



Environmental Guide

Volume 1 Process

This Volume 1 of TxDOT's Environmental Guide explains how to use TxDOT's Environmental Compliance Oversight System (ECOS) to environmentally approve transportation projects.



Table of Contents

Chapter 1. Introduction	7
1.1 What is the purpose of the Environmental Guide: Volume 1 Process?	7
1.2 What is ECOS?	7
1.3 References to “district environmental staff”	7
1.4 References to “core team”	7
1.5 References to “WPD I,” “WPD II,” “WPD III,” and “WPD IV”	8
1.6 Relationship of Environmental Guide to Previously Issued Guidance	8
1.7 Getting an ECOS ID	8
1.8 Assigning roles and responsibilities in ECOS to non-TxDOT employees	9
1.9 Creating a project in ECOS	11
1.10 Accessibility	12
1.11 District Environmental Staff Certification Process	12
1.12 The “project file”	13
Chapter 2. Determining Whether An Environmental Clearance Is Needed And, If So, The Anticipated Environmental Classification	14
2.1 Is an environmental clearance even required for my project?	14
2.2 Which parts of the project are subject to ENV’s environmental review process?	17
2.3 No document required	17
2.4 Categorical exclusion	18
2.4.1 Expedited (c)(22) CE	18
2.4.2 (c)(22) CE	18
2.4.3 (d)(13) CE	19
2.4.4 Open-ended (d)-list CE	20
2.4.5 Expedited emergency open-ended (d)-list CE	21
2.4.6 Unusual circumstances	21
2.4.7 Use of CEs when certain thresholds are exceeded	22
2.5 Environmental assessment	23
2.6 Environmental impact statement	23
Chapter 3. Overview of How To Create A Project Work Plan In ECOS	24
3.1 Description of The Project Work Plan Development Process For A CE, EA, or EIS Project	24
3.2 Approval/Disapproval of a Local Government as the Official Project Sponsor	25
3.3 How to Resolve Uncertainty About Answers To WPD I And WPD II Questions	26
3.4 How to Answer WPD I And WPD II Questions For A Project With Multiple CSJs	26
3.5 One CE Clearance Per Geographically Distinct Project	27
3.6 Using the Project Work Plan to Inform the Scope of Consultant Contracts	27
Chapter 4. How to Complete WPD Section I – Project Definition	29
4.1 Project Definition	29
4.2 Project Association(s)	34
4.2.1 Auto Associate CSJ from TxDOTCONNECT	35
4.2.2 Manually Associate CSJ	36
4.2.3 Associations Table	36
4.3 TxC Project Funding and Location	37
4.4 TxC & P6 Letting Dates	39



4.5	TxC Project Description	40
4.6	Jurisdiction	41
4.7	Environmental Clearance Project Description	46
4.7.1	Project Area	46
4.7.2	Project Description	48
4.8	Transportation Planning.....	51
4.9	Environmental Clearance Information	53
4.10	Project Contacts.....	55
Chapter 5.	How to Complete WPD Section II – Work Plan Development	57
5.1	Air Quality	58
5.1.1	Conformity	58
5.1.2	Hot Spot.....	58
5.1.3	Congestion Management Process	59
5.1.4	Mobile Source Air Toxics.....	60
5.1.5	CO Traffic Air Quality Analysis	61
5.2	Hazardous Materials	62
5.3	Noise	63
5.4	Community Impacts	64
5.5	Public Involvement.....	65
5.6	Water Resources	68
5.6.1	Surface Water	68
5.6.2	TCEQ Edwards Aquifer	69
5.6.3	EPA Edwards Aquifer	70
5.6.4	National Wild and Scenic River	72
5.6.5	International Boundary and Water Commission.....	73
5.6.6	Texas Coastal Management Program	73
5.7	Biological Resources	74
5.7.1	Marine Mammal.....	74
5.7.2	Essential Fish Habitat.....	74
5.7.3	Farmland	75
5.7.4	Coastal Barrier Resources	77
5.8	Cultural Resources	78
5.8.1	Historical Studies.....	78
5.8.2	Archeology.....	80
5.8.3	Cemeteries	82
5.9	Protected Lands.....	84
5.9.1	Section 4(f) (non-historic)	84
5.9.2	Section 6(f)	86
5.9.3	Chapter 26.....	87
Chapter 6.	How to complete WPD Section III – Project Work Plan, and Manage Change Control and Hold Processes	89
6.1	Submittal of the Project Work Plan to the Department Delegate	89
6.2	Acceptance of the Project Work Plan by the Department Delegate	89
6.3	“Project Start,” “Submit,” and “Acceptance” Date Fields	90
6.4	Work Plan Acceptance Log	91
6.5	Change Control Process.....	91



