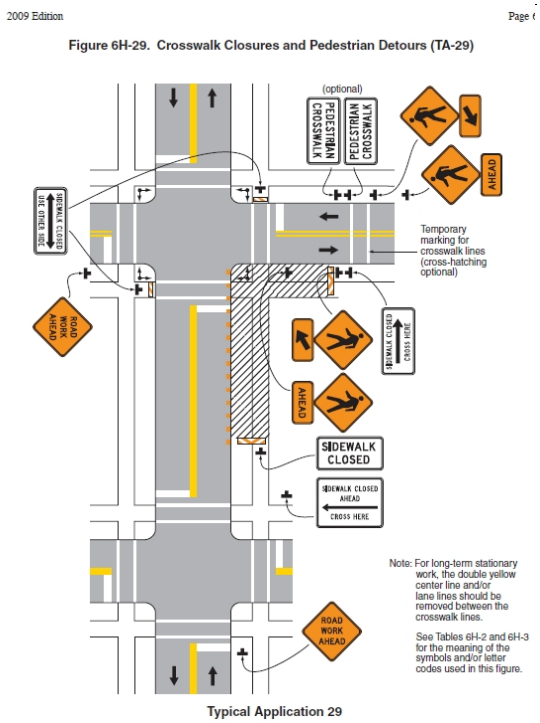
HAND-OUTS

LOCAL PUBLIC AGENCY (LPA) CERTIFICATION TRAINING: FEDERAL AID



New Hampshire DOT
Department of Transportation

List of Acronyms

AASHTO	American Association of State Highway and Transportation Officials
ACI	American Concrete Institute
ACOE	Army Corps of Engineers
ACM	Asbestsos Containing Materials
ADA	Americans with Disabilities Act
ADAAG	Americans with Disabilities Act Accessibility Guidelines
AFR	Annual Financial Report
APE	Area of Potential Effect
ARRA	American Recovery and Reinvestment Act
B&E	Balances and Excesses
BOE	Bureau of Environment
CA	Contract Administrator
CE	Construction Engineering or Categorical Exclusion
CFDA	Catalog of Federal Domestic Assistance
CFR	Code of Federal Regulations
CMAQ	Congestion Mitigation & Air Quality
CO	Change Order or Carbon Monoxide
CON	Construction
CPA	Certified Public Accountant
CPM	Critical Path Method
CSS	Context Sensitive Solutions
CUF	Commercially Useful Function
CWA	Clean Water Act
DBE	Disadvantaged Business Enterprise
DRED	Department of Resource & Economic Development
DUNS #	Dun and Bradstreet Data Universal Numbering System (DUNS) Number
EA	Environmental Assessment
EEO	Equal Employment Opportunity
EIS	Environmental Impact Statement
EPA	Environmental Protection Agency
ER	Emergency Relief
ESA	Endangered Species Act
FAHP	Federal Aid Highway Project
FEMA	Federal Emergency Management Agency
FHWA	Federal Highways Administration
FONSI	Finding of No Significant Impact
FTA	Federal Transit Administration
FVD	Final Voucher Date
G&C	Governor and Council
HSIP	Highway Safety Improvement Program
IDIQ	Indefinite Delivery/Indefinite Quantity
IGE	Independent Government Estimate
ISTEA	Intermodal Surface Transportation Efficiency Act
LEDPA	Least Environmentally Damaging Practicable Alternative
LOI	Letters of Interest
LOS	Level of Service
LPA	Local Public Agency
MOBRR	Municipal Off-system Bridge Replacement and Rehabilitation
MPO	Metropolitan Planning Organization
MUTCD	Manual of Uniform Traffic Control Devices
NEPA	National Environmental Policy Act
NETTCP	NorthEast Transportation Training & Certification Program
NHDES	New Hampshire Department of Environmental Services

List of Acronyms

NHDOT	New Hampshire Department of Transportation
NHDHR	New Hampshire Division of Historical Resources
NHNHB	NH Natural Heritage Bureau
NHPA	National Historic Preservation Act
Nox	Nitrogen Oxides
NSBP	National Scenic Byways Program
NTP	Notice to Proceed
OFC	Office of Federal Compliance
OIG	Office of Inspector General
OJT	On-the-Job Training
OMB	Office of Management and Budget
OSHA	Occupational Safety & Health Administration
PCF	Project Completion Form
PE	Preliminary Engineering or Professional Engineer
PIF	Public Interest Finding
PM	Project Manager
POC	Point of Contact
PROW	Proposed Right-of-Way
PS&E	Plans, Specifications & Estimate
QA	Quality Assurance
QC	Quality Control
QBS	Qualification-Based Selection
RFQ	Request for Qualifications
ROW	Right-of-Way
RPC	Regional Planning Commission
RPR	Request for Projects Review
RSA	Revised Statutes Annotated
SAFETEA-LU	Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users
SAR	Single Audit Report
SHPO	State Historical Preservation Office
SHSP	Strategic Highway Safety Plan
SPR	Statewide Planning & Research
SRF	Sewer Revolving Fund
SRTS	Safe Routes to School
STIP	Statewide Transportation Improvement Program
STP	Surface Transportation Program
SWPPP	Stormwater Pollution Prevention Plan
TAC	Transportation Advisory Committee
TCM	Traffic Control Measures
TCP	Traffic Control Plan
TCSP	Transportation, Community & System Preservation
TE	Transportation Enhancement
TEA	Transportation Equity Act
UAM	Utilities Accommodation Manual
UASFLA	Uniform Appraisal Standards for Federal Land Acquisitions
USC	United States Code
USDOL	United States Department of Labor
USF&WS	US Fish and Wildlife Service
USPAP	Uniform Standards of Professional Appraisal Practice
VOCs	Volatile Organic Compounds

U.S. Department of Transportation
Federal Highway Administration

Memorandum

Subject: **INFORMATION:** Local Public Agency Stewardship Issues

Date: February 13, 2012

In Reply Refer To: HIPA-10

From: David A. Nicol
Director, Office of Program Administration

To: Directors of Field Services
Division Administrators

On July 15, 2011, the Office of Inspector General (OIG) issued a report, *Federal Highway Administration's Oversight of Federal-Aid and Recovery Act Projects Administered by Local Public Agencies Needs Strengthening.* You will find a copy of the report on OIG's Web site at http://www.oig.dot.gov/library-item/5596. The OIG recommended that FHWA:

1. Establish uniform procedures and criteria to assess State oversight of LPAs.
2. Develop a process to assess the effectiveness of LPA corrective action plans.
3. Develop division-based plans to increase State oversight of seven project activities where the OIG found a high level of noncompliance with Federal requirements.
4. Assess the cited transactions with unsupported costs and develop a recovery plan.

To address the first two recommendations, FHWA will issue guidance to help field offices more consistently and effectively assess and correct State LPA oversight. To address the fourth recommendation, FHWA has agreed to review the cited unsupported transactions and develop a recovery plan. Efforts are underway to fulfill these commitments.

This memorandum addresses the third recommendation by providing guidance to divisions on project activities the OIG determined to have a high incidence of noncompliance. The items cited by the OIG included change orders and claims, project bidding/contractor selection/unbalanced bid analysis, utility agreements and reimbursements, consultant selection and billings, construction pay quantities and progress payments, project reporting and tracking, and quality assurance procedures. While these concerns arose from a review of LPA-administered projects, they also can occur on State DOT-administered projects.

Please review your stewardship programs and include activities and reviews as needed to ensure compliance with requirements in the cited areas. If you have any questions, please contact Mr. Robert Wright at 202-366-4630 or Mr. Peter Kleskovic at 202-366-4652.

Attachment

Discussion of Office of Inspector General Recommendations On Transactions with High Levels of Noncompliance

From November 2009 to April 2011, the Office of Inspector General (OIG) conducted an audit of Federal Highway Administration (FHWA) oversight of projects administered by Local Public Agencies (LPA). The purpose of the audit was to assess the role and effectiveness of FHWA's efforts to improve State oversight of LPA-administered projects. The OIG conducted the audit at FHWA Headquarters and divisions, selected State departments of transportation (DOTs), and related LPAs. The audit's objectives were to assess the extent of LPA compliance with Federal requirements and the effectiveness of FHWA's actions. Four States were selected for field reviews. The field review included site visits to projects developed by LPAs under the American Recovery and Reinvestment Act (Recovery Act) and other Federal-aid highway programs.

On July 15, 2011, the OIG issued its report, *Federal Highway Administration's Oversight of Federal-Aid and Recovery Act Projects Administered by Local Public Agencies Needs Strengthening* (http://www.oig.dot.gov/library-item/5596). As discussed in the report, the OIG compiled a list of 5,934 projects and 829 LPA sponsors. From this list, the OIG selected 29 LPAs that administered 59 Recovery Act and non-Recovery Act Federal-aid projects review. The selection was based on project status and location. The field reviews focused on LPA construction projects to verify compliance with Federal regulations.

The OIG conducted compliance reviews in 12 key project activities related to requirements under Title 23 and Title 49, Code of Federal Regulations (CFR). These reviews identified a range of errors, with seven of the activities having error rates at or above 39 percent. In addition, the OIG found at least one issue of noncompliance with Federal requirements in 52 of the 59 LPA projects reviewed. Based on this review, the OIG recommended:

> Develop a Division Office-based plan that will increase state oversight in the seven project activities in which we identified a high level of noncompliance with Federal requirements . . . .

The seven activities that the OIG identified as having a significant number of recurring noncompliance involved a lack of documentation for the following actions:

- Change orders and claims
- Project bidding/contractor selection/unbalanced bid analysis
- Utility agreements/reimbursements
- Consultant selection and billings
- Construction pay quantities and progress payments
- Project reporting and tracking
- Quality assurance procedures

The following discussion addresses these observations.

Change Orders and Claims

This observation dealt with a lack of documentation showing that LPAs had performed cost analyses for negotiated contract change orders.

For highway projects on the National Highway System (NHS), 23 CFR 635.120(e) requires agencies to perform and document a cost analysis for each negotiated contract change. The analysis should evaluate the separate cost elements of the change, to support reasonableness of the negotiated price. If appropriate, the agency may document price reasonableness by a comparison with average unit bid prices. The analysis should address the impact of the change on the critical path and the need for contract time extensions.

For highway projects off the NHS and non-highway projects, the agency may follow State procedures. While 23 CFR 635.120(e) does not apply, the cost principles in 2 CFR 225, Appendix A, Section C, concerning allowability, still apply. An important factor in determining allowability is that the cost be reasonable.

Suggested Actions: FHWA divisions should:

1. Work with their State DOT to agree on a method and the level of detail required for conducting cost analyses for negotiated contract changes.
2. Ensure that State DOT LPA program guidance requires a cost analysis for each negotiated contract change for LPA projects on the NHS.
3. Encourage their State DOT to adopt procedures comparable to those in 23 CFR 635.120(e) for projects off the NHS to maintain a uniform change order process.

Project Bidding, Contractor Selection, and Unbalanced Bid Analysis

This observation dealt with a lack of documentation showing that the LPA had conducted a bid analysis.

For highway projects on and off the NHS, 23 CFR 635.114(c), (d), and (e) applies. It requires the agency to check the apparent low bidder's unit bid prices for reasonable conformance with the engineer's estimated prices. Bids with extreme variations from the engineer's estimate or where obvious unbalancing of unit prices has occurred require careful evaluation. Where obvious unbalanced bid items exist, the agency's decision to award or reject a bid shall be supported by written justification. The purpose is to help ensure that the executed contract will result in the lowest final cost. A bid that is mathematically but not materially unbalanced may still be awarded. When a bid is mathematically and materially unbalanced, steps are needed to protect the Federal interest. These can include not awarding the contract or awarding the contract with limits on Federal participation.

Suggested Action: FHWA divisions should ensure that State LPA program guidance has bid analysis procedures that apply to LPA projects.

Utility Reimbursements

This observation dealt with two issues – (1) a lack of documentation that the LPA had reviewed utility invoices and (2) insufficient documentation within project diaries to establish that utility work was performed and determined to be acceptable.

A utility's use of the rights-of-way must be covered by a written agreement between the utility and the State DOT or LPA on all projects involving the use of Federal-aid funding.
For federally reimbursable utility relocations, the utility agreement shall be supported by plans, specifications when required, and itemized cost estimates of the agreed upon work. When the utility work can be clearly defined and the cost accurately estimated, payment on a lump sum basis may be justified if a detailed estimate is included in the agreement.

LPAs are required to document in the project records, including daily diaries, that they have verified that utility work was completed as required. They are also to ensure that utility costs comply with the Federal cost principles (Common Grant Rule, 49 CFR 18.22(b)). Costs determined to be unallowable under these principles are not eligible for Federal-aid reimbursement. Agencies must establish controls to ensure that invoiced costs are allowable (allocable, reasonable, and necessary); that the State has authority to participate in the cost; the costs are supported by source documents; and the work was completed.

Interim and final bills for work completed should follow the format of the initial utility agreement and should include the applicable items identified in the cost estimate that supported the utility agreement. When the estimate and final billing are made on the basis of actual costs, the invoice should itemize the specific work that was completed and the associated costs, including dates when the work was performed, location of the work, labor, overhead, construction costs, travel, materials and supplies, and equipment and salvage credits. Agency project records must support the accuracy of the utility invoice.

Any contract or agreement involving the accommodation or relocation of utility facilities that uses Federal-aid funding must comply with the Buy America provisions (Title 23, United States Code (U.S.C.), Section 313, and 23 CFR 635.410). Information regarding these Buy America requirements is available at: http://www.fhwa.dot.gov/utilities/buyam.cfm.

Information about other Federal interests and issues to consider in the estimating, eligibility, and acceptance of costs on projects using Federal-aid funding may be found in the *FHWA Program Guide: Utility Relocation and Accommodation on Federal-Aid Highway Projects*, which is available at: http://www.fhwa.dot.gov/reports/utilguid/.

Suggested Actions: FHWA divisions should ensure that:

1. State LPA program guidance includes requirements for LPAs to document that they have reviewed utility invoices to ensure reasonableness.
2. State LPA program guidance includes requirements to document within project diaries that the required utility work was performed and determined to be acceptable.

Consultant Selection and Billings

This observation dealt with a lack of documentation that the LPA had used competitive negotiation/qualifications based selection procurement processes to select consultants; that independent cost estimates were not prepared prior to negotiation of the compensation; and that invoices were approved with limited review.

Consultant services funded in whole, or in part, with Federal-aid shall be procured and administered in accordance with the Common Grant Rule (49 CFR 18). Contracts for engineering and design-related services utilizing Federal-aid and that are directly related to a construction project must comply with the requirements of 23 U.S.C. 112 and 23 CFR 172. Engineering and design-related services are defined as "program management, construction management, feasibility studies, preliminary engineering, design, engineering, surveying, mapping or architectural related services."

In general, competitive negotiation procedures, commonly referred to as qualifications-based selection, must be followed when procuring engineering and design-related services with Federal-aid funds where those services are directly related to a construction project (40 U.S.C. 1101-1104 (Brooks Act), 23 U.S.C. 112(b)(2)(A), and 23 CFR 172.5(a)(1)).

Upon completion of the qualifications-based evaluation and ranking of proposals, the contracting agency negotiates with the most highly qualified firm to arrive at a fair and reasonable compensation for the solicited services considering scope, complexity, professional nature, and estimated value. Prior to receipt of the consulting firm's cost proposal, the contracting agency must prepare an independent estimate of the cost of the work to be performed. This estimate is the basis for negotiations and to ensure the services are obtained at a fair and reasonable cost.

If the indirect cost rate of the consulting engineering firm has been approved by a cognizant agency, the LPA must use this approved rate for contract estimation, negotiation, administration, reporting, and payment. Administrative or de-facto ceilings on indirect cost rates are not allowed (23 U.S.C. 112(b)(2)(C) and (D) and 23 CFR 172.7).

The two alternative procurement methods that may be used in limited cases are small purchase and simplified acquisition and noncompetitive procedures (23 CFR 172.5(a)(2) and (3)). Small purchase procedures involve contracts with a total cost below the lesser of the Federal simplified acquisition threshold (currently established at $150,000) or the State's established threshold. Small purchase and simplified acquisition procedures for engineering and design-related services need not follow a competitive negotiation and qualifications-based selection process. Agencies should, however, ensure that an adequate number of qualified firms are considered.

Noncompetitive procurement requires the FHWA division’s prior approval. Situations where this method may be used are limited to services that are available only from one source, when an emergency exists that does not permit the time needed to conduct competitive

negotiations, or when competition is determined to be inadequate after solicitation from a number of sources.

State DOTs and LPAs are required to comply with the Federal cost principles (48 CFR 31) to determine costs for personal services contracts with commercial, for-profit entities such as consulting engineering firms (Common Grant Rule, 49 CFR 18.22(b)). Costs determined to be unallowable under these cost principles are not eligible for Federal-aid reimbursement. Agency controls must ensure that invoiced costs are allowable (allocable to the project, necessary, and reasonable; that the State has authority to participate in the cost; are consistent with the terms of the contract; and are adequately supported by source documentation and verification of the completed work (49 CFR 18.20)).

These agencies are required to prepare and maintain written procedures for each method of procurement used for engineering and design-related services (23 CFR 172.9(a)). State DOTs may require LPAs to follow the State's procurement procedures that have been approved by FHWA. A State DOT may also approve LPA-written procurement procedures after determining that they comply with applicable Federal and State laws and regulations.

Approval by the FHWA division must be obtained before procuring a consultant to serve in a management role on behalf of the agency (23 CFR 172.9(d)). Consultants serving in management roles do not relieve the agency of its responsibilities in the oversight and administration of the Federal-aid funds. Also, conflict of interest considerations may limit the ability of consultants serving in a management role, such as a City/County Engineer, from participating in other roles, contracts, or project phases (23 CFR 1.33).

Information on the procurement, management, and administration of engineering and design-related services can be found at: http://www.fhwa.dot.gov/programadmin/consultant.cfm.

Information on Federal cost principles applicable to consultant costs can be found at: http://www.access.gpo.gov/nara/cfr/waisidx_10/48cfr31_10.html.

Information about allowable costs, auditing, reporting, and other related requirements is available in the AASHTO *Uniform Audit and Accounting Guide* at: http://audit.transportation.org/Documents/2010_Uniform_Audit_and_Accounting_Guide.pdf.

Suggested Actions: FHWA divisions should ensure that State DOTs are either requiring LPAs to follow the FHWA-approved State DOT procurement procedures or that State DOTs are reviewing and approving LPA procurement procedures. Divisions also should ensure that the established procurement policies and procedures specify that:

1. LPAs are estimating the value of the proposed services as the basis for negotiation of fair and reasonable compensation with the selected consultant.
2. Adequate documentation is maintained to demonstrate compliance with procurement requirements.
3. Invoiced consultant costs are reviewed for consistency with Federal cost principles, terms of the contract, and status/progress of the work completed.

Construction Pay Quantities and Progress Payments

This observation dealt with a lack of documentation to support progress payments for completed work.

For construction projects on the NHS, 23 C.F.R. 635.123 requires contracting agencies to have procedures that ensure the quantities of completed work are accurately determined. The LPA is required to inspect and verify delivery and quality of materials and their satisfactory incorporation into the project. Support for payments for completed work should be in inspector reports, daily diaries, and engineering calculations.

For construction projects not on the NHS or other Federal-aid projects, the documentation of quantities of work and progress payments must be done in a manner that supports a determination that contract requirements were met and the work was completed in reasonable conformance with the contract requirements (49 C.F.R. 18.42).

Suggested Action: FHWA divisions should ensure that State LPA program guidance has requirements for documenting and supporting progress payments for completed work.

Project Reporting and Tracking

This observation dealt with a lack of documentation of LPA oversight of key contract provisions. Problems include insufficient documentation of reviews of certified payrolls; lack of documentation of disadvantaged business enterprise (DBE) commercially useful function reviews; and lack of documentation of the contractor's construction activities in daily diaries:

Prevailing Wage and Payroll Requirements: The Davis-Bacon Act requires payment of prevailing wage rates to all laborers and mechanics on Federal or federally assisted

construction contracts. The Act's requirements are invoked through "related act" provisions of Federal programs. The U.S. Department of Labor has overall program responsibility. State DOTs or LPAs are responsible at the project level.

For Federal-aid highways, 23 U.S.C. 113 implements Davis-Bacon provisions and is applicable to all Federal-aid construction contracts exceeding $2,000 and to related subcontracts located within the Federal-aid highway right-of-way. It does not apply to highways classified as local roads or rural minor collectors. Federal-aid projects outside of the Federal-aid highway right-of-way are subject to the Contract Work Hours and Safety Standards Act requirements. For additional information, see http://www.fhwa.dot.gov/construction/contracts/080625.cfm.

The provisions covering payrolls and pay statements were prompted by the Copeland Act to protect workers from paying employers for the "privilege" of being employed (29 CFR Parts 3 and 5 and 23 CFR 635.118). They require contractors and subcontractors to furnish weekly certified payroll statements to the contracting agency. Contracting agencies should review the payroll statements for completeness and certification, and

"spot-check" items, such as: classification, hourly rate, authorized deduction, fringe benefits, overtime hours and rate, and net wages paid. Employee interviews should be made to validate certified payroll statements.

DBE Requirements: Title VI of the Civil Rights Act of 1964 forms the foundation for the DBE program and is codified in 23 U.S.C. 140(c), with regulatory policy in 49 CFR Parts 21 and 26 as well as 23 CFR 200 and 230.

All Federal-aid projects are subject to DBE program requirements. Each State must have an approved DBE program and annual goals to ensure compliance with requirements.

The DBE requirements in Federal-aid highway contracts are contract provisions and should be administered as such. Actions required in an approved program will include "good faith effort" determinations, replacement or substitution of DBEs during the contract, crediting DBE participation, program monitoring, record keeping and reporting requirements of the contracting agency and contractor, and sanctions for non-compliance.

Two forms of DBE fraud and abuse are certification of an ineligible firm and failure by a certified DBE to perform a "commercially useful function." Certification addresses the nature of a firm's ownership and structure and is the first safeguard for preventing fraud and abuse. "Commercially useful function" is concerned with the role the DBE plays in a project and is a second line of defense against fraud and abuse. Commercially useful function reviews occur during the project and are a part of a program's approved monitoring and reporting requirements. Items to review include the DBE's management of the work; whether the DBE utilizes its work force, whether the DBE owns or rents its own equipment, and whether the DBE furnishes its materials.

Construction Management Documentation: Construction management requires an understanding of the risks and resources in the implementation of a highway project. Good construction management practices, including the oversight of project operations and project progress, quality assurance, and general contract administration procedures, are essential elements in the success of any construction project. Key to that success is the initiation and maintenance of source and summary documentation to support project completion in accordance with plans, specifications and estimates and State and Federal requirements.

Basic construction management documentation such as diaries, project quantity records, and engineering measurements and calculations are born of an evolving state-of-the-practice. These document requirements are outlined in State DOT policies and procedures for construction project administration and management and are often included in the State DOT Construction Manual. An LPA can develop similar procedures or adopt State procedures depending on the State's policies and other requirements.

Suggested Actions: FHWA divisions should ensure that:

1. State DOTs are providing adequate oversight of LPA projects and ensuring that all contract provisions, including prevailing wage and payroll requirements and DBE program requirements, are being fulfilled.

2. State DOT program guidance includes requirements for effective construction contract administration and documentation to support progress payments and the work completed.

Quality Assurance Procedures

This observation dealt with LPAs not meeting key aspects of a quality assurance program, such as testing, to ensure that materials and workmanship met contract specifications, including the assurance of adequate documentation.

All Federal-aid projects on the NHS are subject to quality assurance procedures (23 CFR 637). This includes LPA-administered projects. For projects off the NHS, States and LPAs can use established procedures approved by the State DOT for materials acceptance. State and LPA procedures used for non-NHS projects must satisfy the intent of Federal requirements. Materials used in the pavement structure or in bridges should be tested. Small quantities or non-critical items (e.g., concrete for fence posts or sidewalks) may be accepted with limited or no testing with visual inspection from approved suppliers.

Suggested Actions: FHWA divisions should:

1. Ensure that State and LPA quality assurance procedures and practice for materials and testing used for NHS projects comply with 23 CFR 637.
2. Verify that State and LPA quality assurance procedures and practice for materials and testing used for non-NHS projects satisfy the intent of Federal requirements.

Town of Graniteville
Department of Public Works
Monthly Progress Report Example

February 2, 2015

Project Manager's Name
NH Department of Transportation
Planning and Community Assistance
7 Hazen Drive
PO Box 483
Concord, NH 03302-0483

RE: Graniteville, #12345
Main Street Bridge Replacement over Slippery River
Monthly Progress Report #1

Dear Project Manager:

Please see attached the Town's monthly progress report for a summary of monthly project activities. No reimbursable work occurred this month; therefore no reimbursement request is attached.

Sincerely,

Lane Miles, PE
Director of Public Works
Town of Graniteville

Town of Graniteville
Department of Public Works

February 2, 2015

Jan 2015 Progress Report

Graniteville, #12345
Main Street Bridge Replacement over Slippery River

Activities for the Month of Jan 2015:

Assembled the documentation of the scope and fee negotiation process for the preliminary engineering (PE) contract with our consultant, Transportation Engineering and Management (Team, Inc.) including the Town's independent government estimate (IGE) and draft contract terms and conditions, and submitted to NHDOT for review and approval.

Schedule of Current Milestone Activities:

February 2015 – estimated NHDOT approval of Team, Inc. scope and fee

March 2015 – estimated Notice to Proceed to Team Inc. to begin engineering study

Overall PE Schedule:

August 2015 - Engineering Study Complete
December 2015 - Preliminary Design / NEPA Complete
March 2016 – Final Design Complete
April 2016 – Advertise for Construction

Town of Graniteville
Department of Public Works
Reimbursement Request Example

May 2, 2015

Project Manager's Name
NH Department of Transportation
Planning and Community Assistance
7 Hazen Drive
PO Box 483
Concord, NH 03302-0483

RE: Graniteville, #12345
Main Street Bridge Replacement over Slippery River
Monthly Reimbursement Request #1

Dear Project Manager:

Enclosed is the Town of Graniteville's monthly request for reimbursement for the Main Street bridge replacement project. The request covers Transportation Engineering & Management Inc. (TEAM's) engineering study invoice #555-1 in the amount of $9,000.00 for work during March 2015 (see attached). Per our agreement, we are requesting a total reimbursement of $7,200.00 which represents the Federal share of 80%.

As the Sponsor's Person in Responsible Charge, I have reviewed the enclosed invoice and believe it to be allowable in accordance with Federal cost principles and consistent with the contract terms; as well as, the acceptability and progress of the consultants work.

Please see attached the Town's monthly progress report for a summary of monthly project activities, as well as proof of Town payment to TEAM Inc.

Sincerely,

Lane Miles, PE
Director of Public Works
Town of Graniteville

Town of Graniteville
Department of Public Works

May 2, 2015

April 2015 Progress Report

Graniteville, #12345
Main Street Bridge Replacement over Slippery River

Activities for the Month of April 2015:

Reviewed, approved, and paid TEAM Inc. Engineering Study invoice from March 2015

Prepared notices for upcoming Local Concerns Meeting

Made copies of existing right-of-way information from Town records

Schedule of Current Milestone Activities:

May 2015 - Local Concerns Meeting scheduled

June 2015 – Team Inc. to develop alternatives

July 2015 – Select draft preferred alternative, present to public, and submit engineering study to NHDOT for review

Overall PE Schedule:

August 2015 - Engineering Study Complete
December 2015 - Preliminary Design / NEPA Complete
March 2016 – Final Design Complete
April 2016 – Advertise for Construction

Transportation Engineering & Management
TEAM, Inc.
Invoice Example

April 2, 2015

Lane Miles
Director of Public Works
Graniteville, NH 00000

RE: Graniteville, State Project #12345
Main Street Bridge Replacement over Slippery River
Team Inc. Project #555
Monthly Invoice #555-1

Dear Mr. Miles:

Attached please find Invoice #555-1 for services provided for the period of March 1, 2015 to March 31, 2015 for the above referenced project. The project stands at 12% complete.

Team, Inc. acknowledges that the enclosed invoice submitted is true and accurate, consistent with the contract terms, the progress of the work, and prepared in accordance with federal, state, and local requirements.

If you have any questions, please feel free to contact me.

Sincerely,

LPA Certified, Engineer of Record
TEAM, Inc.

Transportation Engineering & Management
TEAM, Inc.

May 2, 2015

March 2015 Invoice Summary

Graniteville, #12345
Main Street Bridge Replacement over Slippery River

Engineering Study Phase

Met with DPW to discuss project schedule and milestones

Gathered existing conditions including ground survey and right-of-way research

Documented existing environmental resources

Drafted Purpose and Need Statement

Team, Inc. Project #555
Invoice #555-1
March 1 thru 31, 2015

Graniteville #12345 Main Street Bridge Replacement

TASK	Current Invoice	Total Prior	Billed to Date	Total Contract
ENG STUDY	$9,000	$0	$9,000	$20,000
PRELIM DES	$0	$0	$0	$30,000
FINAL DES	$0	$0	$0	$40,000
BID PHASE	$0	$0	$0	$10,000
TOTAL	$9,000	$0	$9,000	$100,000

Engineering Study	Current Invoice	See Attached
Labor	$3,000	Time Sheets
Indirect Rate (1.50%)	$4,500	
Fixed Fee	$960	Fee Calculation Below
Direct Expenses	$40	Invoice Backup / Proof of Pay
Sub-Consultant	$500	Invoice Backup / Proof of Pay
TOTAL	$9,000	

A = Total Fixed Fee Approved in Contract	$8,000
B = % Project Completion to Date	12%
A x B = Amount Fee Earned To Date	$960
Less Previous Fee Paid	$0
Fee Due This Invoice	$960

Professional Personnel	Hours	Rate	Amount $
Hayes	15	50	$750
Meyer	15	45	$675
Tressel	15	40	$600
Bruce	15	35	$525
Cooper	15	30	$450
		Direct Labor	$3,000
	1.5%	Indirect Labor	$4,500

Team, Inc.

Project # 555-1

March 1 thru March 31, 2015

Graniteville #12345

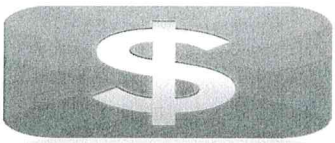
Main Street Bridge Replacment

Subtask Progress Report

Task #	Description	Overall Budget		Amount Expended This Period		Amount Expended Previous Period		Total Expended To Date		
		Hours	Dir Labor	Hours	Dir Labor	Hours	Dir Labor	Hours	Dir Labor	Percent Complete
	Engineering Study									
1	Project Coordination	40	$ 1,600	20	$ 800	0	$ -	20	$ 800	50%
			$ -							
2	Survey & Base Plans	40	$ 1,600	30	$ 1,200	0	$ -	30	$ 1,200	75%
			$ -							
3	Exising Conditions / NEPA	40	$ 1,600	16	$ 640	0	$ -	16	$ 640	40%
			$ -							
4	Purpose&Need / Design Criteria	20	$ 800	9	$ 360	0	$ -	9	$ 360	45%
			$ -							
5	Alternative Analysis	80	$ 3,200		$ -	0	$ -	0	$ -	0%
			$ -							
6	Public Meetings	40	$ 1,600		$ -	0	$ -	0	$ -	0%
			$ -							
7	Preferred Alternative / Report	40	$ 1,600		$ -	0	$ -	0	$ -	0%
		300	**$ 12,000**	**75**	**$ 3,000**	**0**	**$ -**	**75**	**$ 3,000**	

Attachments

Check Stub / Proof of Payment from LPA Sponsor to Consultant



<u>Cost Plus Fixed Fee Contracts submit:</u>

1) Time Sheets of each individual working that month

2) Direct Expense invoices/ receipts
    a. Photocopies
    b. Mileage
    c. Travel expenses
    d. Etc…

3) Sub-Consultant Detailed Invoices

4) Sub-Consultant Direct Expenses
    a. Photocopies
    b. Mileage
    c. Travel expenses

<u>Lum Sum Contracts submit:</u>

Direct Expense invoices/ receipts for Prime and Subs
    a. Photocopies
    b. Mileage
    c. Travel expenses
    d. Etc…

Project Name	Project #
Graniteville	#12345

CUMMULATIVE FINANCIAL SUMMARY BY PHASE

Main Street Bridge Replacement over Slippery River

PE Phase	Vendor	Vendor	Vendor	Non Participating	Participating	Town Share	Federal Share	Current Amount
Vendor	Invoice #	Invoice Date	Invoice Amount ($)	Amount	Balance	20%	80%	Requested
Team Inc.	498	2/2/2015	$6,000.00	$5,000.00	$1,000.00	$200.00	$800.00	
Team Inc.	524	3/3/2015	$2,000.00	$0.00	$2,000.00	$400.00	$1,600.00	
Team Inc.	542	4/4/2015	$3,000.00	$0.00	$3,000.00	$600.00	$2,400.00	
Team Inc.	555-1	5/2/2015	$9,000.00	$0.00	$9,000.00	$1,800.00	$7,200.00	**$7,200.00**
PE Phase Cummutlative Summary			**$20,000.00**	**$5,000.00**	**$15,000.00**	**$3,000.00**	**$12,000.00**	
			Vendor			**Town Share**	**Federal Share**	

BLANK TASK MATRIX EXAMPLE

BLANK SHEET PROVIDED TO SPONSOR FROM CONSULTANT

CAN INCLUDE DIRECT EXPENSE COSTS AND SUBCONSULTANT COSTS UNDER $10,000

	BID PHASE SERVICES	PROJECT MANAGER	PROJECT ENGINEER	ENG TECH	OFFICE ADMIN	
	Hourly Rate ($ per hour)					
	TASK	**NUMBER OF HOURS**				Totals
1	Prepare Advertisement					
2	Bidder Pre-Qualification Assist					
3	Addenda Assistance					
4	Bid Opening Assistance					
5	Bid Analysis / Tabulatation					
6	Bid Award Assistance					
	Sub - Total Hours	0	0	0	0	0
	Direct Labor (Hrs x $Hr Rate)	$ -	$ -	$ -	$ -	
	Indirect Labor (1.5% x Dir Labor)	$ -	$ -	$ -	$ -	
	Profit (_____%) Negotiable	$ -	$ -	$ -	$ -	
	Total Labor + Indirect + Profit	$ -	$ -	$ -	$ -	$ -

Direct Expenses	$
Mileage	$ 65
Copying	$ 250
Postage	$ 25
Sub-Consultants	$ -
Sub Total	$ 340

Bid Phase Service Total	$ 340.00

TOWN IGE EXAMPLE - FILLED IN

	BID PHASE SERVICES	PROJECT MANAGER	PROJECT ENGINEER	ENG TECH	OFFICE ADMIN	
	Hourly Rate ($ per hour)	$ 45	$ 35	$ 30	$ 25	
	TASK	**NUMBER OF HOURS**				Totals
1	Prepare Advertisement	1	2	0	1	4
2	Bidder Pre-Qualification Assist	1	0	0	1	2
3	Addenda Assistance	1	1	2	1	5
4	Bid Opening Assistance	6	0	0	1	7
5	Bid Analysis / Tabulatation	1	4	2	2	9
6	Bid Award Assistance	6	0	0	1	7
	Sub - Total Hours	16	7	4	7	34
	Direct Labor (Hrs x $Hr Rate)	$ 720.00	$ 245.00	$ 120.00	$ 175.00	
	Indirect Labor (1.5% x Dir Labor)	$ 1,080.00	$ 367.50	$ 180.00	$ 262.50	
	Profit: (Dir + Indir Labor) x 10%	$ 180.00	$ 61.25	$ 30.00	$ 43.75	
	Total Labor + Indirect + Profit	$ 1,980.00	$ 673.75	$ 330.00	$ 481.25	$ 3,465.00

Direct Expenses	$
Mileage	$ 65
Copying	$ 250
Postage	$ 25
Sub-Consultants	$ -
Sub Total	$ 340

Bid Phase Service Total	$ 3,805.00

INITIAL CONSULTANT FEE EXAMPLE - FILLED IN

	BID PHASE SERVICES	PROJECT MANAGER	PROJECT ENGINEER	ENG TECH	OFFICE ADMIN	
	Hourly Rate ($ per hour)	$ 50	$ 40	$ 35	$ 30	
	TASK	**NUMBER OF HOURS**				Totals
1	Prepare Advertisement	2	1	0	1	4
2	Bidder Pre-Qualification Assist	0	2	0	1	3
3	Addenda Assistance	2	0	2	1	5
4	Bid Opening Assistance	4	0	0	1	5
5	Bid Analysis / Tabulatation	4	1	2	2	9
6	Bid Award Assistance	6	0	0	1	7
	Sub - Total Hours	18	4	4	7	33
	Direct Labor (Hrs x $Hr Rate)	$ 900.00	$ 160.00	$ 140.00	$ 210.00	
	Indirect Labor (1.5% x Dir Labor)	$ 1,350.00	$ 240.00	$ 210.00	$ 315.00	
	Profit: (Dir + Indir Labor) x 10%	$ 225.00	$ 40.00	$ 35.00	$ 52.50	
	Total Labor + Indirect + Profit	$ 2,475.00	$ 440.00	$ 385.00	$ 577.50	$ 3,877.50

Direct Expenses	$
Mileage	$ 65
Copying	$ 250
Postage	$ 25
Sub-Consultants	$ -
Sub Total	$ 340

Bid Phase Service Total	$ 4,217.50

FINAL NEGOTIATED FEE EXAMPLE

	BID PHASE SERVICES	PROJECT MANAGER	PROJECT ENGINEER	ENG TECH	OFFICE ADMIN	
	Hourly Rate ($ per hour)	$ 50	$ 40	$ 35	$ 30	
	TASK	**NUMBER OF HOURS**				Totals
1	Prepare Advertisement	1	2	0	1	4
2	Bidder Pre-Qualification Assist	0	2	0	1	3
3	Addenda Assistance	2	0	2	1	5
4	Bid Opening Assistance	4	0	0	1	5
5	Bid Analysis / Tabulatation	2	3	1	2	8
6	Bid Award Assistance	6	0	0	1	7
	Sub - Total Hours	15	7	3	7	32
	Direct Labor (Hrs x $Hr Rate)	$ 750.00	$ 280.00	$ 105.00	$ 210.00	
	Indirect Labor (1.5% x Dir Labor)	$ 1,125.00	$ 420.00	$ 157.50	$ 315.00	
	Profit: (Dir + Indir Labor) x 10%	$ 187.50	$ 70.00	$ 26.25	$ 52.50	
	Total Labor + Indirect + Profit	$ 2,062.50	$ 770.00	$ 288.75	$ 577.50	$ 3,698.75

Direct Expenses	$
Mileage	$ 65
Copying	$ 250
Postage	$ 25
Sub-Consultants	$ -
Sub Total	$ 340

Bid Phase Service Total	$ 4,038.75

NHDOT MONTHLY NATURAL RESOURCE AGENCY COORDINATION MEETING
AGENDA ITEM REQUEST FORM

PROJECT NAME: _____ **PROJECT MANAGER:** _____

FEDERAL NO.: _____ **DOT ENV. MANAGER:** _____

STATE NO.: _____ **DESIGNER(S):** _____

AD DATE: _____ _____

REQUESTED MEETING DATE *(click to view possible dates)*: _____

PROJECT DESCRIPTION

Click here to enter text.

TYPE OF REVIEW (check all that apply)

- ☐ Initial Review
- ☐ Review of Alternatives
- ☐ Wetland Impacts
- ☐ Mitigation Issues
- ☐ Issues during Construction
- ☐ Post-construction Issues
- ☐ Other Issues:

RESOURCES OR CONCERNS (check all that apply to project)

- ☐ Water Quality/Impaired Waters
- ☐ Rare Species/Natural Communities
- ☐ Floodplains/Floodways
- ☐ Wetlands **(File# if applicable)**
- ☐ Conservation Land
- ☐ Essential Fish Habitat
- ☐ Protected Shoreland **(File# if applicable)**
- ☐ Coastal Zone
- ☐ Unknown at this Time
- ☐ Fisheries/Stream Crossings
- ☐ NH Designated River: **Name**
- ☐ Other:

NH NATURAL HERITAGE BUREAU FILE NUMBER: _____

WHAT IS YOUR GOAL/ DESIRED OUTCOME FOR THIS REVIEW?

Click here to enter text.

THIS PROJECT WAS PREVIOUSLY REVIEWED ON THE FOLLOWING DATES:

NAMES AND E-MAIL ADDRESSES FOR ALL NON-DOT ATTENDEES:

Click here to enter text.

HOW MUCH TIME DO YOU NEED (including Q&A)? (A normal review takes approx. 15 min.) _____ minutes
MINUTES WILL BE PREPARED BY: Name
WILL YOU HAVE A POWERPOINT PRESENTATION? ☐YES ☐NO
LOCATION MAP ATTACHED ☐

Please mail 2 copies of the completed form and required material to:

Cultural Resources Staff
Bureau of Environment
NH Department of Transportation
7 Hazen Drive
Concord, NH 03302

DHR Use Only	
R&C #	_____
Log In Date	____ / ____ / ____
Response Date	____ / ____ / ____
Sent Date	____ / ____ / ____

Request for Project Review by the New Hampshire Division of Historical Resources for Transportation Projects

☐ This is a new submittal.
☐ This is additional information relating to DHR Review and Compliance (R&C)#:

GENERAL PROJECT INFORMATION

DOT Project Name & Number

Brief Descriptive Project Title

Project Location

City/Town

Lead Federal Agency and Contact *(if applicable)*
(Agency providing funds, licenses, or permits)

Permit Type and Permit or Job Reference #

DOT Environmental Manager *(if applicable)*

PROJECT SPONSOR INFORMATION

Project Sponsor Name

Mailing Address Phone Number

City State Zip Email

CONTACT PERSON TO RECEIVE RESPONSE

Name/Company

Mailing Address Phone Number

City State Zip Email

This form is updated periodically. Please download the current form at http://www.nh.gov/nhdhr/review. *Please refer to the Request for Project Review for Transportation Projects Instructions for direction on completing this form.* Submit 2 copies of this project review form for each project for which review is requested. Include 1 self-addressed stamped envelope to expedite review response. Project submissions will not be accepted via facsimile or e-mail. This form is required. Review request form must be complete for review to begin. Incomplete forms will be sent back to the applicant without comment. Please be aware that this form may only initiate consultation. For some projects, additional information will be needed to complete the Section 106 review. All items and supporting documentation submitted with a review request, including photographs and publications, will be retained by the DOT and the DHR as part of its review records. Items to be kept confidential should be clearly identified. For questions regarding the DHR review process and the DHR's role in it, please visit our website at: http://www.nh.gov/nhdhr/review or contact the R&C Specialist at christina.st.louis@dcr.nh.gov or 603.271.3558.

PROJECTS CANNOT BE PROCESSED WITHOUT THIS INFORMATION

Project Boundaries and Description

- ☐ Attach the relevant portion of a 7.5' USGS Map (photocopied or computer-generated) ***indicating the proposed area of potential effect (APE).*** *(See RPR for Transportation Projects Instructions and R&C FAQs for guidance. Note that the APE is subject to approval by lead federal agency and SHPO.)*
- ☐ Attach a detailed narrative description of the proposed project.
- ☐ Attach current engineering plans with tax parcel, landscape, and building references, and areas of proposed excavation, if available.
- ☐ Attach photos of the project area/APE with mapped photo key (overview of project location and area adjacent to project location, and specific areas of proposed impacts and disturbances.) *(Blank photo logs are available on the DHR website. Informative photo captions can be used in place of a photo log.)*
- ☐ A DHR file review must be conducted to identify properties within or adjacent to the APE. Provide file review results in **Table 1**. *(Blank table forms are available on the DHR website.)*
  File review conducted on _____/_____/_____.*

  **The DHR recommends that all survey/National Register nomination forms and their Determination of Eligibility (green) sheets are copied for your use in project development.*

Architecture

Are there any buildings, structures (bridges, walls, culverts, etc.) objects, districts or landscapes within the APE? ☐ Yes ☐ No
If no, skip to Archaeology section. If yes, submit all of the following information:

- ☐ Attach completed **Table 2**.
- ☐ Photographs of ***each*** resource or streetscape located within the APE. Add to the mapped photo key and photo log noted above. (Digital photographs are accepted. All photographs must be clear, crisp and focused.)
- ☐ Copies of National Register boundary (listed *or* eligible) mapping, and add National Register boundaries for listed and eligible properties to the 7.5' USGS project map *(if applicable).*

Archaeology

Does the proposed undertaking involve ground-disturbing activity? ☐ Yes ☐ No
If yes, submit all of the following information:

- ☐ Description of current and previous land use and disturbances.
- ☐ Available information concerning known or suspected archaeological resources within the project area (such as cellar holes, wells, foundations, dams, etc.)

