



**Instructions for the
Preparation of the
NEPA
Streamlined
Documentation
Checklist
for
Programmatic and C-List
Categorical Exclusions**

For use by TDOT Staff, TDOT Consultants and Local Governments

June 2013



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- 1 Individual Program Guidance
- 2 Definition of NEPA Categorical Exclusion
- 3 Sample Agency Coordination Letters



List of Acronyms

ADA	Americans with Disabilities Act
CE	Categorical Exclusion
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act of 1980
CFR	Code of Federal Regulations
CMAQ	Congestion Mitigation and Air Quality Improvement [Program]
CWT	Civil War Trail Marker [Program]
FEMA	Federal Emergency Management Agency
EJ	Environmental Justice
FHWA	Federal Highway Administration
FIRM	Flood Insurance Rate Map
FPPA	Farmland Protection Policy Act
HBP	Highway Bridge Program
HOT	High-Occupancy Toll [lane]
HOV	High-Occupancy Vehicle [lane]
IAC	Interagency Consultation
LWCF	Land and Water Conservation Fund [Act]
MAP-21	Moving Ahead for Progress in the 21 st Century [2012 Transportation Bill]
MOA	Memorandum of Agreement
MOU	Memorandum of Understanding
MPO	Metropolitan Planning Organization
MSAT	Mobile Source Air Toxics
NEPA	National Environmental Policy Act
NRCS	Natural Resources Conservation Service
NRHP	National Register of Historic Places
PCE	Programmatic Categorical Exclusion
PIN	TDOT Project Information Number
POC	TDOT Environmental Division Point-of-Contact
RCRA	Resource Conservation and Recovery Act of 1976
ROW	Right-of-Way
RPO	Rural Planning Organization
SAFETEA-LU	Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users
SDC	Streamlined Document Checklist
SIP	State Implementation Plan
SRTS	Safe Routes to School [Program]
STIP	State Transportation Improvement Program
TAP	Transportation Alternatives Program
TDEC	Tennessee Department of Environment and Conservation
TDTD	Tennessee Department of Tourist Development
TDOT	Tennessee Department of Transportation
TEPM	Tennessee Environmental Procedures Manual
TE	Transportation Enhancement
TIP	Transportation Improvement Program
TN-SHPO	Tennessee State Historic Preservation Office
TPO	Transportation Planning Organization
TWRA	Tennessee Wildlife Resources Agency
USDOT	US Department of Transportation
USFWS	US Fish & Wildlife Service
UST	Underground Storage Tank



OVERVIEW

In order for local governments to receive allocated funds for federally-funded projects through the Tennessee Department of Transportation (TDOT) Local Programs Office, they must complete the National Environmental Policy Act (NEPA) process. TDOT must also complete the NEPA process for projects that stem from federally funded programs that are not undertaken by local governments.

This guide provides instructions for TDOT staff, TDOT Consultants and local governments to complete the NEPA process for low-impact type projects, which are defined in Attachment 2 of this guidance. These low-impact projects can be processed under NEPA as a C-List Categorical Exclusion (CE) or Programmatic Categorical Exclusion (PCE).

While the local government is responsible for completing the required NEPA documentation, they must coordinate closely with their TDOT NEPA point-of-contact (POC) in the TDOT Environmental Division. The division has assigned staff to serve as the POC for local governments (and TDOT Consultants) undertaking the required NEPA documentation for a project receiving funding through the Local Programs Office. NEPA documentation is a required step in the project development process.

PROCESS

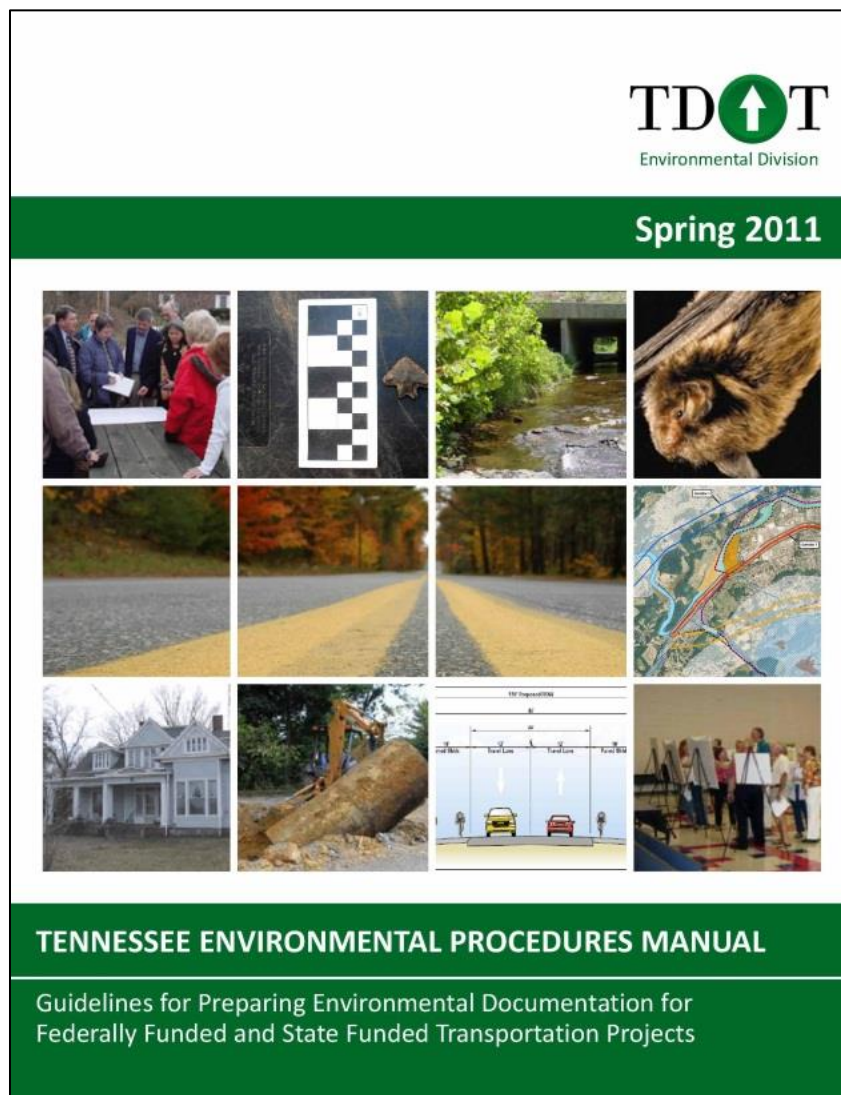
To undertake the NEPA process for your project, please complete the following steps:

1. For Local Governments, upon receipt of a Notice to Proceed from TDOT's Local Programs Office, they will provide you with your Environmental Division POC. TDOT Consultants will receive a work order from TDOT to undertake the NEPA process and they will assign a POC.
2. Your POC will provide you with the instruction guide for preparing the required NEPA documentation.
3. Your POC will also provide assistance in determining the appropriate level of NEPA documentation for your project and for providing other information pertinent to the use and completion of the NEPA document (for example, scopes of work for technical studies or TDOT memos stating that technical studies are not required for certain types of projects). For projects with low-level impacts, obtain the Microsoft Word form (template) for the NEPA Programmatic or C-List CE documentation, known as the Streamlined Documentation Checklist (SDC). The POC may also be able to provide you with an example of a completed document.
4. Review your project plans.
5. Based on your project, go through the "Review Criteria" checklist in the template. If you believe that the answer to any of the 16 questions is "yes," contact your POC to discuss how to proceed. If all questions are answered "no" or if the POC instructs you to proceed even if there is a "yes" answer, complete the SDC template by following the guidance herein and completing the required tasks as outlined in this guidance.
6. Submit a draft of the SDC in Microsoft Word and the required attachments in PDF form by email to the POC. If the size exceeds the allowable size for email transmittal, contact your POC for other suggested means of transmittal, such as TDOT's FTP site or mail.
7. If your POC provides comments, address comments and resubmit the SDC for final TDOT approval. The Federal Highway Administration (FHWA) conducts annual audits of TDOT's NEPA documentation.



The Streamlined Programmatic or C-List Categorical Exclusion Checklist/SDC should be completed for each action, or project, that meets the “basic” criteria for processing as a PCE under the *Programmatic Categorical Exclusion Agreement* (dated July 2011) between the FHWA – Tennessee Division and TDOT or a C-List CE under 23 Code of Federal Regulations (CFR) 771.117(c).

The SDC is intended to be utilized by local entities and their consultants and by TDOT staff and TDOT Consultants to fulfill their regulatory obligations under NEPA when federal funds are to be used for certain types of transportation-related projects. The SDC is to be used only for Class II actions, which are those that cause minimal social, economic, or environmental impact as defined in Chapter 3 of the Tennessee Environmental Procedures Manual (TEPM), which can be found at <http://www.tdot.state.tn.us/epm/>. Other chapters of the TEPM may also provide useful information.



