Application

04778 - 2016 Transit System Modernization

05442 - LRT Blue Line Enhancement

Regional Solicitation - Transit and TDM Projects

Status:	Submitted
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Primary Contact

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What Grant Programs are you most interested in?	Regional Solicitation - Transit and TDM Projects			

Organization Information

Name:	Metro Transit
Jurisdictional Agency (if different):	

Organization Type:	Metropolitan Council
Organization Website:	
Address:	560 Sixth Avenue North

*	Minneapolis	Minnesota	55411
	City	State/Province	Postal Code/Zip

County:	Hennepin
Phone:*	651-602-1000 Ext.
Fax:	
PeopleSoft Vendor Number	METROTRANSIT

Project Information

Project Name	LRT Blue Line Enhancement
Primary County where the Project is Located	Hennepin
Jurisdictional Agency (If Different than the Applicant):	

Brief Project Description (Limit 2,800 characters; approximately 400 words)

Metro Transit requests $7 Million from the Regional Solicitation for Transportation Projects to assist in funding the Light Rail Transit (LRT) $42.3 Million Blue Line Enhancement project. The LRT Blue Line was operationalized in 2004. It connects Minneapolis through 19 platform stations with high demand light rail stops such as Mall of America and Minneapolis-St. Paul International Airport, as well as linking St. Paul through the LRT Green Line and BRT A-Line. Ridership for the Blue Line in 2015 was 10.5 Million rides or approximately 12% of Metro Transit ridership.

The goal of this enhancement project is to upgrade the current LRT Blue Line from a manual operation to an automated system. This project will replace and/or upgrade track cross-overs and automate all signaling to ensure safety and reliability of the LRT Blue Line. New track cross-overs provide greater operational flexibility to the LRT system; they are bi-directional, allowing trains to travel between tracks in opposite directions. Signaling upgrades permit Metro Transit's Rail Control Center (RCC) to manage the LRT system more efficiently; tracking the train's path, switching the train's direction (bi-directional), providing a single track option for trains during maintenance and emergencies. These upgraded measures will enhance LRT safety by preventing collisions. Another benefit of the LRT Blue Line Enhancement Project will be Metro Transit's ability to maintain existing operating service to customers while maintaining and upgrading signal and track systems. Currently, maintenance and repairs have been costly to Metro Transit due to shut down costs and reduced reliability for LRT customers.

The LRT Blue Line Enhancement project was reviewed and approved by Metropolitan Council in fall 2015 after a track inspection assessment

completed in spring 2014 highlighted the need for track replacement and signal upgrades. There are three location sections in the Blue Line Enhancement project:
1) Downtown Minneapolis track replacement: this section is to be funded through federal and regional transit capital projects.

2) I-35W to Fort Snelling track and signal upgrades: Metro Transit will identify funding sources to complete capital improvement projects.

3) Hubert H. Humphrey Terminal to Mall of America track and signal upgrades: Metro Transit is to identify funding sources to complete improvements in this section.

Include location, road name/functional class, type of improvement, etc.

TIP Description Guidance (will be used in TIP if the project is selected for funding)

It is included in the Metropolitan Council Comprehensive Capital Improvement Plan (C.I.P) and will be included in the TIP as "Rail Improvements"

Project Length (Miles)

12.0

Project Funding

Are you applying for funds from another source(s) to implement this project?

Yes

If yes, please identify the source(s)

Regional transit capital

Federal Amount

$33,837,120.00

Match Amount

$8,459,280.00

Minimum of 20% of project total

Project Total

$42,296,400.00

Match Percentage

20.0%

Minimum of 20%
Compute the match percentage by dividing the match amount by the project total

Source of Match Funds

Metropolitan Council Regional Transit Capital

A minimum of 20% of the total project cost must come from non-federal sources; additional match funds over the 20% minimum can come from other federal sources

Preferred Program Year

Select one:

2020

For TDM projects, select 2018 or 2019. For Roadway, Transit, or Trail/Pedestrian projects, select 2020 or 2021.

Additional Program Years: 2017, 2018, 2019

Select all years that are feasible if funding in an earlier year becomes available.

Specific Roadway Elements

CONSTRUCTION PROJECT ELEMENTS/COST ESTIMATES	Cost
Mobilization (approx. 5% of total cost)	$0.00
Removals (approx. 5% of total cost)	$0.00
Roadway (grading, borrow, etc.)	$0.00
Roadway (aggregates and paving)	$0.00
Subgrade Correction (muck)	$0.00
Storm Sewer	$0.00
Ponds	$0.00
Concrete Items (curb & gutter, sidewalks, median barriers)	$0.00
Traffic Control	$0.00
Striping	$0.00
Signing	$0.00
Lighting	$0.00
Turf - Erosion & Landscaping	$0.00
Bridge	$0.00
Retaining Walls	$0.00
Noise Wall (do not include in cost effectiveness measure)	$0.00
Traffic Signals	$0.00
Wetland Mitigation	$0.00
Other Natural and Cultural Resource Protection	$0.00
RR Crossing	$0.00
Roadway Contingencies	$0.00
Other Roadway Elements	$0.00
Totals	**$0.00**

Specific Bicycle and Pedestrian Elements

CONSTRUCTION PROJECT ELEMENTS/COST ESTIMATES	Cost
Path/Trail Construction	$0.00
Sidewalk Construction	$0.00

On-Street Bicycle Facility Construction	$0.00
Right-of-Way	$0.00
Pedestrian Curb Ramps (ADA)	$0.00
Crossing Aids (e.g., Audible Pedestrian Signals, HAWK)	$0.00
Pedestrian-scale Lighting	$0.00
Streetscaping	$0.00
Wayfinding	$0.00
Bicycle and Pedestrian Contingencies	$0.00
Other Bicycle and Pedestrian Elements	$0.00
Totals	**$0.00**

Specific Transit and TDM Elements

CONSTRUCTION PROJECT ELEMENTS/COST ESTIMATES	**Cost**
Fixed Guideway Elements	$0.00
Stations, Stops, and Terminals	$0.00
Support Facilities	$0.00
Transit Systems (e.g. communications, signals, controls, fare collection, etc.)	$42,296,400.00
Vehicles	$0.00
Contingencies	$0.00
Right-of-Way	$0.00
Other Transit and TDM Elements	$0.00
Totals	**$42,296,400.00**

Transit Operating Costs

Number of Platform hours	0
Cost Per Platform hour (full loaded Cost)	$0.00
Substotal	$0.00
Other Costs - Administration, Overhead,etc.	$0.00

Totals

Total Cost	$42,296,400.00
Construction Cost Total	$42,296,400.00

Transit Operating Cost Total $0.00

Requirements - All Projects

All Projects

1.The project must be consistent with the goals and policies in these adopted regional plans: Thrive MSP 2040 (2014), the 2040 Transportation Policy Plan, the 2040 Regional Parks Policy Plan (2015), and the 2040 Water Resources Policy Plan (2015).

Check the box to indicate that the project meets this requirement. Yes

2.The project must be consistent with the 2040 Transportation Policy Plan. Reference the 2040 Transportation Plan objectives and strategies that relate to the project.

List the goals, objectives, strategies, and associated pages:

Metropolitan Council, Transportation Policy Plan (TPP) 2040:

1) Page 2.6: "Efficiently preserve and maintain the regional transportation system in a state of good repair." AND "Operate the regional transportation system to efficiently and cost-effectively connect people and freight to destinations? Strategies: A1, A2

2) Page 2.7: "Reduce crashes and improve safety and security for all modes of passenger travel and freight transport." AND "Reduce the transportation system's vulnerability to natural and manmade incidents and threats." Strategies: B1, B2

3) Page 2.8: "Increase travel time reliability and predictability for travel on highway and transit systems." AND "Improve multimodal travel options for people of all ages and abilities to connect to jobs and other opportunities, particularly for historically underrepresented populations." Strategies: C8, C11, C17, C18, C20

4) Page 2.12: "Reduce transportation related air emissions." AND "Provide a transportation system that promotes community cohesion and connectivity for people of all ages and abilities, particularly for historically underrepresented populations." Strategies: E2, E7

3.The project or the transportation problem/need that the project addresses must be in a local planning or programming document. Reference the name of the appropriate comprehensive plan, regional/statewide plan, capital improvement program, corridor study document [studies on trunk highway must be approved by the Minnesota Department of Transportation and the Metropolitan Council], or other official plan or program of the applicant agency [includes Safe Routes to School Plans] that the project is included in and/or a transportation problem/need that the project addresses.

1) Metropolitan Council, Thrive MSP 2040: Page 54, "Prioritize transit-oriented development in the planning, engineering, and operation of transit and in the development of Council-owned land and facilities." AND "Encourage transit-friendly development patterns, including increased density and concentration of uses, to expand walkability and lay the groundwork for future transit-readiness."

List the applicable documents and pages:

2) Metropolitan Council, Transportation Policy Plan (TPP) 2030: Policy 15, page 118, "the Metropolitan Council will strongly pursue ... a regional network of transit ways to provide a travel-time advantage for transit vehicles, improve transit service reliability and increase the convenience and attractiveness of transit service."

4.The project must exclude costs for studies, preliminary engineering, design, or construction engineering. Right-of-way costs are only eligible as part of bicycle/pedestrian projects, transit stations/stops, transit terminals, park-and-ride facilities, or pool-and-ride lots. Noise barriers, drainage projects, fences, landscaping, etc., are not eligible for funding as a standalone project, but can be included as part of the larger submitted project, which is otherwise eligible.

Check the box to indicate that the project meets this requirement. Yes

5.Applicants that are not cities or counties in the seven-county metro area with populations over 5,000 must contact the MnDOT Metro State Aid Office prior to submitting their application to determine if a public agency sponsor is required.

Check the box to indicate that the project meets this requirement. Yes

6.Applicants must not submit an application for the same project elements in more than one funding application category.

Check the box to indicate that the project meets this requirement. Yes

7.The requested funding amount must be more than or equal to the minimum award and less than or equal to the maximum award. The cost of preparing a project for funding authorization can be substantial. For that reason, minimum federal amounts apply. Other federal funds may be combined with the requested funds for projects exceeding the maximum award, but the source(s) must be identified in the application. Funding amounts by application category are listed below.
Transit Expansion: *$500,000 to $7,000,000*
Travel Demand Management (TDM): *$75,000 to $300,000*
Transit System Modernization: *$100,000 to $7,000,000*

Check the box to indicate that the project meets this requirement. Yes

8.The project must comply with the Americans with Disabilities Act.

Check the box to indicate that the project meets this requirement. Yes

9.The project must be accessible and open to the general public.

Check the box to indicate that the project meets this requirement. Yes

10.The owner/operator of the facility must operate and maintain the project for the useful life of the improvement.

Check the box to indicate that the project meets this requirement. Yes

11.The project must represent a permanent improvement with independent utility. The term independent utility means the project provides benefits described in the application by itself and does not depend on any construction elements of the project being funded from other sources outside the regional solicitation, excluding the required non-federal match. Projects that include traffic management or transit operating funds as part of a construction project are exempt from this policy.

Check the box to indicate that the project meets this requirement. Yes

12.The project must not be a temporary construction project. A temporary construction project is defined as work that must be replaced within five years and is ineligible for funding. The project must also not be staged construction where the project will be replaced as part of future stages. Staged construction is eligible for funding as long as future stages build on, rather than replace, previous work.

Check the box to indicate that the project meets this requirement. Yes

13.The project applicant must send written notification regarding the proposed project to all affected state and local units of government prior to submitting the application.

Check the box to indicate that the project meets this requirement. Yes

Requirements - Transit and TDM Projects

For Transit Expansion Projects Only

1.The project must provide a new or expanded transit facility or service(includes peak, off-peak, express, limited stop service on an existing route, or dial-a-ride).

Check the box to indicate that the project meets this requirement. Yes

2. The applicant must have the capital and operating funds necessary to implement the entire project and commit to continuing the service or facility project beyond the initial three-year funding period for transit operating funds.

Check the box to indicate that the project meets this requirement. Yes

3.The project is not eligible for either capital or operating funds if the corresponding capital or operating costs have been funded in a previous solicitation. However, Transit Modernization projects are eligible to apply in multiple solicitations if new project elements are being added with each application.

Check the box to indicate that the project meets this requirement. Yes

Transit Expansion and Transit System Modernization projects only:

4.The applicant must affirm that they are able to implement a Federal Transit Administration (FTA) funded project in accordance with the grant application, Master Agreement, and all applicable laws and regulations, using sound management practices. Furthermore, the applicant must certify that they have the technical capacity to carry out the proposed project and manage FTA grants in accordance with the grant agreement, sub recipient grant agreement (if applicable), and with all applicable laws. The applicant must certify that they have adequate staffing levels, staff training and experience, documented procedures, ability to submit required reports correctly and on time, ability to maintain project equipment, and ability to comply with FTA and grantee requirements.

Check the box to indicate that the project meets this requirement. Yes

Measure A: Project Location Relative to Jobs, Manufacturing, and Education

Existing Employment within 1/4 (bus stop) or 1/2 mile (transitway station) buffer	192859
Post-Secondary Enrollment within 1/4 (bus stop) or 1/2 mile (transitway station) buffer	136261

Existing employment outside 1/4 or 1/2 mile buffer to be served by shuttle service (Letter of Commitment required)

Upload the "Letter of Commitment" on the 'Other Attachments' Form.

Existing Post-Secondary Enrollment outside 1/4 or 1/2 mile buffer to be served by shuttle service (Letter of Commitment required)

Upload the "Letter of Commitment" on the 'Other Attachments' Form.

Explanation of last-mile service, if necessary (Limit 1,400 characters; approximately 200 words):

Please see the attached map titled "Population Summary," the Blue Line provides a convenient method of transportation to areas of concentrated employment and education access such as the downtown district, the Airport and Mall of America. All Blue Line stops serve as final destinations and provide customers to other transit options such as Green Line, A-Line and normal bus routes. Future plans include connections to other transit-ways such as Blue and Green Line extensions, C-Line and Orange Line.