Please note that for many projects an architectural and/or archaeological survey or other additional information may be needed to complete the Section 106 process.

AGENCY COMMENT *This Space for DOT and Division of Historical Resources Use Only*

Sent to DHR; Authorized DOT Signature:_____ Date: _____

☐ Insufficient information to initiate review.

☐ Additional information is needed in order to complete review.

Comments:_____

_____

_____

_____

_____

_____

_____

_____

If plans change or resources are discovered in the course of this project, you must contact the Division of Historical Resources as required by federal law and regulation.

Authorized DHR Signature: _____ Date: _____

ACTIVITIES THAT QUALIFY FOR PROGRAMMATIC CATEGORICAL EXCLUSION

CE Action Number	Activity Description *(See Appendix A of the Programmatic Agreement for more information)*
1	Activities which do not lead directly to construction.
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. 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	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 U.S.C. 156 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	Alterations 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 located within the transit facility, with no significant impacts off site.
20	Promulgation of rules, regulations, and directives.
21	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.
22	Projects, as defined in 23 U.S.C. 101, that would take place entirely within the existing operational right-of-way.
23	Projects of Limited Federal Assistance pursuant to 23 CFR 771.117(c)(23). Limited Federal Assistance is defined as any project that (A) receives less than $5,000,000 in Federal funds or (B) has a total estimated cost of less than $30,000,000, with Federal funds comprising less than 15 percent of the total estimated cost of the project.
24	Localized geotechnical and other investigation for preliminary design and for environmental analyses and permitting purposes.
25	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 (33 U.S.C. 1341; 1342)) carried out to address water pollution or environmental degradation
26	Modernization of a highway by resurfacing, restoration, rehabilitation, reconstruction, adding shoulders, or adding auxiliary lanes (including parking, weaving, turning, and climbing lanes).
27	Highway safety or traffic operations improvement projects, including the installation of ramp metering control devices and lighting.
28	Bridge rehabilitation, reconstruction, or replacement or the construction of grade separation to replace existing at grade railroad crossings.
29	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	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.
31	Transportation corridor fringe parking facilities.
32	Construction of new truck weigh stations or rest areas.
33	Approvals for disposal of excess right-of-way or for joint or limited use of right-of-way, where the proposed use does not have significant adverse impacts
34	Approvals for changes in access control.
35	Construction of new bus storage and maintenance facilities in areas used predominantly for industrial or transportation purposes where such construction is not inconsistent with existing zoning and located on or near a street with adequate capacity to handle anticipated bus and support vehicle traffic.
36	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.
37	Construction of bus transfer facilities when located in a commercial area or other high activity center in which there is adequate street capacity for projected bus traffic
38	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.

STOP

STOP HERE IF YOUR PROJECT QUALIFIES FOR A PROGRAMMATIC CATEGORICAL EXCLUSION AND DOES NOT REQUIRE A PUBLIC HEARING.

The Programmatic Agreement for CEs has been revised

The Federal Highway Administration (FHWA) recently revised 23 CFR Part 771, its regulations pertaining to Categorical Exclusions (CEs). Due to this, the FHWA New Hampshire Division worked with the New Hampshire Department of Transportation to update the Programmatic Agreement for the Processing of Categorical Exclusions. The purpose of this update was to add the new CE actions; further streamline the programmatic agreement; and clarify sections of the CE agreement, checklist, and instructions so it is easier to understand and use. The new Programmatic Agreement is in effect as of May 4, 2016.

New Categorical Exclusions

The FHWA adopted new Categorical Exclusions in 23 CFR 771.117(c):

(22) Projects entirely within the operational right-of-way (ROW). Projects, 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 facility or is maintained for a transportation purpose. This area include the features associated with the physical footprint of the transportation facility (including the roadway, bridges, interchanges, culverts, drainage, fixed guideways, mitigation areas, etc.) and other areas maintained for transportation purposes such as clear zone, traffic control signage, landscaping, any rest areas with direct access to a controlled access highway, areas maintained for safety and security of a transportation facility, parking facilities with direct access to an existing transportation facility, transit power substations, transit venting structures, and transit maintenance facilities. 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.

(23) A Federally-funded project: (i) That receives less than $5,000,000 of Federal funds; or, (ii) With a total estimated cost of not more than $30,000,000 and Federal funds comprising less than 15 percent of the total estimated cost.

(24) Localized geotechnical and other investigation to provide information for preliminary design and for environmental analyses and permitting purposes, such as drilling test bores for soil sampling; archeological investigations for archeology resources assessment or similar survey; and wetland surveys.

(25) 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 (33 U.S.C. §§1341; 1342)) carried out to address water pollution or environmental degradation.

(29) 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) 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.

CE Actions that have moved to the Programmatic CE List

In addition to the new CE actions, three CEs that were listed under 23 CFR §771.117(d) (1) to (3) are now listed under 23 CFR §771.117(c)(26) to (28). These are the following:

(26) 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.

(27) Highway safety or traffic operations improvement projects, including the installation of ramp metering control devices and lighting, if the project meets the constraints in paragraph (e) of this section.

(28) Bridge rehabilitation, reconstruction, or replacement or the construction of grade separation to replace existing at grade railroad crossings, if the actions meet the constraints in paragraph (e) of this section.

The new Programmatic Agreement and complete list of CE actions can be found at:

http://www.nh.gov/dot/org/projectdevelopment/environment/documents.htm

This new Agreement is effective immediately; if an environmental document has not been submitted to the Department as of this date, please use the new forms and CE actions listed on the website. For questions please contact Ron Crickard Chief of Project Management at the Bureau of Environment, NHDOT. rcrickard@dot.state.nh.us 603-271-3226

State of New Hampshire – Department of Transportation

CATEGORICAL EXCLUSION
PROGRAMMATIC DETERMINATION CHECKLIST

Action/Project Name: _____ **State Project Number:** _____
Federal Project Number: _____ **CE Action Number:** _____

Description of Project:

_____

_____

_____

_____

PROGRAMMATIC CATEGORICAL EXCLUSION (CE) CRITERIA[1]

		NO	YES
1	*Right-of-Way* – Does the proposed action result in any residential or non-residential displacements, or acquisition of property rights to an extent that impairs the functions of the affected property? Does the proposed action include acquisition of land for hardship or protective purposes?	☐	☐
2	*Traffic* – Does the proposed action result in capacity expansion of a roadway by addition of through lanes?	☐	☐
3	*Roadway Access* – Does the proposed action involve the construction of temporary access, or the closure of existing road, bridge, or ramps that would result in major traffic disruptions? Does the proposed action involve changes in access that pertain to interstate highways, or that have wide-reaching ramifications?	☐	☐
4	*Cultural Resources* – Does the proposed action have an Adverse Effect on historic properties pursuant to Section 106 of the National Historic Preservation Act?	☐	☐
5	*Section 4(f)* – Does the proposed action require the use of any property protected by Section 4(f) of the 1966 USDOT Act, that cannot be documented with a *de minimis* impact determination, or a programmatic Section 4(f) evaluation, other than the programmatic evaluation for the use of historic bridges?	☐	☐
6	*Section 6(f)/Conservation Properties* – Does the proposed action require the acquisition of any land under the protection of Section 6(f) of the Land and Water Conservation Act of 1965, or other publicly funded conservation areas?	☐	☐
7	*Wetlands/Surface Waters* – Does the proposed action require an Army Corps of Engineers Individual Permit pursuant to the Clean Water Act, and/or a Section 10 permit pursuant to the Rivers and Harbors Act of 1899?	☐	☐
8	*US Coast Guard* – Does the proposed action require a US Coast Guard bridge permit?	☐	☐
9	*Floodways/Floodplains* – Does the proposed action encroach on the regulatory floodway of water courses or water bodies, resulting in more than a nominal increase in base flood elevation? Does the proposed action have a significant or adverse impact on floodplain values, or create a significant risk to human life or property?	☐	☐
10	*Water Quality* – Does the proposed action have more than a negligible impact on water quality?	☐	☐
11	*Wild and Scenic Rivers* – Does the proposed action require construction in, across, or adjacent to a river designated as a component of, or proposed for inclusion in, the National System of Wild and Scenic Rivers?	☐	☐
12	*Noise* – Is the proposed action a Type I highway project?	☐	☐
13	*Endangered Species* – Is the proposed action likely to adversely affect species or critical habitat of species protected by the Endangered Species Act, or result in impacts subject to the conditions of the Bald and Golden Eagle Protection Act?	☐	☐
14	*Air Quality* – Is the project inconsistent with the State Implementation Plan in air quality non-attainment areas, or the Statewide Transportation Improvement Program, or, in applicable urbanized areas the Transportation Improvement Program?	☐	☐
15	*CZMA* – Is the project inconsistent with the State's Coastal Zone Management Plan?	☐	☐
16	*Other* – Are there any other major issues of concern that would benefit from a more detailed discussion?	☐	☐

- If the answer to all of the above questions is **NO**, the proposed action **qualifies for classification as a Programmatic Categorical Exclusion**.
- If the answer to any of the above questions is **YES**, the proposed action **does not qualify for classification as a Programmatic Categorical Exclusion.**

[1] See *Detailed Instructions* for further explanations of the questions and documentation requirements.

Document Template March 2000
Revised March 2016

DETAILED DISCUSSION OF PROGRAMMATIC CE CRITERIA

Provide a brief narrative response as to how your project qualifies for a Programmatic Categorical Exclusion.

1. *Right-of-Way* – Does the proposed action result in any residential or non-residential displacements, or acquisition of property rights to an extent that impairs the functions of the affected property? Does the proposed action include acquisition of land for hardship or protective purposes?

2. *Traffic* – Does the proposed action result in capacity expansion of a roadway by addition of through lanes?

3. *Roadway Access* – Does the proposed action involve the construction of temporary access, or the closure of existing road, bridge, or ramps that would result in major traffic disruptions? Does the proposed action involve changes in access that pertain to interstate highways, or that have wide-reaching ramifications?

4. *Cultural Resources* – Does the proposed action have an Adverse Effect on historic properties pursuant to Section 106 of the National Historic Preservation Act?

5. *Section 4(f)* – Does the proposed action require the use of any property protected by Section 4(f) of the 1966 USDOT Act**,** that cannot be documented with a *de minimis* impact determination, or a programmatic Section 4(f) evaluation, other than the programmatic evaluation for the use of historic bridges?

6. *Section 6(f)/Conservation Properties* – Does the proposed action require the acquisition of any land under the protection of Section 6(f) of the Land and Water Conservation Act of 1965, or other publicly funded conservation areas?

7. *Wetlands/Surface Waters* – Does the proposed action require an Army Corps of Engineers Individual Permit pursuant to the Clean Water Act, and/or a Section 10 permit pursuant to the Rivers and Harbors Act of 1899?

8. *US Coast Guard* – Does the proposed action require a US Coast Guard bridge permit?

9. *Floodways/Floodplains* – Does the proposed action encroach on the regulatory floodway of water courses or water bodies, resulting in more than a nominal increase in base flood elevation? Does the proposed action have a significant or adverse impact on floodplain values, or create a significant risk to human life or property?

10. *Water Quality* – Does the proposed action have more than a negligible impact on water quality?

11. *Wild and Scenic Rivers* – Does the proposed action require construction in, across, or adjacent to a river designated as a component of, or proposed for inclusion in, the National System of Wild and Scenic Rivers?

12. *Noise* – Is the proposed action a Type I highway project?

13. *Endangered Species* – Is the proposed action likely to adversely affect species or critical habitat of species protected by the Endangered Species Act, or result in impacts subject to the conditions of the Bald and Golden Eagle Protection Act?

14. *Air Quality* – Is the project inconsistent with the State Implementation Plan in air quality non-attainment areas, or the Statewide Transportation Improvement Program, or, in applicable urbanized areas the Transportation Improvement Program?

15. *CZMA* – Is the project inconsistent with the State's Coastal Zone Management Plan?

16. *Other* - Are there any other major issues of concern that would benefit from a more detailed discussion?

ENVIRONMENTAL COMMITMENTS

(List each environmental commitment made for the project, indicating the entity responsible for ensuring successful implementation.)

_____
_____
_____
_____
_____
_____
_____

CLASSIFICATION DETERMINATION

☐ The proposed action qualifies for a Programmatic Categorical Exclusion.

☐ The proposed action does not qualify for a Programmatic Categorical Exclusion.

Prepared by: _____ _____
Name, Title Date

Approval Recommended By: _____ _____
Project Management Section Chief Date
NHDOT Bureau of Environment

Approved by: _____ _____
Administrator Date
NHDOT Bureau of Environment

Note: Post-hearing follow-up actions, if any, are indicated on the final page of this document.

LIST OF EXHIBITS

(Attach, and list below, documentation/correspondence, as appropriate, that demonstrates how you were able to check each 'NO' box identified on Page 1, in accordance with Section IV(A)(1)(b) of the Programmatic Agreement. Attach such exhibits as maps, plans, letters, figures, tables and permits.)

ACTIVITIES THAT QUALIFY FOR PROGRAMMATIC CATEGORICAL EXCLUSION

CE Action Number	Activity Description *(See Appendix A of the Programmatic Agreement for more information)*
1	Activities which do not lead directly to construction.
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. 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	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 U.S.C. 156 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	Alterations 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 located within the transit facility, with no significant impacts off site.
20	Promulgation of rules, regulations, and directives.
21	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.
22	Projects, as defined in 23 U.S.C. 101, that would take place entirely within the existing operational right-of-way.
23	Projects of Limited Federal Assistance pursuant to 23 CFR 771.117(c)(23). Limited Federal Assistance is defined as any project that (A) receives less than $5,000,000 in Federal funds or (B) has a total estimated cost of less than $30,000,000, with Federal funds comprising less than 15 percent of the total estimated cost of the project.
24	Localized geotechnical and other investigation for preliminary design and for environmental analyses and permitting purposes.
25	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 (33 U.S.C. 1341; 1342)) carried out to address water pollution or environmental degradation
26	Modernization of a highway by resurfacing, restoration, rehabilitation, reconstruction, adding shoulders, or adding auxiliary lanes (including parking, weaving, turning, and climbing lanes).
27	Highway safety or traffic operations improvement projects, including the installation of ramp metering control devices and lighting.
28	Bridge rehabilitation, reconstruction, or replacement or the construction of grade separation to replace existing at grade railroad crossings.
29	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	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.
31	Transportation corridor fringe parking facilities.
32	Construction of new truck weigh stations or rest areas.
33	Approvals for disposal of excess right-of-way or for joint or limited use of right-of-way, where the proposed use does not have significant adverse impacts
34	Approvals for changes in access control.
35	Construction of new bus storage and maintenance facilities in areas used predominantly for industrial or transportation purposes where such construction is not inconsistent with existing zoning and located on or near a street with adequate capacity to handle anticipated bus and support vehicle traffic.
36	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.
37	Construction of bus transfer facilities when located in a commercial area or other high activity center in which there is adequate street capacity for projected bus traffic
38	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.

STOP

STOP HERE IF YOUR PROJECT QUALIFIES FOR A PROGRAMMATIC CATEGORICAL EXCLUSION AND DOES NOT REQUIRE A PUBLIC HEARING.

FOLLOW-UP ACTION FOR PROGRAMMATIC CATEGORICAL EXCLUSIONS FOR PROJECTS REQUIRING A PUBLIC HEARING

Action/Project Name: _____ State Project Number: _____
Federal Project Number: _____

Was a Public Hearing held? Yes ☐ No ☐ (*if no, you do not need to complete this page)*

As a result of the Public Hearing, have changes to the proposed action, if any, resulted in impacts/effects that do not meet the Programmatic Categorical Exclusion criteria? Yes ☐ No ☐

If the answer to the above question is **YES**, the proposed action **no longer qualifies for classification as a Programmatic Categorical Exclusion.** In such cases, if the impact(s)/effect(s) leading to the disqualification are not significant, the proposed action may be reprocessed as an Individual CE, requiring FHWA's concurrence.

If the answer to the above question is **NO**, the proposed action continues to **qualify for classification as a Programmatic Categorical Exclusion.**

POST - HEARING CLASSIFICATION DETERMINATION

☐ The proposed action continues to qualify as a Programmatic Categorical Exclusion.

☐ The proposed action no longer qualifies as a Programmatic Categorical Exclusion.

If it no longer qualifies, list reasons: _____

_____

_____

_____

_____

Prepared by: _____ _____
Name, Title Date

Approval Recommended By: _____ _____
Project Management Section Chief Date
NHDOT Bureau of Environment

Approved by: _____ _____
Administrator Date
NHDOT Bureau of Environment

THE NHDOT ENVIRONMENTAL REVIEW PROCESS

PROGRAMMATIC CATEGORICAL EXCLUSION DETERMINATIONS

September 2016

THE NHDOT ENVIRONMENTAL REVIEW PROCESS
FOR MUNICIPALLY MANAGED PROJECTS AND TE AND CMAQ PROJECTS

PROGRAMMATIC CATEGORICAL EXCLUSION
DETERMINATIONS

Table of Contents

INTRODUCTION 1
SYSTEMATIC APPROACH 2
Step 1: Initial Contact Letters 2
Step 2: On-Line Regulatory Reviews 2
NH Natural Heritage Bureau 3
US Fish and Wildlife Service 3
NHDES OneStop Web Geographic Information System 4
Step 3: Resource Agency Meetings 4
Cultural Resource Agency Coordination Meeting 4
Natural Resource Agency Coordination Meeting 5
Step 4: Completing *The Checklist* 5
Overview 5
Part I: Project Name and Tracking Numbers 6
Part II: Description of Project 6
Part III: Programmatic CE Criteria 6
Right-of-Way 6
Traffic 7
Roadway Access 7
Cultural Resources 7
Section 4(f) 9
Section 6(f) / Conservation Properties 10
Wetlands/Surface Waters 11
UA Coast Guard 11
Floodways/Floodplains 12
Water Quality 13
Wild and Scenic Rivers 13
Noise 14
Endangered Species 14
Air Quality 16
Coastal Zone Management Plan 17
Other 18
Part IV: Environmental Commitments 18
Part V: Classification Determination 19
Part VI: Classification Follow Up Action 19
Step 5: Categorical Exclusions Non-Programmatic Environmental Impact Summary 19

APPENDICES

Appendix A: Hyperlinked Websites
Appendix B: Environmental Contacts List
Appendix C: Initial Contact Letter (sample)
Appendix D: NH Natural Heritage Bureau Response Letters (samples)
Appendix E: US Fish and Wildlife Service Consultation Letter)
Appendix F: Programmatic Categorical Exclusions (samples)
Appendix G: Activities that Qualify for Programmatic Categorical Exclusion
Appendix H: Municipal Effects Memorandum (samples)
Appendix I: List of Acronyms used in this Document
Appendix J: Non-Programmatic CE form
Appendix K: Coastal Zone Management review process

THE NHDOT ENVIRONMENTAL REVIEW PROCESS FOR MUNICIPALLY MANAGED PROJECTS AND TE AND CMAQ PROJECTS

PROGRAMMATIC CATEGORICAL EXCLUSION DETERMINATIONS

Prepared by: NHDOT Bureau of Environment

September 2016

THE NHDOT ENVIRONMENTAL REVIEW PROCESS FOR MUNICIPALLY MANAGED PROJECTS AND TE AND CMAQ PROJECTS

PROGRAMMATIC CATEGORICAL EXCLUSION DETERMINATIONS

INTRODUCTION

In accordance with the National Environmental Policy Act[1] (NEPA[2]) of 1969, the New Hampshire Department of Transportation (NHDOT) must assess alternatives to, and the environmental impacts of, transportation improvement projects that are funded or approved by Federal agencies. Typically, the Federal Highway Administration (FHWA) is the lead Federal agency for NHDOT projects; thus, NHDOT follows FHWA regulations (23 CFR 771) and technical guidance (Technical Advisory T6640.8A) for implementing requirements of NEPA. Environmental documentation is required to address the natural, socio-economic, and cultural resource impacts associated with a given action. This documentation will also serve to record compliance with requirements of other environmental laws, including the Endangered Species Act (ESA), Clean Water Act (CWA), and National Historic Preservation Act (NHPA).

From an environmental standpoint, projects are classified according to the expected significance of their impact on the environment. Projects with the potential for significant environmental impact potential require completion of an Environmental Impact Statement (EIS) and are classified as Class I projects. Projects that are expected to have very minor environmental impacts are processed as Categorical Exclusions (CE) and are classified as Class II projects. Projects for which potential environmental impacts are unknown are processed as Environmental Assessments (EA) and are classified as Class III projects. Typically, Transportation Enhancement (TE) and Congestion Mitigation Air Quality (CMAQ) projects are processed as CEs and generally qualify for an even more abbreviated review process know as a *Programmatic Categorical Exclusion (*Programmatic CE*).*

This guidance material provides project sponsors overseeing projects for NHDOT with a systematic, interdisciplinary approach to evaluating the potential impacts a proposed action will have on the surrounding environment. In addition, appropriate forms and examples are provided for accurate completion of a *"Categorical Exclusion Programmatic Determination Checklist"* (*The Checklist*) and the materials and backup information that are needed to support the determination. In the event that a project does not meet the criteria for processing as a Programmatic CE, information is provided for the next level of required documentation: a "*Categorical Exclusion Non-Programmatic Impact Summary"* (see **Step 5** for non-programmatic CE documentation requirements).

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1. The URLs of the websites hyperlinked in this document are listed in **Appendix A**.
2. A list of all acronyms used in this document are listed in **Appendix I**.

SYSTEMATIC APPROACH

For every program or project authorized, funded, or otherwise approved by a Federal agency, an evaluation of the environmental affects of that program or project is required. Many of the resources that make up the "environment," are regulated, protected, or fall under the jurisdiction of a State or Federal agency. In addition to these agencies, local officials often have a good understanding of the local issues and resources that may have an affect on project design. It is essential to involve the right entities and agencies early in the design process to provide for a streamlined environmental review and ensure that a project is compatible with the environment and Federal, State, and local laws, rules, and regulations.

The following systematic approach should be utilized on all projects to ensure that all issues and resources are appropriately addressed as design progresses from the preliminary stages through the construction phase.

Step 1: Initial Contact Letters

As the first step in an environmental review, a project sponsor should contact, via letter, the officials in the town where the project is proposed, and the officials with jurisdiction over the resources listed on the first page of *The Checklist.* The responses will help inform the design of the project and will be included, as appropriate, in the document appendices as supporting documentation. For information on completing *The Checklist* see **Step 3**. Contact information for the officials with jurisdiction over the resources in the checklist are also found in **Steps 2 & 3** and in a comprehensive list in **Appendix B**. When contacting local officials, send correspondence to the following individuals, by title, as appropriate:

- Selectmen Chairman/Mayor
- Planning Board Chairman
- Town Planner
- Conservation Commission
- Historical Society
- Fire Chief
- Emergency Management Director
- Public Works Director
- City Engineer
- City Manager
- Road Agent
- Police Chief

The letter should clearly detail the project name and number, a description of the project limits, needs, and proposed action. In addition, the NHDOT Bureau of Environment (BOE) has developed a list of ten questions to provide the most appropriate information for design purposes. A sample letter can be found in **Appendix C**.

For the most up-to-date list of local officials, visit the Public Officials Directory at the NHDOT Bureau of Planning and Community Assistance website.

Step 2: On-Line Regulatory Reviews

Some information required by *The Checklist* and to ensure that project related impacts or involvement with resources is avoided and/or minimized will require a project sponsor to utilize web-based information systems. These systems are another important tool when acquiring background information, or environmental conditions, for a project. There are three web-based systems that can be utilized when completing *The Checklist*.

NH Natural Heritage Bureau

The first web-based system is the "DataCheck" tool employed by the NH Department of Resources and Economic Development Natural Heritage Bureau (NHNHB). The NHNHB mission, as mandated by the Native Plant Protection Act of 1987 (RSA 217-A), is to determine protective measures and requirements necessary for the survival of native plant species in the state, to investigate the condition and degree of rarity of plant species, and to distribute information regarding the condition and protection of these species and their habitats. NHNHB also maintains information on rare wildlife in cooperation with the NH Fish & Game Department's (NHF&G) Nongame and Endangered Wildlife Program, which has legal jurisdiction over New Hampshire wildlife.

The NHNHB maintains a database of known locations of rare species and exemplary natural communities. Federal, state, and local agencies may require a check of this database to determine whether a proposed project could impact rare species or exemplary natural communities. This information is required by *The Checklist* under Question #3. There is a $25 fee for this service.

The information generated from this review will be contained in correspondence returned from NHNHB. If the project is not likely to impact rare species or exemplary natural communities, a form letter will be generated by the "DataCheck" tool to be printed by the project sponsor. If the project has the potential to impact rare species or exemplary natural communities, a $25 fee is assessed and NHNHB will provide separate correspondence that identifies the species or communities of concern and follow-up recommendations. This response may require the project sponsor to contact additional State or Federal resource agencies to determine the potential impacts of the project on protected plant and animal species/communities. See **Step 3** for more information. Sample letters can be found in **Appendix D**.

US Fish and Wildlife Service

The USFWS consultation website (http://www.fws.gov/newengland/EndangeredSpec-Consultation.htm) and Information, Planning, and Conservation System (http://ecos.fws.gov/ipac/) should be utilized to determine if potential concerns exist with federally listed species. If a project is located in tidal waters, the National Oceanic and Atmospheric Administration (NOAA) Protected Resources Division website should be consulted (http://www.greateratlantic.fisheries.noaa.gov/Protected/).

Potential concerns require coordination with USFWS or NOAA.

Section 7 of the Endangered Species Act (ESA) directs all Federal agencies to use their existing authorities to conserve threatened and endangered species and, in consultation with the US Fish and Wildlife Service (USF&WS), to ensure that their actions do not jeopardize listed species or destroy or adversely modify critical habitat. Question #3 of *The Checklist* directs the project sponsor to determine if Federally Threatened or Endangered species occur within or may be affected by a proposed project. The USF&WS New England Field Office offers a Section 7 web-based consultation process under Section 7 of the ESA for Federal actions. The project sponsor should utilize this website to complete this review or determine if additional review is required. Moreover, the USF&WS has determined that individual review for specific types of projects associated with highway maintenance and upgrade activities is not required. Individual correspondence with the USF&WS is not required for the following types of projects:

1. Resurfacing projects;
2. Intersection improvements, including the construction of traffic signals; and
3. Routine maintenance and installation of guardrail.

A copy of this letter is included in **Appendix E** if the project sponsor's project fits into any of these three categories, and should be included as backup information for a Programmatic CE determination.

NHDES OneStop Web Geographic Information System

The purpose of the OneStop Web GIS application is to provide access to GIS data that are developed by the NH Department of Environmental Services (NHDES) and other State and Federal government agencies under the auspices of NH GRANIT (the New Hampshire Geographically Referenced Analysis and Information Transfer System). While there is a lot of good, general information available, the BOE primarily utilizes the information it contains to determine if there are any properties in the project area that may be contaminated by any hazardous or noxious materials. This information is then utilized to complete an Initial Site Assessment (ISA). The ISA details the potential for construction to involve contaminated materials and discusses any follow up action that may be necessary during construction. For a sample ISA see **Appendix F**.

Step 3: Resource Agency Meetings

The review of projects by State and Federal resource agencies is essential in determining the extent of environmental impacts and identifying the need for permits and approvals. Project review meetings can supplement written correspondence, and at times are not only recommended but necessary. The project sponsor can arrange for such meetings or avail itself of regularly scheduled (monthly or bimonthly) meetings hosted by the NHDOT Bureau of Environment. There are two regularly scheduled meetings as discussed below.

Cultural Resource Agency Coordination Meeting

Twice each month, usually the first and second Thursday, the NHDOT BOE hosts a Cultural Resource Agency Coordination Meeting for review of design alternatives and the presence and potential impacts to historic and/or archaeological resources that may be present in the project area of a particular project. The meeting provides the opportunity for NHDOT to coordinate with the NH Division of Historical Resources (NHDHR), which is also known as the State Historic Preservation Office (SHPO), FHWA, and/or ACOE, as appropriate, to discuss cultural resources. Each project is reviewed, on average, once or twice throughout project development at this meeting venue. To schedule a project for review, contact the NHDOT Bureau of Environment, Cultural Resource Program Manager.

Contact Jill Edelmann
Cultural Resource Program Manager
NHDOT Bureau of Environment
(603) 271-3226
Jedelmann@dot.state.nh.us

Natural Resource Agency Coordination Meeting

Once each month, usually the third Wednesday of each month, the NHDOT BOE hosts a Natural Resource Agency Coordination Meeting for review of design alternatives and their impacts to environmental resources (including wetlands, endangered species, water quality, air, wildlife, fisheries, etc.) for a particular project. Agencies in attendance include the Environmental Protection Agency (EPA), USF&WS, Army Corps of Engineers (ACOE), NHF&G, NHDES, FHWA, NHNHB, and the NH Bureau of Emergency Management (NHBEM). This venue provides agencies an opportunity to review designs, design alternatives and potential impacts. In addition, mitigation opportuinites are also reviewed, as needed. Each project is reviewed, on average, once or twice throughout project development: once during alternative selection and once during impacts analysis. Review at this meeting increases the likelihood that a project sponsor will be able to receive a timely permit for a proposed project. To schedule a project for review, contact the NHDOT Bureau of Environment,

Contact: Matt Urban,
Wetlands Program Manager
NHDOT Bureau of Environment
(603) 271-3226
murban@dot.state.nh.us

Step 4: Completing *The Checklist*

Overview

While the level of analysis for a project is dependent on the nature and scope of the specific action, most Municipally Managed projects and TE and CMAQ projects will be processed as Programmatic CEs. See **Appendix F** for sample Programmatic CE Checklists. The completed form and all appropriate supporting information (e.g. letters from resource agencies) is necessary for all projects to provide evidence of compliance with applicable environmental laws and regulations and to avoid last minute project delays.

Compliance with these environmental regulations requires that the proposed project avoid impacts to natural and cultural/historical environmental resources wherever possible and practicable. Once the least damaging alternative is identified, the project should be reviewed for ways to minimize the remaining impacts. If the remaining impacts are significant, mitigation may be necessary. This process is particularly important relative to wetland impact permits issued by the NHDES Wetlands Bureau under RSA 482-A and the US Army Corps of Engineers (ACOE), which administers Section 404 of the CWA.

Federal regulations that protect cultural and historical resources include Section 4(f) of the US Department of Transportation (USDOT) Act, Section 106 of the NHPA, and Section 6(f) of the Land and Water Conservation Fund (LWCF) Act. If a project will result in substantial impacts to any of the resources protected by these regulations, then more involved analyses and documentation may be required.

If, at any time, the project sponsor requires additional information, the Project Development Section Chief at NHDOT BOE can provide assistance (*see previous contact*).

Part I: Project Name and Tracking Numbers

> **Action/Project Name:** *The city/town in which the action will occur*
> **State Project Number:** *The 5 digit NHDOT project number – usually begins with a "1"*
> **Federal Project Number:** *The FHWA project number – usually begins with "X-A000"*
> **CE Action Number:** *This number identifies which regulation allows the project to be classified as a CE, and in the State of NH, as programmatic. Most TE and CMAQ projects qualify under No's: 3, 13, 21, 32 or 33.*

In order to determine the CE Action numbers see **Appendix G**.

Part II: Description of Project

The project sponsor should identify and describe the proposed action, including its location, termini, and design aspects. This is important to document the scope of the action at the time the Programmatic CE determination is made. If available, attach the *Engineering Report* to the checklist. Attach a project location map to *The Checklist.*

Part III: Programmatic CE Criteria

The project sponsor should gather supporting documentation, as appropriate, to address the questions enumerated in *The Checklist*. Much of this supporting documentation has already been gathered under **Steps 1 & 2**. Respond to each question by checking either **YES** ☐ or **NO** ☐**.** Although a single **YES** ☐ response will disqualify the action for processing as a Programmatic CE, complete the responses for all questions. This will provide a full record for future reference, in case the project scope is subsequently revised or the environmental parameters change.

Documentation (letters, memos, forms, etc.), as appropriate, should be attached to *The Checklist.*

Right-of-Way

1. *Right-of-Way* – Does the proposed action result in any residential or non-residential displacements, or acquisition of property rights to an extent that impairs the functions of the affected property? Does the proposed action include acquisition of land for hardship or protective purposes?

To qualify for Programmatic CE approval, actions must meet a two-part test with respect to potential right-of-way impacts. First, the action must not require the acquisition of residences or businesses. The acquisition of unoccupied buildings, including garages, barns, storage facilities, vacant domiciles, vacant commercial establishments, etc., will not preclude the use of the Programmatic CE, unless such acquisition is deemed to have a substantial adverse effect on the value of the property or impedes the operation of business enterprises on the property. Second, if the action requires fee simple acquisition or permanent easements that will impair the function of the property, the Programmatic CE will not apply. These right-of-way "tests" are independent of any cultural resource, Section 4(f), or Section 6(f) impact determinations required for Programmatic CE approval.

Note: As appropriate, an analysis of the effects of property acquisition should be completed and attached to the checklist.

Traffic

2. *Traffic*—Does the proposed action result in capacity expansion of a roadway by addition of through lanes?

A project resulting in capacity expansion of a roadway by the addition of through lanes will be disqualified from processing as a Programmatic Categorical Exclusion.

Roadway Access

3. *Roadway Access*— Does the proposed action involve the construction of temporary access, or the closure of existing road, bridge, or ramps that would result in major traffic disruptions? Does the proposed action involve changes in access that pertain to interstate highways, or that have wide-reaching ramifications?

Major traffic disruption is defined as a case-by-case scenario, when the NHDOT, in consultation with FHWA, agree that the project scope will interrupt traffic patterns beyond normal project conditions.

Cultural Resources

4. *Cultural Resources* – Does the proposed action have an adverse effect on properties eligible for or listed in the National Register of Historic Places?

Federal and State legislation directs the consideration of historical resources for LPA undertakings. Section 106 of the National Historic Preservation Act requires federal agencies and those receiving federal funding, permitting or licensing to take into account the impacts of their undertakings on properties eligible for or listed in the National Register of Historic Places and affords the Advisory Council on Historic Preservation (ACHP) the opportunity to comment on the undertaking prior to the project's execution. Projects that are not subject to Section 106 must adhere to regulations of NH RSA 227-c: Historic Properties. A determination of "No Historic Properties Affected" or "No Adverse Effect" qualifies the action for Programmatic CE approval. See **Appendix H** for a sample "municipal effects memorandum."

<u>Request for Project Review</u>

The Request for Project Review (RPR) form initiates the Section 106 consultation process with the NH State Historic Preservation Office (SHPO). Guidance for filling out the form and templates are on the NH Division of Historical Resources website: http://www.nh.gov/nhdhr/review/rpr.htm. All transportation RPR forms are first sent to the NHDOT Cultural Resources Program for review

If it is determined by NHDOT Cultural Resource staff, NHDHR and/or the federal agent there are no cultural resources concerns, an effect memo can be written, ending the Section 106/cultural resources review process.

In addition, the Bureau of Environment's monthly Cultural Resource Agency Coordination Meetings can be utilized for help in assessing impacts to cultural resources. For information on this meeting venue see Step 3.

Programmatic Agreement (PA)

Signed on November 26, 2014, the PA establishes procedures for processing projects, provides standardized forms for reporting, and clearly lays out the roles and responsibilities of FHWA, NHDOT, SHPO and the project sponsor in order to operate under the PA. It streamlines the Section 106 process by promoting consistency and transparency of project development and review practices and requirements, and by encouraging an understanding among project sponsors of the goals of Section 106 and the benefits of incorporating those goals early during a project's design. A wide range of transportation undertakings ("projects") typically do not impact or affect historical resources. The PA streamlines the Section 106 review of these types of projects by enabling NHDOT to conduct individual historical resource reviews, thereby removing FHWA and the SHPO from project-by-project evaluation activities.

The NHDOT Cultural Resources Program will make the determination whether a proposed project is an Appendix A undertaking. If so, Section 106 review will be limited to completion of an Appendix A Certification Form. Appendix B undertakings require further coordination with the NHDOT Cultural Resources Program, as well as information gathering due to the potential, albeit minimal, for the undertaking to cause effects to historic resources.

National Register eligibility determinations and review of archaeological reports will still be made in accordance with the current FHWA and SHPO review process.

More information is available here:
http://www.nh.gov/dot/org/projectdevelopment/environment/units/program-management/cultural.htm

Note: If using the Programmatic Agreement, approved Appendix A and B certification forms act as the Section 106 project effect determination. Contact the Bureau of Environments Cultural Resource Program Manager to determine the proper response to the cultural resources question.

Contact:

Jill Edelmann
Cultural Resource Program Manager
NHDOT Bureau of Environment
(603) 271-3226
Jedelmann@dot.state.nh.us

Section 4(f)

5. *Section 4(f)* – Does the proposed action require the use of any property protected by Section 4(f) of the 1966 USDOT Act that cannot be documented with a *de minimis* impact determination, or a programmatic Section 4(f) evaluation, other than the programmatic evaluation for the use of historic bridges?

Section 4(f) of the USDOT Act addresses the use of land from publicly owned parks, recreation areas, wildlife and waterfowl refuges, and public or private historic sites for Federal highway projects. Compliance with Section 4(f) is typically evaluated during the NEPA review process. Section 4(f) applies to transportation projects that receive funding from or require approval by FHWA.

FHWA regulations state: "The Administration may not approve the use of land from a significant publicly owned public park, recreation area, or wildlife and waterfowl refuge, or any significant historic site unless a determination is made that:

- There is no feasible and prudent alternative to the use of land from the property; and
- The action includes all possible planning to minimize harm to the property resulting from such use.

Supporting information must demonstrate that there are unique problems or unusual factors involved in the use of alternatives that avoid these properties or that the cost, social, economic, and environmental impacts or community disruption resulting from such alternatives reach extraordinary magnitudes."

It should be noted that Section 4(f) applies to all significant historic sites, regardless of ownership, but only to publicly owned public parks, recreational areas, and wildlife and waterfowl refuges. Significant historic sites are those listed or eligible for listing in the National Register of Historic Places.

Any use of 4(f) property will disqualify the action for Programmatic CE processing, unless a *de minimis* impact finding has been made.

FHWA can provide for a finding of *de minimis* impact on a 4(f) property if:

A. For historic properties, the transportation program or project will have no adverse effect on the historic site; or there will be no historic properties affected by the transportation program or project; or

B. For parks, recreation areas, and wildlife or waterfowl refuges, after public notice and opportunity for public review and comment, that the transportation program or project will not adversely affect the activities, features, and attributes of the park, recreation area, or wildlife or waterfowl refuge eligible for protection under this section; and the finding has received concurrence from the officials with jurisdiction over the park, recreation area, or wildlife or waterfowl refuge.

FHWA determines whether 4(f) applies to an action. The Federal, State, or local officials having jurisdiction over the 4(f) property make the significance determination. For more information on Section 4(f) and whether it applies to a proposed action the project sponsor should contact either the Project Management Section Chief at the NHDOT Bureau of Environment, or the Environmental Program Manager at the FHWA NH Field Office.

For more detailed guidance, please see the FHWA Section 4(f) Policy Paper: http://environment.fhwa.dot.gov/4f/4fpolicy.pdf

Contact: Jamie Sikora
Environmental Program Manager
US Federal Highway Administration, NH Field Office
19 Chenell Drive, Suite 1, Concord, NH 03301

Contact: Ronald Crickard
Chief, Project Management
NHDOT Bureau of Environment
(603) 271-3226

Section 6(f) / Conservation Properties

6. *Section 6(f)/Conservation Properties* – Does the proposed action require the acquisition of any land under the protection of Section 6(f) of the Land and Water Conservation Act of 1965, or other publicly funded conservation areas?

The Land and Water Conservation Fund Act of 1965 provides for the preservation and development of quality outdoor recreation resources. Section 6(f) of the Act states, in part, that no property acquired or developed with funding assistance authorized by this Act shall be converted to non-recreational uses without the approval of the Secretary of Interior. If an action requires such conversion, it will not be eligible for Programmatic CE approval.

New Hampshire administers the state's Section 6(f) lands through the NH Department of Resources and Economic Development (DRED), Division of Parks and Recreation. The project sponsor should contact the State Liaison Officer at DRED to determine if actions involve 6(f) lands and whether or not the proposed use of such lands constitutes a conversion.

Contact Bill Gegas
Program Assistant
NH Department of Resources and Economic Development
172 Pembroke Road, Concord, NH 03301
LWCF@dred.nh.gov

To determine if additional special conservation lands exist in the project area and to determine if they will be impacted by a proposed action, the project sponsor should contact the Stewardship Specialist at the NH Conservation Land Stewardship (CLS) Program and the Executive Director at the Land and Community Heritage Investment Program (LCHIP).

Contact Steve Walker
Stewardship Specialist
Conservation Land Stewardship Program
NH Office of Energy and Planning
57 Regional Drive
Concord, NH 03301

Contact Paula Bellemore, Natural Resource Specialist
Land and Community Heritage Investment Program
13 West Street, Suite 3
Concord, NH 03301
(603) 224-4113

Wetlands/Surface Waters

7. *Wetlands/Surface Waters* – Does the proposed action require an Army Corps of Engineers Individual Permit pursuant to the Clean Water Act, and/or a Section 10 permit pursuant to the Rivers and Harbors Act of 1899?

Impacts to wetlands (i.e. dredge, fill, drain, etc.) require a permit from the NH Department of Environmental Services, Wetlands Bureau (NHWB), and/or the ACOE, in accordance with RSA 482-A and/or Section 404 of the Clean Water Act, respectively. To qualify for Programmatic CE approval, the action must not require an Individual permit and/or a Section 10 permit from the ACOE. If the action meets the criteria for the ACOE's State Programmatic General Permit (SPGP), or is not in the ACOE's jurisdiction, it may qualify for Programmatic CE approval.

Section 10 of the Rivers and Harbors Act of 1899 requires that regulated activities conducted below the Ordinary High Water (OHW) elevation of navigable waters of the United States be approved/permitted by the U.S. Army Corps of Engineers. Regulated activities include the placement/removal of structures, work involving dredging, disposal of dredged material, filling, excavation, or any other disturbance of soils/sediments or modification of a navigable waterway. Navigable waters of the United States are those waters of the U.S. that are subject to the ebb and flow of the tide shoreward to the mean high water mark and/or are presently used, or have been used in the past or may be susceptible to use to transport interstate or foreign commerce

The Bureau of Environment's monthly Natural Resource Agency Coordination Meetings can be utilized for help in determining permit thresholds and mitigation requirements. For information on this meeting venue see **Step 3**.

US Coast Guard

8. *US Coast Guard* — Does the proposed action require a US Coast Guard bridge permit?

Under Section 9 of the Rivers and Harbors Act of 1899, and the General Bridge Act of 1946, the US Coast Guard has the authority to approve proposed bridge and/or causeway locations and plans. The primary purpose of these Acts is to preserve the public right of navigation and to prevent interference with interstate and international commerce. These Acts require that pertinent project information, including but not limited to proposed locations and plans for new bridges, be approved by the Coast Guard prior to construction.

