

PROGRAMMATIC AGREEMENT
BETWEEN THE FEDERAL HIGHWAY ADMINISTRATION IOWA DIVISION
AND THE IOWA DEPARTMENT OF TRANSPORTATION
REGARDING THE PROCESSING OF
CERTAIN CATEGORICAL EXCLUSION ACTIONS

WITNESSETH:

Whereas, the Iowa Department of Transportation (Iowa DOT) proposes highway projects and desires to apply Federal-aid funding for those projects and in doing so, the Federal Highway Administration Iowa Division (FHWA) must comply with National Environmental Policy Act (NEPA) and;

Whereas, FHWA is responsible for making all NEPA decisions and Iowa DOT has considered and decided not to assume responsibilities for Categorical Exclusions (CE) pursuant to 23 U.S.C. § 326 and;

Whereas, Section 1318(d) of the Moving Ahead for Progress in the 21st Century Act (MAP-21), Pub. L. 112-141, 126 Stat. 405 (July 6, 2012), allows FHWA to enter into programmatic agreements with the States that establish efficient administrative procedures for carrying out environmental and other required project reviews, including agreements that allow a State to determine whether a project qualifies for a CE on behalf of FHWA;

Whereas, the FHWA developed regulations implementing the authorities in section 1318(d), effective November 6, 2014 (23 CFR 771.117(g));

Whereas, approximately 98% of the highway projects proposed by Iowa DOT for Federal-aid funding typically qualify as a CE and Iowa DOT seeks to assist in reducing the paperwork and processing time for certain Federal actions that do not have significant impacts on the human and natural environment pursuant to 23 CFR 771.115 (b) and;

Whereas, FHWA may delegate the task of analyzing environmental impacts and preparing environmental documentation for NEPA compliance pursuant to 42 U.S.C. 4332(2)(D) and;

Whereas, the Iowa DOT wishes to make CE determinations for actions listed in 23 CFR 771.117(c) and (d) or certify that certain highway projects do not have significant impacts on the human and natural environment and in doing so will reduce the paperwork and processing time for FHWA NEPA approvals in accordance with this agreement and applicable law. To certify or to provide certification means the Iowa DOT determined the action meets the criteria set forth in this agreement;

Now, therefore, the FHWA and the Iowa DOT enter into this Programmatic Agreement (“Agreement”) for the processing of categorical exclusions:

SECTION I. PARTIES

The Parties to this Agreement are the Federal Highway Administration (“FHWA”) and the Iowa Department of Transportation (hereinafter “Iowa DOT”).

SECTION II. PURPOSE

The purpose of this Agreement is to authorize Iowa DOT to determine on behalf of FHWA whether a project qualifies for a CE action specifically listed in 23 CFR 771.117 (listed in Appendix A and B of this Agreement). This Agreement also authorizes Iowa DOT to certify to FHWA that an action that it cannot approve on behalf of FHWA according to the terms of this Agreement, but meeting the CE criteria in 23 CFR 771.117(a), qualifies for a CE as long as there are no unusual circumstances present that would require the preparation of either an environmental assessment (EA) or an environmental impact statement (EIS).

SECTION III. AUTHORITIES

This agreement is entered into pursuant to the following authorities:

- A. National Environmental Policy Act, 42 U.S.C. § 4321 *et seq.*
- B. Moving Ahead for Progress in the 21st Century Act, Pub. L. 112-141, 126 Stat. 405, Sec. 1318(d) (July 6, 2012)
- C. Fixing America's Surface Transportation (FAST) Act, Pub. L. 114-94, 129 Stat. 1312, Sec. 1315 (Dec. 4, 2015)
- D. DOT Order 5610.1D
- E. 23 CFR 771.117

SECTION IV. RESPONSIBILITIES

- A. The Iowa DOT is responsible for:
 - 1. Ensuring the following process is completed for each project that qualifies for a CE:
 - a) For actions qualifying for a CE listed in Appendix A (CEs established in 23 CFR 771.117(c), Appendix B (CEs established in 23 CFR 771.117(d)), subject to any applicable constraints identified in 23 CFR 771.117(e), the Iowa DOT may make a CE approval on behalf of FHWA. The Iowa DOT will identify the applicable CE from Appendix A or B, ensure any conditions or constraints are met, verify that unusual circumstances do not apply, address any and all other environmental requirements, and complete the review with a signature evidencing approval. No separate review or approval of the CE by FHWA is required.

- b) The Iowa DOT may not approve actions not specifically listed as CEs in Appendices A and B. Instead, if the Iowa DOT believes that an action meets the requirements of a CE under 23 CFR 771.117(a), the Iowa DOT may certify that an action will not result in significant environmental impacts if the Iowa DOT concludes that the action qualifies for a CE, and the action does not involve unusual circumstances that warrant the preparation of an EA or EIS. The Iowa DOT shall submit this certification to FHWA for approval prior to the time FHWA contemplates its next approval or grant action for the project.
 - (1) If requested by the Division Office, Iowa DOT shall provide a copy of the CE documentation prepared for the action(s) in accordance with Section V of this Agreement.
 - (2) If any project requires a Section 4(f) de minimis determination or programmatic evaluation, the Iowa DOT shall submit the 4(f) documentations for FHWA determination and approval.
 - (3) The Iowa DOT may request notice to proceed with final design, acquisition of right-of-way, or construction from FHWA once Iowa DOT has completed its certification that a project is a CE.
 - (4) The Division Office's objection to a Iowa DOT certification may not constitute a disapproval of the action, but signifies that FHWA will need to engage in project-specific review to verify that the certification is adequate, which may include consultation with other agencies.
2. Providing certified actions, pursuant to this Agreement to the Division Office and allowing the Division Office to either agree that the certification is a basis for FHWA's approval of a CE for the action, or to object to the certification. An Iowa DOT request for certified action review will contain the following information:
 - a) The Iowa DOT project number and a project name, including the route number or facility name where the project will occur;
 - b) Identification of the CE action as not listed in 23 CFR 771.117 and labeled as "CE not categorized;"
 - c) Consultations or technical analyses that are pending (if applicable); and
 - d) Whether the project included a Section 4(f) de minimis or programmatic evaluation.
3. Consulting with FHWA for actions that involve unusual circumstances (23 CFR 771.117(b)), to determine the appropriate class of action for environmental analysis and documentation. The Iowa DOT may decide or FHWA may require additional studies to be performed prior to making a CE approval, or the preparation of an EA or EIS.
4. Meeting applicable documentation requirements in Section V for State CE approvals on FHWA's behalf and State CE certifications to FHWA, applicable approval and re-evaluation requirements in Section VI, and applicable quality control/quality, monitoring, and performance requirements in Section VII.