*TDOT's Environmental Procedures Manual
provides helpful information*



HOW TO USE THE STREAMLINED DOCUMENTATION CHECKLIST TEMPLATE

The SDC template has been developed as a Microsoft Word form. Changes to the format or language on the forms must not be made without specific instructions/permission from the POC.

WORKING WITH PROTECTED TEMPLATES

The SDC template is “password-protected” to prevent changes in format or language on the form. When you open the form, if a gold band appears at the top of the document, you must click the “enable” button, if no gold band appears, proceed. Under either scenario, save the SDC template with your project name.

You will be working on the document in protected mode. In this mode, the user will be able to click on and fill in the grey boxes. No edits, however, can be made to the fixed text/unshaded areas. For the check boxes, a single click will check or uncheck the box. For text (greyed) boxes, click on the box and fill in with project-specific information. With a protected document, the highlighting stays on after you enter the text, but the highlighting does not print. The highlighting is there to make it easier to see the fields on the screen.

The project name, city/town/county name(s), TDOT Project Information Number (PIN), and date in the headers and footers are linked to the information entered on page 1 of the template. This project-specific information will be added to the template’s header and footer once the document preparer opens and then closes the Print Preview screen.

The preparer must carefully review the completed SDC because text entered into the template cannot be spell-checked.

ENVIRONMENTAL COMMITMENTS GREEN SHEET

The green sheet is on the front of each template. This is where project-specific commitments are captured for use in subsequent stages of project development. If there are no project specific commitments, the green sheet (listed as page EC-1) will be removed by your TDOT POC once the document is completed and a PDF created.

Figure 1 illustrates the front page of the SDC form you will be using. The latest version of the form can be obtained from your POC.



DEFINITION OF A CATEGORICAL EXCLUSION

A NEPA Categorical Exclusion (CE) is a category of actions that meets the definition contained in 40 CFR 1508.4 and, based on past experience with similar actions, does not involve significant environmental impacts. Definitions of the types of CEs are in Attachment 2. Please review these definitions, as they will provide you with information applicable to the level of NEPA document required for your project. There are three basic CE document types: C-List, Programmatic and D-list. Projects with the lowest level of impacts or for actions programmatically approved by FHWA are processed as C-List or Programmatic CEs. These are processed by TDOT using the Streamlined Documentation Checklist (SDC). (D-List CEs are for projects with a higher level of impact. These are processed using a different NEPA form and are not covered in this guidance document.) Below is a cover of the SDC template that is to be used for qualifying projects.

Figure 1 – Cover Page of Streamlined Document Checklist

Project Name
 City/Town/County Name(s)
 Page 1

**TDOT Local Program Applicants
Streamlined Documentation Checklist (SDC) for
NEPA Programmatic or C-List Categorical Exclusion (CE)**

To Name
Title
Organization
Address
City State Zip

From Name
Title
Organization
Address
City State Zip

Date mm/dd/yyyy

Project Information

Project Name Project Name
 Project Termini
 City/Town/County City/Town/County Name(s)
 MPO/RPO/TPO Area PIN # 000000.00

	PE #	Right-of-Way #	Construction #
Federal	If known or N/A	If known or N/A	If known or N/A
State	If known or N/A	If known or N/A	If known or N/A

Per instruction from the Tennessee Department of Transportation (TDOT) Environmental Division, the following action is being proposed for processing as a:

C-List CE
 Programmatic Categorical Exclusion (PCE)

Project Planning

The project is in an MPO/TPO—The relevant Transportation Improvement Program (TIP) page is included in the attachment.
 The project is in an RPO—The relevant State Transportation Improvement Program (STIP) page is included in the attachment.

Project Description and Need

Click here and include a description of the program and project.

Review Criteria		NO	YES
1	Right-of-Way —Does the proposed action require the acquisition of more than 1.0 acre of right-of-way or permanent easements, or involve displacements of any commercial or residential occupants?	<input type="radio"/>	<input type="radio"/>
2	Access Control —Does the proposed action involve a change in access control?	<input type="radio"/>	<input type="radio"/>
3A	Streams/Wetlands —Does the proposed action require a U.S. Coast Guard construction permit or an Individual U.S. Army Corps of Engineers Section 404 permit?	<input type="radio"/>	<input type="radio"/>

Streamlined Documentation Checklist (SDC) for Programmatic or C-List Categorical Exclusion PIN # 000000.00



HOW TO COMPLETE THE STREAMLINED DOCUMENTATION CHECKLIST/SDC

This section contains instructions for completing the SDC. The individual completing the SDC should consult with the POC before beginning work on the NEPA document and regarding any questions or unusual project circumstances related to the NEPA document.

To/FROM/DATE

To: Transportation Manager
TDOT Environmental Division
505 Deaderick Street, Suite 900
Nashville, TN 37243

From: Include contact information for local government applicant if local government is receiving funding through the TDOT Local Programs Office. If the project is prepared by TDOT or a TDOT Consultant, insert name of TDOT POC.

Date: Click to enter date in mm/dd/yyyy format

PROJECT INFORMATION

Project Name: Enter the name of the project, which appears on the approved application (e.g., "Civil War Trail Marker for Jake Donelson, Fighting Rooster of the Confederacy" or "Safety improvements at Medina Middle School, 1300 Middle School Road").

Project Termini: For linear projects, such as roadway or sidewalk improvements, use the beginning and end points, i.e., termini, of the project. For Local Governments and TDOT Consultants, the termini may be contained in your contract or work order authorization. They may also be in the State or Metropolitan Planning Organization's Transportation Improvement Plan. The termini may simply be where the project is located (e.g., SR 93 Landscaping at 3 interchanges, Kingsport; or southwest corner of Clay County Courthouse lawn). Consult the POC if you are unsure.

City/Town/County: Enter the name of city, town, county or counties.

PIN: TDOT will provide the PIN to you. (An example of a PIN is 101112.00.)

Project #s: Complete this section by filling in the necessary information. If an item is "Not Applicable," please indicate so (N/A). The POC can provide you with the project numbers that apply to your project.

PROJECT PLANNING

Determine whether the project is in a Metropolitan Planning, Regional Transportation Planning or Rural Planning Organization (MPO/RTPO/RPO) and then obtain the page from the relevant Transportation Improvement Program (TIP) or State Transportation Improvement Program (STIP) for inclusion in the attachments to the SDC. Your POC can provide guidance on how to do this, if needed. The TIPs and STIP can be found on the internet sites of the MPOs (TIP) and TDOT (STIP). Often, many of the lower-impact level projects are included in the TIP or STIP in a grouping, or "bucket."



PROJECT DESCRIPTION AND NEED

This section requires a brief description of the program through which your project is being funded, a description of the project need, a description of existing conditions in the project area and a description of the proposed project.

Program

The information to be included in this section is either: 1) a description of the applicable program (e.g., Civil War Trail Marker (CWT), Safe Routes to School (SRTS); or 2) the type of federal funding to be used for the project (e.g., Congestion Mitigation and Air Quality Improvement [CMAQ] Program, Highway Bridge Program [HBP]). A summary program description for four federally funded programs that receive funds through the TDOT Local Programs Office is contained in Attachment A. Each contains a description that can be used verbatim in the Program section to describe the applicable program. The programs are:

1. Civil War Trails Marker Program
2. Safe Routes to School Program
3. Transportation Enhancement Program
4. Transportation Alternatives Program: NEW-created by the 2012 *Moving Ahead for Progress in the 21st Century Act* (P.L. 112-141) (MAP-21). This program includes activities eligible under the Safe Routes to School Program and some activities that were eligible under the former Transportation Enhancement Program.

If your project is funded with a certain type of federal funds not listed above, include the name of the funding program. For example, the project is proposed to be funded using CMAQ, or HBP funds.

Project Need

Describe why the project is needed. A project description may be available to you in the Local Government application for funding, which is on file in the TDOT Local Programs Office. It also may be developed based on the funding program (see preceding "Program" section). For example, a SRTS Program project is needed to improve the safety of students traveling to and from school. A bridge replaced with Highway Bridge Program funds is being replaced or repaired because the structure is currently substandard. The need for an intersection improvement could be to improve safety and mobility.

Project Description

Existing Setting: Describe the existing setting of the proposed project area. For example, is it urban or rural? Is it a commercial area or residential area? If this is a roadway project, describe the existing road that is to be improved, including the number of lanes, and whether there is a median, shoulders, curb-and-gutter or sidewalks.

