

## Programmatic Categorical Exclusion Applicability Form Guidance (September 2024)

The Indiana Department of Transportation (INDOT) and the Federal Highway Administration (FHWA) have identified certain types of projects which are routinely classified as a Categorical Exclusion Level 1 (CE-1) and that require little or no environmental review and resource agency coordination. INDOT and FHWA have agreed to programmatically approve these project types as Categorical Exclusions. The types of projects that are programmatically cleared are listed in the most current Programmatic Categorical Exclusion (PCE) document.

Before submitting the PCE Applicability Form to INDOT for review, please complete appropriate internal quality assurance/quality control (QA/QC).

### PCE APPLICABILITY FORM GUIDANCE

*Use the following information when filling out the PCE Applicability Form.*

**Date:** Date of PCE Applicability Form completion.

**Person Completing Form (Name/Organization):** Name of person who is filling out the form and that person's organization (INDOT, Consulting Firm, Project Sponsor, Metropolitan Planning Organization (MPO), etc.).

**Des. No(s):** INDOT Designation Number (Des. No.). If the project is not programmed into the Statewide Transportation Improvement Program (STIP), INDOT is not required to review the PCE Applicability Form. Review of documents for projects not programmed will be at the discretion of the INDOT District Environmental (DE) or INDOT Environmental Services Division (ESD). If no Des. No., explain why here.

**NOTE:** If there are more than two Des. Nos. on the PCE form, add an attachment to the PCE form with a table that includes for each the route(s); county(ies); Minor Projects Programmatic Agreement (MPPA) category(ies); protected species; and corresponding bridge/structure numbers, if applicable. Also include the description/termini and maintenance of traffic (MOT) description for each Des. No. See **Figure 1: Sample Table for Multiple Des. Nos.** for an example.

**County:** County or Counties where project will take place. If multiple Des. Nos. with multiple counties, enter "various" and include information in the table discussed above.

**Route(s):** Road/Street name(s). If multiple routes for one Des. No., enter "various" and include information in the table discussed above.

**Bridge/Structure No. (if applicable):** If there is a bridge or structure (i.e., culvert) within the project area, enter the structure number. If it is a bridge, include the National Bridge Inventory (NBI) number as well. If multiple bridges or structures, state "various" and include information in the table discussed above. If no bridge or structure falls within the project area, either type "N/A" or leave blank.

**Project Work Type:** Briefly state the work type of the project (i.e., Bridge Deck Overlay, Hot Mix Asphalt (HMA) Overlay, Signage Installation, etc.). Note that certain types of projects, like Reduced Conflict Intersections (RCIs), require Public Involvement. *Projects requiring Public Involvement do not qualify for application of the PCE.*

**Brief Discussion of Project Description/Termini, including Maintenance of Traffic (MOT):** Brief description of the construction activities that will occur consistent with the PCE Work Type Applied dropdown list selection along with project termini and MOT for project. The project description should contain enough detail to make a connection to the purpose and need highlighted in the approved PCE included as an attachment (Refer to Attachments). For example, if the project cites safety, then the project description should have safety elements discussed.

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**Is the project in a TIP and/or STIP:** Indicate whether the project is in a TIP and/or STIP.

**Is the project listed in the TIP and/or STIP as Lead Des. No.:** Identify whether the project is the lead Des. No. If No, the Lead Des. No. should be indicated. Please note, if the project is within an MPO Transportation Improvement Program (TIP) the project must be listed in both the TIP and STIP or by reference into the STIP.

