



Introduction to NEPA and FRA's Categorical Exclusions

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Agenda

- Learning objectives
- Overview of the National Environmental Policy Act (NEPA) process
- Review FRA Categorical Exclusion (CE) requirements
- Practical tips to navigate FRA's NEPA process
- Q&A

Learning Objectives

- Understand the role of the NEPA process in the development of transportation projects
- List types of NEPA documents and requirements of the NEPA process
- Identify FRA CE requirements

National Environment Policy Act (NEPA)

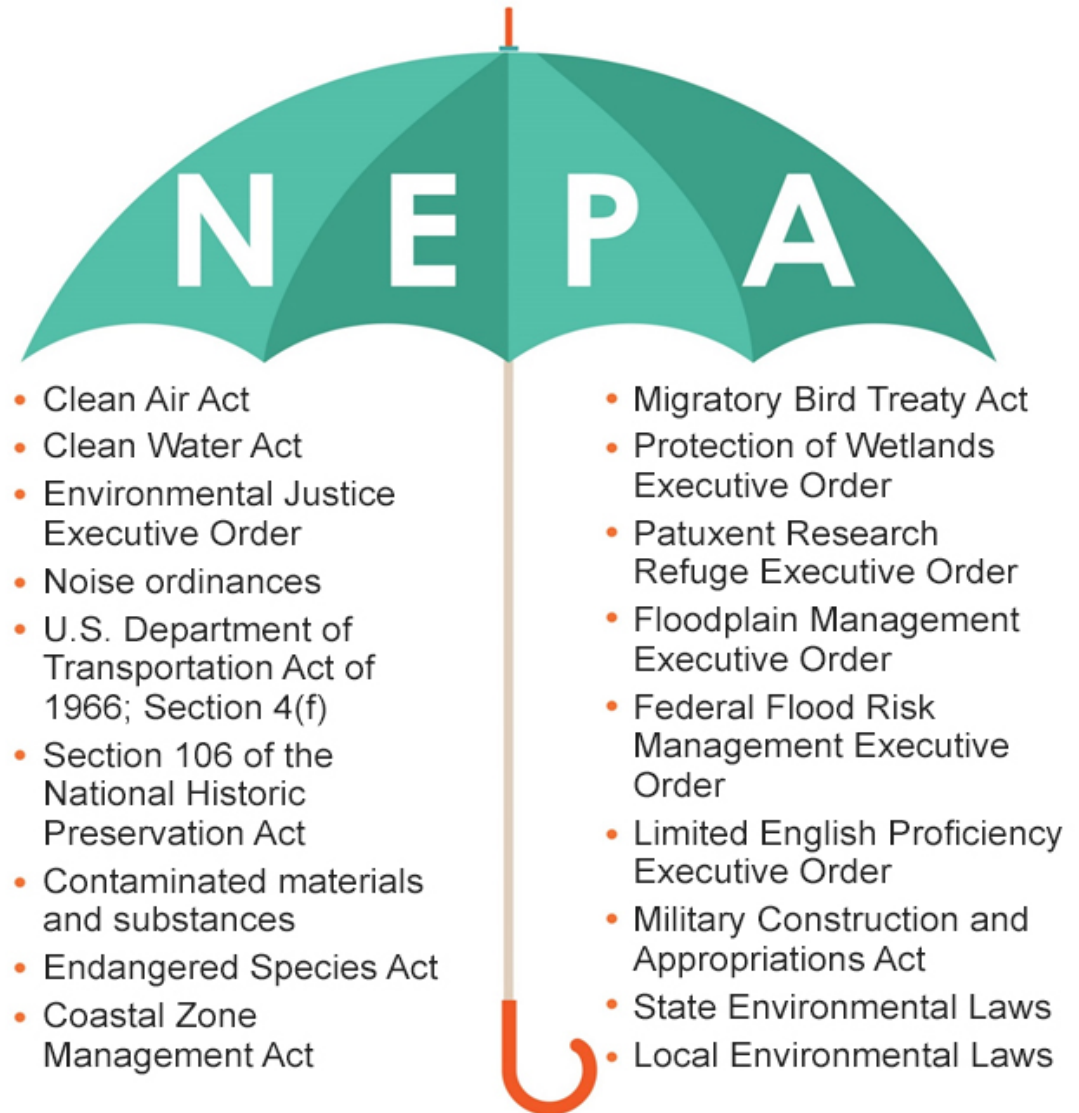
- Signed into Federal law in 1970
- Establishes a national environmental policy and provides a framework for environmental planning and decision-making by Federal agencies
- Procedural statute that directs Federal agencies, when planning projects or issuing permits, to conduct environmental reviews to consider the potential impacts on the environment by their proposed actions
- NEPA applies to all Federal agencies and their “actions”

