

Administrative Action

Programmatic Categorical Exclusion

**(Pursuant to the National Environmental Policy Act (42 USC 4332(2)(c)))
and**

Documentation of Compliance with other Federal Environmental Laws

**For the
Safe Routes to School Program**

**US Department of Transportation, Federal Highway Administration
and
North Carolina Department of Transportation**

(Final Version)

**Federal Highway
Administration**

**North Carolina
Division**



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Date

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for John F. Sullivan, III, PE
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Date

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Program Description

The Federal-aid Safe Routes to School Program (SRTS) was created by Section 1404 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users Act (SAFETEA-LU), signed into Public Law (P.L. 109-59) on August 10, 2005. These funds are available for infrastructure projects and non-infrastructure programs and activities, and to administer State Safe Routes to School programs that benefit elementary and middle school children in grades K-8. At the federal level, the SRTS Program is administered by the Federal Highway Administration (FHWA) Office of Safety. In North Carolina, at the state level, the SRTS Program is administered by the North Carolina Department of Transportation (NCDOT) Division of Bicycle and Pedestrian Transportation.

Section 1404(b) of SAFETEA-LU describes the purposes for which the SRTS Program was created:

- to enable and encourage children, including those with disabilities, to walk and bicycle to school;
- to make bicycling and walking to school a safer and more appealing transportation alternative, thereby encouraging a healthy and active lifestyle from an early age; and
- to facilitate the planning, development, and implementation of projects and activities that will improve safety and reduce traffic, fuel consumption, and air pollution in the vicinity of schools.

Desired outcomes of the Safe Routes to School Program include:

- Increased bicycle, pedestrian, and traffic safety;
- More children walking and bicycling to and from schools;
- Decreased traffic congestion;
- Improved childhood health;
- Reduced childhood obesity;
- Encouragement of healthy and active lifestyles;
- Improved air quality;
- Improved community safety;
- Reduced fuel consumption;
- Increased community security;
- Enhanced community accessibility;
- Increased community involvement;
- Improvements to the physical environment that increase the ability to walk and bicycle to and from schools;
- Improved partnerships among schools, local municipalities, parents, and other community groups, including non-profit organizations; and
- Increased interest in bicycle and pedestrian accommodations throughout a community.

Purpose of this Document

This document serves two purposes for some SRTS activities:

- It determines class of action, pursuant to NEPA;
- It demonstrates compliance with other federal environmental laws.

These purposes are necessary to ensure that SRTS activities covered by this document can be reimbursed by FHWA.

Eligible SRTS Activities Applicable to this Document

Non-Infrastructure Activities:

SAFETEA-LU (Section 1404(f)(2)(A)) specifies that eligible non-infrastructure activities are activities to encourage walking and bicycling to school, including:

- public awareness campaigns and outreach to press and community leaders,
- traffic education and enforcement in the vicinity of schools,
- student sessions on bicycle and pedestrian safety, health, and environment, and
- funding for training, volunteers, and managers of safe routes to school programs.

Infrastructure Activities:

SAFETEA-LU (Section 1404(f)(1)(A)) specifies that eligible infrastructure-related projects include the planning, design, and construction of infrastructure projects that will substantially improve the ability of students to walk and bicycle to school, including:

1. Sidewalk improvements
 - a. new sidewalks;
 - b. sidewalk widening;
 - c. sidewalk gap closures;
 - d. sidewalk repairs; and
 - e. curbs, gutters, and curb ramps.
2. Traffic calming and speed reduction improvements
 - a. bulb-outs or chicanes;
 - b. raised crossings;
 - c. median refuges;
 - d. narrowed traffic lanes;
 - e. automated speed enforcement; and
 - f. variable speed limits.
3. Pedestrian and bicycle crossing improvements
 - a. crossings;
 - b. median refuges;
 - c. raised crossings;
 - d. traffic control devices (including pavement markings, traffic stripes, in-roadway crossing lights, flashing beacons, bicycle-sensitive signal actuation devices, pedestrian countdown signals, vehicle speed feedback signs, and pedestrian activated signal upgrades); and
 - e. sight distance improvements.
4. On-street bicycle facilities
 - a. new or upgraded bicycle lanes;
 - b. widened roadway shoulders;
 - c. geometric improvements;
 - d. channelization and roadway realignment;
 - e. traffic signs; and
 - f. pavement markings.
5. Off-street bicycle and pedestrian facilities
 - a. exclusive multi-use bicycle and pedestrian pathways that are separated from a roadway (but within the existing roadway right-of-way)
6. Secure bicycle parking facilities
 - a. bicycle parking racks;
 - b. designated areas with safety lighting; and
7. Traffic diversion improvements in the vicinity of schools
 - a. separation of pedestrians and bicycles from vehicular traffic adjacent to school facilities; and
 - b. traffic diversion away from school zones or designated routes to a school.

Eligible SRTS Activities Not Applicable to this Document

The findings and determinations contained within this document do not apply for the following project scenarios:

- projects that propose an exclusive multi-use bicycle and pedestrian trail, pathway, or greenway that is separated from a roadway (outside of the existing roadway right-of-way);
- projects that involve a reduction in the number of travel lanes;
- projects that involve full- or half-street closures; or
- projects requiring the acquisition of property rights.

Projects involving these scenarios must have a separate environmental document prepared and approved before FHWA can participate in funding.

Environmental Documentation

The NCDOT must evaluate each project to verify that it is consistent with the assumptions and finding of this document. If it is determined that the proposed activity is beyond the intent of this document, consultation with the FHWA may be required.

National Environmental Policy Act (NEPA):

The Council on Environmental Quality's (CEQ's) regulations for implementing the procedural provisions of NEPA (40 CFR 1500-1508) defined "categorical exclusions" as a category of actions which do not individually or cumulatively have a significant effect on the human environment and for which neither an environmental assessment (EA) nor environmental impact statement (EIS) is required (40 CFR 1508.4). Federal agencies were directed to develop procedures for evaluating such actions.

The FHWA issued regulations governing the preparation of environmental impact statements and related documents (23 CFR 771). The FHWA regulations address three classes of actions: Class I (Environmental Impact Statement (EIS)); Class II (Environmental Assessment (EA)); and Class III (Categorical Exclusions (CE)).

The FHWA North Carolina Division office hereby finds that all non-infrastructure programs and activities and all infrastructure projects identified in this document are pre-approved by the FHWA as Categorical Exclusions because they are minor and, based on past experience with similar actions, do not involve significant impacts, in accordance with 23 CFR 771.117(a). They normally do not require any further NEPA approval by the FHWA. No further documentation is required to substantiate the CE classification.

Pre-approval as a CE does not exempt SRTS activities from compliance from other federal environmental laws. These other laws are divided into three categories:

- Laws where further analysis may be required before FHWA can authorize construction funds;
- Laws where no further analysis is required before FHWA can authorize construction funds; and
- Laws that must be complied with during or after construction.

Note: This document applies to FHWA's decision to fund and to meet the requirements of NEPA for Safe Routes To School projects and activities. This document does not constitute the issuance of any regulatory permits.

Federal Environmental Laws Where Further Analysis May Be Required Before FHWA Can Authorize Construction Funds

Clean Water Act:

Where appropriate (and prior to construction), the NCDOT or its designee will obtain a Section 404 permit from the US Army Corps of Engineers and a Section 401 permit from the North Carolina Division of Water Quality. Therefore, compliance will be satisfied.

Coastal Zone Management Act:

Where appropriate (and prior to construction), the NCDOT or its designee will obtain a CAMA permit from the North Carolina Department of Coastal Resources. Therefore, compliance will be satisfied.