Alteration or replacement of bridges over navigable waters may require a Bridge Permit from the Coast Guard. Navigable waters in New Hampshire include all tidal waters, the Merrimack River from the Massachusetts/New Hampshire state line to Concord, NH; Lake Umbagog within the State of NH; and the Connecticut River to Pittsburg.

If the Coast Guard confirms that a Bridge Permit is required, the action does not qualify for programmatic CE approval.

Floodways/Floodplains

9. *Floodways* – Does the proposed action encroach on the regulatory floodway of water courses or water bodies, resulting in more than a nominal increase in base flood elevation? Does the proposed action have a significant or adverse impact on floodplain values, or create a significant risk to human life or property?

The project sponsor should determine if an action is located in a regulatory floodway by reviewing the National Flood Insurance Program (NFIP) maps (Flood Insurance Rate Map [FIRM], Flood Boundary & Floodway Map, or Flood Hazard Boundary Map, as available). If so, a hydraulic analysis is necessary to determine if flood levels will rise or fall. The required level of analysis should be determined through consultation with the engineering staff and confirmed by the NH Office of Energy and Planning (NHOEP) Bureau of Emergency Management (NHBEM). If the analysis concludes there will be no rise in the flood elevation greater than one foot over the established Q 100 floodplain elevation, as confirmed by NHBEM or the Federal Emergency Management Agency (FEMA), the action does not encroach, does not result in more than a nominal increase, does not have a significant or adverse impact on floodplain values, or create a significant risk to human life or property in base flood elevation, the action qualifies for Programmatic CE approval. Initial correspondence under **Step 2** should be sent to the Water Resources Planner at the NHBEM.

Executive Order 11988, Floodplain Management, requires Federal agencies to evaluate the potential effects of actions it may take in a floodplain to avoid adversely impacting floodplains wherever possible. State Executive Order 96-4 requires all NH state agencies to comply with the floodplain management regulations of communities that participate in the NFIP. Coordination with FEMA is necessary only if there are impacts to the regulatory floodway or changes to the boundary of the floodplain or floodway due to an increase in water surface elevation above what has been calculated in the Flood Insurance Study (FIS), which is available through OEP.

Contact Jennifer Gilbert
Water Resources Planner
National Flood Insurance Program
NH Office of Energy and Planning
57 Regional Drive, Suite 3, Concord, NH 03301-8519
(603) 271-2155

Water Quality

10. *Water Quality* – Does the proposed action have more than a negligible impact on surface waters?

Actions have the potential to impact water quality of both surface and ground waters. Impacts can be temporary (construction phase) and/or longer-term, and they can vary in magnitude. Typically, temporary impacts associated with small projects of short duration can be minimized by the effective use of proper erosion and sedimentation controls and storm-water management measures. These impacts should not result in substantial impairment to water quality. Such actions will normally qualify for Programmatic CE approval. However, if the receiving waters are sensitive resources (e.g. Class A waters, as designated by the NHDES Water Division, public water supplies, etc.), the potential for temporary and/or long-term impacts is greater and the Programmatic CE will not apply. Similarly, larger projects that affect sensitive resources or have the potential for sustained or cumulative impacts resulting from protracted construction operations or long-term, high-volume runoff will not be eligible for Programmatic CE approval.

The project sponsor should determine if sensitive water resources are present and determine the magnitude of potential impacts.

As authorized by the Clean Water Act, the National Pollutant Discharge Elimination System (NPDES) permit program controls water pollution by regulating point sources that discharge pollutants into waters of the United States.

In accordance with the NHDES Alteration of Terrain (AOT) Administrative Rules Env-Wq 1500, activities that result in terrain alteration shall not cause or contribute to any violations of the surface water quality standards established in Env-Wq 1700, the NHDES Surface Water Quality Regulations.

Wild and Scenic Rivers

11. *Wild and Scenic Rivers* – Does the proposed action require construction in, across, or adjacent to a river designated as a component of, or proposed for inclusion in, the National System of Wild and Scenic Rivers?

The National Wild and Scenic Rivers System was created by Congress in 1968 to preserve certain rivers with outstanding natural, cultural, and recreational values in a free-flowing condition for the enjoyment of present and future generations.

The project sponsor should determine if the project is located within the corridor of a Wild and Scenic River, and identify the classification of the river segment where the project is located.

If a project will impact the channel or banks of a Wild and Scenic River or the channel or banks of a river below, above, or on a stream tributary to a Wild and Scenic River, the action will not qualify for Programmatic CE approval. The Environmental Consultant should consult with the FHWA Environmental Program Manager to determine who should initiate contact with the river-administering agency. Coordination with the river-administering agency should be established as early in the design process as possible to avoid potential delays. More information on what

is considered an impact can be found here: http://www.rivers.gov/documents/section7/process-flowchart.pdf

There are four administering agencies of the Wild & Scenic River System: Bureau of Land Management, National Park Service, US Fish and Wildlife Service, and US Forest Service.

Wild and Scenic Rivers are subject to Section 4(f) of the Department of Transportation Act of 1966 if the river segment is classified as recreational. If a project has the potential to impact a recreational segment of a Wild and Scenic River corridor, the Environmental Manager should work with the FHWA Environmental Program Manager to determine if Section 4(f) will be triggered by the proposed project.

Noise

12. Noise – Is the proposed action a Type I highway project?

Federal regulations (23 CFR 772) and the NHDOT Policy and Procedural Guidelines for the Assessment and Abatement of Highway Traffic Noise for Type I Highway Projects (the NHDOT Noise Policy) require the consideration of noise abatement measures where traffic noise impacts have been identified in conjunction with a Type I highway project. A Type I highway project entails construction on a new location or the physical alteration of an existing highway that significantly changes either the horizontal or vertical alignment or increases the number of through-traffic lanes. To qualify for Programmatic CE approval, the proposed action must not be a Type I project as defined in the NHDOT Noise Policy. The NHDOT Noise Policy is available here: http://www.nh.gov/dot/org/projectdevelopment/environment/units/program-management/air-noise.htm

Contact Jon Evans
Air&Noise Program Manager
NHDOT Bureau of Environment
(603) 271-3226
JEvans@dot.state.nh.us

Endangered Species

13. *Endangered Species* – Is the proposed action likely to adversely affect species or critical habitat of species protected by the Endangered Species Act, or result in impacts subject to the conditions of the Bald and Golden Eagle Protection Act??

The Federal Endangered Species Act requires federal agencies to conserve endangered and threatened species. The New Hampshire Natural Heritage Bureau (NHB) maintains data on known locations of federal and state endangered plant and animal species as well as exemplary natural communities. Upon request, NHB will review the project area for known records of federal and state endangered plant and animal species and exemplary natural communities. If a species/habitat is located in the project area, NHB will review the project activities for the likelihood of adverse impacts. If no species are present, or impacts to species are considered unlikely, NHB will issue a letter stating that there are no anticipated impacts to rare species or natural communities.

If the proposed action results in a may affect, likely to adversely affect determination of a federally listed or candidate species, or proposed or designated critical habitat of species protected by the Endangered Species Act, or results in impacts subject to the conditions of the Bald and Golden Eagle Protection Act the Programmatic CE will not apply, with the following exception. For impacts to the Northern Long Eared Bat (NLEB), the FHWA has determined that projects that conform to the Programmatic Consultation for NLEB and are determined to Likely to Adversely Affect the NLEB may rely on the Biological Opinion issued for the Indiana and NLEB for the to comply with Section 7(a)(2) of the Endangered Species Act for its effects to the NLEB. Proposed actions determined to meet the criteria for processing under the range-wide programmatic informal/formal consultation for the Indiana and NLEB can be processed as programmatic CEs.

The USFWS consultation website (http://www.fws.gov/newengland/EndangeredSpec-Consultation.htm) and Information, Planning, and Conservation System (http://ecos.fws.gov/ipac/) should be utilized to determine if potential concerns exist with federally listed species. If a project is located in tidal waters, the National Oceanic and Atmospheric Administration (NOAA) Protected Resources Division website should be consulted (http://www.greateratlantic.fisheries.noaa.gov/Protected/). For information about the Golden Eagle protection Act see: https://www.fws.gov/midwest/midwestbird/eaglepermits/bagepa.html

Potential concerns require coordination with USFWS or NOAA.

Reviewing Projects for Impacts to Northern Long Eared Bat (NLEB) (No Effect Determinations)

If a proposed action will have no effect, the USFWS does not have to be notified. Projects entirely outside the range of the NLEB, or projects with no suitable habitat within the project area (high-density urban areas or non-forested areas) will result in “no effect”. Projects with No Effect include activities conducted completely within existing road/rail surface and do not involve percussive or other activities that increase noise above existing traffic/background levels (blasting and use of pile drivers, rock drills, or hoe rams), maintenance, alteration, or demolition of bridges/structures if the results of a bridge assessment indicates no signs of bats, and activities that do not involve construction, such as bridge assessments, property inspections, development of planning and technical studies, property sales, property easements, and equipment purchases. For these projects document the determination of No Effect. USFWS has advised that bridge assessment results are considered valid for one year. If more than one year has passed since the initial bridge assessment, a subsequent bridge assessment should be conducted.

For more information about the Northern Long Eared Bat please review the Bureau of Environment Website at:
http://www.nh.gov/dot/org/projectdevelopment/environment/units/program-management/long-eared-bat.htm

See **Step 2** for initial consultation requirements to determine if species and/or critical habitat of species protected by the Endangered Species Act, the NH Endangered Species Conservation Act of 1979, and the State Native Plant Protection Act of 1987 are present within the action area. If species/habitat are present, the project sponsor should follow up with the appropriate agency(ies) to determine the effect of the action. This may involve field investigations by

qualified personnel and identification of special precautions, seasonal restrictions on work activities, and/or other mitigative measures. If it is concluded that the action will not impact these resources, the Programmatic CE will apply.

The NHNHB review contact information is: Amy Lamb
Environmental Information Specialist
DRED – Natural Heritage Bureau
PO Box 1856, Concord, NH 03302-1856
(603) 271-2214

The USFWS review contact information is: Susi von Oettingen
Endangered Species Biologist
US Fish and Wildlife Service
70 Commercial Street, Concord, NH 03301-5087
(603) 223-2541

If directed by the NHNHB review, contact NHF&G: Kim Tuttle
Wildlife Biologist
NH Fish and Game Department
2 Hazen Drive, Concord NH 03301
(603) 271-2461

Air Quality

14. *Air Quality* – Is the project inconsistent with the State Implementation Plan in air quality non-attainment areas, or the Statewide Transportation Improvement Program, or, in applicable urbanized areas the Transportation Improvement Program?

To qualify for Programmatic CE approval a project must be included in the most recent version of the NHDOT Statewide Transportation Improvement Program (STIP). The STIP is available on the Bureau of Planning and Community Assistance website at the following location: http://www.nh.gov/dot/org/projectdevelopment/planning/stip/index.htm. A project must either be individually listed in the STIP or included in one of the statewide programs which have been incorporated into the STIP. These statewide programs include, but are not limited to, the Highway Safety Improvement Program (HSIP), Safe Routes to School (SRTS) Program, Municipal Owned Bridge Rehabilitation & Replacement (MOBRR) program, etc. In order to qualify for Programmatic CE approval a project must also not be listed in the STIP as being "regionally significant". For projects not listed or included in the STIP or that are listed as "regionally significant" please contact the Bureau of Environment's Air Quality and Noise Program Manager for further assistance.

Contact: Jon Evans
Air & Noise Program Manager
NHDOT Bureau of Environment
(603) 271-3226
Jevans@dot.state.nh.us

Coastal Zone Management Plan

Question 15 – Is the project inconsistent with the State's Coastal Zone Management Plan?

The Coastal Zone Management Act (CZMA) is the congressional plan for managing America's coasts. It was enacted to encourage the participation and cooperation of state, local, regional, and federal agencies and governments having programs affecting the coastal zone. The CZMA is the only environmental program that requires a balance between economic development and resource protection within the coastal zone. The act allows states to develop a Coastal Zone Management Plan (CZMP) in which they define permissible land and water use within the state's coastal zone. This coastal zone extends 3 miles seaward and inland as far as necessary to protect the coast.

The communities that are subject to the CZMA make up New Hampshire's coastal zone: Dover, Durham, Exeter, Greenland, Hampton, Hampton Falls, Madbury, Newfields, Newington, Newmarket, New Castle, North Hampton, Portsmouth, Rollinsford, Rye, Seabrook, and Stratham.

The New Hampshire Coastal Program (NHCP) is authorized by the CMZA and administered by the New Hampshire Department of Environmental Services (NHDES). The CMZA established a formal review process known as federal consistency. The federal consistency review process in New Hampshire ensures that federal activities affecting any land or water use, or natural resource, in New Hampshire's coastal zone will be conducted in a manner consistent with the enforceable policies of the NHCP. NHDOT projects located within the aforementioned coastal zone communities may require a federal consistency review. The determination of the need for such review is made by the NHCP's Federal Consistency Coordinator. Projects that generally require a formal consistency finding are those that require a non-programmatic federal permit (including Army Corps Individual Permit or Coast Guard Bridge Permit), and those that receive funding from specific federal programs within the US DOT (FHWA, Federal Railroad Administration, Federal Aviation Administration, and Federal Transit Administration). The federal program that funds most highway projects, the Federal-Aid Highway Program, requires federal consistency review under the CZMA. The source of funding for a project can be confirmed by the NHDOT Project Manager.

Projects that require a consistency finding due to federal funding must be reviewed through the intergovernmental review process. The contact for this process is the Grants and Compliance Office at the NH Office of Energy and Planning (OEP). Once the NHCP confirms that a consistency finding is required, the Environmental Manager needs to prepare a memo to OEP that provides a project summary, source of funding, anticipated permits, and the contact for the lead Federal agency. If available, it is helpful to attach a detailed project description, preliminary plans, location map, and conference report from a Public Informational Meeting, and a Project Report from ProMIS. FHWA should be copied on this memo. The intergovernmental review process can take up to 180 days.

Please refer to CZMA 307(c) Federal Consistency and the New Hampshire Coastal Program manual dated 1998 located at the NH Coastal Program website:
http://des.nh.gov/organization/divisions/water/wmb/coastal/cfcp/index.htm

Refer to Appendix K for more information on determining if a federal consistency review is needed.

Other

16 *Other* – Do any of the above conclusions benefit from more detailed explanation or are there other issues of concern?

There may be other issues of concern that disqualify actions from Programmatic CE approval. Such issues may include: substantial public opposition or controversy, excessive hazardous or contaminated materials, impacts to Invasive species, impacts to NH Designated Rivers, impacts to resources under the protection of the Lakes Management Program and/or Comprehensive Shoreland Protection Act (CSPA), etc.

The project sponsor is responsible for performing the initial New Hampshire Department of Environmental Services (NHDES) OneStop search to identify potential contaminated sites and known remediation sites (active or closed) within 1,000 feet of a project as part of the initial environmental review. The project sponsor shall provide the list of identified sites as an exhibit with the programmatic CE.

The project sponsor should determine if the project is located within a ¼ mile of a Designated River, and identify the classification of the river segment where the project is located. A map of all Designated Rivers is located on the DES website.

The project sponsor should determine if these or other issues exist and whether or not the Programmatic CE is applicable. Supporting documentation should be attached to *The Checklist*, as appropriate.

The project sponsor should consult with appropriate agencies, as necessary, to identify other issues and the magnitude of concern. In addition, the Bureau of Environment's monthly Natural Resource Agency Coordination Meetings can be utilized for help in determining permit thresholds and mitigation requirements. For information on this meeting venue see **Step 3**.

In addition, some project sponsors provide supplemental written information giving a narrative summary of the decisions driving the **NO** ☒ responses in *The Checklist.*

Part IV: Environmental Commitments

During the NEPA process, commitments are often made to avoid, minimize, or mitigate project impacts. Commitments result from public comment or through the requirements of, or agreements with, resource agencies and it is important that these commitments be carried forward through project design, construction, and maintenance and operation. Environmental commitments for actions processed as Programmatic CEs will be recorded on *The Checklist*, for future reference.

Part V: Classification Determination

Upon completion of **Part III** and the interdisciplinary review process, the project sponsor indicates on the checklist a recommendation of whether or not the action qualifies for a Programmatic CE, by marking the appropriate checkbox and signing the checklist. The checklist should then be forwarded to the appropriate Project Manager at the NHDOT for review. If, after review, it is determined the project does not qualify as a Programmatic CE, the project sponsor will be notified and the project will then need to be addressed as an individual CE or other appropriate level of environmental documentation. See **Step 5** for projects not qualifying as a Programmatic CE, either by not fitting into a specific CE Action, or by necessitating a **YES** ☒ response to any question in **Part III**. If it is agreed that the project qualifies as a Programmatic CE, the project sponsor will be notified of concurrence and the documentation will be recorded and placed in the classification file.

Part VI: Classification Follow Up Action

If the project requires a Public Hearing, any decisions made as a result of the hearing should be reviewed to determine if the project will change in such a way as to disqualify it from Programmatic CE classification. Post-hearing reviews are documented on page 3 of the Programmatic CE form.

Likewise, changes made during Final Design may also disqualify a project from Programmatic CE classification. Under such conditions, the next appropriate level of environmental documentation must be completed.

Step 5: Categorical Exclusions Non-Programmatic Environmental Impact Summary

If a project does not qualify for classification as a Programmatic CE, either by not fitting into a specific CE Action, or by necessitating a **YES** ☒ response to any question in **Part III**, a project sponsor is required to complete a "*Categorical Exclusion Non-Programmatic Impact Summary.*" See **Appendix J** for sample non-programmatic evaluations. While the questions in this longer form are designed to address the same issues as the checkboxes under **Step 4, Part III**, more detailed information is required.

Websites Hyperlinked to this Document

National Environmental Policy Act: http://ceq.eh.doe.gov/nepa/regs/nepa/nepaeqia.htm
New Hampshire Department of Transportation: http://www.nh.gov/dot/
23 CFR 771: http://www.fhwa.dot.gov/hep/23cfr771.htm
Technical Advisory T6640.8A: http://www.dot.state.mn.us/tecsup/xyz/plu/hpdp/book4/t66408a.html
Endangered Species Act: http://www.fws.gov/endangered/esa.html
Clean Water Act: http://www.epa.gov/region5/water/cwa.htm
National Historic Preservation Act: http://www.nps.gov/history/local-law/nhpa1966.htm
NHDOT Bureau of Environment: http://www.nh.gov/dot/bureaus/environment/index.htm
Public Officials Directory: http://www.nh.gov/dot/bureaus/planning/documents/NHOfficialsDirectory.pdf
NHNHB "DataCheck" Tool: http://www.dred.state.nh.us/divisions/forestandlands/bureaus/naturalheritage/services.htm
RSA 217-A: http://www.gencourt.state.nh.us/rsa/html/XIX/217-A/
NH Endangered Wildlife Program: http://www.wildlife.state.nh.us/Wildlife/nongame_and_endangered_wildlife.htm
ESA Section 7: http://www.fws.gov/northeast/newenglandfieldoffice/EndangeredSpec-Consultation.htm
US Fish and Wildlife Service: http://www.fws.gov/northeast/newenglandfieldoffice/
DES OneStop Web GIS: http://www2.des.state.nh.us/gis/onestop/
NH GRANIT: http://www.granit.sr.unh.edu/
NHDOT NRA Meeting: http://www.nh.gov/dot/bureaus/environment/NaturalResourceAgencyCoordinationMeeting.htm
RSA 482-A: http://www.gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-L-482-A.htm
CWA Section 404: http://www.usace.army.mil/cw/cecwo/reg/sec404.htm
US Department of Transportation Act Section 4(f): http://www.section4f.com/4f.htm
Land and Water Conservation Act Section 6(f): http://www.nps.gov/ncrc/programs/lwcf/history.html
40 CFR (93.126) & (93.101) & (93.105) & (93.127): http://ecfr.gpoaccess.gov (*must search specific federal regulation*)
36 CFR 800: http://ecfr.gpoaccess.gov (*must search specific federal regulation*)
National Register of Historic Places: http://www.nps.gov/history/nr/
NH Division of Historical Resources: http://www.nh.gov/nhdhr/
NH Endangered Species Conservation Act: http://www.gencourt.state.nh.us/rsa/html/XVIII/212-A/212-A-mrg.htm
National Flood Insurance Program: http://www.fema.gov/business/nfip/
NH Office of Energy and Planning: http://www.nh.gov/oep/index.htm
23 CFR 772: http://ecfr.gpoaccess.gov (*must search specific federal regulation*)
NHDOT Noise Policy: http://www.nh.gov/dot/bureaus/environment/documents/NHDOTNoisePolicy.pdf
US Department of Transportation Act: http://dotlibrary.dot.gov/Historian/history.htm
SAFETEA-LU: http://www.fhwa.dot.gov/safetealu/index.htm
NH DRED Section 6(f): http://www.nhparks.state.nh.us/ParksPages/CommunityPrograms/ComProgLWCFhom.html
NHDES Water Division: http://www.des.state.nh.us/water_intro.htm
NHDES Wetlands Bureau: http://www.des.state.nh.us/wetlands/
NHSPGP: http://www.nae.usace.army.mil/reg/NH%20PGP%20-%20Final%20PN%20%20PGP%20for%20Website.pdf
Wild & Scenic Rivers: http://www.rivers.gov/wildriverslist.html#nh
NH Designated Rivers: http://www.des.state.nh.us/rivers/
Coastal Zone Management Program: http://www.des.state.nh.us/Coastal/
Lakes Management Program: http://www.des.state.nh.us/wmb/lakes/
Comprehensive Shoreland Protection Act: http://www.des.state.nh.us/cspa/
Conservation Land Stewardship Program: http://www.nh.gov/oep/programs/CLSP/index.htm
Land and Community Heritage Investment Program: http://www.lchip.org/

Appendix B

ENVIRONMENTAL CONTACTS

(Applicable Programmatic Categorical Exclusion Criteria are noted in parentheses)

AIR QUALITY (14)

Prior to contacting the Air & Noise Program Manager, please consider if your project requires analysis. Coordination should not be made via initial contact letter but on an as needed basis.

Jon Evans
Air & Noise Program Manager
NHDOT Bureau of Environment
(603) 271-3226
jevans@dot.state.nh.us

CULTURAL RESOURCES and SECTION 106 (4)

Laura Black
Special Projects & Compliance Specialist
NH Division of Historical Resources
19 Pillsbury Street
Concord, NH 03301-3570
(603) 271-3483

Jillian Edelmann
Cultural Resource Program Manager
NHDOT Bureau of Environment
7 Hazen Drive
Concord, NH 03302
(603) 271-3226
jedelmann@dot.state.nh.us

ENDANGERED SPECIES (13)

Prior to contacting anyone listed below, the following websites should first be consulted to determine if what, if any, follow-up coordination is necessary:

NH Natural Heritage Bureau DataCheck Tool: https://www2.des.state.nh.us/nhb_datacheck/default.aspx
USFWS Online Consultation: http://www.fws.gov/newengland/EndangeredSpec-Consultation.htm

Amy Lamb
Environmental Info. Specialist
NH Natural Heritage Bureau
Dept of Res & Econ Development
PO Box 1856
Concord, NH 03302-1856
(603) 271-2215 ext 323

Maria Tur
US Fish and Wildlife Service
New England Field Office
70 Commercial Street, Suite 300
Concord, NH 03301-5087
(603) 223-2541 x12
Maria_Tur@fws.gov

Kim Tuttle
Wildlife Biologist
NH Fish and Game Department
2 Hazen Drive
Concord, NH 03301
(603) 271-6544
kim.tuttle@wildlife.nh.gov

ESSENTIAL FISH HABITAT

Contact the National Marine Fisheries Service only if the project will involve work within tidal waters or waters designated as Essential Fish Habitat (EFH). EFH for Atlantic Salmon is listed in Appendix C of the US Army Corps NH Programmatic General Permit:http://www.nae.usace.army.mil/Portals/74/docs/regulatory/StateGeneralPermits/NHPGP4Apr2013.pdf. EFH for all other species can be found here: http://www.habitat.noaa.gov/protection/efh/efhmapper/index.html

EFH
Mike Johnson
Marine Habitat Resource Specialist
National Marine Fisheries Service
Habitat Conservation Division
Northeast Regional Office
One Blackburn Drive
Gloucester, MA 01930

Tidal Waters for ESA
David Bean
Fisheries Biologist
NOAA'S National Marine Fisheries Service
Maine Field Station
17 Godfrey Drive
Orono, Maine 04473
(207) 866-4172

(978) 281-9130
mike.r.johnson@noaa.gov

David.Bean@noaa.gov

NHDOT RESOURCE AGENCY COORDINATION MEETINGS

Natural Resource Agency Meeting
Matt Urban
Wetlands Program Manager
NHDOT Bureau of Environment
(603) 271-3226
murban@dot.state.nh.us

Cultural Resource Agency Meeting
Jillian Edelmann
Cultural Resource Program Manager
NHDOT Bureau of Environment
(603) 271-3226
jedelmann@dot.state.nh.us

FLOODWAYS/FLOODPLAINS [9]

Jennifer Gilbert
Floodplain Management Coordinator
National Flood Insurance Program
NH Office of Energy and Planning
107 Pleasant Street, Johnson Hall
Concord, NH 03301
jennifer.gilbert@nh.gov

NOISE [12]

Prior to contacting the Air & Noise Program Manager, please consider if your project requires analysis. Coordination should not be made via initial contact letter but on an as needed basis.

Jon Evans
Air & Noise Program Manager
NHDOT Bureau of Environment
7 Hazen Drive
Concord, NH 03302
(603) 271-3226
jevans@dot.state.nh.us

RIGHT-OF-WAY [1]

NHDOT Project Manager
Bureau of Planning & Community Assistance

SECTION 6(f)/ NH CONSERVATION LANDS [6]

NH GRANIT maintains a GIS layer of conservation lands in the state, which can be viewed here: http://granitview.unh.edu/. Coordination with the contacts below should also be carried out.

Steve Walker
Conservation Land Stewardship Program
NH Office of Energy and Planning
107 Pleasant Street, Johnson Hall
Concord, NH 03301
steve.walker@nh.gov
(email is preferred)

Dijit Taylor
Executive Director
LCHIP
dtaylor@lchip.org
(email is preferred)

Bill Gegas
LWCF Program Specialist
NH Division of Parks and Recreation
172 Pembroke Road, PO Box 1856
Concord, NH 03302
(603) 271-3556
bill.gegas@dred.state.nh.us

SECTION 4(f) [5]

Note: FHWA should be contacted only if publicly-owned parks, recreation areas, and wildlife and waterfowl refuges have been identified in the project area. Section 4(f) concerns with historic resources should be addressed through the Cultural Resource Agency Coordination Meeting.

Jamison S. Sikora
Environmental Program Manager
Federal Highway Administration, NH Division
James C. Cleveland Federal Building
53 Pleasant Street, Suite 2200
Concord, NH 03301
(603) 410-4870
Jamie.sikora@dot.gov

WATER QUALITY [10]

Prior to contacting the Water Quality Program Manager, please consider if your project requires analysis. Coordination should not be made via initial contact letter but on an as needed basis.

NHDES OneStop Web GIS: http://www2.des.state.nh.us/gis/onestop/

Mark Hemmerlein
Water Quality Program Manager
NHDOT Bureau of Environment
7 Hazen Drive
Concord, NH 03302
(603) 271-3226
mhemmerlein@dot,.state.nh.us

WETLANDS [7]

NHDES and/or the US Army Corps of Engineers should not receive an initial contact letter and should only be contacted during the preparation of wetland impact plans/permit application should questions regarding jurisdictional impacts or the permitting process arise.

Gino Infascelli
Public Works Permitting Officer
NHDES Wetlands Bureau
29 Hazen Drive, PO Box 95
Concord, NH 03302-0095
Gino.Infascelli@des.nh.gov

Michael Hicks
Project Manager
US Army Corps of Engineers
Regulatory Branch
696 Virginia Road
Concord, MA 01742-2751
michael.c.hicks@usace.army.mil

THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION

CHARLES P. O'LEARY, JR.
COMMISSIONER

JEFF BRILLHART, P.E.
ASSISTANT COMMISSIONER

June 26, 2007

Mr. James Dean
Mayor
51 North Park Street
Lebanon, NH 03766

Re: Lebanon-Hanover 14340

Dear Mayor Dean:

The NH Department of Transportation is planning a project along a three-mile section of NH Route 10 to resurface the roadway and update existing drainage and guardrail. The project will begin in Lebanon approximately 600 feet north of the intersection of NH Route 10 and Maple Street and will end in Hanover approximately 0.4 miles north of the Lebanon/Hanover town line. The pavement in this area has deteriorated and guardrail and drainage structures are in need of replacement or repair.

Engineering studies have been initiated to refine the scope and limits of work necessary for this project. The Bureau of Environment of this Department is in the process of preparing the environmental documentation for this project. Any comments you or your staff can provide relative to potential impacts on environmental, social, economic or cultural resources, including answers to the following questions, will assist us in the preparation of these documents.

1. Are there any existing or proposed community or regional plans that might have a bearing on this project?

2. Are there any natural or cultural resources of significance in the vicinity of the project? (e.g. prime wetlands, floodplains, stonewalls, cemeteries, historical or archeological resources, etc.)

3. Are there any public parks, recreation areas or wildlife/waterfowl refuges in the vicinity of the project? Have Land & Water Conservation Funds been used in the project area?

4. Are there any locally or regionally significant water resources or related protection areas in the project vicinity? (e.g. public water supplies, wellhead protection areas, aquifer protection districts, etc.)

5. Are there any water quality concerns that should be addressed during the development of this project? (e.g. stormwater management, NPDES Phase II, impaired waters, etc.)

JOHN O. MORTON BUILDING • 7 HAZEN DRIVE • P.O. BOX 483 • CONCORD, NEW HAMPSHIRE 03302-0483
TELEPHONE: 603-271-3734 • FAX: 603-271-3914 • TDD: RELAY NH 1-800-735-2964 • INTERNET: WWW.NHDOT.COM

6. Are you aware of any existing or potential hazardous materials or contaminants in the vicinity of the project? Are there asbestos landfills or asbestos containing utility pipes located within the project limits?

7. Do you have any environmental concerns not previously noted (e.g. noise impacts, farmland conversion, etc.) that you feel the Department should be aware of for this project?

8. Will the proposed project have a significant effect upon the surrounding area? If so, please explain.

An early response to this letter will greatly aid us in meeting our established advertising schedule. Please feel free to contact me if you have any questions or require further information regarding the above referenced project. Thank you for your assistance.

Similar letters have been sent to the town officials listed below:

- Kenneth Niemczyk, City Planner
- Michael Lavalla, Public Works Director
- James Alexander, Police Chief
- Stephen Allen, Emergency Management Director
- Nicole Cormen, Conservation Commission

Sincerely,

Christine Perron
Senior Environmental Manager
NH Department of Transportation
Bureau of Environment
Rm. 160, Tel. 271-3717
cperron@dot.state.nh.us

CJP: cjp
Encl.

s:\projects\design\14340\comm\town officials.doc

New Hampshire Natural Heritage Bureau

To: Douglas King
NH Depart. of Transportation
8 Eastman Hill Road
Enfield, NH 03748

Date: 6/18/2007

From: NH Natural Heritage Bureau

Re: Review by NH Natural Heritage Bureau of request dated 6/18/2007

NHB File ID: NHB07-0635

Applicant: Douglas King

Address: North Road, Danbury NH
Danbury

Project Categories:
Roads, Driveways, Bridges: Culvert(s)

The NH Natural Heritage database has been checked for records of rare species and exemplary natural communities near the area mapped below. The species considered include those listed as Threatened or Endangered by either the state of New Hampshire or the federal government. We currently have no recorded occurrences for sensitive species near this project area.

A negative result (no record in our database) does not mean that a sensitive species is not present. Our data can only tell you of known occurrences, based on information gathered by qualified biologists and reported to our office. However, many areas have never been surveyed, or have only been surveyed for certain species. An on-site survey would provide better information on what species and communities are indeed present

This review is valid through 6/17/2008.

Department of Resources and Economic Development
Division of Forests and Lands
(603) 271-2214 fax: 271-6488

DRED/NHB
PO Box 1856
Concord NH 03302-1856

Memo

NH Natural Heritage Bureau

To: Christine Perron, NHDOT Bureau of Environment
7 Hazen Drive
Concord, NH 03302

From: Melissa Coppola, NH Natural Heritage Bureau
Date: 5/30/2007 2:59:42 PM (valid for one year from this date)
Re: Review by NH Natural Heritage Bureau
NHB File ID: NHB07-0525 Town: Boscawen
Project type: Roads, Driveways, Bridges: Culvert(s) Location: Route 3 between Stirrup Iron Road and Cat Hole Road
cc: Kim Tuttle, Anthony Tur

As requested, I have searched our database for records of rare species and exemplary natural communities, with the following results.

Comments: This site is within an area flagged for possible impacts on the state-listed *Alasmidonta varicosa* (brook floater) in the Merrimack River, as well as bald eagle winter roosts. The closest documented mussel population is ca. 4 miles downstream.

Invertebrate Species	State[1]	Federal	Notes
Brook Floater (*Alasmidonta varicosa*)	E	--	Contact the NH Fish & Game Dept (see below).

Natural Community	State[1]	Federal	Notes
Silver maple - false nettle - sensitive fern floodplain forest	--	--	Threats are primarily changes to the hydrology of the river, land conversion and fragmentation, introduction of invasive species, and increased input of nutrients and pollutants.

Vertebrate species	State[1]	Federal	Notes
Bald Eagle (*Haliaeetus leucocephalus*)	E	T	Contact the NH Fish & Game Dept and the US Fish & Wildlife Service (see below).

[1]Codes: "E" = Endangered, "T" = Threatened, "--" = an exemplary natural community, or a rare species tracked by NH Natural Heritage that has not yet been added to the official state list. An asterisk (*) indicates that the most recent report for that occurrence was more than 20 years ago.

Contact for all animal reviews: Kim Tuttle, NH F&G, (603) 271-6544. Contact for federally-listed animals: Anthony Tur, US FWS, at (603) 223-2541.

A negative result (no record in our database) does not mean that a sensitive species is not present. Our data can only tell you of known occurrences, based on information gathered by qualified biologists and reported to our office. However, many areas have never been surveyed, or have only been surveyed for certain species. For some purposes, including legal requirements for state wetland permits, the fact that no species of concern are known to be present is sufficient. However, an on-site survey would provide better information on what species and communities are indeed present.

Department of Resources and Economic Development
Division of Forests and Lands
(603) 271-2214 fax: 271-6488

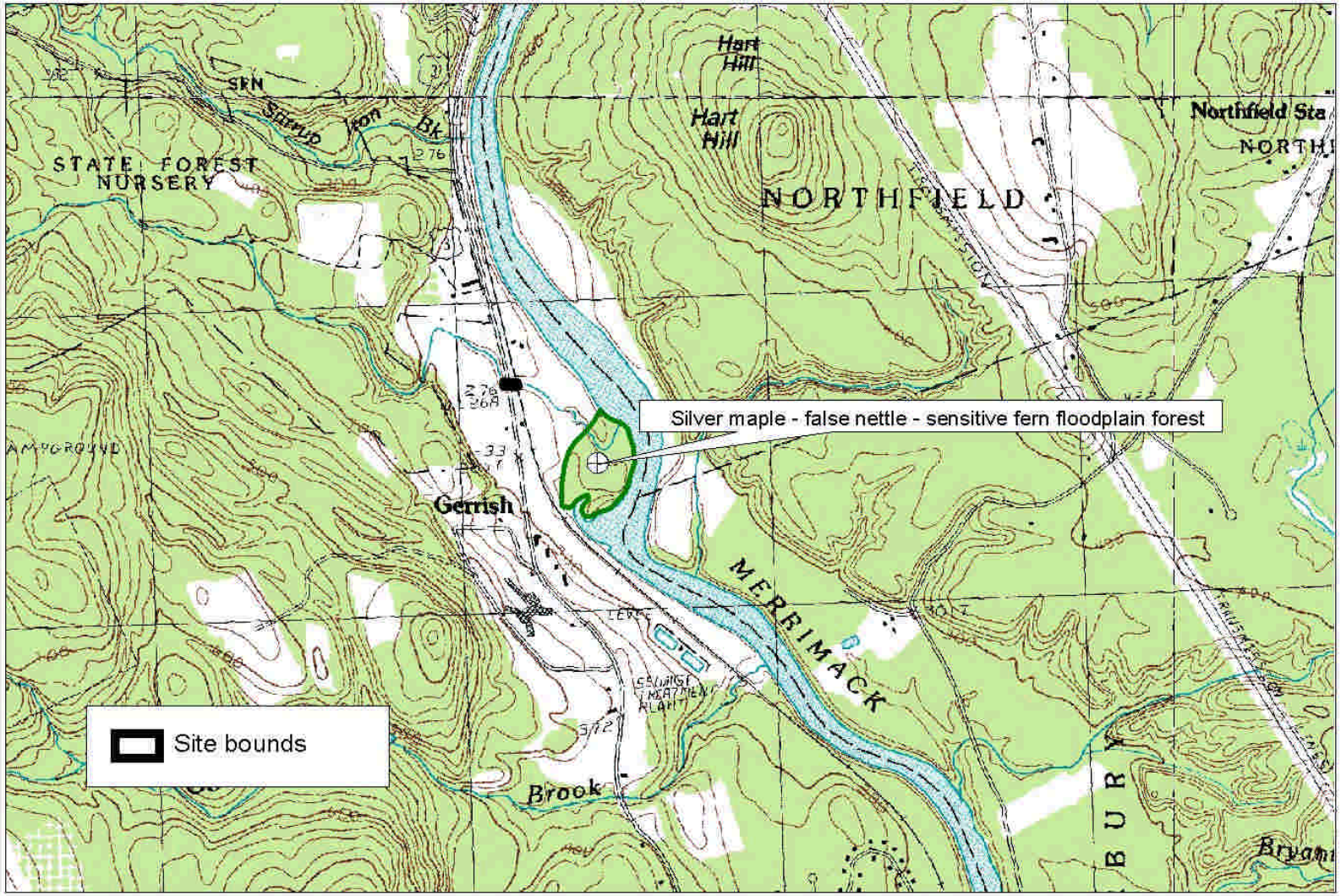
DRED/NHB
PO Box 1856
Concord NH 03302-1856

NHB07-0525

NH NATURAL HERITAGE BUREAU

Known locations of rare species and exemplary natural communities

Note: Mapped locations are not always exact. Occurrences that are not in the vicinity of the project are not shown.



0.25 0 0.25 0.5 0.75 1 Miles

*Historical record

1:18000

Valid for one year from this date: 30 May 2007

New Hampshire Natural Heritage Bureau - Community Record

Silver maple - false nettle - sensitive fern floodplain forest

Legal Status		Conservation Status	
Federal:	Not listed	Global:	Not ranked (need more information)
State:	Not listed	State:	Imperiled due to rarity or vulnerability

Description at this Location

Conservation Rank: Good quality, condition and lanscape context ('B' on a scale of A-D).
Comments on Rank:

Detailed Description: 1997: This was a typical *Acer saccharinum* closed canopy floodplain forest terrace. *Ulmus americana* was the only understory species, otherwise the subcanopy was open. Boehnmaria cylindrica, *Onoclea sensibilis*, *Cinna arundinacea* and *Lysimachia nummularia* were the dominant plants, with the moneywort forming a carpet near the soil surface under the other herbs. Topographic variation was slight, with lower slough channels showing more dominance by emergent marshy species, and slightly elevated areas with upland herbs, such as *Oxalis stricta*. The absence of *Matteuccia struthiopteris* is interesting, however it probably occurs here.

General Area: 1997: Soils were very fine sandy loams with bright orange to red mottling throughout the column. The forest north of the road has been observed previously as being more species rich, and perhaps more disturbed than the southern forest. Shrub and herb edge and invasive species were common along the road edge, including *Toxicodendron radicans*, *Berberis thunbergii*, *Polygonum cuspidatum*, *Rhamnus frangula*, *Oenothera biennis*, and Parthenocissus quinquefolius. A single *Juglans cinerea* grows in the parking area near the river. The southern back channel supports a shallow emergent marsh of varying depths and typical marsh species. The forest is surrounded by fields and bounded by the road to the west. The floodplain edges are shrubby and viney, indicating considerable edge effect. The previous observation in portions of the high floodplain describe shrubby, disturbed edges and interior portions as well. The access road, parking area, and picnic table will continue to invite human presence (anglers, paddlers).

General Comments: A typical medium size floodplain patch for the Merrimack River, with some history of disturbance, and presence of invasive species.

Management Comments: This is a good floodplain to monitor for the spread and invasion of edge and non-native species, as well as for impacts by humans.

Location

Survey Site Name: Gerrish Floodplain
Managed By: Merrimack County Farm

County:	Merrimack	USGS quad(s):	Webster (4307136)
Town(s):	Boscawen	Lat, Long:	432152N, 0713851W
Size:	13.3 acres	Elevation:	255 feet

Precision: Within (but not necessarily restricted to) the area indicated on the map.

Directions: Rte. 3 North past Boscawen toward Gerrish and Merrimack County buildings. Right on the boat access road across from the Edifice Complex. Park at river.

Dates documented

First reported: 1997-09-02 Last reported: 1997-09-02

Bechtel, Doug. 1997. Field survey to Gerrish on September 2.

Bechtel, Doug and Dan Sperduto. 1998. Floodplain Forest Natural Communities Along Major Rivers in New Hampshire. Prepared by The New Hampshire Natural Heritage Inventory Program (Concord NH) for the Environmental Protection Agency 58 pp. + Appendices.

United States Department of the Interior

FISH AND WILDLIFE SERVICE
New England Field Office
70 Commercial Street, Suite 300
Concord, New Hampshire 03301-5087

To Whom it May Concern:

The U.S. Fish and Wildlife Service's (Service) New England Field Office has determined that individual review for specific types of projects associated with highway maintenance and upgrade activities **is not required**. These comments are submitted in accordance with provisions of the Endangered Species Act (ESA) of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*).

Due to the high workload associated with responding to many individual requests for threatened and endangered species information, we are attempting to reduce the number of correspondences we conduct. We have evaluated our review process for highway maintenance actions and believe that individual correspondence with this office is not required for the following types of actions on existing roadways:

1. resurfacing projects;
2. intersection improvements, including the construction of traffic signals;
3. routine maintenance and installation of guard rails.

In regard to other proposed highway actions along existing rights-of-way, your review of the list of threatened and endangered species locations in Vermont, New Hampshire, Rhode Island, Connecticut and Massachusetts (available on our website, see below) may confirm that no federally-listed, endangered or threatened species are known to occur in the town or county where the project is proposed. If a listed species is present in the town or county where the project is proposed, further review of the information provided on our website may allow you to conclude that suitable habitat for the species will not be affected. For example, our experiences demonstrates that there will be few, if any, highway projects that are likely to affect endangered roseate terns, threatened piping plovers, endangered Jesup's milk-vetch, or other such species found on islands, coastal beaches or in riverine habitats.

For projects that meet the criteria described above, there is no need to contact this office for further project review. A copy of this letter should be retained in your file as the Service's determination that no listed species are present, or that listed species in the general area will not

be affected. This correspondence and the enclosed species lists remain valid until January 1, 2008. Updated consultation letters and species lists are available on our website:

(http://www.fws.gov/northeast/newenglandfieldoffice/EndangeredSpec-Consultation.htm)

Thank you for your cooperation, and please contact me at 603-223-2541 for further assistance.

