

## Programmatic Categorical Exclusion Applicability Form Guidance (June 2021)

The Indiana Department of Transportation (INDOT) and the Federal Highway Administration (FHWA) have identified certain types of projects which are routinely classified as a Categorical Exclusion Level 1 (CE-1) and which require little or no environmental review and resource agency coordination. In the interest of efficiency and process streamlining, INDOT and FHWA have agreed to programmatically approve these project types as Categorical Exclusions. The exact types of projects that are programmatically cleared are listed in the most current Programmatic Categorical Exclusion (PCE).

Before submitting the PCE Applicability Form to INDOT for review, please ensure that there has been appropriate quality assurance/quality control (QA/QC) completed.

### **PCE APPLICABILITY FORM GUIDANCE:**

The following information is meant to assist with filling out the PCE Applicability Form.

**Date:** Date of PCE applicability form completion.

**Person Completing Form (Name/Organization):** Name of person who is filling out the form and that person's organization (INDOT, Consulting Firm, Project Sponsor, Metropolitan Planning Organization (MPO), etc.).

**Des. No.:** INDOT Designation Number (Des. No.). If the project is not yet programmed into the Statewide Transportation Improvement Program (STIP), INDOT is not required to review the PCE Applicability Form. Reviews of documents not yet programmed into the STIP will be at the discretion of the INDOT District Environmental (DE) or INDOT Environmental Services Division (ESD). If no Des. No., explain the reasoning here.

**NOTE:** If there are more than two Des. Nos. on the PCE form, add an attachment to the PCE form with a table that includes: each Des. No.; corresponding route(s); corresponding county(ies); corresponding Minor Projects Programmatic Agreement (MPPA) category(ies); and corresponding bridge/structure numbers, if applicable. Also include brief description/termini for each Des. No. See **Figure 1: Sample Table for Multiple Des. Nos.** at the end of this guidance document for an example.

**County:** County or Counties where project will take place. If multiple Des. Nos. enter "various" and add attachment that lists all counties. See note under Des. Nos. for guidance.

**Route:** Road/Street name(s). If multiple routes for one Des. No., enter "various" and add attachment that lists all routes. See note under Des. Nos. for guidance for a table for multiple Des. Nos.

**Bridge/Structure No. (if applicable):** Enter this information if there is a bridge or structure (e.g. culverts) within the project area include the structure number. If it is a bridge, include the National Bridge Inventory (NBI) number as well. If multiple bridges or structures, state "various" and see note under Des. Nos. for guidance for a table for multiple Des. Nos.

**Brief Discussion of Project Description/Termini, including maintenance of traffic (MOT):** Brief description of the construction activities that will occur that is consistent with the PCE Work Type Applied along with project termini and MOT for project. The project description should contain enough detail to make a connection to the purpose and need highlighted in the approved PCE that is part of the attachments (Refer to Attachments). For example, if the project cites safety, then the project description should have safety elements discussed. If multiple Des. Nos., see attached table and see note under Des. Nos. for guidance.

**TIP/STIP: Date(s) of most recent STIP approval or amendment:** Enter the date of the most recent STIP approval or amendment (for instance: 2020-2024 STIP = July 2, 2019). If project was amended into STIP *after* current STIP was approved, provide the amendment date. Identify whether the project is the lead Des. No. If not, include the Lead Des. No. Please note, if the project is within an MPO Transportation Improvement Program (TIP) the project must be listed in both the TIP and STIP or by reference into the STIP.

**PCE Work Type Applied:** Choose the appropriate work type from dropdown list. Below is a list of work types:

- Repair or Replacement of Roadways, Sidewalks, and Curbs
- Shoulder Treatments and Turn Lanes
- Bridge Deck Overlays
- Repair or Replacement In-Kind of Bridge Elements
- Replacement, Repair, Lining or Extension of Culverts and Other Drainage Structures
- Painting of Bridges
- Pavement Marking
- In-Kind Repair, Replacement or Upgrades of Existing Traffic Control Devices, Lighting and Safety Appurtenances
- Installation of New Traffic Control Devices, Lighting and Safety Appurtenances
- Installation, Repair or Replacement of Existing Mechanically Stabilized Earth (MSE) walls, Retaining Walls, and Noise Barriers
- Rail Crossing Safety Features
- Congestion Mitigation and Air Quality (CMAQ) Vehicle Purchases and Upgrades
- Non-Infrastructure Safety Projects
- Property Acquisition for Preservation
- Planting in Existing Right-of-Way
- Public Art and Landscaping on State-Owned or State-Controlled Right-of-Way
- Ditch Regrading and Shoulder Clipping
- Vegetation and Debris Removal

Other PCE Work Type Applied: If more than one PCE work type, enter work type(s) or briefly describe the type of work to be done.