Proposed Project: Identify and describe the proposed action, including its location. Include the termini (project beginning and end) and design features, such as laneage proposed. It is important to fully document the scope of the action in order for the TDOT Environmental Division to confirm that the proposed action meets the requirements of the SDC. Include a project location map in the attachments. Additional required and/or pertinent information, including maps, photos, or diagrams, should be attached to the SDC as explained in the attached Individual Program Guidance (Attachment 1). Include a project location map from the project information files or create a map and include it in the Appendix. If available, include concept plans in the Appendix.



REVIEW CRITERIA/ADDITIONAL INFORMATION

It is important to note that each program and/or individual project has specific information needs. Please review the Individual Program Guidance in Attachment 1 for projects proposed under four of the programs. A general rule of thumb is that you should attach anything that supports the impact findings of the SDC. And, as previously stated, always talk with your POC prior to starting work. The POC can answer your questions and may also be able to provide you with an SDC that has been approved for a similar type project/program.

The POC can provide you with guidance on how to undertake some of the studies discussed below and the appropriate level of study needed for each project. Some projects may involve minor analysis, while others may involve full studies.

Gather supporting documentation, as appropriate, and address the questions enumerated in the Review Criteria section of the SDC. Respond to each question by checking “yes” or “no”. If a “yes” response is indicated in any area, please contact the POC for consultation on how to proceed. Documentation (letters, memos, forms, etc.), as appropriate, should be referenced in the “Additional Information” section (i.e., “The letter is included as Attachment B”). It then needs to be included in the attachments to the SDC.

The following sections describe what should be entered into each area. Please note that it is important to avoid the use of the term “significant” when describing impacts.

1. Right-of-Way

To qualify for consideration for processing as a PCE or C-List CE, an action must meet a two-part test with respect to potential right-of-way (ROW) impacts.

- First, the action must not require the acquisition of more than one acre of right-of-way (includes permanent easements).
- Second, the action must not result in the displacement of any commercial or residential occupants. The acquisition of unoccupied buildings, including garages, barns, storage facilities, vacant domiciles, and vacant commercial establishments, will not preclude the use of the SDC, unless such acquisition is deemed to have a substantial adverse (i.e., negative) effect on the value of the property or impedes the operation of business enterprises on the property. If the action requires fee simple acquisition or permanent easements that will impair the function of the property, the SDC may not apply.

If your project does not meet this two-part test, contact your POC. If it meets these requirements, please describe the minor amounts of right-of-way needed (including permanent and temporary easements) in the Additional Information section.

2. Access Control

This section pertains to proposed changes to the current type of roadway access control. Types of roadway access control are:

- Full Access Control: Access to the roadway is available only through on/off ramps at grade-separated interchanges. An example of a roadway with full access control is an Interstate.



- Partial Access Control: Access to the roadway is limited. For example, at certain locations, access onto and across the road may be controlled. Land owners would need to obtain permits for new driveways.
- No Access Control: Access to and across the roadway is available to every landowner along the roadway.

If the proposed action involves a change in the access control of a roadway, you will need to contact your POC as the SDC will not apply.

3. Streams/Wetlands

- If the proposed action requires a U.S. Coast Guard construction permit or an Individual U.S. Army Corps of Engineers Section 404 permit, the project may not qualify for processing using the SDC.
- Sometimes it is obvious that no streams or wetlands will be affected by a project based on its location (e.g., densely developed urban environment) or project type (e.g., Civil War Trail marker). If not obvious or if unknown, a field review by a qualified ecologist/biologist should be conducted to identify streams and/or wetlands and whether they will be affected by the proposed project. Consult with the POC to obtain a scope of work for ecological studies if ecological features may be affected by the project. The POC will provide guidance on the level of study needed or will refer you to the TDOT ecology staff. For projects that disturb previously undisturbed land, you may need to have a qualified ecologist evaluate the project area and present their findings in a report that will accompany the SDC. Be sure to state whether or not the project involves impoundment (surface area of 10 acres or more), diversion, channel deepening, or other modification of a stream or other water body as regulated by the Fish and Wildlife Coordination Act.

4. Endangered Species

A number of federal and state laws pertain to the consideration and evaluation of natural resources, including the Clean Water Act; the Endangered Species Act; Fish and Wildlife Coordination Act; Executive Order 11988, Floodplain Management; Executive Order 11990, Protection of Wetlands; Tennessee Non-game and Endangered or Threatened Wildlife Species Conservation Act of 1974; Tennessee Rare Plant Protection and Conservation Act of 1985; and the Tennessee Water Quality Control Act of 1977.

For Local Governments: An endangered species check is required using the following steps:

- Contact your POC, who will provide you with a template containing instructions on how to prepare the coordination letters that TDOT will send out. Sample letters are in Attachment 3.

For projects that will disturb previously undisturbed land, also:

- Contact the Tennessee Department of Environment and Conservation (TDEC), Division of Natural Areas and provide a map showing the project limits and a proposed scope of work and request their response to any plant species or habitats of concern in the area. All inquiries should be sent via email to Roger McCoy at Roger.McCoy@TN.GOV.
- Contact the Tennessee Wildlife Resources Agency (TWRA), provide a map showing the project limits and a proposed project description, and request their response to any



known animal species or habitats of concern in the area. All inquiries should be sent via email to Rob Todd at Rob.Todd@TN.GOV .

For TDOT staff or TDOT consultants: If either TDOT staff are preparing the SDC or TDOT Consultants are preparing the SDC for TDOT, a Memorandum of Agreement (MOA) between TDOT and the USFWS may apply and can be used in lieu of agency coordination. The MOA defines categories of low-impact projects that do not require written comments from the USFWS. If applicable, include a copy of the MOA in the SDC attachments and reference it in the text. If not applicable, then a study by a qualified ecologist may be required. Consult with the POC regarding the need for an ecology study. The POC may refer you to a TDOT ecologist for guidance on the study contents.

For such projects, you will also need to have a qualified ecologist evaluate the project area and present their findings in a report that must accompany the SDC.

All: All response emails or letters should be included in the attachments to the SDC. Ecological studies, if undertaken, must also be attached. If endangered species or their habitat are within the project impact area, please contact the POC, as the project may not be able to be processed as a PCE or C-List CE using the SDC.

5. Floodplain/Floodway

Protection of floodways and floodplains is required under 23 CFR 650A; Executive Order 11988, Floodplain Management; and US Department of Transportation (USDOT) Order 550.2, Floodplain Management and Protection. The intent of these regulations is to avoid or minimize highway encroachments within the 100-year (base) floodplains or regulatory floodway, where practicable, and to avoid supporting land use development that is incompatible with floodplain values. As necessary, a preliminary analysis should be conducted for projects that disturb previously undisturbed land to determine whether the proposed action will encroach on any base (100-year) floodplain and/or regulatory floodway. Provide a copy of the Floodplain Insurance Rate Maps (FIRMs) for areas with mapped floodplains in the SDC attachments. Visit <https://msc.fema.gov/webapp/wcs/stores/servlet/FemaWelcomeView?storeId=10001&catalogId=10001&langId=-1> to acquire FIRMs.

In the Additional Information section of the SDC template, the document preparer will need to include one of the following statements based on the floodplain/floodway information conveyed in the FIRM. Please note that for some projects more than one statement may apply.

If the answer is NO, the following document text applies. A copy of the map(s) should be included in the Appendix.

The project is not in a FEMA floodway, floodplain, or study area, and is located on Flood Insurance Rate Map (FIRM) in ___ County, Panel ___ or ___, Map # _____. A portion of the FEMA FIRM is included as an attachment.

If the answer is YES, there are 3 scenarios for writing the document text. The appropriate Flood Insurance Rate Map (FIRM) should be noted and a copy of the map(s) should be included in the Appendix.

1. Portions of this project are located in or near a FEMA defined floodplain however there is no detailed study. The project is located on Flood Insurance Rate Maps in ___ County,



Panel ___ of ___, Map # _____. The design of the roadway system will be consistent with the Memorandum of Understanding (MOU) between FHWA and FEMA and with the floodplain management criteria set forth in the National Flood Insurance Regulations of Title 44 of the Code of Federal Regulations (CFR). It will be consistent with the requirements of floodplain management guidelines for implementing Executive Order 11988 and FHWA guidelines 23 CFR 650A. A portion of the FEMA FIRM is included as an attachment.