5. Relying only upon employees directly employed by the State to make CE approvals or certifications submitted to FHWA under this agreement. The Iowa DOT may not delegate its responsibility for CE approvals or certifications to third parties (i.e., consultants, local government staff, and other State agency staff).

B. The FHWA is responsible for:

1. Providing timely advice and technical assistance on CEs to the Iowa DOT, as requested.
2. Providing timely input on and review of certified actions. FHWA will base its approval of CE actions on the project documentation and certifications prepared by Iowa DOT under this Agreement.
3. Overseeing the implementation of this Agreement in accordance with the provisions in Section VII, including applicable monitoring and performance provisions.

SECTION V. DOCUMENTATION OF IOWA DOT CE APPROVALS AND CERTIFICATIONS

A. Processing projects under this Agreement: identification, record keeping, and review of effects. For projects that Iowa DOT determines meet the criteria specified in Section I of this Agreement, Iowa DOT shall:

1. Institute a process to identify and review the environmental effects of the proposed project.
 - a) Non-evaluated Programmatic CE – Based on past experience these action types have no potential for significant environmental effect according to §771.117(c)(1). These are activities that do not involve or lead directly to construction, such as planning and research activities; grants for training; 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 that establish classes of highways on the Federal-aid highway system.
 - b) Evaluated Programmatic CE – Action types listed in Appendix A and B, but not included as a Non-evaluated Programmatic CE.
 - (1) The Project Review Summary Part A (attachment C) will be used for actions that will be within previously disturbed ROW, will transfer the use rights of a property, for disposal of excess right-of-way, railroad crossing upgrades, and soil borings prior to the completion of the NEPA process.
 - (2) The Project Review Summary Part B (attachment C) will be used to document all other construction actions that meet the criteria of 23 CFR 771.117(c) or (d) and not (e).
2. Record its certification that a project meets the conditions as specified in Sections V.
3. Include the following certification when recording the CE findings:

“Iowa DOT has determined that this project does not individually or cumulatively have a significant impact on the environment as defined by NEPA, or involve unusual

circumstances as defined in 23 CFR 771.117(b), such that it is excluded from the requirements to prepare an environmental assessment or environmental impact statement.”

- B. For State CE approvals and State CE certifications to FHWA for approval, the Iowa DOT shall ensure that it fulfills the following responsibilities for documenting the project specific determinations made:
 - 1. For actions listed in Appendices A or B, the Iowa DOT shall identify the applicable action, ensure any conditions specified in FHWA regulation are met, verify that unusual circumstances do not apply, address all other environmental requirements, and complete the review with an Iowa DOT signature evidencing approval.
 - 2. In addition, for actions listed in 23 CFR 711.117(d) and for any action that Iowa DOT labels “CE not categorized”, the Iowa DOT shall prepare documentation that supports the CE determination and that no unusual circumstances exist that would make the CE approval inappropriate.
- C. The Iowa DOT shall maintain a project record for CE approvals it makes on FHWA's behalf and each CE submitted to FHWA for approval. This record should include at a minimum:
 - 1. Any checklists, forms, or other documents and exhibits that summarize the consideration of project effects and unusual circumstances;
 - 2. A summary of public involvement complying with the requirements of the FHWA approved public involvement policy;
 - 3. Any stakeholder communication, correspondence, consultation, or public meeting documentation;
 - 4. The name and title of the document approver and the date of Iowa DOT's approval or FHWA's final approval; and
 - 5. For cases involving re-evaluations, any documented re-evaluation (when required) or a statement that a re-evaluation was completed for the project (when documentation is not necessary).
- D. The Iowa DOT should provide any electronic or paper project records maintained by the Iowa DOT to FHWA at its request. The Iowa DOT should retain those records, including all letters and comments received from governmental agencies, the public, and others for a period of no less than three (3) years after completion of project construction. This 3-year retention provision does not relieve Iowa DOT of its project or program recordkeeping responsibilities under 2 CFR 200.333 or any other applicable laws, regulations, or policies.
- E. At the beginning of each Federal fiscal quarter, Iowa DOT shall post on its website a list of the CE certifications made in the preceding 3 months. The information will be provided within 15 business days after each quarter.

SECTION VI. NEPA APPROVALS AND RE-EVALUATIONS

- A. Only the office specifically identified below may make the Iowa DOT's CE approvals and CE certifications submitted to FHWA for approval:
1. Approval of Appendix A CEs is delegated to NEPA Coordinators in the Iowa DOT Office of Location and Environment.
 2. Approval of Appendix B CEs is delegated to NEPA Coordinators in the Iowa DOT Office of Location and Environment.
 3. Certification of CEs is delegated to NEPA Coordinators in the Iowa DOT Office of Location and Environment.
 4. At a minimum, all individuals who make CE approvals or certifications shall:
 - a) Have completed Introduction to NEPA and Transportation Decision-making web-based course FHWA-NHI-142052.
 - b) Have adequate experience addressing NEPA compliance for transportation projects or until such time, have their work reviewed by staff having the necessary experience.
 - c) Be familiar with and follow the appropriate subsections 23 CFR 771 and Iowa DOT procedures for environmental analysis and NEPA processing.
- B. In accordance with 23 CFR 771.129, the Iowa DOT shall re-evaluate its determinations and certifications for projects, consult with FHWA, and as necessary, prepare additional documentation to ensure that determinations are still valid. Iowa DOT shall re-evaluate its certifications for projects to ensure that all certifications are still valid prior to requesting any major approvals or grants to establish whether the CE designation remains valid. Iowa DOT shall consult with FHWA and document the re-evaluation (when necessary) pursuant to 23 CFR 771.129.
1. A re-evaluation must occur when there is a change in the scope or location of the project such that new impacts may occur that were not previously considered.
 2. A re-evaluation must occur when at least 3 years have passed since the date the project was certified. These must be in writing and shall be included in the project record.

