

RHODE ISLAND DEPARTMENT OF TRANSPORTATION
RULES AND REGULATIONS REGARDING PUBLIC PARTICIPATION
FOR FEDERAL AID HIGHWAY PROJECTS

SEPTEMBER, 1991

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STATE OF RHODE ISLAND
RHODE ISLAND DEPARTMENT OF TRANSPORTATION
RULES AND REGULATIONS REGARDING PUBLIC PARTICIPATION
FOR FEDERAL AID HIGHWAY PROJECTS

Pursuant to Rhode Island General Law Section 24-8-1.7, the Rhode Island Department of Transportation hereby adopts the within rules and regulations regarding public participation in FHWA projects.

SECTION 1.00 - INTRODUCTION

Federal Highway Administration (FHWA) regulation 23 CFR 771.111(h)(1) requires each state receiving federal highway aid to enact procedures approved by the FHWA to carry out a public involvement, public hearing program to satisfy the requirements of the National Environmental Policy Act (NEPA) and regulations promulgated under NEPA by the Council on Environmental Quality.

These regulations establish minimum standards for public participation during project development for federal aid highway projects governed by NEPA.

SECTION 2.00 - APPLICABILITY

These regulations are applicable to all federal aid highway projects which are being funded in whole or in part by the Federal Highway Administration. These regulations are established to comply with the requirements of 23 CFR 771.111(h)(1) and should be read in harmony with that federal regulation.

SECTION 3.00 - DEFINITIONS

3.01 - Annual Program of Projects -- A list of federal aid highway projects which is submitted by RIDOT annually to the Federal Highway Administration (FHWA) for approval. Every project included on the list must also be included on the Transportation Improvement Program (TIP) approved by the State Planning Council. No federal aid highway project can be authorized by FHWA for funding unless it is included on the approved Annual Program of Projects.

3.02 - Categorical Exclusion (CE) -- A federal aid highway project which does not individually or cumulatively have a significant effect on the environment. Such projects are considered Class II actions by 23 CFR 771.

3.03 - Environmental Assessment (EA) -- The analysis and documentation required of a federal aid highway project to determine whether a project has a significant environmental impact where the degree of impact is initially unclear.

Projects for which an EA is being prepared are considered Class I action by 23 CFR 771.

3.04 - Environmental Impact Statement (EIS) -- The analysis and documentation required for a federal aid highway project where the project has been determined to have a significant environmental impact. Projects for which an EIS is being prepared are considered Class III actions by 23 CFR 771.

3.05 - FHWA - The Federal Highway Administration

3.06 - Jurisdiction by Law - Approval authority over any aspect of project implementation (such as permit authority) granted to an agency by state or federal law or regulation.

3.07 - NEPA - The National Environmental Policy Act

3.08 - PAC - The Project Area Committee established by RIDOT to review project plans and to advise RIDOT on the plans.

3.09 - RIDOT - The Rhode Island Department of Transportation

SECTION 4.00 - PROJECT CLASSIFICATION

4.01 - Classes Defined -- Public participation during the NEPA process varies depending upon the classification of a project for NEPA purposes. The following classification of projects is established by 23 CFR 771.115:

Class I	An action significantly affecting the quality of the human environment and requiring the preparation of an Environmental Impact Statement (EIS).
Class II	An action that does not individually or cumulatively have a significant effect on the environment and does not require preparation of an Environmental Impact Statement or Environmental Assessment (EA). These are known as Categorical Exclusions (CEs). See 23 CFR 771.117.
Class III	An action in which the significance of its impact on the environment is not clearly established. For these projects, the preparation of an EA is required to determine if an EIS is necessary. See 23 CFR 771.119.

4.02 - Designation of Classification - Upon selection of a project from the Annual Program of Projects, RIDOT, in consultation with FHWA, will designate a project as either Class I, II or III. (23 CFR 771.111(b)). This classification may be changed at any time during the NEPA process as appropriate by RIDOT with the concurrence of FHWA.

SECTION 5.00 -- CLASS I PROJECT - ENVIRONMENTAL IMPACT STATEMENT

A Class I project is one which requires the preparation of an EIS under NEPA because it is believed to cause a significant environmental impact.

