

OFFICE OF STATE AID ROAD CONSTRUCTION			S.O.P. NO. SA II-2-13
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Note: Information in “italics” is for guidance only and is not regulatory.

PURPOSE: To Establish Uniform Procedures For Developing Federally Funded Projects. To establish a project development process that complies with Federal and State Environmental Regulations and Procedures. *Federal Highway Administration (FHWA) regulations are codified at 23 CFR 771 and the Council on Environmental Quality’s (CEQ’s) regulations are codified at 40 CFR 1500.*

FHWA provides additional non-regulatory guidance about the project development and environmental process in its “Technical Advisory T6640.8A.” This guidance, copies of Federal regulations referenced in this SOP, and other useful information are available on the Internet in the Planning and Environment Section of FHWA’s website (www.fhwa.dot.gov/environment/nepa). Particularly with complex projects, there are other Federal and State Laws and Regulations that may apply. When in doubt, please consult the Office of State Aid Road Construction (OSARC).

- A. Before beginning the studies to establish the location and preliminary design of a State Aid Project, the County Board of Supervisors proposing the project, shall submit a Program for a Construction Project to the OSARC. Studies should not begin until this program is approved.
- B. After program approval, the County Engineer shall consult with the State Aid District Engineer to determine the appropriate type of location and environmental study to be conducted for the project. The type of study may change as the project develops and the County and the OSARC have more information.
 1. The Location/Design Committee described in S.O.P. No. SA II-2-17 shall submit Environmental Data Sheets, or their equivalent in narrative form, to the State Aid Engineer. These may be submitted as part of or in addition to the Location/Design Committee Report described in S.O.P. No. SA II-2-17.
 2. After program approval and approval of the Location/Design Committee Report, the County shall begin the environmental process and begin assembling any specialty studies needed to make project location and design decisions.
- C. The purpose of the location and environmental study is to guide agency officials to the best decisions about alternative locations for the project and about its conceptual design. The environmental document resulting from study explains and records the decision making process for review by the public and by interested governmental agencies.
 1. All location and environmental studies shall consider reasonable alternatives, including the alternative of not constructing the project. Reasonable alternatives are those that are buildable and that solve the transportation problem the project is proposed to remedy. *Most projects have alternatives. For example, when replacing a bridge or widening a road three obvious alternatives are to construct in the existing location or to the right or to the left.*

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2. Alternatives may be dismissed from further consideration when enough information is gathered to show that they are not reasonable or that other alternatives are clearly better. Alternatives that were considered and dismissed, and the reasons for their dismissal, should be discussed in the project environmental document. *The amount of documentation needed should reflect how complex the project is or how difficult it was to dismiss the alternative. Normally for County projects such explanations can be very brief.*

D. There are three types of environmental documents. The appropriate document for a given project depends on the Project's type, complexity, its effects on the human and natural environment, the public's support for or opposition to the project and occasionally other factors.

1. For OSARC projects, the most common type of environmental document is the Categorical Exclusion (CE). Categorically excluded projects are types of projects that over time the FHWA has determined rarely have a significant impact on the human or natural environment.

a. FHWA has developed a list of the types of projects that normally are processed as CE's. If a project is to be approved as a CE, it must fall into one of thirty-two categories on the list. *Sometimes it will fall into More than one category.* If a project fits one of the categories on the list of CE's, but has or may have significant effects on the human or natural environment, it cannot initially be cleared as a CE.

An abbreviated version of the list found at 23 CFR 771.117 follows: *Items on the master list that are unlikely to apply to OSARC projects are not listed here, but can be found in the CFR. This abbreviated list retains the numbering from the CFR. There are two sections of the list, the "c" section and the "d" section.*

(c) SECTION

- (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. 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.

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(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.

(15) Alterations to facilities or vehicles in order to make them accessible for elderly and handicapped persons.

(d) SECTION

(1) Modernization of a highway by resurfacing, restoration, rehabilitation, reconstruction, adding shoulders or adding auxiliary lanes (e.g., parking, weaving, turning, climbing). *Projects that add additional through lanes generally do not fit this category.*

(2) Highway safety or traffic operations improvement projects including the installation of ramp metering control devices and lighting.

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

(4) Transportation corridor fringe parking facilities.

(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.

(7) Approvals for changes in access control.

(12) Acquisition of land for hardship or protective purposes.

b. When a project is determined to be categorically excluded, the County shall document which category of CE applies by referring to its number in 23 CFR 771.117. *For example, 23 CFR 771.117(c.2), (d3), etc. This is usually documented by completing Section 1(D) of form SA-ENV-160.*

c. Studies of dismissed alternatives may be documented either by completing a form SA-ENV-160 for each Alternative studied or by completing the form for the selected alternative and attaching a brief narrative describing alternatives that were studied and dismissed and why.