What Does NEPA Apply To?

- The NEPA statute applies to a broad range of Federal government “actions,” including:
 - Providing Federal **funds** to public and private projects
 - Issuing Federal **permits/licenses/approvals**
 - Issuing Federal **regulations and policies**
 - Making Federal **land management decisions**
 - Other Federal undertakings that may result in the **potential for significant environmental impacts**

More Than Just NEPA?

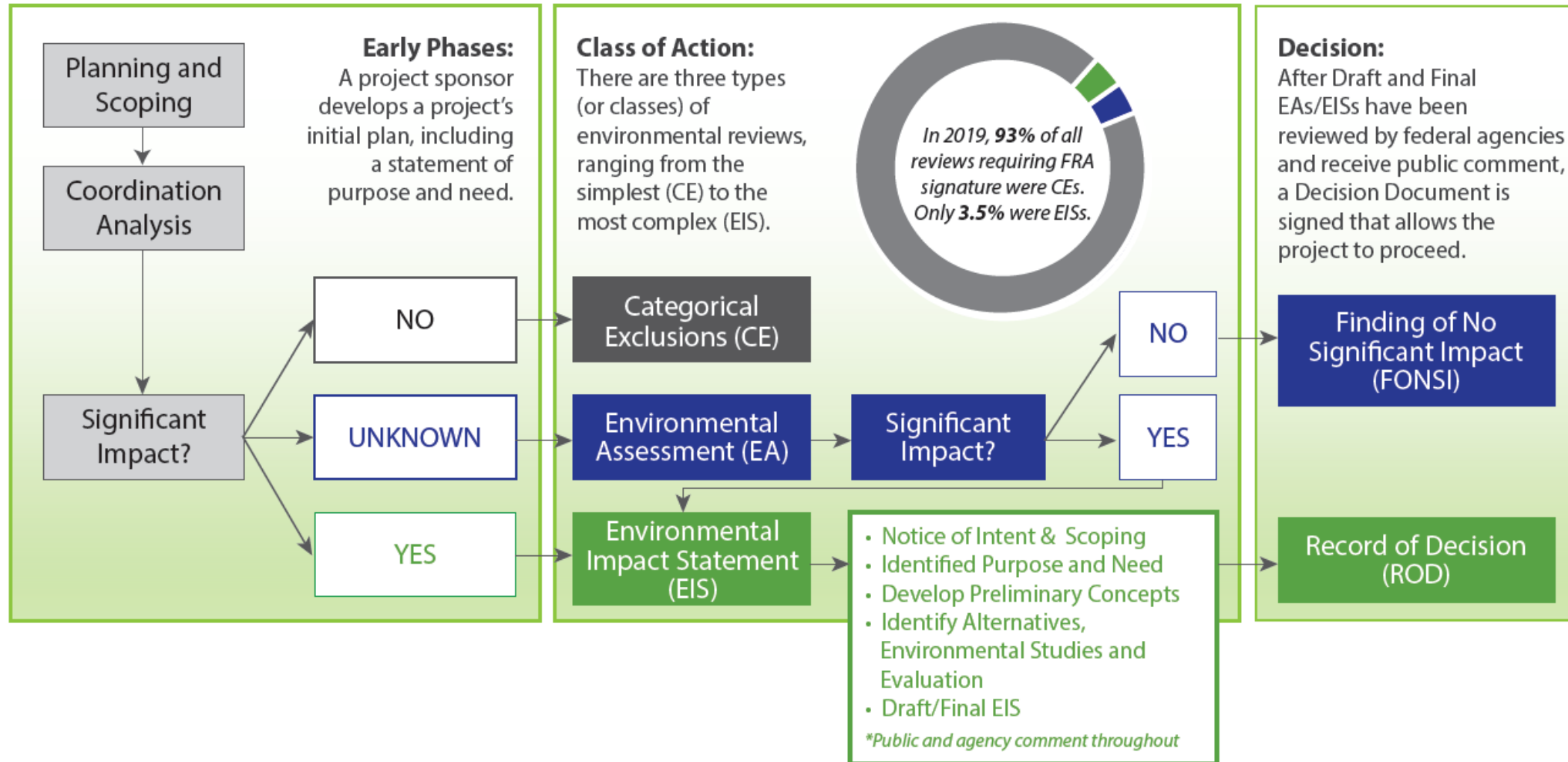
- Federal agencies typically use the NEPA process to consider and address dozens of additional statutes, regulations, executive orders, and requirements