Upload Map

1468241836798_Population Summary.pdf

Measure B: Transit Ridership

Select multiple routes

Existing transit routes directly connected to the project

2, 5, 7, 9, 14, 21, 22, 23, 27, 46 , 53, 54, 74, 84, 415, 436, 440, 446, 515, 538, 539, 540, 542

Planned Transitways directly connect to the project (mode and alignment determined and identified in the 2040 TPP)

I-35W BRT (METRO Orange Line Extension), Southwest LRT (METRO Green Line Extension), Bottineau LRT (METRO Blue Line Extension), American Boulevard Arterial BRT , Central Avenue Arterial BRT, Nicollet Avenue Arterial BRT, Snelling Avenue BRT (A Line), West 7th Street BRT, Penn Avenue Arterial BRT (C Line)

Upload Map

1467825139132_Transit Connections and Metro Diagram Maps.pdf

Response

Met Council Staff Data Entry Only

Average number of weekday trips

0

Measure: Usage

Existing Transit Routes on the Project	2, 5, 7, 9, 14, 21, 22, 23, 27, 46 , 53, 54, 74, 84, 415, 436, 440, 446, 515, 538, 539, 540, 542, 888-Northstar Commuter Rail, 901-METRO Blue Line, 902-METRO Green Line, 903-METRO Red Line

Measure A: Project Location and Impact to Disadvantaged Populations

Select all that apply:

Projects service directly connects to Area of Concentrated Poverty with 50%or more of residents are people of color (ACP50).	Yes
Projects service directly connects to Area of Concentrated Poverty	Yes
Projects service directly connects to census tracts that are above the regional average for population in poverty or population of color	Yes
Projects service directly connects to a census tract that is below the regional average for population in poverty or populations of color, or includes children, people with disabilities, or the elderly	Yes

Response (Limit 2,800 characters; approximately 400 words)	The Metropolitan Council policy related to Title VI states, "the Metropolitan Council pledges that you will have access to all its programs, services and benefits without regard to race, color, national origin, sex, age, disability or socioeconomic status." The major benefit of the Blue Line enhancement project is to ensure continuity in service by securing access to METRO Blue Line to all people regardless of their socioeconomic status. As shown in the attached map, the Blue Line is considered a major line that enables individuals to participate in the regional economy, including major employment centers, schools, retail destinations, medical care, and social services. The Blue Line is sometimes the only transportation option to populations that identify with high poverty rate and/or houses 50% percent or more of people of color. Upgrading the signaling systems and trackwork has no potential negative impacts to disadvantaged communities; in fact, doing so will increase the ridership in these communities and provide a sustained and affordable option for riders to commute to high job concentrated areas. As a result, the unemployment rate within the disadvantaged communities may decrease, provided a reliable and a guaranteed access within the transportation system. Therefore, this proposed project has an indirect positive impact on poverty in our community.
Upload Map	1468242198017_Maps of Areas of Concentrated Poverty.pdf

Measure B: Affordable Housing

City/Township	Number of Stops in City/Township
Bloomington	4.0
Minneapolis	15.0
	19

Affordable Housing Scoring - To Be Completed By Metropolitan Council Staff

City/Township	Number of Stops in City/Township	Total Number of Stops	Score	Number of Stops/Total Number of Stops	Housing Score Multiplied by Segment percent
		0	0	0	0

Affordable Housing Scoring - To Be Completed By Metropolitan Council Staff

Total Number of Stops in City	19.0
Total Housing Score	0

Measure A: Project Elements that Reduce VMT/SOV Trips and Improve Energy Efficiency

Response (Limit 2,100 characters; approximately 300 words)

This project will enhance the reliability of the METRO Blue Line service while providing convenient and secured access to more riders. As a result, customers' confidence level for a more stable and consistent method of transportation will increase and therefore boost the ridership of this particular service. The vehicle miles traveled (VMT) for this project was calculated based on a recent Blue Line shutdown from Target Field station to Franklin Avenue station. In this calculation, it was assumed during the shutdown that 20% of the riders (31,471 rides, reported 2015) chose to drive their own vehicles while 80% chose to use the bus bridges due to their socioeconomic status. Bus Bridge is a bus service provided by Metro Transit to substitute Light Rail service during shutdowns. During a recent METRO Blue Line shutdown, Metro Transit provided 17 buses each day to cover a total of 204 trips to substitute the Blue Line service. The sum of the miles traveled between each platforms was 9 miles per bus. This would bring the total VMT to 10,836 for buses and single occupancy vehicles. Calculation for VMT:

80% of the Rides choose Bus Bridges: VMT(Bus) = 17 buses * 9 miles * 2 trips per route * 6 routes = 1,836 VMT.

20% Rides choose to drive (SOV): VMT(Car) = 31,471 rides * 0.2 * 9 miles = 56,648 VMT.
Total VMT = 58,484 VMT

The daily emission reduction is:

CO Reduced = 139,777

NOx Reduced = 9,357

CO2 Reduced = 21,440,234

PM2.5 Reduced = 292

VOCs Reduced = 1,755

These shutdowns disconnect the most direct access to and from Minneapolis and the Airport, provide inconvenience travel alternatives to customers, lengthen trip duration, and increase emission and energy consumption. In some cases bus bridges take 32 minutes to make the exact trip the Blue Line makes in 10 minutes. The alternative is to upgrade the crossovers and signaling system to minimize future shutdowns. As a result, this will reduce emissions by efficiently optimizing the Blue Line service allowing more trips than what the current system can offer.

Measure A: Travel Time

Current Passenger Travel Time (Minutes)	32.0
Proposed Passenger Travel Time (Minutes)	10.0
Reduction in Travel Time	69.0%

Measure B: Operating Costs

Current Annual Transit Operating Costs	2609000.0
Proposed Annual Transit Operating Costs	1826300.0
Reduction in Operating Cost	30.0%

Description of how the proposed cost change was determined (Limit 2,800 characters: approximately 400 words).

Currently there are failures and maintenance/construction (M/C) disruptions to the Blue Line operations.

Failures are not planned and include vehicle and systems. Vehicle (train) failures occur an average of 15 times a year and cause 20 minute to an hour delays. System failures occur an average of 3 times a year and cause two to three hours of delays. The vehicle delays cause a ripple effect to the line that cannot be relieved by buses because of the short time frame but it delays the Blue Line customers and other connections for long periods until the light rail vehicles have time to adjust back on schedule. System failures last an average of three hours and can compensate with bus bridges; however, this also causes a ripple effect for delays. Failures are difficult to put a monetary value to but it's valued with customer un-satisfaction. These failures can be minimized by the Blue Line Enhancement Project because the control center can direct trains around the failures.

Another type of shutdown is the maintenance/construction (m/c) shutdown which is a preplanned disruption to the Blue Line. There are day, night and weekend shutdowns. During a 34 hour weekend shutdown, buses are used instead of trains to transport the customers around the affected areas. Weekend shutdowns happen approximately 6 times a year and costs Metro Transit approximately $1,650,000 a year. Daytime shutdowns last 8 to 24 hours, happen approximately 5 times a year and costs approximately $875,000 a year. Night time shutdowns last 5 hours, happen approximately 12 times a year and costs approximately $84,000 a year. Metro Transit has additional maintenance disruptions; however, operations can run on a single track around the disruptions which lead to no incurred costs for additional bus bridges.

The Blue Line Enhancement Project will minimize customer un-satisfaction and the bus bridging costs. Shutdown costs could be reduced by approximately 30% or $780,000 per year.

Measure C: Improvements and Amenities

Response (Limit 2,800 characters; approximately 400 words)

Customers find efficiency, affordability and consistency most important. The METRO Blue Line provides excellent service except during emergency situations, maintenance and shutdowns. During emergency situations, the proposed bidirectional signaling system will efficiently optimize the use of light rail vehicles and tracks. During maintenance, the upgraded system will ensure the reliability of the Blue Line service by keeping light rail vehicles running on time, ensuring minimal disruptions to the service or customers. Shutdowns will be minimized and will occur when deemed necessary. This will allow all customers, regardless of socioeconomic status, to continue using and enjoying the benefits of the Blue Line. By minimizing shutdowns, Metro Transit will not need to run bus bridges, which reduces the operating costs of buses, station ambassadors, operators and facilities staff. Not only will customers save travel time on bus bridges (over 20 minutes), they will also continue to depend on the Blue Line with minimal service disruption.

The project will give Metro Transits Rail Control Center (RCC) Operations more options to run trains on a single track:

- The single crossovers are upgraded to double crossovers and the manual crossings will be signalized.

- Greater flexibility; the upgraded double crossings will give RCC more track sections for the trains can run on in both directions.

- The signalized crossovers will reduce the dependency for maintenance persons to stand at the crossover and manually change the direction of the train.

- Quicker response time - A signalized crossover

lets RCC virtually change the direction of the trains so the system does not have to wait for a maintenance to manually switch the crossover. The trains will go around the disruptions in sections and minimize delays.

Since the METRO Blue Line connects the Airport to downtown Minneapolis, many business and leisure tourist visitors find this service affordable and convenient. Our visitors are not familiar with the city and may be unsatisfied with bus bridges during maintenance or emergency periods. The Blue Line will continue to be the first and last representation of our growing metropolitan area to MSP visitors.

Measure A: Roadway, Bicycle, and Pedestrian Improvements

Response (Limit 2,800 characters; approximately 400 words)

The METRO Blue Line serves as the main direct component of transportation between Minneapolis, connection to St. Paul, the Airport, the Mall of America, Bloomington and bus connections. This service has direct pedestrian, bicycle, and transit connections to high pedestrian-traffic areas such as Nicollet Mall, US Bank Stadium, Lake Street, and the Mall of America. Any shutdowns on the Blue Line service cause disruptions to an entire community of commuters. The light rail vehicles are also equipped with bicycle racks to enable bicyclists to commute to long distance locations along the Blue Line. Existing station features for pedestrian and bicyclists include accessible ramps, level boarding, and bicycle racks/lockers. The service also connects with other transit options to provide easier access to lakes and parks for pedestrians and bicyclists.

Transit Projects Not Requiring Construction

If the applicant is completing a transit or TDM application that is operations only, check the box and do not complete the remainder of the form. These projects will receive full points for the Risk Assessment.
Park-and-Ride and other transit construction projects require completion of the Risk Assessment below.

Check Here if Your Transit Project Does Not Require Construction

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Measure A: Risk Assessment

1)Project Scope (5 Percent of Points)

Meetings or contacts with stakeholders have occurred Yes

100%

Stakeholders have been identified

40%

Stakeholders have not been identified or contacted

0%

2)Layout or Preliminary Plan (5 Percent of Points)

Layout or Preliminary Plan completed Yes

100%

Layout or Preliminary Plan started

50%

Layout or Preliminary Plan has not been started

0%

Anticipated date or date of completion

3)Environmental Documentation (5 Percent of Points)

EIS

EA

PM

Document Status:

Document approved (include copy of signed cover sheet) Yes

100%

Document submitted to State Aid for review

75% date submitted

Document in progress; environmental impacts identified; review request letters sent

50%

Document not started

0%

Anticipated date or date of completion/approval

4)Review of Section 106 Historic Resources (10 Percent of Points)

No known historic properties eligible for or listed in the National Register of Historic Places are located in the project area, and project is not located on an identified historic bridge Yes

100%

Historic/archeological review under way; determination of no historic properties affected or no adverse effect anticipated

80%

Historic/archaeological review under way; determination of adverse effect anticipated

40%

Unsure if there are any historic/archaeological resources in the project area

0%

Anticipated date or date of completion of historic/archeological review:

Project is located on an identified historic bridge

5)Review of Section 4f/6f Resources (10 Percent of Points)

4(f) Does the project impacts any public parks, public wildlife refuges, public golf courses, wild & scenic rivers or public private historic properties?
6(f) Does the project impact any public parks, public wildlife refuges, public golf courses, wild & scenic rivers or historic property that was purchased or improved with federal funds?

No Section 4f/6f resources located in the project area Yes

100%

No impact to 4f property. The project is an independent bikeway/walkway project covered by the bikeway/walkway Negative Declaration statement; letter of support received

100%

Section 4f resources present within the project area, but no known adverse effects

80%

Project impacts to Section 4f/6f resources likely coordination/documentation has begun

50%

Project impacts to Section 4f/6f resources likely coordination/documentation has not begun

30%

Unsure if there are any impacts to Section 4f/6f resources in the project area

0%

6)Right-of-Way (15 Percent of Points)

Right-of-way, permanent or temporary easements not required Yes

100%

Right-of-way, permanent or temporary easements has/have been acquired

100%

Right-of-way, permanent or temporary easements required, offers made

75%

Right-of-way, permanent or temporary easements required, appraisals made

50%

Right-of-way, permanent or temporary easements required, parcels identified

25%

Right-of-way, permanent or temporary easements required, parcels not identified

0%

Right-of-way, permanent or temporary easements identification has not been completed

0%

Anticipated date or date of acquisition

7)Railroad Involvement (25 Percent of Points)

No railroad involvement on project Yes

100%

Railroad Right-of-Way Agreement is executed (include signature page) 100%

Railroad Right-of-Way Agreement required; Agreement has been initiated

60%

Railroad Right-of-Way Agreement required; negotiations have begun

40%

Railroad Right-of-Way Agreement required; negotiations not begun

0%

Anticipated date or date of executed Agreement

8)Interchange Approval (15 Percent of Points)*

**Please contact Karen Scheffing at MnDOT (Karen.Scheffing@state.mn.us or 651-234-7784) to determine if your project needs to go through the Metropolitan Council/MnDOT Highway Interchange Request Committee.*

Project does not involve construction of a new/expanded interchange or new interchange ramps Yes

100%

Interchange project has been approved by the Metropolitan Council/MnDOT Highway Interchange Request Committee

100%

Interchange project has not been approved by the Metropolitan Council/MnDOT Highway Interchange Request Committee

0%

9)Construction Documents/Plan (10 Percent of Points)

Construction plans completed/approved (include signed title sheet)

100%

Construction plans submitted to State Aid for review

75%

Construction plans in progress; at least 30% completion	Yes

50%

Construction plans have not been started

0%

Anticipated date or date of completion	11/10/2016

10)Letting

Anticipated Letting Date	01/15/2017

Measure: Cost Effectiveness of Emissions Reduction

Total Annual Operating Cost:	$0.00
Total Annual Capital Cost of Project	$1,691,856.00
Total Annual Project Cost	$1,691,856.00

	The most similar project type to our project is Light Rail Vehicles. Years of useful life for the improvements are assumed to be 25 years. This is a standard for rail systems. The project cost is $42,296,400 and the total annual capital cost is $1,691,856.
Assumption Used (Limit 1400 Characters; approximately 200 words):	The assumption used for calculating the total operating cost of this project is that the improved equipment is an upgrade to the current system. The operating costs of these signals, crossovers and tracks should remain the same. This project will reduce shutdown costs by about 30%. The annual operating cost for this specific project is $0.
(Limit 1400 Characters; approximately 200 words)	
Points Awarded in Previous Criteria	
Cost Effectiveness	$0.00

Other Attachments

File Name	Description	File Size
BL Match Letter.pdf	Jurisdiction and Local Fund Match Letter	275 KB
Metro Transit Blue Line Enhancements Budget.pdf	Project Costs	92 KB
Section_118_Guidance-Categorical-Exclusions.pdf	Environmental Documentation (Categorical Exclusion)	236 KB

Please NOTE the following:

- Regional Economy map is attached in this section in addition to Population Summary map since the Post-Secondary students number only appears on the Regional Economy

- Post-Secondary students number appears under One Mile. There are no ½ Mile numbers provided by the Map Generator for students.

