

**Programmatic Agreement  
for the Review and Approval of  
NEPA Categorically Excluded Transportation Projects  
between the  
Federal Highway Administration Texas Division  
and the  
Texas Department of Transportation**

**PREAMBLE:**

There are three classes of action that prescribe the level of documentation required in the National Environmental Policy Act (NEPA) process: Environmental Impact Statements, Categorical Exclusions, and Environmental Assessments. This agreement applies to Class II: Categorical Exclusions (CE) - any linear transportation project or associated facility that does not individually or cumulatively have a significant environmental impact. This agreement provides for the expeditious processing of CE level actions by the Texas Department of Transportation (TxDOT), under the guidance and with the approval of, the Federal Highway Administration, Texas Division (FHWA). Blanket and Programmatic Categorical Exclusion actions meeting the criteria established under this agreement are deemed approved by FHWA.

FHWA retains full federal authority and responsibility on all federal aid projects; reserves the right to modify document classification on a case-by-case basis; and to evaluate the implementation of this agreement. FHWA relies on the expertise and experience of TxDOT staff for implementation of this agreement. FHWA follows the philosophy that the goal of the NEPA process is better decisions and not more documentation. The primary purpose of this agreement is to increase flexibility, streamline the environmental process and reduce paperwork. TxDOT and FHWA agree that TxDOT shall pilot efforts internally to further streamline processing of all CE actions to allow more time to be spent expediting projects at the EA and EIS level. FHWA will provide guidance, oversight, technical assistance, and approval as appropriate.

**REGULATORY BASIS:**

All CE actions processed under this agreement shall be in accordance with the requirements of 23 Code of Federal Regulations (CFR) 771.117, Categorical Exclusions (23 CFR 771.117) or succeeding regulations. These actions must also be consistent with, and ensure compliance with, other applicable federal, state and local law.

The CE action directly, indirectly, or cumulatively, shall not cause any significant environmental impacts, as described in 23 CFR 771.117(a) or succeeding regulations, to:

- planned growth or land use for the area;
- relocate significant numbers of people
- any natural, cultural, recreational, historic or other resource;
- air, noise, or water quality;
- travel patterns.

The CE action shall not involve unusual circumstances, as described in 23 CFR 771.117(b) or succeeding regulations, leading to:

- significant environmental impacts;
- substantial controversy on environmental grounds;
- significant impact on properties protected under section 4(f) or section 106;
- inconsistencies with any appropriate federal, state or local law, requirement or administrative determination relating to the environmental aspects of the action.

**A. DEFINITIONS:**

For the purposes of this agreement, the following classifications of NEPA decision documents are defined:

1. Blanket Categorical Exclusion (BCE): An action that FHWA has determined requires no further NEPA approval.
2. Programmatic Categorical Exclusion (PCE): An action that, based on past experience, does not involve significant environmental impacts and may be processed by TxDOT under this agreement.
3. Categorical Exclusion (CE): An action that does not individually or cumulatively have significant environmental impacts. Categorical Exclusions are reviewed by TxDOT and approved by FHWA.

**B: EXCEPTIONS:**

Exceptions may be considered to the conditions of this agreement. Consultation with, and approval by, FHWA will be done on a case-by-case basis. If one or more conditions are not met, and an exception is not approved, then the project must be classified at a higher NEPA level as determined by FHWA.

**C. CONDITIONS for BCEs and PCEs:**

Individual actions to be classified as blanket or programmatic categorical exclusions under this agreement must meet all the requirements of the Regulatory Basis as well as all of the following conditions. Exceptions may be considered.

1. New right of way (ROW), other land acquisition, or displacements:
  - The project shall not involve acquisition of more than 30 acres of ROW for new location transportation alignments or new land holdings for transportation related facilities (i.e. safety rest area, intersection, maintenance yards, border safety inspection facilities, etc.).
  - The action shall not involve acquisition of more than minor amounts of temporary or permanent, adjacent and/or contiguous ROW or land holdings. This requirement shall be construed to mean an amount no more than 5 acres per linear mile, or 30 acres (whichever is greater) of the existing ROW acreage within the project's limits, or 20% of the land area or 30 acres (whichever is greater) of a transportation related facility (i.e. safety rest area, intersection, maintenance yards, border safety inspection facilities, etc.).