SECTION VII. QUALITY CONTROL/QUALITY ASSURANCE, MONITORING & PERFORMANCE

- A. Iowa DOT Quality Control & Quality Assurance. The Iowa DOT shall carry out regular quality control and quality assurance activities to ensure that its CE approvals and CE submissions to FHWA for approval are made in accordance with applicable law and this Agreement.
- B. Iowa DOT Performance Monitoring and Reporting
1. The FHWA and Iowa DOT agree to cooperate in monitoring performance under this Agreement and work to assure quality performance.

2. At a minimum, Iowa DOT shall monitor its processes relating to project certifications, environmental analysis, and project file documentation, and check for errors and omissions. Iowa DOT shall take corrective action as needed. Iowa DOT shall document its quality control activities and any needed corrective actions taken.
3. If Iowa DOT implements training to meet the capability requirements of this Agreement or as a corrective action, FHWA and Iowa DOT shall cooperate to bring environmental training courses, from time to time, to the Iowa DOT Office of Location and Environment.

C. FHWA Oversight and Monitoring

1. Monitoring by FHWA will include consideration of the technical competency and organizational capacity of Iowa DOT, as well as Iowa DOT's performance of its CE processing functions. Performance considerations include, without limitation, the quality and consistency of Iowa DOT's CE approvals, CE submissions to FHWA for approval, adequacy and capability of Iowa DOT staff and consultants, and the effectiveness of Iowa DOT's administration of its internal CE approvals.
2. FHWA will conduct one or more program reviews as part of its oversight activities, during the term of this Agreement. The Iowa DOT shall prepare and implement a corrective action plan to address any findings or observations identified in the FHWA review. The Iowa DOT should draft the corrective action plan within 45 days of FHWA finalizing its review. The results of that review and corrective actions taken by the Iowa DOT shall be considered at the time this Agreement is considered for renewal.
3. Nothing in this Agreement prevents FHWA from undertaking other monitoring or oversight actions, including audits, with respect to Iowa DOT's performance under this Agreement. The FHWA may require Iowa DOT to perform such other quality assurance activities, including other types of monitoring, as may be reasonably required to ensure compliance with applicable Federal laws and regulations.
4. The Iowa DOT agrees to cooperate with FHWA in all oversight and quality assurance activities.

SECTION VIII. TERM, RENEWAL, AND TERMINATION

- A. This Agreement shall have a term of five (5) years, beginning on the date of the last signature. Iowa DOT shall maintain an executed copy of this Agreement and make it available to the public.
- B. This Agreement is renewable for additional terms of five (5) years each if Iowa DOT requests renewal and the FHWA determines that Iowa DOT has satisfactorily carried out the provisions of this Agreement. In considering any renewal of this Agreement, the FHWA will evaluate the effectiveness of the Agreement and its overall impact on the environmental review process.
- C. At least six (6) months prior to the end of each five-year term, Iowa DOT and the FHWA shall meet to discuss the results under the Agreement and consider amendments to this Agreement. This meeting may be combined with a meeting to discuss performance under the monitoring provisions in Section VII of this agreement.

(Most recent 23 CFR 771.117 would supersede)

§771.117 FHWA categorical exclusions.

(c) The following actions meet the criteria for CEs in the and paragraph (a) of this section and normally do not require any further NEPA approvals by the FHWA:

- (1) Activities that do not involve or lead directly to construction, such as planning and research activities; grants for training; 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 that establish classes of highways on the Federal-aid highway system.
- (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. 107(d) and/or 23 U.S.C. 317 when the land transfer is in support of an action that is not otherwise subject to FHWA review under NEPA.
- (6) The installation of noise barriers or alterations to existing publicly owned buildings to provide for noise reduction.
- (7) Landscaping.
- (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) The following actions for transportation facilities damaged by an incident resulting in an emergency declared by the Governor of the State and concurred in by the Secretary, or a disaster or emergency declared by the President pursuant to the Robert T. Stafford Act (42 U.S.C. 5121):
 - (i) Emergency repairs under 23 U.S.C. 125; and
 - (ii) The repair, reconstruction, restoration, retrofitting, or replacement of any road, highway, bridge, tunnel, or transit facility (such as a ferry dock or bus transfer station), including ancillary transportation facilities (such as

pedestrian/bicycle paths and bike lanes), that is in operation or under construction when damaged and the action:

- (A) Occurs within the existing right-of-way and in a manner that substantially conforms to the preexisting design, function, and location as the original (which may include upgrades to meet existing codes and standards as well as upgrades warranted to address conditions that have changed since the original construction); and
 - (B) Is commenced within a 2-year period beginning on the date of the declaration.
- (10) Acquisition of scenic easements.
 - (11) Determination of payback under 23 U.S.C. 156 for property previously acquired with Federal-aid participation.
 - (12) Improvements to existing rest areas and truck weigh stations.
 - (13) Ridesharing activities.
 - (14) Bus and rail car rehabilitation.
 - (15) Alterations to facilities or vehicles in order to make them accessible for elderly and handicapped persons.
 - (16) Program administration, technical assistance activities, and operating assistance to transit authorities to continue existing service or increase service to meet routine changes in demand.
 - (17) The purchase of vehicles by the applicant where the use of these vehicles can be accommodated by existing facilities or by new facilities that themselves are within a CE.
 - (18) Track and railbed maintenance and improvements when carried out within the existing right-of-way.
 - (19) Purchase and installation of operating or maintenance equipment to be located within the transit facility and with no significant impacts off the site.
 - (20) Promulgation of rules, regulations, and directives.
 - (21) Deployment of electronics, photonics, communications, or information processing used singly or in combination, or as components of a fully integrated system, to improve the efficiency or safety of a surface transportation system or to enhance security or passenger convenience. Examples include, but are not limited to, traffic control and detector devices, lane management systems, electronic payment equipment, automatic vehicle locaters, automated passenger counters, computer-aided dispatching systems, radio communications systems, dynamic message signs, and security equipment including surveillance and detection cameras on roadways and in transit facilities and on buses.

- (22) Projects, as defined in 23 U.S.C. 101, that would take place entirely within the existing operational right-of-way. Existing operational right-of-way means all real property interests acquired for the construction, operation, or mitigation of a project. This area includes the features associated with the physical footprint of the project including but not limited to the roadway, bridges, interchanges, culverts, drainage, clear zone, traffic control signage, landscaping, and any rest areas with direct access to a controlled access highway. This also includes fixed guideways, mitigation areas, areas maintained or used for safety and security of a transportation facility, parking facilities with direct access to an existing transportation facility, transportation power substations, transportation venting structures, and transportation maintenance facilities.
- (23) Federally funded projects:
- (i) That receive less than \$5,000,000 (as adjusted annually by the Secretary to reflect any increases in the Consumer Price Index prepared by the Department of Labor, see www.fhwa.dot.gov or www.fta.dot.gov) of Federal funds; or
 - (ii) With a total estimated cost of not more than \$30,000,000 (as adjusted annually by the Secretary to reflect any increases in the Consumer Price Index prepared by the Department of Labor, see www.fhwa.dot.gov or www.fta.dot.gov) and Federal funds comprising less than 15 percent of the total estimated project cost.
- (24) Localized geotechnical and other investigation to provide information for preliminary design and for environmental analyses and permitting purposes, such as drilling test bores for soil sampling; archeological investigations for archeology resources assessment or similar survey; and wetland surveys.
- (25) Environmental restoration and pollution abatement actions to minimize or mitigate the impacts of any existing transportation facility (including retrofitting and construction of stormwater treatment systems to meet Federal and State requirements under sections 401 and 402 of the Federal Water Pollution Control Act (33 U.S.C. 1341, 1342)) carried out to address water pollution or environmental degradation.
- (26) Modernization of a highway by resurfacing, restoration, rehabilitation, reconstruction, adding shoulders, or adding auxiliary lanes (including parking, weaving, turning, and climbing lanes), if the action meets the constraints in paragraph (e) of this section.
- (27) Highway safety or traffic operations improvement projects, including the installation of ramp metering control devices and lighting, if the project meets the constraints in paragraph (e) of this section.
- (28) Bridge rehabilitation, reconstruction, or replacement or the construction of grade separation to replace existing at-grade railroad crossings, if the actions meet the constraints in paragraph (e) of this section.
- (29) Purchase, construction, replacement, or rehabilitation of ferry vessels (including improvements to ferry vessel safety, navigation, and security systems) that would not

require a change in the function of the ferry terminals and can be accommodated by existing facilities or by new facilities that themselves are within a CE.

- (30) Rehabilitation or reconstruction of existing ferry facilities that occupy substantially the same geographic footprint, do not result in a change in their functional use, and do not result in a substantial increase in the existing facility's capacity. Example actions include work on pedestrian and vehicle transfer structures and associated utilities, buildings, and terminals.

Superceded

(Most recent 23 CFR 771.117 would supersede)

§771.117 FHWA categorical exclusions.

- (d) Additional actions that meet the criteria for a CE in the CEQ regulations (40 CFR 1508.4) and paragraph (a) of this section may be designated as CEs only after Administration approval unless otherwise authorized under an executed agreement pursuant to paragraph (g) of this section. The applicant must submit documentation that demonstrates that the specific conditions or criteria for these CEs are satisfied, and that significant environmental effects will not result. Examples of such actions include but are not limited to:
- (1)-(3) [Reserved]
 - (4) Transportation corridor fringe parking facilities.
 - (5) Construction of new truck weigh stations or rest areas.
 - (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.
 - (8) Construction of new bus storage and maintenance facilities in areas used predominantly for industrial or transportation purposes where such construction is not inconsistent with existing zoning and located on or near a street with adequate capacity to handle anticipated bus and support vehicle traffic.
 - (9) Rehabilitation or reconstruction of existing rail and bus buildings and ancillary facilities where only minor amounts of additional land are required, and there is not a substantial increase in the number of users.
 - (10) Construction of bus transfer facilities (an open area consisting of passenger shelters, boarding areas, kiosks and related street improvements) when located in a commercial area or other high activity center in which there is adequate street capacity for projected bus traffic.
 - (11) Construction of rail storage and maintenance facilities in areas used predominantly for industrial or transportation purposes where such construction is not inconsistent with existing zoning, and where there is no significant noise impact on the surrounding community.
 - (12) Acquisition of land for hardship or protective purposes. Hardship and protective buying will be permitted only for 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. No project development on such land may proceed until the NEPA process has been completed.