6.6	Putting a Project “On-Hold”	92
6.7	Taking a Project “Off-Hold”	93
Chapter 7.	Overview of WPD Section IV - Findings	95
7.1	Air Quality	95
7.1.1	Conformity	95
7.1.2	Hot Spot.....	95
7.1.3	Congestion Management Process	95
7.1.4	Mobile Source Air Toxics.....	95
7.1.5	CO Traffic Air Quality Analysis	95
7.1.6	Construction Emissions	96
7.2	Hazardous Materials	96
7.3	Noise	96
7.4	Community Impacts	96
7.5	Public Involvement.....	96
7.6	Water Resources	96
7.6.1	Surface Water	96
7.6.2	TCEQ Edwards Aquifer	96
7.6.3	EPA Edwards Aquifer	96
7.6.4	National Wild and Scenic River	97
7.6.5	International Boundary and Water Commission.....	97
7.6.6	Texas Coastal Management Program	97
7.7	Biological Resources	97
7.7.1	Marine Mammal.....	97
7.7.2	Essential Fish Habitat.....	97
7.7.3	Farmland	97
7.7.4	Coastal Barrier Resources	97
7.8	Cultural Resources	97
7.8.1	Historical Studies.....	97
7.8.2	Archeology.....	97
7.8.3	Cemeteries	98
7.9	Protected Lands.....	98
7.9.1	Section 4(f)	98
7.9.2	Section 6(f)	98
7.9.3	Chapter 26.....	98
Chapter 8.	How To Manage Activities, Reviews, and Coordinations	99
8.1	“Volume 2 Activity Instructions”	99
8.2	Auto-generation of Activities	99
8.3	Manual creation of Activities	99
8.4	Activity Components (“Activity” and “Assignment Details”)	100
8.4.1	“Activity” Component	100
8.4.2	“Assignment Details” Component	100
8.5	Assigning Activities	101
8.6	Reviews	102
8.7	Coordinations.....	103
8.8	Uploading documents to Activities, Reviews, and Coordinations.....	103

8.9	How to Handle Activities That Were Created and Are Still Open, But Need Not Be Completed.....	104
8.10	How to Handle Activities That Were Previously Created and Finalized, But Are Newly Generated (Again) When the Project Work Plan is Updated Due to New Project Information or a Change	105
8.11	How to Handle Activities That Were Previously Created and Remain Open at the Time the Project Work Plan is Updated Due to New Project Information or a Change	106
8.12	Creating Activities After Environmental Clearance	106
8.13	How to Correct a Mistake in a Finalized Activity	106
Chapter 9.	Estimated Times For Completing Activities, Reviews, And Coordinations	107
9.1	Air.....	107
9.2	Archeology	108
9.3	Biology	110
9.4	Community Impacts	110
9.5	Hazardous Materials	111
9.6	Historical Studies (all days refer to as business days, not calendar days).....	111
9.7	Noise	112
9.8	Project.....	112
9.9	Protected Lands.....	113
9.10	Public Involvement.....	115
9.11	Water	115
Chapter 10.	How to Use the Landing Page Console	117
10.1	“My Projects”	117
10.1.1	Filter #1 – WPD status of the project	119
10.1.2	Filter #2 – Environmental classification of the project.....	120
10.1.3	Filter #3 – User’s relationship to the project.....	120
10.1.4	Filter #4 – Environmental clearance status of the project	121
10.2	“My Activities”.....	122
10.2.1	Filter #1 – User’s relationship to Activity	123
10.2.2	Filter #2 – Due date	123
10.3	“Search”	125
10.4	“Reports”	127
Chapter 11.	How to Use the Project Console.....	128
11.1	“Project Summary”.....	128
11.1.1	Project Summary Section.....	129
11.1.2	Project Checkpoint Status	130
11.1.3	CE-specific checkpoints	131
11.1.4	EA-specific checkpoints	131
11.1.5	EIS-specific checkpoints	132
11.1.6	Project Activity	132
11.1.7	Clearance History	132
11.1.8	Project Association	132
11.2	“Activities”	133
11.2.1	Filter #1 – Activities	135
11.2.2	Filter #2 – Program Area	137
11.2.3	Filter #3 – Milestone	137



Environmental Guide: Volume 1 Process

11.3	“Coordination”	138
11.3.1	Filter #1 – Program Area	140
11.3.2	Filter #2 – Agency Name	141
11.4	“Documents”	141
11.4.1	Filter #1 – Program Area	142
Chapter 12.	How to Handle Deviations from Procedures and File Corrections	144
12.1	Deviations From Procedure	144
12.2	Post-Environmental Clearance File Corrections.....	144
Chapter 13.	How to Use the Expedited (c)(22) CE	145
Appendix A to Chapter 13	Criteria for Using Expedited (c)(22) Categorical Exclusion (CE) Process for Certain Low-Impact Project Types	148
Appendix B to Chapter 13	Basis For Expedited (c)(22) Categorical Exclusion (CE) Process for Certain Low-Impact Project Types	153
Chapter 14.	How to Use the Expedited Emergency Open-Ended (d) CE.....	155
Appendix A to Chapter 14	Criteria for Using Expedited Emergency Open-Ended (d)-List CE Process	159
Chapter 15.	How to Use the “No Document Required” Environmental Classification	161
Chapter 16.	How to Use the Expedited (c)(1), (c)(3), (c)(8), or (c)(18) Rail Safety CEs.....	164
Chapter 17.	How to Use the Expedited (c)(23) Recreational Trails CE	168
Chapter 18.	How To Determine When A Reevaluation Is Required	172
Chapter 19.	Changes in FHWA Funding Status.....	178
19.1	Scenario 1 - Before environmental clearance, the project changes from having no FHWA funding to having some FHWA funding	178
19.2	Scenario 2 - After environmental clearance, the project changes from having no FHWA funding to having some FHWA funding	179
19.3	Scenario 3 - Before environmental clearance, the project changes from having some FHWA funding to having no FHWA funding	180
19.4	Scenario 4 - After environmental clearance, the project changes from having some FHWA funding to having no FHWA funding	181
19.5	WARNING – Removal of FHWA Funds May Affect Some Analyses and Consultations	181
Appendix –	Revision History	182



Chapter 1. Introduction

Congratulations! You are about to embark on a journey using the most powerful environmental clearance operating system ever created by the Texas Department of Transportation!