- No commercial or residential displacements shall result from these acquisitions.
2. The action shall not involve a “take” of properties protected by Section 4(f) of the Department of Transportation Act (as defined in 49 U.S.C. 303).
  3. The action shall not have been determined by the State Historical Preservation Officer to have an adverse effect on any property determined eligible for the National Register of Historical Places.
  4. The action shall not be subject to an individual Section 404 and/or Section 10 permit issued by the United States Army Corps of Engineers (USACE).
  5. The action shall not be subject to a Section 9 permit issued by the United States Coast Guard (USCG). Further, any required USCG advanced approval and/or lighting exemption concurrence shall be received before an action goes to letting.
  6. The action shall not lead to a determination of other than “no effect” or “may affect, not likely to adversely affect” for federally listed resources under regulations implementing the Endangered Species Act. Federally listed resources are defined as federally listed threatened or endangered species, proposed threatened or endangered species, designated critical habitat, and proposed designated critical habitat. Essential Fish Habitat shall meet the equivalent level of effect as applicable under the law and regulations governing that program.
  7. The action shall not cause construction in, across, or adjacent to a river designated as a component or proposed for inclusion in the National System of Wild and Scenic Rivers.
  8. The action shall not involve known hazardous materials impacts anticipated to adversely affect construction activities, and shall not involve the acquisition of known unresolved contaminated sites where TxDOT could reasonably expect to assume liability for corrective action upon acquisition.
  9. The action shall be consistent with the Coastal Zone Management Plan as determined by the appropriate federal and/or state agency(ies).
  10. The action shall conform to all applicable laws, regulations, implementation plans, or other applicable federal, and state air quality requirements pursuant to the Federal and Texas Clean Air Acts.

**D. CLASSIFICATION CRITERIA:**

1. Blanket Categorical Exclusions (BCE):

All conditions specified in Section C must be met for classification as a BCE. If one or more conditions are not met, and an exception is not approved by FHWA, the action must be classified at a higher NEPA level as determined in consultation with FHWA.

FHWA has determined that an action listed in 23 CFR 771.117(c)(1)-(20) or succeeding regulations may be classified as a BCE, except as noted in (3) and additional actions as listed below.

*(1) Activities which do not involve or lead directly to construction, such as planning and technical studies; grants for training and research programs; research activities as defined in 23 U.S.C. 307; approval of a unified work program and any findings required in the planning process pursuant to 23 U.S.C. 134; approval of statewide programs under 23 CFR part 630; approval of project concepts under 23 CFR part 476; 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.*

Note: For the purposes of this agreement and based upon experience, FHWA has determined that a project consisting of work on an existing road, path or lane and completely within the footprint of the existing base course is a BCE. FHWA and TxDOT agree that all other work of this type shall be processed at the Programmatic Categorical Exclusion level unless an exception is authorized.

*(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. 317 when the subsequent action is not an FHWA action.*

*(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 CFR part 480 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) For the purposes of this agreement and based upon experience, FHWA has determined that a project consisting of work classified as a seal coat, overlay, resurfacing, rehabilitation or restoration done within existing ROW on an existing road and completely within the footprint of existing base course is a BCE.

(22) Highway traffic operation improvement projects including the installation of ramp metering control devices and lighting are BCEs.

(23) Approval for disposal of excess right-of-way or for joint or limited use of right-of-way, where the proposed use does not have significant adverse impacts is a BCE.

2. Programmatic Categorical Exclusions (PCE):

All conditions specified in Section C must be met for an action to be classified as a PCE. If one or more conditions are not met, and an exception is not approved by FHWA, the action must be classified at a higher NEPA level as determined in consultation with FHWA.

FHWA has determined that an action listed in 23 CFR 771.117(d) (1) – (11) or succeeding regulations and additional actions as listed below may be classified as a PCE, except as noted in (1), (2), (6), (7).