5.01 - Early Coordination and Scoping

a. Notice of Intent to Prepare EIS -- Where an EIS is required to be prepared for a project, FHWA will publish in the Federal Register a Notice of Intent to Prepare an EIS. RIDOT shall then publish a Notice of Intent in a newspaper of general circulation within the general project area and in a local newspaper where appropriate. 23 CFR 771.123(a).

b. Scoping Meeting - After the publication of the Notice of Intent, RIDOT shall hold at least one early coordination and scoping meeting with appropriate local, State and Federal agencies and interested members of the public to identify the social, economic and environmental effects of the proposed project and to identify all reasonable measures to mitigate adverse project impacts. At the meeting (or meetings), RIDOT shall make a presentation on the project and solicit the views of officials and individuals in attendance. 23 CFR 771.123(b).

c. Cooperating Agencies. - RIDOT shall ask all State and Federal agencies with jurisdiction by law, and other agencies with special expertise to be cooperating agencies and to attend a scoping meeting. 23 CFR 771.111(d). Throughout the EIS preparation process, cooperating agencies shall be asked to attend meetings and/or to provide comments regarding various aspects of the EIS.

5.02. Project Advisory Committees

a. Formation - After the scoping meeting(s), RIDOT shall determine whether the formation of a Project Area Committee (PAC) will be helpful in obtaining public participation on a local level. Generally, a PAC will be formed at an early stage before substantial

progress is made toward preparation of the draft EIS. RIDOT may seek the advice of local officials as to appropriate PAC membership and often will include representatives of local government and the public on the PAC.

b. Function of PAC - During the course of the preparation of the EIS, RIDOT shall meet with the PAC at appropriate stages. At PAC meetings, RIDOT will keep the PAC informed of its progress and give the PAC the opportunity to review, advise and comment on all aspects of the project. RIDOT may replace inactive or disruptive PAC members at its discretion.

5.03 - Informational Workshops/Meetings

a. Workshops for the General Public - Informational workshops may be conducted by RIDOT to inform the public and provide an opportunity for an exchange of views. Informational workshops are generally held during early stages of project development. One or more workshops may be held depending upon the size of the project and the duration of the study. An informational workshop is often held immediately prior to, or concurrently with a public hearing.

Workshops are held at locations convenient to citizens affected by the project. The location and time of workshops are publicized through the most appropriate news outlets, and the announcements are sent to local officials and members of the PAC committee. Normally, workshops continue from early afternoon to early evening so as to provide maximum opportunity for citizens to attend. RIDOT personnel and its experts are present to explain the project, and to answer questions from the public. Comments offered by citizens during the workshops are given due consideration in the decision-making process. Where a public workshop is held concurrently with a public hearing, a stenographer is present to allow citizens to make statements for stenographic recordation "on the record".

b. Meetings with Specific Groups - Throughout project development, RIDOT also will often have informational meetings with parties having a particular interest in a project. These meetings are similar to informational workshops, but are structured to provide specific information and receive comments from specific groups such as Town or City Councils or other governmental agencies with a special interest in a project.

5.04 - Completion and Circulation of Draft EIS

- a. Preparation of Draft EIS - During the preparation of the Draft EIS, RIDOT shall consider input received from the public, cooperating agencies, local governments and the PAC (if one has been formed).
- b. Content of Draft EIS - The Draft EIS shall:
 1. Evaluate all reasonable alternatives;
 2. Discuss reasons why other alternatives were eliminated from detailed study;
 3. Summarize studies, reviews, consultations, and coordination required by law. 23 CFR 771.123(c) .
- c. Submission of Draft EIS - RIDOT shall submit the Draft EIS to FHWA for review and approval. FHWA will approve the Draft EIS for circulation by signing and dating the cover sheet. 23 CFR 771.123(e).
- d. Circulation of Draft EIS - RIDOT shall print the Draft EIS in sufficient quantities to meet the demand reasonably expected from agencies, organizations and individuals. Copies shall be furnished free of charge except where RIDOT and FHWA agree that a charge, not to exceed the cost of reproduction, shall be charged or where parties requesting copies should be directed to locations where Draft EISs can be reviewed. 23 CFR 771.123(f). A copy shall be sent for public review to the local library in communities affected by the proposed project. RIDOT shall provide a copy of the Draft EIS to:
 1. Public officials, interest groups, and members of the public known to have an interest in the proposed action or the Draft EIS;
 2. Coordinating agencies and any other Federal, State and local government agencies expected to have jurisdiction or responsibility over, or interest or expertise in, the action;
 3. Appropriate State and local agencies, including the Department of Administration/Division of Planning as the intergovernmental review contact established under Executive Order 12372; and