2. Portions of this project impact a FEMA defined floodplain where Base Flood Elevations (BFEs) have been determined however there is no floodway defined. The project is located on Flood Insurance Rate Maps in ___ County, Panel ___ of ___, Map # _____. The design of the roadway system will be consistent with the Memorandum of Understanding (MOU) between FHWA and FEMA and with the floodplain management criteria set forth in the National Flood Insurance Regulations of Title 44 of the Code of Federal Regulations (CFR). It will be consistent with the requirements of floodplain management guidelines for implementing Executive Order 11988 and FHWA guidelines 23 CFR 650A. A portion of the FEMA FIRM is included as an attachment.
3. Portions of this project impact a FEMA defined floodplain where a floodway is defined. The project is located on Flood Insurance Rate Maps in ___ County, Panel ___ of ___, Map # _____. A No Rise Certification or a CLOMR/LOMR will be submitted for the project and it will be consistent with the Memorandum of Understanding (MOU) between FHWA and FEMA. The design of the roadway system will be consistent with the Memorandum of Understanding (MOU) between FHWA and FEMA and with the floodplain management criteria set forth in the National Flood Insurance Regulations of Title 44 of the Code of Federal Regulations (CFR). It will be consistent with the requirements of floodplain management guidelines for implementing Executive Order 11988 and FHWA guidelines 23 CFR 650A. A portion of the FEMA FIRM is included as an attachment.
4. Portions of this project are located in or near a FEMA defined floodplain and/or floodway; however there is no work that will affect the base flood elevations or floodway limits (i.e., bridge repair, paving, roadway and bridge maintenance, intersection improvements, etc.). The project is located on Flood Insurance Rate Maps in ___ County, Panel ___ of ___, Map # _____. The design of the roadway system is consistent with the Memorandum of Understanding (MOU) between FHWA and FEMA and with the floodplain management criteria set forth in the National Flood Insurance Regulations of Title 44 of the Code of Federal Regulations (CFR). It will be consistent with the requirements of floodplain management guidelines for implementing Executive Order 11988 and FHWA guidelines 23 CFR 650A. A portion of the FEMA FIRM is included as an attachment.

6. Farmland

If farmland is being taken for a project and converted to a transportation use, it is subject to the Farmland Protection Policy Act of 1981 (FPPA). The purpose of FPPA is to minimize the extent to which Federal programs contribute to the unnecessary conversion of farmland to a transportation use. Federal programs include highway construction projects that are funded partially or in whole by the federal government. Additionally, it intends to minimize the extent to



which federal activities contribute to the unnecessary and irreversible conversion of agricultural land to a transportation use.

According to the FPPA, for a proposed project, you must determine: 1) whether the site contains farmland; and 2) whether the project may convert farmland to a transportation use. Farmlands subject to FPPA requirements do not have to be used for cropland, but can be forestland, pastureland, cropland, or other land. Farmlands do not include land already in or committed to urban development or water storage, or determined unsuitable because of soil type. The TEPM lists six situations where land does not meet the FPPA definition of farmland and no coordination with the National Resource Conservation Service (NRCS) is needed.

1. Land is not farmland, either through its soil type as indicated on NRCS soils mapping as not suitable for agriculture, or through consultation with NRCS. This also applies if land needed for right-of-way is clearly not farmland (e.g., rocky and/or mountainous terrain, sand dunes);
2. Land is urban (or within a designated Urban Growth Boundary);
3. For linear development, if land has already been converted for industrial, commercial, residential or recreational activity;
4. If the arrangements for borrow areas or disposal sites are not directed by TDOT;
5. A state has a LESA (Land Evaluation and Site Assessment) system (which Tennessee does not have); or
6. Farmland with low potential. Completion of the NRCS Farmland Conservation Impact Rating Form is needed to make this determination, but it is not necessary to coordinate with the NRCS.

If the project is exempt from farmland coordination, you must explain why it is exempt in the document text.

If the project contains farmland, then you will need to use the NRCS Farmland Conservation Impact Rating Form for Corridor Type Projects (NRCS-CPA-106) form, which can be obtained on-line at: http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1045395.pdf. The process for completing the form is described in the TEPM. Evidence of farmland coordination must be included in the SDC attachments if such coordination is required. If the impact rating on the completed form is greater than 160 in Part VI of the form, than you must contact your POC to discuss the situation because such impacts would require consideration of alternatives that convert less farmland or farmland of lower value.

7. Wild and Scenic Rivers

Federally-Designated Rivers

The individual completing the SDC must determine if federally-designated Wild and Scenic Rivers, or those under study for designation, are in the project area. The list of Tennessee's designated and study rivers can be found at <http://www.rivers.gov/rivers/tennessee.php>.

Rivers are designated under the federal Wild and Scenic Rivers Act. According to the Act, "certain selected rivers of the Nation which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values, shall be preserved in free-flowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations."



Currently, no Tennessee rivers are under study and only one river has been designated a National Wild and Scenic River: the Obed Wild and Scenic River in Morgan and Cumberland Counties on the Cumberland Plateau in East Tennessee. The designated river includes the segment of the Obed River from the western edge of the Catoosa Wildlife Management Area to its confluence with the Emory River. It also includes Clear Creek from the Morgan County line to the confluence with the Obed River, Daddys Creek from the Morgan County line to the confluence with the Obed River, and the Emory River from the confluence with the Obed River to Nemo Bridge. Over 45 miles of creeks and rivers are included in this wild and scenic river area.

State Designated Rivers

The Tennessee Scenic Rivers Act of 1968 designated scenic rivers. A list and map showing the state's 13 designated scenic rivers can be found at the website: <http://www.state.tn.us/environment/na/scenicrivers/>. Check this website if your project may affect rivers and identify the state-designated river in the SDC.

8. Air Quality

The air quality analysis must address transportation conformity and Mobile Source Air Toxics (MSATs) for all projects. Both are defined below.

Transportation Conformity: Transportation conformity is a way to ensure that federal funding and approval are given only to those transportation projects that are consistent with federal air quality goals.

Mobile Source Air Toxics (MSATs): In addition to the criteria air pollutants for which there are National Ambient Air Quality Standards (NAAQS), EPA also regulates air toxics. Most air toxics originate from human-made sources, including on-road mobile sources, non-road mobile sources (e.g., airplanes), area sources (e.g., dry cleaners), and stationary sources (e.g., factories or refineries).

To obtain the information needed to address air quality requirements, contact your POC, who will coordinate with TDOT air quality staff and will provide you with:

- Statement that the project is exempt from an air quality analysis or that it does not apply;
- Statements and evidence of coordination needed (for example, letters or emails from the Interagency Coordination Committee for PM 2.5); or
- Guidance on how to undertake the needed analysis.

Statements and other pertinent information provided to you by the POC should be summarized in the Additional Information section and included in the SDC attachments.

9. Noise

Federal regulations (23 CFR 772) and TDOT noise policy (which is found at <http://www.tdot.state.tn.us/environment/airnoise/PDF/TDOTNoisePolicy520-01.PDF>) require the consideration of noise abatement measures where traffic noise impacts have been identified. To qualify for the SDC, the proposed action must be a Type III Project and a noise study is not needed. If your project is a Type III Project, include this statement in the SDC: "The proposed undertaking is a Type III Project; therefore a noise study is not required." The three project types are described below.



Type I Project - A project shall be considered Type I if it meets one of the following conditions:

- The construction of a highway on new location; or
- The physical alteration of an existing highway where there is either:
 - (i) Substantial Horizontal Alteration. A project that halves the distance between the traffic noise source and the closest receptor between the existing condition to the future build condition or
 - (ii) Substantial Vertical Alteration. A project that removes shielding, therefore exposing the line-of-sight between the receptor and the traffic noise source. This is done by either altering the vertical alignment of the highway or by altering the topography between the highway traffic noise source and the receptor; or
- The addition of a through-traffic lane(s). This includes the addition of a through-traffic lane that functions as a High-Occupancy Vehicle (HOV) lane, High-Occupancy Toll (HOT) lane, bus lane, or truck climbing lane; or
- The addition of an auxiliary lane, except when the auxiliary lane is a turn lane; or
- The addition or relocation of interchange lanes or ramps added to a quadrant to complete an existing partial interchange; or
- Restriping existing pavement for the purpose of adding a through-traffic lane or an auxiliary lane; or
- The addition of a new or substantial alteration of a weigh station, rest stop, ride-share lot, or toll plaza.

If a project is determined to be a Type I project under this definition, then the entire project area as defined in the environmental document is a Type I project.

Type II Project - A Federal or Federal-aid highway project for noise abatement on an existing highway.

Type III Project - A Federal or Federal-aid highway project that does not meet the classification of a Type I or Type II project. Type III projects do not require a noise analysis.

10. Section 4(f)

Section 4(f) of the USDOT Act of 1966, applies only to federally-funded or federally-permitted transportation projects. Section 4(f) applies to a project's impacts to all historic sites ("historic" sites are defined as those on or eligible for the National Register of Historic Places/NRHP), but only to publicly-owned parks, recreation areas, and wildlife and waterfowl refuges. You first must determine whether such resources exist in your potential project impact area.