- Additional maps of job and manufacturing concentrated areas are also attached in this section.

Population Summary

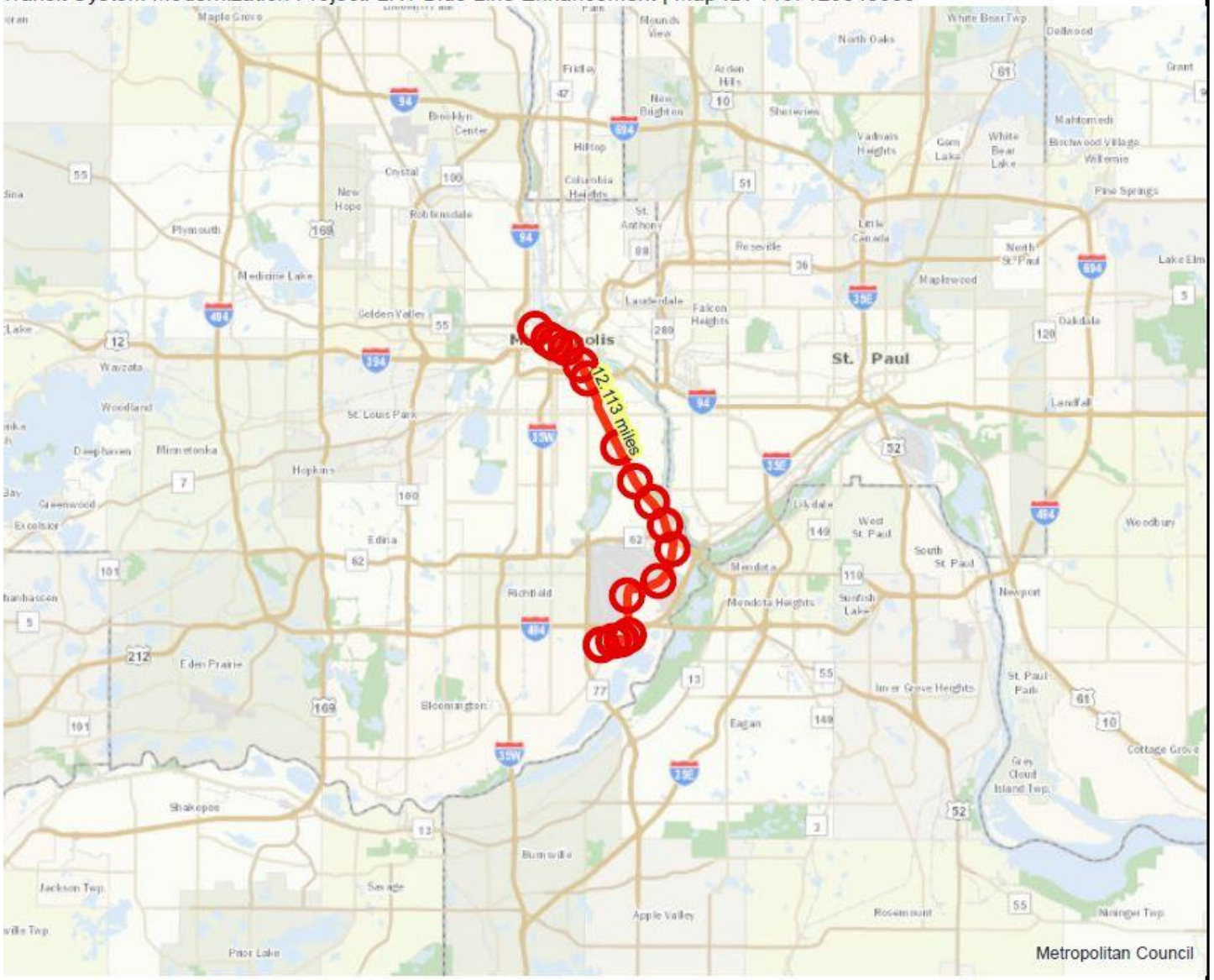
Results

Within QTR Mile of project:
Total Population: 49809
Total Employment: 167868

Within HALF Mile of project:
Total Population: 79944
Total Employment: 192859

Within ONE Mile of project:
Total Population: 168899
Total Employment: 238563

Transit System Modernization Project: LRT Blue Line Enhancement | Map ID: 1467129848388



Project Points

Project

0 2.75 5.5 11 16.5 22 Miles

Created: 6/28/2016
LandscapeRSA4

For complete disclaimer of accuracy, please visit http://glswebsite.metc.state.mn.us/gissitenew/notice.aspx

METROPOLITAN COUNCIL

Regional Economy

Transit System Modernization Project: LRT Blue Line Enhancement | Map ID: 1467129848388

Results

WITHIN ONE MI of project:

Total Population: 178580
Total Employment: 297375
Mfg and Dist Employment: 21903

Postsecondary Students:
136261

Project Points

Project

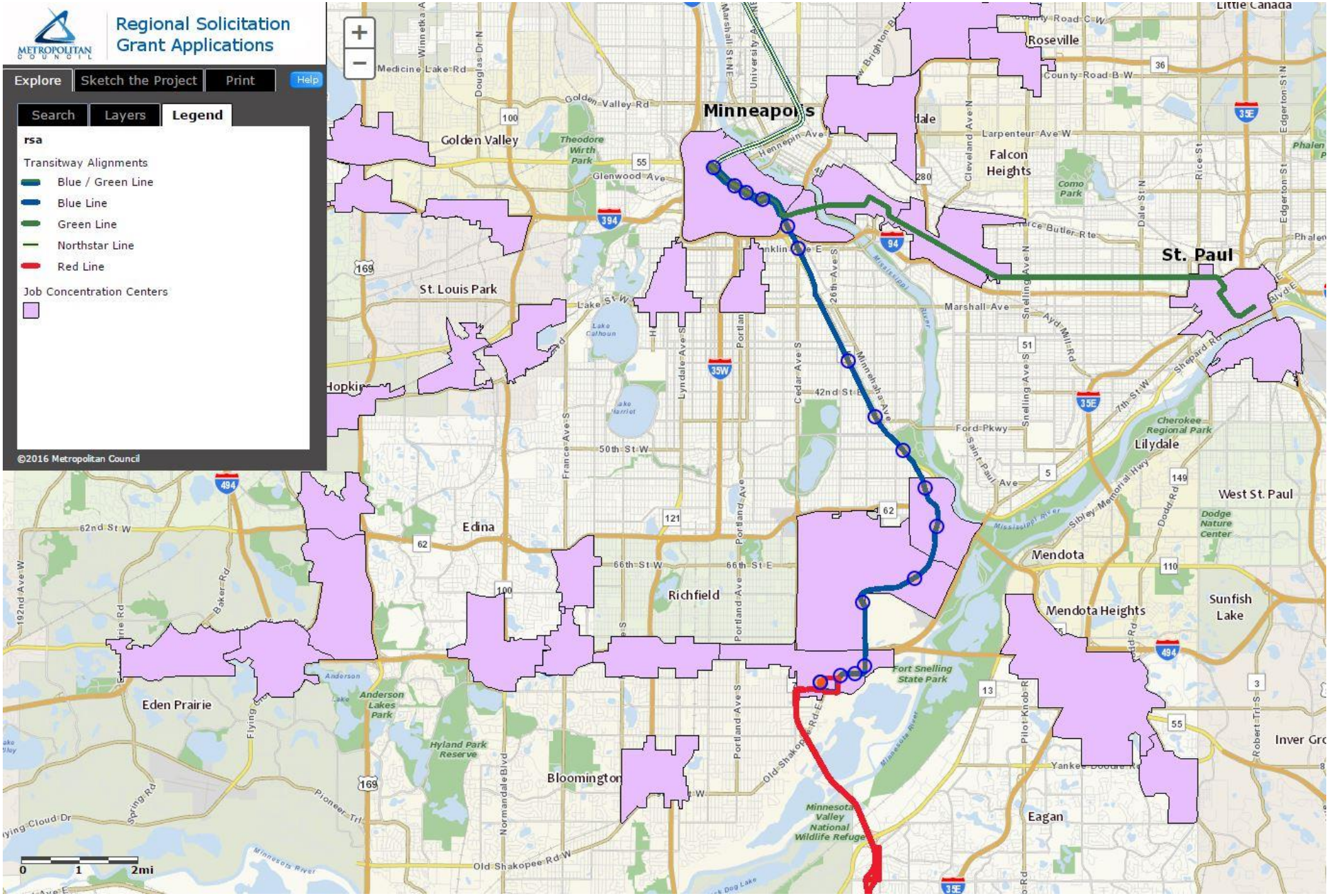
0 2.75 5.5 11 16.5 22 Miles

Created: 6/28/2016
LandscapeRSA5

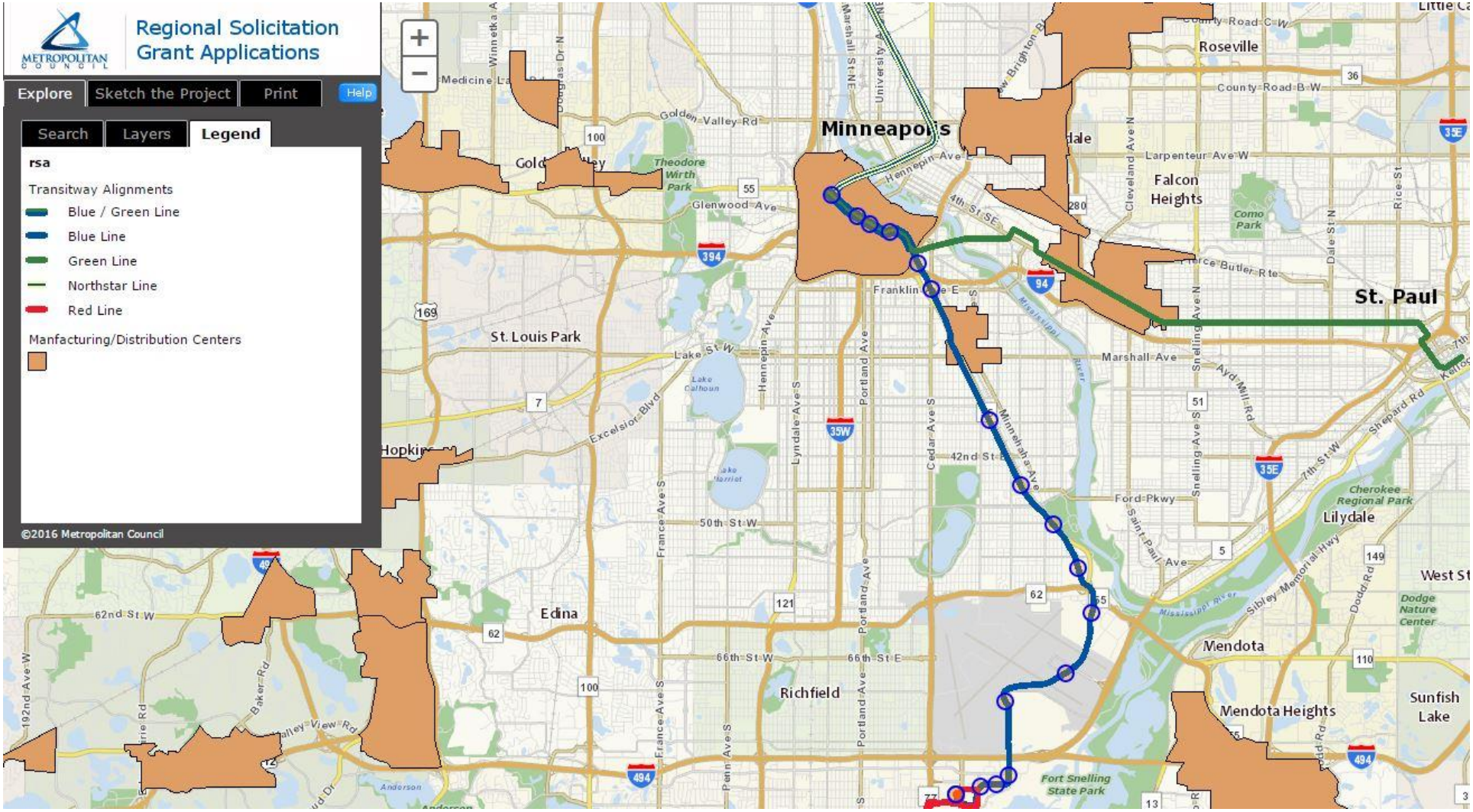
For complete disclaimer of accuracy, please visit http://glswebsite.metc.state.mn.us/glssitenew/notice.aspx