**Minor Projects Programmatic Agreement (MPPA) Category/Type:** Select from dropdown list the MPPA category and type applied to this project from the most current MPPA

<https://www.in.gov/indot/2521.htm>

Other MPPA Categories: If more than one MPPA category applies, enter all applicable categories in this field as Category/Type. For example: A-# and/or B-#. If multiple Des. Nos., see note under Des. Nos. for guidance.

NOTE: In unique circumstances, a MPPA determination may require the inclusion of Firm Commitments as part of the project. If full Section 106 review process is required for a project, the PCE cannot be applied.

## Section 7 finding for Indiana bat and northern long-eared bat

*Indiana bat and Northern long-eared bat:*

Select from dropdown the Section 7 finding: [“No Effect”, “May Affect, Not Likely to Adversely Affect”] following the completion of the bat-related research, and whether the project falls under the Range-wide Programmatic Consultation for the Indiana bat and northern long-eared bat.

The PCE can only apply if the finding is “No Effect” or “May Affect, Not Likely to Adversely Affect” with no tree, bridge, or structure Avoidance and Minimization Measures (AMMs). See guidance below regarding attachments that are relevant to Indiana bats and northern long-eared bats. If the project requires AMMs, include these as Firm Commitments. Contact INDOT DE or INDOT ESD for guidance, if needed.

Refer to <https://www.fws.gov/midwest/endangered/section7/fhwa/index.html> for the USFWS *User’s Guide for the Range-wide Programmatic Consultation for Indiana bat and Northern long-eared bat*.

### **Any other protected species:**

Select from dropdown list whether there are other protected species other than the Indiana bat and northern long-eared bat. If yes, note which species and determine if the project falls under [USFWS Interim Policy For the Review of Highway Transportation Projects in Indiana \(5-29-2013\)](#). If USFWS Interim Policy does not apply, the PCE will not apply. Please note the Rusty Patched bumble bee is not covered by the USFWS Interim Policy.

If migratory birds or nests are found on the structure during the site visit/inspection or if terrestrial habitat impacts will occur as result of the project, coordination with Indiana Division of Natural Resources (IDNR) is needed. State species identified through IDNR Indiana Heritage Database or recommendations provided by IDNR, is documented in this section of the PCE.

### **Work Description:**

Carefully read each question regarding work description.

*Check* the corresponding box for “yes” or “no” as appropriate.

For all “yes” answers, provide information in the corresponding box.

If more space is needed to explain why the answer is “yes,” attach a separate page to explain the answer(s) and add a note in the box to refer to attachment.

If more than one Des. No. is included in the PCE, be sure to note whether the “yes” answer applies to one Des. No., all Des. Nos., or specific Des. Nos.

If “yes” applies to multiple Des. Nos., you will likely need a separate sheet to explain.

If the person filling out the PCE Applicability Form does not know whether the answer is “yes” or “no”, *do not guess*. Contact the INDOT District Environmental (DE) Office or INDOT Environmental Services Division (ESD) for guidance.

If the PCE Applicability Form reviewer has follow-up questions, he or she will follow up with the name in the ‘Person Completing Form’ field.

## RIGHT-OF-WAY

**1. Will permanent or temporary right-of-way be required? If so, describe.**

If there is acquisition of ROW for a project and the acquisition is a precursor to construction of any kind, the project will not qualify for a PCE. However, there are some instances that ROW acquisition can occur for use of the PCE. For a PCE to apply to a project which will require acquisition of ROW, the property must be preserved in its existing undeveloped condition and all applicable federal regulations must be followed. If the project requires reacquisition of right-of-way that is already in a transportation use, then it should be able to fall under the PCE. The designer or INDOT PM will indicate if there is reacquisition of right-of-way but it may not be known at the time of PCE applicability. If the preparer is unsure if the reacquired right-of-way currently is in a transportation use, contact the appropriate DE.

**2. Will the project require utility relocation? If so, describe impacts.**

If there will be impacts due to utility relocation, such as excavation activities, please describe the anticipated impacts and if the utility relocation is taking place. Utility coordination on INDOT contracts is required to be performed by a certified utility coordinator. See INDOT's Utility Coordination website for more information: <https://www.in.gov/indot/3787.htm>

## CURBS AND SIDEWALKS

**3. Will curbs, curb ramps, or sidewalks be repaired, replaced, upgraded, or installed? If so, describe the work to take place and indicate whether any brick or stone features will be impacted.**

Explain the type of material of curbs, curb ramps, or sidewalks that will be impacted within the project area. If the project falls under the MPPA, the project may be eligible for a PCE. If full Section 106 process is required, the PCE will not apply.

## SIGNS, SIGNALS, AND GUARDRAILS

**4. Will signs or signals require new installation or be replaced and/or modernized in-kind?**

If new signs or signals will be installed or replaced, check Yes, and note whether or not signs and/or signals will be replaced in-kind. If the replacement will be in-kind, the project may be eligible for a PCE. If project requires a new installation, application of the PCE will be dependent on the need for ROW and application of the MPPA. If ROW is needed or if the MPPA does not apply, the PCE will not apply.