Sincerely yours,

Anthony P. Tur
Endangered Species Specialist
New England Field Office

State of New Hampshire – Department of Transportation

CATEGORICAL EXCLUSION PROGRAMMATIC DETERMINATION CHECKLIST

Action/Project Name: _____ **State Project Number:** _____
Federal Project Number: _____ **CE Action Number:** _____

Description of Project:

_____

_____

_____

_____

PROGRAMMATIC CATEGORICAL EXCLUSION (CE) CRITERIA[1]

		NO	YES
1	*Right-of-Way* – Does the proposed action result in any residential or non-residential displacements, or acquisition of property rights to an extent that impairs the functions of the affected property? Does the proposed action include acquisition of land for hardship or protective purposes?	☐	☐
2	*Traffic* – Does the proposed action result in capacity expansion of a roadway by addition of through lanes?	☐	☐
3	*Roadway Access* – Does the proposed action involve the construction of temporary access, or the closure of existing road, bridge, or ramps that would result in major traffic disruptions? Does the proposed action involve changes in access that pertain to interstate highways, or that have wide-reaching ramifications?	☐	☐
4	*Cultural Resources* – Does the proposed action have an Adverse Effect on historic properties pursuant to Section 106 of the National Historic Preservation Act?	☐	☐
5	*Section 4(f)* – Does the proposed action require the use of any property protected by Section 4(f) of the 1966 USDOT Act, that cannot be documented with a *de minimis* impact determination, or a programmatic Section 4(f) evaluation, other than the programmatic evaluation for the use of historic bridges?	☐	☐
6	*Section 6(f)/Conservation Properties* – Does the proposed action require the acquisition of any land under the protection of Section 6(f) of the Land and Water Conservation Act of 1965, or other publicly funded conservation areas?	☐	☐
7	*Wetlands/Surface Waters* – Does the proposed action require an Army Corps of Engineers Individual Permit pursuant to the Clean Water Act, and/or a Section 10 permit pursuant to the Rivers and Harbors Act of 1899?	☐	☐
8	*US Coast Guard* – Does the proposed action require a US Coast Guard bridge permit?	☐	☐
9	*Floodways/Floodplains* – Does the proposed action encroach on the regulatory floodway of water courses or water bodies, resulting in more than a nominal increase in base flood elevation? Does the proposed action have a significant or adverse impact on floodplain values, or create a significant risk to human life or property?	☐	☐
10	*Water Quality* – Does the proposed action have more than a negligible impact on water quality?	☐	☐
11	*Wild and Scenic Rivers* – Does the proposed action require construction in, across, or adjacent to a river designated as a component of, or proposed for inclusion in, the National System of Wild and Scenic Rivers?	☐	☐
12	*Noise* – Is the proposed action a Type I highway project?	☐	☐
13	*Endangered Species* – Is the proposed action likely to adversely affect species or critical habitat of species protected by the Endangered Species Act, or result in impacts subject to the conditions of the Bald and Golden Eagle Protection Act?	☐	☐
14	*Air Quality* – Is the project inconsistent with the State Implementation Plan in air quality non-attainment areas, or the Statewide Transportation Improvement Program, or, in applicable urbanized areas the Transportation Improvement Program?	☐	☐
15	*CZMA* – Is the project inconsistent with the State's Coastal Zone Management Plan?	☐	☐
16	*Other* – Are there any other major issues of concern that would benefit from a more detailed discussion?	☐	☐

- If the answer to all of the above questions is **NO**, the proposed action **qualifies for classification as a Programmatic Categorical Exclusion**.
- If the answer to any of the above questions is **YES**, the proposed action **does not qualify for classification as a Programmatic Categorical Exclusion.**

[1] See *Detailed Instructions* for further explanations of the questions and documentation requirements.

DETAILED DISCUSSION OF PROGRAMMATIC CE CRITERIA

Provide a brief narrative response as to how your project qualifies for a Programmatic Categorical Exclusion.

1. *Right-of-Way* – Does the proposed action result in any residential or non-residential displacements, or acquisition of property rights to an extent that impairs the functions of the affected property? Does the proposed action include acquisition of land for hardship or protective purposes?

2. *Traffic* – Does the proposed action result in capacity expansion of a roadway by addition of through lanes?

3. *Roadway Access* – Does the proposed action involve the construction of temporary access, or the closure of existing road, bridge, or ramps that would result in major traffic disruptions? Does the proposed action involve changes in access that pertain to interstate highways, or that have wide-reaching ramifications?

4. *Cultural Resources* – Does the proposed action have an Adverse Effect on historic properties pursuant to Section 106 of the National Historic Preservation Act?

5. *Section 4(f)* – Does the proposed action require the use of any property protected by Section 4(f) of the 1966 USDOT Act**,** that cannot be documented with a *de minimis* impact determination, or a programmatic Section 4(f) evaluation, other than the programmatic evaluation for the use of historic bridges?

6. *Section 6(f)/Conservation Properties* – Does the proposed action require the acquisition of any land under the protection of Section 6(f) of the Land and Water Conservation Act of 1965, or other publicly funded conservation areas?

7. *Wetlands/Surface Waters* – Does the proposed action require an Army Corps of Engineers Individual Permit pursuant to the Clean Water Act, and/or a Section 10 permit pursuant to the Rivers and Harbors Act of 1899?

8. *US Coast Guard* – Does the proposed action require a US Coast Guard bridge permit?

9. *Floodways/Floodplains* – Does the proposed action encroach on the regulatory floodway of water courses or water bodies, resulting in more than a nominal increase in base flood elevation? Does the proposed action have a significant or adverse impact on floodplain values, or create a significant risk to human life or property?

10. *Water Quality* – Does the proposed action have more than a negligible impact on water quality?

11. *Wild and Scenic Rivers* – Does the proposed action require construction in, across, or adjacent to a river designated as a component of, or proposed for inclusion in, the National System of Wild and Scenic Rivers?

12. *Noise* – Is the proposed action a Type I highway project?

13. *Endangered Species* – Is the proposed action likely to adversely affect species or critical habitat of species protected by the Endangered Species Act, or result in impacts subject to the conditions of the Bald and Golden Eagle Protection Act?

14. *Air Quality* – Is the project inconsistent with the State Implementation Plan in air quality non-attainment areas, or the Statewide Transportation Improvement Program, or, in applicable urbanized areas the Transportation Improvement Program?

15. *CZMA* – Is the project inconsistent with the State's Coastal Zone Management Plan?

16. *Other* - Are there any other major issues of concern that would benefit from a more detailed discussion?

ENVIRONMENTAL COMMITMENTS

(List each environmental commitment made for the project, indicating the entity responsible for ensuring successful implementation.)

_____
_____
_____
_____
_____
_____
_____

CLASSIFICATION DETERMINATION

☐ The proposed action qualifies for a Programmatic Categorical Exclusion.

☐ The proposed action does not qualify for a Programmatic Categorical Exclusion.

Prepared by: _____ _____
Name, Title Date

Approval Recommended By: _____ _____
Project Management Section Chief Date
NHDOT Bureau of Environment

Approved by: _____ _____
Administrator Date
NHDOT Bureau of Environment

Note: Post-hearing follow-up actions, if any, are indicated on the final page of this document.

LIST OF EXHIBITS

(Attach, and list below, documentation/correspondence, as appropriate, that demonstrates how you were able to check each 'NO' box identified on Page 1, in accordance with Section IV(A)(1)(b) of the Programmatic Agreement. Attach such exhibits as maps, plans, letters, figures, tables and permits.)

ACTIVITIES THAT QUALIFY FOR PROGRAMMATIC CATEGORICAL EXCLUSION

CE Action Number	Activity Description *(See Appendix A of the Programmatic Agreement for more information)*
1	Activities which do not lead directly to construction.
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. 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	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 U.S.C. 156 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	Alterations 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 located within the transit facility, with no significant impacts off site.
20	Promulgation of rules, regulations, and directives.
21	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.
22	Projects, as defined in 23 U.S.C. 101, that would take place entirely within the existing operational right-of-way.
23	Projects of Limited Federal Assistance pursuant to 23 CFR 771.117(c)(23). Limited Federal Assistance is defined as any project that (A) receives less than $5,000,000 in Federal funds or (B) has a total estimated cost of less than $30,000,000, with Federal funds comprising less than 15 percent of the total estimated cost of the project.
24	Localized geotechnical and other investigation for preliminary design and for environmental analyses and permitting purposes.
25	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 (33 U.S.C. 1341; 1342)) carried out to address water pollution or environmental degradation
26	Modernization of a highway by resurfacing, restoration, rehabilitation, reconstruction, adding shoulders, or adding auxiliary lanes (including parking, weaving, turning, and climbing lanes).
27	Highway safety or traffic operations improvement projects, including the installation of ramp metering control devices and lighting.
28	Bridge rehabilitation, reconstruction, or replacement or the construction of grade separation to replace existing at grade railroad crossings.
29	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	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.
31	Transportation corridor fringe parking facilities.
32	Construction of new truck weigh stations or rest areas.
33	Approvals for disposal of excess right-of-way or for joint or limited use of right-of-way, where the proposed use does not have significant adverse impacts
34	Approvals for changes in access control.
35	Construction of new bus storage and maintenance facilities in areas used predominantly for industrial or transportation purposes where such construction is not inconsistent with existing zoning and located on or near a street with adequate capacity to handle anticipated bus and support vehicle traffic.
36	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.
37	Construction of bus transfer facilities when located in a commercial area or other high activity center in which there is adequate street capacity for projected bus traffic
38	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.

STOP

STOP HERE IF YOUR PROJECT QUALIFIES FOR A PROGRAMMATIC CATEGORICAL EXCLUSION AND DOES NOT REQUIRE A PUBLIC HEARING.

FOLLOW-UP ACTION FOR PROGRAMMATIC CATEGORICAL EXCLUSIONS FOR PROJECTS REQUIRING A PUBLIC HEARING

Action/Project Name: _____ State Project Number: _____
Federal Project Number: _____

Was a Public Hearing held? Yes ☐ No ☐ (*if no, you do not need to complete this page)*

As a result of the Public Hearing, have changes to the proposed action, if any, resulted in impacts/effects that do not meet the Programmatic Categorical Exclusion criteria? Yes ☐ No ☐

If the answer to the above question is **YES**, the proposed action **no longer qualifies for classification as a Programmatic Categorical Exclusion.** In such cases, if the impact(s)/effect(s) leading to the disqualification are not significant, the proposed action may be reprocessed as an Individual CE, requiring FHWA's concurrence.

If the answer to the above question is **NO**, the proposed action continues to **qualify for classification as a Programmatic Categorical Exclusion.**

POST - HEARING CLASSIFICATION DETERMINATION

☐ The proposed action continues to qualify as a Programmatic Categorical Exclusion.

☐ The proposed action no longer qualifies as a Programmatic Categorical Exclusion.

If it no longer qualifies, list reasons: _____

_____
_____
_____
_____

Prepared by: _____ _____
Name, Title Date

Approval Recommended By: _____ _____
Project Management Section Chief Date
NHDOT Bureau of Environment

Approved by: _____ _____
Administrator Date
NHDOT Bureau of Environment

State of New Hampshire – Department of Transportation

CATEGORICAL EXCLUSION
PROGRAMMATIC DETERMINATION CHECKLIST

Action/Project Name: Thornton-Woodstock
State Project Number: 40404
Federal Project Number: X-A004(389)
CE Action Number: 26

Description of Project:
The proposed project will rehabilitate approximately 7.0 miles of Interstate 93 northbound and southbound lanes, beginning at the bridge over the Pemigewaset River (#247/079 & #247/080) near Exit 29 in Thornton and ending at the bridge over the Pemigewasset River (#201/068 & 202/068) just north of Exit 30 in Woodstock (Exhibit 1). The project will include the following activities: pavement resurfacing; repair and replacement of guardrail; drainage repair; rock scaling and associated tree clearing; deck and joint repairs on the bridges over US Route 3 in Thornton, Merrill Access Road, Mirror Lake Road and US Route 3 in Woodstock; and replacement of a culvert headwall on Leeman's Brook at the Exit 30 interchange. There is no proposed roadway widening as all pavement overlay will match the existing pavement width. All work will remain within previously disturbed and built-up areas adjacent to Interstate 93 and no work, including access or staging, will extend beyond the existing State right-of-way.

PROGRAMMATIC CATEGORICAL EXCLUSION (CE) CRITERIA[1]

		NO	YES
1	*Right-of-Way* – Does the proposed action result in any residential or non-residential displacements, or acquisition of property rights to an extent that impairs the functions of the affected property? Does the proposed action include acquisition of land for hardship or protective purposes?	☒	☐
2	*Traffic* – Does the proposed action result in capacity expansion of a roadway by addition of through lanes?	☒	☐
3	*Roadway Access* – Does the proposed action involve the construction of temporary access, or the closure of existing road, bridge, or ramps that would result in major traffic disruptions? Does the proposed action involve changes in access that pertain to interstate highways, or that have wide-reaching ramifications?	☒	☐
4	*Cultural Resources* – Does the proposed action have an Adverse Effect on historic properties pursuant to Section 106 of the National Historic Preservation Act?	☒	☐
5	*Section 4(f)* – Does the proposed action require the use of any property protected by Section 4(f) of the 1966 USDOT Act, that cannot be documented with a *de minimis* impact determination, or a programmatic Section 4(f) evaluation, other than the programmatic evaluation for the use of historic bridges?	☒	☐
6	*Section 6(f)/Conservation Properties* – Does the proposed action require the acquisition of any land under the protection of Section 6(f) of the Land and Water Conservation Act of 1965, or other publicly funded conservation areas?	☒	☐
7	*Wetlands/Surface Waters* – Does the proposed action require an Army Corps of Engineers Individual Permit pursuant to the Clean Water Act, and/or a Section 10 permit pursuant to the Rivers and Harbors Act of 1899?	☒	☐
8	*US Coast Guard* – Does the proposed action require a US Coast Guard bridge permit?	☒	☐
9	*Floodways/Floodplains* – Does the proposed action encroach on the regulatory floodway of water courses or water bodies, resulting in more than a nominal increase in base flood elevation? Does the proposed action have a significant or adverse impact on floodplain values, or create a significant risk to human life or property?	☒	☐
10	*Water Quality* – Does the proposed action have more than a negligible impact on water quality?	☒	☐
11	*Wild and Scenic Rivers* – Does the proposed action require construction in, across, or adjacent to a river designated as a component of, or proposed for inclusion in, the National System of Wild and Scenic Rivers?	☒	☐
12	*Noise* – Is the proposed action a Type I highway project?	☒	☐
13	*Endangered Species* – Is the proposed action likely to adversely affect species or critical habitat of species protected by the Endangered Species Act, or result in impacts subject to the conditions of the Bald and Golden Eagle Protection Act?	☒	☐
14	*Air Quality* – Is the project inconsistent with the State Implementation Plan in air quality non-attainment areas, or the Statewide Transportation Improvement Program, or, in applicable urbanized areas the Transportation Improvement Program?	☒	☐
15	*CZMA* – Is the project inconsistent with the State's Coastal Zone Management Plan?	☒	☐
16	*Other* – Are there any other major issues of concern that would benefit from a more detailed discussion?	☒	☐

[1] See *Detailed Instructions* for further explanations of the questions and documentation requirements.

DETAILED DISCUSSION OF PROGRAMMATIC CE CRITERIA

Provide a brief narrative response as to how your project qualifies for a Programmatic Categorical Exclusion.

1. *Right-of-Way* – Does the proposed action result in any residential or non-residential displacements, or acquisition of property rights to an extent that impairs the functions of the affected property? Does the proposed action include acquisition of land for hardship or protective purposes?

   The proposed action, including access, staging and construction, will not extend beyond the existing State right-of-way or easements and will therefore not require impacts to any adjacent properties. There will be no residential or non-residential displacements and the acquisition of properties that will impair the function, for hardship or protective purposes or otherwise.

2. *Traffic* – Does the proposed action result in capacity expansion of a roadway by addition of through lanes?

   There will be no increase in roadway capacity as no lanes, through or auxiliary will be added. The existing width of pavement will be maintained throughout the project area.

3. *Roadway Access* – Does the proposed action involve the construction of temporary access, or the closure of existing road, bridge, or ramps that would result in major traffic disruptions? Does the proposed action involve changes in access that pertain to interstate highways, or that have wide-reaching ramifications?

   The proposed project will require temporary, short term day time lane, shoulder and ramp closures within the project area to accommodate paving and guardrail work. Portable changeable message signs will be used to notify drivers of these closures and uniformed officers and flaggers will be used to control traffic during closures.

   The proposed bridge work will require additional ramp closures at the Exit 29 and Exit 30 interchanges. These include Exit 29 south bound on-ramp for six continuous weeks, Exit 30 southbound off-ramp for twelve continuous weeks and Exit 30 northbound on-ramp for six continuous weeks. Despite the length of these closures, there will be no major traffic disruptions or wide-reaching ramifications due to the easy accessibility of detours on US Route 3 for all proposed closures. US Route 3 closely follows Interstate 93 in this area and is accessible from every exit located north, south and within the project area. These detours will be signed and will not significantly increase miles traveled by the general public, though speed limits on the detours will be slower than those on Interstate 93. Additionally, vehicle volumes are low are these ramps, varying from 200-500 cars per day during the summer.

   This work will span two construction seasons, with closures alternating appropriately. Because of the proximity of detours which will not impede accessibility to any other state or local roads, these closures will not be timed around special events or tourist seasons in the area.

4. *Cultural Resources* – Does the proposed action have an Adverse Effect on historic properties pursuant to Section 106 of the National Historic Preservation Act?

   The proposed project has been certified as having "No Potential to Cause Effects" by the Department's Cultural Resources Program under the Section 106 Programmatic Agreement Appendix B (Exhibit 2). This project involves modernization and general maintenance of the highway, as well as non-historic culvert maintenance. Construction of this project will meet all requirements of the Section 106 Programmatic Agreement and no further consultation with NH Division of Historical Resources is necessary.

5. *Section 4(f)* – Does the proposed action require the use of any property protected by Section 4(f) of the 1966 USDOT Act, that cannot be documented with a *de minimis* impact determination, or a programmatic Section 4(f) evaluation, other than the programmatic evaluation for the use of historic bridges?

   As this project does not involve any impacts outside of the limits of the existing right-of-way and does not involve any substantial alterations to the layout of the existing roadway, it is not anticipated that there will

be any use (direct, constructive or otherwise) of any publicly owned parks or wildlife refuges protected by Section 4(f). The Department has reviewed the proposed project with NH Division of the Federal Highway Administration and the NH Division of Historical Resources and all are in agreement that the proposed project is not anticipated to result in a use of any historic resources within or adjacent to the project area. As a result, the proposed action is not anticipated to result in a use of any properties protected by Section 4(f) of the USDOT Act.

6. *Section 6(f)/Conservation Properties* – Does the proposed action require the acquisition of any land under the protection of Section 6(f) of the Land and Water Conservation Act of 1965, or other publicly funded conservation areas?

   The NHDES OneStop database shows two areas conservation lands are located adjacent to the project area (Exhibit 3). These areas are part of the White Mountain National Forest (WMNF) and are managed by the US Department of Interior Forest Service (Forest Service). The Forest Service has been contacted and does not have concern for any impacts to the WMNF as a result of the project as proposed (Exhibit 4)

   The NH Division of Parks and Recreation's Land and Water Conservation Fund Program (LWCF) has been contacted and confirmed that there are no impacts to any properties protected by Section 6(f) of the LWCF (Exhibit 5). The Conservation Land Stewardship Program (CLS) has also confirmed that there are no conservation lands managed or funded by the CLS Program in the project vicinity (Exhibit 6). The Land and Community Heritage Investment Program (LCHIP) has not responded to inquiries regarding resources protected under LCHIP, however, there will be no impacts outside of the existing State right-of-way. As such, there will be no acquisition or other use of any properties under protection of the Section 6(f) of the LWCF or any other publicly funded conservation program.

7. *Wetlands/Surface Waters* – Does the proposed action require an Army Corps of Engineers Individual Permit pursuant to the Clean Water Act, and/or a Section 10 permit pursuant to the Rivers and Harbors Act of 1899?

   The proposed project will impact the banks, channel and associated wetlands of Leeman's Brook located at the Interstate 93 Exit 30 interchange with US Route 3, wetlands adjacent to Hubbard Brook just north of Merrill Access Road and the protected shoreland of the Pemigewasset River just south of Exit 29. The intent of the work which will impact wetlands is to maintain aging infrastructure by replacing and relocating drainage structures as necessary. As proposed, the project does not require an Individual Permit from the US Army Corps of Engineers (USACOE). All impacts to jurisdictional wetland areas will require a Standard Dredge and Fill Permit from the NH Department of Environmental Services Wetlands Bureau (NHDES) and confirmation from the USACOE that the project qualifies under the NH State Programmatic General Permit. All impacts to protected shore lands will require a Shoreland Permit by Notification from the NHDES Shoreland Program. The Contractor will be required to follow all conditions of the approved permits from NHDES. Any work outside of permitted areas, whether necessitated by design changes or the Contractor's method of construction, shall be permitted through NHDES and USACOE prior to the start of construction.

8. *US Coast Guard* – Does the proposed action require a US Coast Guard bridge permit?

   The proposed work is not located on a navigable water course and will not require the acquisition of a US Coast Guard bridge permit.

9. *Floodways/Floodplains* – Does the proposed action encroach on the regulatory floodway of water courses or water bodies, resulting in more than a nominal increase in base flood elevation? Does the proposed action have a significant or adverse impact on floodplain values, or create a significant risk to human life or property?

   The NH Office of Energy and Planning has been contacted and supplied the National Flood Insurance Program (NFIP) Flood Insurance Rate Maps indicating that the project passes through three special hazard areas designated as Zone A (Exhibit 7). The Towns of Thornton and Woodstock are participating

communities in the NFIP, however, the work within the Zone A areas will not introduce new fill or obstructions within the floodplain and therefore will not increase the base flood elevation in the community and will not pose a risk to human life or property.

10. *Water Quality* – Does the proposed action have more than a negligible impact on water quality?

    The existing facility within the project area discharges stormwater to number of brooks, rivers and lakes including, Bagley Brook, Burleigh Brook, Hubbard Brook, Leemans Brook, the Pemigewasset River, Mirror Lake and a number of unnamed brooks. Many of these waterbodies are considered Outstanding Resource Waters (Tier 3 waters) and are afforded additional protections under State and Federal law.

    This project is considered roadway maintenance and routine installation of roadway appurtenances and therefore meets the criteria for NHDES Alteration of Terrain Program General Permit by Rule (Env-Wq 1503). The project will not result in an increase in impervious surface as all resurfacing will remain within the existing edge of pavement. No addition permanent structural stormwater treatment was proposed. The proposed project will involve more than one acre of earth disturbance and therefore will require coverage under the Environmental Protection Agency's (EPA) National Pollutant Discharge and Elimination System's (NPDES) Construction General Permit (CGP). As such, a Stormwater Pollution Prevention Plan (SWPPP), a Notice of Intent (NOI) and a Notice of Termination (NOT) will be necessary for this project. The Contractor will prepare the SWPPP that will include necessary erosion and sediment controls minimize adverse impacts to surface waters as a result of construction. The Tier 3 waters will require increased inspections and quicker soil stabilization.

    Conditions set forth in the Standard Dredge and Fill and Shoreland Permit by Notification permits issued by NHDES, as well as the USACOE State Programmatic General Permit will be followed and as appropriate, be included in the SWPPP.

    The Department's Water Quality Program has reviewed the project scope, wetland plans and erosion control plans and has confirmed that there will be no adverse impacts on water quality in the area surface waters within the project area.

11. *Wild and Scenic Rivers* – Does the proposed action require construction in, across, or adjacent to a river designated as a component of, or proposed for inclusion in, the National System of Wild and Scenic Rivers?

    The proposed project will not have any impact on, nor is it located in the vicinity of, any river listed or proposed for inclusion in the National System of Wild and Scenic Rivers.

12. *Noise* – Is the proposed action a Type I highway project?

    As this project does not involve the construction of a new highway, the addition of through traffic lanes or alterations to the vertical or horizontal alignment of the existing roadway, the subject project is not a Type I highway project. Since this project is not a Type I highway project, a noise impact assessment is not necessary.

13. *Endangered Species* – Is the proposed action likely to adversely affect species or critical habitat of species protected by the Endangered Species Act, or result in impacts subject to the conditions of the Bald and Golden Eagle Protection Act?

    The NH Natural Heritage Bureau (NHNHB) has reviewed the proposed project area for the presence of any known records of state or federally rare, threatened or endangered species, their habitats or other exemplary natural communities and found that although there are records in the vicinity of the project area, there will be no impacts based on the scope of work (Exhibit 8).

    The US Fish and Wildlife Service (USFWS) Information for Planning and Conservation Tool indicated that the project area is located within the range of the northern long-eared bat (NLEB) (Exhibit 9). The

proposed activities are included in the USFWS/Federal Highway Administration (FHWA) Range-wide Programmatic Informal Biological Assessment (Programmatic BA) for Indiana Bat and NLEB. This project was reviewed using the USFWS/FHWA Range-wide Programmatic Informal Consultation Project Submittal Form due to the commitment to complete all clearing during the winter hibernation season, which spans from November 1 to April 14 in this area (Exhibit 10). Woodstock is home to a known NLEB winter hibernacula site, however, NH Fish and Game has confirmed that this site is not within one quarter of a mile from the project area (Exhibit 11). This allows the use of the Programmatic BA and dictates the timeframe for the restriction on clearing for this project. Additionally, the bridges over US Route 3 at Exit 29 in Thornton, Merrill Access Road, Mirror Lake Road and US Route 3 at Exit 30 in Woodstock, which will receive deck and joint repairs, have been inspected for the presence of, or indication of usage by bats, which yielded a negative result (Exhibit 12). All necessary avoidance and minimization measures to prevent incidental take of NLEB during construction and clearing will be included in the proposal. As such, this project has a May Affect, Not Likely to Adversely Affect finding for impacts to NLEB and no further coordination in necessary.

14. *Air Quality* – Is the project inconsistent with the State Implementation Plan in air quality non-attainment areas, or the Statewide Transportation Improvement Program, or, in applicable urbanized areas the Transportation Improvement Program?

    A conformity determination is not required, as the project is consistent with exempt projects listed in Table 2 of 40 CFR 93.126. Additionally, when completed, the project is not expected to result in any meaningful changes in traffic volumes, vehicle mix, location of the existing facility, or any other factor that would cause an increase in emissions impacts relative to the no-build alternative or contribute to violations of the NAAQS. As a result, it can be concluded that this project will not have an adverse impact on air quality. No further air quality review is warranted.

15. *CZMA* – Is the project inconsistent with the State's Coastal Zone Management Plan?

    The proposed project is not located within a town included in the State's Coastal Zone Management Plan.

16. *Other* - Are there any other major issues of concern that would benefit from a more detailed discussion?

    The project area was not reviewed for invasive species. The Contractor will be obligated to abide by recommendations in the Department publication *Best Management Practices for Roadside Invasive Plants* in order to decrease the risk of spreading invasive plants.

    The proposed project has been reviewed by the Department's Contamination Program and there are no concerns for encountering contaminated materials or monitoring wells during the construction. The Contractor will be required to stop work and contact the Bureau of Environment should any indications of contamination become evident during excavation.

ENVIRONMENTAL COMMITMENTS

(List each environmental commitment made for the project, indicating the entity responsible for ensuring successful implementation.)

1. All work shall be located within existing State right-of-way or easements. If the scope of work changes and necessitates work outside of the right-of-way or easements, work shall not be completed without additional coordination with the Bureau of Environment. (Design, Construction, Environment)
2. All appropriate permits from the NH Department of Environmental Services and the US Army Corps of Engineers shall be obtained prior to the commencement of work within jurisdictional wetlands and protected shoreland of the Pemigewasset River. (Design, Construction, Environment)
3. The existing edge of pavement shall not be extended. (Design, Construction)
4. This project requires coverage under the Environmental Protection Agency's (EPA) National Pollutant Discharge Elimination System's (NPDES) Construction General Permit (CGP). Therefore, a Notice of Intent (NOI) shall be filed and the Contractor shall prepare a Stormwater Pollution Prevention Plan (SWPPP), to be submitted to the Department at least 14 days prior to the start of construction. (Construction, Environment)
5. The project area has not been reviewed for invasive plant species. All work, including daily removal of plant material from construction equipment, shall be conducted in accordance with the Department publication *Best Management Practices for Roadside Invasive Plants*. (Construction)
6. The project is located within a Drinking Water Source Protection Area, a Wellhead Protection Area and over an aquifer. Stringent best management practices shall be utilized to prevent adverse impacts to water quality. (Construction)
7. Tree clearing shall be limited to that which is required to implement the project effectively and safely. Clearing areas shall be clearly indicated on the plans and shall be delineated in the field. All tree clearing shall occur from November 1 to April 14 and at no time shall documented northern long-eared bat roost trees or documented foraging habitat be cleared. If tree clearing must occur after April 15, 2017, notify the Bureau of Environment prior to start of clearing. (Design, Construction, Environment)
8. If bridge work will be initiated after May 3, 2017 (one year after initial bridge inspections), inspection of the bridges for the presence of, or evidence of use by, bats shall be completed prior to any work on the bridges. If bridge inspections are necessary, the Contractor shall notify the Bureau of Environment no later than fourteen (14) days prior to the start of work on the bridges to provide adequate time for inspection. If bats are found to be present, or, if there is evidence of bat usage, work at the bridges shall not commence until after the Bureau of Environment has completed coordination with the US Fish and Wildlife Service to determine the appropriate follow up or mitigative actions. (Construction, Environment).
9. Hazardous waste remediation sites are located within the project area. While concerns associated with these sites are not anticipated during construction, if any visual or olfactory observations indicate the presence of contamination during excavation, the Bureau of Environment shall be notified immediately and construction shall be discontinued until the situation is assessed. (Construction, Environment)
10. This project is located within ¼ mile of the Pemigewasset River, a Designated River. For any work within a ¼ mile of the Pemigewasset River not shown on the plans including; the Contractor's method of construction, access and staging areas, the Contractor shall coordinate with the Pemigewasset River Local Advisory Committee (Max Stamp, hmstamp@metrocast.net)

CLASSIFICATION DETERMINATION

☒ The proposed action qualifies for a Programmatic Categorical Exclusion.

☐ The proposed action does not qualify for a Programmatic Categorical Exclusion.

Prepared by: _____ 6/15/16
Melilotus M. Dube
Environmental Manager
NHDOT Bureau of Environment
Date

Approval Recommended By: _____ 6/16/16
Ronald C. Crickard
Project Management Section Chief
NHDOT Bureau of Environment
Date

Approved by: _____ 6/27/16
Kevin T. Nyhan
Administrator
NHDOT Bureau of Environment
Date

Note: Post-hearing follow-up actions, if any, are indicated on the final page of this document.

LIST OF EXHIBITS

(Attach, and list below, documentation/correspondence, as appropriate, that demonstrates how you were able to check each 'NO' box identified on Page 1, in accordance with Section IV(A)(1)(b) of the Programmatic Agreement. Attach such exhibits as maps, plans, letters, figures, tables and permits.)

Exhibit 1. Topographic Map
Exhibit 2. Section 106 Programmatic Agreement
Exhibit 3. GRANITView Conservation Land Map
Exhibit 4. US Forest Service Correspondence
Exhibit 5. Land and Water Conservation Fund Program Correspondence
Exhibit 6. Conservation Land Stewardship Program Correspondence
Exhibit 7. Office of Energy and Planning Correspondence
Exhibit 8. NH Natural Heritage Bureau DataCheck Results Memo
Exhibit 9. US Fish and Wildlife Service Information for Planning and Conservation Tool Species List
Exhibit 10. USFWS/FHWA Range-wide Programmatic Informal Consultation for Northern Long-Eared Bat Project Submittal Form
Exhibit 11. NH Fish and Game Correspondence
Exhibit 12. Northern Long-Eared Bat Bridge Inspection Forms

State of New Hampshire – Department of Transportation

ACTIVITIES THAT QUALIFY FOR PROGRAMMATIC CATEGORICAL EXCLUSION

CE Action Number	Activity Description *(See Appendix A of the Programmatic Agreement for more information)*
1	Activities which do not lead directly to construction.
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. 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	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 U.S.C. 156 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	Alterations 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 located within the transit facility, with no significant impacts off site.
20	Promulgation of rules, regulations, and directives.
21	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.
22	Projects, as defined in 23 U.S.C. 101, that would take place entirely within the existing operational right-of-way.
23	Projects of Limited Federal Assistance pursuant to 23 CFR 771.117(c)(23). Limited Federal Assistance is defined as any project that (A) receives less than $5,000,000 in Federal funds or (B) has a total estimated cost of less than $30,000,000, with Federal funds comprising less than 15 percent of the total estimated cost of the project.
24	Localized geotechnical and other investigation for preliminary design and for environmental analyses and permitting purposes.
25	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 (33 U.S.C. 1341; 1342)) carried out to address water pollution or environmental degradation
26	Modernization of a highway by resurfacing, restoration, rehabilitation, reconstruction, adding shoulders, or adding auxiliary lanes (including parking, weaving, turning, and climbing lanes).
27	Highway safety or traffic operations improvement projects, including the installation of ramp metering control devices and lighting.
28	Bridge rehabilitation, reconstruction, or replacement or the construction of grade separation to replace existing at grade railroad crossings.
29	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	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.
31	Transportation corridor fringe parking facilities.
32	Construction of new truck weigh stations or rest areas.
33	Approvals for disposal of excess right-of-way or for joint or limited use of right-of-way, where the proposed use does not have significant adverse impacts
34	Approvals for changes in access control.
35	Construction of new bus storage and maintenance facilities in areas used predominantly for industrial or transportation purposes where such construction is not inconsistent with existing zoning and located on or near a street with adequate capacity to handle anticipated bus and support vehicle traffic.
36	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.
37	Construction of bus transfer facilities when located in a commercial area or other high activity center in which there is adequate street capacity for projected bus traffic
38	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.

Section 106 Cultural Resources Effect Memo
(Project NOT directly managed by NHDOT)

Project Town: **Click here to enter text.** Date: **Enter date submitted to NHDOT.**

State No.: **Click here to enter text.** Federal No. (as applicable): **Click here to enter text.**

Lead Federal Agency: **Choose an item.**

Submitted by: **Click here to enter text.** Email address: **Click here to enter text.**
(Project Manager/Sponsor)

Pursuant to meetings on and/or the Request for Project Review signed on Click here to enter a date., and for the purpose of compliance with the regulations of National Historic Preservation Act and the Advisory Council on Historic Preservation's *procedures for the Protection of Historic Properties* (36 CFR 800), and NH RSA 227-C the NH Division of Historical Resources and, when applicable, the NH Division of the Federal Highway Administration or the US Army Corps of Engineers have coordinated the identification and evaluation of cultural resources relative to:

Click here to add project description.

Please describe all public outreach efforts (see 36 CFR800.2-3) that have been done to-date. Identify Consulting Parties and include any public feedback (if applicable, attached pages if necessary):

Click here to enter text.

Based on a review of the project, as presented to date, it has been determined that:

Section 106 Effect Determination	☐ **No Historic or Archaeological Properties will be Affected**
	☐ **There will be No Adverse Effect on Historic or Archaeological Properties**
	☐ **There will be an Adverse Effect on Historic or Archaeological Properties or Resources**
	Additional comments, please explain *why* the undertaking has resulted in the above effect: Click here to enter text.

In accordance with the Advisory Council's regulations, we will continue to consult, as appropriate, as this project proceeds.

Section 4(f) *(to be completed by FHWA)*	*There Will Be:*	☐ **No 4(f);**	☐ **Programmatic 4(f);**	☐ **Full 4 (f);** or
	☐ **A finding of *de minimis* 4(f) impact as stated:** In addition, with NHDHR concurrence of no adverse effect for the above undertaking, and in accordance with 23 CFR 774.3, FHWA intends to, and by signature below, does make a finding of *de minimis* impact. NHDHR's signature represents concurrence with both the no adverse effect determination and the *de minimis* findings. Parties to the Section 106 process have been consulted and their concerns have been taken into account. Therefore, the requirements of Section 4(f) have been satisfied.			

_____ _____
Lead Federal Agency (date) NHDOT Cultural Resources Program
(if applicable)

The NH State Historic Preservation Officer concurs with these findings:_____
NH Division of Historical Resources

cc: FHWA NHDHR ACOE (⇐ as applicable ⇑)

Cultural resource Memorandum of Effect
(Municipally Managed Projects)

Project Name: Date:

State No.: Federal No. (as applicable)

Pursuant to meetings on _____, and for the purpose of compliance with the regulations of National Historic Preservation Act and the Advisory Council on Historic Preservation's *procedures for the Protection of Historic Properties* (36 CFR 800), the NH Division of Historical Resources and, when applicable, the NH Division of the Federal Highway Administration or the US Army Corps of Engineers have coordinated the identification and evaluation of cultural resources relative to (project description):

Based on a review of the project, as presented on this date, it has been determined that:

☐ **No Historic or Archaeological Properties will be Affected**

☐ **There will be No Adverse Effect on Historic or Archaeological Properties**
Describe any outstanding commitments:_____
_____
_____
_____

☐ **There will be an Adverse Effect on Historic or Archaeological Properties or Resources**
describe the effect, measures to minimize harm and proposed mitigation_____
_____
_____
_____(attach pages as Necessary).

There Will Be: ☐ No 4(f); ☐ Programmatic 4(f); ☐ Full 4 (f); ☐ A finding of de minimis impact as stated below:

In addition, with NHDHR concurrence of no adverse effect for the above undertaking, and in accordance with Section 6009(a) of the 2005 SAFETEA-LU transportation program reauthorization, FHWA intends to, and by signature below, does make a finding of *de minimis* impact. NHDHR's signature below represents concurrence with both the no adverse effect determination and the de minimis findings. Parties to the Section 106 process have been consulted and their concerns have been taken into account. Therefore, the requirements of Section 4(f) have been satisfied.

In accordance with the Advisory Council's regulations, we will continue to consult, as appropriate, as this project proceeds.

_____ _____
NH Division of Historical Resources Federal Highway Administration

_____ _____
Project Manager US Army Corps of Engineers

Cc: FHWA, NHDHR, FHWA, ACOE (⇐ as applicable ⇑)

S:\CULTURAL\MEMOS\MMChecklistMemo.doc

Acronyms Used in this Document

ACHP	Advisory Council on Historic Preservation
ACOE	US Army Corps of Engineers
BOE	Bureau of Environment
CE	Categorical Exclusion
CFR	US Code of Federal Regulations
CLS	Conservation Land Stewardship
CMAQ	Congestion Mitigation Air Quality
CO	Carbon Monoxide
CSPA	Comprehensive Shoreland Protection Act
CWA	Clean Water Act
CZM	Coastal Zone Management
DRED	Division of Resources and Economic Development
EA	Environmental Assessment
EIS	Environmental Impact Statement
EPA	US Environmental Protection Agency
ESA	Endangered Species Act
FEMA	Federal Emergency Management Agency
FHWA	Federal Highway Administration
FIRM	Flood Insurance Rate Map
GIS	Global Information System
ISA	Initial Site Assessment
LCHIP	Land and Community Heritage Investment Program
LWCF	Land and Water Conservation Fund
NAAQS	National Ambient Air Quality Standards
NEPA	National Environmental Policy Act of 1969
NHBEM	NH Bureau of Emergency Management
NHF&G	NH Fish and Game Department
NH GRANIT	NH Geographically Referenced Analysis and Information Transfer System
NHDES	NH Department of Environmental Services
NHDHR	NH Division of Historical Resources
NHDOT	New Hampshire Department of Transportation
NHNHB	NH Natural Heritage Bureau
NHOEP	NH Office of Energy and Planning
NHPA	National Historic Preservation Act
NHWB	NH Wetlands Bureau
NFIP	National Flood Insurance Program
NRHP	National Register of Historic Places
RSA	NH Revised Statutes Annotated
SAFETEA-LU	Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users
SHPO	State Historic Preservation Office
SPGP	State Programmatic General Permit
TE	Transportation Enhancement
USDOT	US Department of Transportation
USF&WS	US Fish and Wildlife Service

State of New Hampshire – Department of Transportation

CATEGORICAL EXCLUSION
NON-PROGRAMMATIC ENVIRONMENTAL IMPACT SUMMARY

Action/Project Name: _____ **State Project Number:** _____
Federal Project Number: _____

Description of Project:

_____
_____
_____
_____
_____

Project Purpose and Need:

_____
_____
_____
_____
_____

Alternatives Considered:

Alt. No. 1 _____
_____
_____
_____

Alt. No. 2 _____
_____
_____
_____

Alt. No. 3 _____
_____
_____
_____

CONTACT LETTERS SENT & REPLIES RECEIVED

AGENCY/ORGANIZATION	CONTACT	LETTER SENT	REPLY RECV'D

Document Template March 2000
Revised March 2016

IMPACT ASSESSMENT SUMMARY

1. Right-of-Way

Is additional ROW required? Yes ☐ No ☐ Acreage
Are improved properties acquired? Yes ☐ No ☐ Acreage
Displacement: Rental Units ___ Residential Properties Non-residential Properties

Relocation services to be provided? _____

Properties available for relocation? _____

Public Land (Federal State, or Municipal) Involvement? Yes ☐ No ☐. (See Section 4 below.)

Acquisitions of land for hardship or protective purposes? Yes ☐ No ☐

If, yes explain? _____

2. Traffic Patterns/Roadway Access

Expansion of a roadway by addition of through lanes? Yes ☐ No ☐

Describe: _____

Temporary detour required? Yes ☐ No ☐ Length
Temporary bridge required? Yes ☐ No ☐ Impacts? Yes ☐ No ☐

Describe: _____

Permanent changes to traffic patterns? Yes ☐ No ☐

Describe: _____

Changes in access that pertain to interstate highways? Yes ☐ No ☐
Changes in access that have wide-reaching ramifications? Yes ☐ No ☐

Describe: _____

3. Cultural Resources (Section 106 or RSA 227-C:9)

Have you identified, and invited, parties to consult in the review pursuant to 36 CFR 800.3(f)? Yes ☐ No ☐
Explain _____

List of Consulting Parties confirmed by FHWA

Historic Resources Investigated? Yes ☐ No ☐ National Register Eligible? Yes ☐ No ☐
Comments

Archaeological Resources Investigated? Yes ☐ No ☐ National Register Eligible? Yes ☐ No ☐
Comments

Findings: No Historic Properties Affected ☐ No Adverse Effect ☐ Adverse Effect ☐

Agency Comments:

Review Completed:

Advisory Council Consultation Comments (when Adverse Effects are found):

Review Completed:

Mitigation (Describe):

4. Section 4(f) Resources

Public Parkland Impacts?	Yes ☐	No ☐	Temporary ☐	Permanent ☐
Public Recreational Area Impacts?	Yes ☐	No ☐	Temporary ☐	Permanent ☐
Public Wildlife/Waterfowl Refuge Impacts?	Yes ☐	No ☐	Temporary ☐	Permanent ☐
Historic Properties Impacted?	Yes ☐	No ☐	Temporary ☐	Permanent ☐
LCIP Recreational Land?	Yes ☐	No ☐	Temporary ☐	Permanent ☐

Acquisition required? Yes ☐ No ☐ Area

Comments:

Non-acquisition use of 4(f) property (23 CFR 771.135(p)):

Noise Level Increase	Yes ☐	No ☐	Visual Intrusion	Yes ☐	No ☐
Access Restriction	Yes ☐	No ☐	Vibration Impacts	Yes ☐	No ☐
Ecological Intrusion	Yes ☐	No ☐			

Programmatic 4(f) Evaluation ☐ Full 4(f) Evaluation ☐ *De minimis* 4(f) Finding ☐

For impacts to recreational 4(f) resources, obtain a statement of significance from official with jurisdiction:
Date Requested: ___ Date Received:

Construction in, across, or adjacent to a river designated as a component of, or proposed for inclusion in, the National System of Wild and Scenic Rivers? Yes ☐ No ☐

Comments: _____

5. Section 6(f) Resources

Are there impacts to any properties acquired or improved with funds made available through Section 6(f) of the Federal Land and Water Conservation Fund Act? Yes ☐ No ☐ Temporary ☐ Permanent ☐

Recommendation received from State Liaison Officer (NH Div of Parks & Recreation)? Yes ☐ No ☐

Coordination with the US Department of the Interior necessary? Yes ☐ No ☐

Comments: _____

6. Conservation Lands

Will property obtained through the Conservation Land Stewardship Program be impacted? Yes ☐ No ☐
(Contact the CLS Program Coordinator at the NH Office of Energy Planning)

Has an application been made to CORD demonstrating compliance with RSA 162-C:6? Yes ☐ No ☐

Has the Land & Community Heritage Investment Program (LCHIP) been contacted about the project? Yes ☐ No ☐

Will any LCHIP property be impacted by the project? Yes ☐ No ☐

Does any other conservation land exist in the project area? Yes ☐ No ☐

If so, describe impacts and coordination: _____

Comments: _____

7. Wetlands/Surface Waters

Will this project impact lands under the jurisdiction of the NH Wetlands Bureau? Yes ☐ No ☐

Type of permit required: *Expedited* ☐ *Minimum* ☐ *Minor* ☐ *Major* ☐

Will the project impact Prime Wetlands? Yes ☐ No ☐

Does this project qualify under the ACOE Programmatic General Permit? Yes ☐ No ☐

ACOE Individual Permit, or Section 10 Permit required? Yes ☐ No ☐

Landform Type	USFWS Classification	Permanent Impacts (sf)	Temporary Impacts (sf)
	Total		

Non-Wetland Bank (Jurisdictional land adjacent to lakes, ponds, streams and rivers)	N/A		
Upland Portion of the Tidal Buffer Zone (Land within 100' of the highest observable tide line)	N/A		
Prime Wetland Buffer **(Land within 100' of a Prime Wetland)**			
	Total		

Estimated length of permanent impacts to banks ___ ft.
Estimated length of permanent impacts to channel ___ ft.
Estimated volume of impacts in Public Waters ___ cu. yd.
If waterfront project, indicate total length of shoreline frontage ___ ft.
If wall, riprap, beach, or similar project, indicate length of proposed shoreline impact ___ ft.

