

Categorical Exclusion (CE) under 23 Code of Federal Regulations (CFR) Section 771.117(c) Checklist

Project Title	Interstate H-1 Resurfacing, Miller Pedestrian Overpass to Kapiolani Interchange
Federal-Aid Project No.	H11JK-01-17M
Project Description	<p><i>The State of Hawaii intends to fund the Department of Transportation (HDOT), Highways Division Interstate Route H-1 Resurfacing, Miller Pedestrian Overpass to Kapiolani Interchange Project.</i></p> <p><i>The project proposes to resurface a portion of the Interstate H-1 Freeway from the Miller Pedestrian Overpass to Kapiolani Interchange (Mile Post 21.80 to Mile Post 24.90), including all ramps, overpasses and side streets. The purpose of the project is to increase motorist safety by addressing and bringing the following to current standards: pavement conditions, guardrails, speed limit, lighting, pavement markings, fences, and traffic counting stations. All proposed improvements will occur within the existing road right-of-way.</i></p> <p><i>The project will involve best management practices during demolition and construction activities consistent with the project's erosion control plan. Night work and closure of travel lanes is expected.</i></p>

Part 1: Programmatic Agreement Qualification This part must be completed in order to determine if action can be covered under the Programmatic Agreement for HDOT to approve the CE. Proceed with Part 2 only if all answers are answered "No." If any of the answers are "Yes," do not proceed with Part 2. The action MAY NOT be processed under the Programmatic Agreement and must instead defer to FHWA to review and determine if the project may qualify for a CE under 23 CFR 771.117(d).

Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Is not consistent with 23 CFR 771.117(a) and (b)
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<p>Involves acquisitions of more than a minor amount of right-of-way. A minor amount is defined as:</p> <p><u>Resurfacing, Reconditioning, Restoration, Rehabilitation Projects</u> –</p> <p style="padding-left: 40px;">Permanent – Less than one acre for any one mile</p> <p style="padding-left: 40px;">Temporary – Less than two acres for any one mile</p> <p><u>Bridge Rehabilitation (including full deck replacement) or Minor Replacement Projects</u> –</p> <p style="padding-left: 40px;">Less than one half acre per bridge</p>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Involves acquisitions that result in any residential or non-residential displacements;
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Results in capacity expansion of a roadway by addition of through lanes;

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Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Involves the construction of temporary access, or the closure of existing road, bridge, or ramps, that would result in major traffic disruptions. Major traffic disruption is defined as closure of interstate access, reduction in capacity by more than 50 percent in one direction on the Interstate System, full closure of an NHS route, and full closure of bridges on the NHS;
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Involves a change in Interstate access;
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Results in a determination of adverse effect on historic properties pursuant to Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108)
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Involves the use of properties protected by Section 4(f) of the US Department of Transportation Act (49 U.S.C. § 303/23 U.S.C. § 138) that require preparation of an Individual Section 4(f) Evaluation;
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Require the acquisition of lands under the protection of Section 6(f) of the Land and Water Conservation Act of 1965 (54 U.S.C. § 200305);
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Requires a US Coast Guard bridge permit (33 U.S.C. § 401);
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Requires an Individual Permit under Section 404 of the Clean Water Act (33 U.S.C. § 1344) and/or Section 10 of the Rivers and Harbors Act;
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Requires work in a designated regulatory floodway, or work affecting the base floodplain (100-year flood), pursuant to Executive Order 11988 and 23 CFR 650 subpart A;
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Is defined as a "Type I project" per 23 CFR 772.5;
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Requires formal consultation under Section 7 of the Endangered Species Act;
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Generates substantial public controversy or opposition, for any reason;
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Is not consistent with the State's Coastal Zone Management Plan.

Part 2: 23 CFR 771.117(c) Check applicable activity listed in 23 CFR 771.117(c)

1 <input type="checkbox"/>	Activities which do not involve or lead directly to construction such as planning and research activities; grants for training; engineering to define the elements of a proposed action or alternatives so that social, economic, and environmental effects can be assessed; and Federal-aid system revisions which establish classes of highways on the Federal-aid highway system.
2 <input type="checkbox"/>	Approval of utility installations along or across a transportation facility.
3 <input type="checkbox"/>	Construction of bicycle and pedestrian lanes, paths, and facilities.
4 <input type="checkbox"/>	Activities included in the State's highway safety plan under 23 U.S.C. 402.
5 <input type="checkbox"/>	Transfer of Federal lands pursuant to 23 U.S.C. 107(d) and/or 23 U.S.C. 317 when the land transfer is in support of an action that is not otherwise subject to FHWA review under NEPA.
6 <input type="checkbox"/>	The installation of noise barriers or alterations to existing publicly owned buildings to provide for noise reduction.
7 <input type="checkbox"/>	Landscaping.