**PCE Work Type Applied:** Choose the appropriate work type from the dropdown list. Below is a list of work types:

- Repair, Rehabilitation, Reconstruction, or Replacement of Roadways, Sidewalks, and Curbs
- Shoulder Treatments and Turn Lanes
- Bridge Deck Overlays
- Repair or In-Kind Replacement of Bridge Elements
- Repair, Replacement, Lining, or Extension of Culverts and Other Drainage Structures
- Slide Corrections
- Painting of Bridges
- Pavement Marking
- Repair, In-Kind Replacement, or Upgrades of Existing Traffic Control Devices, Lighting, and Safety Appurtenances
- Installation of New Traffic Control Devices, Lighting, and Safety Appurtenances
- Electric Vehicle Infrastructure
- Installation, Repair, or Replacement of Existing Mechanically Stabilized Earth (MSE) Walls, Retaining Walls, and Noise Barriers
- Rail Crossing Safety Features
- Non-Construction Activities
- Property Acquisition for Preservation
- Excess Parcels\* (*note: these PCE documents are to be reviewed by INDOT ESD*)
- Planting in Existing Right-of-Way
- Public Art and Landscaping on State-Owned or State-Controlled Right-of-Way
- Ditch Regrading and Shoulder Clipping
- Vegetation and Debris Removal

**Other PCE Work Type(s) Applied:** If more than one PCE work type applies, enter work type(s) or briefly describe the type of work to be done. If no other work types are applied, either type "N/A" or leave blank.

**Minor Projects Programmatic Agreement (MPPA) Category/Type:** Select from dropdown list the MPPA category and type applied to this project from the most current MPPA. For more information, refer to the INDOT Cultural Resources Office website at <https://www.in.gov/indot/2521.htm>.

**Other MPPA Categories:** If more than one MPPA category applies, enter all applicable categories in this field as Category/Type. For example: A-# and/or B-#.

**NOTE: In unique circumstances, an MPPA determination may require the inclusion of Firm Commitments as part of the project. If full Section 106 review process is required for a project, the PCE is not applicable.**

**Section 7 finding for Indiana bat and northern long-eared bat:** Select from dropdown list the Section 7 finding (“No Effect” or “May Affect, Not Likely to Adversely Affect”) following the completion of the bat-related research and whether the project falls under the Range-wide Programmatic Consultation for the Indiana bat, northern long-eared bat, and tricolored bat.

The PCE can only apply if the finding is “No Effect” or “May Affect - Not Likely to Adversely Affect” with no tree, bridge, or structure avoidance and minimization measures (AMMs). See guidance below regarding attachments that are relevant to Indiana bats, northern long-eared bats, and tricolored bats. If the project requires AMMs, include these as Firm Commitments. Contact INDOT DE or INDOT ESD for guidance, if needed.

Refer to <https://www.fws.gov/media/users-guide-range-wide-programmatic-consultation-indiana-bat-and-northern-long-eared-bat> for the United States Fish and Wildlife Service (USFWS) *User’s Guide for the Range-wide Programmatic Consultation for Indiana bat and Northern long-eared bat*.

**Are there any other protected species (see guidance):** Select from dropdown list if protected species other than the Indiana bat and northern long-eared bat have been noted. **If Yes, discuss** which species are present and determine if the project falls under [USFWS Interim Policy For the Review of Highway Transportation Projects in Indiana \(5-29-2013\)](#). If the most recent INDOT/USFWS agreement and USFWS Interim Policy do not apply, or if a “No Effect” determination has not been established for any other species, the PCE will not apply. Please note the rusty patched bumble bee critical habitat is not covered by the USFWS Interim Policy, so the PCE would not apply.

Species listed as proposed, candidate, and experimental should not be included on the PCE Applicability Form nor identified as protected, unless a proposed endangered species has proposed critical habitat within the project area. See the INDOT Protected Species Guidance for the most up-to-date guidance at <https://www.in.gov/indot/engineering/files/INDOT-External-Protected-Species-Guidance-Nov-2021-FINAL-1.pdf>

If migratory birds or nests are found on the structure during the site visit/inspection or if the bridge/structure is over a water source and work will occur below the bridge deck (including full-depth patching), revise and include the following Firm Commitment based on whether the structure has shown evidence of use OR the project’s surrounding habitat is conducive for use (choose one):

**Structure (include number and location)** has shown evidence of use (i.e. nests) – **OR** – and the project’s surrounding habitat is conducive for use (i.e. nests) by a bird species protected under the Migratory Bird Treaty Act (MBTA) during the (date) inspection. Avoidance and minimization measures must be implemented prior to the start of and during the nesting season. Nests without eggs or young should be removed prior to construction during the non-nesting season (September 8 – April 30) and during the nesting season if no eggs or young are present. Nests with eggs or young cannot be removed or disturbed during the nesting season (May 1 – September 7). Nests with eggs or young should be screened or buffered from active construction. Details of the required procedures are outlined in the “Migratory Bird Protection” RSP. (INDOT)