*(1) Modernization of a highway by resurfacing, restoration, rehabilitation, reconstruction, adding shoulders, or adding auxiliary lanes (e.g., parking, weaving, turning, climbing). Note: Except as allowed in the BCE section above.*

*(2) Highway safety or traffic operations improvement projects including the installation of ramp metering control devices and lighting. Note: Based upon experience, FHWA and TxDOT agree that traffic operation improvements shall be processed at the Blanket Categorical Exclusion level.*

*(3) Bridge rehabilitation, reconstruction or replacement or the construction of grade separation to replace existing at-grade railroad crossings.*

*(4) Transportation corridor fringe parking facilities.*

*(5) Construction of new truck weigh stations or rest areas.*

*(6) Approvals for disposal of excess right-of-way or for joint or limited use of right-of-way, where the proposed use does not have significant adverse impacts. Note: Based upon experience, FHWA and TxDOT agree that this action shall be processed at the Blanket Categorical Exclusion level.*

*(7) Approvals for changes in access control.*

*(8) Construction of new bus storage and maintenance facilities in areas used predominantly for industrial or transportation purposes where such construction is not inconsistent with existing zoning and located on or near a street with adequate capacity to handle anticipated bus and support vehicle traffic.*

*(9) Rehabilitation or reconstruction of existing rail and bus buildings and ancillary facilities where only minor amounts of additional land are required and there is not a substantial increase in the number of users.*

*(10) Construction of bus transfer facilities (an open area consisting of passenger shelters, boarding areas, kiosks and related street improvements) when located in a commercial area or other high activity center in which there is adequate street capacity for projected bus traffic.*

*(11) Construction of rail storage and maintenance facilities in areas used predominantly for industrial or transportation purposes where such construction is not inconsistent with existing zoning and where there is no significant noise impact on the surrounding community.*

(12) For the purposes of this agreement and based on experience FHWA, has determined that an action covering the addition of through lanes on an existing rural highway (see footnote)<sup>1</sup> within existing ROW may be processed as a PCE.

(13) For the purposes of this agreement and based on experience TxDOT and FHWA agree that a project consisting of work classified as construction of new or expanded bicycle and pedestrian lanes, paths, and facilities shall be classified as a PCE. (See D.3. above.)

### 3. Categorical Exclusions (CE):

FHWA has determined that the actions listed below may be classified as categorical exclusions.

(1) For the purposes of this agreement, FHWA, based on experience has determined that an action covering any added capacity on an existing highway may be processed and approved as a categorical exclusion following appropriate public involvement as outlined in the Texas Administrative Code and TxDOT's Environmental Manual<sup>2</sup>.

(2) Additional actions that meet the criteria for a CE established in the CEQ regulations (40 CFR 1508.4) and 23 CFR 771.117 (a), or succeeding regulations, may be processed as CEs only after FHWA approval.

(3) Section 771.117 (d) (12): Acquisition of land for hardship or protective purposes; advance land acquisition loans under the Urban Mass Transit Act (UMTA).<sup>3</sup> Hardship and protective buying will be permitted only for a particular parcel or a limited number of parcels. These types of land acquisition qualify for a CE only where the acquisition will not limit the evaluation of alternatives, including shifts in alignment for planned

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<sup>1</sup> Rural areas, for purposes of this agreement, are those areas outside the Metropolitan Planning Organization (MPO) Metropolitan Area Boundary (MAB) for MPOs that are in attainment of air quality standards, or outside the non-attainment area boundaries for those MPOs that do not meet air quality standards. This processing alternative does not apply in those cases where transportation corridor preservation acquisition was done, or where ROW acquisition was done by hardship, donation, or for protection of an individual parcel.

<sup>2</sup> This processing alternative does not apply in those cases where transportation corridor preservation acquisition was done, or where ROW acquisition was done by hardship, donation, or for protection of an individual parcel.

<sup>3</sup> Hardship acquisition is early acquisition of property by the applicant at the property owner's request to alleviate particular hardship to the owner, in contrast to others, because of an inability to sell his property. This is justified when the property owner can document on the basis of health, safety or financial reasons that remaining in the property poses an undue hardship compared to others. Protective acquisition is done to prevent imminent development of a parcel which is needed for a transportation corridor or site. Documentation must clearly demonstrate that development of the land would preclude future transportation use and that such development is imminent. Advance acquisition is not permitted for the sole purpose of reducing the cost of property for a proposed project.

construction projects, which may be required in the NEPA process. No project development on such land may proceed until the NEPA process has been completed.