4. State and Federal land management entities which may be significantly affected by the proposed action or any of the alternatives. 23 CFR 771.123(g).

5.05 - Notice of Availability of Draft EIS - Concurrently, or following the transmittal of copies of the EIS pursuant to Section 5.04(d), RIDOT shall file the Draft EIS with the Environmental Protection Agency (EPA) for publication of a Notice of Availability in the Federal Register which shall establish a 45 day period for return of comments to RIDOT and FHWA. 23 CFR 771.123(i).

5.06 - Public Hearing Requirement - RIDOT shall schedule a public hearing and provide public notice of the hearing as described in Section 5.07. The hearing date shall be no earlier than 15 days after the Draft EIS has been made available for public review. 23 CFR 771.123(h).

5.07 - Public Hearing Notice

a. Newspaper Publication - RIDOT shall publish a notice of a scheduled public hearing twice in a newspaper of general circulation within the general project area and in a local newspaper where appropriate. The first such notice shall be published 15 to 30 days before the hearing date and the last such notice shall be at least 5 days before the hearing date. 23 CFR 771.123(h).

b. Mailing of Notice - The notice of a scheduled public hearing shall be mailed to appropriate news media, local public officials, and Federal and State agencies.

c. Content of Notice - Each notice of public hearing shall:

1. State the date;
2. State the time and place of the hearing;
3. Contain a brief description of the project;
and
4. Specify the availability to the public of the Draft EIS and other pertinent information for review and copying. 23 CFR 771.111(h)(iv).

5.08 - Public Hearing Procedures

a. Presentation - At the public hearing, RIDOT shall either make a formal oral presentation or make available written

material to all members of the public describing:

1. The project purpose and need;
2. The proposed project alternatives;
3. Potential environmental, social and economic impacts; and
4. Right-of-Way procedures and programs including relocation assistance to be provided; and other necessary information. 23 CFR 771.111(h)(2)(v).

b. Availability of Reports - RIDOT shall also announce or advise the public during its presentation or in the written material that at any time after the hearing, the Draft EIS and all information developed in reference to the proposed project will be available upon request for public inspection and copying. 23 CFR 771.123(h).

c. Opportunity for Public Comment - At the hearing, the public shall be given the opportunity to provide comments written or oral, "on the record" on the project.

RIDOT shall arrange for a public stenographer to be present at the hearing to officially record oral comments by the public. Written statements submitted to the RIDOT at the hearing or within thirty (30) days of the hearing shall be treated as part of the official hearing record. The hearing transcript shall contain copies of each written statement and refer to the exhibits used or filed in connection with the public hearing.

d. Relationship to Public Workshops - Generally, RIDOT will hold a workshop immediately prior to, or concurrently with, the public hearing to permit RIDOT representatives to respond informally to questions from the public and to provide a meaningful exchange of information and opinions.

5.09 - Certification to FHWA

After RIDOT has conducted a public hearing on a Draft EIS and the 30 day public comment period has expired, it shall submit to FHWA:

- a. A transcript of the public hearing;
- b. A certification that a hearing was held; and
- c. Copies of all written statements from the public, both submitted at the public hearing or during the 30 day

comment period on the Draft EIS. 23 CFR
771.111(h)(2)(vi).

5.10 - Consideration of Public Comments - RIDOT shall consider the public comments received and those included in the hearing transcript and prepare a Final EIS.