Fish & Wildlife Coordination Act:

The NCDOT will provide the North Carolina Wildlife Resources Commission (NCWRC), North Carolina Division of Marine Fisheries (NCDMF) and the United States Fish & Wildlife Service (USFWS) with a location map and activity description for SRTS actions that are expected to impound, divert, deepen control or otherwise modify a waterbody, and will invite comments on the proposed project from these agencies.

National Historic Preservation Act (Section 106):

The following SRTS activities have been determined to be "exempt" from further Section 106 responsibilities (in accordance with the "Programmatic Agreement for Minor Transportation Projects" signed by FHWA, NCDOT, the North Carolina State Historic Preservation Officer and the Advisory Council on Historic Preservation, with an effective date of 11.5.07) and thus no further investigations of historic resources is necessary:

- All non-construction activities
- Construction activities:
 - 1. Sidewalk improvements
 - b. sidewalk widening;
 - c. sidewalk gap closures;
 - d. sidewalk repairs; and
 - e. curbs, gutters, and curb ramps.
 - 2. Traffic calming and speed reduction improvements
 - b. bulb-outs or chicanes
 - c. raised crossings;
 - d. median refuges
 - e. narrowed traffic lanes;
 - f. automated speed enforcement and
 - g. variable speed limits
 - 3. Pedestrian and bicycle crossing improvements
 - a. crossings;
 - b. median refuges;
 - 4. On-street bicycle facilities
 - e. channelization and roadway realignment
 - f. pavement markings

All items not included in the list above, but included in the previous list of projects or activities eligible to be processed under this Programmatic Categorical Exclusion must comply with the requirements of Section 106 of the National Historic Preservation Act. These are listed below.

The NCDOT Safe Routes to School Coordinator will coordinate with the NCDOT Human Environment Unit on determining Area of Potential Effect (APE), eligibility of properties for listing on the National Register of Historic Places and (if necessary) determination of effect for listed and/or eligible properties within the APE.

- Construction activities:
 - 1. Sidewalks
 - a. new sidewalks
 - 3. Pedestrian and bicycle crossing improvements
 - d. traffic control devices (including pavement markings, traffic stripes, in-roadway crossing lights, flashing beacons, bicycle-sensitive signal actuation devices, pedestrian countdown signals, vehicle speed feedback signs, and pedestrian activated signal upgrades);
 - e. sight distance improvements
 - 4. On-street bicycle facilities
 - a. new or upgraded bicycle lanes;
 - b. widened roadway shoulders;
 - c. geometric improvements;
 - d. channelization and roadway realignment;
 - 5. Off-street bicycle and pedestrian facilities
 - a. exclusive multi-use bicycle and pedestrian pathways that are separated from a roadway (but within the existing roadway right-of-way)
 - 6. Secure bicycle parking facilities
 - a. bicycle parking racks
 - b. designated areas with safety lighting
 - 7. Traffic diversion improvements in the vicinity of schools
 - a. separation of pedestrian and bicycles from vehicular traffic adjacent to school facilities
 - b. traffic diversion away from school zones or designated routes to school.

Federal Environmental Laws where no further analysis is required before FHWA can authorize construction funds

American Indian Religious Freedom Act:

In a phone conversation (dated 7.8.08) from Tyler Howe (Eastern Band of Cherokee Indians) to Rob Ayers (FHWA), the EBCI indicated no interest in reviewing SRTS projects. Therefore, compliance is satisfied.

Antiquities Act:

The FHWA finds that SRTS projects and activities will not cause a loss or destruction of historic or prehistoric ruins, monuments or objects of antiquity. Therefore, compliance is satisfied.

Archaeological and Historic Preservation Act:

The FHWA finds that SRTS projects and activities will not cause the loss or destruction of significant scientific, pre-historical, historical, or archeological data. Therefore, compliance is satisfied.