- (i) Hardship acquisition is early acquisition of property by the applicant at the property owner's request to alleviate particular hardship to the owner, in contrast to others, because of an inability to sell his property. This is justified when the property owner can document on the basis of health, safety or financial reasons that remaining in the property poses an undue hardship compared to others.
 - (ii) Protective acquisition is done to prevent imminent development of a parcel that may be needed for a proposed transportation corridor or site. Documentation must clearly demonstrate that development of the land would preclude future transportation use and that such development is imminent. Advance acquisition is not permitted for the sole purpose of reducing the cost of property for a proposed project.
- (13) Actions described in paragraphs (c)(26), (c)(27), and (c)(28) of this section that do not meet the constraints in paragraph (e) of this section.
- (e) Actions described in (c)(26), (c)(27), and (c)(28) of this section may not be processed as CEs under paragraph (c) if they involve:
- (1) An acquisition of more than a minor amount of right-of-way or that would result in any residential or non-residential displacements;
 - (2) An action that needs a bridge permit from the U.S. Coast Guard, or an action that does not meet the terms and conditions of a U.S. Army Corps of Engineers nationwide or general permit under section 404 of the Clean Water Act and/or section 10 of the Rivers and Harbors Act of 1899;
 - (3) A finding of "adverse effect" to historic properties under the National Historic Preservation Act, the use of a resource protected under 23 U.S.C. 138 or 49 U.S.C. 303 (section 4(f)) except for actions resulting in de minimis impacts, or a finding of "may affect, likely to adversely affect" threatened or endangered species or critical habitat under the Endangered Species Act;
 - (4) Construction of temporary access or the closure of existing road, bridge, or ramps that would result in major traffic disruptions;
 - (5) Changes in access control;
 - (6) A floodplain encroachment other than functionally dependent uses (e.g., bridges, wetlands) or actions that facilitate open space use (e.g., recreational trails, bicycle and pedestrian paths); or construction activities in, across or adjacent to a river component designated or proposed for inclusion in the National System of Wild and Scenic Rivers.

ENVIRONMENTAL REVIEW SUMMARY

Appendix C

This Environmental Review is in accordance with the Programmatic Agreement (PCE Agreement) between the Federal Highway Administration, Iowa Division and the Iowa Department of Transportation.

PART A:

This section of the review summary is only for actions that meet the criteria of 23 CFR 771.117(c). The signature below indicates the review is complete. Actions that do not meet the criteria of Part A will use **PART B** of this form for the environmental review documentation.

County: Choose a County

Project #:

1. This action/project meets the criteria of Part A (if not go to Part B):
Action type identified in 23 CFR 771.117 Choose an item.
2. The action/project has been reviewed for cultural resources.
Comments: This project was cleared for cultural resources.
3. The action/project does not involve more than a minimal amount of wetlands or stream channelization.
4. The action/project does not impact high-risk regulated material sites.
5. The action/project does not involve an adverse effect to a threatened or endangered species.
6. The action/project does not involve more than a minimal effect on floodplain or floodway.
7. The action/project does not involve more than a minor impact on noise, air quality, or water quality.

Iowa DOT has determined that this action/project does not individually or cumulatively have a significant impact on the environment as defined by NEPA, or involve unusual circumstances as defined in 23 CFR § 771.117(b), such that it is excluded from the requirements to prepare an environmental assessment or environmental impact statement.

Office of Location and Environment

Prepared by: Choose an item.

Date: Click here to enter a date.

Action: Certified as PCE

ENVIRONMENTAL REVIEW SUMMARY

PART A: This project did not meet the criteria of Part A

PART B:

This section of the review summary is for actions that meet the criteria of 23 CFR 771.117(c) or (d) and will require minor amounts of right-of-way. All other actions not meeting the criteria of PART A, PART B, or Section V. A.1. of the PCE Agreement, will be recommended for a Countersigned Categorical Exclusion or higher level NEPA classification.

County: Choose a County

Project #:

1. Action type identified in 23 C.F.R. §771.117 Choose an item. yes or no

Project type description: Choose an item.

2. Project description addressed by Programmatic Agreement? yes or no

Comments:

If either 1 or 2 are no, an individual categorical exclusion action (CE) must be completed.

3. Does it require more than a minor amount of right of way? yes or no

Comments:

If the answer to 3 is yes, an individual CE must be completed.

4. Involve acquisition of homes or businesses? yes or no

If yes:

a) number of homes businesses

b) is there adequate available replacement housing/commercial buildings to absorb this number of displacements? yes or no

Comments:

If the answer to 4b) is no, Office of Right of Way Relocation Assistance Agent must be contacted, and an individual CE must be completed.

5. Involve acquisition of a house, building, or structure more than 50 years old? yes or no

Comments:

If the answer to 5 is yes, a cultural resource survey needs to be completed and submitted for SHPO comments/concurrence.

6. Involve land that has not been previously disturbed or affect an NRHP listed or eligible historic structure, district, and/or archaeology site, which warrants preservation in place? yes or no

If yes, does it involve use of the property? yes or no

Comments:

If the answer to 6 is yes, a cultural resource survey needs to be completed and submitted for SHPO and Tribal comments/concurrence.

ENVIRONMENTAL REVIEW SUMMARY

7. Affect a public park? yes or no

If yes, does it involve:

a) use of the property? yes or no

b) Land and Water Conservation Act funds? yes or no

Comments:

If the answer of 7 b) is yes, this constitutes 6(f) involvement.

8. Affect a wildlife or waterfowl refuge? yes or no

If yes, does it involve use of the property? yes or no

Comments:

If the answers to 6, 7, or 8 are yes for a use of the property, an individual CE may need to be completed and begin consultation with FHWA on 4(f) applicability.

9. Involve an adverse effect to a threatened or endangered species? yes or no

Comments:

If the answer to 9 is yes, an individual CE must be completed.

10. Involve more than a minimal amount of wetlands or stream channelization? yes or no

Comments:

If the answer to 10 is yes, an individual CE must be completed.

11. Involve more than a minimal effect on a floodplain or floodway? yes or no

Comments:

If the answer to 11 is yes, an individual CE must be completed.