Three Types of NEPA Classes of Action

1. Categorical Exclusion (CE)
 - Types of actions known to not have significant environmental impacts
2. Environmental Assessment / Finding of No Significant Impact (EA/FONSI)
 - Used to determine if an EIS is needed or to document that there are no significant impacts, leading to FRA issuing a FONSI
 - Public comment period
3. Environmental Impact Statement & Record of Decision (EIS/ROD)
 - Significant environmental impacts
 - Most extensive and in-depth environmental review
 - Public involvement throughout the process

NEPA Process



FRA Environmental Regulations and Procedures

- In 2018, FRA joined sister agencies, the Federal Transit Administration (FTA) and the Federal Highway Administration (FHWA), in their environmental procedures, creating consistency and more streamlined reviews between FRA, FHWA, and FTA
- FRA NEPA regulations can be found in 23 CFR 771
- FRA has identified 22 categories of actions/activities in 23 CFR 771.116 that have been determined to have no significant impacts and do not require an EA or EIS

The screenshot shows the Electronic Code of Federal Regulations (e-CFR) website. The left sidebar contains navigation links such as Home, gpo.gov, govinfo.gov, and a search bar. The main content area displays the path: Title 23 → Chapter I → Subchapter H → Part 771. Below this, it shows 'PART 771—ENVIRONMENTAL IMPACT AND RELATED PROCEDURES' and a list of contents. The item '\$771.116 FRA categorical exclusions.' is highlighted with a red rectangular box. Other items in the list include '\$771.101 Purpose.', '\$771.103 [Reserved]', '\$771.105 Policy.', '\$771.107 Definitions.', '\$771.109 Applicability and responsibilities.', '\$771.111 Early coordination, public involvement, and project development.', '\$771.113 Timing of Administration activities.', '\$771.115 Classes of actions.', '\$771.117 FHWA categorical exclusions.', and '\$771.118 FTA categorical exclusions.'

Key Things To Know for Project Development (Not Just for CEs)

- Project **purpose and need**
- Project **function** (i.e., grade separation, rail upgrades/track and tie, bridge updates)
- Project **location**
 - Is your project in a floodplain or historic district?
 - Is your project within a railroad right-of-way?

NEPA at FRA

Where should I begin if I have a proposed or funded project?

- Ask questions and coordinate with FRA environmental specialists
- Work with FRA—we are your Federal partner



NEPA at FRA

Is my proposed project a CE?