**5. Will guardrail require new installation, extension or be replaced and/or modernized in-kind?**

If guardrail will be upgraded or replaced, check Yes, and note whether or not guardrail will be replaced in-kind. If guardrail replacement will be in-kind, or is upgraded to meet current safety standards, the PCE will likely apply. If there will be lengthening of guardrail or new guardrail installed in areas where none existed previously, check Yes. Note in the remarks box whether the lengthening or new guardrail is to meet current design standards, if it will be within disturbed soils, and whether a qualified professional (QP) historian has confirmed the work falls under the MPPA.

## BRIDGE WORK

**6. Will the project involve any bridge work? If so, include year bridge was built, select or non-select (if known), type of work, repair or replacement of elements, bridge painting, etc.**

If the project a) does not include a historic bridge; b) work will take place in previously disturbed soils; c) is not a full replacement; d) is not a horizontal realignment; e) does not require any work that will require a waters permit; it may qualify for a PCE. It may also qualify for a PCE if

the work type involves painting a bridge that has been determined not to be listed in or eligible for the National Register of Historic Places (National Register).

If waterway permits are required, the project will not be eligible for a PCE.

If the bridge is historic, it will likely require a higher level of environmental document, unless the work on the historic bridge is a bridge deck overlay or concrete surface and is limited to the roadway cross-section and no work will take place on curbs, sidewalks, or structural members on eligible bridges.

## **EARTH WORK AND CLEARING**

### **7. Does the project require any tree trimming/clearing? If so, describe.**

Indicate if your project will require tree trimming and/or Indicate the number of trees or acreage of expected tree clearing, describe the trees that will be cleared and whether the tree clearing will occur in existing right-of-way and not within suitable bat habitat as documented in the Information for Planning and Consultation (IPaC) determination. If there will be tree clearing and/or tree trimming that will occur in suitable habitat and receive any Tree AMMs the PCE will not apply. Refer to the USFWS's Programmatic BO definition found here:

[https://www.fws.gov/midwest/endangered/section7/fhwa/pdf/BORevised02052018foribatNLEB\\_FHWA\\_FRA\\_%20FTA.pdf](https://www.fws.gov/midwest/endangered/section7/fhwa/pdf/BORevised02052018foribatNLEB_FHWA_FRA_%20FTA.pdf)

### **8. Will lanes or shoulders be widened? If so, by how much?**

Indicate the typical cross-section for lanes or shoulders to be widened, and if they will be widened within existing ROW. Please include if the lane or shoulder widening will have any impact on terrestrial habitat and within previously disturbed areas. If within previously undisturbed areas, the PCE will not apply.

### **9. Will the project include boring, grading, or excavation?**

Indicate if the project will involve boring, grading, or excavation such as installation of post, curb ramps, fiber optic, and other related work. Include the depth of the excavation in your description.

## **WATERWAYS AND DITCHES**

### **10. Will roadside ditch work be required?**

If so, check Yes, and describe the work including how many linear feet of impacts to the ditch in the remarks box, and whether any permits will be required. If a permit is required, the PCE will not apply to the project.

### **11. Will work within a stream channel or waterbody be required?**

If so, check Yes, and describe those impacts including what the impacts will be and how many linear feet of stream impacts in the remarks box, and whether any permits will be required. If a permit is required, the PCE will not apply to the project.

### **12. Will project include replacement, extension, or other work to any culverts, pipe structures, or underdrains?**

If so, check Yes, and describe the work to occur to the culvert, pipe structures, and underdrains, including underdrain outlets. Include if there are any stream impacts (linear feet) or potential wetland impacts in the remarks box, and whether any permits will be required. If a waterway or wetland permit is required, the PCE will not apply to the project. Culverts and pipe structures must be checked for bats per USFWS programmatic consultation for federally endangered Indiana bats and federally threatened Northern long-eared bats along with signs of migratory birds.

## PERMITS

### 13. Will permits be needed? If so, describe all permits.

Note which permits, if any, are required. Rule 5 permits are allowed under the PCE. If any of the permits are for impacts to waterways or wetlands such as USACE permit 404, IDEM 401, IDNR Construction in a Floodway permit, the PCE will not apply.

## COMMITMENTS

Include the applicable project commitments which may include PCE commitments, IPaC AMM's, MPPA commitments, and other commitments identified during the design of project. Group them under the appropriate headings of Firm or For Further Consideration and include the appropriate agency/department that is requiring this commitment. Commitments should be numbered.