(4) Use of Nationwide Permit 23 will require processing the action as an FHWA approved CE before submission of the PCN.

### **E. IMPLEMENTATION:**

In accordance with the Preamble of this agreement, that the primary purpose of this agreement is to increase flexibility, streamline the environmental process and reduce paperwork FHWA and TxDOT agree to the following:

(1) FHWA shall be consulted on any project where the criteria in any section of this agreement are exceeded, so that the processing of the federally funded undertakings are acceptable to FHWA. TxDOT shall contact FHWA upon identifying an issue for which an exemption under B above may be appropriate. TxDOT and FHWA commit to resolving the issue within five (5) working days. Some record (written telephone report, ETS entry, e-mail, etc) of consultation must be maintained in the appropriate project file.

(2) Blanket and Programmatic Categorical Exclusion actions meeting the criteria established under this agreement are deemed approved by FHWA. TxDOT will produce a monthly report (first week of the month, for the preceding month's projects) listing all projects processed as PCEs for FHWA files.

(3) TxDOT will pursue early coordination as required with regulatory and resource agencies, and ensure compliance with all appropriate federal, and state laws and regulations. Where right of entry for environmental studies has been denied, TxDOT will need to update the NEPA document and/or administrative record based on findings made after access becomes possible. When required, the NEPA document classification will be changed to reflect all issues.

(4) FHWA and TxDOT agree that various levels of short relevant checklists or memoranda may be used to simplify PCE and CE processing. The level of information to be provided should be commensurate with the proposed project's potential for adverse environmental impacts. Project impacts that will not cause significant individual or cumulative environmental impacts may be briefly summarized. TxDOT shall develop and maintain necessary documentation demonstrating compliance.

(5) TxDOT shall update its on-line manual(s) to ensure that the process and protocols reflected in this agreement are implemented to their full extent.

(6) TxDOT and FHWA agree that training managerial and technical staff in areas related to this agreement and the Project Classification Guide (Attachment A) is an

integral part of the successful execution of transportation projects. Training, both formal and informal, shall be offered to ensure the effective implementation of the agreement and guidance.

(7) TxDOT commits to and extends an invitation to FHWA for planned, periodic verification of any documentation held in TxDOT project files in support of BCE and PCE decisions. FHWA reserves the right to independently verify compliance.

**F. GROUPED DOCUMENTATION:**

FHWA and TxDOT agree that many CE actions have essentially the same minimal environmental impact anywhere they occur in Texas. FHWA will allow actions that could be individually processed as PCEs or CEs to be processed by combining them on some appropriate basis. Therefore, TxDOT may process grouped PCE or CE action documentation and request appropriate FHWA approval. FHWA and TxDOT specifically agree that the following actions are candidates for grouped PCE or CE processing:

1. Annual Off-system Bridge Replacements.
2. 3 Year Letting Cycle On-system Bridge Replacements.
3. 3 Year Letting Cycle District Restoration (RES), Rehabilitation of Existing Road (RER), Upgrade (UPN), and Widening (WNF) actions within existing, maintained ROW.

Other actions may be added to this list as deemed appropriate by FHWA and TxDOT.

**G. RELATED AGREEMENTS AND GUIDANCE:**

Related agreements and guidance between FHWA and/or TxDOT and the resource/regulatory agencies remain in full force and effect. Attachment B is a list of some related agreements and guidance documents that may impact the processing envisioned by this agreement.

**H. EFFECTIVE DATE, TERM AND MODIFICATION:**

This agreement is effective upon the date of the last signature, and shall remain in effect indefinitely. Either party may request changes at any time.

/s/C. D. Reagan

/s/ Michael W. Behrens

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C.D. (Dan) Reagan  
Administrator, FHWA  
Texas Division

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Michael W. Behrens P.E.  
Executive Director, TxDOT

February 9, 2004  
Date

February 9, 2004  
Date

Attachment A:  
**Classification Guidance**  
**Project Classification Guidance for NEPA documentation**

The Federal Highway Administration Texas Division Administrator (hereafter FHWA) and the Texas Department of Transportation (hereafter TxDOT) have adopted the following list of project types, descriptions, and document classification options as general guidance in support of the Programmatic Agreement dated February 9, 2004. FHWA reserves the right and authority to classify any federal aid project at its sole discretion.