- Does your project fit within one of [22 categories of actions/activities](#) in 23 CFR 771.116?
- Are there any unusual circumstances that would kick your project out of consideration for a CE?
- FRA projects may also use categorical exclusions specific to sister agencies FTA and FHWA



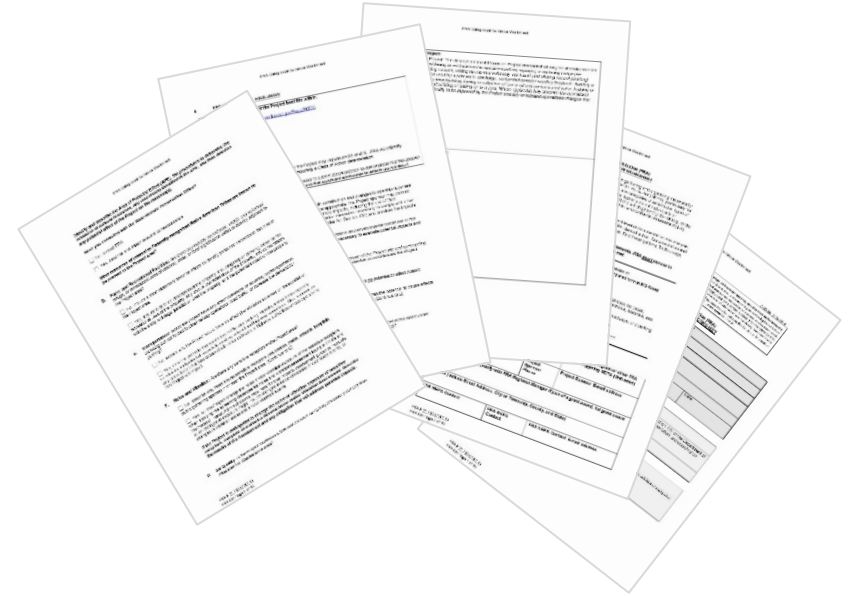
Examples of FRA CEs

- Planning
- Positive Train Control
- Track, tie, ballast replacement
- Minor rail line additions
- Property acquisition
- Bridge rehabilitation
- Emergency repairs
- Construction of small structures, e.g., a passenger platform



How to Prepare Documentation for FRA's Categorical Exclusion (CE)

- Get to know FRA's [CE Worksheet](#)
 - Project purpose and need
 - Brief project description
 - NEPA study area map showing the project footprint
 - Short summary of resources
 - Potential project impacts specific to your project area
 - Include commitments to project design and other measures to minimize or eliminate impacts, if known
 - Include attachments (or incorporate by reference, where possible) of any technical memoranda or reports supporting the document



CE Worksheet

FRA Categorical Exclusion Worksheet

Identify and describe the Area of Potential Effect (APE), the procedures to determine the existence of cultural resources, any resource(s) identified in the APE, and then describe any potential effect of the Project on the resource(s).

Have you consulted with the State Historic Preservation Office?