5.11 - Preparation of Final EIS - The Final EIS shall:

- a. Identify a specific preferred alternative;
- b. Discuss substantive comments received on the DEIS;
- c. Evaluate all reasonable alternatives considered;
- d. Summarize citizen involvement;
- e. Include a description of the procedures to be followed to assure that all environmental mitigation measures are to be implemented; and
- f. Document compliance with applicable environmental laws and Executive Orders, or provide reasonable assurance that their requirements can be met. 23 CFR 771.125(a)(1).

5.12 - Submittal of Final EIS to FHWA - The Final EIS shall be submitted to FHWA for approval. FHWA will indicate approval that all NEPA requirements have been met by signing and dating the cover page. 23 CFR 771.125(c).

5.13 - Distribution of Final EIS

- a. Publication - RIDOT shall print the Final EIS in sufficient quantities to meet the demand reasonably expected from agencies, organizations and individuals. Copies normally shall be furnished free of charge except where RIDOT and FHWA agree that a charge, not to exceed the cost of reproduction, shall be charged, or where parties requesting copies should be directed to locations where Draft EISs can be reviewed. 23 CFR 771.125(f).
- b. Notice of Availability and Distribution - The FHWA, upon its review and approval of the Final EIS, will have a Notice of Availability published in the Federal Register. At the time the Final EIS is distributed and filed with EPA, RIDOT shall:
 1. Make the Final EIS available to appropriate State and local agencies;

2. Publish a Notice of Availability in a newspaper of general circulation within the general project area; and
 3. Furnish the document to any person(s), organizations, or agencies that made substantive comments on the Draft EIS or requested a copy.
- c. Availability to the Public - The Final EIS shall be made available for public review at RIDOT offices and at FHWA's Rhode Island office. A copy also shall be provided to appropriate public institutions such as local government offices and a copy placed on file at the local library in communities affected by the project. 23 CFR 771.125(g).

5.14 - Record of Decision - The FHWA will complete and sign a "Record of Decision" (ROD) no sooner than 30 days after publication of the Notice of Availability in the Federal Register. 23 CFR 771.127(a).

5.15 - Supplemental EIS - Pursuant to 23 C.F.R. 771.130, preparation of a supplement to a Draft EIS shall follow the same process as an original Draft EIS, except that scoping is not required. Similarly, preparation of a supplement to a Final EIS shall follow the same process of an original Draft EIS.

5.16 - Re-Evaluation of EIS - Where RIDOT undertakes a re-evaluation of a Draft or Final EIS as required by 23 C.F.R. 771.129, RIDOT, in consultation with FHWA, shall determine whether changes in the project or new information developed during the re-evaluation warrant additional public involvement. 23 CFR 771.111(h)(3).

SECTION 6.00 - CLASS II PROJECT - CATEGORICAL EXCLUSION

6.01 - Projects Classified as CEs - A Categorical Exclusion (CE) is an action which does not involve significant environmental impacts and does not require preparation of an EIS or EA. 23 C.F.R. Section 771.117(c) specifies actions which normally are considered CE's and 23 C.F.R. Section 771.117(d) specifies actions which may be considered CE's (See Appendix A for a list of such projects).

6.02 - Documentation and Public Participation Required - When RIDOT

initially classifies an action as a Class II action, RIDOT shall provide any necessary documentation supporting its position to FHWA to gain concurrence. Public participation for a project classified as a Class II action, is generally limited to public informational workshops and meetings at appropriate stages in project development although earlier and more formal public participation, including formation of a PAC, may occur where the specific project is identified through a planning feasibility study.

6.03 - Public Hearing Requirement - A public hearing is required for Class II projects when the project:

- a. Requires significant amounts of right-of-way;
- b. Substantially changes the layout or function of connecting roadways or of the facility being improved;
- c. Has a substantial adverse impact on abutting property;
- d. Otherwise has a significant social, economic, environmental or other effect; or
- e. FHWA or RIDOT determines that a public hearing is in the public interest. 23 CFR 771.111(h) (iii).