METROPOLITAN COUNCIL

Map of Job Concentrated Areas



Map of Manufacturing Centers



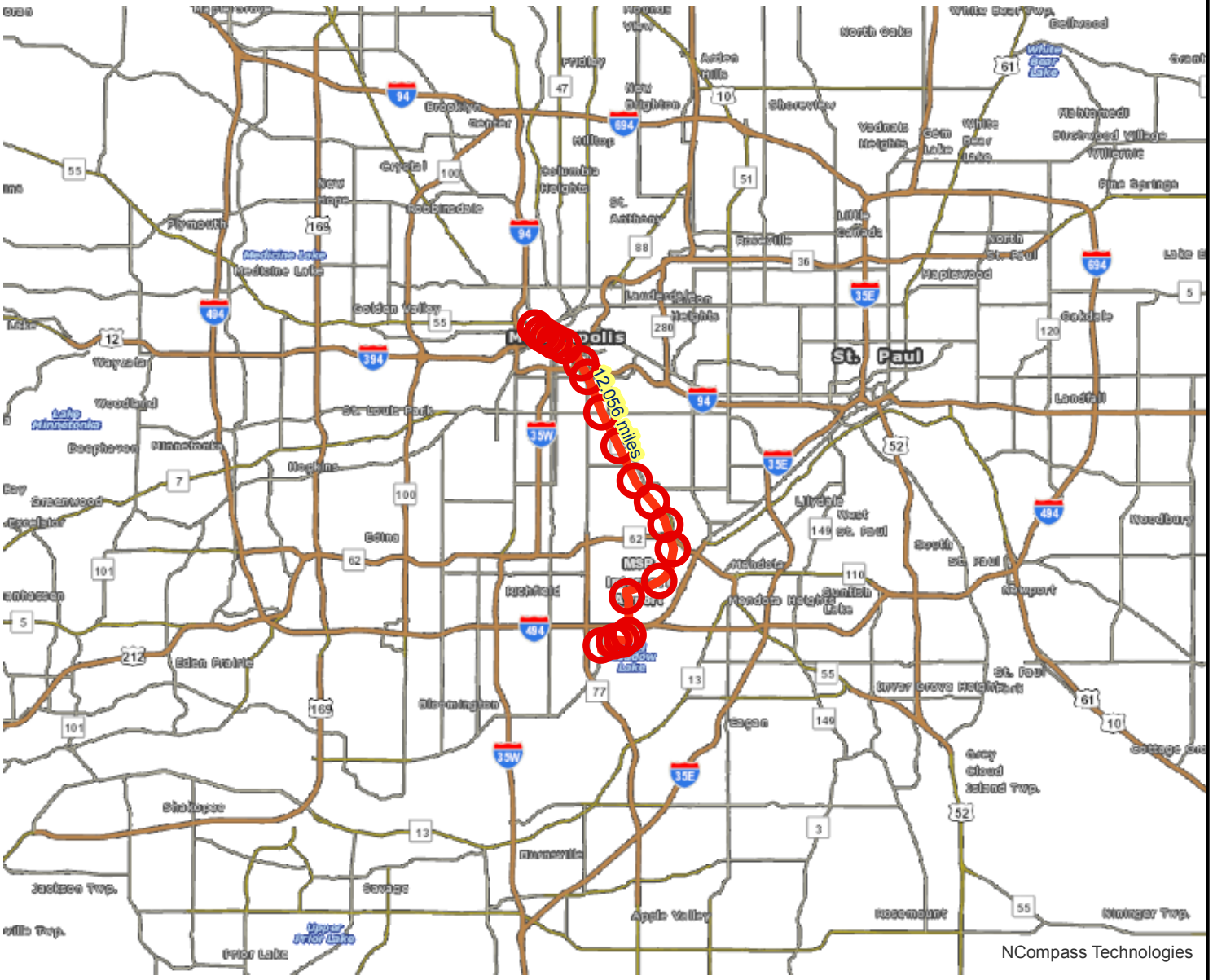
133 134 135 141 146 156 250 261 263 264 270
272 288 353 355 365 375 415 436 440 444 446
452 460 464 465 467 470 472 475 476 477 478
479 490 491 492 493 515 535 538 539 540 542
552 553 554 558 578 579 587 588 589 597 643
649 652 663 664 667 668 670 671 672 673 674
675 677 679 684 690 691 692 695 697 698 699
721 724 742 747 755 756 758 760 761 762 763
764 765 766 767 768 772 774 776 777 780 781
782 783 785 790 793 795 824 825 850 852 854
865 887 888 901 902 903 921
*American
*West Broadway
*Central
*Chicago-Fremont
*Hennepin
*Lake
*Nicollet
*Orange Line
*Orange Line
*Green Line Extension
*Blue Line Extension
*Blue Line Extension
*C Line

Transit within HALF mile of project:
2 3 4 5 6 7 9 10 11 12 14
17 18 19 20 21 22 23 25 27 39 46
53 54 59 61 67 74 94 111 113 114 118
121 122 129 133 134 135 141 146 156 250 252
261 263 264 270 272 288 353 355 365 375 415
436 440 444 446 452 460 464 465 467 470 472
475 476 477 478 479 490 491 492 493 515 535
538 539 540 542 552 553 554 558 578 579 587
588 589 597 643 649 652 663 664 667 668 670
671 672 673 674 675 677 679 684 690 691 692
695 697 698 699 721 724 742 747 755 756 758
760 761 762 763 764 765 766 767 768 772 774
776 777 780 781 782 783 785 790 793 795 824
825 850 852 854 865 887 888 901 902 903 921

*American
*West Broadway
*Central
*Chicago-Fremont
*Hennepin
*Lake
*Nicollet
*Orange Line
*Orange Line
*Green Line Extension
*Blue Line Extension
*Blue Line Extension

Transit Connections

Transit System Modernization Project: LRT Blue Line Enhancement | Map ID: 1467126572573



Project Points

Project

0 2.75 5.5 11 16.5 22 Miles

Created: 6/28/2016
LandscapeRSA3

For complete disclaimer of accuracy, please visit
http://giswebsite.metc.state.mn.us/gissitenew/notice.aspx

METROPOLITAN COUNCIL

METRO

Existing and Planned Transitways

updated 02/05/16

Big Lake
Elk River
Ramsey
Anoka
Coon Rapids/Riverdale
METRO TRANSIT NORTHSTAR LINE (commuter rail)
MISSISSIPPI RIVER
Fridley

Oak Grove Pkwy
93rd Ave
85th Ave
Brooklyn Blvd
63rd Ave
Bass Lake Rd
Robbinsdale
Golden Valley Rd
Plymouth Ave
Penn Ave
Van White Blvd
Royalston Ave
Van White Blvd
Penn Ave
21st St
West Lake St
Beltline Blvd
Wooddale Ave
Louisiana Ave
Blake Rd
Downtown Hopkins
Shady Oak
Opus
City West
Golden Triangle
SouthWest Station
Eden Prairie Town Center (deferred)

TWIN LAKE
CRYSTAL LAKE
LAKE CALHOUN
LAKE HARRIET

Target Field
Warehouse District/Hennepin Ave
Nicollet Mall
Government Plaza
Downtown East
5th St
7th St
9th St
11th St
DOWNTOWN MINNEAPOLIS
Lake St
46th St
66th St
76th St
American Blvd
98th St
Nicollet Ave
Burnsville Pkwy
Burnsville Center
Lakeville Kenrick

Cedar-Riverside
Franklin Ave
Lake St/Midtown
38th St
46th St
50th St/Minnehaha Park
VA Medical Center
Fort Snelling
Terminal 1–Lindbergh
Terminal 2–Humphrey
American Blvd
Mall of America
28th Ave
Bloomington Central

Cedar Grove
Cliff Rd
Palomino Dr
140th St
147th St
Apple Valley Transit Station
161st St
Glacier Way
Lakeville Cedar
195th St
215th St

MINNESOTA RIVER

West Bank
East Bank
Stadium Village
Prospect Park
Westgate
Raymond Ave
Fairview Ave
Snelling Ave
Hamline Ave
Lexington Pkwy
Victoria St
Dale St
Western Ave
Capitol/Rice St
Robert St
10th St
Central
Union Depot
DOWNTOWN ST. PAUL

Metro State
Earl St
Etna St
White Bear Ave
Sun Ray
3M Headquarters
Greenway Ave
Crossroads/ Oaks Business Park
TBD
TBD
TBD

MISSISSIPPI RIVER

Existing Transitways and Stations

- METRO Blue Line (LRT)
- METRO Green Line (LRT)
- METRO Red Line (BRT)
- Shared METRO Station

Planned Transitways and Stations

- METRO Orange Line (BRT): 2019
- METRO Green Line extension (LRT): 2020
- METRO Blue Line extension (LRT): 2021
- METRO Orange Line extension (BRT): 2021
- METRO Gold Line (BRT): TBD
- METRO Red Line extension (BRT): TBD

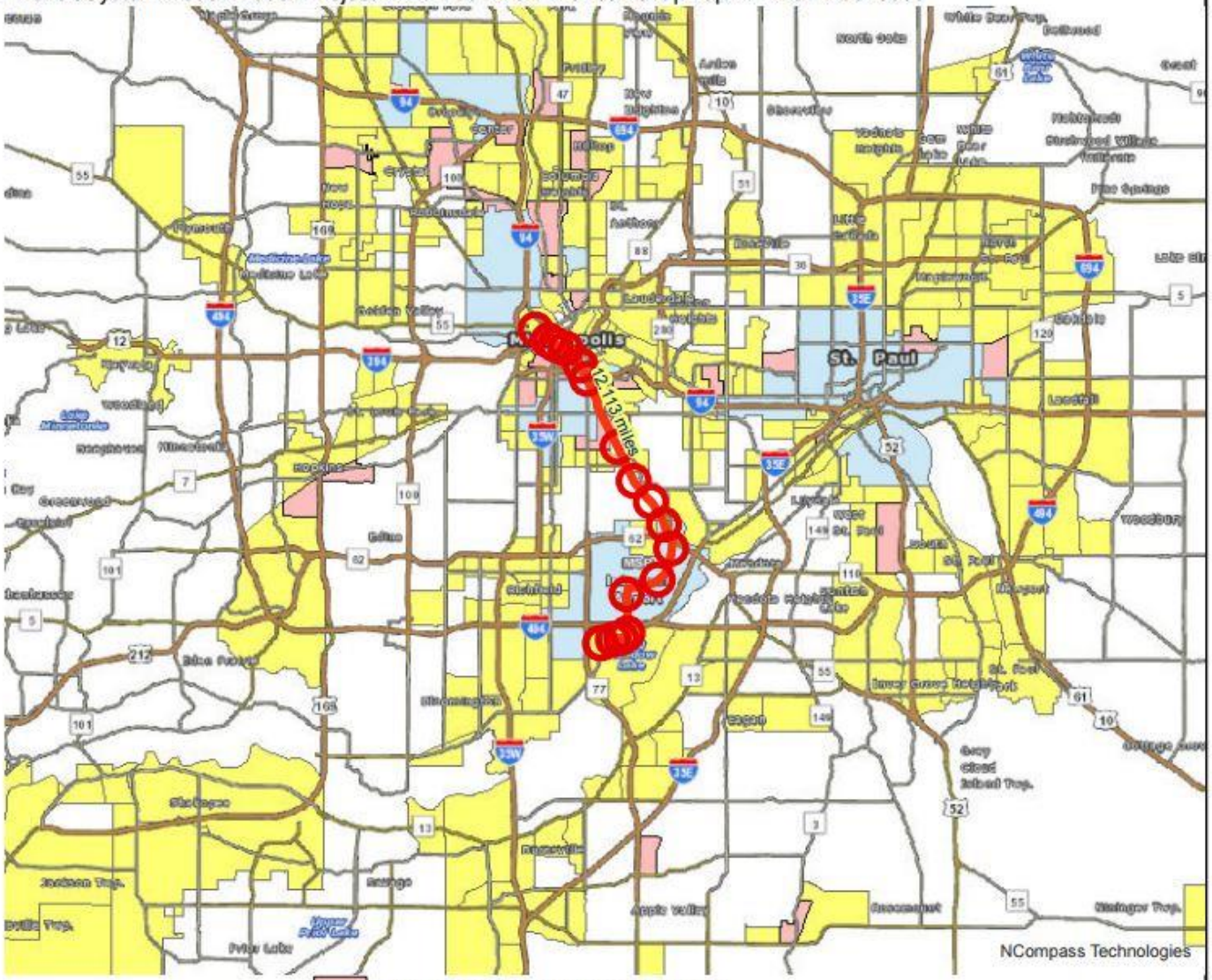
Metro Transit Northstar Line and Station
This commuter rail line operates primarily during rush hours.