Archaeological Resources Protection Act:

The FHWA finds that SRTS projects and activities will not involve ground-disturbing activities on public land owned in fee title by the United States, including the national park system, the national forest system, and the national wildlife refuge system as well as any Indian lands. There is no potential for a loss or destruction of archaeological resources. Therefore, compliance is satisfied.

Clean Air Act:

Safe Routes To School projects and activities are exempt activities. Therefore, compliance is satisfied.

Coastal Barrier Resources Act:

The FHWA finds that SRTS projects and activities will not create new access to Coastal Barrier Units. Therefore, compliance is satisfied.

Comprehensive Environmental Response, Compensation and Liability Act (CERCLA):

The FHWA finds that SRTS projects and activities do not involve the acquisition of property rights. Therefore, compliance is satisfied.

Endangered Species Act:

The FHWA finds that SRTS projects and activities will have “no effect” on all listed species and designated critical habitat in North Carolina.

Executive Order 11988 - Floodplain Management:

The FHWA finds that SRTS projects and activities will have no significant effect floodplains. Projects and activities will avoid adverse effects on floodplains or (if adverse effects cannot be avoided) minimize potential harm to or within the floodplain. Therefore, compliance will be satisfied.

Executive Order 11990 Protection of Wetlands

The FHWA finds that SRTS projects and activities addressed in this document will have no significant impact on wetlands. Projects and activities will seek to avoid and minimize impacts to wetlands. Therefore, compliance will be satisfied.

Executive Order 12898 (Environmental Justice):

The FHWA finds that SRTS projects and activities have no potential to disproportionately or adversely affect environmental justice populations. Therefore, compliance is satisfied.

Executive Order 13007 (Indian Sacred Sites):

In a phone conversation (dated 7.8.08) from Tyler Howe (Eastern Band of Cherokee Indians) to Rob Ayers (FHWA), the EBCI indicated no interest in reviewing SRTS projects. Therefore, compliance is satisfied.

Farmland Protection Policy Act:

The FHWA finds that SRTS projects and activities will not require the conversion of farmland. Therefore, compliance is satisfied.

Land and Water Conservation Fund Act (Sec 6(f)):

The FHWA finds that SRTS activities neither require the acquisition of property rights, nor the conversion of parkland or other land acquired for recreational uses to transportation uses. Therefore, compliance is satisfied.

Magnuson-Stevens Fishery Conservation and Management Act (Essential Fish Habitat):

The FHWA finds that SRTS projects and activities will not adversely affect essential fish habitat. Therefore, compliance is satisfied.

Marine Mammal Protection Act (MMPA):

The FHWA finds that SRTS projects and activities have no potential to “take” marine mammals.

Marine Protection Research and Sanctuaries Act:

The FHWA finds that SRTS activities will not impact resources protected under this Act. Therefore, compliance is satisfied.

Native American Grave Protection and Repatriation Act:

The FHWA finds that the SRTS projects and activities addressed in this document will not involve ground-disturbing activities outside of the existing right-of-way. There is no potential to affect human remains. Therefore, compliance is satisfied.

Noise Standards 23 USC 109:

The FHWA finds that SRTS projects and activities will not create additional, permanent noise. Therefore, compliance is satisfied.

Uniform Relocation and Real Property Acquisitions Act:

FHWA finds that SRTS activities do not require the acquisition of property rights. Therefore, compliance is satisfied.

Section 4(f) of the USDOT Act:

The FHWA finds that the SRTS projects or activities addressed in this document will not “use” 4(f)-protected properties. Therefore, compliance is satisfied.

Wild & Scenic Rivers Act:

The FHWA finds that SRTS projects and activities will not have foreseeable affects on Wild & Scenic Rivers, Congressionally-authorized study rivers or Nationwide River Inventory rivers in North Carolina. Therefore, compliance is satisfied.

Wilderness Act:

The FHWA finds that SRTS activities will not occur within wilderness areas. Therefore, compliance is satisfied.