6.04 - Public Hearing Notice

a. Newspaper Publication - Where a public hearing is required, RIDOT shall publish a notice of a scheduled public hearing twice in two newspapers of general project area and in a local newspaper where appropriate. The first such notice shall be published 15 to 30 days before the hearing date and the last such notice shall be at least 5 days before the hearing date. 23 CFR 771.123(h).

b. Mailing of Notice - The notice of a scheduled public hearing shall also be mailed to appropriate news media, local governments and Federal and State agencies.

c. Content of Notice - Each notice shall specify the date, time and place of the hearing, and contain a brief description of the project. The notice shall announce the availability of any project documents for public review.

6.05 - Public Hearing Procedures

a. Presentation - At the public hearing, RIDOT shall either make a formal presentation or make available written material to all material to all members of the public describing:

1. The project purpose and need;
2. The proposed project alternatives;
3. Potential environmental, social and economic impacts; and
4. Right-of-Way procedures and programs including relocation assistance to be provided; and other necessary information. 23 CFR 771.111(h)(2)(v).

b. Opportunity for Public Comment - At the hearing, the public shall be given the opportunity to provide comments, written or oral, on the project. RIDOT shall arrange for a public stenographer to be present at the hearing to officially record oral comments by the public. Written statements submitted to the RIDOT at the hearing or within thirty (30) days of the hearing shall be treated as part of the official hearing record. The hearing transcript shall contain copies of each written statement and shall refer to the exhibits used or filed in connection with the public hearing.

c. Relationship to Public Workshop - Generally, RIDOT will hold a workshop immediately prior to, or concurrently with, a public hearing to permit RIDOT to respond informally to questions from the public and to provide a forum where the public and RIDOT can engage in a meaningful exchange of information and opinions.

6.06 - Certification to FHWA - Where RIDOT has conducted a public hearing and the 30 day public comment period has expired, shall submit to FHWA:

- a. A transcript of the public hearing;
- b. A certification that a hearing was held; and
- c. Copies of all written statements from the public, both submitted at the public hearing or during the 30 day comment period. 23 CFR 771.111(h)(2)(vi).

SECTION 7.00 - CLASS III PROJECT - ENVIRONMENTAL ASSESSMENT

7.01 - Projects Classified as EAs - A project is classified as a Class III action where FHWA and RIDOT are unsure of the significance of the impact on the environment. All projects which are not Class I or Class II are Class III actions and require the preparation of an Environmental Assessment (EA) document.

7.02 - Early Coordination Process/Continued Public Participation - At the earliest appropriate time, RIDOT shall consult with interested Federal, State and Local

agencies and appropriate members of the public to advise them to the project's scope and to:

- a. Determine the potential of the project for social, economic, environmental impacts;
- b. Identify alternative measures to mitigate adverse impacts; and
- c. Identify other environmental review and consultation requirements. 23 CFR 771.119(b).

Throughout the early coordination process, RIDOT shall provide public participation opportunities commensurate with the complexity of the project. Public participation opportunities include as appropriate: letters to appropriate governmental agencies, public Notice of Intent to prepare an EA, scoping meetings, informational workshops and meetings and the formation of a PAC.

7.03 - Preparation and Circulation of EA - RIDOT shall prepare an EA which includes a project description and a discussion of:

- a. The need for the project;
- b. The project alternatives;
- c. Environmental impacts of the project and alternatives;
- d. Mitigation; and
- e. Public involvement and Agency coordination. 23 CFR 771.119(b).

The completed EA is circulated to public agencies for comment as appropriate and submitted to FHWA for approval.

7.04 - Public Hearing Requirement - A public hearing is required for a Class III project which:

- a. Requires significant amounts of right-of-way;
- b. Substantially changes the layout or function of connecting roadways or of the facility being improved;
- c. Has a substantial adverse impact on abutting property;
- d. Otherwise has a significant social, economic, environmental or other effect; or
- e. FHWA or RIDOT determines that a public hearing is in the public interest. 23 CFR 771.111(h)(iii)

