

Martin O'Malley, *Governor*
Anthony G. Brown, *Lt. Governor*



Beverley K. Swaim-Staley, *Secretary*
Melinda B. Peters, *Administrator*

March 22, 2012

Mr. Gregory Murrill

Division Administrator – Delmar Division
Federal Highway Administration
10 South Howard Street
City Crescent Building-Suite 2450
Baltimore Maryland 21201

Attention: Ms. Jeanette Mar

Dear Mr. Murrill:

The Maryland State Highway Administration (SHA) is pleased to transmit the final Programmatic Agreement for the Processing of Certain Categorical Exclusion Actions (Agreement) that was developed jointly between the FHWA-DelMar Division and the Maryland State Highway Administration (SHA).

Over the last few decades, SHA has worked with your staff to develop a list of actions that can be processed as “programmatic” Categorical Exclusions, as documented in the 1989 memorandum agreement between our offices and its succeeding amendments in 1993 and 2003. While SHA has successfully fulfilled the conditions of the existing memorandum agreement over the last twenty years, the attached Agreement seeks to formalize and further streamline the processing of certain actions that can be documented as Categorical Exclusions (CE) as defined in 23 CFR 771.

Several notable features of the Agreement should be pointed out. First, the Agreement includes an exclusion clause (refer to Section III). Projects that meet one or more of the criteria listed in Section III are excluded from being processed under the Agreement. In addition, in lieu of adding specific actions to the Agreement (i.e. installation of traffic signals, replacement of pavement marking, etc.) the Programmatic Categorical Exclusion (PCE) and Statewide Programmatic Categorical Exclusion (SWPCE) forms will be attached as Appendices to the Executed Agreement. These forms include an inclusive list of specific actions that can be processed under the Agreement. We hope this will avoid the need to modify the Agreement when minor actions are added in the future. Finally, the Agreement specifies the appropriate personnel at SHA responsible for certifying projects under the Agreement.

My telephone number/toll-free number is 410-545-0400 or 1-800-206-0770

Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

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SHA will continue to process certain minor actions in a tiered process. For minor, routine statewide actions that have minimal to no environmental impacts, SHA will certify these projects as Statewide Programmatic Categorical Exclusions (SWPCE). For minor projects that have minimal environmental impacts but that require additional coordination, SHA will certify these projects as Programmatic Categorical Exclusions (PCE). For all other minor projects that meet the requirements of 23 CFR 771.117, SHA will document the environmental impacts as a CE and will send that document to FHWA for classification and location approval.

We appreciate the efforts of your staff in assisting us with this Agreement. We believe this Agreement is in line with FHWA's Every Day Counts initiative and can be viewed as an innovative practice to further streamline the environmental approval process and shorten project delivery time while still protecting the environment. If you have any questions, please contact Donald Sparklin at 410-545-8564 or dsparklin@sha.state.md.us.

Sincerely,



Melinda B. Peters
Administrator

Attachment

cc: Mr. Dennis M. Atkins, SHA - Environmental Planning Division
Mr. Bruce M. Grey, SHA - Office of Planning and Preliminary Engineering
Mr. Joseph Kresslein, SHA - Environmental Planning Division
Ms. Jeanette Mar, FHWA-Delmar Division
Ms. Anna Price, FHWA-Delmar Division
Mr. Douglas H. Simmons, SHA-Deputy Administrator
Mr. Gregory I. Slater, SHA - Office of Planning and Preliminary Engineering
Mr. Donald Sparklin, SHA - Environmental Planning Division