engineer, business manager, environmental manager, and OFMB fills out,
- 4) Form 128 - In the FHWA signature block when a “programmatic” category is selected and the signature is not needed,
- 5) Project Builder, Environmental Tab - The signature dates for Part B and E clearance actions that auto-populates from the Form 128.
- 6) Project Builder, Environmental Tab - If the entire Environmental Tab is unavailable for edit, it might be caused by the project “User Status” not being set to LOCK.

Project Builder, Environmental Tab - If the entire project in CJ20N appears to be uneditable, it can be caused by someone else already being in the project in CJ20N Edit Mode.

- 7) It can also be because the project was set up using a project template other than your Region’s template (e.g., there are DTD and HQ templates and those projects cannot be accessed by region staff in SAP). Jane Hann is available to input project information for you in these cases. Send her an email ([jane.hann@state.co.us](mailto:jane.hann@state.co.us)) with the 5-digit subaccount number and the information that needs entered.

**d. Why can’t I enter data in the Form 128?**

- 1) If the entire Form 128 is not available when the 5-digit account code is entered as indicated by a message “Project Number is invalid”, this indicates that the engineer has not yet set up the project in SAP, Project Builder (CJ20N).
- 2) If the entire Form 128 is grayed out, which indicates that the environmental and planning personnel attempting to access the form is not yet authorized by the RPEM to enter this data into SAP. Once this authorization is granted, that person should be able to enter any Form 128 for projects within their region. It could also mean that this is a HQ project and Jane Hann will need to enter the data for you.
- 3) In the CatEx “type” is grayed-out, that is because this entry is auto-populated from the Environmental Tab in Project Builder (CJ20N) so that entry in the Environmental Tab in Project Builder is required before the Form 128 can be filled out. However, the environmental group can get excluded out of this Environmental Tab when the system status is set to PMGR or BMGR as discussed in 5.c.2 above. Only when the project is in “LOCK” status can the environmental group edit the form in the environmental custom tab. The “LOCK” status is OFMB’s way of saying the project managers and the business managers tabs are not editable now so we are ready for the environmental clearance process to begin. The projects are always supposed to be in “LOCK” status since the Project and Business Managers are not supposed to be changing their information without informing OFMB.



e. **Why can't I get into the Custom Tabs in Project Builder?**

- 1) If you cannot even get into the Custom Tabs to reach the Environmental Tab, then you still need to get authorization to get access to the Custom tabs. Only authorized environmental and planning personnel will be allowed to edit the Environmental Tab to prevent "just anyone" from being able to notate that their project is cleared to go to ad. To get this clearance, you will need to submit an "ERP authorization request form" and ask for the role "RC630" for your region. The RPEM will need to sign the request form. You will also need to request Valerie Metaiguer to add you to PSAM's role tab to authorize you to edit the environmental tab in CJ20N. However, you can only get authorization for projects generated from your region. If you need to get into project set up by HQ, then Jane Hann will need to enter the data for you.
- 2) If you can get into the Environmental Tab but you still can't get into the boxes to enter data, this is because most of the boxes auto-populate from the Form 128. The comment field in the Environmental Tab is unique to the Form 463, however, and any comment you write here will end up in the Block 5, Environmental Section of the Form 463. However, if you can get to the Environmental Custom Tab but not edit it at all, it is likely due to not getting placed into the proper PSAM table for that authorization. Contact Valerie Metaiguer to get that authorization changed to the right one, but this can only be approved for projects generated by your region (not if they were created by HQ).

- f. **Who can edit access to the Form 128?** The Form 128 is now restricted to permanent full-time planning and environmental employees who are GP3 or higher as authorized by the RPEM. The RPEM will need to contact the SAP help desk/Valerie Metaiguer to grant this authorization to employees that meet these qualifications. This limitation was set after conversations with FHWA who were concerned with rumors about non-qualified persons, such as an administrative assistant, having the ability to enter a clearance date in the Form 128. However, everyone has Display Only access to the transaction ZJ17 to review the status of the Form 128 in SAP.