1.1 What is the purpose of the Environmental Guide: Volume 1 Process?

Volume 1 of this Guide will be your trusted companion on your journey. In short, it explains how to use ECOS to environmentally clear transportation projects.

For example, Volume 1 of this Guide explains how to create projects in ECOS, how to develop the project work plan in ECOS, what different data fields in ECOS mean, what information needs to be entered into the data fields, the consequences of entering data into different fields, and many other fascinating topics.

Volume 1 of this Guide does not explain how to accomplish the many different types of Activities that may need to be performed for a given transportation project based on project-specific factors (i.e., the “project work plan”). Those instructions are contained in a separate volume, “Environmental Guide: Volume 2 Activity Instructions,” which contains instructions for each and every Activity that may be included in a given project work plan.

1.2 What is ECOS?

“ECOS” stands for “Environmental Compliance and Oversight System.” However, it would be more accurate to describe ECOS as an “Environmental Clearance Operating System,” as the primary functions of ECOS are:

- to develop a project work plan for performing the activities needed to environmentally clear a transportation project;
- to manage and keep track of the work flow for those activities; and
- to preserve a record of the completion and outcomes of those activities.

1.3 References to “district environmental staff”

Throughout this Guide, references to “district environmental staff” may be read as referring to a district employee, a TxDOT consultant, local government representative, or local government consultant, depending on who is working in ECOS, performing the Activity, or producing the relevant documentation.

1.4 References to “core team”

For each EA and EIS, a core team is established prior to the project work plan development process to review the draft EA or EIS on behalf of TxDOT. The core team consists of a district employee and an ENV project delivery employee. These roles cannot be delegated to consultants or any other non-TxDOT employee.

1.5 References to “WPD I,” “WPD II,” “WPD III,” and “WPD IV”

Throughout this Guide, “WPD I,” “WPD II,” “WPD III,” and “WPD IV” are used to refer to the “WPD Section I – Project Definition,” “WPD Section II – Tool,” “WPD Section III – Project Work Plan,” and “WPD Section IV – Findings” tabs of the “Work Plan Development” console.

1.6 Relationship of Environmental Guide to Previously Issued Guidance

ENV will be updating previously issued guidance as we move forward to reduce redundancy with this Guide, and remove any instructions that contradict this Guide. In the interim, the instructions in this Guide supersede any contradictory instructions in any previously issued ENV guidance.

1.7 Getting an ECOS ID

As explained below, the process for getting an ECOS ID is different for TxDOT employees and non-TxDOT employees.

TxDOT employees will need to do the following in order to gain access to TxECOS:

- The individual emails the TxECOS Administrators (TxECOS@txdot.gov) to request access to the application.
- A TxECOS Administrator will send a reply email which will include the TxECOS log-in url.
- The individual uses the TxECOS log-in url to navigate to the TxECOS log-in page, and logs-in using their TxDOT Novell login credentials.
- TxECOS will send the TxECOS Administrators a request to grant the individual access to the system.
- An TxECOS Administrator will create the account, assign the individual a role in the system, and notify the requester that access has been granted.

Non-TxDOT employees will need to do the following in order to gain access to TxECOS:

- The individual will need to take ENV211 training provided by ENV before being granted TxECOS access. External users can access the ENV training calendar at the following web address: <https://www.txdot.gov/inside-txdot/division/environmental/professionals.html>.
- After completing the ENV211 class, the individual emails the TxECOS Administrators (TxECOS@txdot.gov) to request access to the ECOS application. Include in the email the following items:
 - Documentation that the individual completed the ENV211 class (this can be an email from the instructor or an emailed completion confirmation from TxDOT Workforce Development)
 - Completed Form 1828a – Information Resources Security Compliance and Confidentiality Agreement
 - Completed Form 1980 – Request for External Access



- Completed ROB form – Rules of Behavior – General Users

The three forms above will be provided to the participants in ENV211 upon completion of the class.

- TxDOT Information Technology (IT) Security staff will contact the individual directly to assign TxDOT network login permissions (username & password).
- Once the individual has received login credentials from TxDOT IT Security, the individual emails the TxECOS Administrators (TxECOS@txdot.gov) again to explain that TxDOT IT Security has provided login credentials.
- A TxECOS Administrator will create the account, assign the individual a role in the system, and notify requester that access has been granted.

Note that getting access to ECOS is not the same as getting authorization to perform actions within ECOS, which is discussed below.

IMPORTANT: Once you have an ECOS ID, you must log-in to ECOS at least once every 30 days, or the system will lock you out. It is a good idea to set a recurring reminder on your Outlook or other calendar to log-in every 29 days or so to avoid this problem.

1.8 Assigning roles and responsibilities in ECOS to non-TxDOT employees

There are two levels of ECOS access that may be granted to a non-TxDOT employee for a given project, each of which is separately discussed below.