If they exist, you must then determine whether the project involves a "use" under Section 4(f). Three conditions exist under which a "use" occurs:

- When property not currently in transportation use is acquired outright for a transportation project from a Section 4(f) resource and converted to a transportation use;
- When there is occupancy of property that is adverse in terms of the preservationist purposes of Section 4(f) (primarily applies to historic NRHP-eligible or -listed resources); and



- When the proximity impacts of a transportation project on Section 4(f) property, even without the acquisition of the property, are so great that the features that qualify the resource for protection are substantially impaired.

If your project affects historic sites that are listed in or eligible for the NRHP or publicly-owned public parks, recreation areas, or wildlife and waterfowl refuges, consult with the POC to determine whether the proposed action is considered a “use” under Section 4(f). If it is considered a Section 4(f) use, the SDC may not be the appropriate document for NEPA processing.

11. Section 6(f)

If parks or recreational resources are present within the potential project impact area, you must determine whether funds provided through Section 6(f) of the Land and Water Conservation Fund (LWCF) Act have been used to purchase, develop or buy equipment for the property. The pertinence of Section 6(f) to transportation projects is that, if a federally-funded project proposes to take land from a recreational resource that has been wholly or partially developed with a LWCF grant, the project must be coordinated with the TDEC and replacement land of “reasonably equivalent usefulness and location” must be found.

The TDEC Recreational Educational Services Division, Grants Program Office manages Section 6(f) expenditures in Tennessee and maintains a list of projects. Consult the TDEC website for contact information for Section 6(f) (<http://www.tn.gov/environment/recreation/grants.shtml>). If you find that Section 6(f) funds have been used, contact your POC to discuss how to address this. If funds have been used, describe in the Additional Information section how the funds were utilized and how the project would affect the resource.

12. Cultural Resources (Architectural/Historical Archaeological Resources)

Section 106 of the National Historic Preservation Act of 1966 and the Advisory Council on Historic Preservation’s implementing regulations (36 CFR 800) require Federal agencies to take into account the effects of federal undertakings on properties eligible for or listed in the NRHP. In doing so, these agencies, in cooperation with Tennessee State Historic Preservation Office (TN-SHPO), must make a “Determination of Effect” on all actions that use Federal funds or require Federal licenses, permits, or approvals. A determination of “No Historic Properties Affected” or “No Adverse Effect” allows for continued processing using the SDC. The regulation applies to local governments using federal funds obtained through the TDOT Local Programs Office.

For Local Governments: Local governments are responsible for ensuring that the appropriate level of study/documentation is completed and submitted to TDOT for review. TDOT will then coordinate the review of the Section 106 documentation with the TN-SHPO. The TN-SHPO letter is required to be included as an attachment to the SDC. (Some local governments may have entered into a Memorandum of Understanding (MOU) with the TN-SHPO regarding how to handle certain types of projects; however, few local governments have done this.)

The local government should check the records at the TN-SHPO to determine if there are properties in the project’s potential impact area that are listed in or eligible for listing in the NRHP. A records check can also be done at http://tnmap.tn.gov/historical_commission/. This site contains GIS mapped survey data for many of Tennessee’s counties. The survey data will show you NRHP-listed properties and other properties that have been documented as being



over 50 years old, but have not yet been evaluated for NRHP eligibility. Following completion of the records check, develop an initial coordination letter and send it to the Section 106 coordinator at the TN-SHPO (Mr. Joe Garrison, Tennessee Historical Commission, 2941 Lebanon Pike, Nashville, TN 37214; phone-615.532.1550). A sample letter is in Attachment 3.

If there are NRHP-listed properties or properties that appear to be 'historic' within your project impact area, contact your POC. Also, contact your POC if there is previously undisturbed land in a non-urban area that will be disturbed. An architectural/historical and/or archaeological survey report (or a combined report) may be required. Scopes of work for both types of studies can be obtained from the POC.

For projects requiring an architectural/historical and/or archaeological survey report, the methodologies for the development of the required Section 106 documentation and for obtaining the TN-SHPO letter concurring with the NRHP eligibility and impact assessments made in the report(s) are outlined below.

Architectural/Historical Resources: Some projects will not affect historic resources, and the SDC preparer may be able to complete the required documentation without acquiring the services of a historian. If an architectural/historical study is required, the individual completing the architectural/ historical resources component of the SDC should be a qualified historian. Obtain the scope of work for architectural/historical resource surveys from your POC, who can provide you with project-specific guidance or will refer you to the department's historians. TDOT will formally submit the documentation for TN-SHPO concurrence and will provide the local official with the TN-SHPO letter. A TN-SHPO letter is required for approval of the SDC and must be attached to the document.

Archaeological Resources: Some projects obviously will not affect archaeological resources (e.g., installation of a traffic signal or Civil War Trail Marker in an urban area). However, TDOT may require survey reports. The individual completing the archaeological resources survey report in support of the SDC should be a qualified archaeologist if previously undisturbed ground is to be disturbed and/or right-of-way is to be acquired. If a study is required, obtain the scope of work for archaeological resource surveys from your POC, who can provide you with project-specific guidance or will refer you to the department's archaeologists. TDOT will formally submit the archaeological documentation for TN-SHPO concurrence and will provide the document preparer with the TN-SHPO response letter, which is required for approval of the SDC and must be attached to the document.

For TDOT staff or TDOT Consultants: If either TDOT staff or its consultants are preparing the SDC for TDOT, one of eight MOUs between TDOT and the TN-SHPO may apply and can be used in lieu of agency coordination. The MOUs define categories of low-impact projects that do not require written comments from the TN-SHPO. If applicable, include a copy of the MOU in the SDC attachments and reference it in the text. If not applicable, architectural/historical and archaeological resources studies may be required. These can be done as separate studies or a combined study.

13. Native American Coordination

Native American coordination is needed if the project involves the acquisition of new ROW in previously undisturbed areas. TDOT will undertake Native American coordination if such



coordination is required and will provide you with the results. You may need to provide the TDOT archaeologist with a project location map and a brief project description. Evidence of tribal coordination or an email from TDOT stating that coordination is not needed must be included in the SDC attachments.

14. Hazardous Materials

Hazardous waste sites are regulated primarily by the Resource Conservation and Recovery Act of 1976 (RCRA) and the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA). RCRA regulates the ongoing manufacture, storage, use, treatment, transportation and disposal of hazardous substances/wastes from manufacture to final disposal. CERCLA is designed to control, clean up and designate liability for abandoned, uncontrolled or inactive waste sites. Service stations and other underground storage tank (UST) sites are regulated by the Tennessee Petroleum Underground Storage Tank Act. The preferred option of dealing with hazardous waste sites is avoidance, unless the risks of proceeding can be justified. Contaminated property can cause excessive project delays, impacts, costs and liability.

For Local Governments: The person completing the SDC will need to determine whether any property to be acquired has been impacted by hazardous materials. This may be done by conducting a review of pertinent records at the TDEC Regional Field Office or the Central Office located at 401 Church Street, Nashville, Tennessee 37219 (after June 2013, location will be William R. Snodgrass Tennessee Tower, 312 Rosa L. Parks Avenue, Nashville, Tennessee 37243). If the action impacts properties containing hazardous materials, contact the POC to ensure that the SDC can be used. If guidance is needed to undertake this task, your POC can provide this upon request. As stated above, if no ROW is acquired for project implementation, hazardous materials studies are likely not required.

For TDOT staff or TDOT consultants: Staff in the TDOT Hazardous Materials section will provide you with the information you need, either through an email stating that a hazardous materials study is not needed or a copy of the hazardous materials study. If no ROW is to be acquired for project implementation, hazardous materials studies are likely not required.

All: Either a TDOT email stating that “no hazardous materials study is needed” or the results of a records search with negative findings or a Phase 1 Study (if one was needed) are required to be attached to the SDC.

15. Environmental Justice

Pursuant to Executive Order 12898, Federal Actions to Address Environmental Justice (EJ) in Minority Populations and Low-Income Populations, federal agencies (and recipients of federal monies) must identify and address disproportionately high and adverse human health and environmental effects on minority and low-income populations in the United States.

Most projects processed using the SDC will have little to no potential to impact EJ populations. However, for all projects, the SDC preparer should either talk with representatives of local government who are knowledgeable of locations of low-income and minority populations or check US Census data to determine if EJ populations are present in your project impact area.

If they are present, but the project will not have an impact to such populations, state that: “Minority and/or low-income populations are present in the project area, but the proposed



project does not have the potential to have disproportionately high and adverse impact on such populations.”

If a potential EJ issue is involved, contact the POC for instructions on how to proceed.

16. Other

There may be items pertinent to individual projects that are not addressed in Sections 1-15 and will need to be discussed in this section. Supporting information will need to be attached to the SDC. The individual completing the SDC should determine whether other issues potentially exist and may need to discuss this with the POC.