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8 <input checked="" type="checkbox"/>	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 <input type="checkbox"/>	<p>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 disaster or emergency declared by the President pursuant to the Robert T. Stafford Act (42 U.S.C. 5121) (Include copy of emergency declaration)</p> <ul style="list-style-type: none"> (i) Emergency repairs under 23 U.S.C. 125; (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: <ul style="list-style-type: none"> (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.
10 <input type="checkbox"/>	Acquisition of scenic easements.
11 <input type="checkbox"/>	Determination of payback under 23 U.S.C. 156 for property previously acquired with Federal-aid participation.
12 <input type="checkbox"/>	Improvements to existing rest areas and truck weigh stations.
13 <input type="checkbox"/>	Ridesharing activities.
14 <input type="checkbox"/>	Bus and rail car rehabilitation.
15 <input type="checkbox"/>	Alterations to facilities or vehicles in order to make them accessible for elderly and handicapped persons.
16 <input type="checkbox"/>	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 <input type="checkbox"/>	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 <input type="checkbox"/>	Track and railbed maintenance and improvements when carried out within the existing right-of-way.
19 <input type="checkbox"/>	Purchase and installation of operating or maintenance equipment to be located within the transit facility and with no significant impacts off the site.
20 <input type="checkbox"/>	Promulgation of rules, regulations, and directives.
21 <input type="checkbox"/>	Deployment of electronics, photonics, communications, or information processing used singly or in combination, or as components of a fully integrated system, to improve the efficiency or safety of a surface transportation system or to enhance security or passenger convenience. Examples include, but are not limited to, traffic control and detector devices, lane management systems, electronic payment equipment, automatic vehicle locators, automated

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	passenger counters, computer-aided dispatching systems, radio communications systems, dynamic message signs, and security equipment including surveillance and detection cameras on roadways and in transit facilities on buses.
22 <input checked="" type="checkbox"/>	<p>Project 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 system or is maintained for a transportation purpose. This area includes the features associated with the physical footprint of the project including but not limited to the roadway, bridges, interchanges, culverts, drainage, clear zone, traffic control signage, landscaping, and any rest areas with direct access to a controlled access highway. This also includes fixed guideways, mitigation areas, areas maintained or used for safety and security of a transportation facility, parking facilities with direct access to an existing transportation facility, transportation power substations, transportation venting structures, and transportation maintenance facilities.</p> <p>(Note: 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. Existing operational right-of-way also does not include areas outside those areas necessary for existing transportation facilities such as uneconomic remnants, excess right-of-way that is secured by a fence to prevent trespassing, or that are acquired and held for a future transportation project. A transportation facility must already exist at the time of the review of the proposed project being considered for the CE. This precludes the acquisition of right-of-way and the subsequent use of this CE to build within that right-of-way.)</p>
23 <input type="checkbox"/>	<p>Federally-funded project: Enter project cost \$_____ and Federal funds \$_____</p> <p>(i) That receive less than \$5,000,000 (as adjusted annually by the Secretary to reflect any increases in the Consumer Price Index prepared by the Department of Labor, see www.fhwa.dot.gov or www.fta.dot.gov) of Federal funds; or</p> <p>(ii) With a total estimated cost of not more than \$30,000,000 (as adjusted annually by the Secretary to reflect any increases in the Consumer Price Index prepared by the Department of Labor, see www.fhwa.dot.gov or www.fta.dot.gov) and Federal funds comprising less than 15 percent of the total estimated project cost.</p>
24 <input type="checkbox"/>	Localized geotechnical and other investigation to provide information for preliminary design and for environmental analysis and permitting purposes, such as drilling test bores for soil sampling; archeological investigations for archeology resources assessment or similar survey; and wetland surveys.
25 <input type="checkbox"/>	Environmental restoration and pollution abatement actions to minimize or mitigate the impacts of any existing transportation facility (including retrofitting and construction of stormwater treatment systems to meet Federal and State requirements under sections 401 and 402 of the Federal Water Pollution Control Act (33U.S.C. 1341; 1342)) carried out to address water pollution or environmental degradation.
26 <input checked="" type="checkbox"/>	<p>Modernization of a highway by resurfacing, restoration, rehabilitation, reconstruction, adding shoulders, or adding auxiliary lanes (including parking, weaving, turning, and climbing lanes), if the action meets the constraints in paragraph (e) of this section [771.117(e)]. Note: In order to use this CE, certain constraints must be met. Complete Part 3.</p>