7.05 - Public Hearing Notice

- a. Newspaper Publication - Where a public hearing is required, RIDOT shall publish a notice of a scheduled public hearing twice in a newspaper of general circulation within the general project area and in a local newspaper where appropriate. The first such notice shall be pub-

lished 15 to 30 days before the hearing date and the last such notice shall be at least 5 days before the hearing date. 23 CFR 771.123(h).

b. Mailing of Notice - The notice of a scheduled public hearing shall also be mailed to appropriate news media, local governments and Federal and State agencies. Notices shall also be sent to the Department of Administration/Division of Planning as the intergovernmental review contact established under Executive Order 12372.

c. Content of Notice - Each notice shall specify the date, time and place of the hearing, and contain a brief description of the project. The notice shall announce the availability of the EA and where it may be obtained or reviewed. It shall also state that comments shall be submitted to RIDOT or FHWA within 30 days of the date the EA is available. 23 CFR 771.111(h)(iv), 23 CFR 771.119(e).

7.06 - Public Hearing Procedures

a. Presentation - At the public hearing, RIDOT shall either make a formal oral presentation or make available written material to all members of the public describing:

1. The project purpose and need;
2. The proposed project alternatives;
3. Potential environmental, social and economic impacts; and
4. Right-of-Way procedures and programs including relocation assistance to be provided; and other necessary information. 23 CFR 771.111(h)(2)(v).

b. Availability of Reference Material - RIDOT shall also announce or advise the public in written material that the EA and all information developed in reference to the proposed project will be available upon request for public inspection and copying.

c. Opportunity for Public Comment - At the hearing, the public shall be given the opportunity to provide comments, written or oral, on the project. RIDOT shall arrange for a public stenographer to be present at the hearing to officially record oral comments by the public. Written statements submitted to the RIDOT at the hearing or within thirty (30) days of the availability of the EA shall be treated as part of the official hearing record. 23 CFR 771.119(e). The hearing transcript shall contain copies of each written statement and refer to the exhibits used or filed in connection with the public hearing.

d. Relationship to Public Workshop - Generally, RIDOT will hold a workshop immediately prior to, or concurrently with, a public hearing to permit RIDOT to respond informally to questions from the public and to provide a meaningful exchange of information and opinions.

7.07 - Notice of Availability

a. Newspaper Publication - When RIDOT does not hold a public hearing, it shall place a notice in a newspaper of general circulation within the general project area and in a local newspaper when appropriate advising the public of the availability of the EA.

b. Content of Notice - The notice shall:

1. Briefly describe the project;
2. Announce the availability of the EA;
3. State where it may be obtained and reviewed;
and
4. Invite public comments to be submitted to RIDOT or FHWA within 30 days of publication of EA Availability. 23 CFR 771.119(d) and (f).

c. Mailing of Notice - The Notice of Availability shall be mailed to appropriate news media, local governments and Federal and State agencies. Notices shall also be sent to the Department of Administration/Division of Planning as the intergovernmental review contact established under Executive Order 12372. 23 CFR 771.119(d).

7.08 - Submittal of EA to FHWA - If no significant impacts have been identified, RIDOT shall forward to FHWA:

- a. The EA, revised as appropriate;
- b. Certification that a hearing was held and the public hearing transcript, where applicable;
- c. Copies of comments received and responses; and
- d. Recommendation of a Finding of No Significant Impact.
23 CFR 771.111(h)(2)(vi), 23 CFR 771.119(g).

The EA shall document compliance with all applicable environmental laws and Executive Orders, or provide reasonable assurances that their requirements can be met. 23 CFR 771.119(g).

7.09 - Finding of No Significant Impact (FONSI) - FHWA will review the EA and other material provided by RIDOT and issue either a FONSI or a decision that an EIS is necessary. If a FONSI is made, RIDOT shall send a Notice of Availability of a FONSI

to the appropriate Federal, State and local government agencies and shall make the FONSI available to the public upon request. Notice shall also be sent to the Department of Administration/Division of Planning as the inter-governmental review contact established under Executive Order 12372. 23 CFR 771.121(h).

7.10 - Finding of Significant Impact - If FHWA determines that the project would result in a significant environmental impact, then RIDOT may either:

- a. Proceed with preparing an EIS using the procedures described in Section 5.00 for a Class I action; or
- b. Modify the project to reduce the impacts and resubmit to FHWA revised documentation requesting it to issue a FONSI. 23 CFR 771.120(i).