12. Involve the disturbance of more than an acre of land or affect any unique land forms? yes or no

Comments:

If the answer to 12 is yes, an individual CE must be completed.

13. Involve an impact to a high-risk regulated material site? yes or no

Comments:

If the answer to 13 is yes, an individual CE must be completed.

14. Involve more than a minor impact on:

a) a noise sensitive area? yes or no

b) air quality? yes or no

c) water quality? yes or no

ENVIRONMENTAL REVIEW SUMMARY

Comments: This project will not result in any meaningful changes in traffic volumes, vehicle mix, location of the existing facility, or any other factor that would cause an increase in emissions impacts relative to the no-build alternative. As such FHWA has determined that this project will generate minimal air impacts for Clean Air Act criteria pollutants and has not been linked with any special MSAT concerns. Consequently, this effort is exempt from analysis for MSATs.

If any answer to 14 is yes, an individual CE must be completed.

15. Involve the acquisition of more than five acres of farmland in any one-mile (or less) length of project? yes or no

If yes, has form AD-1006, Farmland Conversion Impact Rating been completed? yes or no

Comments:

Prepared by: [Choose an item.](#)
Date: [Click here to enter a date.](#)

Office of Location and Environment

Reviewed By: [Choose an item.](#)

Date Reviewed: [Click here to enter a date.](#)

Action: Certified as PCE

Note:

Iowa DOT has determined that this project does not individually or cumulatively have a significant impact on the environment as defined by NEPA, or involve unusual circumstances as defined in 23 CFR § 771.117(b), such that it is excluded from the requirements to prepare an environmental assessment or environmental impact statement.

**AMENDMENT
TO THE
PROGRAMMATIC AGREEMENT
BETWEEN
THE FEDERAL HIGHWAY ADMINISTRATION IOWA DIVISION
AND
THE IOWA DEPARTMENT OF TRANSPORTATION
REGARDING THE PROCESSING OF
CERTAIN CATEGORICAL EXCLUSION ACTIONS**

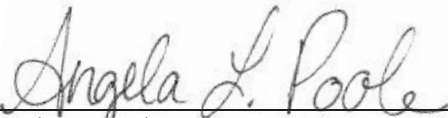
WHEREAS, the Agreement was executed on April 8, 2019; and

WHEREAS, the duration of the Agreement lasts for five (5) years from its execution; and

NOW, THEREFORE, in accordance with Section VIII.A of the Agreement, the FHWA, and the Iowa DOT agree to amend the Agreement as follows:

Extend the Agreement an additional term of five (5) years through April 8, 2029, at which time the signatories will revisit the agreement.

By:



Date: 3/9/2026

Angela L. Poole
Iowa Department of Transportation
Location and Environment

By:

VERSHUN KENYATTA
TOLLIVER

Digitally signed by VERSHUN
KENYATTA TOLLIVER
Date: 2026.04.10 07:12:45 -05'00'

Date: _____

Vershun K. Tolliver
Federal Highway Administration
Acting Division Administrator

§771.117 FHWA categorical exclusions

(c) The following actions meet the criteria for CEs in paragraph (a) of this section and normally do not require any further NEPA approvals by the FHWA:

- (1) Activities that do not involve or lead directly to construction, such as planning and research activities; grants for training; engineering to define the elements of a proposed action or alternatives so social, economic, and environmental effects can be assessed; and Federal-aid system revisions establishing classes of highways on the Federal-aid highway system.
- (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. 107(d) and/or 23 U.S.C. 317 when the land transfer is in support of an action not otherwise subject to FHWA review under NEPA.
- (6) The installation of noise barriers or alterations to existing publicly owned buildings to provide for noise reduction.
- (7) Landscaping.
- (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) The following actions for transportation facilities damaged by an incident resulting in an emergency declared by the Governor of the State and concurred in by the Secretary, or a disaster or emergency declared by the President pursuant to the Robert T. Stafford Act (42 U.S.C. 5121):
 - (i) Emergency repairs under 23 U.S.C. 125; and
 - (ii) The repair, reconstruction, restoration, retrofitting, or replacement of any road, highway, bridge, tunnel, or transit facility (such as a ferry dock or bus transfer station), including ancillary transportation facilities (such as pedestrian/bicycle paths and bike lanes), in operation or under construction when damaged and the action:
 - (A) Occurs within the existing right-of-way and in a manner that substantially conforms to the preexisting design, function, and location as the original (which may include upgrades to meet existing codes and standards as well as upgrades warranted to address conditions that have changed since the original construction); and
 - (B) Is commenced within a 2-year period beginning on the date of the declaration.
- (10) Acquisition of scenic easements.
- (11) Determination of payback under 23 U.S.C. 156 for property previously acquired with Federal-aid participation.