**CLASSIFICATION LIST:**

**In cases where more than one type of document is noted as an option consultation with FHWA is recommended.**

<u>Code</u>	<u>Classification</u>	<u>Description of Proposed Work</u>	<u>Document Classification Options</u>
BCF	Border Crossing Facility	Construction of Border Crossing Facility Reconstruction of BCF	PCE/CE/EA/ EIS PCE
BR	Bridge Replacement	Replacement of structure on existing location	PCE/CE/EA/ EIS
		<u>Related Activities</u>	
		Bridge inventory	BCE
		Joint and crack seal	BCE
		Paint bridge	BCE
		Replace bridge deck	BCE
		Retrofit railing	BCE
		Sealing existing joints (SEJ) / bridge joint repair	BCE
BWR	Bridge Widening	Rehabilitation or widening of deck, sub or super structure of an existing bridge to upgrade bridge to loading standards or geometric standards or traffic capacity.	PCE / CE
CNF	Convert Non-Freeway	Added capacity conversions of multilane to Freeway highways with non-controlled access to controlled access freeway	CE /EA/ EIS
CTM	Corridor Traffic	Corridor traffic management systems Traffic management communications systems; Upgrade existing intelligent transportation system to ATM network	BCE
FBO	Ferry Boat	The construction of landings, approaches, or appurtenances to ferry boat operations	CE / EA/ EIS

FS	Feasibility Studies	Preliminary investigations, data collection, study of alternatives, costs, benefits, etc., and recommendations	BCE
GCP	Grade Crossing Protection	Signalization and/or controls for grade crossing protection	BCE
HES	Hazard Elimination & Safety	All projects of federal traffic safety program  Safety End Treatments MBGF Communications systems Concrete median barrier Continuous illumination Gating of HOV facility Illumination refurbishing Incident detection response system (IDRS) Full ITS package: cameras, changeable signs, etc. Installation of vehicle detectors Refurbish high mast assemblies, high mast illumination rings Traffic light installation	BCE
HPR	Remove Hazardous Paint	Removal of hazardous paint on bridge	BCE
INC	Interchange (New or Reconstructed)	A complete interchange facility (such as trumpet, diamond, three-level diamond, cloverleaf, partial cloverleaf, or directional) on new location or reconstruction of interchange on existing right of way	PCE / CE / EA/ EIS
JC	Junkyard Control	Junkyard control measures	BCE
LSE	Landscape and Scenic Enhancement	Improvements of overall aesthetics of right of way or enhancement of roadside view. Install landscape pavers; landscaping and irrigation on the median; Landscape enhancement or establishment; related retaining walls, parking areas and other “hardscaping” tied to landscaping.	BCE
MSC	Miscellaneous Construction	Miscellaneous construction (usually small projects) Construct monument screening wall Install flood detection unit Installation of video surveillance and fiber optic cable SSR (spread spectrum radio) closed loop system Upgrade terminal anchor sections Waterproofing	BCE BCE BCE BCE BCE BCE
NLF	New Location Freeway	A controlled access facility on new location	EA / EIS

NNF	New Location Non-Freeway	A non-freeway facility on new location	CE/ EA / EIS
OAC	Outdoor Advertising Control	Outdoor advertising control measures	BCE
OV	Overlay	Leveling up or surfacing a pavement course, or any combination composed of a compacted mixture of mineral aggregate and asphaltic material; HMAC (hot mix asphalt overlay); Mill, seal, and overlay main lanes; Overlay and stripe existing facility; Rotomill and base work.	BCE
PE	Preliminary Engineering	Preliminary engineering only <u>Note: With Federal funds.</u>	See Footnote <sup>4</sup>
RER	Rehabilitation of Existing Road	Reshaping and/or addition of existing base courses, including resurfacing, within existing right of way to meet 3R Standards. This function includes (but not limited to) minor safety upgrading, such as widening culverts and guard fence.	PCE
		RER work done completely within existing pavement and shoulder limits.	BCE
RES	Restoration	Restoration of pavement structure to existing configuration to meet 2R standards as a minimum. This function may include some minor safety upgrading. Minor culvert work.	PCE
		RES work done completely within existing pavement and shoulder limits.	BCE
		<u>Related Activities</u>	
		Median concrete barrier only	BCE
		Milling shoulders only	BCE
		Park roads	TPWD Responsibility
		Surface planing only	BCE
		Texturing concrete pavement	BCE

<sup>4</sup> Appropriate NEPA documentation is required when federal funds are used for a proposed action. Typically the District will use the overall project's NEPA document. In selected instances, such as work done in support of local governments or on special funding categories such as CMAQ, preliminary engineering is permissible prior to final NEPA document approval.

