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Local Assistance Procedures Manual (LAPM) Chapter 6 – Environmental Procedures

I. BACKGROUND

On July 6, 2012, President Barrack Obama signed into law the new Federal Transportation Act titled “Moving Ahead for Progress in the 21st Century (MAP-21)”. The Act, codified in 23 United States Code, contained a number of environmental provisions. Some of these provisions became effective October 1, 2012 while others will require rulemaking prior to being promulgated into regulation.

MAP-21 Section 1312 provided for the continuation of the assignment of Categorical Exclusion determinations to states. MAP-21 Section 1313 made permanent the NEPA Assignment pilot program, allowing for Caltrans to continue as the state designated NEPA Lead Agency for NEPA approval and formal consultation.

II. POLICY

Previously under SAFETEA-LU, these assignments were referred to as Sections 6004 and 6005 respectively. To minimize changes in future nomenclature, Caltrans has decided to refer to these assignments by their respective U.S. Code sections, as opposed to their applicable sections in the Congressional act authorizing transportation funding.

The NEPA Assignment MOU (23 USC 327), was revised to reflect this change and renewed with FHWA on October 1, 2012. The CE Assignment MOU (23 USC 326) has been revised and CT is expecting its renewal by no later than June 7, 2013. The Standard Environmental Reference (SER) has also been updated to reflect all changes from Section 6004 (CE Assignment) to 23 USC Section 326, and from Section 6005 (NEPA Assignment) to 23 USC Section 327.

III. PROCEDURAL CHANGES

The purpose of this Office Bulletin is to disseminate an updated version of the Local Assistance Procedures Manual (LAPM), Chapter 6 Environmental Procedures which has been updated as follows:

- Changed all references from SAFETEA-LU to applicable sections of 23 United States Code
- Changed all references from NEPA “Delegation” to NEPA “Assignment”
- Inserted current hardcopy forms and respective links for Exhibit 6-E CE Checklist, Exhibit 6-F CE/CE Determination Form, Exhibit 6-G NEPA/CEQA Revalidation Form, and Exhibit 6-H External Certification Form
- Incorporated DLA-OB11-10 Preliminary Environmental Screening Form for Non-Instruction Projects [PES(NI)] as follows: New Exhibit 6-J: PES(NI) Form; New Exhibit 6-K: Instructions for Completing the PES(NI) Form; Attachment A to Exhibit 6-K and Attachment B to Exhibit 6-K.



- Incorporated DLA Caltrans Oversight Information Notice (COIN) #12-03 Topic: Bio-acoustic Requirements for Bridge Projects Involving Pile Driving and Demolition into PES Instructions #4.
- Updated all links throughout Chapter 6
- Updated the Instructions for Completing the PES Form for Question 3, 21 and 22 as follows:
 - Question 3 [Noise- updated definition of Type I project consistent with 23 CFR 772.5(h)];
 - Question 21 [Section 6(f)-provided new link to Land and Water Conservation Fund website where users can confirm whether or not L&WCF money was involved in the acquisition of a Section 4(f) property]; and
 - Question 22 [Visual Resources-updated instructions for using the revised VIA Checklist]

Updates to Chapter 6 reflect changes in MAP-21 that became effective on October 1, 2012. Additional changes will be forthcoming consistent with final rulemaking.

IV. APPLICABILITY/IMPACTS

This policy applies to all local agency federal-aid projects ‘off’ the State Highway System (SHS). Failure to comply with the provisions of MAP-21 and its respective sections in 23 U.S.C. and 23 CFR 771 may result in delays project delivery or jeopardize a projects federal eligibility.

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 _____ 3/14/13
 Laura Walsh, Senior Environmental Planner, Committee Chair Date

Approved: Original Signed By _____ 3/14/13
 Germaine Belanger, Acting Chief Date
 Office of NEPA Delegation and Environmental Compliance

Attachment: LAPM Chapter 6 – Environmental Procedures (Includes MAP-21 Updates)