If there are potential geotechnical concerns, for example, they can be addressed in this section. If public meetings have been held for the proposed project, summarize the meetings by providing the date(s) of the meeting(s), number of attendees and any issues or support identified. There may be other issues of concern that disqualify actions from being reviewed using the SDC, such as substantial public opposition or controversy, etc.

PREPARER’S CERTIFICATION

The document preparer must read the text in this section and then, if in agreement, sign in the appropriate place.

The first signature block (“Prepared By”) should be signed by the person responsible for the completion of the document. The second signature block (“Local Government Representative Signature”) is to be used only for projects for which the local government is undertaking the NEPA documentation. If that is the case, it should be signed by the person responsible for ensuring the proper acquisition and use of federal funds for the project. This can be the Mayor or other designated representative.

If the project is completed by TDOT or Consultant staff, no signature is needed in the “Local Government Representative Signature” block.

To make your own digital signature, scan a page with your written signature. Save the scan as a .jpeg and crop it as needed. Then, you can insert it in the SDC. Or, you can sign a paper copy and either scan it or submit a hard copy to the POC with your draft submittal.

COMMITMENTS

The check box for Environmental Commitments is at the end of the Additional Information section (following #16—Other). Check the “Commitments are not involved” box if there are no commitments beyond standard TDOT project commitments.

Check the “Commitments are involved” box if there are project-specific commitments. If commitments are involved, the Environmental Commitments (green) Sheet at the front of the document must be completed.

Consult with the POC if you are unsure of what constitutes a project-specific commitment.



HOW TO COMPLETE THE ATTACHMENTS TO THE SDC

Below is a list of items that **may** be needed in the SDC attachments. The attachments should have cover sheets and a bookmarked PDF of the attachments should be created. The POC can provide you with a Microsoft Word document containing a sample cover sheet. The attachments should be placed in the order in which they are referenced in the text of the SDC.

- Project location map(s)
- Plan sheets/concept plans
- Relevant project page from the STIP or TIP
- Farmland Coordination
- Section 4(f) documentation
- Section 6(f) documentation
- Section 106 Coordination
 - For Local Governments: TN-SHPO historic/architectural resources and archaeological resources letters or combined letter **required**
 - For TDOT and TDOT Consultants only: MOU or TN-SHPO letter(s)
 - Historic/architectural report and archeological report or Combined Cultural Resources report
 - Native American consultation letters or documentation from TDOT stating that it is not needed
- Ecology Coordination/Endangered Species
 - For Local Governments: USFWS response letter required
 - For TDOT and TDOT Consultants only: MOA or USFWS letter
 - Responses to any coordination with TDEC or TWRA
 - Ecological reports
- FEMA floodplain map
- Wild and Scenic Rivers documentation if project has involvement with the Obed River or its designated tributaries
- Hazardous Materials
 - Email documentation from TDOT hazardous materials staff stating that a study is not needed, as the project has no potential to affect hazardous materials; or
 - Hazardous materials memo or study
- Noise
 - Completed noise study, if such study is needed
 - Email documentation from TDOT noise staff stating that a noise study is not needed
- Air Quality
 - Information supplied by TDOT re: conformity, MSATs, PM 2.5.
- Environmental Justice
 - U.S. census map(s) showing minority and low-income populations in project area; or
 - Correspondence from local government (letter/email) stating that the project area contains no minority or low income populations
- Documentation of Other Issues
 - Include any pertinent report or correspondence regarding other issues identified and evidence of public involvement if any meetings were held



ATTACHMENT 1 INDIVIDUAL PROGRAM GUIDANCE FOR FOUR PROGRAMS

1. Civil War Trails Marker
2. Safe Routes to School
3. Transportation Enhancement
4. Transportation Alternatives



1. Civil War Trail Marker Program

Selected guidance that is specific to the Civil War Trail Marker Program SDC is provided below.

PROJECT DESCRIPTION

Program Description: Insert the program description below into the SDC Project Description section:

The Civil War Trail Marker (CWT) Program, in existence since 1995, is a multi-state program that identifies, interprets and creates driving tours of both famous and lesser-known Civil War sites. In Tennessee, the CWT Program is a joint effort between a non-profit corporation, the local community, the Tennessee Department of Tourist Development (TDTD) and the Tennessee Department of Transportation (TDOT). The project is funded by federal grants, with local governments providing a 20 percent match.

Directional “trailblazer” signs and four-color interpretive markers with maps, illustrations and text have been installed at more than 1,000 sites. Each application and marker site must meet four requirements: a clear and accurate interpretation of the site; adequate accessibility pursuant to the Americans with Disabilities Act (ADA); available parking; and a well-maintained site.

Project Description: In this section, use the information provided in the community’s application to describe the project, including a description of the proposed marker location and inclusion of the proposed marker text.

ATTACHMENTS

In the SDC Attachments, no Technical Studies are required; however, there are a number of coordination letters and correspondence, checklists and graphics specific to the CWT Program that will need to be included. These materials include:

1. **STIP/TIP Page** – The document preparer will need to include the pertinent STIP/TIP page.
2. **Local Government Submittal** – The document preparer will need to include the following, which are contained in the local government’s funding request application form provided to the TDTD:
 - **ADA Access and Signage Checklist and Area Photos Guidance** – The applicants completed checklist is required to determine compliance with ADA regulations. Area photos will confirm handicap accessibility to the marker site and adequate parking.
 - **Sponsor Information and Permission for Temporary Easement/Entry Agreement** – This includes the local contact information and a copy of the access agreement for marker installation.
3. **Program Coordination** – This includes coordination letters and Memorandums of Agreement (MOAs) and/or Understanding (MOUs), which provide clearance from coordinating agencies. The document preparer will need to include the following:
 - Tennessee State Historic Preservation Office (TN-SHPO) Coordination Letter
 - TDOT Ecology Section Correspondence, may include MOU
 - TDOT Hazardous Materials Section Correspondence
4. **Map of Marker Site** – This map will illustrate the location of the marker site and confirm that the marker has been placed at the correct location, with ADA accessibility and adequate parking.



2. Safe Routes to School Program

Selected guidance that is specific to the Safe Routes to School Program SDC is provided below.

PROJECT DESCRIPTION

Program Description: Insert the program description below into the SDC Project Description section:

Safe Routes to School (SRTS) is a federally funded program focusing on the benefits of children walking and biking to school. This program aims to improve safety for children and the community and provide opportunities to increase physical activity. SRTS funds activities and infrastructure in addition to efforts that encourage healthy options for children. Bringing together a diverse group of people to identify issues and find ways to improve walking and biking conditions is the core of a successful SRTS program.

Project Description: In this section, use the information provided in the community's application to describe the project, including a description of the infrastructure improvements and non-infrastructure activities, project timeline, project phases and a summary of public involvement meetings, if applicable. Also describe the existing conditions in the project area.

ATTACHMENTS

In the SDC Attachments, no Technical Studies are required; however, there are a number of coordination letters and correspondence, checklists and graphics specific to the SRTS program that will need to be attached. These materials include:

1. **STIP/TIP Page** – The document preparer will need to include the pertinent STIP/TIP page.
2. **Preliminary Plans** – The document preparer will need to include the latest set of engineered plans available. Plans that show the location and extent of the proposed enhancements should be included.
3. **Program Coordination** – This includes coordination letters or Memorandums of Agreement (MOAs) and/or Understanding (MOUs), which provide clearance from coordinating agencies. The document preparer will need to include:
 - For TDOT or TDOT Consultant Staff: Tennessee State Historic Preservation Office (TN-SHPO) MOU
 - For Local Governments: TN-SHPO Letter(s)
 - For TDOT or TDOT Consultant Staff : U.S. Fish and Wildlife Service (USFWS) MOA
 - For Local Governments: USFWS Letter
 - TDOT Hazardous Materials Section Correspondence
 - TDOT Air Quality and Noise Section Correspondence
4. **Project Location Map** – This map will illustrate the project termini and location for the proposed improvements.
5. **Other Supplemental Project Information** – There may be additional, project-specific materials that the document preparer may need to include. Examples include excerpts from the grant application, a typical cross-section, prototypes of features to be included in the project and documentation of public involvement activity. The POC can provide guidance on how to obtain these materials.



3. Transportation Enhancement Program

On October 1, 2012, the federal government enacted a new transportation law, entitled Moving Ahead for Progress in the 21st Century (MAP-21). Under MAP-21, changes to transportation enhancement activities, and subsequent funding, were made. This guidance applies to enhancement projects already approved under previous legislation (i.e., the 2005 *Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users*/SAFETEA-LU). Projects that will be funded under MAP-21 should use the Transportation Alternatives Program Guidance (#4).