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27 <input type="checkbox"/>	Highway safety or traffic operations improvement projects, including the installation of ramp metering control devices and lighting, if the action meets the constraints in paragraph (e) of this section [771.117(e)]. Note: In order to use this CE, certain constraints must be met. Complete Part 3.
28 <input type="checkbox"/>	Bridge rehabilitation, reconstruction, or replacement or the construction of grade separation to replace existing at-grade railroad crossings, if the action meets the constraints in paragraph (e) of this section [771.117(e)]. Note: In order to use this CE, certain constraints must be met. Complete Part 3.
29 <input type="checkbox"/>	Purchase, construction, replacement or rehabilitation of ferry vessels (including improvements to ferry vessel safety, navigation, and security systems) that would not require a change in the function of the ferry terminals and can be accommodated by existing facilities or by new facilities which themselves are within a CE.
30 <input type="checkbox"/>	Rehabilitation or reconstruction of existing ferry facilities that occupy substantially the same geographic footprint, do not result in a change in their functional use, and do not result in a substantial increase in the existing facility's capacity. Example actions include work on pedestrian and vehicle transfer structures and associated utilities, buildings, and terminals.

Part 3: 23 CFR 771.117(e) This part must be completed in order to use CE under 23 CFR 771.117(c)(26), (c)(27), or (c)(28). If any of the answers are "Yes," the action MAY NOT be processed under 23CFR 771.117(c)(26), (c)(27), or (c)(28) and must instead defer to FHWA to review and determine if the project may qualify for a CE under 23 CFR 771.117(d)(13)

Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	An acquisition of more than a minor amount of right-of-way or that would result in any residential or non-residential displacements;
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	An action that needs a bridge permit from the U.S. Coast Guard, or an action that does not meet the terms and conditions of a U.S. Army Corps of Engineers nationwide or general permit under section 404 of the Clean Water Act and/or section 10 of the Rivers and Harbors Act of 1899;
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	A finding of "adverse effect" to historic properties under the National Historic Preservation Act, the use of a resource protected under 23 U.S.C. 138 or 49 U.S.C. 303 (section 4(f)) except for actions resulting in de minimis impacts, or a finding of "may affect, likely to adversely affect" threatened or endangered species or critical habitat under the Endangered Species Act;
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Construction of temporary access or the closure of existing road, bridge, or ramps that would result in major traffic disruptions;
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Changes in access control;
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	A floodplain encroachment other than functionally dependent uses (e.g., bridges, wetlands) or actions that facilitate open space use (e.g., recreational trails, bicycle and pedestrian paths); or construction activities in, across or adjacent to a river component designated or proposed for inclusion in the National System of Wild and Scenic Rivers.

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Part 4: Determination



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It is determined, after review of this document and coordination with other agencies, that no significant environment effects will result from the implementation of this project.

SIGNATURES

Prepared By:



Preparer has completed the Introduction to NEPA and Transportation Decision-making web-based course FHWA-NHI-142052 (in-person course FHWA-NHI-142005 may be considered a substitute if taken within five years)

Apr 21, 2020

Date

Ka Chun Wat

Project Engineer/Manager
Hawaii Department of Transportation

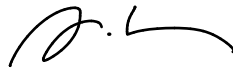
Approved By:



Approver has completed the Introduction to NEPA and Transportation Decision-making web-based course FHWA-NHI-142052 (in-person course FHWA-NHI-142005 may be considered a substitute if taken within five years)

Apr 21, 2020

Date



Oahu District Engineer, Highway Division
Hawaii Department of Transportation

c: FHWA, SSFM,
bc: HWY, HWY-DS, HWY-DE