Does the project require consideration of stream crossings? Yes ☐ No ☐

Describe: _____

Describe Mitigation: _____

Comments: _____

Coordination Required on:

Public Waters Access? Yes ☐ No ☐
Shoreland Protection? Yes ☐ No ☐
Lakes Management? Yes ☐ No ☐
Wild and Scenic River? Yes ☐ No ☐
NH Designated River? Yes ☐ No ☐

Comments: _____

8. Coast Guard

Does the project involve work in navigable waters? Yes ☐ No ☐
Does the project impact a historic bridge? Yes ☐ No ☐
Does the project require a Coast Guard Permit? Yes ☐ No ☐
Does the project qualify under the Section 144(h) exemption? Yes ☐ No ☐ (if yes, include FHWA confirmation)

FHWA and/or Coast Guard Comments: _____

Comments: _____

9. Floodplains or Floodways

Does the proposed project encroach in the floodplain? Yes ☐ No ☐ Acreage _____
Volume

Describe: _____

Does the proposed project encroach in the floodway? Yes ☐ No ☐ Acreage _____
Volume

Does the proposed project cause an increase in base flood elevation? Yes ☐ No ☐

Describe: _____

Coordination With FEMA Required? Yes ☐ No ☐
CLOMR Required? Yes ☐ No ☐

Comments from NH Floodplain Management Program: _____

Does the project require compensation for loss of flood storage? Yes ☐ No ☐

Comments from US Army Corps of Engineers: _____

Comments (describe): _____

10. Water Quality

Aquifer present? Yes ☐ No ☐
Drinking Water Source Protection Area present? Yes ☐ No ☐
Wellhead Protection Area present? Yes ☐ No ☐
Public Water Supply present? Yes ☐ No ☐
Groundwater Impacts? Yes ☐ No ☐
Surface Water Impacts? Yes ☐ No ☐
Surface Water Impairments? Yes ☐ No ☐ If yes, list: _____
Outstanding Resource Waters present? Yes ☐ No ☐
Water Quality Certificate Required? Yes ☐ No ☐

Will the project disturb >100,000 sq. ft. of land (50,000 sq. ft. if within protected shoreland), or any land with a grade of 25% or greater within 50' of a surface water? Yes ☐ No ☐
If yes, project must comply with the NHDES Alteration of Terrain regulations. Describe compliance: _____

Will the project disturb greater than 1 acre of land? Yes ☐ No ☐
If yes, project must comply with the EPA NPDES Construction General Permit, which requires preparation of a SWPPP.

Existing Impervious Surface in project area: _____
Proposed Impervious Surface in project area: _____

Will permanent Best Management Practices be installed for treatment of stormwater runoff? Yes ☐ No ☐

Comments: _____

11. Noise

Is project a Type I Highway Project? Yes ☐ No ☐
Are There Receptors Present? Yes ☐ No ☐ # of Residential ___. # Of Commercial ___.

Year		Range of Noise Levels (dBA Leq) Residential (R)		Commercial (C)	Noise Abatement Criterion Impacts # Approaching	# At or Exceeding
_____	No-Build	_____ to _____		_____ to _____	Res, Comm	Res, Comm
_____	Build	_____ to _____		_____ to _____	Res, Comm	Res, Comm
_____	No-Build	_____ to _____		_____ to _____	Res, Comm	Res, Comm
_____	Build	_____ to _____		_____ to _____	Res, Comm	Res, Comm

Will completed project increase noise levels 3 dBA or more? Yes ☐ No ☐
15 dBA or More? Yes ☐ No ☐

Are mitigation measures included in project? Yes ☐ No ☐
Explain: _____

Has the municipality received a copy of the traffic noise assessment? Yes ☐ No ☐

12. Threatened or Endangered Species/Natural Communities

State-Listed Threatened or Endangered species in project area? Yes ☐ No ☐
Exemplary Natural Community in project area? Yes ☐ No ☐
Federally-Listed Threatened or Endangered species in project area? Yes ☐ No ☐
Section 7 consultation necessary? Yes ☐ No ☐
Impacts subject to the conditions of the Bald and Golden Eagle Protection Act? Yes ☐ No ☐

Comments from NH Natural Heritage Bureau: _____

Comments from USFWS and/or NOAA: _____

Mitigation (Describe): _____

13. Wildlife and Fisheries

Does the project impact Highest Ranked Habitat as identified by the Wildlife Action Plan? Yes ☐ No ☐
Does the project impact Essential Fish Habitat? Yes ☐ No ☐
If yes, was an EFH Assessment completed? Yes ☐ No ☐

Does the project involve stream crossings? (Env-Wt PART 900) Yes ☐ No ☐
If yes, describe how the NHDES Stream Crossing Rules will be addressed: _____

Comments from State, Federal, or private agency: _____

Mitigation (Describe): _____

14. Air Quality

Is project located in ozone nonattainment area? Yes ☐ No ☐
Is project located in carbon monoxide nonattainment area? Yes ☐ No ☐
Is project included in conformity determinations? Yes ☐ No ☐ Year
Is project exempt from conformity determination? Yes ☐ No ☐
Is project exempt from CO analysis? Yes ☐ No ☐
Exemption Code (from most recent conformity document):
Has project changed since the conformity analysis? Yes ☐ No ☐

Is project exempt from NEPA requirement to consider air quality? Yes ☐ No ☐

For Projects Requiring a Carbon Monoxide Microscale Analysis:

Maximum Predicted 1-Hour Concentrations (ppm):

	YEAR	CONCENTRATIONS			
Current Year	( )	___ to ___	NAAQS Violations?	Yes ☐	No ☐
Opening Year	( ) build	___ to ___	NAAQS Violations?	Yes ☐	No ☐
Opening Year	( ) no-build	___ to ___	NAAQS Violations?	Yes ☐	No ☐
Design Year	( ) build	___ to ___	NAAQS Violations?	Yes ☐	No ☐
Design Year	( ) no-build	___ to ___	NAAQS Violations?	Yes ☐	No ☐

Comments: _____

15. Coastal Zone

Is the project located in the Coastal Zone? Yes ☐ No ☐

Has an Intergovernmental Consistency Review been completed to determine consistency with the Coastal Zone Management Act? (16 U.S.C. 1451-1464) Yes ☐ No ☐

Comments: _____

16. Agricultural Land

Does the project impact agricultural land? Yes ☐ No ☐ Active farmland? Yes ☐ No ☐
Does project area contain prime, unique, statewide or locally important farmland soils? Yes ☐ No ☐
Completion of Form AD-1006 or Form CPA-106 Required? Yes ☐ No ☐

Comments: _____

17. Hazardous/Contaminated Materials

Does the project area include sites from NHDES OneStop GIS Database? Yes ☐ No ☐
Are there sites from NHDES OneStop GIS Database within a 1,000 foot radius of the project area? Yes ☐ No ☐
Does the project involve a bridge with Asbestos Containing Material? Yes ☐ No ☐
ISA completed and attached? Yes ☐ No ☐ Additional investigation required? Yes ☐ No ☐
Remediation required? Yes ☐ No ☐

Comments: _____

18. Public Participation

Initial Contact Letters sent to local officials? Yes ☐ No ☐ Date
Public Informational Meeting? Yes ☐ No ☐ Date
Public Hearing Required? Yes ☐ No ☐ Date

Comments: _____

19. Social and Economic Impacts

Is the project consistent with local and regional land use plans? Yes ☐ No ☐

Describe: _____

Neighborhood and community impacts? Yes ☐ No ☐

- ☐ Churches
- ☐ Schools
- ☐ Elderly
- ☐ Minorities
- ☐ Handicapped
- ☐ Low Income Housing
- ☐ Emergency Service Facilities/Vehicles
- ☐ Environmental Justice (Executive Order 12898)

Describe _____

Impacts to local businesses? Yes ☐ No ☐ Temporary ☐ Permanent ☐

Describe: _____

20. Environmental Justice

Does the area affected by the proposed action contain EJ (minority, elderly, limited English proficiency, and/or low-income) populations? Yes ☐ No ☐

Are the anticipated project impacts resulting from the proposed action likely to fall disproportionately on EJ populations? Yes ☐ No ☐

Comments: _____

21. Construction Impacts

Describe: _____

22. Invasive Species

Does the project area contain invasive species prohibited under RSA 430:55 or RSA 487:16-a? Yes ☐ No ☐

If yes, will an Invasive Species Control and Management Plan be required during construction? Yes ☐ No ☐

Comments: _____

23. Field Inspection Comments:

24. Coordination

Meeting	Date	Comments

25. Environmental Mitigation and/or Commitments:

_____
_____
_____
_____
_____
_____
_____
_____
_____

Note: When appropriate, more detailed descriptions of resources and an explanation of the impact analysis should be attached to this form.

LIST OF EXHIBITS

Prepared by: _____ _____
Name, Title Date

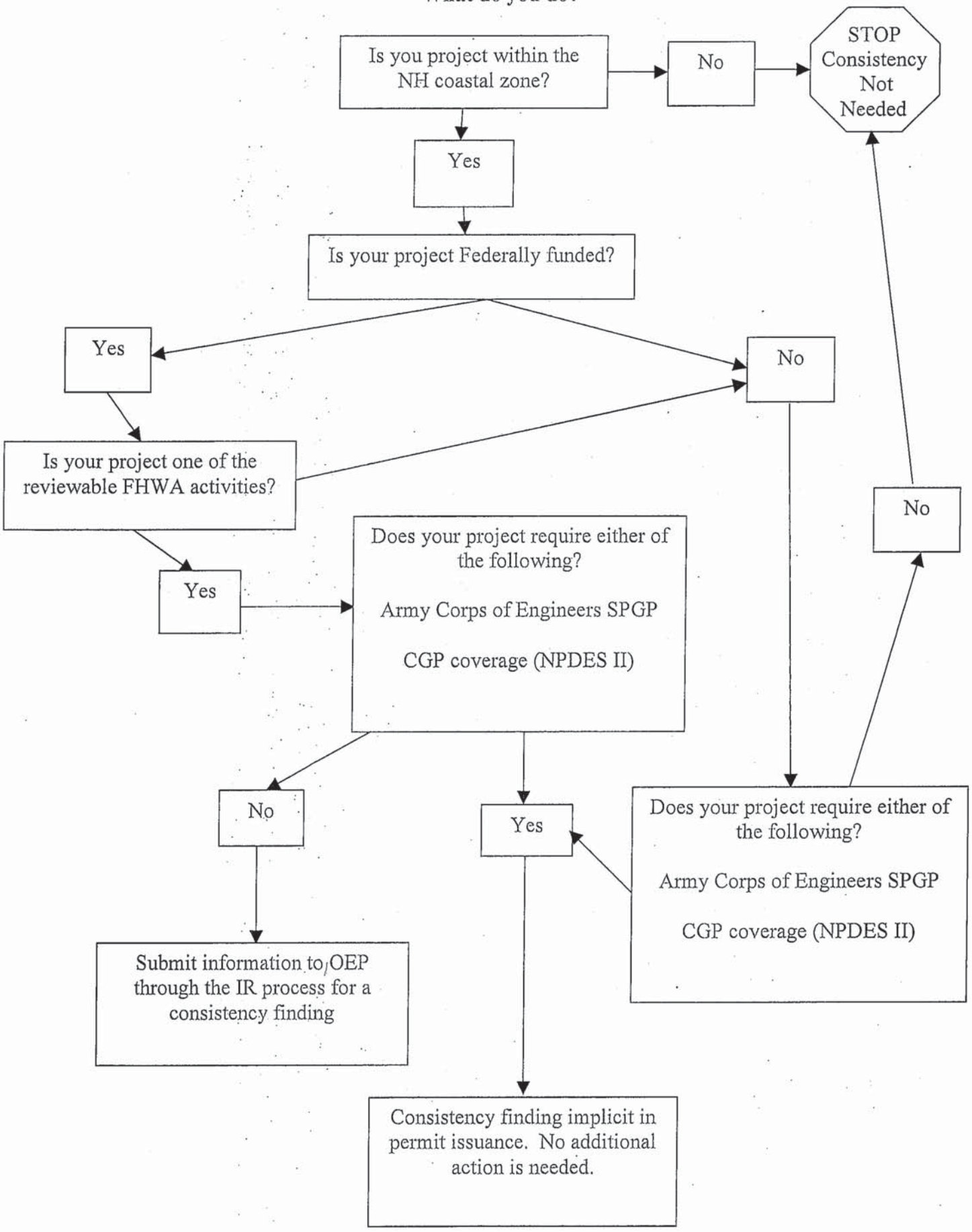
Reviewed by: _____ _____
Project Management Section Chief Date
NHDOT Bureau of Environment

Approval
Recommended by: _____ _____
Administrator Date
NHDOT Bureau of Environment

ABREVIATIONS/ACRONYMS USED IN THIS DOCUMENT

ACOE	Army Corps of Engineers
ACM	Asbestos Containing Materials
CE	Categorical Exclusion
CFR	Code of Federal Regulations
CLOMR	Conditional Letter of Map Revision
CMAQ	Congestions Mitigation & Air Quality
CO	Carbon Monoxide
CORD	Council on Resources and Economic Development
CZMA	Coastal Zone Management Act
dBA	Decibels Adjusted
EJ	Environmental Justice
EPA	Environmental Protection Agency
FEMA	Federal Emergency Management Agency
FHWA	Federal Highway Administration
ISA	Initial Site Assessment
LCHIP	Land & Community Heritage Investment Program
LCIP	Land Conservation Investment Program
LWCF	Land & Water Conservation Fund
NAAQS	National Ambient Air Quality Standards
NEPA	National Environmental Policy Act
NHDES	New Hampshire Department of Environmental Services
NHF&G	New Hampshire Fish and Game Department
NHNHB	New Hampshire Natural Heritage Bureau
NOAA	National Oceanic and Atmospheric Administration
NPDES	National Pollutant Discharge Elimination System
PPM	Parts Per Million
ROW	Right-of-Way
SWPPP	Storm Water Pollution Prevention Plan
USDOT	United States Department of Transportation
USFWS	United States Fish and Wildlife Service

What do you do?



Section 106 Programmatic Agreement
Executive Summary
May 15, 2014

Section 106 of the National Historic Preservation Act is a federal regulation that provides some protections to historical properties during projects that use federal funding, licensing or permitting. Transportation projects that receive federal funding from the Federal Highway Administration (FHWA) all undergo Section 106 review. FHWA'S Every Day Counts 2 (EDC2) initiative encourages the use of Programmatic Agreements (PA) to streamline project review and development, a type of Section 106 program alternative that also aligns with the environmental streamlining provisions of the most recent transportation bill reauthorization, the Moving Ahead for Progress in the 21st Century Act (MAP-21). In December of 2012, the NH Department of Transportation (NHDOT) started working with FHWA and the NH Division of Historical Resources / State Historic Preservation Office (SHPO) to develop a PA to further streamline Section 106 review of transportation projects in New Hampshire. In partnership with the NH Public Works Association (NHPWA) and NH chapter of the American Council of Engineering Companies (ACEC), the team began by drafting an implementation plan that, among other things, identified goals, challenges, and tools important to developing and implementing a fully functional agreement. Regular implementation team meetings culminated in this comprehensive draft PA.

The proposed PA establishes procedures for processing projects, provides standardized forms for reporting, and clearly lays out the roles and responsibilities of FHWA, NHDOT, SHPO and the project sponsor in order to operate under the PA. It streamlines the Section 106 process by promoting consistency and transparency of project development and review practices and requirements, and by encouraging an understanding among project sponsors of the goals of Section 106 and the benefits of incorporating those goals early during a project's design. A wide range of transportation undertakings *("projects")* typically do not impact or affect historical resources. The PA streamlines the Section 106 review of these types of projects by enabling NHDOT to conduct individual historical resource reviews, thereby removing FHWA and the SHPO from project-by-project evaluation activities.

The proposed PA will apply to a subset of transportation undertakings that are identified in the agreement as either Appendix A undertakings (undertakings with no potential to cause effects to historical resources) or Appendix B undertakings (undertakings with minimal potential to cause effects to historical resources). Appendix A undertakings include projects such as pavement rehabilitation, signal timing, signing and some bridge maintenance activities. The NHDOT Cultural Resources Program will make the determination whether a proposed project is an Appendix A undertaking. If so, Section 106 review will be limited to completion of an Appendix A Certification Form. Appendix B undertakings require further coordination with the NHDOT Cultural Resources Program, as well as information gathering due to the potential, albeit minimal, for the undertaking to cause effects to historic resources. These undertakings include such projects as non-historic bridge and culvert maintenance, bicycle and pedestrian improvements, and railroad improvements, among others. With a completed Appendix B Certification Form and accompanying materials, a project sponsor will coordinate directly with the NHDOT Cultural Resources Program, which will again determine the appropriate next steps, such as the survey of potential historical properties.

National Register eligibility determinations and review of archaeological reports will still be made in accordance with the current FHWA and SHPO review process. Undertakings that, by necessity or design, do not fall under the PA, or are determined not applicable to the PA by NHDOT, the SHPO, or FHWA, will follow the regular Section 106 consultation process. It is also important to note that a project sponsor may request at any time that an undertaking be reviewed under the normal Section 106 process. Similarly, under unique circumstances, such as known controversy, SHPO, the Advisory Council on Historic Preservation (ACHP), the public, or FHWA may also request that an undertaking be reviewed under the normal Section 106 process.

Section 106 Programmatic Agreement – Cultural Resources Review Effect Finding

Appendix A Certification – Projects with No Potential to Cause Effects

Date Reviewed:	Click here to enter a date.	**Approved by:**	NHDOT Cultural Resources Staff
Project Name:	Click here to enter text.	**Approval date:**	
State Number:	Click here to enter text.	**FHWA Number:**	Click here to enter text.
Environmental Contact:	Click here to enter text.	**DOT**	
Email Address:	Click here to enter text.	**Project Manager:**	Click here to enter text.
Project Description:	Click here to enter text.		

Please select the applicable undertaking type(s):

☐	Areas where the work is an in-kind replacement of modern facilities including driveway reconstruction, and re-installation of utilities.
☐	Equipment and supply purchase and maintenance (vehicles, computers, brochures, etc.).
☐	Pavement marking/striping.
☐	Crack sealing.
☐	Pavement grinding, rehabilitation and resurfacing, provided there are no impacts below the roadway select materials.
☐	Shoulder leveling and reconstruction, provided leveling material does not extend beyond 8” from the existing edge of pavement.
☐	Installation of speed bumps, and speed tables.
☐	Signal timing/program upgrades, with no ground disturbance.
☐	Sign replacement when they are replaced in the same area.
☐	Upgrades to lighting technology (i.e. fluorescent bulbs to LED bulbs).
☐	Application of herbicide.
☐	Planting of wildflowers.
☐	Mowing and brush removal (does not include tree removal).
☐	Bridge maintenance and repair on bridges less than 50 years old.
☐	Bridge painting (provided that the bridge is less than 50 years old, and the paint color is not changing).
☐	Bridge washing and sealing when conducted in accordance with NHDOT EHS Procedure – 01 (Appendix D).
☐	Culvert clean out.
☐	Maintenance of sound walls.
☐	Improvements to existing maintenance facilities, rest areas, weigh stations and park-and-rides less than 50 years old, provided there is no expansion of the facility and no additional lighting.
☐	Installation of new or replacement guardrail, and/or median barriers within the New Hampshire interstate system (excluding the Franconia Notch State Parkway).
☐	Installation of new roadway signs, within the New Hampshire interstate system (excluding the Franconia Notch State Parkway).
☐	Grading to re-establish slopes, seeding and the removal of accumulated sediment from ditches and other drainage features.

Appendix A Certification – Projects with No Potential to Cause Effects

Coordination of the Section 106 process should begin as early as possible in the planning phase of the project (undertaking) so as not to cause a delay.

Project sponsors should not predetermine a Section 106 finding under the assumption that an undertaking conforms to the types listed in Appendix A until this form is signed by the NHDOT Bureau of Environment Cultural Resources Program staff.

Every project shall be coordinated with, and reviewed by the NHDOT Bureau of Environment Cultural Resources Program in accordance with the Cultural Resources Programmatic Agreement among the Advisory Council on Historic Preservation, Federal Highway Administration, NH Department of Transportation, and the NH State Historic Preservation Office.

All projects shall occur within the existing right-of-way. Easements needed for work shall either be temporary or for the purpose of perpetuating existing conditions, such as access or drainage. If any portion of the undertaking is not entirely limited to any one or a combination of the types specified in Appendix A, please continue discussions with NHDOT Cultural Resources staff.

This No Potential to Cause Effects project determination is your Section 106 finding, as defined in the Programmatic Agreement.

Should project plans change, please inform the NHDOT Cultural Resources staff in accordance with Stipulation VII of the Programmatic Agreement.

Section 106 Programmatic Agreement – Cultural Resources Review Effect Finding

Appendix B Certification – Projects with Minimal Potential to Cause Effects

Date Reviewed: Click here to enter a date.

Project Name: Click here to enter text.

State Number: Click here to enter text. **FHWA Number:** Click here to enter text.

Environmental Contact: Click here to enter text. **DOT**
Email Address: Click here to enter text. **Project Manager:** Click here to enter text.

Project Description: Click here to enter text.

Please select the applicable undertaking type(s):

☐	1. Modernization and general highway maintenance **that may require additional highway right-of-way or easement**, and which is **not within the boundaries of a historic property or district,** including:
	Choose an item. Choose an item.
☐	2. Non-historic bridge and culvert maintenance, renovation, or total replacement, **that may require minor additional right-of-way or easement**, and which is **not within the boundaries of a historic property or district**, including:
	Choose an item. Choose an item.
☐	3. Historic bridge maintenance activities within the limits of existing right-of-way, including:
	Choose an item. Choose an item.
☐	4. Stream stabilization and restoration activities (including removal of debris or sediment obstructing the natural waterway, or any non-invasive action to restore natural conditions).
☐	5. Construction of bicycle lanes and pedestrian walkways, sidewalks, shared-use paths and facilities, small passenger shelters, and alterations to facilities or vehicles in order to make them accessible for elderly and handicapped persons, **not within the boundaries of a historic property or district**.
☐	6. Installation of bicycle racks, **not within the boundaries of a historic property or district**.
☐	7. Recreational trail construction, **not within the boundaries of a historic property or district**.
☐	8. Recreational trail maintenance when done on existing alignment.
☐	9. Modernization, maintenance, and safety improvements of railroad facilities within the existing railroad or highway right-of-way, **not within the boundaries of a historic property or district, and no historic railroad features are impacted,** including, but not limited to:
	Choose an item. Choose an item.
☐	10. Acquisition or renewal of scenic, conservation, habitat, or other land preservation easements
☐	11. Installation of Intelligent Transportation Systems.

Please describe how this project is applicable under Appendix B of the Programmatic Agreement.

Click here to enter text.

Section 106 Programmatic Agreement – Cultural Resources Review Effect Finding

Appendix B Certification – Projects with Minimal Potential to Cause Effects

NHDOT in-house projects: Please append photographs, USGS maps, design plans and as-built plans, if available, for review.
LPA projects: Please submit this Certification Form along with the Transportation RPR

Coordination Efforts:

Has an RPR been submitted to NHDOT for this project?	Choose an item.	NHDHR R&C # assigned?	Click here to enter text.
Please identify public outreach effort contacts; method of outreach and date:	Click here to enter text.		

Finding: (To be filled out by NHDOT Cultural Resources Staff)

☐	**No Potential to Cause Effects**	☐	**No Historic Properties Affected**
This finding serves as the Section 106 Memorandum for your environmental documents, no further coordination is necessary.			
☐	**This project does *not* comply with Appendix B, and will continue under the Section 106 review process outlined in 36 CFR 800.3-800.7. Please contact NHDOT Cultural Resources Staff to determine next steps.**		
	NHDOT comments: NHDOT Cultural Resources Staff		Date

Coordination of the Section 106 process should begin as early as possible in the planning phase of the project (undertaking) so as not to cause a delay.

Project sponsors should not predetermine a Section 106 finding under the assumption that an undertaking conforms to the types listed in Appendix B until this form is signed by the NHDOT Bureau of Environment Cultural Resources Program staff.

Every project shall be coordinated with, and reviewed by the NHDOT-BOE Cultural Resources Program in accordance with the Cultural Resources Programmatic Agreement among the Advisory Council on Historic Preservation, Federal Highway Administration, NH Department of Transportation, and the State Historic Preservation Office. In accordance with the Advisory Council's regulations, we will continue to consult, as appropriate, as this project proceeds.

If any portion of the undertaking is not entirely limited to any one or a combination of the types specified in Appendix B (with, or without a portion that is included as a type listed in Appendix A), please continue discussions with NHDOT Cultural Resources staff.

This No Potential to Cause Effect or No Historic Properties Affected project determination is your Section 106 finding, as defined in the Programmatic Agreement.

Should project plans change, please inform the NHDOT Cultural Resources staff in accordance with Stipulation VII of the Programmatic Agreement.

Section 106 Programmatic Agreement
Process Review Flow Chart
April 22, 2014

Draft v6

START

Determine if the undertaking complies with the Programmatic Agreement
Based on the type of undertaking, the sponsor will decide if the undertaking appears to conform to either Appendix A, or Appendix B of the Programmatic Agreement.

Appendix A

Appendix A Certification Form
Sponsor will coordinate with the Cultural Resources Program, who will determine if the undertaking conforms to the types of undertakings in Appendix A. Does the undertaking comply with Appendix A?

Yes

The undertaking conforms to Appendix A. **STOP!** Cultural Resources Program makes a finding on the Appendix A Certification Form and returns it to the sponsor and the Section 106 process is complete.

No

The undertaking does not conform to the types of undertakings in Appendix A. Cultural Resources Program makes a finding on the Appendix A Certification Form. Does the undertaking appear to comply with Appendix B?

Yes

No

Appendix B

Initiate Section 106 Process
Sponsor will*:
1. Establish if there is an undertaking.
2. Plan to involve the public.
3. Identify potential consulting parties.
4. Coordinate with other reviews.

Coordinate with the Public
Sponsor, with assistance from the Cultural Resources Program, will, as appropriate*:
1. Send initial contact letters.
2. Solicit input at public officials meetings, public informational meetings, and/or public hearings, as appropriate.
3. Coordinate with property owners.
4. Meet on site with property owners.

Prepare a Transportation RPR
Sponsor will prepare Transportation RPR, as per accompanying instructions*

Determine whether surveys are needed
Cultural Resources Program will determine whether archaeological and/or aboveground surveys are needed. Are surveys needed?

Yes

Complete Surveys
Cultural Resources Program will utilize either in house staff, or consultants to complete archaeological and/or aboveground surveys, or direct LPA sponsors to utilize qualified professionals to do the same.

Determinations of Eligibility
FHWA in consultation with SHPO will determine whether properties are eligible for listing in the National Register.

No

Finding of Effect
Will historic properties be affected?
Cultural Resources Program will make a finding of
1. No Potential to Cause Effects,
2. No Historic Properties Affected,
3. Potential effects. The undertaking does not conform to the types in Appendix B.
What is the finding?

No Potential to Cause Effects, or No Historic Properties Affected

STOP. Cultural Resources Program makes a finding on the Appendix B Certification Form and returns it to the sponsor and the Section 106 process is complete.

Potential Effects

Neither

Sponsor will coordinate with the Cultural Resources Program to confirm whether the undertaking conforms to either Appendix A, or Appendix B of the Programmatic Agreement.

Neither

Undertaking does **NOT** comply with Programmatic Agreement. **STOP!** Follow regular Section 106 process.

** Note that multiple steps may be addressed simultaneously, as applicable*

NHDOT Guidance on Using the Program Comment for Common Post-1945 Concrete and Steel bridges

How to Review Bridges under the Program Comment:

1. Initiate the project with the NHDOT Cultural Resources Program Staff using the processes established for either the Request for Project Review or the Section 106 Programmatic Agreement for Federal Aid projects, Appendix A or B Certification Forms (available on the NHDOT Bureau of Environment's webpage: http://www.nh.gov/dot/org/projectdevelopment/environment/units/program-management/cultural.htm).

2. If you feel the subject bridge falls within the criteria described below for inclusion in the Program Comment, please also fill out and include in your submission the NHDOT Recordation of Bridges that Apply to the Program Comment Form (available on the NHDOT Bureau of Environment's webpage: http://www.nh.gov/dot/org/projectdevelopment/environment/units/program-management/cultural.htm).

3. NHDOT Cultural Resources Program Staff will review the information and either approve or disagree with inclusion of the bridge in the Program Comment.
    a. If NHDOT Cultural Resources Program Staff approves the inclusion of the bridge in the Program Comment, it will be checked on the form and a copy will be returned to the project contact. The subject bridge does not need to undergo additional cultural resources review (inventory form, etc.). **However please note**:
        i. Features in the surrounding area (structures, landscapes, etc.) may still need to be evaluated for historic significance.
        ii. The Program Comment does not negate the need to complete necessary phases of archaeological review. Archaeological sensitivity will still be determined on a case-by-case basis.
    b. If NHDOT Cultural Resources Program Staff disagrees, the reason will be noted on the form, a copy returned to the project contact, and the project will continue under the Section 106 review process, outlined in 36 CFR 800.3-800.7,or the Programmatic Agreement process.

4. NHDOT Cultural Resources Program will provide a copy of the Recordation Form to the NH Division of Historical Resources (NHDHR) for their files. It will also be recorded in the State Historic Archaeological & Architectural Resources Database (SHAARD) (when completed). Annually, NHDOT will provide FHWA and NHDHR a list of the bridges that were included in the Program Comment in the previous year.

Program Comment Federal Regulations:

At the request of the Federal Highway Administration (FHWA), the Advisory Council on Historic Preservation (ACHP) has issued a Program Comment that will eliminate individual historic review requirements under Section 106 of the National Historic Preservation Act for common post-1945 concrete and steel bridges and culverts. The intent of the Program Comment is to ensure that more unique historic bridges receive the attention they deserve while the process is substantially streamlined for common, "cookie-cutter" bridges that are unlikely to be significant for preservation in place. These bridges were constructed in vast numbers after World War II using standardized plans. Although there has been little public interest in the preservation of these common bridges and culverts, FHWA was required under Section 106, to consider and document the potential historic significance of any bridge approaching 50 years of age that might be affected by FHWA projects.

For the full overview of the Program Comment, please visit FHWA's website:
http://environment.fhwa.dot.gov/histpres/program_comment.asp

Applicable Bridge Types:

The following common bridge types, constructed post-1945, apply to the Program Comment:
(No individual review under Section 106 would be required for the bridge. Cultural resources review for the adjacent area may still be required.)

Bridge Type	NHDOT abbreviation
Concrete Box	CB
Concrete Pipe	CP
Concrete Slab	CS
Concrete Tee Beam	CTB
I-beams w/ bridge plank	IB-BP
I-beams w/ concrete deck	IB-C
I-beams w/ steel deck	IB-G
I-beams w/ steel plate	IB-S
I-beams w/ wood deck	IB-W
Inverset I-beam/concrete	INVER
Metal Pipe	MP
Metal Plate Arch	MP-A
Metal Plate Box Culvert	MP-B
Pre-stressed Bulb Tee	NEBT
Pre-stressed Butted Boxes	PBB
Pre-stressed I-beams	PIB
Pre-stressed Spread Boxes	PSC
Pre-stressed Tee Beams	PTB
Pre-stressed Voided Slabs	PVS

The following culvert types are also included: reinforced concrete boxes, concrete boxes, concrete pipes, and steel pipes.

In addition, the following types of common railings are not considered to possess exceptional significance: Concrete barrier with sidewalk, Kansas Corral Railing, New Jersey concrete barrier, Tubular W-beam railing.

Exemptions and Exceptions Include:

A bridge listed on the NH List of Bridges to be Exempt from the Program Comment, located on the Bureau of Environment's website. This list is updated periodically, please visit the website for the most current and up-to-date list. This list can also be found under the Program Comment section of FHWA's website.

Should the subject bridge fall within any of the below exceptions, the bridge cannot be included in the Program Comment review process and must be reviewed under the regular Section 106 process of the National Historic Preservation Act:

1. Bridge is listed in, or already eligible for listing in the National Register of Historic Places, or is located adjacent to or within a National Register listed, eligible, or potentially eligible historic district, including linear historic districts.

2. Bridge includes spans that are of the following type:
    a. Arch bridges
    b. Truss bridges
    c. Bridges with movable spans
    d. Suspension bridges
    e. Cable-stayed bridges
    f. Covered bridges

3. Bridge may have exceptional significance, because:
    a. It is associated with an (historical) event or individual
    b. It is a very early or particularly important example of its type in the state or the nation
    c. It has distinctive engineering or architectural features that depart from standard design, such as:
        ii. aesthetic railing or balustrade
        iii. spans of exceptional length or complexity
        iv. displays other elements engineered to respond to a unique environmental context

Photo Submission Guidance for the Program Comment:

Photographs submitted with the Recordation Form can be printed on any paper type and can be in color or black & white. No special archival treatment needs to be taken into consideration.

Photos do need to clearly show the bridge and its features. Snow and vegetation covered bridge photos will not be accepted. Photos should not be washed out or fuzzy in appearance.

If the overall bridge, abutments and rails cannot be seen in one picture, please submit multiple photographs.

Acceptable Photograph Examples:

The bridge structure, wing walls and/or abutments, and guardrail are visible. For these examples, only one photograph would need to be submitted.

Unacceptable Photograph Examples:

Photo 1 (metal pipe culvert) would be acceptable as supplemental information, but not as an overall view of the bridge/culvert. Photos 2 and 3 are heavily vegetated and the structures are obscured.

Cultural Resources Effect Memo
(Local Public Agency Projects)

Project Town: **XXXX** Date: **XXXX**

State No.: **XXXXX** Federal No. (as applicable): **XXXX**

Pursuant to meetings on ***XXXX***, and for the purpose of compliance with the regulations of National Historic Preservation Act and the Advisory Council on Historic Preservation's *procedures for the Protection of Historic Properties* (36 CFR 800), the NH Division of Historical Resources and, when applicable, the NH Division of the Federal Highway Administration or the US Army Corps of Engineers have coordinated the identification and evaluation of cultural resources relative to (project description):

XXXX

Based on a review of the project, as presented on this date, it has been determined that:

☐ **No Historic or Archaeological Properties will be Affected**

☐ **There will be No Adverse Effect on Historic or Archaeological Properties**
Describe any outstanding commitments:_____
_____
_____

☐ **There will be an Adverse Effect on Historic or Archaeological Properties or Resources**
describe the effect, measures to minimize harm and proposed mitigation_____
_____
_____(attach pages as Necessary).

In accordance with the Advisory Council's regulations, we will continue to consult, as appropriate, as this project proceeds.

The NH State Historic Preservation Officer concurs with these findings:_____
NH Division of Historical Resources

There Will Be: No 4(f) ☐; Programmatic 4(f) ☐; Full 4 (f) ☐; or

☐ **A finding of de minimis 4(f) impact as stated:** In addition, with NHDHR concurrence of no adverse effect for the above undertaking, and in accordance with 23 CFR 774, FHWA intends to, and by signature below, does make a finding of *de minimis* impact. NHDHR's signature below represents concurrence with both the no adverse effect determination and the de minimis findings. Parties to the Section 106 process have been consulted and their concerns have been taken into account. Therefore, the requirements of Section 4(f) have been satisfied.

_____ _____
Federal Highway Administration Project Manager

_____
US Army Corps of Engineers

Cc: FHWA, NHDHR, ACOE (⇐ as applicable ⇑)

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Transportation Conformity Regulations as of April 2012

United States
Environmental Protection
Agency

still satisfy the applicable requirements of §§93.118 and/or 93.119 and that the project still satisfies the requirements of §93.116, and therefore that the conformity determinations for the transportation plan, TIP, and project are still valid. This finding is subject to the applicable public consultation requirements in §93.105(e) for conformity determinations for projects.

§ 93.126 Exempt projects.
Notwithstanding the other requirements of this subpart, highway and transit projects of the types listed in Table 2 of this section are exempt from the requirement to determine conformity. Such projects may proceed toward implementation even in the absence of a conforming transportation plan and TIP. A particular action of the type listed in Table 2 of this section is not exempt if the MPO in consultation with other agencies (see §93.105(c)(1)(iii)), the EPA, and the FHWA (in the case of a highway project) or the FTA (in the case of a transit project) concur that it has potentially adverse emissions impacts for any reason. States and MPOs must ensure that exempt projects do not interfere with TCM implementation. Table 2 follows:

Table 2—Exempt Projects

Safety

Railroad/highway crossing.
Projects that correct, improve, or eliminate a hazardous location or feature.
Safer non-Federal-aid system roads.
Shoulder improvements.
Increasing sight distance.
Highway Safety Improvement Program implementation.
Traffic control devices and operating assistance other than signalization projects.
Railroad/highway crossing warning devices.
Guardrails, median barriers, crash cushions.
Pavement resurfacing and/or rehabilitation.
Pavement marking.
Emergency relief (23 U.S.C. 125).
Fencing.
Skid treatments.
Safety roadside rest areas.
Adding medians.
Truck climbing lanes outside the urbanized area.
Lighting improvements.
Widening narrow pavements or reconstructing bridges (no additional travel lanes).
Emergency truck pullovers.

Mass Transit

Operating assistance to transit agencies.
Purchase of support vehicles.
Rehabilitation of transit vehicles[1] .
Purchase of office, shop, and operating equipment for existing facilities.
Purchase of operating equipment for vehicles (e.g., radios, fareboxes, lifts, etc.).
Construction or renovation of power, signal, and communications systems.
Construction of small passenger shelters and information kiosks.
Reconstruction or renovation of transit buildings and structures (e.g., rail or bus buildings, storage and maintenance facilities, stations, terminals, and ancillary structures).
Rehabilitation or reconstruction of track structures, track, and trackbed in existing rights-of-way.
Purchase of new buses and rail cars to replace existing vehicles or for minor expansions of the fleet[1] .
Construction of new bus or rail storage/maintenance facilities categorically excluded in 23 CFR part 771.

Air Quality

Continuation of ride-sharing and van-pooling promotion activities at current levels.
Bicycle and pedestrian facilities.

Other

Specific activities which do not involve or lead directly to construction, such as:
- Planning and technical studies.
- Grants for training and research programs.
- Planning activities conducted pursuant to titles 23 and 49 U.S.C.
- Federal-aid systems revisions.

Engineering to assess social, economic, and environmental effects of the proposed action or alternatives to that action.
Noise attenuation.
Emergency or hardship advance land acquisitions (23 CFR 710.503).
Acquisition of scenic easements.
Plantings, landscaping, etc.
Sign removal.
Directional and informational signs.
Transportation enhancement activities (except rehabilitation and operation of historic transportation buildings, structures, or facilities).
Repair of damage caused by natural disasters, civil unrest, or terrorist acts, except projects involving substantial functional, locational or capacity changes.

Note: [1] In PM_{10} and $PM_{2.5}$ nonattainment or maintenance areas, such projects are exempt only if they are in compliance with control measures in the applicable implementation plan.

§ 93.127 Projects exempt from regional emissions analyses.

Notwithstanding the other requirements of this subpart, highway and transit projects of the types listed in Table 3 of this section are exempt from regional emissions analysis requirements. The local effects of these projects with respect to CO concentrations must be considered to determine if a hot-spot analysis is required prior to making a project-level conformity determination. The local effects of projects with respect to PM_{10} and $PM_{2.5}$ concentrations must be considered and a hot-spot analysis performed prior to making a project-level conformity determination, if a project in Table 3 also meets the criteria in §93.123(b)(1). These projects may then proceed to the project development process even in the absence of a conforming transportation plan and TIP. A particular action of the type listed in Table 3 of this section is not exempt from regional emissions analysis if the MPO in consultation with other agencies (see §93.105(c)(1)(iii)), the EPA, and the FHWA (in the case of a highway project) or the FTA (in the case of a transit project) concur that it has potential regional impacts for any reason. Table 3 follows:

Table 3—Projects Exempt From Regional Emissions Analyses

- Intersection channelization projects.
- Intersection signalization projects at individual intersections.
- Interchange reconfiguration projects.
- Changes in vertical and horizontal alignment.
- Truck size and weight inspection stations.
- Bus terminals and transfer points.

§ 93.128 Traffic signal synchronization projects.

Traffic signal synchronization projects may be approved, funded, and implemented without satisfying the requirements of this subpart. However, all subsequent regional emissions analyses required by §§93.118 and 93.119 for transportation plans, TIPs, or projects not from a conforming plan and TIP must include such regionally significant traffic signal synchronization projects.

§ 93.129 Special exemptions from conformity requirements for pilot program areas.

EPA and DOT may exempt no more than six areas for no more than three years from certain requirements of this subpart if these areas are selected to participate in a conformity pilot program and have developed alternative requirements that have been approved by EPA as an implementation plan revision in accordance with §51.390 of this chapter. For the duration of the pilot program, areas selected to participate in the pilot program must comply with the conformity requirements of the pilot area's implementation plan revision for §51.390 of this chapter and all other requirements in 40 CFR parts 51 and 93 that are not covered by the pilot area's implementation plan revision for §51.390 of this chapter. The alternative conformity requirements in conjunction with any applicable state and/or federal conformity requirements must be proposed to fulfill all of the requirements of and achieve results equivalent to or better than section 176(c) of the Clean Air Act. After the three-year duration of the pilot program has expired, areas will again be subject to all of the requirements of this subpart and 40 CFR part 51, subpart T, and/or to the requirements of any implementation plan revision that was previously approved by EPA in accordance with §51.390 of this chapter.

XVI. REIMBURSEMENT

A. Qualifications

A utility, which is affected by highway construction and meets one of the following conditions, is entitled to reimbursement by the highway project for their work.

1. The facility occupies property by rights granted to the utility owner by an easement; or the utility owns the property.

2. A municipally owned utility is located within the right-of-way of a road or street owned by said municipality, provided that the utility is not required by law to relocate its facilities at its own expense.

3. The facility occupies a highway Right-of-Way where the utility had the right of easement prior to the acquisition of the Right-of-Way by the State, City or Town or prior to 1905 when the Department was incorporated, and the utility has not been compensated for easement rights.

4. The facility occupies a highway Right-of-Way and the right of easement was reserved to the utility in the highway return of layout.