Guidance specific to the Transportation Enhancement Program SDC is provided below.

PROGRAM AND PROJECT DESCRIPTION

Program Description: Insert the program description below into the Project Description section:

The Transportation Enhancement (TE) program is designed to strengthen the cultural, aesthetic and environmental aspects of the nation's intermodal transportation system. The program benefits the traveling public and helps communities to increase transportation choices and access, enhance the built and natural environment, and provide a sense of place. To be eligible for funding, a TE project must fit into one or more of the 12 eligible categories: pedestrian and bicycle facilities; pedestrian and bicycle safety and educational activities; acquisition of scenic or historic easements and sites; scenic or historic highway programs including tourist and welcome centers; landscaping and scenic beautification; historic preservation; rehabilitation and operation of historic transportation buildings, structures or facilities; conversion of abandoned railway corridors to trails; inventory, control, and removal of outdoor advertising; archaeological planning and research; environmental mitigation of runoff pollution and provision of wildlife connectivity; and establishment of transportation museums.

TE projects may be enhancements added to larger Federal-aid highway project or may be independent projects unrelated to highway projects.

Project Description: In the SDC Project Description section, use the information provided in the community's application to describe the project, including a general description of the proposed enhancement activity and its goals, inclusion of how the project fits into one of the 12 eligible categories and an explanation of how the enhancements relate to surface transportation. If applicable, include a description of the project phases and highlight the phase applicable to the current project.

ATTACHMENTS

In the SDC Attachments, no Technical Studies are required; however, there are a number of coordination letters and correspondence, checklists and graphics specific to the TE Program that will need to be included:



Transportation Enhancement Program, Continued

1. **STIP/TIP Page** – The document preparer will need to include the pertinent STIP/TIP page.
2. **Preliminary Plans** – The document preparer will need to include the latest set of engineered plans available. Plans that show the location and extent of the proposed enhancements should be included.
3. **Program Coordination** – This includes coordination letters and correspondence that provide NEPA clearance for the project. Coordination will depend on whether the document preparer is TDOT or TDOT consultant staff, or if the preparer is a local government.

For Local Governments: The document preparer will need to include any correspondence from TDOT technical staff and coordinating agencies, including clearance for the project. If a technical study or records search is required, it should also be included in the attachments.

For TDOT staff or TDOT consultants: Upon request, the document preparer may receive various types of correspondence from TDOT technical staff, including coordination letters and correspondence and Memorandums of Agreement (MOAs) and/or Understanding (MOUs), which provide clearance from coordinating agencies. All pertinent correspondence should be included in the SDC attachments.

4. **Project Location Map** – This map will illustrate the project termini and location for the proposed improvements.



4. Transportation Alternatives Program

On October 1, 2012, a new federal transportation law called Moving Ahead for Progress in the 21st Century (MAP-21) was enacted. Under MAP-21, the Transportation Alternatives Program was created, which provides funding for programs and projects defined as transportation alternatives, including on- and off-road pedestrian and bicycle facilities, infrastructure projects for improving non-driver access to public transportation and enhanced mobility, community improvement activities, and environmental mitigation; recreational trail program projects; safe routes to school projects; and projects for the planning, design or construction of boulevards and other roadways largely in the right-of-way of former Interstate System routes or other divided highways. Guidance specific to the Transportation Alternatives Program (TAP) SDC is provided below.

PROGRAM AND PROJECT DESCRIPTION

Insert this program description into the SDC Program and Project Description section:

The TAP is designed to strengthen the cultural, aesthetic and environmental aspects of the nation's intermodal transportation system.

The program provides for a variety of alternative transportation projects, including many that were considered previously eligible activities under separately funded programs, wrapping them into a single funding source.

The program benefits the traveling public and helps communities to increase transportation choices and access, enhance the built and natural environment, and provide a sense of place. To be eligible for funding, a project must fit into one or more of the nine eligible categories:

- Construction, planning and design of on-road and off-road trail facilities for non-motorized forms of transportation;
- Construction, planning and design of infrastructure-related projects and systems that provide safe routes for non-drivers;
- Conversion and use of abandoned railroad corridors for trail facilities for non-motorized forms of transportation;
- Construction of turnouts, overlooks and viewing areas;
- Inventory, control or removal of outdoor advertising;
- Historic preservation and rehabilitation of historic transportation facilities;
- Vegetation management practices in transportation rights-of-way;
- Archaeological activities relating to impacts from implementation of transportation alternatives projects; and
- Any environmental mitigation activity, including pollution prevention and pollution abatement activities.

In this section, use the information provided in the community's application, including a general description of the proposed enhancement activity and its goals. Also describe how the awarded project fits into one of the eligible funding categories. If applicable, include a description of the project phases and highlight the phase to which this CE covers.



Transportation Alternatives Program, Continued

ATTACHMENTS

In the Attachments section, no Technical Studies are required; however, there are a number of coordination letters and correspondence, checklists and graphics specific to the TAP that will need to be included. These materials are either in the program application or will be provided by the POC and include the following attachments:

5. **STIP/TIP Page** – The document preparer will need to include the pertinent STIP/TIP page.
6. **Preliminary Plans** – The document preparer will need to include the latest set of engineered plans available. Plans that show the location and extent of the proposed enhancements should be included.
7. **Program Coordination** – This includes coordination letters and correspondence that provides clearance for the project. Coordination will depend on whether the document preparer is TDOT staff or TDOT consultant, or if the preparer is a local government.

For TDOT staff or TDOT consultants: Upon request, the document preparer may receive various types of correspondence from TDOT technical staff, including coordination letters and correspondence, Memorandums of Agreement (MOAs) and/or Understanding (MOUs), which provide clearance from coordinating agencies. All pertinent correspondence should be included.

For Local Governments: The document preparer will need to include any correspondence from TDOT technical staff and coordinating agencies, including clearance for the project. If a study or records search is required, it should also be included.

8. **Project Location Map** – This will illustrate the project termini and location for the proposed improvements.
9. **Other Supplemental Project Information** – There may be additional, project-specific materials that the document preparer may need to include. Examples include excerpts from the grant application, traffic counts and forecasts, coordination with the MPO/TPO/RPO, additional design plans, prototypes of features to be included in the project and public involvement activity. The POC should be able to provide guidance on how to obtain these materials.



ATTACHMENT 2 DEFINITION OF NEPA CATEGORICAL EXCLUSION



Definition of Categorical Exclusion

A NEPA Categorical Exclusion (CE) is a category of actions that meets the definition contained in 40 CFR 1508.4 and, based on past experience with similar actions, does not involve significant environmental impacts. They are actions that do not:

- Induce significant impacts to planned growth or land use for the area;
- Require the relocation of significant numbers of people;
- Have a significant impact on any natural, cultural, recreational, historic, or other resource;
- Involve significant air, noise, or water quality impacts;
- Have significant impacts on travel patterns; or
- Otherwise, either individually or cumulatively, have any significant environmental impacts.
 - In the federal regulations, CEs are divided into two main categories, the C-List and the D-List. Projects eligible for processing as a C-List document generally have a low level of impacts. Those eligible for processing as a D-List CE generally have a higher level of impacts, but the impacts are not considered significant. However, for some projects with a higher level of impact than the C-List and that may fall within the D-List criteria, FHWA has entered into an agreement with TDOT, in which FHWA concurs in advance that some projects can be processed under a programmatic process, which removes FHWA from the review process and streamlines NEPA approvals. This documentation process is called a Programmatic Categorical Exclusion, or PCE.
 - As previously stated, the SDC should be completed for each action that meets the “basic” criteria for processing as a C-List CE or PCE as defined in the previous section and as confirmed by your POC.
 - Activities eligible for processing as a C-List or Programmatic CE using the SDC are described in the following sections.

C-List Categorical Exclusions

FHWA’s regulations outlined in 23 CFR 771.117(c) list 20 actions that are non-construction or limited construction activities – these comprise the C-List. These actions generally meet the criteria for a CE determination in the CEQ regulation (Section 1508.4) and normally do not require NEPA approvals by FHWA, although documentation must still be completed and retained by TDOT. In most instances, these C-List actions will qualify for processing using the SDC. The C-List is limited to the following specific actions:

1. Activities which do not involve or lead directly to construction, such as planning and research activities; grants for training; engineering to define the elements of a proposed action or alternatives so that social, economic, and environmental effects can be assessed; and Federal-aid system revisions which establish classes of highways on the Federal-aid highway system.
2. Approval of utility installations along or across a transportation facility.
3. Construction of bicycle and pedestrian lanes, paths, and facilities.
4. Activities included in the State's *highway safety plan* under 23 U.S.C. 402.