- (12) Improvements to existing rest areas and truck weigh stations.
- (13) Ridesharing activities.
- (14) Bus and rail car rehabilitation.
- (15) Alterations to facilities or vehicles in order to make them accessible for elderly and handicapped persons.
- (16) Program administration, technical assistance activities, and operating assistance to transit authorities to continue existing service or increase service to meet routine changes in demand.
- (17) The purchase of vehicles by the applicant where the use of these vehicles can be accommodated by existing facilities or by new facilities that themselves are within a CE.
- (18) Track and railbed maintenance and improvements when carried out within the existing right-of-way.
- (19) Purchase and installation of operating or maintenance equipment to be located within the transit facility and with no significant impacts of the site.
- (20) Promulgation of rules, regulations, and directives.
- (21) Deployment of electronics, photonics, communications, or information processing used singly or in combination, or as components of a fully integrated system, to improve the efficiency or safety of a surface transportation system or to enhance security or passenger convenience. Examples include, but are not limited to, traffic control and detector devices, lane management systems, electronic payment equipment, automatic vehicle locaters, automated passenger counters, computer-aided dispatching systems, radio communications systems, dynamic message signs, and security equipment including surveillance and detection cameras on roadways and in transit facilities and on buses.
- (22) Projects, as defined in 23 U.S.C. 101, that would take place entirely within the existing operational right-of-way. Existing operational right-of-way means all real property interests acquired for the construction, operation, or mitigation of a project. This area includes the features associated with the physical footprint of the project including but not limited to the roadway, bridges, interchanges, culverts, drainage, clear zone, traffic control signage, landscaping, and any rest areas with direct access to a controlled access highway. This also includes fixed guideways, mitigation areas, areas maintained or used for safety and security of a transportation facility, parking facilities with direct access to an existing transportation facility, transportation power substations, transportation venting structures, and transportation maintenance facilities.
- (23) Federally funded projects:
 - (i) Receiving less than $\$5,000,000$ (as adjusted annually by the Secretary to reflect any increases in the Consumer Price Index prepared by the Department of Labor, see www.fhwa.dot.gov or www.transit.dot.gov) of Federal funds; or
 - (ii) With a total estimated cost of not more than $\$30,000,000$ (as adjusted annually by the Secretary to reflect any increases in the Consumer Price Index prepared by the Department of Labor, see www.fhwa.dot.gov or www.fta.dot.gov) and Federal funds comprising less than 15 percent of the total estimated project cost.

(24) Localized geotechnical and other investigation to provide information for preliminary design and for environmental analyses and permitting purposes, such as drilling test bores for soil sampling; archeological investigations for archeology resources assessment or similar survey; and wetland surveys.

(25) Environmental restoration and pollution abatement actions to minimize or mitigate the impacts of any existing transportation facility (including retrofitting and construction of stormwater treatment systems to meet Federal and State requirements under sections 401 and 402 of the Federal Water Pollution Control Act (33 U.S.C. 1341; 1342)) carried out to address water pollution or environmental degradation.

(26) Modernization of a highway by resurfacing, restoration, rehabilitation, reconstruction, adding shoulders, or adding auxiliary lanes (including parking, weaving, turning, and climbing lanes), if the action meets the constraints in paragraph (e) of this section.

(27) Highway safety or traffic operations improvement projects, including the installation of ramp metering control devices and lighting, if the project meets the constraints in paragraph (e) of this section.

(28) Bridge rehabilitation, reconstruction, or replacement or the construction of grade separation to replace existing at-grade railroad crossings, if the actions meet the constraints in paragraph (e) of this section.

(29) Purchase, construction, replacement, or rehabilitation of ferry vessels (including improvements to ferry vessel safety, navigation, and security systems) not requiring a change in the function of the ferry terminals and can be accommodated by existing facilities or by new facilities that themselves are within a CE.

(30) Rehabilitation or reconstruction of existing ferry facilities that occupy substantially the same geographic footprint, do not result in a change in their functional use, and do not result in a substantial increase in the existing facility's capacity. Example actions include work on pedestrian and vehicle transfer structures and associated utilities, buildings, and terminals.

(d) Additional actions that meet the criteria for a CE in paragraph (a) of this section may be designated as CEs only after Administration approval unless otherwise authorized under an executed agreement pursuant to paragraph (g) of this section. The applicant must submit documentation that demonstrates that the specific conditions or criteria for these CEs are satisfied, and that significant environmental effects will not result. Examples of such actions include but are not limited to:

(1)-(3) [Reserved]

(4) Transportation corridor fringe parking facilities.

(5) Construction of new truck weigh stations or rest areas.

(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.

(8) Construction of new bus storage and maintenance facilities in areas used predominantly for industrial or transportation purposes where such construction is not inconsistent with existing zoning and located on or near a street with adequate capacity to handle anticipated bus and support vehicle traffic.

(9) Rehabilitation or reconstruction of existing rail and bus buildings and ancillary facilities where only minor amounts of additional land are required, and there is not a substantial increase in the number of users.

(10) Construction of bus transfer facilities (an open area consisting of passenger shelters, boarding areas, kiosks and related street improvements) when located in a commercial area or other high activity center in which there is adequate street capacity for projected bus traffic.

(11) Construction of rail storage and maintenance facilities in areas used predominantly for industrial or transportation purposes where such construction is not inconsistent with existing zoning, and where there is no significant noise impact on the surrounding community.

(12) Acquisition of land for hardship or protective purposes. Hardship and protective buying will be permitted only for 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. No project development on such land may proceed until the NEPA process has been completed.

(i) Hardship acquisition is early acquisition of property by the applicant at the property owner's request to alleviate particular hardship to the owner, in contrast to others, because of an inability to sell his property. This is justified when the property owner can document on the basis of health, safety or financial reasons that remaining in the property poses an undue hardship compared to others.

(ii) Protective acquisition is done to prevent imminent development of a parcel that may be needed for a proposed transportation corridor or site. Documentation must clearly demonstrate that development of the land would preclude future transportation use and such development is imminent. Advance acquisition is not permitted for the sole purpose of reducing the cost of property for a proposed project.

(13) Actions described in paragraphs (c)(26), (c)(27), and (c)(28) of this section that do not meet the constraints in paragraph (e) of this section.

(e) Actions described in (c)(26), (c)(27), and (c)(28) of this section may not be processed as CEs under paragraph (c) if they involve:

(1) An acquisition of more than a minor amount of right-of-way or would result in any residential or non-residential displacements;

(2) An action that needs a bridge permit from the U.S. Coast Guard, or an action that does not meet the terms and conditions of a U.S. Army Corps of Engineers nationwide or general permit under section 404 of the Clean Water Act and/or section 10 of the Rivers and Harbors Act of 1899;

(3) A finding of “no adverse effect” to historic properties under the National Historic Preservation Act, the use of a resource protected under 23 U.S.C. 138 or 49 U.S.C. 303 (section 4(f)) except for actions resulting in *de minimis* impacts, or a finding of “may affect, likely to adversely affect” threatened or endangered species or critical habitat under the Endangered Species Act;

(4) Construction of temporary access or the closure of existing road, bridge, or ramps that would result in major traffic disruptions;

(5) Changes in access control;

(6) A floodplain encroachment other than functionally dependent uses (*e.g.*, bridges, wetlands) or actions facilitating open space use (*e.g.*, recreational trails, bicycle and pedestrian paths); or construction activities in, across or adjacent to a river component designated or proposed for inclusion in the National System of Wild and Scenic Rivers.