Limited access

Once a non-TxDOT employee has access to ECOS, in order for that non-TxDOT employee to view the ECOS consoles for a specific project, a TxDOT employee must assign the non-TxDOT employee at least one Activity for that project. This will allow the non-TxDOT employee to navigate through all of the consoles for that specific project. It will also allow the non-TxDOT employee to complete data fields within, upload documents to, assign Reviews and Coordinations off of, and finalize the specific Activity that was assigned to him or her (unless the Activity is permission-restricted because it supposed to be finalized by an ENV employee – see EG Vol 2 Activity Instructions). However, the non-TxDOT employee will not be able to create any new Activity. (If the TxDOT employee granting access to the non-TxDOT employee wants the non-TxDOT employee to be able to create and assign Activities, he or she may want to instead activate project management joint full mode access as described below.)

Also, keep in mind the following regarding limited access:

- ECOS cannot currently automatically send an email to a non-TxDOT email address (i.e., a “-X” user account), and so it will be necessary to manually email or otherwise alert the non-TxDOT employee that the Activity, Review, or Coordination has been assigned. ECOS will automatically send an email to a “-C” user account.
- When a non-TxDOT employee who has been granted limited access creates a Review or Coordination, as soon as the Review or Coordination has been created, the non-TxDOT

employee will be locked out of the Review or Coordination unless the non-TxDOT employee assigns the Review or Coordination to himself or herself in the process of creating it (which generally should not happen with Reviews, but may happen with Coordinations). This is because non-TxDOT employees who have been granted limited access can only finalize Activities, Reviews, and Coordinations that have been assigned to them.

- Once the specific Activity that was assigned to the non-TxDOT employee is finalized, the non-TxDOT employee will no longer have access to that project, and will not be able to view the different consoles for that project or otherwise interact with the project in ECOS (unless there are other Activities that have been assigned to the non-TxDOT employee that remain open).

Project Management Joint Full Mode (PMJFM)

District environmental staff may also allow a consultant or local government representative to manage most aspects of the environmental review process for a specific project within ECOS as the project sponsor (e.g., fill-out WPD I and WPD II, create and assign Activities, etc.). This is referred to as “Project Management Joint Full Mode” (PMJFM).

To activate Project Management Joint Full Mode on a project, district environmental staff assigns the “Obtain WPD-Activity Creation Access for Consultant-Local Government (PMJFM)” Activity to the consultant or local government representative (again, when assigning an Activity, Review, or Coordination to a non-TxDOT employee with a “-X” user account, it will be necessary to manually email or otherwise alert the non-TxDOT employee that the Activity has been assigned). This will allow the consultant or local government representative to perform most actions in ECOS for that project that the district environmental staff would normally perform (e.g., complete the WPD I and II screens, submit the project work plan to the department delegate, and create and assign Activities). However, consultants or local government representatives will not be permitted to perform actions that are the responsibility of the department delegate. Consultants or local government representatives with PMJFM access cannot do any of the following project-specific actions:

- create a project,
- accept a project work plan,
- environmentally clear a project (finalize “Perform CE Determination,” “Perform Final EA Preparation,” or “Perform Final EIS/Record of Decision (ROD) Preparation,” or use any of the expedited CE processes),
- LOA-clear a project (i.e., finalize “Obtain Letter of Authority (LOA) Clearance” Activity),
- revoke an environmental clearance (i.e., finalize “Revoke Environmental Clearance” Activity),
- create, finalize, delete, or save the “Obtain WPD-Activity Creation Access for Consultant-Local Government (PMJFM)” Activity,
- view TxDOTCONNECT, or
- finalize any Activity that is permission-restricted to specific ENV roles.

Note that a non-TxDOT employee who has been assigned the “Obtain WPD-Activity Creation Access for Consultant-Local Government (PMJFM)” Activity cannot create a new “Obtain WPD-Activity Creation



Access for Consultant-Local Government (PMJFM)” Activity, but can re-assign the existing “Obtain WPD-Activity Creation Access for Consultant-Local Government (PMJFM)” Activity to other users with ECOS access (e.g., other employees of the same consulting firm).

Additionally, consultants or local government representatives with PMJFM access cannot do any of the following non-project-specific actions:

- use the “search” function on the Landing Page console, or
- use the “reports” function on the Landing Page console.

Non-employees’ access to the project in ECOS will automatically terminate when the “Obtain WPD-Activity Creation Access for Consultant-Local Government (PMJFM)” Activity is finalized.

Note that if the WPD I question, “Who is the project sponsor as defined by 43 TAC 2.7?,” is or will be answered, “Local government,” then district environmental staff must activate Project Management Joint Full Mode by creating and assigning the “Obtain WPD-Activity Creation Access for Consultant-Local Government (PMJFM)” Activity to the local government’s consultant or representative. This is because, if a local government intends to be the project sponsor as defined by 43 TAC 2.7, then the local government accepts responsibility for preparing and submitting the “project scope,” which is done electronically in ECOS by completing WPD I and WPD II and submitting WPD III to the department delegate for review and approval. Because projects can only be created in ECOS by a TxDOT employee, a district employee will have to first create the project in ECOS as explained below, and then assign the “Obtain WPD-Activity Creation Access for Consultant-Local Government (PMJFM)” Activity to the local government’s consultant or representative in order to allow him or her to complete the rest of WPD I and WPD II and submit WPD III to the department delegate for review and approval.