If terrestrial habitat impacts will occur and a Red Flag Investigation (RFI) is not required, the Indiana Division of Natural Resources (IDNR) Indiana Heritage Database will need to be checked for the potential presence of Endangered, Threatened, and Rare (ETR) species. *(Note: For the Vegetation and Debris Removal category only, the IDNR Heritage Database will need checked for ETR species for any waterway impacts that will occur.)* This request for review should be submitted to INDOT DE, preferably at the time of the USFWS 0.5-mile GIS bat review. If no other species are found on the 0.5-mile GIS layer search, no further coordination with IDNR is necessary. If additional species other than those covered by the IPaC species list are identified, coordination with IDNR will be required. Recommendations provided by INDOT or IDNR shall be documented in this section of the PCE.

**Has a Limited Red Flag Investigation (LRFI) been completed:** Select from dropdown list to indicate whether a LRFI was completed as part of the project. **Provide a brief description** of the results, summarizing the findings with a high-level assessment. If a LRFI was not completed, briefly provide reasoning. Projects that involve any excavation will likely require either a Limited RFI or full RFI. If the level of effort is unknown, contact the appropriate INDOT DE. Refer to most current INDOT Site Assessment & Management Manual for further information at <https://www.in.gov/indot/engineering/environmental-services/environmental-policy/site-assessment-and-management/>

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**Work Description:** Carefully read each question regarding work description.

Check the corresponding box for “Yes” or “No” as appropriate.

**All “Yes” answers must be explained;** provide additional information in the corresponding box.

- If more space is needed to explain why the answer is “Yes,” attach a separate page to explain the answer(s) and add a note in the box to refer to attachment.
- If more than one Des. No. is included in the PCE, be sure to note whether the “Yes” answer applies to one Des. No., all Des. Nos., or specific Des. Nos.
- If “Yes” applies to multiple Des. Nos., you will likely need a separate sheet to explain.

If the person filling out the PCE Applicability Form does not know whether the answer is “Yes” or “No,” do not guess. Contact the INDOT District Environmental (DE) Office or INDOT Environmental Services Division (ESD) for guidance.

If the PCE Applicability Form reviewer has follow-up questions, he or she will follow up with the person listed in the “Person Completing Form” field.

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## PUBLIC INVOLVEMENT

1. **Does the project involve a traffic pattern alteration or a change to facilities that would eliminate or substantially alter turning movements or change directionality involving a one-way street?**

If the above impacts are anticipated, please describe. Please note that if Public Involvement is deemed necessary, then the PCE cannot be applied. If the preparer is unsure if this is needed, contact INDOT ESD or DE.

## RIGHT-OF-WAY

2. **Will permanent or temporary right-of-way be required?**

If there is acquisition of right-of-way (ROW) for a project and the acquisition is a precursor to construction of any kind, the project will not qualify for a PCE. However, there are some instances that ROW acquisition can occur for use of the PCE. For a PCE to apply to a project

which will require acquisition of ROW, the property must be preserved in its existing undeveloped condition and all applicable federal regulations must be followed. If the project requires reacquisition of ROW that is already in a transportation use, then it should be able to fall under the PCE. Further, if the project involves the PCE Work Type Electric Vehicle Infrastructure, a private entity may use its own private land for infrastructure installation. The designer or INDOT PM will indicate if there is reacquisition of ROW but it may not be known at the time of PCE applicability. If the preparer is unsure if the reacquired ROW currently is in a transportation use, contact the appropriate DE.