5. Municipally owned subterranean facilities located within the ROW of a State owned and maintained roadway requiring relocation will receive reimbursement in accordance with RSA 228:22 (see Appendix D, Detail D7). This consists of trenching and backfill costs plus the book value of any abandoned facilities.

6. The State Attorney General's Office issues an opinion obligating the State to bear any or all of the costs for alterations to and/or protection of utility facilities.

7. The facility is located on US Government land such as Forest Service with a permit or lease. Federal agency may participate – FAPG 23 (3) CFR 667.

U.S. Department of Transportation
Federal Highway Administration

Memorandum

Subject: **INFORMATION:** Revisions to the Controlling Criteria for Design and Documentation for Design Exceptions

Date: May 5, 2016

In Reply Refer To: HIPA-20

From: Robert B. Mooney
Acting Director, Office of Program Administration

To: Director of Field Services
Division Administrators
Director of Technical Services
Federal Lands Highway Division Engineers

This memorandum supersedes prior guidance regarding the controlling criteria for design, first established in 1985. For projects on the National Highway System (NHS), a design exception is required to justify not meeting any of the controlling criteria. The revisions below are effective immediately. Divisions should work with their State Transportation Agency (STA) to update Standard Operating Procedures, existing guidance and manuals.

Background

On October 7, 2015, FHWA published a notice in the Federal Register soliciting comments on proposed changes to the 1985 policy establishing 13 controlling criteria for design. The October notice clarified when design exceptions are required and the documentation that is expected to support such requests. After considering the comments received, FHWA published a final notice (attached) in the Federal Register on May 5, 2016.

The following 10 criteria are considered controlling for the design of projects on the NHS: Design Speed, Lane Width, Shoulder Width, Horizontal Curve Radius, Superelevation Rate, Stopping Sight Distance, Maximum Grade, Cross Slope, Vertical Clearance, and Design Loading Structural Capacity. Stopping sight distance (SSD) applies to horizontal alignments and vertical alignments except for sag vertical curves. Of the 10 controlling criteria, only design loading structural capacity and design speed apply to all NHS facility types. The remaining eight criteria are applicable only to "high-speed" NHS roadways, defined as Interstate highways, other freeways, and roadways with a design speed greater than or equal to 50 mph (80 km/h).

As codified in 23 CFR 625.3(f), exceptions may be approved on a project basis for designs that do not conform to the minimum or limiting criteria set forth in the standards, policies, and standard specifications adopted in 23 CFR 625. Design exceptions, subject to approval by FHWA, or on behalf of FHWA if an STA has assumed the responsibility through a Stewardship and Oversight agreement, are required for projects on the NHS only when the

controlling criteria described above are not met. The FHWA expects documentation of design exceptions to include all of the following:

- Specific design criteria that will not be met.
- Existing roadway characteristics.
- Alternatives considered.
- Comparison of the safety and operational performance of the roadway and other impacts such as right-of-way, community, environmental, cost, and usability by all modes of transportation.
- Proposed mitigation measures.
- Compatibility with adjacent sections of roadway.

The level of analysis should be commensurate with the complexity of the project.

Design Speed and Design Loading Structural Capacity are fundamental criteria in the design of a project. Exceptions to these criteria should be extremely rare and FHWA expects the documentation to provide the following additional information;

- Design Speed exceptions:
  - Length of section with reduced design speed compared to overall length of project
  - Measures used in transitions to adjacent sections with higher or lower design or operating speeds.
- Design Loading Structural Capacity exceptions:
  - Verification of safe load-carrying capacity (load rating) for all State unrestricted legal loads or routine permit loads, and in the case of bridges and tunnels on the Interstate, all Federal legal loads.

The FHWA encourages agencies to document all design decisions to demonstrate compliance with accepted engineering principles and the reasons for the decisions.

The approval of deviations from applicable design criteria are to be handled as follows:

1. <u>NHS roadway and controlling criteria not met</u>: In accordance with 23 CFR 625.3(f), design exceptions are required and FHWA is the approving authority, or exceptions may be approved on behalf of FHWA if an STA has assumed the responsibility through a Stewardship and Oversight agreement, with documentation as stated above.
2. <u>NHS roadway and non-controlling criteria not met</u>: STA is the approving authority for design deviations,[1] in accordance with State laws, regulations, directives, and safety standards. States can determine their own level of documentation depending on their State laws and risk management practices.
3. <u>Non-NHS roadway and State design criteria not met on Federal-aid projects</u>: STA is the approving authority for design deviations in accordance with State laws, regulations, directives, and safety standards. States can determine their own level of documentation depending on State laws and risk management practices.

[1] The term "deviation," when used in this document, refers to any departure from design criteria that does not require FHWA approval because either the criteria is non-controlling or the facility is not on the NHS. States often refer to these instances as design deviations or variances.

States may adopt policies that are more restrictive than the revised FHWA policy outlined above. The FHWA encourages agencies to work together with stakeholders to develop context sensitive solutions that enhance communities and provide multiple transportation options to connect people to work, school, and other critical destinations. It is important to note that the Fixing America's Surface Transportation (FAST) Act of 2015 includes new provisions encouraging design flexibility. The FHWA also issued a memorandum in 2013 expressing support for taking a flexible approach to bicycle and pedestrian facility design. The memorandum is available at http://www.fhwa.dot.gov/environment/bicycle_pedestrian/guidance/design_flexibility.cfm.

Should you have any questions, please contact Elizabeth Hilton at 512-536-5970 or Naureen Dar at 614-280-6846.

Attachment: Federal Register Notice published May 5, 2016

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[FHWA Docket No. FHWA–2015–0020]

Revision of Thirteen Controlling Criteria for Design and Documentation of Design Exceptions

AGENCY: Federal Highway Administration (FHWA), Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: The geometric design standards for projects on the National Highway System (NHS) are incorporated by reference in FHWA regulations in 23 CFR 625 and apply regardless of funding source. These design standards are comprehensive in nature, covering a multitude of design characteristics, while allowing flexibility in application. Exceptions may be approved on a project basis for designs that do not conform to the minimum or limiting criteria set forth in the standards, policies, and standard specifications.

The FHWA is updating its 1985 policy regarding controlling criteria for design, applicable to projects on the NHS, to reduce the number of controlling criteria from 13 to 10, and to apply only 2 of those criteria to low speed roadways. The FHWA is also issuing guidance to clarify when design exceptions are needed and the documentation that is expected to support such requests. The FHWA's guidance memorandum, which is available in the docket (FHWA–2015–0020), transmits this policy to FHWA field offices.

FOR FURTHER INFORMATION CONTACT: For questions, contact Elizabeth Hilton, Geometric Design Engineer, FHWA Office of Program Administration, telephone 512–536–5970, or via email at *Elizabeth.Hilton@dot.gov.* For legal questions, please contact Robert Black, Office of the Chief Counsel, telephone 202–366–1359, or via email at *Robert.Black@dot.gov,* Federal Highway Administration, 1200 New Jersey Avenue SE., Washington, DC 20590. Business hours for the FHWA are from 8:00 a.m. to 4:30 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access and Filing

This document, the request for comments notice, and all comments received may be viewed online through the Federal eRulemaking portal at: *http://www.regulations.gov.* The docket identification number is FHWA–2015–0020. The Web site is available 24 hours each day, 365 days each year. Anyone can search the electronic form of all comments in any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, or labor union). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477), or you may visit *http://DocketsInfo.dot.gov.*

Request for Comments

On October 7, 2015, FHWA published a Notice with Request for Comments (80 FR 60732) soliciting public comments on proposed revisions to the 13 controlling criteria for the design and the documentation that is expected to support requests for design exceptions. When used in this notice, the term ''design exception'' refers to documentation prepared for projects on the NHS when a controlling criterion is not met, and that must be approved in accordance with 23 CFR 625.3(f), by FHWA or on behalf of FHWA if a State Transportation Agency (STA) has assumed this responsibility through a Stewardship and Oversight agreement.

Background

As codified in 23 CFR 625.3 and 625.4, the geometric design standards for projects on the NHS are A Policy on Geometric Design of Highways and Streets (2011) and A Policy on Design Standards Interstate System (2005), published by the American Association of State Highway and Transportation Officials (AASHTO). As codified in 23 CFR 625.3(f), exceptions may be approved on a project basis for designs that do not conform to the minimum or limiting criteria set forth in the standards, policies, and standard specifications adopted in 23 CFR 625. In 1985, FHWA designated 13 criteria as controlling criteria, requiring design exceptions when any of these 13 criteria were not met.

The FHWA proposed to eliminate 3 criteria, rename others, and focus the application of most criteria on high-speed roadways (*i.e.,* design speed ≥50 mph). The 10 controlling criteria proposed for design of projects on the NHS were: Design Speed, Lane Width, Shoulder Width, Horizontal Curve Radius, Superelevation, Stopping Sight Distance, Maximum Grade, Cross Slope, Vertical Clearance, and Design Loading Structural Capacity. The FHWA proposed that all 10 controlling criteria would apply to high-speed roadways on the NHS, and that only two, Design Speed and Design Loading Structural Capacity, would apply on low-speed roadways (*i.e.,* design speed <50 mph) on the NHS.

Purpose of the Notice

The purpose of this notice is to publish final designation of the controlling criteria for design of projects on the NHS and how they will be applied in various contexts, and describe the design documentation needed to support requests for design exceptions. While all of the criteria contained in the adopted standards are important design considerations, they do not all affect the safety and operations of a roadway to the same degree, and therefore do not require the same level of administrative control. The FHWA encourages agencies to document design decisions to demonstrate compliance with accepted engineering principles and the reasons for the decision. Deviations from criteria contained in the standards for projects on the NHS which are not considered to be controlling criteria should be documented by the STA in accordance with State laws, regulations, directives, and safety standards. States can determine their own level of documentation depending on State laws and risk management practices.

Designation of Controlling Criteria

Based on the comments received in response to FHWA's proposal, combined with FHWA's own experience and the findings of National Cooperative Highway Research Program (NCHRP) Report 783 ''Evaluation of the 13 Controlling Criteria for Geometric Design'' (2014), the 10 controlling criteria for design are:

- Design Speed;
- Lane Width;
- Shoulder Width;
- Horizontal Curve Radius;
- Superelevation Rate;
- Stopping Sight Distance (SSD);
- Maximum Grade;
- Cross Slope;
- Vertical Clearance; and
- Design Loading Structural Capacity.

All 10 controlling criteria apply to high-speed (*i.e.,* Interstate highways, other freeways, and roadways with design speed ≥50 mph) roadways on the NHS. The SSD applies to horizontal alignments and vertical alignments except for sag vertical curves. On low-speed roadways (*i.e.,* non-freeways with design speed <50 mph) on the NHS, only the following two controlling criteria apply:

- Design Loading Structural Capacity; and
- Design Speed.

Design Documentation

Design exceptions, subject to approval by FHWA, or on behalf of FHWA if an STA has assumed the responsibility through a Stewardship and Oversight agreement, are required for projects on the NHS only when the controlling criteria are not met. The FHWA expects documentation of design exceptions to describe all of the following:

- Specific design criteria that will not be met.
- Existing roadway characteristics.
- Alternatives considered.
- Comparison of the safety and operational performance of the roadway and other impacts such as right-of-way, community, environmental, cost, and usability by all modes of transportation.
- Proposed mitigation measures.
- Compatibility with adjacent sections of roadway.

Design Speed and Design Loading Structural Capacity are fundamental criteria in the design of a project. Exceptions to these criteria should be extremely rare and FHWA expects the documentation to provide the following additional information:

- Design Speed exceptions:
  - Length of section with reduced design speed compared to overall length of project.
  - Measures used in transitions to adjacent sections with higher or lower design or operating speeds.
- Design Loading Structural Capacity exceptions:
  - Verification of safe load-carrying capacity (load rating) for all State unrestricted legal loads or routine permit loads and, in the case of bridges and tunnels on the Interstate, all Federal legal loads.

The FHWA encourages agencies to document all design decisions to demonstrate compliance with accepted engineering principles and the reasons for the decision. The approval of deviations from applicable design criteria are to be handled as follows:

1. The project is located on a NHS roadway and controlling criteria are not met: In accordance with 23 CFR 625.3(f), design exceptions are required and FHWA is the approving authority, or exceptions may be approved on behalf of FHWA if an STA has assumed the responsibility through a Stewardship and Oversight agreement, with documentation as stated above.

2. The project is located on a NHS roadway and non-controlling criteria are not met: STA is the approving authority for design deviations,[1] in accordance with State laws, regulations, directives, and safety standards. States can determine their own level of documentation depending on State laws and risk management practices.

3. The project is located on a non-NHS roadway and the State design criteria are not met on a Federal-aid project: STA is the approving authority for design deviations, in accordance with State laws, regulations, directives, and safety standards. States can determine their own level of documentation depending on their State laws and risk management practices.

Analysis of Comments

The FHWA received comments from 2,327 individuals and organizations on the proposed changes to the controlling criteria. Of these, 2,167 were individual form-letter comments delivered to the docket by Transportation for America. Of the remaining, 87 were from individuals, 23 from STAs, 22 from other public entities, 18 from private organizations, 5 from industry associations, 4 from private firms, and 1 from an elected official. The comments are summarized below.

General Comments

Many commenters referred to the proposed changes as a rulemaking. The controlling criteria are not established by Federal regulation, instead they are a matter of policy. The proposed changes are not a rulemaking as they will not modify the CFR and will not impose binding requirements that have the force and effect of law. The proposal was published as a notice in the **Federal Register** as a way to invite public comment on the proposed policy changes.

Controlling Criteria

All but 7 of the 2,327 commenters support revisions to the controlling criteria. Some supporters suggested changes which were considered by FHWA, as shown below.

1. Over 2,100 commenters asked FHWA to replace the term ''design speed'' with ''target speed'' for low-speed NHS roadways so that roadway design elements could be selected to meet community needs and provide safety for all modes of transportation.

Response: No changes were made. The proposed changes, combined with recent clarification by FHWA about design speeds and posted speeds (available at *http://www.fhwa.dot.gov/design/standards/151007.cfm*), allow agencies the flexibility to design based on target speed while remaining consistent with the terminology used in the adopted AASHTO standards. The FHWA forwarded this comment to the AASHTO Technical Committee on Geometric Design for its consideration.

2. The National Association of City Transportation Officials asked FHWA to clarify that there is no minimum design speed.

Response: No changes were made. Minimum design speeds are included in the adopted standards for the NHS and design exceptions are required if a lower design speed is selected. The FHWA forwarded this comment to the AASHTO Technical Committee on Geometric Design for its consideration.

3. Three STAs recommended retaining vertical clearance as a controlling criterion on low-speed roadways to ensure that insufficient vertical clearance on a minor roadway would not result in damage to an overpassing high-speed roadway, such as an Interstate highway or other freeway.

Response: No changes were made. The FHWA agrees that vertical clearance is an important criterion and that insufficient clearance on one roadway may negatively impact the overpassing roadway. However, States are already managing the scenario described if the low-speed roadway is not on the NHS. Under this revised policy, States would continue to manage the risks associated with insufficient vertical clearance for all low-speed roadways (non-freeway), including those on the NHS.

4. The Oregon DOT and a few individuals thought that 50 mph was too high for the threshold between high- and low-speed roadways, citing concerns about urban expressways and that freight vehicles need wider lanes.

Response: The speed threshold remains unchanged. The intent was to capture all freeways in the high-speed category. For clarification, FHWA revised the definition of high-speed roadway for the purposes of this policy to include all Interstate highways, other freeways, and roadways with design speed greater than or equal to 50 mph.

5. The Wisconsin DOT recommended using a posted speed of 40 mph to define the threshold, stating that a design speed of 50 mph is too high given the likelihood of pedestrian fatalities at that speed.

Response: No changes were made. The proposed threshold was chosen for consistency with AASHTO policy documents adopted through regulation at 23 CFR 625.4. The policy allows maximum design flexibility for roads

[1] The term ''deviation,'' when used in this document, refers to any departure from design criteria that does not require FHWA approval because either the criteria is non-controlling or the facility is not on the NHS. States often refer to these instances as design deviations or variances.

with a design speed less than 50 mph which can be applied in ways that improve pedestrian safety.

6. The Indiana DOT asked FHWA to clarify that the superelevation criterion is for rate only, and that transition length and distribution are not subject to a design exception.

Response: The FHWA concurs and clarified the term in the controlling criteria list.

7. The Indiana DOT asked FHWA to clarify the application of SSD to vertical and horizontal curves.

Response: Clarification was added. The SSD applies to a variety of situations and is well described in A Policy on Geometric Design of Highways and Streets (2011). As noted in NCHRP Report 783, SSD has little impact on the safety and operations at sag vertical curves under daytime conditions when the driver can see beyond the sag vertical curve, or at night, when vehicle taillights and headlights make another vehicle on the road ahead visible in or beyond a sag vertical curve. Therefore, the application of SSD at sag vertical curves is excluded from the controlling criterion.

8. The Minnesota DOT suggested eliminating design speed as a controlling criterion on low-speed roadways.

Response: No changes were made. Design speed must be retained because it is a fundamental criterion in the design of the project and because it sets the threshold for application of the controlling criteria. If, for example, design speed was not a controlling criterion for low-speed roadways, practitioners could simply select a lower design speed to avoid the controlling criteria requirements for high-speed roadways.

9. The Georgia DOT and two others commented that lateral offset to obstruction should be retained as a controlling criterion.

Response: No changes were made. Lateral offset is most relevant to urban and suburban roadways to ensure that mirrors or other appurtenances of heavy vehicles do not strike roadway objects and passengers in parked cars are able to open their doors. While these are important considerations, they do not rise to the same level of effect as other controlling criteria proposed to be retained and do not require the same level of administrative control.

10. The Wisconsin DOT recommended retaining lane width, superelevation, stopping sight distance, and cross slope as controlling criteria for low-speed roadways, and adding a new controlling criterion for critical length of grade.

Response: No changes were made. The FHWA finds that removing these controlling criteria from application in low-speed environments is supported by research and provides additional flexibility to better accommodate all modes of transportation. No new controlling criteria are proposed at this time.

11. The Wisconsin DOT commented that bridge width is not redundant if lane and shoulder widths are dropped from the controlling criteria list in the low-speed environment, which may result in choke points that are expensive to correct. They also commented that vertical and horizontal clearances can influence structural ratings; that stopping sight distances at intersections can be critical; and that the combination of flat grades and cross slopes is problematic.

Response: No changes were made. While these criteria are important, the risk of deviations can be handled by STAs in accordance with their risk management practices.

12. The Wisconsin DOT asked why clear zone was not included in the updated controlling criteria.

Response: No changes were made. The Roadside Design Guide was not adopted as a standard under 23 CFR 625. Instead it serves as guidance with regard to roadside safety. Therefore, adoption of values in the Roadside Design Guide as controlling criteria would not be appropriate.

13. A few commenters asked FHWA to adopt additional controlling criteria to require the provision of bicycle and/or pedestrian facilities on roadways.

Response: No changes were made. Such a policy would require a regulatory change which is beyond the scope of this controlling criteria policy.

Several commenters supporting changes to the 1985 policy requested clarifying guidance in the final notice, as follows:

1. Clarify requirements for non-NHS Federal-aid projects.

Response: This policy change does not modify existing regulations. Per 23 CFR 625.3(a)(2), ''Federal-aid projects not on the NHS are to be designed, constructed, operated, and maintained in accordance with State laws, regulations, directives, safety standards, design standards, and construction standards.'' The FHWA reiterated in this notice that the controlling criteria apply only to the NHS.

2. Limit application on the NHS to new construction and reconstruction projects, and/or clarify that the proposed modifications will not reduce current State flexibility regarding projects that are not new construction or reconstruction.

Response: This policy change does not modify existing regulations. It is not limited to new construction and reconstruction projects on the NHS. Title 23 CFR 625.4(a)(3) states that ''resurfacing, restoration, and rehabilitation (RRR) projects on NHS highways other than freeways'' may utilize the design criteria established by the State and approved by FHWA. The regulations do not allow the adoption of RRR criteria for NHS freeways. The FHWA Division Administrator is allowed to determine the applicability of the roadway geometric design standards to traffic engineering, safety, and preventive maintenance projects which include very minor or no roadway work under 23 CFR 625.3(e).

3. One commenter asked FHWA to clarify that States can be more restrictive than Federal guidance proposed here, while other commenters asked FHWA to encourage State DOTs to apply the same logic to non-NHS facilities.

Response: States may adopt policies that are more restrictive than the revised FHWA policy published here. The FHWA encourages agencies to work together with stakeholders to develop context sensitive solutions that enhance communities and provide multiple transportation options to connect people to work, school, and other critical destinations. The FHWA notes that the Fixing America's Surface Transportation (FAST) Act of 2015 includes new provisions encouraging design flexibility. The FHWA also issued a memorandum in 2013 expressing support for taking a flexible approach to bicycle and pedestrian facility design. The memorandum is available at *http://www.fhwa.dot.gov/environment/bicycle_pedestrian/guidance/design_flexibility.cfm.*

4. A few commenters expressed concern that FHWA is abandoning safety on low speed roadways, or that some designers will view non-controlling criteria as less important.

Response: The FHWA developed this proposal, based on the findings in NCHRP Report 783 and FHWA's experience, to give agencies the flexibility to balance the safety and operations of all modes of transportation, while reducing administrative requirements where they do not clearly result in improved safety and operations. The FHWA encourages agencies to document all design decisions to demonstrate compliance with accepted engineering principles and the reasons for the decision.

Deviations from criteria contained in the standards for projects on the NHS which are not considered to be controlling criteria should be documented by the STA in accordance with State laws, regulations, directives, and safety standards. States can determine their own level of documentation depending on State laws and risk management practices. Agencies are responsible for the training and development of their employees.

5. Clarify that design exceptions are not required for non-controlling criteria.

Response: Clarifying language was added to the Design Documentation section that stated design exceptions are not required for non-controlling criteria.

6. For low-speed roadways, clarify that elements dependent on design speed that are substandard do not require a design exception. For example, design speed is 40 mph (and does not require a design exception), but the minimum curve radius provided meets 35 mph (no design exception is required).

Response: For non-freeways, the controlling criteria categories are based on design speed, which puts the project in one of two groups: High-speed or low-speed. Within each category, design exceptions are only required when the controlling criteria are not met. In the example provided, a non-freeway with a 40 mph design speed in accordance with the AASHTO criteria would be classified as low-speed. Design exceptions would only be required if the design speed or design loading structural capacity criteria were not met. No changes were made to the text of the policy.

7. The Wisconsin DOT asked what will be allowed for the National Network (Federally designated long truck routes per 23 CFR 658) if lane and shoulder widths are not important for safety and operations.

Response: All of the criteria contained in the adopted standards are important design considerations. They do not all affect the safety and operations of a roadway to the same degree, and therefore should not require the same level of administrative control. Changes to the controlling criteria policy do not modify the regulations contained in 23 CFR 658.

8. The Wisconsin DOT asked what consideration was given to oversize and overweight vehicles.

Response: As noted in Chapter 2 of the A Policy on Geometric Design of Highways and Streets, the designer should consider the largest design vehicle that is likely to use that facility with considerable frequency or a design vehicle with special characteristics appropriate to a particular location in determining the design of such critical features as radii at intersections and radii of turning roadways. Designers are responsible for proper consideration of oversize and overweight vehicles and all other aspects of the project context.

9. The Southern Environmental Law Center asked FHWA to clarify whether rural roads with a design speed of less than 50 mph remain subject to the 10 remaining design criteria.

Response: No changes were made. The application of the controlling criteria is the same regardless of urban or rural designation.

Seven private citizens oppose changes to the controlling criteria policy. Five of the seven who oppose the changes believe the proposed flexibility will divert scarce Federal gasoline and road taxes to non-highway purposes.

No changes were made as a result of these comments. The design standards for the NHS and design exception process apply regardless of project funding. Revising the controlling criteria gives communities the ability to develop a transportation system that best serves their needs, but does not change existing laws or regulations pertaining to project expenses eligible for Federal reimbursement.

Several comments were received that do not pertain directly to the controlling criteria policy. The Southern Environmental Law Center recommends changes to the design speeds shown in the AASHTO Green Book to reflect a range instead of a single minimum number, as currently shown for three of the categories (rural freeway, urban freeway, and urban collector). The criterion for urban collectors should vary according to the different types of terrain. Likewise, the low end of the design speed range for urban collectors in mountainous terrain should be the same 20 mph minimum used for collectors in rural mountainous terrain. Finally, the definition of the term ''urban'' should be revised to include areas of low density sprawl that now surround most cities.

This comment is outside the scope of this notice. The FHWA forwarded this comment to the AASHTO Technical Committee on Geometric Design for its consideration.

Comments pertaining to the need for bicycle and pedestrian accommodation on bridges; appraisal ratings contained in the National Bridge Inspection Standards; the definition of pavement reconstruction; design loading for military vehicles; and the methods for determining posted speeds were also received.

These comments are outside the scope of this notice but were forwarded to the appropriate program office within FHWA for consideration.

Design Exception Documentation

Sixteen commenters provided comments on the proposed documentation expected in support of requests for design exceptions. Fourteen STAs, AASHTO, and the Chicago DOT all commented that the level of documentation proposed for design exceptions would be burdensome and would result in less flexibility than currently exists for roadways with a design speed greater than 50 mph. They also believe that such a requirement is at odds with FHWA's current emphasis on Performance Based Practical Design (PBPD). Instead of providing an inclusive list of items to be addressed in design documentation, they recommend that any list be more suggestive in nature. Agencies asked FHWA to remove the requirement for quantitative operational and safety analysis, and expressed concern that references to the environment and community would add too much specificity.

The PBPD is a design-up approach to address the purpose and need of a project and emphasizes the need to document design decisions made under this approach. Therefore, FHWA sees no inconsistency between the design documentation proposed here and the PBPD approach. In response to the concerns expressed, FHWA modified the language regarding the safety and operational analysis such that it does not require a quantitative analysis in all cases. The level of analysis should be commensurate with the complexity of the project. The FHWA notes however, that the FAST Act adds the Highway Safety Manual (HSM) to the list of publications FHWA shall consider when developing design criteria for the NHS. The FHWA strongly encourages agencies to utilize the HSM procedures to the maximum extent applicable. The FHWA retained references to the environment and community because design exceptions to address these concerns are not uncommon, and therefore need to be a part of any documentation.

Conclusion

The overwhelming support for changes to the controlling criteria indicate that the changes will support agency and community efforts to develop transportation projects that support community goals and are appropriate to the project context. The provisions included here for design documentation will result in more

consistent evaluation of exceptions to the adopted design standards when controlling criteria are not met on NHS highways.

Authority: 23 U.S.C. 109 and 315; 23 CFR 1.32 and 625; 49 CFR 1.85.

Issued on: April 22, 2016.

Gregory G. Nadeau,

Administrator, Federal Highway Administration.

[FR Doc. 2016–10299 Filed 5–4–16; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Agency Information Collection Activities; Proposals, Submissions, and Approvals

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Employment Tax Adjustments.

DATES: Written comments should be received on or before July 5, 2016 to be assured of consideration.

ADDRESSES: Direct all written comments to Tuawana Pinkston, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Sara Covington, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington DC 20224, or through the internet, at *Sara.L.Covington@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Employment Tax Adjustments; and Rules Relating to Additional Medicare Tax.

OMB Number: 1545–2097.

Regulation Project Number: REG–111583–07 [T.D. 9405 (final)] and REG–130074–11.

Abstract: This document contains final regulations relating to employment tax adjustments and employment tax refund claims. These regulations modify the process for making interest-free adjustments for both underpayments and overpayments of Federal Insurance Contributions Act (FICA) and Railroad Retirement Tax Act (RRTA) taxes and federal income tax withholding (ITW) under sections 6205(a) and 6413(a), respectively, of the Internal Revenue Code (Code).

Current Actions: There is a no in the paperwork burden previously approved by OMB. This form is being submitted for renewal purposes only.

Type of Review: Extension of a previously approved collection.

Affected Public: Businesses and other for-profit organizations.

Estimated Number of Respondents: 3,400,000.

Estimated Time per Respondent: 10 hours.

Estimated Total Annual Burden Hours: 16,900,000.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record.

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: April 28, 2016.

Sara Covington,

IRS Tax Analyst.

[FR Doc. 2016–10570 Filed 5–4–16; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Information Collection; Comment Request

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments should be received on or before July 5, 2016 to be assured of consideration.

ADDRESSES: Direct all written comments to Tuawana Pinkston, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224, or at *Elaine.H.Christophe@irs.gov.*

Please send separate comments for each specific information collection listed below. You must reference the information collection's title, form number, reporting or record-keeping requirement number, and OMB number (if any) in your comment.

FOR FURTHER INFORMATION CONTACT: To obtain additional information, or copies of the information collection and instructions, or copies of any comments received, contact Elaine Christophe, at Internal Revenue Service, Room 6513, 1111 Constitution Avenue NW., Washington, DC 20224, or through the internet, at *Elaine.H.Christophe@irs.gov.*

SUPPLEMENTARY INFORMATION:

Request for Comments

The Department of the Treasury and the Internal Revenue Service, as part of their continuing effort to reduce paperwork and respondent burden, invite the general public and other Federal agencies to take this opportunity to comment on the proposed or continuing information collections listed below in this notice, as required by the Paperwork Reduction Act of 1995, (44 U.S.C. 3501 *et seq.*).

REQUEST FOR COMMENTS: Comments submitted in response to this notice will be summarized and/or included in our request for Office of Management and Budget (OMB) approval of the relevant information collection. All comments will become a matter of public record. Please do not include any confidential

S T A T E O F N E W H A M P S H I R E

INTER-DEPARTMENT COMMUNICATION

DATE:

FROM: **AT OFFICE:** Bureau of

SUBJECT:

TO: William J. Oldenburg, P.E
Assistant Director of Project Development

MEMORANDUM

The following information is in accordance with the Guidelines for Implementation of the Work Zone Safety and Mobility Policy to the Traffic Control Committee (TCC) for determination of the project's significance.

Consistent with the memo dated April 16, 2015 regarding the need for Traffic Control Committee reviews, this project is:

☐ Exempt from Presentation-Reason for Exempt Status

☐ Requires Presentation

The purpose of this project is:

The project will be completed:

Traffic impacts are expected to be:

- An evaluation of the criteria for determination of a significant project is provided in the table shown below.

FHWA Requirement	**Specific Project Response**
• Will the Project be located within TMA (See page 6 of Work Zone Safety and Mobility Policy – Guidelines) and include Lane Closures 3 days or more	No,
NHDOT – Primary Level of Criteria	**"Does the Project meet ALL of the following requirements?"**
• Estimated Construction Cost > $15 M	No, Const. Cost $
• Within or affecting Communities > 35,000 residents	No, Community Pop. Year *
• On the Interstate or NHS	Yes, Names

• Anticipated to create sustained WZ impacts, separately or in combination with another project	Yes,

*List Community Name, Census Year, Population

NHDOT Secondary Level of Criteria	**Do any of the following items, individually or collectively, in the opinion of the TCC, require the project to be Significant?**
• Time and Duration	**Yes**
• Nature of Work	**Yes**
• Traffic Volume	**Yes, ADT: %T:**
• Regional Significance	**No**
• Sustained WZ Impacts, separately or in combination with another	**Yes**

TRAFFIC CONTROL COMMITTEE SUPPLEMENTAL INFORMATION:

Project Name: Bedford Merrimack Project Number: 16100

Concerns	Responses				
Detours or Diversions	No	Describe:N/A Duration: N/A Day/Night N/A Remarks:			Detour Map Attached N/A Maintenance Patrol? N/A
Intersection Impacts?	No	Describe: N/A	Duration: N/A Day/Night N/A		
Lane Closures?	Yes	Which Operations?	Time of Day Allowed: 24-7	Duration: Hours	
Lane Width Restrictions?	No	NETC Rte.? N/A	Lane plus Shldr. Width For Traffic	Which Operation(s)?	Duration: Hours
Speed Reduction During Construction? (Coordinate w/ Traffic prior to TCC mtg.)	No	☐ Long Term ☐ Work Hours Only	From mph To mph	Time of day: N/A	Restore Speed in Winter: N/A
Night Work?	Yes	Which Operation(s)? Remarks:			Duration: Hours
Holidays During Project Timeframe?	Yes	Impacts: Minor	Remarks: No impacts the day before, after. or on holiday		
Special Events?	Yes	Contract Restrictions during Spec. Events? Remarks:			
Schools, Hospitals, etc.?	No	Contract Provisions: N/A	Additional Provisions: N/A		
Are Other State Involved?	No	If Yes, Has Coordination Occurred: N/A	Remarks:		
Special Traffic Control?	No	Type: N/A	Remarks:		
Emergency /Evacuation Routes?	No	Reason Coordinated w/ orgs? N/A	Contract Requirements:	Describe: N/A	
Pedestrian facilities or sidewalks on the project?	No	If Yes, are ped facilities be perpetuated?:Yes (MUTCD Section 6D.01 requires accommodations if they exist prior to project). How are they being accommodated? N/A Remarks:			Project Duration: Months
ITS Request for Permanent Installations	Submitted to TSMO? Yes	Any requirements or recommended permanent ITS infrastructure? Yes	If yes, describe:		
Work Zone ITS Needs Assessments (Temp. Installs During Const.)	Submitted to TSMO? Yes	Any requirements or recommended SWZ or other elements? Yes	If yes, describe:		

Based on the evaluation of the criteria presented above, I recommend that the TCC classify this project as:

- Significant Level 1 ☐
- Significant Level 2 ☐
- Non-Significant☐

A Level I classification requires the development of a separate Traffic Management Plan (TMP) document (narrative) that includes detailed discussion of Public Outreach (PO), Traffic Control Plans (TCP) and Transportation Operations (TO). For example, I-93 expansion, Newington-Dover and the Bow-Concord Capital corridor improvements have been identified as Level I Significance.

A Level II classification requires the development of a memorandum that includes discussion of the three components (TCP, TO, PO).

Both the Level I and II documents must be presented to the committee for review and approval.

This Section for use by TCC Only:

Designation (Circle One): Significant: Level I Level II Non-Significant

Additional Guidance and Direction:_____

_____

_____

_____

Signature:

_____ _____

Chairperson, TCC Date

cc: Project File

S:\Turnpikes\Bedford-Merrimack 16100\TCC TMP Determination Memo 8-22-16.docx

STATE OF NEW HAMPSHIRE
INTER-DEPARTMENT COMMUNICATION

DATE: April 16, 2015

FROM: William J. Oldenburg, P.E. **AT (Office):** Division of Project Development
Chairman, Traffic Control Committee

SUBJECT: Traffic Control Committee Project Review
Presentation Exemptions and Mandatory Reviews

THRU: William J. Cass, P. E.
Director of Project Development

TO: Bureau Administrators and Project Managers

MEMORANDUM

In accordance with the "Guidelines for Implementation of the Work Zone Safety and Mobility Policy" (NHDOT Policy #601.01), projects are presented for determination of "level of significance" by the Traffic Control Committee (TCC). This policy applies to all projects that are State and Federally funded.

The significance level is, in essence, an assessment of the project from an impact perspective on the transportation systems; mobility and safety. The classification of projects will result in a "non-significant" or "significant-level 1 or 2". While the "non-significant" project requires no follow-up actions by the development team, those determined to be "significant" do require further actions. An inter-department memo discussing traffic control, public outreach and transportation operations is required for the Level 2 projects, and a comprehensive TMP plan addressing these topics in a more detailed fashion for Level 1 projects.

While it is the goal of the TCC to maintain conformance with the Policy, it is also warranted that TCC efforts be refined and enhanced to allow for efficiency in the process. Considering the magnitude of projects that require review and classification, it appears that more time and effort could be targeted on other critical areas of need by modifying the review process. As the TCC progresses forward in its efforts to review and classify projects, it has become apparent that several project types could be classified as "presentation exempt", (i.e. not warranting presentation to the TCC.) In contrast, there are projects that will require a presentation before the TCC for a mandatory review of the planned TMP simply based upon corridor, volume, or other critical criteria.

All planned projects, except short term and mobile maintenance operations, will require a project determination memorandum to be completed and submitted to the Traffic Control Committee Chair. The Chair, or designee, will review the projects that are requested for presentation exempt classification, and shall either approve or deny the exempt classification. If denied, the project will require presentation to the Traffic Control Committee. At each Traffic Control Committee meeting, the Chair shall provide a list of all approved presentation exempt projects for final level of significance determination by the Committee members.

The following Roadway Tier Guidance describes the criteria for mandatory review and for potential presentation exempt classification.

Roadway Tier Guidance

1) Mandatory Review Criteria
   a) All Tier 1 and 2 Roadways
      (e.g. I-89, I-93, I-95, I-293, I-393, FEET, NH 16 (Spaulding Tpke), NH 101 and US 4 corridors and others as applicable)

2) Potential Presentation Exempt Criteria
   a) Tier 3, 4 and 5 Roadways
      i) 2-lane facilities < 10,000 VPD
      ii) 4-lane facilities < 20,000 VPD

   b) Projects involving rest areas, park and rides, and "employee only" access roads to NHDOT facilities that do not impact the roadway.

3) Presentation Exempt Criteria
   a) Short term and mobile maintenance operations for all tiers.

4) All projects, including those on Tier 3, 4 and 5 corridors, shall be reviewed for proximity to other projects by the applicant. The applicant shall verify on the project determination memo that there are no other projects within the traffic influence area of the work, or shall list all projects in the influence area describing anticipated impacts to traffic and any mitigating measure that will be applied to the project to reduce impacts.

cc: Keith Cota, P.E., Mark Richardson, P.E., James Marshall, P.E., Chuck Dusseault, P.E., Bill Watson, P.E., Doug Gosling, P.E., Caleb Dobbins, P.E., Chris Waszczuk, P.E., William Lambert, P.E., Denise Markow, P.E.

Donation, Acknowledgement, and
Release of Agency Obligation to
Appraise and offer Just Compensation

PROJECT NAME: _____

FEDERAL PROJECT NO.:_____

STATE PROJECT NO.:_____

PARCEL NO.:_____

OWNER(S):_____

We acknowledge that we have been informed of the right to receive just compensation based upon an approved appraisal. Notwithstanding, we desire to donate the right of way (land and/or rights therein) for the project stated above and as shown on the Right of Way plan entitled _____, date _____, on file at _____, and release the _____ from their obligation to provide an appraisal and offer of just compensation for the real property interests needed for the above referenced project. This donation to the _____ and is made without coercive action of any nature.

Executed this _____ day of _____, 20__.

_____

_____

STATE OF _____
COUNTY OF _____

This instrument was acknowledged before me on the _____ day of _____, 20____, by _____[name(s) of person(s)].

_____
Notary Public/Justice of the Peace
My commission expires: _____

OR IF EASEMENT IS FOR A CORPORATION USE LANGUAGE BELOW:

[TYPE COMPANY NAME HERE IN CAPS]

By: _____

Title: _____

STATE OF NEW HAMPSHIRE, SS A. D., 20__.

On this _____ day of _____, 20__, before me, _____ the undersigned officer, personally appeared, _____, who acknowledged as being the [title] _____ of [name of corp.]_____, and that as such [title] _____, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation as [title] _____.

IN WITNESS WHEREOF I have hereunto set my hand and seal.

_____

Notary Public/Justice of the Peace

My commission expires:_____

WAIVER VALUATION PROCESS FOR LPA PROJECTS

Checklist for Determination if Acquisition is "Uncomplicated"

Project Name: _____ Sponsor: _____

State Number: _____ Sponsor Representative: _____

Federal Number: _____ Date Completed: _____

Map/Lot Number: _____ Property Address: _____

In Order to determine whether or not an acquisition is "uncomplicated" the following questions must be answered

If one of these questions is answered "yes" the acquisition could still be considered "uncomplicated". Multiple "yes" answers would indicate that the acquisition couldn't be considered to be uncomplicated. A single "yes" answer would need to be further analyzed to decide whether the indicated situation causes the acquisition to become complicated and thus require the acquisition to be appraised. The project sponsor will need to submit the additional analysis required with the completed checklist.

This list of questions is not intended to be all-inclusive. The key to use this method of determining compensation is that impacts of the acquisition are minimal or can be easily measured by their cost to cure.

- ☐ Is the acquisition over $10,000?
- ☐ Is the acquisition anything more than a strip acquisition?
- ☐ Are buildings, wells, signs, etc. affected?
- ☐ Is the acquisition severing any buildings from remainder?
- ☐ Are trees, shrubs, or other landscaping involved?
- ☐ Is the proposed right of way line closer to any building after the acquisition to require analysis of possible proximity damages?
- ☐ Is access to the property changed or limited?
- ☐ Is current highest and best use of property going to be changed as a result of the acquisition?
- ☐ Does a significant amount of the total compensation involve items other than land value?
- ☐ Is there reason to believe this parcel will proceed to Condemnation?
- ☐ Is more land than actually needed being acquired?
- ☐ Are there any other considerations that complicate the valuing of this parcel?

The **Waiver Valuation Process** estimates fair and just compensation for the property owner. This procedure can be used for *minor, uncomplicated acquisitions* where compensation to the property owner does not exceed **$10,000**. This procedure cannot be used when either severance to the remainder or condemnation is anticipated.
Please note that simply because the compensation value is less than **$10,000** it does not mean that a compensation estimate may be used rather than an appraisal.

Qualified staff or consultants may prepare compensation estimates. To be qualified to prepare compensation estimates the preparer must be generally knowledgeable of land values, particularly types similar to the property being acquired. Compensation estimates should be based on current land values in the market area and should be applied consistently to all parcels in a construction project.

LOCAL PUBLIC AGENCY (LPA) CERTIFICATION FOR LABOR COMPLIANCE FOR SPONSORS/CONSULTANTS

(Federal-aid Construction Contracts)

1. Labor Compliance certification training represents one-half of the training needed to perform on a Federal-aid construction project. The other half is provided by the NHDOT Bureau of Planning and Community Assistance. When you sign up for Labor Compliance training does not mean you are automatically scheduled for required training provided by the Bureau of Planning and Community Assistance. Sponsors/Consultants should contact the Bureau of Planning and Community Assistance to determine any certification training requirements they have at (603) 271-1609.

2. Who is required to attend Labor Compliance Certification training:
   a. Sponsor
   b. Consultant's Person in Responsible Charge
   c. Contract Administrator (CA)/Resident Engineer (RE). Note: If this person delegates any Labor Compliance duties to other individuals, those individuals must also obtain certification.

3. Because space is limited, those individuals who have a project heading towards construction will be given priority seating. Sponsors/Consultants do not need to attend the Labor Compliance certification training just for the sake of being current. Instead, to ensure you are most current on the requirements when a job begins, we recommend Sponsors and Consultants not attend the Labor Compliance portion of training any earlier than 6 months prior to the project advertising, whenever possible.

4. Labor Compliance Certification is valid for period of 2 years from the date of training.

5. The Office of Federal Compliance (OFC) will provide sponsors and consultants Labor Compliance Certificates certifying completion of training. Before a project can advertise for construction, the Sponsor will need to prove to the NHDOT Bureau of Community Planning and Assistance those individuals in paragraph 1 above have completed Labor Compliance training. A Labor Compliance Certification of Completion certificate shall be used for this purpose.

6. A record of Labor Compliance training (by individual) is posted at the OFC web site. http://www.nh.gov/dot/org/administration/ofc/documents/LPALaborComplianceCertifications.pdf

7. Certifications shall be suspended for any Sponsor or consultant who has shown a lack of understanding or compliance with the OFC requirements.

8. Recertification (Sponsors): Sponsors must attend the Labor Compliance LPA Certification Training in order to recertify.