Socio-Economic Conditions

Transit System Modernization Project: LRT Blue Line Enhancement | Map ID: 1467129848388

Results

Project located **IN**
Area of Concentrated Poverty with 50% or more of residents are people of color (ACP50):
(0 to 30 Points)



Project Points
Project
Area of Concentrated Poverty > 50% residents of color
Area of Concentrated Poverty
Above reg'l avg conc of race/poverty

0 2.75 5.5 11 16.5 22 Miles

Created: 6/28/2016
LandscapeRSA2

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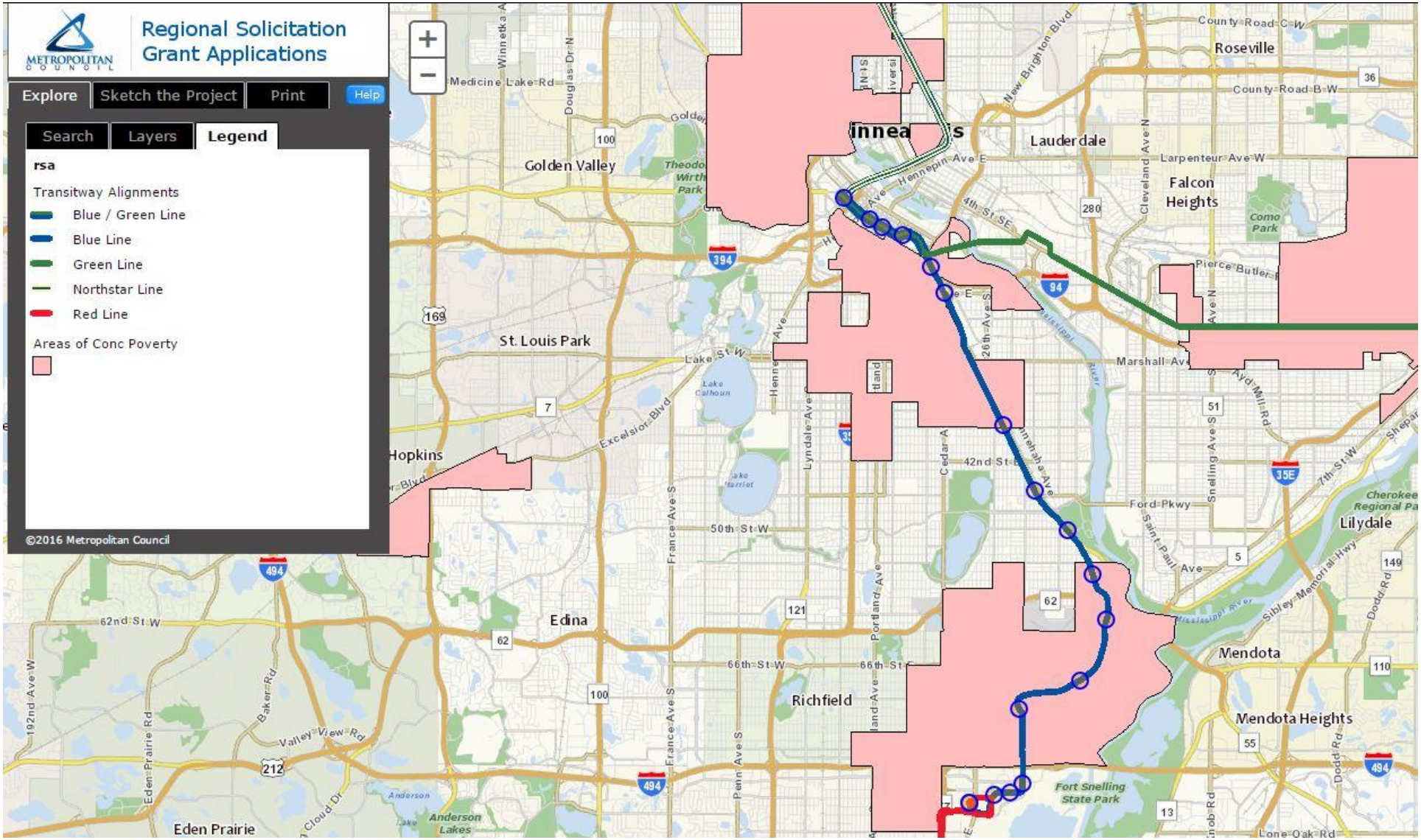
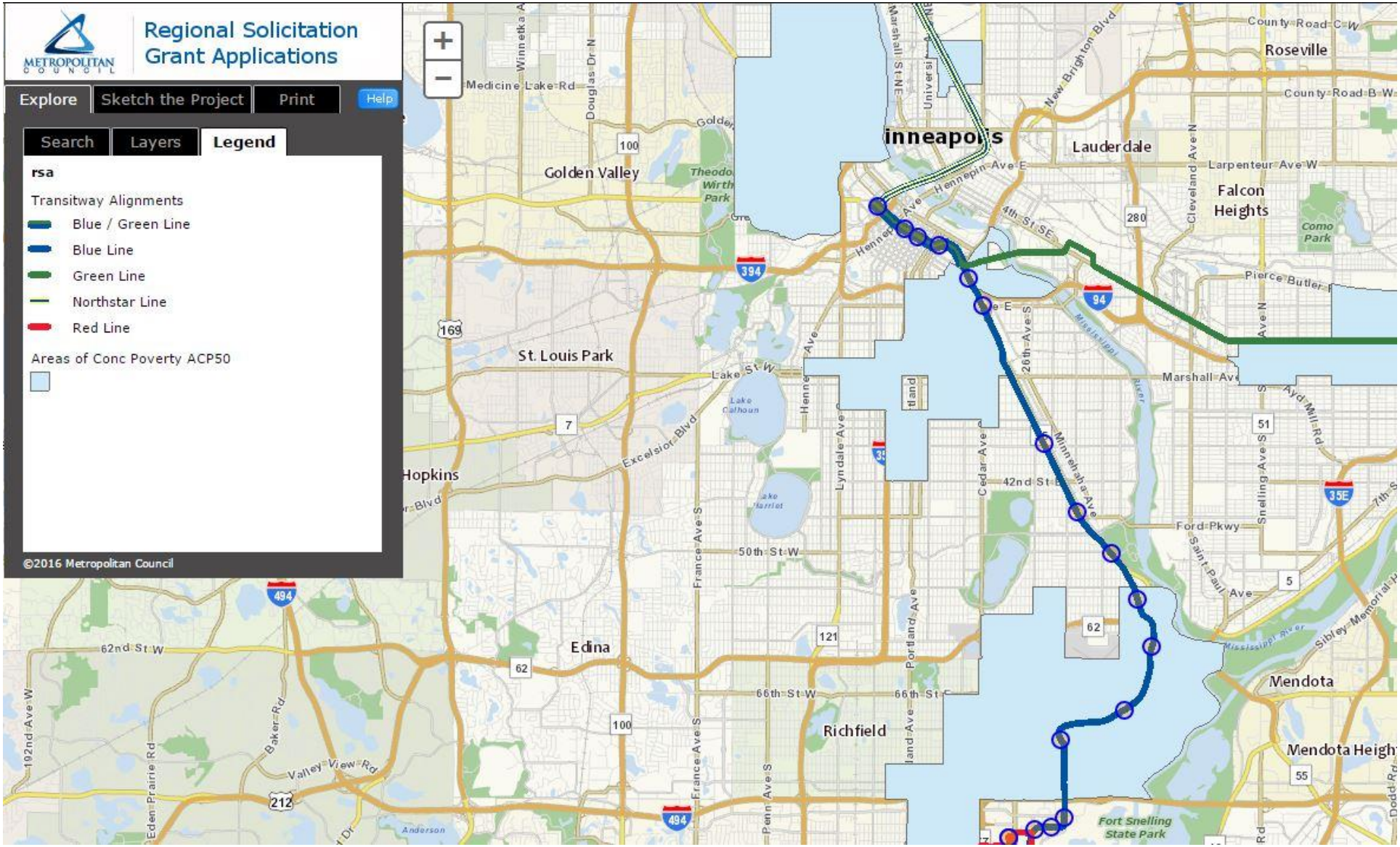
METROPOLITAN COUNCIL

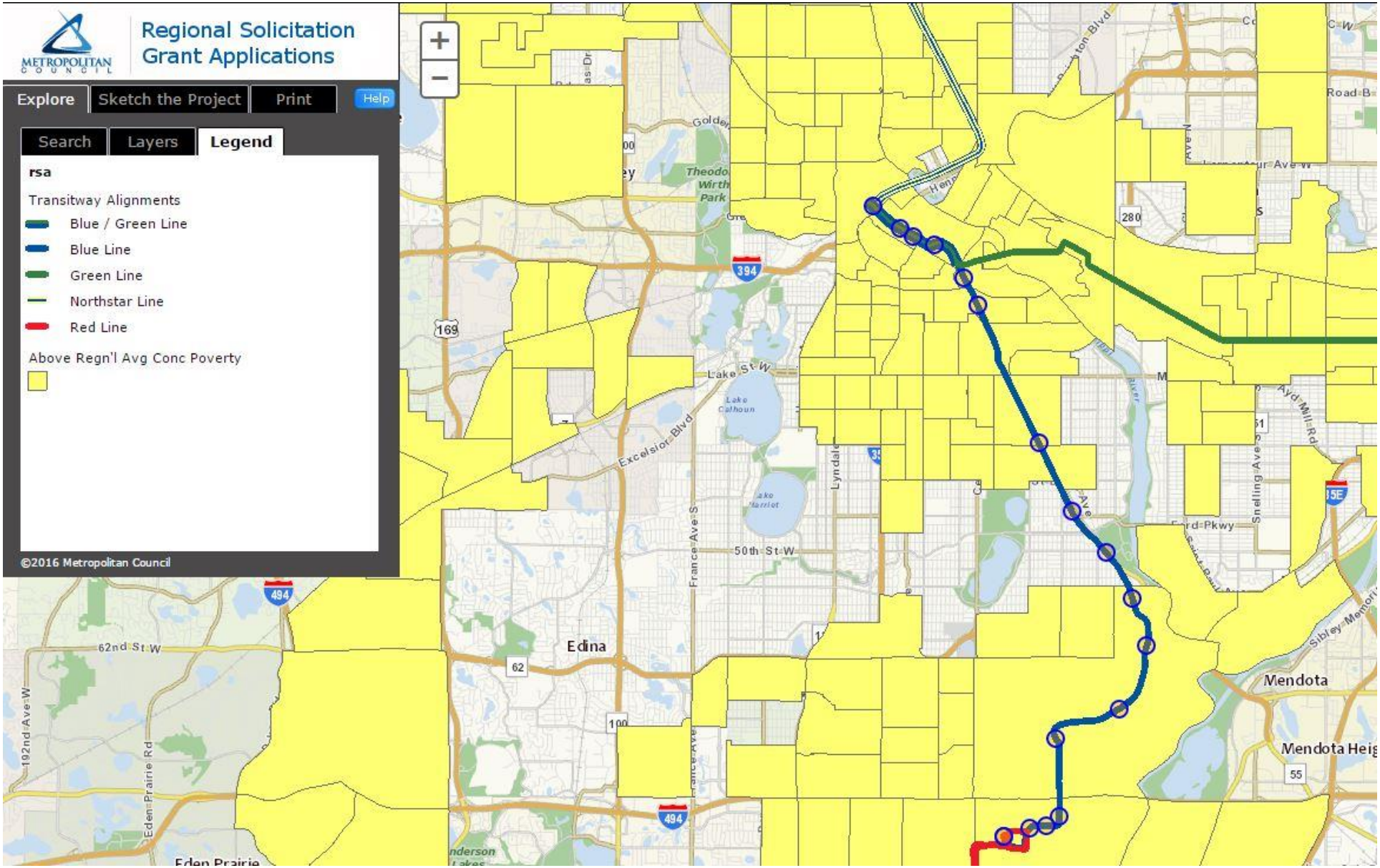
Map of Areas of Concentrated Poverty



Map of Areas of Concentrated Poverty ACP50



Map of Concentrated Poverty above Regional Average



Metro Transit

July 14, 2016

Elaine Koutsoukos
TAB Coordinator
390 N. Robert St.
St. Paul, MN 55101

RE: Regional Solicitation Applications

Dear Ms. Koutsoukos;

Metro Transit is submitting a Transit Modernization application for its upcoming Blue Line Enhancement project.

This letter corresponds to general solicitation requirements, required attachments:

- Metro Transit will have jurisdiction over the improvements, including bidirectional signals, cross-overs and direct fixation tracks
- Metro Transit will provide the required minimum 20% local match through Metropolitan Council Regional Transit Capital, Motor Vehicle Sales Tax revenues or other eligible non-federal funds available to Metro Transit in the program year.
- Metro Transit commits to operate and maintain them for their useful life.

We look forward to developing the project. Please contact me with any questions or clarifications.

Sincerely,

Brian J. Lamb
General Manager

CC: John Humphrey, Deputy Chief Operations Officer
Mary Gustafson, Manager of Grants

SEGMENT 1

Warehouse and Park Interlockings	Design	Construction	
Segment 1 Design and Construction	$ 2,893,250.34	$ 12,886,000.00	$ 15,779,250.34
15% Contingency	$ 433,987.55	$ 2,577,200.00	
PM/CM 2 Years	$ 130,000.00	$ 260,000.00	
Optimal Cost for Segment 1 Design and Construction	$ 3,457,237.89	$ 15,723,200.00	$ 19,180,437.89

SEGMENT 2

Interlockings Bidirectional Upgrades at 32nd and 46th	Design	Construction	
Segment 2 Design and Construction	$ 4,789,196.45	$ 11,430,000.00	$ 16,219,196.45
15% Contingency	$ 718,379.47	$ 2,286,000.00	
PM/CM 2 Years	$ 130,000.00	$ 260,000.00	
Optimal Cost for Segment 2 Design and Construction	$ 5,637,575.91	$ 13,976,000.00	$ 19,613,575.91

SEGMENT 3

Bidirectional Interlocking and Signaling - NWA Interlocking to MOA Interlocking:	Design	Construction	
Segment 2 Design and Construction	$ 3,302,123.05	$ 10,281,000.00	$ 13,583,123.05
15% Contingency	$ 495,318.46	$ 2,056,200.00	
PM/CM 2 Years	$ 130,000.00	$ 260,000.00	
Optimal Cost for Segment 3 Design and Construction	$ 3,927,441.51	$ 12,597,200.00	$ 16,524,641.51
Total Cost	$ 13,022,255.31	$ 42,296,400.00	$ 55,318,655.31

Guidance for Implementation of FTA's Categorical Exclusions (23 C.F.R. §771.118)

I. Introduction

The Federal Transit Administration (FTA) categorical exclusions (CEs), located at 23 CFR §771.118, are tailored specifically to transit projects and provide for a more straightforward and efficient environmental review process. With this guidance, FTA aims to assist FTA Regional staff and project sponsors in applying specific CEs to FTA projects. This guidance is not, however, intended to address National Environmental Policy Act (NEPA) compliance in general; questions about NEPA compliance on FTA projects should be directed to FTA Regional staff.