1.9 Creating a project in ECOS

1. If the project has not yet been created in ECOS, district environmental staff creates the project in ECOS as follows:
 - Navigate to the “Projects” console.
 - Click on “New Project.”
 - If the project already exists in TxDOTCONNECT, answer “Yes” to “Are you creating a project with a CSJ from TxC?” and enter the CSJ for the project and click “Search.” If not, answer “No.”
2. After the WPD I – Project Definition screen opens, click the save icon in the upper left-hand corner. A pop-up message listing the fields that need to be completed will appear. Click “Ok.”
3. The following fields on the WPD I – Project Definition screen must be filled-in (some may already be auto-filled from TxDOTCONNECT):
 - Project Definition:
 - “Project Name”



- “Anticipated Environmental Classification” (including “Type” and “Criterion”)
 - TxC Project Funding and Location:
 - “Highway”
 - “District”
 - “County”
 - “Project Limit – From”
 - “Project Limit – To”
 - Jurisdiction:
 - “Who is the lead agency responsible for the approval of the entire project?”
 - “Who is the project sponsor as defined by 43 TAC 2.7?”
4. After each of the fields listed above have been filled-in, click the save icon in the upper left-hand corner. ECOS will send the “Anticipated Environmental Classification” from ECOS to populate the “Environmental Clearance Type” field in TxDOTCONNECT when WPD I is saved.

1.10 Accessibility

Prior to uploading to ECOS any Word, Excel, or pdf document that is anticipated to be shared publicly or provided to another agency for coordination purposes, district environmental staff must run the accessibility checker that is built-in to Word, Excel, or Adobe Acrobat and, to the maximum extent practicable, address any accessibility issues identified.

1.11 District Environmental Staff Certification Process

State law requires TxDOT to have a certification process for district environmental staff, including a requirement of continuing education for recertification. See Transportation Code 222.006 and 43 TAC 2.11.

To achieve certification, newly hired district environmental staff must take ENV207 – New District Environmental Staff Orientation within one year after being hired as district environmental staff. If authorized by their supervisor, new district environmental staff may work in ECOS, including processing expedited and non-expedited CEs, prior to taking ENV 207.

To maintain certification, every employee that is employed as district environmental staff on January 1 of a given calendar year must maintain TAC certification by completing 8 hours of continuing education during that calendar year. This requirement may be met by attending ENV NEPA chats, attending the TxDOT Environmental Conference, or taking any ENV-approved training or training offered by the TPP or ROW Divisions.

District environmental staff should keep their own records of when they’ve taken training to achieve and maintain certification.

1.12 The “project file”

The instructions in Environmental Guide Volumes 1 and 2 are designed to capture all of the key environmental documentation in ECOS. In other words, if district environmental staff properly sets up the project in ECOS per the instructions in Volume 1, and carefully follows the instructions for individual Activities in Volume 2, then the end result will be that the ECOS file will contain all key environmental documentation that ENV believes is necessary to document compliance with applicable environmental laws.

However, it is possible, especially for larger projects, for there to be emails, meeting summaries, and other documents generated in the course of the environmental review that are not called-for by the instructions for specific Activities in Volume 2, but that may still be important to keep. For example, when there is a legal challenge of a project on environmental grounds, the TxDOT attorneys will assemble an “administrative record” for submittal to the court. Most of the documents needed to assemble the administrative record will be found in ECOS. But sometimes the attorneys identify other emails, meeting summaries, or other documents that they believe should be included in the administrative record even though they are not uploaded to ECOS.

For this reason, it is important that district environmental staff or a local government project sponsor keep a copy of all substantive emails, meeting summaries, and other documents in a “project file” that is separate from the ECOS file. For larger projects, it may be appropriate for the main environmental consultant to be responsible for keeping the project file. The project file can be indexed or organized with a labeled folder/subfolder hierarchy, but ENV does not prescribe how the project file should be organized.



Chapter 2. Determining Whether An Environmental Clearance Is Needed And, If So, The Anticipated Environmental Classification

Before creating a project work plan for a project as explained in Chapter 3 below, district environmental staff will need to determine the project's anticipated environmental classification. This is the classification that will be used to fill-in the "Anticipated Environmental Classification" on WPD I at the outset of the project work plan development process described in Chapter 3. Each of the possible anticipated environmental classifications are discussed below. But first, consider whether an environmental clearance is required for the project in the first place, as some projects do not require an environmental clearance.

2.1 *Is an environmental clearance even required for my project?*

A TxDOT environmental clearance (i.e., CE determination, EA/FONSI, or EIS/ROD in ECOS), and compliance with TxDOT's environmental review process, is required for only the following two categories of projects (see 43 TAC 2.3):

- an FHWA transportation project, or
- any portion of a state transportation project that will take place on the state highway system or other real property owned by the department.

"Transportation project" is defined as "[a] project to construct, maintain or improve a highway, rest area, toll facility, aviation facility, public transportation facility, rail facility, ferry, or ferry landing." 43 TAC 2.5. A "state" transportation project means a transportation project that is not subject to NEPA.

Transportation projects that are subject to NEPA review by a federal agency other than FHWA (e.g., FTA or FRA) do not require a TxDOT environmental clearance or compliance with TxDOT's environmental review process, as they are subject to the respective federal agency's NEPA process.