9. Recertification (Consultants):

    a. Can attend the Labor Compliance LPA Certification Training

    b. Attendance at the formal Labor Compliance LPA Certification Training can be waived by the OFC if the consultant successfully performed on an "active" Federal-aid construction project (hereafter referred to as the target project), having duration of three months or longer, within the last 12 months of his/her certification.

    c. Consultants meeting the criteria in 9b above will be provided a "Recertification (By Waiver)" Certificate that will expire in 1 year. Additional Recertification (By Waiver) Certifications can be obtained from the OFC based on continued successful performance on active Federal-aid construction projects.

    d. Consultants considering the use of a waiver to certify Labor Compliance eligibility to perform on a Federal-aid construction project should inquire well in advance.

    e. Waiver Request Procedure:

        i. Must be in writing (email)

        ii. Request must include the consultant's name and position (Person In Responsible Charge or CA)

        iii. Current LPA Certification expiration date (use link at paragraph 5)

        iv. Name and number of the NHDOT target project the waiver request is based on (must meet criteria in 8b)

10. Dates of training and how to schedule:

    a. Training dates:
        i. March 25, 2015 (new)
        ii. April 1, 2015
        iii. May 6, 2015
        iv. June 3, 2015
        v. August 5, 2015
        vi. October 7, 2015
        vii. November 4, 2015

b. To schedule, please contact Emily Whittaker, OFC Administration, at (603) 271-6752 or email at: ewhittaker@dot.state.nh.us.

c. When scheduling, please inform us if you have a project heading towards construction so we will know if your attendance is a priority.

RESPONSIBILITIES GUIDE
FOR SPONSORS/CONSULTANTS
(Federal-aid Construction Contracts)

Initial Actions:

Once the OFC receives the "Notice to Proceed" letter from NHDOT Bureau of Planning and Community Assistance, the OFC will contact the Town, hereafter referred to as the Sponsor, within 5 working days to obtain necessary information.

Sponsors/Consultants: Please be prepared to provide the following information to the OFC at the Pre-construction Meeting:

1. The name of the Primary point of contact for the Sponsor with his/her phone number, fax number, and email address.

2. The date the project was advertised, bid award date, scope of work, projected start date, and estimated completion date.

3. Name and contact information of the person providing day-to-day oversight of the project. If a Consultant Company will be utilized, we need the name of the Project Manager and the name of the Resident Engineer (the person who will be providing day-to-day oversight of the project). Unless you tell us differently, we will assume the RE will also be managing certified payrolls, payroll log sheets, etc.

4. Date, time, and location of the Pre-Construction Meeting. Please allow approximately 30 minutes of time for the Federal Compliance Officer to brief applicable parties.

5. List of additional work classifications that will be needed in order to complete work on the project. Submissions shall be on a SF 1444 and shall all be sent to the Sponsor/Consultant who will forward to the OFC for processing.

   Important: Per contract, the Prime is responsible for ensuring additional work classifications, including those by subcontractor or lower-tier contractors, are submitted to the OFC "3-4 weeks before the classification is utilized." If no additional work classifications will be needed, the Sponsor shall make this known at the meeting.

Sponsor Responsibilities:

IMPORTANT: Sponsors who utilize Consultants for project compliance oversight remain fully responsible for the Federal Compliance requirements.

1. Ensure only those Subcontractors or Lower-Tier Subcontractors who have been approved by the NHDOT Office of Federal Compliance perform work on site.

2. Assist the NHDOT Federal Compliance Officer, as needed, to ensure Contractors approved to work on site are in compliance with applicable State and Federal laws, Form FHWA 1273, Required Contract Provisions and NHDOT Standard Specifications.

3. Monitor Office of Federal Compliance Field Audits to ensure the Prime Contractor responds appropriately within the time allotted and has taken all necessary steps to close Field Audits within the time allowed.

4. Ensure Prime Contractor submits SF 1444s for all additional work classifications needed to complete the work 3-4 weeks before the classification is utilized (per contract). Primes shall send submissions to the Sponsor/Consultant who will in-turn send to the OFC for processing.

5. **OFC Form 13, Project Status Reports**: Immediately inform the Office of Federal Compliance as to the current status of the project by faxing (or emailing) an OFC Form 13, Project Status Report, anytime the status of the job changes – starts, suspends for the winter, resumes, or is completed. When faxing, send to (603) 271-8048. The hired Consultant should complete this requirement if responsible for project oversight.

   a. OFC Form 13s submitted to the OFC within 10 calendar days are considered timely.

   b. Projects having two (2) weeks or more inactivity should be considered suspended and require an OFC Form 13 submission.

6. **Change of Resident Engineers**: The Sponsor (or the Consultant Firm) shall immediately notify the Office of Federal Compliance, in writing, anytime there is a change to the Resident Engineer for the project. This notification shall include the effective date of this change along with full contact information of the person who will be assuming project oversight responsibilities. Sponsors are responsible for ensuring the replacement Resident Engineer has attended Local Project Administration (LPA) Certification Training prior to assuming oversight of the project.

7. **Prompt Pay**: In accordance with NHDOT Standard Specification 109.09, contractors are required to pay subcontractors no later than 21 calendar days from the time they are paid for work that was performed by the subcontractor or lower-tier subcontractor. Payment is full (for work completed during the estimate period) is required. **Retainage is not allowed**. Sponsors or consultants who receive complaints, or otherwise become aware of non-timely or "partial" payments, should immediately contact the OFC at (603) 271-6612. Please refer to page 8 of this guide for specific responsibilities relative to Prompt Pay.

8. **Commercial Useful Function (CUF) Reviews**: The Sponsor (or hired Consultant) shall perform a Commercial Useful Function (CUF) Review for each DBE subcontractor performing work on each project. OFC Form 21 shall be used for this purpose. Completed CUF Reviews should be faxed to the NHDOT, Attn: DBE Coordinator, at 271-8048 as soon as they are accomplished. Sponsors (or hired Consultant) shall create a DBE folder at the respective project and retain copies of the CUF Reviews for OFC and FHWA inspection. Questions regarding CUF reviews or submissions should be referred to the NHDOT at (603) 271-6612.

9. **Employee Interviews**: The Sponsor (or hired Consultant) is responsible for conducting employee interviews to ensure proper classification and wages paid. The OFC Form 11 shall be used for this purpose. In order to meet FHWA reporting requirements, copies of interview forms shall be provided to the OFC on a monthly basis. **Copies of interviews are due to the OFC no later than the last calendar day of each month.** They may be emailed (preferred) or faxed (603-271-8048). Originals shall be maintained in a separate file on site along with Certified Payroll Reports and sign-in sheets. Interviewees do not need to sign these forms unless their written authorization to release information obtained during the interview is needed in order to resolve a dispute. Interviews shall be performed as soon as payroll information is available. If any contractor's work will be completed prior to the receipt of payrolls, interviews will be performed immediately and workers should be advised who they can call if problems are noted with their wages. Important: Unless a very small project, the OFC/FHWA's expectation is that "some" interviews will be performed monthly.

10. **Bulletin Boards**: The Sponsor (or hired Consultant) is responsible for ensuring the Contractor is in compliance with NHDOT Standard Specification 107.01, Bulletin Board Requirements. Sponsors/Consultants shall also ensure the Prime Contractor has properly erected the bulletin board on the site of work when the job begins. Sponsors/Consultants shall complete the OFC Bulletin Board Checklist during the first week of work and provide a copy of the completed checklist to the OFC Federal Compliance Officer on his/her first visit to the project. Responsibility also extends to ensuring the Prime Contractor has posted any additional work classifications and rates immediately following USDOL approval.

SUBCONTRACTING:

1. In accordance with FHWA Form 1273 (Required Contract Provisions), NHDOT Standard Specifications 108.01 and RSA 228:4-b, **NO PORTION** of the contract shall be sublet, assigned or otherwise disposed of without the written consent of the NH DOT. Violations are a serious matter.

2. Prime Contractors shall submit consent to sublet packages directly to the Office of Federal Compliance **at least 5 working days prior** to said subcontractor (or lower-tier subcontractor) performing work on site. Primes shall provide a courtesy copy to the Sponsor/Consultant on all submissions. For questions, call (603) 271-6752.

3. The Office of Federal Compliance will email a copy of the subcontractor approval paperwork to the Sponsor/Consultant, the Prime Contractor, and the applicable

subcontractor or lower-tier subcontractor. **Subcontractors cannot be allowed to perform work on site until they have been approved.** Please note that the NHDOT will not pay for work performed by unapproved subcontractors (see NHDOT Standard Specifications Section 108.01).

4. The Sponsor/Consultant shall monitor the day-to-day activities of each contractor working on site to ensure contractors are completing his/her portion of work with their own forces and that no unapproved subcontractors or lower-tier subcontractors are on site.

PAYROLLS / PAYROLL LOG SHEETS / SIGN IN SHEETS:

Note: Sponsors remain ultimately responsible for ensuring payroll, payroll log sheets, and sign-in requirements are fulfilled when a hired Consultant is performing this function.

1. The Sponsor/consultant shall complete the OFC Form 3, Payroll Log Sheet, on a daily basis, accurately recording which companies work on site and when. This form is available at the Office of Federal Compliance web site.

2. Sign-in Sheets: Use of the OFC Form 20, Project Daily Sign-in Record, is mandatory (no substitutes can be used). Workers must physically sign in themselves – a supervisor, foreperson, or co-worker cannot sign in for another person. Sponsors/Consultants should ensure workers are providing all information being requested on the sign-in sheet. Sign-in sheets should be consecutively numbered, kept in chronological order (newest on top), and maintained in a three ring binder. The OFC Form 20 is available at the OFC web site. Sign-in Sheet responsibilities:

a. Prime Contractors are responsible for ensuring their workers and workers of approved subcontractors and lower-tier subcontractors sign in PRIOR to performing work on site.

b. Sponsors, or hired Consultants, shall monitor the Prime's compliance with daily sign-in requirements and will take possession of sign-in sheets (originals if copies are made) on a daily basis. Sign-in sheets shall be maintained with Certified Payroll Reports – these are inspection items.

3. **When Payrolls Are Due**: All contractors must submit their certified payroll reports no later than 14 calendar days from the end of the week in which work was performed (the NHDOT considers Saturdays as the week ending date).

4. Sponsors/Consultants shall ensure the Prime Contractor submits all payrolls (including those for subcontractors and lower-tier subcontractors) on time. Sponsors/Consultants shall perform follow-ups, in writing, with the Prime Contractor anytime Certified Payroll Reports are late. The OFC should be cc'd in all cases.

UNDERSTANDING THE REQUIREMENT: Prime Contractors are responsible for ensuring all Certified Payroll Reports, including those from their subcontractors and lower-tier subcontractors, are submitted to the on-site Contract Administrator no later than the due date noted in Paragraph 3 above. Primes who fail to do so are **"in noncompliance."** In these cases, Sponsors, or hired Consultants, shall act immediately to withhold estimate payments until such time the Prime Contractor is deemed "in full compliance." In addition, Sponsors, or hired Consultants, shall **immediately** notify the Office of Federal Compliance**, in writing,** any time a contractor is noncompliant with payroll submission requirements.

5. Sponsors/Consultants shall "date stamp" Certified Payroll Reports upon receipt (by hand is acceptable). Dates received should then be transcribed to the Payroll Log Sheet as required.

6. The OFC Form 3, Payroll Log Sheet, Certified Payroll Reports, and daily sign-in sheets shall be maintained together in a location mutually agreed on by the Sponsor and the Federal Compliance Officer. Sponsors/Consultants shall ensure these documents are "inspection ready" at all times.

7. The Sponsor/Consultant shall review payroll submissions to ensure:

a. Owners who perform work on site have been reported on payrolls

b. Correct classifications have been used

c. All equipment is being reported
d. Correct rates have been paid

e. Straight time and overtime have been properly broken out
f. "Other" deductions have been fully described

g. Project name and number has been included on both Side A and Side B
h. Certification pages has been signed with an actual signature (copy ok)

i. Fringe benefit breakouts have been provided with each payroll submission, as required, anytime a contractor relies on fringes to meet the "total rate."

8. The Sponsor/consultant shall monitor daily work activities on the project and will note any inconsistencies between what is being reported on payrolls and what is actually taking place on the work site (use of equipment and possible misclassifications). Inconsistencies should immediately be brought to the attention of the Prime Contractor, in writing, and the respective NHDOT Federal Compliance Officer is cc'd.

Note: Sponsor/Consultant shall immediately notify the Prime Contractor, in writing, whenever discrepancies are noted (the OFC should be cc'd). **Sponsors should not wait until the next OFC compliance audit to address discrepancies.**

OFC COMPLIANCE FIELD AUDITS:

1. The NHDOT Federal Compliance Officer shall notify Sponsors/Consultants, in advance, when a Compliance Audit is scheduled. Sponsors, or hired Consultants, shall ensure the following documents are ready for inspection:

a. OFC Form 3, Payroll Log Sheet

b. Certified Payroll Reports (and fringe benefit breakouts if applicable)

c. Employee sign-in sheets

d. CUF Reviews (if a DBE has worked)

e. Copies of Interviews, OFC Form 11 (Note: OFC and FHWA expectation is "some" interviews will be performed monthly)

f. A copy of the completed Bulletin Board Checklist (on the first OFC audit)

2. The Sponsor/consultant) may be asked to accompany the Federal Compliance Officer on an on-site visit of the project.

3. The OFC completes an OFC Form 7, Field Audit Report, anytime an audit is accomplished. A copy will be emailed to the Sponsor or hired Consultant, if applicable, and the Prime Contractor as soon as possible after the audit is completed. If discrepancies are present, Primes are given 7 calendar days to correct.

4. The Sponsor/consultant shall work closely with the Office of Federal Compliance to ensure audits are closed out by the due date. Prime Contractors who do not responded appropriately by the due date are considered noncompliant. N**o payments shall be made to the Prime Contractor until such time the compliance audit is closed and the Prime Contractor has been deemed "in full compliance."**

FINAL ACTIONS:

1. The Sponsor/consultant shall advise the Office of Federal Compliance, in writing, when the Final Inspection is to take place. This milestone is added to the project data base record.

2. The Sponsor/consultant shall fax or email an OFC Form 13 to the Office of Federal Compliance indicating the job is "complete" immediately after project work is done. Important: OFC Form 13s received within 10 calendar days of the project completion date are considered "timely."

3. **NO LATER THAN 14 CALENDAR DAYS FROM WHEN WORK WAS LAST PERFORMED**, the Sponsor or hired Consultant shall:

a. Ensure all required Certified Payroll Reports have been received.

b. Ensure the OFC Form 3, Payroll Log Sheet, is complete/finalized.

c. Contact the respective NHDOT Federal Compliance Officer advising:

1) There are "unaudited" payrolls and a "final review" is needed. These records will be delivered to the Office of Federal Compliance at 7 Hazen Drive, Concord NH.

2) All certified payrolls required on this project have been received and have been reviewed by the OFC. We recommend an "ok to pay" release letter be accomplished.

d. **IMPORTANT**: In the event all payrolls due are not accounted for/received by the 14th calendar day, the Town or hired Consultant shall immediately send written notification to the applicable Compliance Officer and provide details. Weekly updates shall be provided to the Compliance Officer until such time all payroll records have been received and deemed compliant.

4. **ORGANIZING DOCUMENTS FOR SUBMISSION TO THE OFC FOR FINAL REVIEW:**

a. All payrolls, OFC Form 3s, Payroll Log Sheets, and sign-in sheets need to be provided to the OFC. This documentation must be in "hard copy."

b. Sign-in sheets will be filed in a 3-ring binder and be in chronological order, most recent on top.

c. Payrolls will be broken out by contractor in the same order as they appear on the OFC Form 3, Payroll Log Sheet. Please use tabs to separate contractors.

d. Payrolls should be filed chronologically, most recent on top.

e. Fringe benefit documents must be attached to the payrolls they pertain to.

<u>Transferring Payroll Records to Town When Job is Complete</u>:

Following the completion of the final audit, the OFC will notify the Sponsor that the records are ready for pick up. If a Consultant has been overseeing the project, the Consultant shall be responsible for picking up the records at the NHDOT and for ensuring project records are transferred to the Town. In all cases, the Consultant shall transfer the records using a transmittal document. A copy of the transmittal shall then be mailed to the NHDOT for inclusion in the project records.

RELEASING FINAL PAYMENT TO PRIME:

1. Sponsors **shall not** release final payment to the Prime Contractor until:

    a. All certified payrolls have been received and are deemed complete and correct.

    b. CUF Reviews have been performed as needed.

    c. A final audit by the OFC has been performed and the audit has been deemed "closed."

PROMPT PAY: VERIFYING PAYMENTS TO SUBCONTRACTORS/LOWER-TIER SUBCONTRACTORS AND MATERIAL SUPPLIERS:

1. When making progress payments to the Prime Contractor, the Sponsor shall provide the Prime an OFC Form 12, Prompt Payment Certification.

    a. Primes shall be instructed to complete a separate OFC Form 12 for each subcontractor and/or "major" material supplier for that progress payment period.

    b. Primes shall complete the top portion of the form and then forward to his/her subcontractors and/or material suppliers with their payment, as applicable.

    c. Primes shall instruct the subcontractors/material supplier to complete the lower half of the form and to return the form **directly** to the on-site Contract Administrator.

2. Sponsors/Consultants should also refer to the NHDOT LPA Project Manual section on "Reimbursement of Project Costs."

Final $ Reimbursement to Town:

The Bureau of Planning and Community Assistance shall not make the final reimbursement to the Sponsor until an "Ok to Pay" letter is received from the Office of Federal Compliance (OFC). The Process:

a. When the final progress payment has been made to the Prime and all OFC Form 12s have been received from subcontractors and/or material suppliers, the Sponsor/Consultant should immediately email the OFC to advise all Prompt Pay requirements on the part of the Prime Contractor have been completed.

b. Upon receipt of the above email, the OFC will complete and forward the "Ok to Pay" letter to the Bureau of Planning and Community Assistance.

OTHER RESPONSIBILITIES OF THE SPONSOR:

1. Retain project records (copies of all payrolls, payroll log sheets, sign in sheets, interview forms, prompt pay certifications, etc.) for a period of at least 3 years following the completion of the project.

2. Complete an end of job Contractor Performance Report (obtain form from the Office of Federal Compliance) anytime there is substandard performance by any contractor performing work on the project or if requested by the Office of Federal Compliance.

SPONSOR / CONSULTANT EVALUATIONS:

The OFC will complete an OFC Form 19, Consultant Performance Evaluation, at the completion of each project. A copy of the completed evaluation shall be provided to the Consultant Company (Branch Manager), the Sponsor, the Bureau of Community Planning and Assistance, and the NHDOT Consultant Committee (Chairman).

Federal Highway Administration
New Hampshire Division Office

New Hampshire DOT Department of Transportation

Request for Approval of Public Interest Finding (PIF)

- ☑ Use of patented and proprietary materials, sole source (23 CFR 635.411)
- ☐ Use of State-furnished materials (23 CFR 635.407)
- ☐ Mandatory use of borrow/disposal sites (23 CFR 635.407)
- ☐ Waiver to Buy America Requirements (**only FHWA HQ can approve through the Division Office**) (23 CFR 635.410)
- ☐ Other

PIF Duration	Project Specific Information	
☐ Project Specific Approval-or-	Contract Name:	
☐ Statewide Blanket Approval	FA Project #:	State Project #:
Duration (FHWA Approval)	Stewardship: ☐ Full Oversight	☐ Exempt/State Delegated
☐ 2 years ☐ 3 years ☐ 5 years		

Description of Item(s)/Work (clearly describe the item(s)/work involved):

Estimated Costs Associated with Public Interest Finding (please provide a breakout of items):

Justification for a Public Interest Finding (clearly describe the reasons and/or justification for the PIF):

Supporting/Reference Documentation (drawing sheet numbers, specifications, correspondence, etc.):

NHDOT Request By (signature):	Name and Title:	Date of Request:
Project Manager	Initial:	Date:

Bureau Administrator Remarks:

Bureau Administrator (signature):	Bureau Administrator (printed):	Date:

Director of Project Development Remarks:

Director of Project Development (signature):	Director of Project Development (printed)	Date:

FHWA Reviewing Official Remarks (If Full Oversight or Blanket Approval):

FHWA Reviewing Official Signature:	Name and Title:	Date:

Instructions for the Use of FHWA Form NH-PIF 2/11

The purpose for the use of this form is to streamline the process for documenting requests and approvals for Federal Aid participation in activities that require a "Public Interest Finding" required by 23 CFR.

The top series of check boxes are more for the most common instances where PIF is required but an "Other" box is available for non-typical issues.

PIF duration boxes can be checked either "Project Specific" or "Blanket" with a corresponding check box denoting years this request will remain in affect. On Full Oversight Projects, Public Agency Force Account or Blanket Requests, FHWA will designate the duration, on delegated projects, NHDOT's appointed "Reviewing Official" will select "Project Specific."

The "Requesting" official from NHDOT should complete the "Project Specific Information" fields as well as the boxes for "Description of Items', "Estimated Costs', and "Justification for Public Interest Finding" and "Supporting/Reference Documentation." Please use and attach extra sheets as necessary with supporting documentation and use this form as a cover sheet. Sole source requests requiring the State to Certify their justification per 23CFR635.411(a) (2)&(3) should do so under the "Justification" field.

The "Requesting" official should sign the form and provide name and title and the date of the request. FHWA must approve blanket requests, Public Agency FA, and those for full oversight projects. The request can then be scanned and emailed to FHWA or the NHDOT "Approving Official" for approval as appropriate per the request. All final signed copies (whether full oversight or not) will be maintained by NHDOT and FHWA for record keeping purposes. It is FHWA's expectation that the Construction Bureau Contract Administrators processing change orders with sole source materials must either have attached a copy of their approved PIF with the change order or a tracking number assigned related back to a blanket approval.

For Questions concerning less common requests for PIF and oversight responsibility, please see the Stewardship Agreement between FHWA & NHDOT approved 05/14/2015. (Pages 65-66)

FHWA Filing will be under Subject Files: Public Interest Findings -850.400
FHWA Filing will be under Project Files: State Project No. & Town

I have reviewed the plans and easement documents and concur with the city/town ROW plans. _____
NHDOT Project Manager

NHDOT Bureau of ROW Approval: _____

RIGHT-OF-WAY CERTIFICATE

For

Local Public Agency (LPA) Projects

Project Name: _____

State Project No. _____

Federal Project No: _____

[ ] All work within existing rights-of-way and no additional acquisitions were necessary for this project; or

All acquisitions and easements acquired as part of this project are listed below:

Total number of parcels impacted: _____

Number of acquisitions acquired by donation: _____

Number of acquisitions acquired by permanent/temporary easement: _____

Number of Acquisitions acquired by fee: _____

Number of Acquisitions acquired via condemnation: _____

Total cost of property rights acquired: $_____

Were relocation claims paid as part of this project? [ ] YES [ ] NO
If yes, complete relocation information on Page 2.

The City/Town of _____, State of New Hampshire, hereby certifies the right to occupy and use all the right-of-way necessary for the above-referenced project has been acquired in accordance with the Uniform Act.

_____ _____
[ ] City/Town Manager Date
[ ] Chairman of Selectmen

Relocation Information

Residential

	Owners		Tenants		Total
Number of Displacees	_____	+	_____	=	_____

Number of Relocation Housing Payments		_____	Total Spent $ _____
Number of Rent Supplement Payments		_____	Total Spent $ _____
Number of Moving Payments	Actual _____	Scheduled _____	Total Spent $ _____

Business

	Owners		Tenants		Total
Number of Displacees	_____	+	_____	=	_____

Number of Moving Payments	_____	Total Spent $ _____
Number of RE-establish Payments	_____	Total Spent $ _____
Number of In Lieu of	_____	Total Spent $ _____
Number of Misc. Monies (i.e. fences, lights, signs, etc.)	_____	Total Spent $ _____

STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION

UTILITY and RAILROAD CERTIFICATE
PS&E APPROVAL
Local Public Agency (LPA) Projects

PROJECT: **State** No. **DATE:** *current date*
Federal No.- X-
SPONSOR:
Address:
Project Name:

Approval is hereby requested of the plans, specifications, and estimate for the above noted Local Public Agency project in accordance with provisions of the NHDOT/FHWA Memorandum of Agreement regarding EXEMPT NHS PROJECTS in compliance with the 1991 ISTEA Section 1016 Program Efficiencies for project review, oversight, and administration.

1. **STATUS OF RAILROAD OPERATING FACILITIES**

None affected.

or

The project will impact the following railroad operating facilities and the LPA has secured a Railroad Agreement from the railroad owners and corporations operating these facilities. These Agreements allow the Sponsor onto the railroad facilities to construct the project.

Railroad Facility	Railroad Agreement No.	Date of Agreement

2. **STATUS OF REQUIRED UTILITY RELOCATIONS**

(Select either)
No utility relocation or impacts required.

or

There are utilities within the construction limits of the project. The status of these arrangements for the completion of the work prior to or in coordination with the physical construction is shown on the Utility Note below.

All known utility work not included in the Contract under consideration, has been arranged to be undertaken and completed as required for proper coordination with the physical construction schedule.

There are existing utilities in the area; however, no impacts are anticipated.

There are no known utilities in the immediate work area.
Check the appropriate statement or statements as needed.

(INSERT UTILITY NOTE)

3. STATUS OF REIMBERSABLE WORK

Non-reimbursable work {is required of _____ for _____. lis not required of any utility.}

Non-reimbursable work {is required of _____ for _____. lis not required of any railroad.}

Reimbursable work {is required of _____ for _____. lis not required of any utility.}

Reimbursable work {is required of _____ for _____. lis not required of any railroad.}

_____
Sponsor

_____
Design Engineer

NHDOT APPROVAL:

Municipal Highway Engineer: _____ **Date:** _____

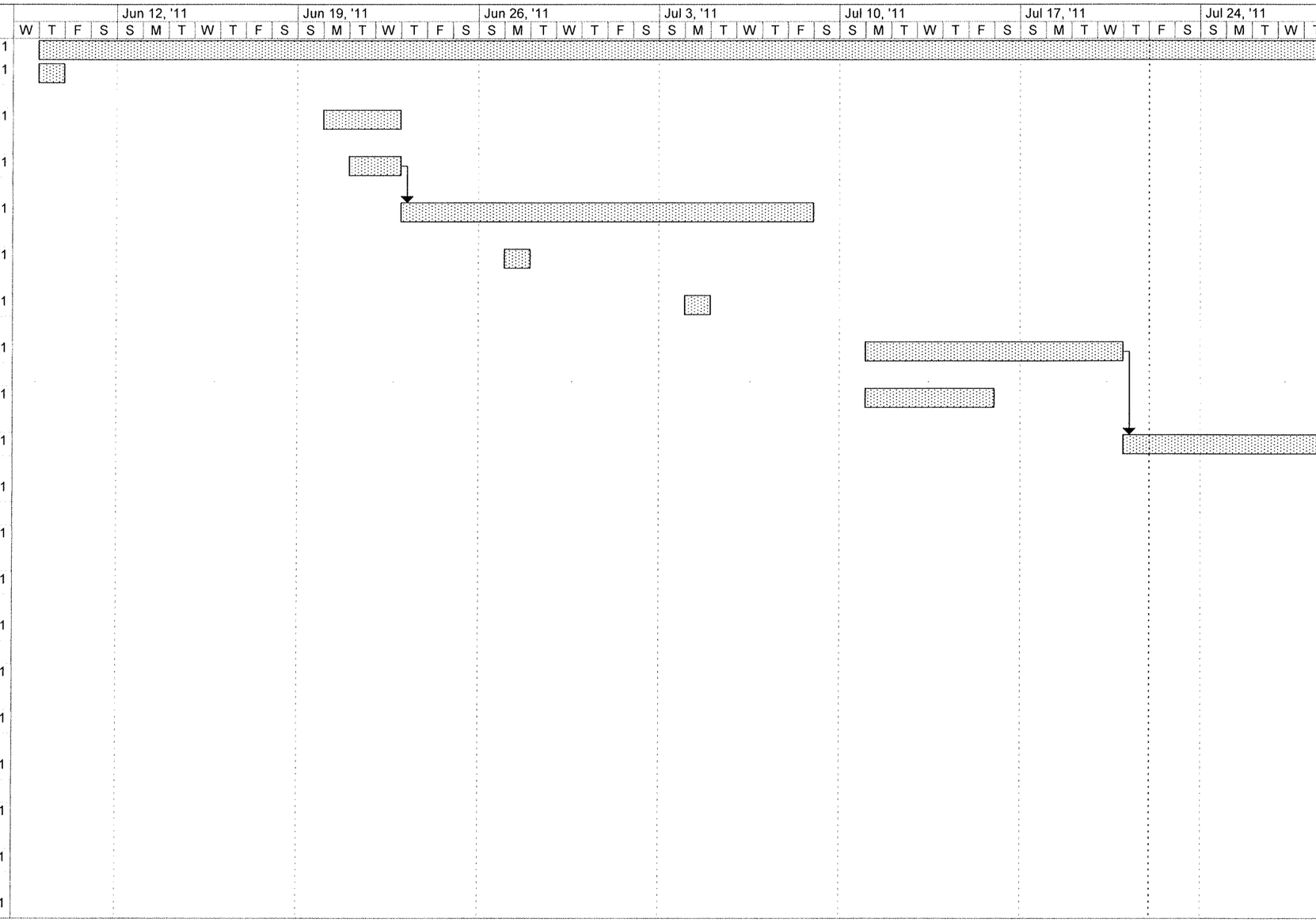
Project Manager: _____ **Date:** _____

Bureau of Planning and Community Assistance

New Hampton Salt Building

New Hampton. NH

ID	Task Name	Duration	Start	Finish
1	**SALT BUILDING - BASE B**	71 days	Thu 6/9/11	Thu 9/15/11
2	Authorization to Proceed	1 day	Thu 6/9/11	Thu 6/9/11
3				
4	Site Mobilization	3 days	Mon 6/20/11	Wed 6/22/11
5				
6	Building Layout	2 days	Tue 6/21/11	Wed 6/22/11
7				
8	Excavat./Foundat. Prep	12 days	Thu 6/23/11	Fri 7/8/11
9				
10	Rebar Delivered	1 day	Mon 6/27/11	Mon 6/27/11
11				
12	Holiday - 4th of July	1 day	Mon 7/4/11	Mon 7/4/11
13				
14	Concrete Footings - 1st Lift	8 days	Mon 7/11/11	Wed 7/20/11
15				
16	Timbers Delivered	5 days	Mon 7/11/11	Fri 7/15/11
17				
18	Framing	29 days	Thu 7/21/11	Tue 8/30/11
19				
20	Concrete Footings - 2nd Pour	4 days	Fri 8/5/11	Wed 8/10/11
21				
22	Backfill & Compaction	3 days	Thu 8/11/11	Mon 8/15/11
23				
24	Set Roof Trusses	4 days	Wed 8/17/11	Mon 8/22/11
25				
26	Alternate #1 - South Lean-to	19 days	Mon 8/22/11	Thu 9/15/11
27				
28	Sheath Roof	5 days	Mon 8/22/11	Fri 8/26/11
29				
30	Roofing	8 days	Mon 8/29/11	Wed 9/7/11
31				
32	Siding	5 days	Tue 9/6/11	Mon 9/12/11
33				
34	Holiday - Labor Day	1 day	Mon 9/5/11	Mon 9/5/11
35				
36	Miscellaneous	8 days	Tue 9/6/11	Thu 9/15/11
37				
38	Project Completion	1 day	Thu 9/15/11	Thu 9/15/11



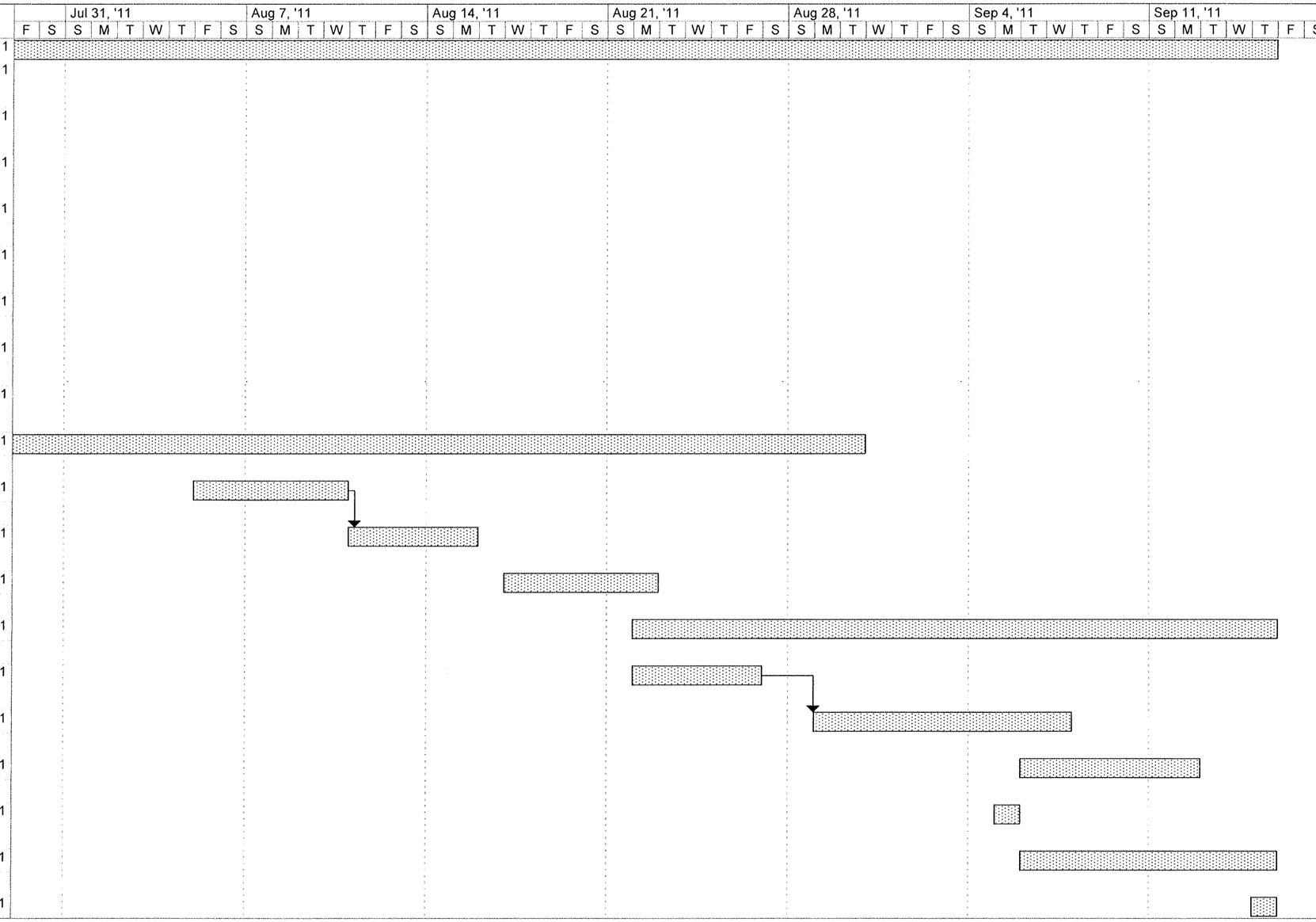
Project: New Hampton Salt Shed - Up
Date: Fri 7/22/11

Task		Progress		Summary		External Tasks		Deadline	
Split		Milestone		Project Summary		External Milestone			

New Hampton Salt Building

New Hampton. NH

ID	Task Name	Duration	Start	Finish
1	**SALT BUILDING - BASE B**	71 days	Thu 6/9/11	Thu 9/15/11
2	Authorization to Proceed	1 day	Thu 6/9/11	Thu 6/9/11
3				
4	Site Mobilization	3 days	Mon 6/20/11	Wed 6/22/11
5				
6	Building Layout	2 days	Tue 6/21/11	Wed 6/22/11
7				
8	Excavat./Foundat. Prep	12 days	Thu 6/23/11	Fri 7/8/11
9				
10	Rebar Delivered	1 day	Mon 6/27/11	Mon 6/27/11
11				
12	Holiday - 4th of July	1 day	Mon 7/4/11	Mon 7/4/11
13				
14	Concrete Footings - 1st Lift	8 days	Mon 7/11/11	Wed 7/20/11
15				
16	Timbers Delivered	5 days	Mon 7/11/11	Fri 7/15/11
17				
18	Framing	29 days	Thu 7/21/11	Tue 8/30/11
19				
20	Concrete Footings - 2nd Pour	4 days	Fri 8/5/11	Wed 8/10/11
21				
22	Backfill & Compaction	3 days	Thu 8/11/11	Mon 8/15/11
23				
24	Set Roof Trusses	4 days	Wed 8/17/11	Mon 8/22/11
25				
26	Alternate #1 - South Lean-to	19 days	Mon 8/22/11	Thu 9/15/11
27				
28	Sheath Roof	5 days	Mon 8/22/11	Fri 8/26/11
29				
30	Roofing	8 days	Mon 8/29/11	Wed 9/7/11
31				
32	Siding	5 days	Tue 9/6/11	Mon 9/12/11
33				
34	Holiday - Labor Day	1 day	Mon 9/5/11	Mon 9/5/11
35				
36	Miscellaneous	8 days	Tue 9/6/11	Thu 9/15/11
37				
38	Project Completion	1 day	Thu 9/15/11	Thu 9/15/11



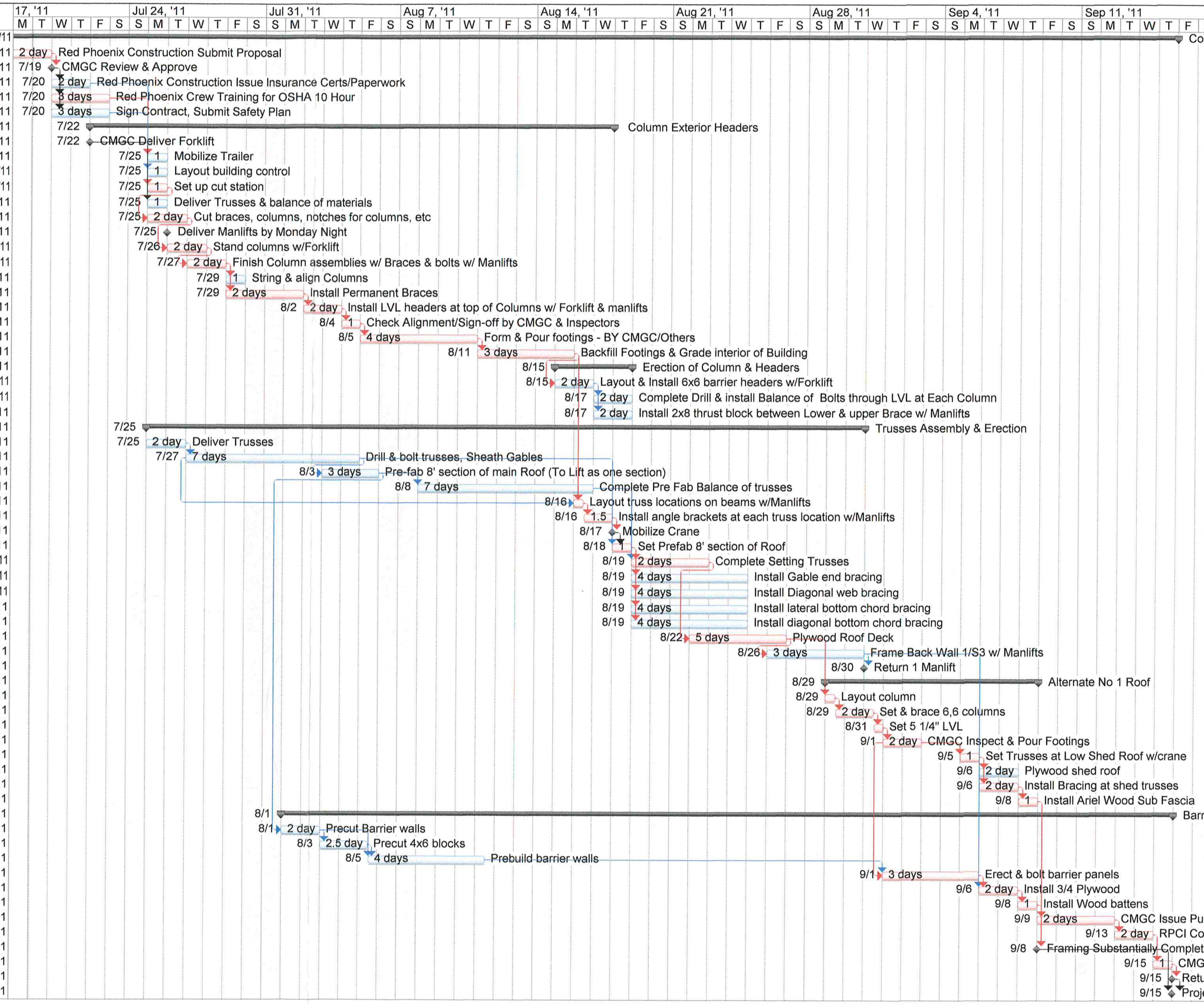
Project: New Hampton Salt Shed - Up
Date: Fri 7/22/11

Task		Progress		Summary		External Tasks		Deadline	
Split		Milestone		Project Summary		External Milestone			

Red Phoenix Construction, Inc.