II. Background

Per the Council on Environmental Quality's (CEQ's) "Establishing, Applying, and Revising Categorical Exclusions under the National Environmental Policy Act" guidance (Dec. 2010), the CEs in 23 CFR section 771.118 are presented as general categories that include limitations, as appropriate, and provide an informative (but not exhaustive) list of examples. CEs added to section 771.118 pursuant to the Moving Ahead for Progress in the 21st Century Act (MAP-21) do not follow the same format because they were created pursuant to specific statutory criteria.

Section 771.118 is reserved exclusively for FTA actions; section 771.117 is reserved exclusively for Federal Highway Administration (FHWA) actions, and CEs listed in 23 CFR section 771.117 should no longer be used for FTA's actions on projects.

The contents of section 771.118 follow a similar format as FHWA section 771.117 by having a c-list (found at 23 CFR section 771.118(c)) and a d-list (found at 23 CFR section 771.118(d)) that include categorically excluded routine actions and those actions that require limited documentation, respectively. Section 771.118 is organized as follows: paragraph (a) describes and defines CE actions; paragraph (b) explains "unusual circumstances"; paragraph (c) contains FTA categorically excluded actions; paragraph (d) contains examples of actions that may be categorically excluded under section 771.118(d); and, paragraph (e) addresses the addition of new CEs in the future.

III. Applicability and Documentation

The list of CEs in section 771.118(c) focuses on actions most applicable to FTA. It is FTA's responsibility to determine whether the action described by the grant applicant ("applicant") falls within the CE category (i.e., the action meets all conditions listed in the CE), whether the action is impermissibly segmented from a larger project, and whether there are unusual circumstances (e.g., substantial controversy on environmental grounds, significant impact to properties protected by Section 4(f) of the US DOT Act or Section 106 of the National Historic Preservation Act) that would make a CE determination inappropriate.

Grant applicants should include sufficient information for FTA to make a CE determination. A description of the project in the grant application, as well as any maps or figures typically included with the application or as requested by the FTA Regional Office, will normally be sufficient for FTA to

determine whether the CE applies. This information submitted through the normal grant application process does not mean an action that otherwise meets the conditions for a CE under section 771.118(c) needs to be converted to a section 771.118(d) action. Given the nature of the CEs listed under section 771.118(c), documentation demonstrating compliance with environmental requirements other than NEPA, such as Section 106 of the National Historic Preservation Act ("Section 106"), or Section 7 of the Endangered Species Act, may be necessary for the processing of the grant. The required supporting documentation can be included with the grant in FTA's grant management software (i.e., TEAM), which is preferred, or kept in the FTA Regional Office's project files. Other applicable environmental requirements must be met regardless of the applicability of the CE under NEPA, but compliance with other environmental requirements does not elevate an action that otherwise is categorically excluded under section 771.118(c) to section 771.118(d). See Section VI for more information regarding "Consideration of Other Environmental Requirements."

Section 771.118(d), which is an open-ended categorical exclusion authority, lists example actions and requires documentation to verify the application of a CE is appropriate (i.e., the action meets the criteria established in Sections 771.118(a) and (b)). The list of examples is particularly helpful for those actions that do not meet the conditions of CEs found in section 771.118(c).

A CE must capture the entire proposed action, which includes all connected actions (see CEQ, "Final Guidance on Establishing, Applying, and Revising Categorical Exclusions under NEPA," 75 FR 75628, 75632, Dec. 6, 2010). The requirement that a project demonstrates independent utility, connects logical termini, and does not restrict consideration of alternatives reflects FTA's test for determining the full scope of a project for NEPA review purposes and avoiding impermissible segmentation. This does not prohibit the construction of a transportation facility in phases, so long as the project scope reviewed under NEPA meets the test described above. Typically, the documentation expectations described above will be sufficient to demonstrate impermissible segmentation is not occurring, but in some instances, additional information may be needed.

If an action could fall under multiple CEs listed at section 771.118(c) due to their broad nature and/or one or more of the examples under section 771.118(d), then choose the best option (i.e., the CE that most closely fits the proposed activities) for the particular project in consultation with the FTA Regional Office. Preventative maintenance is one such example. There are many different types of preventative maintenance, and different types might qualify under different CEs. The CEs at section 771.118(c)(4), (c)(7), (c)(8), and (c)(15), for example, might all apply to some aspects of preventative maintenance, but there are also other CEs (e.g., the MAP-21-based CEs) that could potentially apply as well. For example, a project to rehabilitate vehicles that will be accommodated by the existing facilities is best described under section 771.118(c)(7), and it would be better to use that particular CE in that case, even though the project also could be covered by section 771.118(c)(13). Ultimately, the selected CE must cover all aspects of the proposed project's scope, and the project description should include all project elements.

IV. Section 771.118(c)

Utility and Similar Appurtenance Action

(1) Acquisition, installation, operation, evaluation, replacement, and improvement of discrete utilities and similar appurtenances (existing and new) within or adjacent to existing transportation right-of-way, such as: utility poles, underground wiring, cables, and information systems; and power substations and utility transfer stations.

This CE applies to utility-related activities when limited in scope and within or directly adjacent to the property considered the traditional transportation right-of-way. "Discrete utilities" are those that are separate and independent from a larger transit project or other larger project, such as the modernization of an entire rail transit line that includes station expansions or station redesign for improved access.

The traditional transportation right-of-way will likely have been disturbed by prior installation of utilities, and activities occurring there would have little potential for significant environmental impact. This CE covers utility activities occurring within the boundaries of the right-of-way, and utility activities that may extend onto adjacent property, as well as utility-*related* activities (e.g., landscaping or re-vegetation) occurring within the boundaries of the right-of-way or on immediately adjacent property. Ownership of the utility is not a factor in determining the application of this CE, however. For example, a utility company may own an easement on the transportation right-of-way; an FTA utility action on the easement would require FTA NEPA approval, but if the utility company performs non-FTA-related work within its easement, no FTA NEPA approval is needed. This CE does not, however, relieve the project sponsor of giving notice to property owners where a new utility easement may be needed. If property rights are to be acquired for a utility project and the action complies with the conditions in this CE, it is still necessary to give the property owners notice early in the process, pursuant to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 ("Uniform Relocation Act").

Additional examples of activities that could be covered by this CE include: catenary and signal work, given that these activities are substantially similar to the listed examples; and, maintenance and rehabilitation activities, as the environmental impacts of these activities are likely the same or less than an "improvement."

Pedestrian or Bicycle Action

(2) Acquisition, construction, maintenance, rehabilitation, and improvement or limited expansion of stand-alone recreation, pedestrian, or bicycle facilities, such as: a multiuse pathway, lane, trail, or pedestrian bridge; and transit plaza amenities.

This CE covers the expansion of existing recreational, pedestrian, or bicycle facilities, as well as acquisition, construction, maintenance, rehabilitation, and improvements of stand-alone recreation, pedestrian, or bicycle facilities. This CE is not limited to recreational facilities. FTA uses the term "stand-alone" to mean a facility that is capable of operating independently. For example, facilities that are part

of a larger proposed project that has significant environmental impacts cannot be approved as a CE; the entire project would need to be evaluated with an environmental impact statement. "Transit plaza amenities" are those features of a facility that add to its desirability as viewed by the traveling public (e.g., wayfinding signs, bike lockers, ticket vending machines, benches, and landscaping).

FTA expects that actions occurring under this CE would have minor construction effects. FTA project sponsors usually construct these types of facilities in urbanized areas where sensitive habitat is not impacted. If sensitive habitat may be impacted, then that could be an unusual circumstance that would likely require FTA and the applicant to conduct appropriate environmental studies under section 771.118(b)(1) to determine whether the CE classification is proper.

Additional examples of activities that could be covered by this CE include ferry terminal passenger overhead loading structures because these structures are virtually synonymous with "pedestrian bridge."

Environmental Mitigation or Stewardship Activity

(3) Activities designed to mitigate environmental harm that cause no harm themselves or to maintain and enhance environmental quality and site aesthetics, and employ construction best management practices, such as: noise mitigation activities; rehabilitation of public transportation buildings, structures, or facilities; retrofitting for energy or other resource conservation; and landscaping or re-vegetation.

This CE covers environmental mitigation activities, as well as those activities that enhance environmental quality (sometimes referred to as "environmental stewardship" activities). The activities need to be eligible for FTA assistance; and therefore, would be limited by FTA's funding program requirements, in addition to the other conditions listed in the CE language (i.e., mitigate environmental harm and cause no harm themselves or maintain and enhance environmental quality and site aesthetics, and employ construction best management practices).

Additional examples of activities covered by this CE could include:

- Maintenance and rehabilitation of historic transportation facilities that may be adversely affected by the project;
- Replacement of in-water creosote-treated timber piles, berthing, and other structures, as this constitutes rehabilitation of public transportation buildings, structures, or facilities;
- Stormwater management activities designed to mitigate environmental harm;
- Roof replacement to the extent it fits within the CE's limitations; and,
- Rehabilitation of bridges and viaducts if they are considered public transportation structures.

Planning and Administrative Activity

(4) Planning and administrative activities which do not involve or lead directly to construction, such as: training, technical assistance and research; promulgation of rules, regulations, directives, or

program guidance; approval of project concepts; engineering; and operating assistance to transit authorities to continue existing service or increase service to meet routine demand.

This CE covers routine administrative, engineering, and analytical functions that do not have an environmental impact. These activities are often office-related and, while they may be frequent, are generally environmentally benign.

Note that geotechnical work has limited applicability under this CE. Some geotechnical work (such as the use of ground penetrating radar) could be approved under this CE as long as it does not involve construction or lead directly to construction. However, invasive work, such as soil borings or archeological test digs, would not be covered under this CE.

Action Promoting Safety, Security, Accessibility

(5) Activities, including repairs, replacements, and rehabilitations, designed to promote transportation safety, security, accessibility and effective communication within or adjacent to existing right-of-way, such as: the deployment of Intelligent Transportation Systems and components; installation and improvement of safety and communications equipment, including hazard elimination and mitigation; installation of passenger amenities and traffic signals; and retrofitting existing transportation vehicles, facilities or structures, or upgrading to current standards.

This CE applies to stand-alone projects, such as the installation of communications equipment along an existing line, and may not be an element impermissibly segmented from a larger project, such as construction of a new transit line that includes installation of communication equipment.

Additional examples of activities covered by this CE could include installation of fencing, signs, pavement markings, and small passenger shelters as these activities promote transportation safety, security, accessibility, and effective communication. This CE does not extend to all safety actions, however. For example, closing a railroad crossing for safety reasons would not be eligible for this CE.

Acquisition, Transfer of Real Property Interest

(6) Acquisition or transfer of an interest in real property that is not within or adjacent to recognized environmentally sensitive areas (e.g., wetlands, non-urban parks, wildlife management areas) and does not result in a substantial change in the functional use of the property or in substantial displacements, such as: acquisition for scenic easements or historic sites for the purpose of preserving the site. This CE extends only to acquisitions and transfers that will not limit the evaluation of alternatives for future FTA-assisted projects that make use of the acquired or transferred property.

This CE covers cases where the property is acquired and remains essentially unchanged from its previous use until NEPA is completed for the future FTA-assisted project that may make use of the property. Note that acquiring property pursuant to this CE must not limit the evaluation of alternatives

when the future FTA-assisted project is evaluated in the FTA environmental review process, which must allow for the possibility that the property will not be used for the project. The purchase must also comply with Uniform Relocation Act requirements and must be allowable as an exception to the general prohibition on property acquisition prior to a NEPA finding located at 23 CFR section 771.113.

FTA uses the phrase "Acquisition or transfer of an interest in real property" to mean the act of purchasing or otherwise acquiring a property right (e.g., absolute ownership, trackage right, easement, leasing, etc.). Note that similar CEs covering property acquisition in section 771.118(d)(3) and (d)(4) would allow property acquisition (real property for hardship or protective purposes or right-of-way, respectively) without these limitations but would require documentation under section 771.118(d) to demonstrate that the CE applies. The "functional use" qualifying criterion is included because any change in the functional use of the property, if FTA-assisted, would disqualify the use of this CE for the acquisition. The reference to "scenic easements or historic sites" (for preserving the site) provides examples of special cases where this CE might apply. Other examples could be the acquisition of right-of-way for later utility work or construction staging areas.

An activity not covered by this CE is disposal of property the transit agency owns, even if there is an FTA financial interest due to a past grant(s). This is not a FTA action for purposes of NEPA because FTA does not exercise sufficient control over these actions. Instead, disposition actions by transit agencies of their own property are governed by FTA rules (see Circular 5010.1D) that protect FTA's investment in transit.

For joint development projects funded with FTA grants, see section 771.118(c)(10).

Acquisition, Maintenance of Vehicles/Equipment

> *(7) Acquisition, installation, rehabilitation, replacement, and maintenance of vehicles or equipment, within or accommodated by existing facilities, that does not result in a change in functional use of the facilities, such as: equipment to be located within existing facilities and with no substantial off-site impacts; and vehicles, including buses, rail cars, trolley cars, ferry boats and people movers that can be accommodated by existing facilities or by new facilities that qualify for a categorical exclusion.*

This CE focuses on activities associated with public transportation vehicles and equipment to improve operations and the transit riding experience. Installation of equipment under this CE would only be covered if it did not have substantial off-site impacts.

The phrase "located within existing facilities" means equipment located within a property that is already dedicated to a transportation function or within an existing building. FTA uses the phrase "that can be accommodated by existing facilities or by new facilities" to mean that the existing facilities have sufficient excess capacity to accommodate the vehicles, or, if the transit vehicles require new facilities, the new facilities also meet the requirements for the categorical exclusion. If the new facilities required by the new vehicles are part of a larger undertaking and require the use of either a CE under section

771.118(d), an environmental assessment (EA), or an environmental impact statement (EIS), the vehicle acquisition would be evaluated as part of that larger project.