The following chart indicates common non-FHWA project types that do not require a TxDOT environmental clearance and are not subject to TxDOT's environmental review process. Do not create any of the project types listed below in ECOS unless Letting Management requires an "Environmental Clearance Date" to be recorded in TxDOTCONNECT (for example, because the project is going to be let by TxDOT), in which case see Section 2.3 and Chapter 15 below regarding the "No document required" classification.

Common non-FHWA project types that do not require a TxDOT environmental clearance and are not subject to TxDOT's environmental review process

	Project type	Notes
1	Local government or private entity projects that do not take place on the state highway system or other property owned by TxDOT but will be funded by	No documentation is uploaded to ECOS.

	TxDOT with state funds, with no FHWA funding or approval.	The local government or private entity is responsible for their own documentation of compliance with all applicable environmental laws (Clean Water Act, Endangered Species Act, etc.).
2	TxDOT actions that are not transportation projects (e.g., new TxDOT office building), with no FHWA funding or approval	No documentation is uploaded to ECOS. District keeps any documentation related to compliance with other environmental laws at the district level, as appropriate.
3	TxDOT maintenance programs and projects covered by the April 2011 TxDOT Maintenance Environmental Assessment, with no FHWA funding or approval	No documentation is uploaded to ECOS. District keeps any documentation related to compliance with other environmental laws at the district level, as appropriate.
4	Projects in state parks that are on a road that is not listed on the state highway system, but is owned and operated by the Texas Parks and Wildlife Department, with no FHWA funding or approval (i.e., "Parks and Wildlife Road" projects)	No documentation is uploaded to ECOS. District keeps the environmental clearance certification provided by TPWD under the TxDOT-TPWD Interagency Cooperation Contract at the district level. (Note that if a Park Road is on the state highway system, then the project needs a regular TxDOT environmental review and clearance in ECOS.)

5	Governor's Community Achievement Awards that are transportation projects and that will not take place on the state highway system or other TxDOT-owned property, with no FHWA funding or approval	No documentation is uploaded to ECOS.
6	Governor's Community Achievement Awards that are not transportation projects, with no FHWA funding or approval	No documentation is uploaded to ECOS.
7	FTA projects, with no FHWA funding or approval	<p>No documentation is uploaded to ECOS.</p> <p>These projects are subject to FTA's NEPA process.</p> <p>Environmental documentation is kept by TxDOT's Public Transportation Division.</p>
8	Issuance of driveway permit and construction of a driveway (not associated with a transportation project), with no FHWA funding or approval	No documentation is uploaded to ECOS.
9	100% privately funded access improvement projects (i.e., turn lane, acceleration or deceleration lane, traffic signal, or other project the sole purpose of which is to facilitate access to or from a privately owned driveway or privately owned roadway, such as a shopping or apartment complex), with no FHWA funding or approval	<p>No documentation is uploaded to ECOS.</p> <p>These are not considered "transportation projects."</p> <p>The district may, at its discretion, keep any documentation related to compliance with other environmental laws at the district level, as appropriate.</p>

2.2 Which parts of the project are subject to ENV's environmental review process?

For FHWA projects, ENV's environmental review process applies to the entire project, regardless of whether it will take place on state highway right-of-way or city/county right-of-way. However, when it comes to a state transportation project, ENV's environmental review process only applies to "any portion" of the project that will take place on the state highway system or other property owned by TxDOT. For example, if a city or county is constructing a project with state funds (but no federal funding), and the project will take place partially on state highway right-of-way and partially on a city or county road, ENV's environmental review process only applies to the part of the project that will take place on state highway right-of-way. Of course, the city or county will still have to comply with all other environmental laws on the rest of the project taking place on the city or county road.

Also, the following activities are not considered part of the project for purposes of ENV's environmental review process (see 43 TAC 2.3(c)):

- Project-specific locations - A contractor activity that is not directed or directly controlled by the department and that is in an area outside of the right-of-way, including a staging area, disposal site, equipment storage site, or borrow site selected by a contractor, is not part of a transportation project. These are sometimes called "project-specific locations" or "PSLs." PSLs are considered part of a transportation only if they are within the right-of-way, or if TxDOT specifically directs the contractor to use a specific site as a PSL (this is unusual). Of course, contractors must still comply with all environmental laws when siting and operating all PSLs.
- Relocation of utilities or other displaced establishments - The relocation of an individual, family, business, farm operation, nonprofit organization, or utility to a location outside of the right-of-way is not part of a transportation project. So, for example, when a project displaces a residence or utility line, the displacement is obviously part of the project. But TxDOT does not direct where the owner establishes a new residence or utility easement (unless the utility will relocate within the right-of-way), and the re-establishment of the residence or utility line to a new location outside the right-of-way is not part of the project for purposes of environmental review of the project's impacts. See **ENV's FAQ – Environmental Review and Utility Relocation** for some additional information regarding utilities.

2.3 No document required

As described in Chapter 15 below, certain types of non-FHWA-funded projects do not require a TxDOT CE, EA, or EIS, but TxDOT's Letting Management, nevertheless, requires an "Environmental Clearance Date" to be recorded in TxDOTCONNECT. If the project is one of these types, then district environmental staff may proceed using the "no document required" expedited process described in Chapter 15.