## SIGNATURE PAGE

### Signature of INDOT DE or INDOT-ESD:

INDOT DE or INDOT-ESD will review and provide signature of their approval of the PCE Applicability Form after having determined that the project is eligible for the PCE. The INDOT reviewer conducting the review may contact the person whose name is on the first page to ask follow-up questions during the review process.

**Date:** Date the PCE is applied to this project. Please note, this is the date of environmental approval.

### Printed Name of INDOT Employee Approving PCE Status:

The field for "Printed Name" will be used to indicate who signed the form.

## **ATTACHMENTS:**

**PCE Form (current version June 16, 2021):** Please include PCE Form as an attachment to the PCE Applicability Form. Highlight the appropriate purpose and needs for the project and work types cited.

**Table of Project Information (if needed):** For projects with multiple Des Nos. (See **Figure 1.**)

### **Graphics: Project Map, USGS Topographic Map, Aerial Photos, and Site Photos (if available)**

Attach relevant graphics, which clearly depicts the project location. This may include a project location map, USGS topographic map, or aerial photos. If multiple projects, include graphic(s) depicting project location(s) for each project. Graphics should be easy to read and clearly labeled in terms of Des. No(s). If multiple projects are in the same general location, they can all be included on the same graphics/maps. Site photographs are only needed if there is a specific resource that is to be avoided or is identified in the narrative of the PCE that warrants visual representation. Most PCE's do not require site photographs. Ask the appropriate INDOT DE for guidance regarding which graphics to be included, if needed. Please avoid duplication of graphics.

### **Plans: Preliminary Project Plans (if available)**

If preliminary plans are available, only include the cover page, typical cross section, maintenance of traffic overview i.e. detour route, and plan/profile pages. If the project has tables that illustrate curb ramp, pipe/structure work, lighting, etc. this should be included as well. If plans are not available, other sources of data such as excerpts of scope of work or engineers report can be attached if it supports the narrative within the PCE applicability form.

### **Resource Agency Consultation: Inspection Forms (if required), IPaC Consultation Documents, USFWS Project Submittal Form (if required), or other consultation.**

Coordination with USFWS to determine impacts to the Indiana bat and northern long-eared bat is required for all projects. To coordinate with USFWS and receive a determination, submit project information on the IPaC at <https://ecos.fws.gov/ipac/>.

In IPaC you will obtain an official threatened, endangered and at-risk species from the USFWS and either a consistency letter for "no effect" or concurrence letter for "not likely to adversely affect" for your project. Avoidance and Mitigation Measures (AMM's) will be generated for all projects that do not receive a "no effect" determination. All AMM's become firm commitments to the project and need to be uploaded to the commitments database. Provide any other consultation that may have occurred as part of this project.

### **Section 106: Minor Projects Programmatic Agreement (MPPA) Documentation**

Attach the appropriate MPPA documentation. For Category A projects, attach an excerpt of the Category A work types with the work types highlighted. For Category B projects, include the MPPA Determination form completed by INDOT CRO. Most attachments to the MPPA determination do not need to be included in the PCE. Ask INDOT DE for guidance, if needed.

### **Hazardous Materials: Red Flag Investigation (RFI) or Limited RFI (if applicable)**

Most PCE-eligible projects will not require an RFI. Projects that do involve any excavation will likely require either a Limited RFI or Full RFI. If not sure of level of effort, contact the appropriate INDOT DE. Refer to most current INDOT Site Assessment & Management Manual at <https://www.in.gov/indot/2523.htm>

**Air Quality: TIP/STIP pages**

Attach the most recent TIP/STIP pages.

**Additional Information: Waters Determination/Waters Report, Bridge Inspection, etc. (if applicable)**

Some of the work types such as pipe lining or bridges over waterways may require a waters report or waters determination to show how the document preparer determined that there would be no impacts to jurisdictional waterways and include photographs of site visit. Please coordinate with the appropriate district to determine the need for the investigation prior to conducting)

**\*Please note, the attachment list on the PCE applicability form should be revised to what attachments are provided with the form.**



**Figure 1: Sample Table for Multiple Des. Nos.**

Des. No.	Route(s)	County	MPPA category	Bridge No. (if applicable)	Project Description/Termini	Maintenance of Traffic (MOT)
2100ABC	Atlantic Ave. and B&O RR	Yellow	A-8, A-9	#46/Yellow	Thin Deck Overlay, 50 feet west of Atlantic Ave. and B&O RR to 30 feet east of RR crossing	(Brief MOT description)
2100DEF	Baltic Ave. and B&O RR	Purple	A-6, A-8	#123/Purple	Thin Deck Overlay, 20 feet west of Baltic Ave. and B&O RR to 15 feet east of RR crossing	(Brief MOT description)
2100GHI	Indiana Ave. and B&O RR	Red	A-8, B-1	#89/Red	Thin Deck Overlay, 15 feet west of Indiana Ave. and B&O RR to 25 feet east of RR crossing	(Brief MOT description)