**3. Will the project require utility relocation?**

If there will be impacts due to utility relocation, such as excavation activities, please describe the anticipated impacts. Note that projects that involve any excavation will likely require either a Limited RFI or Full RFI. Utility coordination on INDOT contracts is required to be performed by a certified Utility Coordinator. See INDOT's Utility Coordination website for more information: <https://www.in.gov/indot/3787.htm>

**CURBS AND SIDEWALKS**

**4. Will curbs, curb ramps, or sidewalks be repaired, replaced, upgraded, or installed?**

Explain the type of material of curbs, curb ramps, or sidewalks that will be impacted within the project area. If the project falls under the MPPA, the project may be eligible for a PCE. If full Section 106 process is required, the PCE will not apply.

**SIGNS, SIGNALS, AND GUARDRAILS**

**5. Will signs or signals require new installation or be replaced and/or modernized in-kind?**

If new signs or signals will be installed or replaced, check "Yes," and note whether signs and/or signals will be replaced in-kind. If the replacement will be in-kind, the project may be eligible for a PCE. If project requires a new installation, application of the PCE will be dependent on the need for ROW and application of the MPPA. If ROW is needed or if the MPPA does not apply, the PCE will not apply.

**6. Will guardrail require new installation, extension or be replaced and/or modernized in-kind?**

If guardrail will be upgraded or replaced, check "Yes," and note whether guardrail will be replaced in-kind. If guardrail replacement will be in-kind or is upgraded to meet current safety standards, the PCE will likely apply. If there will be lengthening of guardrail or new guardrail installed in areas where none existed previously, check "Yes." Note in the remarks box whether the lengthening or new guardrail is to meet current design standards, if it will be within disturbed soils, and whether a qualified professional (QP) historian has confirmed the work falls under the MPPA.

**BRIDGE WORK**

**7. Will the project involve any bridge work?**

If a bridge is present, list the year the bridge was built, its status (Select, Non-Select, Historic, or Not Historic), and the anticipated type of work to the bridge. If the project a) does not include a historic bridge; b) work will take place in previously disturbed soils; c) is not a full replacement; d) is not a horizontal realignment; and e) does not require any work that will require a water permit, it may qualify for a PCE. It may also qualify for a PCE if the work type involves painting a bridge that has been determined not to be listed in or eligible for the National Register of Historic Places (National Register). If the bridge is historic, it will likely require a higher level of environmental document, unless the work on the historic bridge is a bridge deck overlay or

concrete surface and is limited to the roadway cross-section and no work will take place on curbs, sidewalks, or structural members on eligible bridges.

## **EARTH WORK AND CLEARING**

### **8. Does the project require any tree trimming/clearing?**

Indicate if your project will require tree trimming and/or indicate the number of trees or acreage of expected tree clearing. Describe the trees that will be cleared and whether the tree clearing will occur in existing ROW and not within suitable bat habitat as documented in the Information for Planning and Consultation (IPaC) determination. If there will be tree clearing and/or tree trimming that will occur in suitable habitat and any tree AMMs are generated, the PCE will not apply. Refer to the USFWS's Programmatic Biological Opinion definition found here: <https://www.fws.gov/sites/default/files/documents/programmatic-biological-opinion-for-transportation-projects-2018-02-05.pdf>

### **9. Will lanes or shoulders be widened?**

Indicate the typical cross-section for lanes or shoulders to be widened and whether they will be widened within existing ROW. Please include if the lane or shoulder widening will have any impact on terrestrial habitat and within previously disturbed areas. If within previously undisturbed areas, the PCE will not apply.

### **10. Will the project include boring, grading, or excavation?**

Indicate if the project will involve boring, grading, or excavation such as installation of posts, curb ramps, fiber optic cable, and other related work. Include the depth of the excavation in your description. Note that projects that involve any excavation will likely require either a Limited RFI or Full RFI. If not sure of the level of effort, contact the appropriate INDOT DE.

## **WATERWAYS AND DITCHES**

### **11. Will roadside ditch work be required?**

If so, check "Yes" and describe the work, including linear feet of impacts to the ditch in the remarks box and whether any permits will be required. If a water permit is required, the PCE will not apply to the project.

### **12. Will work within a stream channel or waterbody be required?**

If so, check "Yes" and describe those impacts, including linear feet and types of impacts to the stream in the remarks box and whether any permits will be required. If a permit is required, the PCE will not apply to the project.