SECTION 8.00 - APPLICATION

These rules shall take effect following filing with the Secretary of State.

CERTIFICATION

I certify that the above is a true copy.

William D. Ankner, Ph.D.
DIRECTOR

DATE:

APPENDIX A

Activities Meeting Criteria for Categorical Exclusion

A. FHWA Approval Not Necessary

The following actions meet the criteria for CEs and normally do not require any further NEPA approvals by FHWA.

1. Activities which do not involve or lead directly to construction (see CFR 771.117(c)(1) for examples of such projects).
2. Approval of utility installations along or across a transportation facility.
3. Construction of bicycle and pedestrian lanes, paths, and facilities.
4. Activities included in the State's "highway safety plan" under 23 U.S.C. 402.
5. Transfer of Federal lands pursuant to 23 U.S.C. 317 when the subsequent action is not an FHWA action.
6. The installation of noise barriers or alterations to existing publicly owned buildings to provide for noise reduction.
7. Landscaping.
8. Installation of fencing, signs, pavement markings, small passenger shelters, traffic signals, and railroad warning devices where no substantial land acquisition or traffic disruption will occur.
9. Emergency repairs under 23 U.S.C. 125.
10. Acquisition of scenic easements.
11. Determination of payback under 23 CFR Part 480 for property previously acquired with Federal-Aid participation.
12. Improvements to existing rest areas and truck weigh stations.
13. Ridesharing activities.
14. Bus and rail car rehabilitation.
15. Alternations to facilities or vehicles in order to make them accessible for elderly and handicapped persons.
16. Program administration, technical assistance activities, and operating assistance to transit authorities to continue existing service or increase service to meet routine changes in demand.
17. The purchase of vehicles by the applicant where the use of these vehicles can be accommodated by existing facilities or by new facilities which themselves are within a CE.
18. Track and railbed maintenance and improvements when carried out within the existing right-of-way.
19. Purchase and installation of operating or maintenance equipment to be located within the transit facility and with no significant impacts off the site.
20. Purchase and installation of operating or maintenance equipment to be located within the transit facility and with no significant impacts off the site.
21. Promulgation of rules, regulations, and directives.

B. FHWA Approval Necessary

The actions listed below meet the criteria for a CE only with FHWA approval. RIDOT must submit documentation which demonstrates that the specific conditions or criteria for these CEs are satisfied and that significant environmental effects will not result. Examples of such actions include but are not limited to:

1. Modernization of a highway by resurfacing, restoration, rehabilitation, reconstruction, adding shoulders, or adding auxiliary lanes (e.g.. parking, weaving, turning, climbing).
2. Highway safety or traffic operations improvement projects including the installation of ramp metering control devices and lighting.
3. Bridge rehabilitation, reconstruction or replacement or the construction of grade separation to replace existing at-grade railroad crossings.
4. Transportation corridor fringe parking facilities.
5. Construction of new truck weigh stations or rest areas.
6. Approvals for disposal of excess right-of-way or for joint or limited use of right-of-way, where the proposes use does not have significant adverse impacts.
7. Approvals for changes in access control.
8. Construction of new bus storage and maintenance facilities in areas sed predominantly for industrial or transportation purposes where such constuction is not inconsistent with existing zoning and located on or near a street with adequate capacity to handle anticipated bus and support vehicle traffic.
9. Rehabilitation or reconstruction of existing rail and bus buildings and ancillary facilities where only minor amounts of additional land are required and there is not a substantial increase in the number of users.
10. Construction of bus transfer facilities (an open area consisting of passenger shelters, boarding areas, kiosks and related street improvements) when located in a commercial area or other high activity center in which there is adequate street capacity for projected bus traffic.
11. Construction of rail storage and maintenance facilities in areas used predominantly for industrial or transportation purposes where such construction is not inconsistent with existing zoning and where there is no significant noise impact on the surrounding community.
12. Acquisition of land for hardship or protective purposes.