Note that, for a project that does not require a TxDOT environmental review as explained above in Section 2.1, ENV does not dictate whether the district environmental staff must nevertheless record an "Environmental Clearance Date" using the "no document required" process. It is just an option available to the district if it believes having an "Environmental Clearance Date" will be helpful for letting.

2.4 Categorical exclusion

FHWA's rules, at 23 CFR 771.117(c) and (d), contain a list of categorical exclusions (CEs) that do not require the preparation of an environmental assessment or environmental impact statement under NEPA. Although there are number of different categorical exclusions available, nearly all projects cleared by TxDOT districts can be cleared with one of five different CEs (the last one is very unusual):

- Expedited (c)(22) CE
- (c)(22) CE
- (d)(13) CE
- Open-ended (d)-list CE
- Expedited emergency open-ended (d)-list CE (this one is very unusual)

In very unusual circumstances, it may be appropriate to use one of the other CEs listed at 23 CFR 771.111 (c) or (d), as in the case of a research project or other federally funded activity that does not involve or lead directly to construction and therefore should be cleared with (c)(1), for example. However, none of the CEs listed at 23 CFR 771.117(c) or (d) except for (c)(22) and (d)(13) are available to be directly selected by district environmental staff for the "Anticipated Environmental Classification" field in ECOS. If district environmental staff believes that it is necessary to select (c)(1) or one of the CEs listed at 23 CFR 771.117(c) or (d) other than (c)(22) or (d)(13), district environmental staff should contact ENV Project Delivery staff to discuss. If ENV Project Delivery staff agrees that one of the CEs listed at 23 CFR 771.117(c) or (d) other than (c)(22) or (d)(13) should be used, they have the ability to select the CE for the "Anticipated Environmental Classification" on behalf of the district environmental staff.

Each of the five primary CEs used by TxDOT are discussed briefly below.

2.4.1 Expedited (c)(22) CE

The expedited (c)(22) CE process is available for certain low-impact project types within operational right-of-way. This CE is explained further in Chapter 13 below.

2.4.2 (c)(22) CE

This CE can be used for added capacity and other types of projects that will take place entirely within the existing operational right-of-way.

(c)(22) – "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 means all real property interests acquired for the construction, operation, or mitigation of a project. This area includes the features associated with the physical footprint of the project including but not limited to the roadway, bridges, interchanges, culverts, drainage, clear zone, traffic control signage, landscaping, and any rest areas with direct access to a controlled access highway. This also includes fixed guideways, mitigation areas, areas maintained or used for safety and security of a transportation

facility, parking facilities with direct access to an existing transportation facility, transportation power substations, transportation venting structures, and transportation maintenance facilities.”

Note that in a previous version of FHWA’s rules, “operational right-of-way” was limited to areas that are currently maintained (e.g., mowed). However, the current rule, copied above, does not contain that limitation. Therefore, “operational right-of-way” means the entire right-of-way owned by TxDOT or the local government.

If any new fee simple or permanent easements are required for the project, then (c)(22) cannot be used. Temporary construction easements do not disqualify a project from using (c)(22).

2.4.3 (d)(13) CE

This CE can be used for any of the following three categories of projects unless the project involves added capacity, in which case (d)13 cannot be used.

- “Modernization of a highway by resurfacing, restoration, rehabilitation, reconstruction, adding shoulders, or adding auxiliary lanes (including parking, weaving, turning, and climbing lanes).”

“Modernization of a highway by ... reconstruction” includes any type of improvement that is intended to bring a roadway up to current design standards.

- “Highway safety or traffic operations improvement projects, including the installation of ramp metering control devices and lighting.”

This includes any safety-related or traffic operations projects.

- “Bridge rehabilitation, reconstruction, or replacement or the construction of grade separation to replace existing at-grade railroad crossings.”

Examples of project types that may be cleared with a (d)(13) CE include the following (but remember, no added capacity):

- adding shoulders
- straightening curves
- adding pedestrian or bicycle facilities
- ramp additions, removals, reversals, and relocations
- installing ADA ramps and crosswalks
- intersection improvements
- adding a divided median
- new grade separation (including constructing an overpass or underpass)

- installing ITS equipment
- installing illumination/lighting
- installing traffic signal
- installing raised median
- railroad crossing improvements
- adding turn lanes
- adding or improving an existing safety rest area or truck weigh station
- adding passing lanes

Although the rule says that (d)(13) is for (c)(26), (c)(27), and (c)(28) that “do not meet” the so-called “(e)-constraints,” it can actually be used for any project that meets the requirements of (c)(26), (c)(27), and (c)(28) without any need to consider whether the e-constraints are met or not. In FHWA’s rules, the (c)-list and (d)-list CEs are distinguished by the fact that (c)-list CEs normally do not require approval by FHWA, whereas the (d)-list CEs required documentation and approval by FHWA. However, under NEPA assignment, TxDOT prepares documentation for both (c)-list and (d)-list CEs, and they are both approved at the district level, and so there is no reason not to use (d)13 instead of (c)(26), (c)(27), or (c)(28).