Maintenance, Rehabilitation, Reconstruction of Facilities

(8) Maintenance, rehabilitation, and reconstruction of facilities that occupy substantially the same geographic footprint and do not result in a change in functional use, such as: improvements to bridges, tunnels, storage yards, buildings, stations, and terminals; construction of platform extensions, passing track, and retaining walls; and improvements to tracks and railbeds.

This CE covers maintenance, rehabilitation, and reconstruction of certain facilities as long as the facilities occupy substantially the same geographic footprint (all areas already affected by the direct impacts of the facility) and the functional use of the facility is unchanged. The original construction of the facility would have been previously evaluated under NEPA. Note an improvement to the facility is not a change in functional use. For example, when a transit center is rehabilitated under this CE, it may be improved by incorporating the latest communications and passenger information technologies. If the transit center's function is changed by converting it into a bus maintenance facility, then it would not qualify under this CE.

Additional examples of activities covered by this CE could include ferry terminals, transit infrastructure rehabilitation, and specific aspects of rehabilitation or reconstruction activities, such as renewal and/or component repair. An applicant and the FTA Regional Office should discuss the project and its class of action early in the environmental review/project development process.

Regarding pre-award authority, applicants may incur costs under pre-award authority for projects that clearly meet the criteria for this CE, however, if a project is subsequently found not to qualify as a CE, it will be ineligible for FTA assistance. Any grant applicant that is concerned that a project may not clearly qualify as a CE is strongly encouraged to contact FTA's Regional Office for assistance in determining the appropriate environmental review process and level of documentation necessary.

Assembly or Construction of Facilities

(9) Assembly or construction of facilities that is consistent with existing land use and zoning requirements (including floodplain regulations), and uses primarily land disturbed for transportation use, such as: buildings and associated structures; bus transfer stations or intermodal centers; busways and streetcar lines or other transit investments within areas of the right-of-way occupied by the physical footprint of the existing facility or otherwise maintained or used for transportation operations; and parking facilities.

This CE focuses on construction of facilities that is in keeping with existing land use and zoning requirements and primarily uses land disturbed for transportation uses. The phrase "uses primarily land previously disturbed for transportation use" does not prohibit a negligible amount of land in its natural state from being impacted by the proposed action. Thus, projects functionally similar to those listed

(such as electric trolleybus lines) and requiring minor right-of-way acquisition may still be covered by the CE as long as "unusual circumstances" would not result.

Busways, streetcar lines, and other transit investments have the potential to result in significant impacts (e.g., noise and vibration, Section 106). Thus, particular attention must be paid to the conditions found in this CE. Documentation is likely to be requested by the FTA Regional Office when pursuing a categorical exclusion for these larger investments in order to support the CE finding. An applicant and the FTA Regional Office should discuss the project and its class of action early in the environmental review/project development process.

Regarding pre-award authority, applicants may incur costs under pre-award authority for projects that clearly meet the criteria for this CE, however, if a project is subsequently found not to qualify for this CE, it will be ineligible for FTA assistance. Any grant applicant that is concerned that a project may not clearly qualify as a CE is strongly encouraged to contact FTA's Regional Office for assistance in determining the appropriate environmental review process and level of documentation necessary.

Joint Development of Facilities

> *(10) Development of facilities for transit and non-transit purposes, located on, above, or adjacent to existing transit facilities, that are not part of a larger transportation project and do not substantially enlarge such facilities, such as: police facilities, daycare facilities, public service facilities, amenities, and commercial, retail, and residential development.*

This CE applies to those activities taking place within or at a public transportation facility that do not substantially expand the footprint. Note, the CE is not limited to public service facilities and amenities, such as government offices, but also includes commercial, retail, and residential facilities. An applicant and the FTA Regional Office should discuss the project and its class of action early in the environmental review/project development process.

The development of these facilities must not adversely impact transit operations or safety. MAP-21 provided FTA with new authority for enforcing operating and safety constraints, but the environmental review process is not FTA's mechanism for the enforcement. If the applicant has potential operations or safety issues, the applicant should contact the FTA Regional Office or the FTA Safety Office (located in Washington, D.C.).

Regarding pre-award authority, applicants may incur costs under pre-award authority for projects that clearly meet the criteria for this CE, however, if a project is subsequently found not to qualify as a CE, it will be ineligible for FTA assistance. Any grant applicant that is concerned that a project may not clearly qualify as a CE is strongly encouraged to contact FTA's Regional Office for assistance in determining the appropriate environmental review process and level of documentation necessary.

For more information on Joint Development, see 72 FR 5788 for FTA's Joint Development Guidance and http://www.fta.dot.gov/about_FTA_11011.html for Joint Development Frequently Asked Questions.

Emergency Recovery Actions

(11) 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 49 U.S.C. 5324; 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.

This CE was created pursuant to MAP-21 and applies to emergency recovery actions. Paragraph (i) specifically covers activities under the Public Transportation Emergency Relief Program (49 U.S.C. section 5324) such as public transportation capital projects and operating assistance related to emergencies, including natural disasters.

Paragraph (ii) mostly tracks the language found in section 1315 of MAP-21, though the language was expanded to include public transportation facilities. Under paragraph (ii), the transit facilities are not limited to ferry docks or bus transfer stations, and the ancillary transportation facilities are not limited to pedestrian/bicycle paths or bike lanes. Rather, examples were provided in those two cases, but the list of examples is not exhaustive. The application of the CE is limited by the conditions specified in the text of the CE. For example, the recovery work would need to occur within existing right-of-way, substantially conform to the preexisting design, function, and location (though upgrades to current standards or codes may occur), and be commenced within two years of the declaration.

Action within Existing Operational Right-of-Way

(12) 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 refers to right-of-way that has been disturbed for an existing transportation facility or is maintained for a transportation purpose. This area includes the features associated with the physical footprint of the transportation facility (including the roadway, bridges, interchanges, culverts, drainage, fixed guideways, mitigation areas, etc.) and other areas maintained for transportation purposes such as clear zone, traffic control signage, landscaping, any rest areas with direct access to a controlled access highway, areas maintained for safety and security of a transportation facility, parking facilities with direct access to an existing transportation facility, transit power substations, transit venting structures, and transit

maintenance facilities. Portions of the right-of-way that have not been disturbed or that are not maintained for transportation purposes are not in the existing operational right-of-way.

This CE was created pursuant to MAP-21, and applies to actions taking place within existing operational right-of-way (ROW). FTA interprets the phrase "existing operational right-of-way" as the ROW "that has been disturbed for an existing transportation facility or is maintained for a transportation purpose." A transportation facility must already exist at the time of the proposed project's review when being considered for this CE. FTA may need to see evidence that the area was disturbed for a transportation facility if staff are not familiar with the area or are unable to make that determination using online mapping tools, etc. The term "transportation facility" refers to an existing surface transportation facility or structure, and includes bicycle and pedestrian facilities.

The phrase "maintained for a transportation purpose" includes areas that may not be traditionally considered a transportation facility but are maintained to serve a transportation purpose for an existing transportation facility such as clear zones and areas for safety and security of the transportation facility. A transportation facility that has fallen into disuse may require an assessment to determine if it is still being maintained for a transportation purpose and, therefore, qualifies as an operational right-of-way. Regarding the term "maintained," applicants do not need to develop or engage in regular maintenance actions within these areas to ensure they become part of the existing operational right-of-way in the future. Natural methods of managing roadside vegetation, clear zones, and areas necessary for maintaining the safety and security of a transportation facility are covered. But "maintained" does not cover uneconomic remnants or excess right-of-way, or parcels that are acquired and held for a future transportation project.

When a proposed project would be located on property acquired for a future project but simply held in perpetuity with no associated transportation use, this CE does not apply; a transportation facility must already exist at the location where the proposed project will be built. Areas acquired and held as part of a transportation corridor for a future project would not constitute an existing operational right-of-way. Utility use and occupancy agreements, and other real property interests that are not maintained for existing transportation purposes would not be part of the existing operational right-of-way.

Public transportation facilities often have non-contiguous features that are part of a transportation system and are, therefore, part of the operational right-of-way. Examples include substations, including transit power substations, transit maintenance yards, transit venting structures, and parking facilities, which includes both surface lots and parking structures.

Mitigation sites, such as wooded areas mitigating impacts of highways on historic districts, noise walls, and buffer zones used for transportation safety purposes are part of the operational right-of-way. However, consideration of unusual circumstances and compliance with other environmental laws may trigger the need to identify substitute mitigation or compensatory measures, as appropriate (i.e., using mitigation areas for a new project may trigger other actions to meet the original mitigation commitments).

The final project must be entirely within the operational ROW, but the CE accounts for all connected actions. Temporary work taking place outside an operational right-of-way, including work under temporary easements, is covered by the CE as long as the work is necessary for the construction of the project and the final project is entirely within the existing operational ROW. As such, temporary easements and work are subject to review for any unusual circumstances. However, the CE does not apply to the construction of a permanent project within an area acquired through a temporary easement for the construction of past projects; temporary easements terminate once the original project is completed and, therefore, cannot be considered "existing" transportation facilities when a new project is being evaluated.

Applicants may incur costs under pre-award authority for projects that clearly meet the criteria for this CE; however, if a project is subsequently found not to qualify as a CE, it will be ineligible for FTA assistance. Any grant applicant that is concerned that a project may not clearly qualify as a CE is strongly encouraged to contact FTA's Regional Office for assistance in determining the appropriate environmental review process and level of documentation necessary.

Action with Limited Federal Funding

(13) Federally-funded projects:

(i) That receive less than $5,000,000 of Federal funds; or

(ii) With a total estimated cost of not more than $30,000,000 and Federal funds comprising less than 15 percent of the total estimated project cost.

This CE was created pursuant to MAP-21, Section 1317. The action has to involve some level of Federal assistance in order to qualify for the CE. Projects not funded with Federal funds but requiring other forms of approvals from the Agencies do not qualify for this CE. Federal funding alone is not a reliable indicator of the significance of the environmental impacts associated with a project. The uniqueness of this CE (that is, a CE determination based on dollar thresholds instead of a particular scope or description of the action) makes the consideration of unusual circumstances particularly important. FTA must ensure that projects receiving Federal funds below the established thresholds are not processed as CEs when unusual circumstances warrant another level of NEPA review.

Because this CE is dependent on a funding threshold, it is important to obtain accurate cost estimates and to carefully evaluate whether application of this CE is appropriate, especially when a project's cost estimate is close to the established threshold. If the amount of Federal funds increases for the project beyond the established threshold, and if there is still an FTA action that needs to be taken when these changes occur, re-evaluation would be triggered. Prior to any request for further approvals or grants (including approval of project plans, specifications, or estimates), the applicant and FTA need to consult in order to determine whether the CE designation remains valid. This CE does not provide for inflation considerations or for small cost increases beyond the regulatory thresholds.

Applicants may incur costs under pre-award authority for projects that clearly meet the criteria for this CE; however, if a project is subsequently found not to qualify as a CE, it will be ineligible for FTA assistance. Any grant applicant that is concerned that a project may not clearly qualify as a CE is strongly encouraged to contact FTA's Regional Office for assistance in determining the appropriate environmental review process and level of documentation necessary.

Bridge Removal and Related Activities

(14) Bridge removal and bridge removal related activities, such as in-channel work, disposal of materials and debris in accordance with applicable regulations, and transportation facility realignment.

This CE addresses bridge removal, specifically, which is related to the example at section 771.118(d)(2) (bridge replacement or rail grade separation). Although a bridge is removed or temporarily taken out of service during a bridge replacement project, this CE covers actions that remove a bridge permanently and the resulting change to the associated transportation network. In addition to the bridge removal action itself, it is likely that the transportation facility to and from the bridge would need to be realigned, materials and debris would need to be disposed of in an approved manner per applicable regulations, and in-channel work performed to remove piers or reduce pier height for safer in-water navigation when conducting a complete bridge removal. Any in-water work, including whether to leave piers in place rather than remove them due to cost considerations or environmental considerations (e.g., avoidance of exposure in cases of contaminated sediments and other CWA considerations), is determined through discussions with stakeholders, permitting agencies, and project engineers.

Preventative Maintenance of Culverts/Channels

(15) Preventative maintenance, including safety treatments, to culverts and channels within and adjacent to transportation right-of-way to prevent damage to the transportation facility and adjoining property, plus any necessary channel work, such as restoring, replacing, reconstructing, and rehabilitating culverts and drainage pipes; and, expanding existing culverts and drainage pipes.

This CE is limited to culvert and channel maintenance within or adjacent to the transportation right-of-way in order to preserve the functionality of the culverts and channels, and to prevent damage to the transportation facility and adjoining property. The intent of this CE is to focus on rainwater conveyance methods that can be useful in preventing future flooding at transit facilities; this CE does not extend to drainage facilities. If grantees would like to pursue stormwater management activities (including treatment) outside the scope of this CE, FTA recommends considering the use of the CEs at section 771.118(c)(3) or section 771.118(d).

Actions falling under this CE could be performed on an on-going, but as-needed basis to maintain the continued operation of the structure.

Geotechnical and Other Similar Investigations

(16) Localized geotechnical and other investigations 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.

The focus of this CE is on geotechnical and other subsurface investigations that involve ground disturbance and inform preliminary engineering, environmental analyses, and permitting. Geotechnical and other investigations may be needed, for example, to determine the suitability of a location for a project but the project itself is not ripe for analysis. The CE applies when there is a Federal action involved or when Federal-aid is used for these preliminary study actions. It is not intended to federalize actions taken by the applicants in furtherance of their applications without the use of Federal funds.

V. Section 771.118(d)

Highway Modernization

(1) Modernization of a highway by resurfacing, restoration, rehabilitation, reconstruction, adding shoulders, or adding auxiliary lanes (e.g., parking, weaving, turning, climbing).

This has been a longstanding CE; it mirrors the language found at section 771.117(d)(1). The language of the example in section 771.118(d)(1) is written to cover the conversion of existing auxiliary lanes or shoulders to a transit purpose, not general purpose travel lanes, but it is only an example, and other similar projects could potentially be categorically excluded if a reasonable amount of documentation can show there is no potential for significant environmental impacts. Note, section 771.118(c)(9) can be used for busways, if the conditions in the CE language are met.