This Environmental Review is in accordance with the Programmatic Agreement (PCE Agreement) between the Federal Highway Administration, Iowa Division and the Iowa Department of Transportation dated April 8, 2019.

Revised Appendix C

PART A:

This section of the review summary is only for actions that meet the criteria of 23 CFR 771.117(c) and the action will be completed within the previously disturbed right-of-way. The signature below indicates the review is complete. Actions that do not meet the criteria of Part A will use **PART B** of this form for the environmental review documentation.

County:

Phase Number:

Location:

NEPA ID:

1. This action/project meets the criteria of Part A **(if not go to Part B)**:
 - a. Action type identified in 23 CFR 771.117 _____
 - b. This action will be completed within the previously disturbed right-of-way or is a hardship/early acquisition.
2. The action/project has been reviewed for **cultural resources**.
Comments:
3. The action/project does not involve more than a minimal amount of **wetlands or stream channelization**.
Comments:
4. The action/project does not impact high-risk **regulated material sites**.
Comments:
5. The action/project does not involve an adverse effect to a **threatened or endangered species**.
Comments:
6. The action/project does not involve more than a minimal effect **on floodplain or floodway**.
Comments:
7. The action/project does not involve more than a minor impact on **noise**.
Comments:
8. The action/project does not involve more than a minor impact on **air quality**.
Comments:
9. The action/project does not involve more than a minor impact on **water quality**.
Comments:

Iowa DOT has determined that this action/project does not individually or cumulatively have a significant impact on the environment as defined by NEPA, or involve unusual circumstances as defined in 23 CFR § 771.117(b), such that it is excluded from the requirements to prepare an environmental assessment or environmental impact statement.

Location and Environment Bureau

Prepared by:

Date:

Action: Certified as PCE

PART A: This project did not meet the criteria of Part A	X
PART B:	
This section of the review summary is for actions that meet the criteria of 23 CFR 771.117(c) or (d) and will require minor amounts of right-of-way. All other actions not meeting the criteria of PART A, PART B, or Section V. A.1.a of the PCE Agreement, will be recommended for a Countersigned Categorical Exclusion or higher level NEPA classification.	

County:
Phase Number:
Location:
NEPA ID:

1. Action type is identified in 23 C.F.R §771.117?
Project type description:

2. Project description addressed by the PCE agreement?
Comments:

If either 1 or 2 are no, an individual categorical exclusion action (CE) must be completed.

3. Does it require more than a minor amount of right of way (ROW)?
Approximate ROW:
Comments:

If the answer to 3 is yes, an individual CE must be completed.

4. Involve acquisition of homes or businesses?
Comments:

If the answer to 4 is yes an individual CE must be completed.

5. Involve acquisition of a house, building, or structure more than 50 years old?
Comments:

If the answer to 5 is yes, a cultural resource survey needs to be completed and submitted for SHPO comments/concurrence.

6. Involve land that has not been previously disturbed?
Any structure or arch site on/eligible for NRHP?
 - If yes, does historic property warrant preservation in place?

- If yes, does it involve a use of the property?

Determination:

Conditional Clearance Type:

Comments:

Historic Site	Section 4(f) Determination	Note

If any answer to 6 is yes, a cultural resource survey needs to be completed and submitted for SHPO and Tribal comments/concurrence.

7. A. Is there a park or recreation area in the project area?

If yes, does it involve:

- use of the property?
- Land and Water Conservation Act (LWCF) funds?

Comments:

- B. Is there a wildlife or waterfowl management area or refuge?

If yes, does it involve use of the property?

Comments:

Property Name	Type	Impact	Note	Determination	FHWA Concurrence

If the answers to 7 are yes for a use of the property, begin consultation with FHWA on 4(f) applicability and an individual CE may be required. If the answer of 7 (LWCF) is yes, this constitutes 6(f) involvement.

8. Involve an adverse effect to a threatened or endangered species?

Determination:

Potentially Impacted Species:

Species	State	Federal

Avoidance or minimization measures:

Comments:

If the answer to 8 is yes, an individual CE must be completed.

9. Involve more than a minimal amount of wetlands or stream channelization?

Is a 404 Permit Needed?

Anticipated Permit:

Comments:

If the answer to 9 is yes, an individual CE must be completed.

10. Involve more than a minimal effect on a floodplain or floodway?

Comments:

If the answer to 10 is yes, an individual CE must be completed.

- Involve the disturbance of more than an acre of land?
- Need a NPDES?
- Involve any unique landforms (Loess Hills, etc.)?
- Involve an airport?
- Involve a railroad?

Comments:

11. Involve an impact to a high-risk regulated material site?

Comments:

If the answer to 12 is yes, an individual CE must be completed.

12. Involve more than a minor impact on:

- a noise sensitive area?
- air quality?

- water quality?

Comments:

If any answer to 13 is yes, an individual CE must be completed.

13. Involve the acquisition of more than 5 acres of farmland in a 1-mile (or less) length of project?

If yes, has form AD-1006 been completed?

Comments:

Action: Certified as a Programmatic Categorical Exclusion

Iowa DOT has determined that this project does not individually or cumulatively have a significant impact on the environment as defined by NEPA, or involve unusual circumstances as defined in 23 CFR § 771.117(b), such that it is excluded from the requirements to prepare an environmental assessment or environmental impact statement.

Prepared by:	Location and Environment Bureau
Quality Assurance By:	Location and Environment Bureau
Date:	