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- d. Categorically excluded projects normally require neither a formal public hearing nor that the County offer the public an opportunity for a public hearing. *However, Counties are strongly encouraged to involve the public in the decisions they make about the project. This may be through informal meetings, more formal public meetings, or a formal public hearing. If such meetings are held, they should be documented and that documentation made an attachment to the SA-ENV-160.* If the OSARC believes the proposals for a given project need more than normal public exposure, the OSARC may require the County to hold public meetings or hearings.
 - e. All SA-ENV-160's shall have attached a map showing the project location, the alternatives considered and the project's termini. The level of detail on the map should reflect the complexity of the project.
 - f. After completion of the project decision making process, the OSARC shall submit the County's completed SA-ENV-160 to MDOT Environmental Division for review and submission to the FHWA for approval. Approval of that form by FHWA is approval of the project location and its preliminary design.
2. The second most common type of environmental documentation is the Environmental Assessment (EA). EA's are approved when the FHWA issues a Finding of No Significant Impact Statement (FONSI).
- a. EA's are developed when a project does not meet one of the categories for a CE or it is not known whether the project will have significant effects on the human or natural environment. If, during the course of the studies conducted and documented in the EA, a significant environmental impact is discovered, the EA shall be converted to an Environmental Impact Statement (EIS).
 - b. An EA is normally a narrative account of the process leading to the decisions about the project's location and preliminary design. It will follow the basic format described in FHWA Technical Advisory T 6640.8A and the Mississippi Department of Transportation's (MDOT's) procedures for processing EA's. If a particular project has environmental issues not addressed in the Technical Advisory or MDOT's procedures, they must nevertheless be discussed in the EA. *Counties who suspect their project may involve such issues should ask the OSARC for assistance.*
 - c. A Scoping Meeting should be held in the very earliest stages of each EA and invitations provided to all applicable Federal and State agencies and stakeholders who may have an interest in the project or who may be able to contribute to the project's success. Minutes will be taken at each meeting and copies provided to all participants.
 - d. All EA's must show that the projects do not disproportionately impact minority or low income populations.
 - e. Prior to requesting approval of an EA as final, the County shall submit a preliminary version to the OSARC with a request that it be approved for circulation to resource agencies and for presentation to

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the public at a public hearing. After this approval by FHWA, the EA shall be made available for public and agency review at least fifteen days before the public hearing.

- f. If a County believes that a public hearing is not necessary, *because it would neither improve the decision making process nor provide information of interest to the public*, the County may request a waiver from the OSARC. With FHWA's concurrence the OSARC may then authorize the County to advertise and offer the public the opportunity to have a public hearing. If there is no public interest in having a hearing, it need not be held.
 - g. After the public hearing or its waiver, the County shall complete the EA. The EA should summarize any public hearings and finalize and explain the decision on the project's location and preliminary design. The final EA should include an "environmental commitments section" identifying all commitments to avoid or minimize effects on human or natural resources.
 - h. The OSARC shall submit the final EA to MDOT for review and final approval. When MDOT finds the EA satisfactory, MDOT will submit the final EA to FHWA with a request for approval. FHWA will develop and issue a FONSI. The FONSI is approval of the final EA as well as approval of the project's location and preliminary design.
3. The least common type of environmental evaluation for County projects is the Environmental Impact Statement (EIS). An EIS is similar to but generally more involved than an EA. An EIS is required when a project will have a significant impact on the human or the natural environment.
 - a. If a County is aware that a project will have a significant environmental impact or if the studies undertaken during the decision making process reveal a significant environmental impact, the County shall contact the OSARC for advice.
 - b. If the OSARC determines that an EIS should be used to show the impacts of the project on the human and natural environment and to document project decisions, the OSARC will provide the County with technical assistance about how to prepare the EIS.
 - c. The EIS will be prepared in accordance with all applicable Federal and State laws and regulations including appropriate MDOT environmental SOP's.
 - E. After completion of the P. S. & E. Assembly, the OSARC shall request, through MDOT, FHWA authorization to advance the construction project to the contract stage. At that time, the Location/Design Committee shall re-evaluate the environmental document to determine if there have been any changes in the project, the environment, or environmental regulations that would change the decisions previously made about the project. If more than three years have passed since approval of the environmental document, that re-evaluation must be in writing and approved by OSARC and FHWA. If the evaluation finds new environmental issues, a supplemental

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document shall be processed.

- F. The County is responsible for ensuring that all specifications and environmental commitments are met. The County shall request assistance from OSARC if necessary.