- ☐ No, contact FRA
- ☐ Yes, describe and attach relevant correspondence

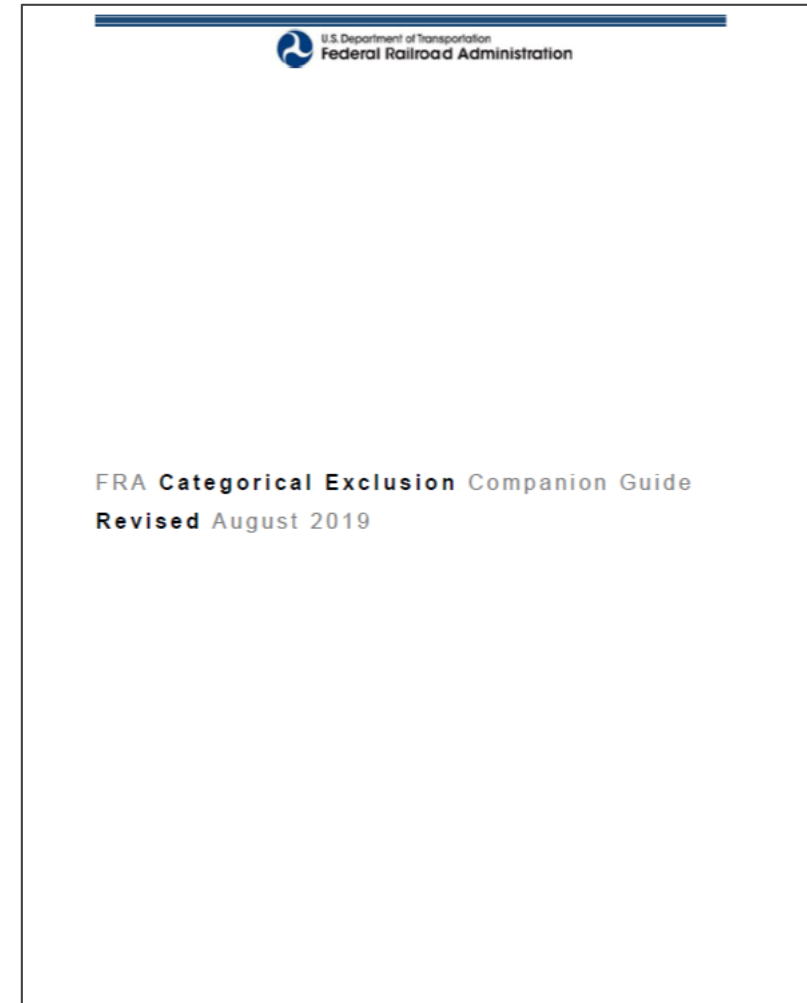
What resources of interest to Federally-recognized Native American Tribes are known to be present in the Project area?

D. Parks and Recreational Facilities: *Are there any publicly owned park, wildlife and waterfowl refuge, or recreational area of national, state, or local significance within or directly adjacent to the Project area?*

- ☐ No, include a short statement describe efforts to identify parks and recreational facilities in the Project area.
- ☐ Yes, include a detailed description of the property, including map or drawing, describe the recreational uses of the property, any unique characteristics of the property, any consultations with the entity with legal jurisdiction over the property, and the potential impact on the property.

Tips and Tricks

- Use [FRA's Categorical Exclusion Companion Guide](#) to help complete the FRA CE Worksheet for the resources present within your project area
- The environmental issues encountered for a CE should be **minimal** and should only be those resources that apply to the project under consideration
- Use **free online mapping tools** to identify environmental resources within your project footprint



Tips and Tricks

- Incorporate **past NEPA documentation** if you can, or supplement an existing NEPA document to reflect a new project
- Make NEPA documents readable, concise, and straightforward
- Understand documentation and consultation requirements
- Limit the length of NEPA documents—include only information that is essential to making a reasoned choice among alternatives

FRA will verify and approve NEPA once all documentation requirements are met

Your Toolbox

Where can I find more information?

- Useful links, also available on [FRA's public website](#):
 - [FRA's environmental regulations](#)
 - [FRA list of categorical exclusions \(CE\)](#)
 - [FRA Categorical Exclusion Companion Guide](#) (see also “Tips and Tricks”):
This document is a workbook that accompanies the [CE worksheet](#), and will help you consider resource areas during project development

Summary

- The NEPA process is integral to the development of transportation projects
- There are three main types of NEPA documents that FRA and project sponsors complete prior to project implementation
- CEs are the most common NEPA documents at FRA, with certain requirements for completion
- **Fully utilize the information on [FRA's website](#) and our tips to expedite your environmental review process!**

A dark blue background featuring silhouettes of approximately ten people sitting around a long table in a meeting room. The room has large windows in the background, and the overall atmosphere is professional and collaborative.

QUESTIONS?



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Connect with us **USDOTFRA**

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