ROW	Right of Way	Purchase of right of way <u>Note: With Federal funds.</u>	PCE / CE /EA/EIS
		Sale of Excess ROW	BCE
		Relocation assistance	See footnote <sup>5</sup>
RR	Railroad Relocation	Relocation of railroads	CE / EA/ EIS
		Install full depth concrete crossings on main and side tracks	BCE
		Railroad grade crossing replanking	BCE
		Railroad signal construction	BCE
SC	Seal Coat	Surface treatment of one or more applications of asphalt covered with aggregate for sealing of existing pavements.	BCE
SKP	SKIP (Exempt from sealing –Transportation Enhancement Project)	Projects where the plans are exempt from sealing and dating requirements (no professional engineer's seal) including Hike and Bike Trails	BCE / PCE
SRA	Safety Rest Area	Construction of safety rest area	PCE/CE/EA/EIS
		Reconstruction of safety rest area Rehabilitate rest areas	PCE BCE
TC	Tunnel Construction	Construction of tunnels	CE / EA/ EIS
TPD	Traffic Protection Devices	Traffic protection devices	BCE

<sup>5</sup> Appropriate NEPA documentation is required when federal funds are used for a proposed action. Typically the District will use the overall project's NEPA document. In selected instances (hardship and protective buying), relocation assistance is permissible prior to final NEPA document approval.

TS	Traffic Signal	New traffic signal, or upgrade of signalized Intersection; guide sign refurbishing and sequential signing; install closed loop signal system—on system; installation of railroad signal/traffic signal pre-emption equipment; installation of railroad warning signals and gates; installation of sequential signing and improvement of existing signs; installation of traffic signals; rehabilitation of existing changeable message signs; replace existing traffic buttons with thermoplastic; sequential signing; signal improvements and upgrade; street name signs; striping	BCE
UGN	Upgrade to Standards Non-Freeway	Upgrading of a non-freeway facility to current geometric standards including base or pavement support enhancements. Adding shoulders, rehabilitation of existing mainlanes, shoulder work, adding center turn lanes in median.	PCE / CE
UPG	Upgrade to Standards Freeway	Upgrading of a freeway facility to full current geometric standards including base or pavement support enhancements. Adding shoulders, rehabilitation of existing mainlanes, work, etc.	PCE/CE/EA/EIS
UTL	Utility Adjustments	Routine adjustment of utilities. Associated with a construction project	BCE BCE
WF	Widen Freeway	Added capacity widening of an existing freeway facility	PCE / CE/ EA / EIS
WNF	Widen Non-Freeway	Within existing ROW, Added capacity widening on an existing non-freeway facility, and addition of travel lanes All others Adding shoulders, turn lanes, auxiliary lanes, center turn lanes	PCE  CE / EA / EIS PCE

Attachment B:

**RELATED AGREEMENTS AND GUIDANCE**

1. FHWA HQs Memorandum, January 31, 2003, Subject: INFORMATION: Interim Guidance: Questions and Answers Regarding the Consideration of Indirect and Cumulative Impacts in the NEPA Process
2. FHWA Texas Division: Non-Federal Designated Representative Letter
3. Programmatic Agreement under Section 106, National Historical Preservation Act, as amended, among FHWA, Texas Historical Commission, Advisory Council on Historical Preservation and TxDOT (Dated December 1995)
4. FHWA Texas Division Memorandum, July 19, 2001, Subject: Texas Division Office Procedures for Review of Programmatic Categorical Exclusion Lists
5. U.S. Army Corps of Engineers Memorandum , June 13, 2003, Subject: “Determining Type of Nationwide Permit to Authorize Activities”