Bridge Replacement or Rail Grade Separation

(2) Bridge replacement or the construction of grade separation to replace existing at-grade railroad crossings.

This has also been a longstanding CE, though originally worded differently (see section 771.117(d)(3)). Under this CE, environmental documentation is required for bridge projects involving new construction or reconstruction of a bridge, or to replace existing at-grade railroad crossings (sec. 771.118(d)(2)). Documentation is required to demonstrate that the CE would apply and that no significant environmental impacts would result.

Note bridge rehabilitation and maintenance activities, which would have no anticipated significant environmental impacts, are covered by section 771.118(c)(8) and under normal circumstances do not require additional NEPA documentation.

Hardship or Protective Property Acquisition

(3) 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 which 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.

This has also been a longstanding CE; the language found here mirrors the language found at section 771.117(d)(12). Protective acquisitions may be based on economic reasons, as well as other reasons, such as precluding future transportation use and imminent development. Whether an applicant wants to pursue a hardship or protective property acquisition, FTA must evaluate whether the conditions are met.

Acquisition of Right-of-Way

(4) Acquisition of right-of-way. No project development on the acquired right-of-way may proceed until the NEPA process for such project development, including the consideration of alternatives, has been completed.

Pursuant to MAP-21, Section 20016 and the associated changes to 49 U.S.C. § 5323, section 771.118(d)(4) was expanded from early acquisition authority of railroad right-of-way to any right-of-way needed for a transit project (i.e., "railroad" was deleted). Despite the expansion to any right-of-way needed for a transit project, the conditions found in Sections 771.118(a) and (b) must be met in order to qualify for a CE.

(5) Reserved

Facility Modernization

(6) Facility modernization through construction or replacement of existing components.

Facility modernization projects that do not meet the conditions set forth in Sections 771.118(c)(5) or (c)(8) may be eligible for a CE, with documentation, under this example. An example of an action that may qualify for a CE under this example is when a bus maintenance facility is expanded to meet modern

building codes and to include a bus washing facility, where the facility footprint itself is expanded. Under section 771.118(c)(8), a facility's functional use cannot change and it must occupy substantially the same geographic footprint, which means that only limited expansion of the footprint is permissible under the CE. Under section 771.118(d)(6), greater expansion of the facility footprint could potentially be categorically excluded with proper documentation, and the functional use of the facility can be modified.

Minor Facility Realignment for Rail Safety Purposes

(7) Minor transportation facility realignment for rail safety reasons, such as improving vertical and horizontal alignment of railroad crossings, and improving sight distance at railroad crossings.

This CE example is for those transportation facility realignments needed in order to improve rail safety for the grantee and its operations, and the public. As noted in the language above, this example can cover vertical and horizontal alignment changes, and improving site distance at railroad crossings, but those are only examples and other similar realignment actions, in both scope and scale, could fall under section 771.118(d)(7).

Facility Modernization/Expansion Outside Existing ROW

(8) Modernization or minor expansions of transit structures and facilities outside existing right-of-way, such as bridges, stations, or rail yards.

This CE example provides for modernizing or providing minor expansions of transit structures and facilities outside the existing right-of-way (activities occurring within the existing transportation right-of-way could fall under section 771.118 (c)(8) or (12)). This example provides greater flexibility than the example found at section 771.118(d)(6) by allowing modernization and minor expansions that clearly extend outside of the existing transportation right-of-way.

Other

As noted previously, section 771.118(d) provides a list of examples of the types of actions that can be categorically excluded with documentation. To accommodate the fact that this is an open-ended authority rather than an exhaustive list of activities eligible for the CE, TEAM contains an option to select "Other" under section 771.118(d). This box should be checked and completed (a) when processing an action as a CE not otherwise identified in section 771.118, or (b) when processing an action as a CE not yet identified in TEAM (e.g., a final rule was published implementing a new CE(s), but TEAM has not be updated yet). Under scenario "a," appropriate documentation must be submitted to verify the actions meets the conditions for a CE. Under scenario "b," if the CE will fall under section 771.118(c), a notation of the CE number and a short project description will normally be sufficient documentation to satisfy NEPA.

VI. Special Considerations

Multimodal Projects

Multimodal projects containing both FHWA-funded and FTA-funded elements (such as the reconstruction of a highway lane within existing right-of-way for express bus service) may be processed as CEs under section 771.117 for FHWA and under section 771.118 for FTA, as appropriate.

Real Property Acquisition

Sections 771.118(d)(3), and (d)(4) cover the traditional early acquisitions available in the former version of this regulation (i.e., section 771.117), namely hardship and protective acquisitions in section 771.118(d)(3) and the acquisition of existing railroad right-of-way (ROW) in section 771.118(d)(4). Under section 771.118(c)(6), with certain conditions, early acquisition of ROW may be appropriate and categorically excluded even when the acquisition is not a protective, hardship, or railroad ROW acquisition. The early acquisitions covered by section 771.118(c)(6) do have some constraints, however, regarding the environmental context of the property. FTA chose to add the environmentally constrained acquisitions to the CE list in section 771.118(c), while retaining the protective and hardship acquisitions in section 771.118(d).

In addition, FTA retained but modified the CE in section 771.118(d) that addresses railroad ROW acquisition to reflect the change made to the statute (49 U.S.C. 5323(q)) by MAP-21, Section 20016 (i.e., deleted the word "railroad"). The "property acquisition" categories in sections 771.118(c) and (d) overlap in their coverage, but neither absorbs the other category of CE in its entirety. Thus, the multiple CEs available for property acquisition offer maximum flexibility.

One action not specifically mentioned above, but that may be categorically excluded, is the demolition of facilities where a structure creates an adverse condition if left standing, such as a potential fire safety hazard; the applicant should coordinate with the FTA Regional Office to determine whether to utilize a CE appropriate for actions involving demolition activities.

Consideration of Other Environmental Requirements

Although some projects may not trigger the need for public involvement and review in the NEPA process through the preparation of an EA or EIS, these projects may trigger procedural and consultation requirements for other environmental laws, such as Section 106 of the National Historic Preservation Act, Section 4(f) of the US DOT Act, or Section 7 of the Endangered Species Act. The FTA Regional Office, in coordination with the applicant, will identify whether there needs to be information and documentation to meet the requirements of these other environmental laws. Projects that warrant additional review typically involve ground disturbance or construction activities. Maps, engineering diagrams, and photographs can aid in supplementing a grant description to identify whether these additional laws apply and can expedite the review of projects if they are reviewed early in the grant application process.

For Section 106, projects that have the possibility to cause effects on historic properties are required to go through the Section 106 process. As noted above, this tends to result on projects that involve construction. Common potential effects include changes to visual setting of historic buildings or districts from construction or modification of a facility, disturbance of archeological sites due to construction, or physical disturbance of historic buildings through modification of a historic transportation facility, including stations or bridges, or an adjacent historic property. Section 106 consultation is completed by the FTA Regional Office, in coordination with the applicant and the State Historic Preservation Officer.

Section 4(f) of the US DOT Act applies to projects funded by FTA (or other Federal transportation modes) and protects publicly owned land of a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance, or land of an historic site of national, State, or local significance. If a project may "use" land from one of these protected properties (e.g., a bike path through a park), Section 4(f) compliance is required. For categorically excluded actions, Section 4(f) compliance is likely to involve a *de minimis* determination, which can be applied when there is no significant use of the protected property, but land is still needed. Public involvement in these cases can be handled through Board or City meetings that are publically announced and open to the public, or posting notices in the local newspaper or at the site. If a *de minimis* finding is not possible for the proposed action, then avoidance alternatives will need to be investigated through a full Section 4(f) evaluation under 23 CFR Part 774. The evaluation, depending on the environmental impacts that could result, may lead to a determination that a CE is not appropriate.

Section 7 of the Endangered Species Act compliance is required when there is a threatened or endangered species or habitat within the project area. To determine whether there are protected species or habitats in the project area, the applicant reviews the US Fish and Wildlife Service (FWS) website (http://ecos.fws.gov/ipac) (note, States may maintain their own databases, too). Section 7 is not generally a concern for categorically excluded projects, especially when the work is performed on previously disturbed land, though care should be given to projects that involve bridges, are near water or forested areas, or will involve previously undisturbed land. If coordination beyond the initial database search may be necessary, the applicant should contact the FTA Regional Office prior to any coordination/consultation with the FWS. Any coordination performed should be documented with the grant in the grant management software or kept in the FTA Regional Office project file.

Attachment 1: Comprehensive List of FTA Categorical Exclusions

C-list

(1) Acquisition, installation, operation, evaluation, replacement, and improvement of discrete utilities and similar appurtenances (existing and new) within or adjacent to existing transportation right-of-way, such as: utility poles, underground wiring, cables, and information systems; and power substations and utility transfer stations.

(2) Acquisition, construction, maintenance, rehabilitation, and improvement or limited expansion of stand-alone recreation, pedestrian, or bicycle facilities, such as: a multiuse pathway, lane, trail, or pedestrian bridge; and transit plaza amenities.

(3) Activities designed to mitigate environmental harm that cause no harm themselves or to maintain and enhance environmental quality and site aesthetics, and employ construction best management practices, such as: noise mitigation activities; rehabilitation of public transportation buildings, structures, or facilities; retrofitting for energy or other resource conservation; and landscaping or re-vegetation.

(4) Planning and administrative activities which do not involve or lead directly to construction, such as: training, technical assistance and research; promulgation of rules, regulations, directives, or program guidance; approval of project concepts; engineering; and operating assistance to transit authorities to continue existing service or increase service to meet routine demand.

(5) Activities, including repairs, replacements, and rehabilitations, designed to promote transportation safety, security, accessibility and effective communication within or adjacent to existing right-of-way, such as: the deployment of Intelligent Transportation Systems and components; installation and improvement of safety and communications equipment, including hazard elimination and mitigation; installation of passenger amenities and traffic signals; and retrofitting existing transportation vehicles, facilities or structures, or upgrading to current standards.

(6) Acquisition or transfer of an interest in real property that is not within or adjacent to recognized environmentally sensitive areas (e.g., wetlands, non-urban parks, wildlife management areas) and does not result in a substantial change in the functional use of the property or in substantial displacements, such as: acquisition for scenic easements or historic sites for the purpose of preserving the site. This CE extends only to acquisitions and transfers that will not limit the evaluation of alternatives for future FTA-assisted projects that make use of the acquired or transferred property.

(7) Acquisition, installation, rehabilitation, replacement, and maintenance of vehicles or equipment, within or accommodated by existing facilities, that does not result in a change in functional use of the facilities, such as: equipment to be located within existing facilities and with no substantial off-site impacts; and vehicles, including buses, rail cars, trolley cars, ferry boats and people movers that can be accommodated by existing facilities or by new facilities that qualify for a categorical exclusion.

(8) Maintenance, rehabilitation, and reconstruction of facilities that occupy substantially the same geographic footprint and do not result in a change in functional use, such as: improvements to bridges, tunnels, storage yards, buildings, stations, and terminals; construction of platform extensions, passing track, and retaining walls; and improvements to tracks and railbeds.

(9) Assembly or construction of facilities that is consistent with existing land use and zoning requirements (including floodplain regulations) and uses primarily land disturbed for transportation use, such as: buildings and

associated structures; bus transfer stations or intermodal centers; busways and streetcar lines or other transit investments within areas of the right-of-way occupied by the physical footprint of the existing facility or otherwise maintained or used for transportation operations; and parking facilities.

(10) Development of facilities for transit and non-transit purposes, located on, above, or adjacent to existing transit facilities, that are not part of a larger transportation project and do not substantially enlarge such facilities, such as: police facilities, daycare facilities, public service facilities, amenities, and commercial, retail, and residential development.

(11) 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 49 U.S.C. 5324; 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.

(12) 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 refers to right-of-way that has been disturbed for an existing transportation facility or is maintained for a transportation purpose. This area includes the features associated with the physical footprint of the transportation facility (including the roadway, bridges, interchanges, culverts, drainage, fixed guideways, mitigation areas, etc.) and other areas maintained for transportation purposes such as clear zone, traffic control signage, landscaping, any rest areas with direct access to a controlled access highway, areas maintained for safety and security of a transportation facility, parking facilities with direct access to an existing transportation facility, transit power substations, transit venting structures, and transit maintenance facilities. Portions of the right-of-way that have not been disturbed or that are not maintained for transportation purposes are not in the existing operational right-of-way.

(13) Federally-funded projects:

(i) That receive less than $5,000,000 of Federal funds; or

(ii) With a total estimated cost of not more than $30,000,000 and Federal funds comprising less than 15 percent of the total estimated project cost.

(14) Bridge removal and bridge removal related activities, such as in-channel work, disposal of materials and debris in accordance with applicable regulations, and transportation facility realignment.

(15) Preventative maintenance, including safety treatments, to culverts and channels within and adjacent to transportation right-of-way to prevent damage to the transportation facility and adjoining property, plus any necessary channel work, such as restoring, replacing, reconstructing, and rehabilitating culverts and drainage pipes; and, expanding existing culverts and drainage pipes.

(16) Localized geotechnical and other investigations 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.

D-list

(1) Modernization of a highway by resurfacing, restoring, rehabilitating, or reconstructing shoulders or auxiliary lanes (e.g., lanes for parking, weaving, turning, climbing).

(2) Bridge replacement or the construction of grade separation to replace existing at-grade railroad crossings.

(3) 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 which 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.

(4) Acquisition of right-of-way. No project development on the acquired right-of-way may proceed until the NEPA process for such project development, including the consideration of alternatives, has been completed.

(5) [Reserved]

(6) Facility modernization through construction or replacement of existing components.

(7) Minor transportation facility realignment for rail safety reasons, such as improving vertical and horizontal alignment of railroad crossings, and improving sight distance at railroad crossings.

(8) Modernization or minor expansions of transit structures and facilities outside existing right-of-way, such as bridges, stations, or rail yards.