

421 Overview & Applicability

This section addresses ODOT requirements for processing and documenting Oregon Division Office Federal-Aid NEPA Categorical Exclusion (CE) projects. CE projects are actions which do not individually or cumulatively have a significant effect on the human environment (40 CFR 1508.4), and, as such, based on past experience with similar actions, do not involve significant environmental impacts. They are actions which: do not induce significant impacts to planned growth or land use for the area, do not require the relocation of significant numbers of people, do not have a significant impact on any natural, cultural, recreational, historic or other resource, do not involve significant air, noise, or water quality impacts, do not have significant impacts on travel patterns, and do not otherwise - either individually or cumulatively - have any significant environmental impacts (23 CFR 771.117[a]). For information about different NEPA classes of action, see Chapter 200, NEPA and Transportation Projects.

In March 2015, ODOT and Federal Highway Administration (FHWA), Oregon Division entered into a Programmatic Categorical Exclusion Agreement ([PCE Agreement](#)) for the processing of CEs as allowed under [23 CFR 771.117\(g\)](#) of FHWA's Environmental Impact and Related Procedures. The PCE Agreement authorizes ODOT to determine and approve, on behalf of FHWA, whether a project qualifies for a CE listed in [23 CFR 771.117\(c\) and \(d\)](#) provided it does not exceed certain impact thresholds. ODOT refers to CEs that do not exceed the thresholds as Programmatic Categorical Exclusions (PCEs); CEs exceeding the PCE impact thresholds are referred to as CEs. Generally, over 90 percent of ODOT's projects that complete NEPA meet the criteria to be processed as PCEs.

Consistent with ongoing efforts to "right-size" NEPA documentation, FHWA Oregon Division and ODOT jointly developed a "*CE Classification, Determination, and Approval for No Ground Disturbance Projects*" document (NGD Document) in 2016. The NGD Document is used for PCEs when no component of the proposed project would result in ground disturbance (NGD PCEs).

This section outlines ODOT's process and documentation for NGD PCEs, PCEs and CEs.

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The requirements and procedures herein are applicable to ODOT projects classified as CEs and PCEs that have a FHWA Oregon Division Office nexus. A FHWA Oregon Division Office nexus refers to the project's connection to FHWA, which is typically FHWA Federal-aid project

funding, Federal permitting, and/or a required FHWA Oregon Division Office Federal approval of an action (e.g., change in Interstate access control, use of Interstate right-of-way). Projects that involve multiple Federal agencies should refer to Chapter 200, NEPA and Transportation Projects for more information regarding NEPA applicability.

In the absence of a FHWA Oregon Division Office nexus, projects need to comply with applicable Federal, state, and local environmental requirements.