Missouri Department of Transportation
and Missouri Division, Federal Highway Administration
Programmatic Categorical Exclusion
for Items Detailed in 23 CFR 771.117(c) and (d)

In order to streamline the project development environmental process for the Missouri Department of Transportation (MoDOT) and the Missouri Division Office of the Federal Highway Administration (FHWA), without compromising environmental protection, the agencies propose this Programmatic Categorical Exclusion (CE) for certain projects that qualify as CEs. CEs account for over 90% of MoDOT projects.

This Programmatic CE will allow MoDOT to automatically classify the types of projects detailed below as CEs without submitting each project to FHWA for approval of an environmental classification of CE. This action is taken given the environmental capabilities demonstrated by MoDOT and because of the rapport exhibited between the FHWA and MoDOT while working on the environmental process. A joint biennial review will assess the effectiveness of this Programmatic CE and allow changes and adjustments to be made, where warranted.

This Programmatic CE is in step with national trends to allow state DOTs to assume more responsibility for their federal environmental work and compliance. It is the prerogative of the Missouri Division of the FHWA to enter into such an agreement with MoDOT on Programmatic CEs.

The following actions meet the criteria for Programmatic CEs in the CEQ regulation (National Environmental Policy Act, section 1508.4) and § 771.117 (FHWA Environmental Impact and Related Procedures, “Categorical Exclusions”). Projects leading to or involving construction within existing right-of-way or projects with acquisition of no more than three acres of right-of-way qualify for the Programmatic CE, except for long corridor projects where no more than a 25-foot strip of right of way is being added on each side of an existing facility. Although long corridors with right of way strips of 25 feet or less on each side might exceed three acres, we agree that such minimal widening does not normally have significant environmental impacts, and hence they also qualify for the Programmatic CE provided the conditions detailed below apply.

This programmatic CE applies to the types of projects listed below:

1. Activities which do not involve or lead directly to construction, such as planning, technical and scoping studies; grants for training and research programs; research activities; approval of a unified work program and any findings required in the planning process pursuant to 23 U.S.C. 134 (“Metropolitan Planning”); approval of statewide programs under 23 CFR Part 630 (“Preconstruction Procedures”); approval of project concepts under 23 CFR Part 476 (“Interstate Highway System”); 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. Construction and maintenance of bicycle and pedestrian lanes, paths and facilities, including those under the Recreation Trails, Transportation Enhancement and Scenic Byways Programs.
3. Utility installations along or across a transportation facility.


5. The installation of noise barriers or alterations to existing publicly owned buildings to provide for noise reduction.


7. 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. Installation of Intelligent Transportation Systems (ITS) is included in this category.


10. Acquisition of scenic easements.

11. Construction or improvements to existing rest areas and truck weigh stations when no more than three acres of additional right-of-way is acquired.

12. Alterations to vehicles or facilities making them accessible for elderly and persons with disabilities (i.e., ADA compliant).

13. Ridesharing activities, including transportation corridor fringe parking facilities.

14. Modernization of a highway by resurfacing, restoration, rehabilitation, reconstruction, adding shoulders or adding auxiliary lanes (e.g. parking, weaving, turning, climbing) where 25 feet or less right-of-way is acquired on each side of the highway.

15. Modernization of a road owned by a park authority by resurfacing, restoration, rehabilitation or reconstruction but not widening of such roads within additional right of way.

16. Highway safety or traffic operations improvement projects including the installation of ramp metering control devices, lighting, and guardrail/guard cable installation.

17. Bridge rehabilitation, reconstruction or replacement. Must be on essentially the same alignment with no more than three acres of additional right-of-way acquired.

18. Construction of grade separation to replace or install existing at-grade railroad crossings or railroad warning devices where no more than three acres additional right-of-way is acquired.

19. 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.

20. Changes in access control except for Interstates, other freeways or expressways.
21. Acquisition of land for hardship or protective purposes for a portion of a larger project. Hardship and protective buying is permitted only on 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 construction projects, which may be required in the NEPA process for the larger project. No project development (including building demolition/removal and even minor land modification activities) on such land may proceed until the NEPA process is completed on the larger project.

For “pre-construction activities” (e.g., building demolition, asbestos removal, clearing, grubbing, etc.) and for any “project” receiving a “new” project number that is an element of a larger project which has been previously processed through the NEPA process and either confirmed as a CE, approved as a Finding of No Significant Impact (FONSI), or one which has an approved Record of Decision (ROD) for an EIS, no new environmental classification request is to be submitted and processed, unless the scope of the project has changed or else the environmental conditions have changed. MoDOT and FHWA are to screen submissions they receive before choosing to act on an environmental classification to prevent duplicative activities.

The CE must be individually approved by the Missouri Federal Highway Administration Division Administrator or his/her representative, through the open-ended Categorical Exclusion (CE2) process, if:

1. The proposed project results in the use of any property(s) from a significant publicly owned public park, recreation area, or wildlife and waterfowl refuge protected under Section 4(f) of the Department of Transportation Act, or Section 6(f) of the Land and Water Conservation Fund Act (LWCF). Significant historic sites affected by a proposed project may still be processed using the Programmatic CE depending on the nature of the project’s impacts to the historic site and because projects involving Section 4(f) can still be classified as CEs;
2. The proposed action requires inordinate community impacts, substantial Environmental Justice (EJ) issues, control of access change or substantial hazardous materials involvement;
3. There are unresolved Wild and Scenic River issues;
4. The project requires formal Section 7 consultation under the Endangered Species Act; or
5. The project exceeds the National Ambient Air Quality Standards.

This agreement shall not preclude Missouri Department of Transportation or the Federal Highway Administration from requesting individual Categorical Exclusion reviews and approvals when deemed necessary even though the actions falls within the bounds of this agreement.

Granting of a CE for a project addresses responsibilities of MoDOT and the FHWA for complying with the National Environmental Policy Act (NEPA) but in no way eliminates the need for compliance with other environmental laws and regulations on Categorical Exclusion projects. MoDOT and the FHWA will assure that these other requirements are met for projects.

This Programmatic Categorical Exclusion process is subject to a biennial review by MoDOT and the FHWA, Missouri Division for an assessment of its value and of changes that make it more
effective. If the parties choose to reexamine the Programmatic CE at any time for adjustments, that is acceptable.

Missouri Department of Transportation

By: ______________________________________________  Date: ____________________

Federal Highway Administration, Missouri Division

By: ______________________________________________ Date: _____________________