### **13. Will project include replacement, extension, or other work to any culverts, pipe structures, or underdrains?**

If so, check "Yes" and describe the work to occur to the culvert, pipe structures, and underdrains, including underdrain outlets. Include if there are any stream impacts (in linear feet) or potential wetland impacts (in acres) in the remarks box, and whether any permits will be required. If a waterway or wetland permit is required, the PCE will not apply to the project. Culverts and pipe structures must be checked for bats per USFWS programmatic consultation for federally endangered Indiana bats and northern long-eared bats along with signs of migratory birds.

## **PERMITS**

### **14. Will permits be needed?**

Note which permits, if any, are required. Construction Stormwater General Permits (CSGP), formerly known as Rule 5 permits, are allowed under the PCE. If any of the permits are for impacts to waterways or wetlands such as the USACE Section 404 permit, IDEM 401 Water Quality Certification (WQC), or IDNR Construction in a Floodway (CIF) permit, the PCE will not apply.

## AIRPORTS

**15. Will the project include installation of above-ground structures, and is the project located within 3.8 miles of a public airport?**

If so, check “Yes” and contact the INDOT Office of Aviation to determine whether it is necessary to complete FAA Form 7460-1 (Notice of Proposed Construction or Alteration) for equipment or permanent structures used for the project. Summarize INDOT Office of Aviation’s response. If restrictions are required, coordinate with the designer to determine whether impacts beyond the recommended limits will likely be exceeded, and discuss on the form. If impacts are likely, note that a Firm commitment detailing recommended limits should be developed and included in the Environmental Commitments section of the PCE document.

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## COMMITMENTS

Include the applicable project commitments which may include PCE commitments, IPaC AMMs, MPPA commitments, and any other commitments identified during the design of project. Group them under the appropriate headings of **Firm** or **For Further Consideration** and include the appropriate agency/department requiring this commitment. Commitments should be numbered. Please note that the MPPA form from INDOT may list firm commitments that must be included in the PCE. For additional guidance and information about commitments, please see the Commitments Guidance Memo available on the INDOT Environmental Policy Office website.

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## DATE OF PCE APPLICATION

After a review determining that the project is eligible for the PCE, INDOT DE or INDOT ESD will provide a signature of their approval of the PCE Applicability Form. The INDOT reviewer conducting the review may contact the person whose name is on the first page to ask follow-up questions during the review process.

**Signature of INDOT DE or INDOT ESD:** The INDOT representative who approved the form.

**Date:** Date the PCE is applied to this project. Please note this is the date of environmental approval.

**Printed Name of INDOT employee above:** The field for “Printed Name” will be used to clearly indicate the name of the INDOT DE or ESD representative who signed the form.

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## ATTACHMENTS:

- **NOTE:** The Attachment list on the PCE Applicability Form should be revised to reflect the attachments included with the form. Please remove any categories that do not apply.

**PCE Form (current version September 16, 2024):** Please include PCE Form as an attachment to the PCE Applicability Form. Highlight the appropriate purpose and need for the project and work types cited.

**Project Information Table (if applicable):** For projects with multiple Des. Nos. (See **Figure 1.**)

**Graphics:** Project Location Map, USGS Topographic Map, Aerial Photograph Map, Project Plans (if available): Attach relevant graphics which clearly depict the project location. This may include a project location map, USGS topographic map, aerial photographs, project plans, or site photographs. If documenting multiple projects, include graphic(s) depicting project location(s) for each project. Graphics should be easy to read and clearly labeled. If multiple projects are in the same general location, they can all be included on the same graphics/maps. Ask the appropriate INDOT DE for guidance regarding which graphics to include. Avoid duplication of graphics.

- **A note on Preliminary Project Plans:** If preliminary plans are available, only include relevant pages. Examples include but are not limited to the cover page, typical cross section, maintenance of traffic overview (i.e. detour route), and plan/profile pages. Include tables that illustrate curb ramp, pipe/structure work, lighting, etc. If plans are not available, other sources of data such as excerpts of scope of work or engineer's report can be attached if they support the narrative within the PCE Applicability Form.
- **A note on Site Photographs:** Most PCEs do not require site photographs. Site photographs are only needed if there is a specific resource that is to be avoided or is identified in the narrative of the PCE that warrants visual representation.