Salt Shed, New Hampton
Preliminary Framing Schedule
For CMGC Building Corp.
7/19/11

ID	Task Name	Duration	Start	Finish
1	Construction	96 days	Wed 5/4/11	Thu 9/15/11
2	Red Phoenix Construction Submit Proposal	2 days	Mon 7/18/11	Tue 7/19/11
3	CMGC Review & Approve	0 days	Tue 7/19/11	Tue 7/19/11
4	Red Phoenix Construction Issue Insurance Certs/Paperwork	2 days	Wed 7/20/11	Thu 7/21/11
5	Red Phoenix Crew Training for OSHA 10 Hour	3 days	Wed 7/20/11	Fri 7/22/11
6	Sign Contract, Submit Safety Plan	3 days	Wed 7/20/11	Fri 7/22/11
9	Column Exterior Headers	19 days	Fri 7/22/11	Wed 8/17/11
10	CMGC Deliver Forklift	0 days	Fri 7/22/11	Fri 7/22/11
12	Mobilize Trailer	1 day	Mon 7/25/11	Mon 7/25/11
13	Layout building control	1 day	Mon 7/25/11	Mon 7/25/11
15	Set up cut station	1 day	Mon 7/25/11	Mon 7/25/11
16	Deliver Trusses & balance of materials	1 day	Mon 7/25/11	Mon 7/25/11
17	Cut braces, columns, notches for columns, etc	2 days	Mon 7/25/11	Tue 7/26/11
18	Deliver Manlifts by Monday Night	0 days	Mon 7/25/11	Mon 7/25/11
19	Stand columns w/Forklift	2 days	Tue 7/26/11	Wed 7/27/11
20	Finish Column assemblies w/ Braces & bolts w/ Manlifts	2 days	Wed 7/27/11	Thu 7/28/11
21	String & align Columns	1 day	Fri 7/29/11	Fri 7/29/11
22	Install Permanent Braces	2 days	Fri 7/29/11	Mon 8/1/11
23	Install LVL headers at top of Columns w/ Forklift & manlif	2 days	Tue 8/2/11	Wed 8/3/11
24	Check Alignment/Sign-off by CMGC & Inspectors	1 day	Thu 8/4/11	Thu 8/4/11
25	Form & Pour footings - BY CMGC/Others	4 days	Fri 8/5/11	Wed 8/10/11
26	Backfill Footings & Grade interior of Building	3 days	Thu 8/11/11	Mon 8/15/11
42	Erection of Column & Headers	4 days	Mon 8/15/11	Thu 8/18/11
43	Layout & Install 6x6 barrier headers w/Forklift	2 days	Mon 8/15/11	Tue 8/16/11
44	Complete Drill & install Balance of Bolts through LVL at	2 days	Wed 8/17/11	Thu 8/18/11
45	Install 2x8 thrust block between Lower & upper Brace w/	2 days	Wed 8/17/11	Thu 8/18/11
46	Trusses Assembly & Erection	27 days	Mon 7/25/11	Tue 8/30/11
47	Deliver Trusses	2 days	Mon 7/25/11	Tue 7/26/11
48	Drill & bolt trusses, Sheath Gables	7 days	Wed 7/27/11	Thu 8/4/11
49	Pre-fab 8' section of main Roof (To Lift as one section)	3 days	Wed 8/3/11	Fri 8/5/11
50	Complete Pre Fab Balance of trusses	7 days	Mon 8/8/11	Tue 8/16/11
51	Layout truss locations on beams w/Manlifts	0.5 days	Tue 8/16/11	Tue 8/16/11
52	Install angle brackets at each truss location w/Manlifts	1.5 days	Tue 8/16/11	Wed 8/17/11
53	Mobilize Crane	0 days	Wed 8/17/11	Wed 8/17/11
54	Set Prefab 8' section of Roof	1 day	Thu 8/18/11	Thu 8/18/11
55	Complete Setting Trusses	2 days	Fri 8/19/11	Mon 8/22/11
56	Install Gable end bracing	4 days	Fri 8/19/11	Wed 8/24/11
57	Install Diagonal web bracing	4 days	Fri 8/19/11	Wed 8/24/11
58	Install lateral bottom chord bracing	4 days	Fri 8/19/11	Wed 8/24/11
59	Install diagonal bottom chord bracing	4 days	Fri 8/19/11	Wed 8/24/11
60	Plywood Roof Deck	5 days	Mon 8/22/11	Fri 8/26/11
61	Frame Back Wall 1/S3 w/ Manlifts	3 days	Fri 8/26/11	Tue 8/30/11
62	Return 1 Manlift	0 days	Tue 8/30/11	Tue 8/30/11
63	Alternate No 1 Roof	9 days	Mon 8/29/11	Thu 9/8/11
64	Layout column	0.5 days	Mon 8/29/11	Mon 8/29/11
65	Set & brace 6,6 columns	2 days	Mon 8/29/11	Wed 8/31/11
66	Set 5 1/4" LVL	0.5 days	Wed 8/31/11	Wed 8/31/11
67	CMGC Inspect & Pour Footings	2 days	Thu 9/1/11	Fri 9/2/11
68	Set Trusses at Low Shed Roof w/crane	1 day	Mon 9/5/11	Mon 9/5/11
69	Plywood shed roof	2 days	Tue 9/6/11	Wed 9/7/11
70	Install Bracing at shed trusses	2 days	Tue 9/6/11	Wed 9/7/11
71	Install Ariel Wood Sub Fascia	1 day	Thu 9/8/11	Thu 9/8/11
72	Barrier Walls	34 days	Mon 8/1/11	Thu 9/15/11
73	Precut Barrier walls	2 days	Mon 8/1/11	Tue 8/2/11
74	Precut 4x6 blocks	2.5 days	Wed 8/3/11	Fri 8/5/11
75	Prebuild barrier walls	4 days	Fri 8/5/11	Thu 8/11/11
76	Erect & bolt barrier panels	3 days	Thu 9/1/11	Mon 9/5/11
77	Install 3/4 Plywood	2 days	Tue 9/6/11	Wed 9/7/11
78	Install Wood battens	1 day	Thu 9/8/11	Thu 9/8/11
79	CMGC Issue Punchlist	2 days	Fri 9/9/11	Mon 9/12/11
80	RPCI Complete Punchlist	2 days	Tue 9/13/11	Wed 9/14/11
81	Framing Substantially Complete	0 days	Thu 9/8/11	Thu 9/8/11
82	CMGC Sign-off Punchlist	1 day	Thu 9/15/11	Thu 9/15/11
83	Return Equipment & Demobilize	0 days	Thu 9/15/11	Thu 9/15/11
84	Project Complete	0 days	Thu 9/15/11	Thu 9/15/11



STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION

Daily Report for _____
(Project) (Day) (Date)

Weather A.M. _____ P.M. _____
Temp. A.M. _____ P.M. _____

Contract Completion Date _____
Number Working Days _____
Number Working Days Used _____
Number Days Remaining _____
Percent of Work Performed _____

Contractor's Productivity

Normal ☐ Sub-Normal ☐ Reason for sub-normal productivity _____

Work Day ☐ Non-Work Day ☐ Accum. Non-Work Days _____

Contractor and Sub-contractors	Supts.	Fore.	Skilled	Infer.	Common	Flaggers		Total	Cranes	Backhoes	Loaders	Bulldozers	Graders	Rollers	Graddalls	Trucks	Off-Road Haul Units	Pavers	Compressors				

Project Personnel Hours:

(In the space below the Engineer should report any items which will be of interest to the office, or of value as records.)

Item	Location

rs

Signed _____ Project Engineer

Additional Remarks on Back Side _____ ☐

(This form to be completed and mailed at the end of each day)

Office Use Only

RN 1-02

Item 645.531
Silt Fence

3/5/96 Silt Fence Measured 118 ft
Sta 503+50 - 504+10 Rt

174 ft To QB + RB
MM 3/22/96

3/20/96 Silt Fence Measured 56 ft
Sta 501+20 - 501+75 Lt

3/29/96 Silt Fence Measured
Sta 509+00 - 511+26 Rt

226 ft To QB + RB
RT 3/29/96

State of New Hampshire Department of Transportation

QUANTITY BOOK ITEM SUMMARY

QB Page
154.00

Project Name: **Graniteville, X-A000(123), 25643**
Item Number: **09.01** Appropriation Code: **PAR** Certificate of Compliance: **Not Required**
Item Description: **Straight Granite Curb**
Contract Price: **$20.00** Contract Quantity: **650 LF**

Source	Entered By	Date	Remarks	Quantity	Accumulated Quantity	Est
RN 1-15	BLS	9-20-11	113+00 to 114+80	180.00	180.00	10
			Note: Do not pay 6 LF, needs to be replaced as per Daily Report 9-20-2011			
	ESTIMATE #10		**09/01/2011 – 09/30/2011**	**174.00**	**174.00**	
RN 1-15	BLS	10-04-11	113+00 to 113+06	6.00	180.00	11
RN 1-15	BLS	10-04-11	115+00 to 116+00	100.00	280.00	11
	ESTIMATE #11		**10/01/2011 – 10/31/2011**	**106.00**	**280.00**	**11**

Checked By: BLS__ Date: _____

Approved By: _BLS_ Date: _____

State of New Hampshire Department of Transportation

RECORD BOOK ITEM SUMMARY

Project Name: **Graniteville, X-A000(123), 25643**
Item Number: **609.01** Appropriation Code: **PAR** Certificate of Compliance: **Not Required**
Item Description: **Straight Granite Curb**
Contract Price: **$20.00** Contract Quantity: **650 LF** **B&E Quantity: 640 LF**

Source	Entered By	Date	Remarks	Quantity	Accumulated Quantity
RN 1-15	BLS	9-20-11	113+00 to 114+80 RT	180.0	180.0
RN 1-15	BLS	10-04-11	115+00 to 116+00 RT	100.0	280.0
RN 1-15	BLS	10-11-11	116+00 to 119+00 RT	300.0	580.0
RN 1-15	BLS	10-18-11	119+00 to 119+60 RT	60.0	640.0
			TOTAL ITEM		**640.0 LF**

Checked By: TFM Date: 10-26-11

Approved By: BLS Date: 10-27-11

ORGANIZATION LETTERHEAD
(Manufacturer, Supplier, or Contractor)

CERTIFICATE OF COMPLIANCE
(Manufactured or Fabricated Material)

Date Aug 8, 1996

WE HEREBY CERTIFY THAT Tri-Cote
Description, Kind of Material, or Trade Name

Furnished to Structures Unlimited (Sub.)
Contractor (Prime or Sub.)

Delivered and Used on:

Bridge # 175/25 @ Laconia	NHS-018-2 (104)	99999
Project Name	Federal No.	State No.

Used for Item No. 534 Tri-Cote
Name of Item

Manufactured by T.G. Products Corp.

Supplied by Boyd's & Company

MEETS THE REQUIREMENTS OF THE PERTINENT PROJECT PLANS, SPECIAL PROVISIONS AND SPECIFICATIONS OF THE NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION (NHDOT) IN ALL RESPECTS. PROCESSING, PRODUCT TESTING, AND INSPECTION CONTROL OF RAW MATERIALS ARE IN CONFORMANCE WITH ALL APPLICABLE SPECIFICATIONS, DRAWINGS AND STANDARDS OF ALL ARTICLES FURNISHED.

All records and documents pertinent to this certificate and not submitted herewith will be maintained available by the undersigned for a period of not less than three years from the date the Project has been completed and accepted.

T.G. Products Corp
(Manufacturer, Supplier, or Contractor)

Signed by Sam Burnum Title District Manager
(Officer of Organization)

Subscribed and sworn to before me this 8th day of August, 1996.

Trevor C. Barker My Commission Expires: April 15,1997
Notary Public/Justice of the Peace

(For more than one item, list each Item No., Item name, Manufacturer, or Supplier or both)

NHDOT Quality Assurance Program for Municipally Managed Federal-aid Projects

Submitted by: _____ 11-19-10
Administrator, Bureau of Materials & Research — Date

Submitted by: _____ 11-19-10
Municipal Highway Engineer — Date

Approved by: _____ 11-24-10
Division Administrator - FHWA — Date

NHDOT Quality Assurance Program
Municipally Managed Federal-aid Projects

The legislation establishing the Federal-aid Highway program, Title 23 United States Code, requires that Federal-aid projects not on the National Highway System be constructed in accordance with State construction standards (23 U.S.C. 109(p)). The New Hampshire Department of Transportation (NHDOT) has established this quality assurance program to address the materials portion of this requirement for Federal-aid Municipally Managed projects.

This document refers to items by numbers used in the NHDOT Standard Specifications for Road and Bridge Construction and it is intended that Municipally Managed projects use these specifications unless the NHDOT approves an equivalent specification.

It is the policy of NHDOT to provide assurance that the materials and workmanship incorporated into Municipally Managed highway projects conform, or substantially conform, to the requirements of the plans and specifications including approved changes. To accomplish this, the quality assurance program provides for an acceptance program, an independent assurance program, a laboratory qualification program, and a materials certificate as follows:

1. DEFINITIONS

- Acceptance Samples and Tests – All of the samples and tests performed by qualified testing personnel used for determining the quality and acceptability of materials and workmanship which have been or are being incorporated into the project. Acceptance tests determine the conformance of the material to the correct specifications. The results are used to determine acceptance or rejection and may be used to adjust the level of pay for the material.
- Independent Assurance Program – Independent samples and tests, or observation of test procedures, performed by Materials and Research (M&R) personnel who do not normally have direct responsibility for quality control or acceptance sampling and testing. These tests are used for the purpose of making independent checks of the reliability of the results obtained in acceptance sampling and testing and not for determining the quality or acceptability of the materials and workmanship directly.
- Method Specifications - Specifications that direct the contractor to use specified materials in definite proportions and specific types of equipment and methods to place the material. Each step is usually directed by the Municipality.
- QC/QA Specifications - A combination of end result specifications and materials and methods specifications. The contractor is responsible for QC (process control), and the municipality is responsible for acceptance of the product. QA specifications are statistically based specifications that use methods such as random sampling and lot-by-lot testing that let the contractor know if the operations are producing an acceptable product and establish the pay for the item. This program includes sampling and testing requirements for QC/QA hot mix

asphalt and concrete items that use random sampling and testing to determine if specified properties are met and to establish the final pay.

- Quality Control – This constitutes the inspection of equipment and the material sampling and testing done by the Contractor to control his operations.
- Qualified Laboratories – A laboratory that provides calibrated equipment for the required test methods and has been accredited by AASHTO.
- Qualified Sampling and Testing Personnel – For soil and asphalt materials, qualified personnel are those who have been certified in the sampling and testing to be performed by the NorthEast Transportation Training & Certification Program (NETTCP) or a person working under the direct supervision of an NETTCP technician certified in the appropriate test. For concrete materials, qualified personnel are those who have been certified in the concrete sampling and testing to be performed by either the American Concrete Institute (ACI) or the NETTCP or a person working under the direct supervision of an ACI or NETTCP certified technician.
- Verification Tests – Samples tested to verify certified properties.

2. SAMPLING AND TESTING PROGRAM

- When the term Municipality or NHDOT is used, it is understood that an authorized firm working on behalf of the NHDOT or the Municipality may perform the action.
- Administration and coordination of the sampling and testing program is the responsibility of the Municipality. All acceptance sampling and testing shall be the responsibility of the municipality managing the construction project.
- The Municipality shall develop a Quality Assurance Program for each project, based on this document, and submit it to NHDOT for documentation prior to the contractor starting construction work. The program shall include the quantity of each item in the project that requires sampling and testing, the number of acceptance tests required, an anticipated schedule for testing, the name and contact information for the party conducting the acceptance tests, and it shall also indicate sources of materials including production plants for ready mix concrete, hot mix asphalt (HMA), precast concrete, and structural steel. See Appendix A for a sample documentation format.
- The municipality must contact NHDOT when work is planned on any item requiring NHDOT independent assurance sampling and testing. Contact the following individuals two weeks in advance of the start of work to establish communication with NHDOT and to provide contact information for the project and the Town:
    - Soils and Concrete Items – Concrete and Soils Supervisor 271 -1656
    - Asphalt Items – Bituminous Supervisor 271-1663
- All acceptance tests shall be performed by qualified sampling and testing personnel at the site using calibrated equipment or at a qualified laboratory.
- It shall be the responsibility of the municipality to request and verify that the sampling and testing personnel are NETTCP, ACI or PCI certified as appropriate for the tests being performed.

- All equipment used for acceptance testing shall have been calibrated within the period prescribed by the respective AASHTO or ASTM method as demonstrated by documentation.
- All acceptance test reports shall include the test locations to allow further testing, if necessary. The required frequency of testing is as shown in the tables in this document.
- The sampling location of the acceptance testing shall be as shown in the tables contained in this document.
- All Independent Assurance sampling and testing shall be the responsibility of NHDOT. The NHDOT conducts a system-based Independent Assurance Program, meaning that each acceptance tester must participate in at least one IA test per calendar year for each material test performed (see tables). The IA test will be done during or prior to the project work. If an acceptance tester has already participated in an Independent Assurance test for a material property in the current calendar year on another project, then the testing program for a project does not have to include an Independent Assurance test for that property. The acceptance tester must be present when Independent Assurance sampling is performed.
- The municipality shall provide a project materials test summary that includes test designation number, the number of tests performed, the name of the acceptance testers, the testers' certification numbers and date of IA test for each tester for each performed test. See Quality Assurance Program Information sheet. This document will become part of the project final records.
- The Independent Assurance personnel shall make a prompt comparison of test results and thereafter investigate, resolve, and document the source of any discrepancies between the results of the assurance and acceptance tests, which are outside the acceptable deviations. See the table of acceptable deviations in Appendix B.
- HMA quantities of less than 500 tons used on roadways will be accepted by field inspection of the work and certification from the producer that it is a NHDOT approved mix design, that it meets the appropriate NHDOT specification, and that it is from a NHDOT certified hot mix asphalt (HMA) plant. No acceptance sampling and testing is required. The municipality is responsible for obtaining the certifications and the certifications for tack coat and crack sealant.
- All HMA quantities used on trails and sidewalks will be accepted by field inspection of the work and certification from the producer that it is a NHDOT approved mix design, that it meets the appropriate NHDOT specification, and that it is from a NHDOT certified hot mix asphalt (HMA) plant. No acceptance sampling and testing is required. The municipality is responsible for obtaining the certifications.
- All structural concrete mix designs shall be approved NHDOT mix designs and the material shall be produced at a NHDOT approved concrete plant and delivered in NHDOT approved mixing trucks.
- All precast concrete items and structures less than or equal to 20' in span along the centerline of roadway, except full depth deck slabs, will be accepted based on the manufacturer's certification that a NHDOT approved mix design was used, that it meets the appropriate NHDOT specification, and that it is from a NHDOT approved plant. The municipality is responsible for obtaining these certifications.

- All items, except natural materials, not in the Materials Frequency of Sampling and Testing Tables in this document will be accepted either:
    - Based on the contractor's or producer's certification that it meets the appropriate NHDOT specification, or
    - Based on inclusion in the NHDOT Qualified Products List & Certificate of Compliance, whichever is required by Specifications.
    - In addition to the certification, plastic pipe shall be supplied by a National Transportation Products Evaluation Program compliant manufacturer.

  It is the responsibility of the municipality to obtain the necessary certifications.
- All natural materials, such as granite, fieldstone, and mulch, not requiring testing or certification in the NHDOT specifications will be accepted based on the municipality's field inspection.
- Contractors are responsible for their own quality control. This includes maintaining production equipment in good working order and all sampling and testing necessary to confirm that all material being produced meets specifications.
- Non-NHDOT laboratories, if used in dispute resolution sampling and testing, shall be accredited in the testing to be performed by the AASHTO Accreditation Program.
- The municipality shall prepare a Materials Certificate and submit it to the NHDOT for each Federal-aid municipally-managed construction project (See Appendix C for sample Certificate).

Frequency of Sampling & Testing – Soil Items Method Specifications

Item	Description	Property	Test Method	Test Location & Frequency	
				Acceptance	Independent Assurance
203	Embankment	Compaction	AASHTO T191, AASHTO T310, or Test Strip	In place 1/2,000 CY	*
209	Granular Backfill, Bridge	Compaction	AASHTO T191, AASHTO T310, or Test Strip	In Place 2/Abutment or Substructure Location	*
		Gradation	AASHTO T27	In Place 1/Structure/Source	None Required
304.1 through 304.6	Select Materials	Compaction	AASHTO T191, AASHTO T310, or Test Strip	In Place 1/1,200 CY	*
		Gradation	AASHTO T27	In Place 1/4,000 CY	*
		Wear	AASHTO T 96, Grading A	1/Source	None Required
306	Reclaimed Stabilized Base	Compaction	Control Strip	In Place 1/2,000 SY	*
		Gradation	AASHTO T27	In Place 1/4,000 SY	*
508	Structural Fill	Compaction	AASHTO T191 or AASHTO T310	In Place 1/Two Lifts/ Location	*
		Gradation	AASHTO T27	In Place 1/Structure/Source	None Required

* Except if completed on another project during the current calendar year, the materials program for a project must include the acceptance tester's participation in one Independent Assurance test for each material test performed.

Frequency of Sampling & Testing
Asphalt Items, Method Specification

Item	Description	Property	Test Method	Test Location and Frequency		
				Acceptance	Independent Assurance	Verification Test**
403	Asphalt Cement HMA > 500 Tons Placed on Roadway*	Relevant AASHTO	AASHTO M320		None Required	Asphalt Plant 1/Project
	HMA > 500 Ton Quantity Placed on Roadway*	Compaction	AASHTO T166	In Place 2 Cores/ Lane Mile	None Required	
		Gradation	AASHTO T30 and T164	At Plant 1/750 Tons	***	
		Asphalt Content	AASHTO T164	At Plant 1/750 Tons	***	
	Emulsified Asphalt	Relevant AASHTO	AASHTO M320		None Required	Asphalt Plant 1/Project
410	Tack Coat	Relevant AASHTO	Certification		None Required	
413	Crack Sealant	Relevant AASHTO	Certification		None Required	

* If the project HMA method specification quantity placed on a roadway is ≤ 500tons, then the AC content and HMA are accepted by certification. If the HMA method specification quantity is not used on a roadway, then the AC content and HMA are accepted by certification.

** The municipality shall take samples and furnish them to the NHDOT laboratory in Concord for testing

*** Except if completed on another project during the current calendar year, the materials program for a project must include the acceptance tester's participation in one Independent Assurance test for each material test performed.

Frequency of Sampling & Testing
Concrete Items, Method Specifications

Item	Description	Property	Test Method	Test Location and Frequency	
				Acceptance	Independent Assurance*
520, 608, 615, 616	Structural Concrete, All Classes	Strength	AASHTO T22 & T23	2/200 CY Min. 2/Placement	From Any Class
		Air Content	AASHTO T152	1/50 CY	From Any Class
		Slump	AASHTO T119	1/50 Cy	From Any Class
All	Non- Stressed Precast ≤ 20' Span	Strength	AASHTO T22 & T23	None Required Accepted by Certification	None Required
		Air Content	AASHTO T152		
		Slump	AASHTO T119		
All	Precast > 20' Span & All Deck Slabs & Prestressed Precast	Strength	AASHTO T22 & 23	2/Member, Bed, or Lot	None Required
		Air Content	AASHTO T152	1/Member, Bed, or Lot	None Required
		Slump	AASHTO T119	1/Member, Bed, or Lot	None Required
	Deck Slabs & Prestressed Precast Items	Rapid Chloride Permeability	AASHTO T277	1/Member, Bed, or Lot	None required

*Except if completed on another project during the current calendar year, the materials program for a project must include the acceptance tester's participation in one Independent Assurance test for each material test performed.

Structural Steel Inspection

Item	Description	Structural Steel Fabrication Inspection
550	Structural Steel	An inspection program shall be developed and implemented that includes all the provisions in the current section 550 of the NHDOT Standard Specifications for Road and Bridge Construction pertaining to shop inspection and non-destructive testing of welds.

Frequency of Sampling & Testing
Asphalt &Concrete Items, QC/QA Specifications

Item	Description	Property	Test Method	Test Location and Frequency		
				Acceptance	Independent Assurance	Verification Test*
403	Asphalt Cement	Relevant AASHTO	AASHTO M320		None Required	Asphalt Plant 1/Project
	QC/QA HMA	Compaction	AASHTO T166	In Place 1 Core/750 Tons	None Required	
		Gradation	AASHTO T30 & T164	In Place 1/750 Tons	**	
		Asphalt Content	AASHTO T164	In Place 1/750 Tons	**	
520	QC/QA Structural Concrete Class A	Strength	AASHTO T22 & T23	Minimum 3 Tests/ Lot, 50 CY Maximum Sublot	None Required	
		Air Content	AASHTO T152		From Any Class	
		Rapid Chloride Permeability	AASHTO T277		None Required	
	QC/QA Structural Concrete Class AA	Strength	AASHTO T22 & T23	Minimum 3 Tests/ Lot, 50 CY Maximum Sublot	From Any Class	
		Air Content	AASHTO T152		From Any Class	
		W/C Ratio	NHDOT Microwave		From Any Class	
		Rapid Chloride Permeability	AASHTO T277		None Required	
	Fine & Coarse Aggregate	Gradation	AASHTO T27	None Required	*	

* The municipality shall take samples and furnish them to the NHDOT laboratory in Concord for testing

** Except if completed on another project during the current calendar year, the materials program for a project must include the acceptance tester's participation in one Independent Assurance test for each material test performed.

Quality Assurance Program Information

At the beginning of project, submit to:

NHDOT Bureau of Materials & Research
P.O. Box 483, 5 Hazen Drive
Concord, NH 03302-0483
ATTN: Chief of Materials Technology
http://www.nh.gov/dot/org/projectdevelopment/materials/index.htm

Project Name & Number:			
Project Description:			
Construction Schedule:			
Contact Information:			
Municipal:		Phone:	
Project Manager:		Phone:	
Testing Firm:		Phone:	
Material Suppliers:			
Redi-mix Concrete:		Phone:	
Precast Concrete:		Phone:	
Hot Mix Asphalt:		Phone:	

Project Materials Test Summary:
Complete during the project and submitted to NHDOT Materials & Research at completion.

	Total Project Quantity	Acceptance Test Method & Required No.		Name of Acceptance Tester	IA Test Dates from This or Other Project
Redi-mix Concrete:					
Precast Concrete:					
Hot Mix Asphalt:					
Select Bases:					

Appendix B
Independent Assurance / Acceptance Test
Acceptable Deviations

Type of Test	% Deviation
Sieve Analysis – All Items #4 (4.75mm) Sieve and Larger	± 5%
Smaller than #4 (4.75mm) Sieve (Sand Portion)	± 4%
Compaction testing – All Items	± 2.5%
Bituminous Mix Evaluation #4 (4.75) Sieve to ¾"	± 3%
Smaller than #4 (4.75mm) Sieve (Total Sample)	± 2%
Asphalt Content	± 0.4%
Portland Cement Concrete	
Air Content	± 0.8%
Water/Cement	0.03

Appendix C

Sample Materials Certification for Municipally Managed NHDOT Project

Date:
Project Name & Number:

This is to certify that:
The results of the tests used in the acceptance program indicate that the materials incorporated in the construction work, and the construction operations controlled by the sampling and testing, were in conformity with the approved plans and specifications. Exceptions to the above statement are explained in the attachment to this certification.

_____ _____
Duly Authorized Municipal Official Date

_____ _____
Resident Engineer Date

Quality Assurance Program Information

At the beginning of project, submit to:

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Concord, NH 03302-0483
ATTN: Chief of Materials Technology
http://www.nh.gov/dot/org/projectdevelopment/materials/index.htm

Project Name & Number:			
Project Description:			
Construction Schedule:			
Contact Information:			
Municipal:		Phone:	
Project Manager:		Phone:	
Testing Firm:		Phone:	
Material Suppliers:			
Redi-mix Concrete:		Phone:	
Precast Concrete:		Phone:	
Hot Mix Asphalt:		Phone:	

Project Materials Test Summary:
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Redi-mix Concrete:					
Precast Concrete:					
Hot Mix Asphalt:					
Select Bases:					

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Appendix C

Sample Materials Certification for Municipally Managed NHDOT Project

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Project Name & Number:

This is to certify that:
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_____ _____
Duly Authorized Municipal Official Date

_____ _____
Resident Engineer Date

THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION

CHRISTOPHER D. CLEMENT, SR.
COMMISSIONER

JEFF BRILLHART, P.E.
ASSISTANT COMMISSIONER

Work Zone Training Requirement for Law Enforcement:
Effective April 1, 2013, all Uniformed officers working on any NHDOT funded projects, including municipally managed projects, shall have successfully completed a NHDOT approved course on ***The Safe and Effective Use of Law Enforcement Personnel in Work Zones***. This course shall be taken once every four years. Proof of successful course completion shall be supplied upon request.

NHDOT Approved Work Zone Training Courses for Law Enforcement:

1. Online at PoliceCommunity.net by The Response Network (TRN)
    a. If your agency is already a subscriber to TRN's online training your agency, and therefore all officers who work at that agency, get the *NH Work Zone* course as part of TRN's course offerings; and therefore, there is no need for any individual officer to pay for access to the course.
    b. If your agency is not a subscriber, there's a nominal fee for the course.
    c. The Online Course can be found at the following link: http://policecommunity.net/nhdot/index.html
    d. If you have any questions or issues with accessing the course, please feel free to contact TRN's CEO Brad Naples at bnaples@comcast.net.

or…

2. Classroom "train-the-trainer" training provided by NH Police Standards & Training Council in Concord, NH.
    a. Contact Captain Mark Bodanza at (603) 271-2133
    b. "Trainers" receive training from Police Standards and bring presentation and testing materials back to their respective areas and train and test individual officers in a classroom or office setting.
    c. Trainers and/or Local or County Departments will be responsible for recording and/or submitting names of officers who successfully completed the training to NHDOT upon request. This will be required to confirm that the training has been completed and allow for release of payment.
    d. The NHDOT is in the process of developing a tracking database for the trainers to document the list of officers who have successfully complete the training, but this database is not yet completed. Until the database is completed, the NHDOT is requesting that all trainers and/or Police Agencies maintain their lists locally.

*Officer Work Zone training is required per Federal Highway Administration (FHWA) mandate: 23 CFR, Part 630, subpart K – Temporary Traffic Control Devices

Questions? Contact…
Nickie Hunter, P.E. - District Construction Engineer - Bureau of Construction
New Hampshire Department of Transportation
P.O. Box 483 - Concord, NH 03302-0483
(603) 271-2571
nhunter@dot.state.nh.us

October 26, 2011, March 28, 2012, Revised December 14, 2012

NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION POLICY	NUMBER 402.06
TITLE Flagger and Uniformed Officer Use in Work Zones	DATE 05/29/2009
SUBJECT Flagger and Uniformed Officer Use for Temporary Traffic Control and Safety	RESPONSIBLE BUREAU

Authority: The State Legislature has delegated the Commissioner of the Department of Transportation with full authority to control traffic in highway/bridge construction work zones on Class I, II, III highways; RSA 228:21, 236:1, and 228:37.

Definitions:

Flagger: A person trained in flagger operations who actively controls the flow of vehicular traffic into and/or through a temporary traffic control zone using hand-signaling devices or an Automated Flagger Assistance Device. (MUTCD 6E.01)

Uniformed Officer: A certified law enforcement officer who has the legal authority to enforce traffic laws on the roadways within the work zone.

Dynamic Traffic Control is traffic control that can be continuously adjusted to meet changing work zone needs and traffic demands. Dynamic Traffic Control can be at a fixed location or mobile and requires either human intervention or automated/intelligent electronic devices. Dynamic Traffic Control is typically implemented using flaggers and/or uniformed officers.

Purpose: The purpose of this policy is to provide a safe work zone through the prudent and consistent use of flaggers and/or uniformed officers in dynamic traffic control operations and traffic law enforcement. This policy provides guidance and consistency statewide with regards to the use of flaggers and uniformed officers, while ensuring efficient use of construction funding. This policy was initiated to comply with the requirements of the Federal Highway Administration, 23 CFR Part 630, Subpart K, 630.1106(c) Uniformed Law Enforcement Policy.

Policy: It is the policy of the Department of Transportation to take appropriate measures to reduce the likelihood of injuries and fatalities to workers and road users in NHDOT work zones. The use of appropriately trained flaggers and uniformed officers for the purpose of dynamic traffic control, presence, enforcement, and emergency assistance will be part of the safety measures taken.

Flaggers will be the primary means for providing dynamic temporary traffic control operations in work zones. Uniformed officers will be utilized for their specific authority for operations beyond that of a flagger, such as assistance in speed control and traffic law enforcement as necessary. The use of flaggers and uniformed officers in work zones is to be consistent with the *NHDOT Flagger and Uniformed Officer Use in Work Zones Guidelines.*

A Municipal Work Zone Agreement (MWZA) outlining the Department of Transportation's authority and responsibility for controlling traffic within the work zone is to be signed by each municipality as detailed in the *NHDOT Flagger and Uniformed Officer Use in Work Zones Guidelines* prior to construction of applicable project.

Responsibility: The Chief Engineer is responsible for the development, oversight and updating of the *NHDOT Flagger and Uniformed Officer Use in Work Zones Guidelines.*

Approved: _____ Date: 6/5/09

George N. Campbell, Jr.
Commissioner

References: 23 CFR Part 630 Subpart K, RSA 228:21, RSA 236:1, RSA 228:37, RSA 188-F:23, RSA 265:3-b, RSA 265:4, MUTCD

NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION

WORK ZONE TRAFFIC CRASH REPORT

(Reports are to be submitted to supervisor within 48 hours of crash)

1. Town or City:

2. Project Name:

3. Project Number:

4. Bureau: ☐ Bridge Maintenance ☐ Bridge Design ☐ Survey/Design ☐ Materials & Research ☐ Construction ☐ Traffic ☐ Highway Maintenance ☐ Turnpikes ☐ LPA

5. District/Shed/Contractor:

6. Crash Date:

7. Crash Time: _____ ☐ AM ☐ PM ☐ unknown

8. Number of Vehicles Involved:

9. Number of Persons Injured and Fatalities:

	GENERAL PUBLIC			PROJECT PERSONNEL	
	In Motor Vehicles	Motorcycles Bicyclists	Pedestrians	Operating Equipment	Pedestrians
Injured					
Fatalities					

10. Location of Crash:

OCCURRED ON	DISTANCE AND DIRECTION FROM	INTERSECTING ROAD OR FEATURE
_____ Route No./Street	_____ Distance from (ft.) ☐ north ☐ south ☐ east ☐ west ☐ at intersection	_____ Route No./Street/Feature

11. Type of Crash or Collision with (first harmful event):

☐ frontal/side ☐ rollover ☐ flagger/officer
☐ sideswipe ☐ bicyclist ☐ construction vehicle/equipment
☐ rear end ☐ worker ☐ went over a drop off
☐ head on ☐ pedestrian ☐ fixed object (check box below)
☐ OTHER: _____

Fixed Object:

☐ sign post ☐ channelizing devices ☐ retaining wall
☐ guardrail ☐ changeable message sign ☐ abutment/pier
☐ water ☐ temporary concrete barrier ☐ arrowboard
☐ tree ☐ construction equipment ☐ ledge outcrop
☐ boulder ☐ telephone pole ☐ impact attenuator
☐ light post ☐ construction material stockpile
☐ OTHER: _____

12. Roadway Design: ☐ two way traffic ☐ interstate/divided ☐ one way/ramp ☐ OTHER: _____

13. Road Alignment: ☐ straight and level ☐ intersection ☐ curve and level ☐ straight and on a grade ☐ curve at a hillcrest ☐ straight at a hillcrest

14. Roadway Surface Type:

Travel In.: ☐ asphalt ☐ concrete ☐ grooved pavement ☐ unpaved
Shoulders: ☐ asphalt ☐ concrete ☐ grooved pavement ☐ unpaved

15. Roadway Condition: ☐ normal ☐ rough ☐ wheel ruts ☐ potholes ☐ pavement edge drop offs

16. Surface Conditions: ☐ dry ☐ wet ☐ ice/snow ☐ unknown

17. Light Conditions: ☐ daytime ☐ nighttime ☐ nighttime illuminated ☐ dawn/dusk ☐ unknown

18. Weather Conditions: ☐ clear ☐ cloudy ☐ fog ☐ rain ☐ snow ☐ hail ☐ sleet ☐ freezing rain ☐ high winds ☐ unknown

19. Traffic Vol. : ☐ low ☐ moderate ☐ heavy

20. Posted Speed Limit: _____ mph

21. Traffic Control Package: ☐ in use ☐ not in use

Package Designation:

MUTCD	NHWZTC	OTHER
TA- _____	TC- _____	_____

Condition of devices: ☐ good ☐ fair ☐ poor

Modifications or comments about the package: _____

22. Pavement Markings:

Left TW	Centerline	Right TW
☐ none	☐ none	☐ none
☐ RPM	☐ RPM	☐ RPM
☐ paint	☐ paint	☐ paint
☐ tape	☐ tape	☐ tape

23. Lane Width (feet):

Lanes: ☐ 8 ☐ 9 ☐ 10 ☐ 11 ☐ 12 ☐ 12+ ☐ tapered ☐ unknown
Shdrs.: ☐ 0 ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ 8 ☐ 9 ☐ 10 ☐ tapered ☐ unknown

24. Changeable Message Signs: ☐ none ☐ in place and operating ☐ in place and not operating

MESSAGE

phase 1: _____
phase 2: _____
*phase 3: _____

** FYI - per the MUTCD, message shall consist of only one or two phases*

25. Flaggers: ☐ in use ☐ not in use

26. Uniformed Officers : ☐ with vehicle ☐ without vehicle ☐ not used

27. At the time of the crash was there Work Zone related activity? ☐ yes ☐ no

28. Police Report:

Was a report generated? ☐ yes ☐ no ☐ unknown

Town/City/State Troop No. : _____

Officer Name: _____

Report Number: _____

continued on the back

29. Sketch Required

30. Additional Documentation

☐ daily report ☐ police report ☐ photos ☐ videos ☐ digital photos

**if possible date stamp photos or videos*

31. Crash Description and any Additional Comments:

32. Report generated by:

Signature	*Name (print)*	*Date:*
Signature of Supervisor	*Name (print)*	*Date:*

** Submit this report to supervisor within 48 hours of the crash.*

Distribution: Planning & Community Assistance Traffic TMC FHWA Bill Oldenburg Original to Construction

PROJECT CLOSEOUT

PART 1 FINAL REIMBURSEMENT SUBMISSION

(CONSTRUCTION PROJECTS)

Program: _____

Application #: _____

Project Manager: _____

Project Name: _____

State Number: _____

Federal Number: _____

CHECKLIST TO BE FILLED OUT BY PROJECT SPONSOR AND RETURNED TO NHDOT WITH FINAL REIMBURSMENT REQUEST

Documents required for processing final reimbursement

Checklist Completed By: _____

Project closeout forms

- [ ] Contractor's Final Lien Waiver submitted with signatures
- [ ] Certificate of final completion of work submitted with signatures
- [ ] Consent of Surety Company to Final Payment submitted with signatures

Other forms & required documents

- [ ] As-Built Drawings submitted
- [ ] Before & After photos submitted (Prints or Digital)
- [ ] Materials Certification for Municipally Managed Projects
- [ ] Completion and Acceptance letter from project sponsor with:
  - Statement all punch list items have been addressed
  - Date construction was completed & accepted by sponsor
  - Statement that project is turned over to the sponsor for maintenance
- [ ] Financial summary showing funding breakdown by phase.
  - Both participating and non-participating work must be shown
- [ ] Send final reimbursement request, documents and completed checklist to NHDOT

CHECKLIST TO BE FILLED OUT BY NHDOT FOR FINAL REIMBURSEMENT PROCESSING

Financial checks for final reimbursement

Checklist Completed By: _____

- [ ] Check that Municipality or sub-recipient has provided the latest complete single audit report (SAR) in accordance with OMB circular A-133 or a letter stating that an SAR was not required
- [ ] Labor Compliance (Approval to pay final reimbursement request)
- [ ] Verify last estimate was approved by FHWA
- [ ] Verify no negative amounts exist for any of the phases
- [ ] Send final reimbursement letter to project sponsor and final reimbursement memo to Finance & Contracts
- [ ] Send Project completion form to project sponsor for signatures

PROJECT CLOSEOUT
PART 2 FINAL VOUCHER

Program: _____

Application #: _____

Project Manager: _____

Project Name: _____

State Number: _____

Federal Number: _____

CHECKLIST TO BE FILLED OUT BY PROJECT SPONSOR AND RETURNED TO NHDOT WITH PROJECT COMPLETION FORM

Checklist Completed By: _____

☐ Sign Project Completion Form and return form and checklist to NHDOT before _____

CHECKLIST TO BE FILLED OUT BY NHDOT FOR CLOSING PROJECT AND REQUESTING FINAL VOUCHER DATE

Checklist Completed By: _____

☐ Received Signed Project Completion Form

☐ Sent Email to close project and prepare Final Voucher (Armand Nolin)
- cc Finance & Contracts (George Poulin)
- cc Project Manager

☐ Add to Tracking Form (Dawn)

☐ Confirmed Final Voucher date through STYP-RMS (Dawn)

☐ Sent letter with Final Voucher date to sponsor with date of archive retention
- cc Project Manager

☐ Archived project files with date of Final Voucher

Final Voucher Date: _____

Order

U.S. DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Subject

Repayment of Preliminary Engineering Costs

Classification Code	Date	OPI
5020.1	April 26, 2011	**HIPA-10**

Par.

1. What is the purpose of this directive?
2. Is this a new FHWA directive?
3. What is the background of this directive?
4. What is the scope of this directive?
5. What authorities govern this directive?
6. What is FHWA's policy for repayment of PE costs?
7. What are the responsibilities of the Federal-aid divisions?
8. Where can I obtain additional guidance?

1. **What is the purpose of this directive?** This directive provides policy direction on the repayment of Federal-aid funds expended on preliminary engineering (PE) projects when reasonable progress has not been made toward right-of-way (ROW) acquisition or construction. This directive also provides additional guidance clarifying when the Federal Highway Administration (FHWA) can grant time extensions.

2. **Is this a new FHWA directive?** Yes. This is a new directive. This directive cancels the Memorandum on the Repayment of Preliminary Engineering Costs, dated June 26, 2008.

3. **What is the background of this directive?**

   a. Section 102(b) of Title 23, United States Code (U.S.C.) requires a State to repay all Federal-aid reimbursements for PE costs on a project that has not advanced to ROW acquisition or construction within 10 years after Federal-aid funds were first made available, unless the FHWA has granted a time extension.

   b. Part 630.112(c)(2) of Title 23, Code of Federal Regulations (CFR), provides a State a slightly longer timeframe in that ROW acquisition or construction must be started by the close of the 10th fiscal year following the fiscal year when the project was authorized.

4. **What is the scope of this directive?** The provisions of this directive are only applicable to PE projects funded from the Highway Trust Fund.

5. **What authorities govern this directive?**

   a. 23 U.S.C. 102(b), Engineering Cost Reimbursement.

   b. 23 CFR 630.112(c)(2), Preliminary Engineering Project.

   c. 2 CFR 225, Appendix A(C)(4), Basic Guidelines – Applicable Credits.

   d. 23 CFR 450.216, Development and Content of the Statewide Transportation Improvement Program (STIP).

   e. 23 CFR 450.324, Development and Content of the Transportation Improvement Program (TIP).

   f. 23 CFR 1.9(b), Limitation on Federal Participation.

6. **What is FHWA's policy for repayment of PE costs?**

   a. The FHWA must require repayment of all Federal-aid reimbursements for PE projects, including those authorized under the Advance Construction provision, when either ROW acquisition or construction has not started by the close of the 10th fiscal year following the fiscal year when the project was authorized.

   b. The FHWA cannot grant an outright waiver of 23 U.S.C. 102(b). However, the FHWA may approve a State's request for a time extension to complete PE activities on a project that has been delayed for valid reasons.

   c. The FHWA has a longstanding practice of not mandating repayment of PE funds when project termination is directly related to compliance with another Federal law. For instance, repayment of reimbursed PE costs would not be required if the FHWA and a State determine that a project should not be advanced as a result of findings during the National Environmental Policy Act (NEPA) process. To do otherwise could skew the NEPA process by causing a State to favor a "build" alternative to avoid repaying PE costs incurred during the NEPA review.

   d. The FHWA Division Administrators may grant time extensions to State requests to postpone repayment if the State submits to the division office sufficient justification that the delay was reasonable

and beyond the State's control. These determinations must be documented by the division office and be a part of the project records. Shifting priorities, insufficient transportation budgets, and staffing issues are not justification for granting time extensions. Examples of factors for the division office to consider for granting time extensions include:

(1) Litigation resulting in delays to project development;

(2) Complex project consultations involving Federal, State, local agencies, or sovereign nations; and

(3) Where the public involvement process has altered the State's plan for satisfying the project's purpose and need.

e. Time extensions should only be approved with a definite schedule, a commitment by the State to follow the schedule, and documentation of recent steps taken to advance the project. The time extension request should include an evaluation of the time needed to advance the project to the next phase and should provide support for a reasonable time extension that reflects the State's commitment to the project.

f. When repayment is required, the State must reimburse PE costs for the project on the next Federal-aid billing. As a result of repayment, the Federal-aid funding category from which the PE funds originated should be credited and the project should be withdrawn. The funds and obligation authority that are withdrawn are available to the State for use on other Federal-aid projects that meet the eligibility requirements of the original Federal-aid category, provided that the funds are re-obligated within the fiscal year of recovery. In cases where the funding category no longer exists, the division office should contact the Office of the Chief Financial Officer for guidance.

g. Congressional earmarks funded from a General Fund appropriation are not subject to 23 U.S.C. 102(b). Congressional earmarks funded from the HTF are subject to 23 U.S.C. 102(b). Recovered budget authority from congressional earmarks funded from the HTF may be re-obligated only for a project that falls within the statutory language of the earmark.

h. Costs repaid by the State under 23 U.S.C. 102(b) are not eligible for subsequent reimbursement. Also, the provisions of 23 CFR 1.9(b) are not available to reinstate repaid reimbursements. However, should the project at some time be resumed, States may initiate a new project agreement to conduct further preliminary engineering.

Costs would be eligible from the date the new project agreement is executed.

7. **What are the responsibilities of the Federal-aid divisions?** Federal-aid divisions should do the following:

   a. Work with the State to set up procedures to regularly identify those PE projects that are nearing or are beyond the 10-year limit;

   b. Ensure that State accounting systems can accurately identify and accumulate, by project, all applicable PE costs, whether generated by in-house services or via consultant contracts; and

   c. Consider this issue in the context of the division's overall risk assessment process.

8. **Where can I obtain additional guidance?** For additional guidance, contact FHWA's Office of Infrastructure Federal-aid Program Team (HIPA-10) or Office of the Chief Financial Officer, Office of Financial Management (HCFM-10).

Victor M. Mendez
Administrator