5. Transfer of Federal lands pursuant to 23 U.S.C. 107(d) and/or 23 U.S.C. 317 when the land transfer is in support of an action that is not otherwise subject to FHWA review under NEPA.
6. The installation of noise barriers or alterations to existing publicly owned buildings to provide for noise reduction.
7. Landscaping.
8. Installation of fencing, signs, pavement markings, small passenger shelters, traffic signals, and railroad warning devices where no substantial land acquisition or traffic disruption will occur.
9. Emergency repairs under 23 U.S.C. 125.
10. Acquisition of scenic easements.
11. Determination of payback under 23 U.S.C. 156 for property previously acquired with Federal-aid participation.
12. Improvements to existing rest areas and truck weigh stations.
13. Ridesharing activities.
14. Bus and rail car rehabilitation.
15. Alterations to facilities or vehicles in order to make them accessible for elderly and handicapped persons.
16. Program administration, technical assistance activities, and operating assistance to transit authorities to continue existing service or increase service to meet routine changes in demand.
17. The purchase of vehicles by the applicant where the use of these vehicles can be accommodated by existing facilities or by new facilities which themselves are within a CE.
18. Track and railbed maintenance and improvements when carried out within the existing right-of-way.
19. Purchase and installation of operating or maintenance equipment to be located within the transit facility and with no significant impacts off the site.
20. Promulgation of rules, regulations, and directives.
21. Deployment of electronics, photonics, communications, or information processing used singly or in combination, or as components of a fully integrated system, to improve the efficiency or safety of a surface transportation system or to enhance security or passenger convenience. Examples include, but are not limited to, traffic control and detector devices, lane management systems, electronic payment equipment, automatic vehicle locaters, automated passenger counters, computer-aided dispatching systems, radio communications systems, dynamic message signs, and security equipment including surveillance and detection cameras on roadways and in transit facilities and on buses.

Programmatic Categorical Exclusions

On July 7, 2011, FHWA and TDOT entered into a "Programmatic Categorical Exclusion Agreement," in which FHWA agreed that their agency would not review or approve the documentation, but instead TDOT would be responsible for these tasks, and for making such



documentation available for yearly FHWA audits of TDOT's NEPA program. In that agreement, TDOT and FHWA agreed in advance with the classification of certain projects as identified in 23 CFR 771.117(d) as CEs that would not require FHWA approval if the project satisfies the following conditions:

- The action does not have significant environmental impacts as described in 23 CFR 771.117(a) [It is important to avoid the use of the word "significant" in the SDC document];
- The action does not involve unusual circumstances as described in 23 CFR 771.117(b);
- The action conforms to the State Implementation Plan (SIP) in air quality nonattainment areas;
- The action is included in a federally-approved conformity determination as per the Clean Air Act Amendments of 1990;
- The action does not involve federally-listed threatened or endangered species or their critical habitat; and
- The action does not involve the following:
 - The acquisition of more than 1.0 acre of right-of-way or easements;
 - The displacement of any commercial or residential occupants;
 - The use of properties protected by Section 4(f), 49 U.S.C. 303;
 - A determination of adverse effect by the Tennessee State Historic Preservation Office (TN-SHPO);
 - A U.S. Coast Guard construction permit, an individual U.S. Army Corps of Engineers Section 404 permit, or individual Tennessee Department of Environment and Conservation (TDEC) Aquatic Resource Alteration Permit;
 - Work encroaching on a regulatory floodway or work affecting the base floodplain (100-year flood) elevations of a water course or lake;
 - Construction in, across, or adjacent to a river designated as a component of the National System of Wild and Scenic Rivers;
 - Work that will disturb greater than 0.1 acre of wetlands;
 - A change in access control; and
 - A known hazardous material site within the proposed right-of-way, excluding the removal of an underground storage tank.



ATTACHMENT 3 SAMPLE AGENCY COORDINATION LETTERS



**SAMPLE LETTER TO TN-SHPO/TENNESSEE HISTORICAL COMMISSION
PURSUANT TO SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT**

Your Letterhead

Date

Mr. Joe Garrison
Section 106 Coordinator
Tennessee Historical Commission
2941 Lebanon Pike
Nashville, TN 37214

Subject: Section 106 Initial Coordination for Project Name, Location (Address, City, County)

Dear Mr. Garrison:

The name of local government proposes to provide brief project description. The project is slated for federal funding that will come through the Tennessee Department of Transportation (TDOT) Office of Local Programs. Due to the federal funding, the project is subject to Section 106 of the National Historic Preservation Act. We are coordinating with the TDOT Environmental Division on development of the National Environmental Policy Act (NEPA) document and related technical studies.

We have checked your agency's files to determine if properties listed in the National Register of Historic Places (NRHP) are located in the potential project impact area. Our findings are that NRHP properties are or are not in the potential project impact area and that the project impact area contains or does not contain buildings 50 years old or older that could be NRHP eligible. Additionally the project will or will not disturb previously undisturbed land in a non-urban area or will only disturb very minor amounts of land in an urban area.

We have attached a map showing the location of the project and IF APPLICABLE copies of photographs of any NRHP listed buildings or buildings 50 years old or older that could be NRHP eligible and that are within the potential project impact area.

Please provide your comments on the proposed project pursuant to Section 106.

Sincerely,

Name
Title

Attachment(s)

cc: Name of your TDOT POC



**SAMPLE LETTERS TO US FISH AND WILDLIFE SERVICE PURSUANT TO
SECTION 7 OF THE ENDANGERED SPECIES ACT**



**STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION**

ENVIRONMENTAL DIVISION
SUITE 900, JAMES K. POLK BUILDING
505 DEADERICK STREET
NASHVILLE, TENNESSEE 37243-1402
(615) 741-3655

JOHN C. SCHROER
COMMISSIONER

BILL HASLAM
GOVERNOR

May 17, 2012

Ms. Mary E. Jennings
U.S. Department of Interior
Fish and Wildlife Service
446 Neal Street
Cookeville, TN 38501

**SUBJECT: Perry County, SR-128, Bridge over Cedar Creek @ Log Mile 6.78
TDOT PIN 115686.00 P.E. # 68006-1215-94**

Dear Ms. Jennings:

The Tennessee Department of Transportation proposes to replace the existing SR-128 bridge over Cedar Creek, at highway log mile 6.78. The new bridge will be constructed in the same location as the existing structure. I have attached several project location maps to this letter.

In compliance with the Fish and Wildlife Act of 1958, and the Endangered Species Act of 1973 (as amended), we are requesting a list of threatened or endangered species that may be present within the vicinity of the proposed construction.

Please include in your reply the entire project description as listed in the subject line of this request. Your assistance in the preparation of this project is greatly appreciated. If you need additional information, please contact me at Dennis.Crumby@tn.gov or 615-253-2465.

Sincerely,

Dennis
Crumby

Digitally signed by Dennis Crumby
DN: cn=Dennis Crumby, o=US,
ou=TDOT Ecology Section,
email=Dennis.Crumby@tn.gov
Date: 2012.05.17 11:16:47 -0500

Dennis Crumby, TDOT Region 3 Biologist

copy: ED Project File



**SAMPLE LETTERS TO US FISH AND WILDLIFE SERVICE PURSUANT TO
SECTION 7 OF THE ENDANGERED SPECIES ACT (CONTINUED)**



STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION
ENVIRONMENTAL DIVISION
SUITE 900 - JAMES K. POLK BUILDING
505 DEADERICK STREET
NASHVILLE, TENNESSEE 37243-0334

October 1, 2010

Ms. Mary E. Jennings
U.S. Department of Interior
Fish and Wildlife Service
446 Neal Street
Cookeville, TN 38501

**SUBJECT: State Route 13, from SR-20 (US-412) in Perry County to
I-40 in Humphreys County (Spot Improvements)
TDOT PIN 111109.00 P.E. # 43005-0242-14 & 68001-0242-14**

Dear Ms. Jennings:

The Tennessee Department of Transportation proposes to construct spot improvements along the existing State Route 13 alignment, from SR-20 near Linden, northward to I-40 in Humphreys County. The improvements primarily involve widening the existing highway at various locations to accommodate passing lanes. One intersection improvement will be constructed. New right-of-way will be needed to complete the project and some land disturbance will be necessary. I have attached a topographic map and aerial photographs, which indicate the locations of the spot improvements. I have also attached a table that describes the proposed construction at each location.

In compliance with the Fish and Wildlife Act of 1958, and the Endangered Species Act of 1973 (as amended), we are requesting a list of threatened or endangered species that may be present within the vicinity of the proposed construction. Please include in your reply the entire project description as listed in the subject line of this request. Your assistance in the preparation of this project is greatly appreciated.

Sincerely,

Dennis Crumby, TDOT Region 3 Biologist
copy: ED Project File/Reading File