**Resource Agency Consultation:** Inspection forms (if required); USFWS IPaC Official Species List; IPaC Consistency Letter (NE, if applicable) and/or IPaC Concurrence Letter (NLAA, if applicable); and any other consultation that occurred. Coordination with USFWS to determine impacts to the Indiana bat and northern long-eared bat is required for all projects. To coordinate with USFWS and receive a determination, submit project information on IPaC at <https://ecos.fws.gov/ipac/>.

In IPaC you will obtain an official threatened, endangered, and at-risk species list from the USFWS and either a consistency letter for "No Effect" (NE) or concurrence letter for "Not Likely to Adversely Affect" (NLAA). Avoidance and Mitigation Measures (AMMs) will be generated for all projects that do not receive a NE determination. AMMs become Firm Commitments to the project and need to be uploaded to the Commitments Database. Provide any other consultation that may have occurred as part of this project. Note that non-construction activities are excluded from IPaC analysis.

**Section 106:** Minor Projects Programmatic Agreement (MPPA) Documentation: Attach the appropriate MPPA documentation. For Category A projects, attach an excerpt of the Category A work types with the work types highlighted. For Category B projects, include the MPPA Determination form completed by INDOT CRO. Most attachments to the MPPA determination do not need to be included in the PCE. Ask INDOT DE for guidance if needed.

**Hazardous Materials:** Limited Red Flag Investigation (LRFI) or full RFI (if applicable): Most PCE-eligible projects will not require an RFI. However, projects that involve any excavation will likely require either a Limited RFI or full RFI. If the level of effort is unknown, contact the appropriate INDOT DE. Refer to most current INDOT Site Assessment & Management Manual for further information at <https://www.in.gov/indot/engineering/environmental-services/environmental-policy/site-assessment-and-management/>

**Waters Investigation / Waters of the U.S. Report:** Some of the work types such as pipe lining or bridges over waterways may require a waters report or waters determination to show how the document preparer determined that no impacts to jurisdictional waterways would occur. Work beyond the edge of pavement or guardrail may warrant further review of water features. A desktop review or field visit may be needed to investigate potential water resources. Photographs of the site visit and relevant correspondence emails should be included in the PCE. Please coordinate with the appropriate DE and EWPSO district ecologist to determine the need for the waters investigation prior to conducting.

**Air Quality:** Most recent TIP/STIP approval: Attach the most recent TIP/STIP pages.

**Additional Information:** Include additional documentation (e.g. Bridge Inspection) as needed.

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*Helpful purple italicized guidance: This section at the end of the PCE Form should be removed when submitting to appropriate parties.*

As stated at the beginning of the Attachments section, the Attachments list on the PCE Form should be edited down to only list documents included with the form. Please remove any categories that do not apply.

Please remember to remove all of the purple italicized text at the end of the form, and do not attach this PCE Applicability Form Guidance document to your PCE Applicability Form.

**Figure 1: Sample Table for Multiple Des. Nos.**

Des. No.	Route(s)	County	MPPA category	Bridge/Structure No. (if applicable)	Project Description/Termini	Maintenance of Traffic (MOT)
2100ABC	Atlantic Ave. and B&O RR	Yellow	A-8, A-9	#46/Yellow	Thin Deck Overlay, 50 feet west of Atlantic Ave. and B&O RR to 30 feet east of RR crossing	(Brief MOT description)
2100DEF	Baltic Ave. and B&O RR	Purple	A-6, A-8	#123/Purple	Thin Deck Overlay, 20 feet west of Baltic Ave. and B&O RR to 15 feet east of RR crossing	(Brief MOT description)
2100GHI	Indiana Ave. and B&O RR	Red	A-8, B-1	#89/Red	Thin Deck Overlay, 15 feet west of Indiana Ave. and B&O RR to 25 feet east of RR crossing	(Brief MOT description)