

*Expires – When LPP is issued*

## **Preliminary Environmental Screening Form for Non-Infrastructure Projects [PES(NI)]**

### **I. BACKGROUND**

In recent years, there have been an increasing number of non-infrastructure projects eligible for federal-aid highway funds. This is in part a result of legislation allowing or mandating that a percentage of program funds (*e.g.*, *Safe Routes to Schools (SRTS)*, *Transportation Enhancement (TE)*, and *Congestion Mitigation and Air Quality (CMAQ)*) be used for non-infrastructure projects.

Non-infrastructure projects are those transportation-related projects that will not involve engineering design, right of way acquisition, or physical construction of transportation facilities. Examples of non-infrastructure projects include but are not limited to: public awareness campaigns and outreach, traffic education and enforcement in the vicinity of schools, student sessions on bicycle and pedestrian safety, freeway service patrol, ridesharing activities, and purchase of vehicles. The eligibility of non-infrastructure projects for federal participation are governed by the various federal funding program guidelines, such as SRTS, TE, and CMAQ Programs.

While non-infrastructure projects will not involve engineering design, right of way, ground disturbance or construction, they are still required to have environmental reviews because of the impact that some of these projects may have on the environment in unanticipated ways.

The purpose of this Office Bulletin (OB) is to disseminate the Preliminary Environmental Screening for Non-Infrastructure Projects [PES(NI)] form, to help streamline the environmental reviews of non-infrastructure projects. The PES(NI) checklist enables local agencies and Caltrans staff to document that no environmental studies would be needed and that the normal Preliminary Environmental Study (PES) form is not required.

### **II. POLICY**

Current policy requires the following for each Local Assistance federal-aid project, that is, projects 'off' the State Highway System (SHS):

- Completion of the PES form (*8 pages, 36-questions*)
- Screening by a qualified CT district PQS (*PES form section*)
- Preparation of a "No Effect" Memo by a qualified CT biologist (*separate memo for file*)
- Completion of a Transportation Air Quality Conformity Findings Checklist (*2 pages, 15 steps*)
- Concurrence by a qualified CT district Air Quality specialist
- Completion of a Categorical Exclusion Checklist (*4 pages*)
- Completion of a Categorical Exemption/Categorical Exclusion Determination Form

Completion of each item is required to affirm or negate a project's potential for impact and to document the project's compliance with federal environmental requirements. Projects having the greatest potential to impact environmental resources are those that involve ground disturbance and construction. A lower level of analysis and documentation may be appropriate for non-infrastructure projects or federal actions involving no ground disturbance. Presently there is no policy or procedure that allows that lower level of documentation.



For this reason, the Division of Local Assistance has developed an abbreviated preliminary environmental screening process for local agency federal-aid “non-infrastructure” projects (*‘off’ the SHS*) involving no ground disturbance or other effects to the environment.

The abbreviated process is outlined in this Office Bulletin, the Preliminary Environmental Screening - Non-Infrastructure Projects (PES-NI) form is provided at Attachment A, and the Instructions for Completing the Preliminary Environmental Screening for Non-Infrastructure Projects [PES(NI)] form is provided at Attachment B.

When all of the questions on the first page of the PES(NI) form can be answered “No”, and the action is included in Attachment C - Undertakings exempt from further review memo (June 13, 2011) and Attachment D – Non-Infrastructure Project Natural Environmental Study – No Effect Memo (June 21, 2011), the project may be processed with the PES(NI) form. The local agency will not need to undertake further studies or complete the *regular* PES form, the District Environmental Generalist will not need to review and sign the *regular* PES form, AQ Checklist or CE Checklist, and the CT District PQS and Biologist will not need to screen for compliance with Section 106 or prepare a “No Effect” memo for compliance with Section 7. The only forms required for non-infrastructure projects are the PES(NI) form and CE/CE Determination form.

When one or more of the questions on the first page of the PES(NI) are answered “Yes”, the local agency will have to follow normal Local Assistance environmental procedures, starting with filling out the *regular* Preliminary Environmental Study(PES) form.

When the project description provides insufficient detail to provide a clear “Yes” or “No” response, or when there are concerns regarding whether or not the action will be ground disturbing, the local agency and/or Caltrans District environmental generalist should check the “TBD” (To Be Determined) box on the first page of PES(NI) form, note the concern or question on the PES(NI) Continuation Sheet and research the matter further until a “Yes” or “No” response can be affirmed.

It is anticipated that this PES(NI) form will provide for the judicious assessment of environmental impacts associated with non-infrastructure projects, and ensure compliance with NEPA and other federal environmental laws with much less time and effort.

### III. PROCEDURES

The local agency should not complete the PES(NI) form until the following conditions are met:

1. The project is programmed in the federally-approved FTIP/FSTIP.
2. The project will not involve R/W acquisition and/or physical construction of any facilities.
3. The local agency is ready to request federal Authorization to Proceed for the project.

#### **Local Agency:**

- Completes the PES(NI) form
- Provides additional information on the PES(NI) Continuation sheet for all “TBD” responses
- Sends completed PES(NI) form to the DLAE

#### **Caltrans District Local Assistance Senior Environmental Planner (or designee)**

- Reviews, corrects and signs the PES(NI) form
- Confirms that the project is included on Attachment C
- Confirms that the project is included on Attachment D
- Prepares the CE/CE Determination form



**Caltrans District Local Assistance Senior Environmental Planner**

- Signs the CE/CE Determination form

**Caltrans District Local Assistance Engineer:**

- Reviews and signs the PES(NI) form
- Reviews and signs the CE/CE Determination form

**IV. APPLICABILITY/IMPACTS**

*This Office Bulletin applies to all local assistance federal-aid non-infrastructure and non-construction projects 'off' the State Highway System.*

This policy/procedure is subject to annual review and recommendation of Federal Highway Administration (FHWA) NEPA Delegation Audit Teams and Department NEPA Delegation Self Assessment Review Teams.

Recommended: Original Signed By 7/7/11  
 Germaine Belanger, SEP Date  
 NEPA Delegation and Environmental Compliance Office

Approved: Original Signed By 7/7/11  
 Margaret Buss, Chief Date  
 NEPA Delegation and Environmental Compliance Office

Attachments:

- Attachment A– Preliminary Environmental Screening Form for Non-Infrastructure Projects [PES(NI)] Form
- Attachment B – Instructions for Completing the Preliminary Environmental Screening for Non-Infrastructure [PES(NI)]
- Attachment C – Undertakings exempt from further review memo dated June 13, 2011
- Attachment D – Non-Infrastructure Project Natural Environmental Study – No Effect Memo dated June 21, 2011