2.4.4 Open-ended (d)-list CE

If the project cannot use expedited (c)(22), (c)(22), or (d)(13) (for example because it involves added capacity) but based on TxDOT’s experience is a type of project that normally does not have a significant effect on the environment and does not warrant preparation of an environmental assessment or an environmental impact statement, and is expected to meet the additional conditions listed at 23 CFR 771.117(a) and (b) (or for a state project, the additional conditions listed at 43 TAC 2.81(c)), then district environmental staff may proceed with open-ended (d)-list CE as the anticipated environmental classification.

If the project is expected to require 30 acres or less of new right-of-way and ten or fewer total displacements, then ENV approval is not required and there is no need to use **ENV’s Open-Ended (d) Categorical Exclusion Classification Request Form**. Instead, insert a statement in the “Comments” field for the “Obtain Project Classification Approval” Activity that the project is expected to require 30 acres or less of total new right-of-way AND ten or less total displacements (residential and commercial), and finalize the “Obtain Project Classification Approval” Activity.

If the project is expected to require more than 30 acres of total new right-of-way or more than ten total displacements (residential and commercial), then ENV approval will be required using **ENV’s Open-Ended (d) Categorical Exclusion Classification Request Form**, as explained in the Activity Instructions for the “Obtain Project Classification Approval” Activity. Prior to submitting the project work plan (WPD III) to the department delegate for review and acceptance, district environmental staff must complete **ENV’s Open-Ended (d) Categorical Exclusion Classification Request Form** and email it to ENV Project Delivery staff. By submitting the project work plan after the Form has been approved via



email, district environmental staff will know whether ENV approves of the open-ended (d)-list CE classification, which will avoid district environmental staff having to re-do the project work plan process with a different selection for the “Anticipated Environmental Classification” field on WPD I.

If at any time during the environmental review it becomes apparent that the project is not expected to meet the requirements of 23 CFR 771.117(a) and (b) (or, for a state project, 43 TAC 2.81), or that there is a potential for significant environmental impacts, district environmental staff will not proceed with a CE determination, and will instead prepare an environmental assessment or environmental impact statement, as appropriate.

2.4.5 Expedited emergency open-ended (d)-list CE

The expedited emergency open-ended (d)-list CE process is available for certain emergency project types. This CE is explained further in Chapter 14.

2.4.6 Unusual circumstances

Regardless of which CE is used, district environmental staff must be able to confirm that the project meets the following requirements from FHWA’s rules at 23 CFR 771.117(a):

- Does not induce significant impacts to planned growth or land use for the area
- Does not require the relocation of significant numbers of people
- Does not have a significant impact on any natural, cultural, recreational, historic or other resource
- Does not involve significant air, noise, or water quality impacts
- Does not have significant impacts on travel patterns
- Does not otherwise, either individually or cumulatively, have any significant environmental impacts

District environmental staff must also be able to confirm that the project does not involve any “unusual circumstances” that could disqualify the project from being a CE (see 23 CFR 771.117(b)), such as

- Significant environmental impacts;
- Substantial controversy on environmental grounds;
- Significant impact on properties protected by Section 4(f) requirements or Section 106 of the National Historic Preservation Act; or
- Inconsistencies with any Federal, State, or local law, requirement or administrative determination relating to the environmental aspects of the action.

District environmental staff will be required to certify to the above as part of the “Perform CE Determination” Activity in ECOS.

2.4.7 Use of CEs when certain thresholds are exceeded

Projects triggering requirements under other environmental laws may still usually be processed as CEs if they otherwise qualify. The below questions and answers address some common questions that may arise when a project triggers requirements under other environmental laws.

Q: Does use of a Section 4(f) resource automatically disqualify a project from being cleared with a CE?

A: No, a project that involves a use of a Section 4(f) resource can still be cleared with a CE if it meets the requirements of the CE (see FHWA's Section 4(f) Tutorial – Individual Evaluations, noting that projects requiring an individual Section 4(f) determination may still be a CE). However, the CEs at 23 CFR 771.117(c)(26), (c)(27), and (c)(28) cannot be used if the use of the Section 4(f) resource is more than *de minimis* (in which case a (d)(13) could be used).

Q: Does a finding of adverse effect to an historic property under Section 106 automatically disqualify a project from being cleared with a CE?

A: No, a project that involves an adverse effect to an historic property under Section 106 can still be cleared with a CE if it meets the requirements of the CE. However, the CEs at Section 771.117(c)(26), (c)(27), and (c)(28) cannot be used if the project will have an adverse effect to an historic property (in which case a (d)(13) could be used).

Q: Does the need to consult with U.S. Fish and Wildlife Service (USFWS) under Section 7 of the Endangered Species Act automatically disqualify a project from obtaining clearance with a CE?

A: No, the mere fact that the project requires Section 7 consultation with the USFWS does not automatically disqualify the project from obtaining clearance with a CE. However, if the consultation results in a determination of "jeopardy" or adverse modification of critical habitat, then a CE cannot be used to clear the project. Additionally, if the consultation results in a determination of "may affect, likely to adversely affect," then the specific CEs at Section 771.117(c)(26), (c)(27), and (c)(28) cannot be used (in which case a (d)(13) could be used).

Q: Does the need to obtain a permit under Section 10 of the Endangered Species Act automatically disqualify a project from being cleared with a CE?

A: No, a project that requires a Section 10 permit can still be cleared with a CE if it meets the requirements of a CE (note that this situation would only arise in the context of a state-only project).

Q: Does the need for an individual standard permit under Section 404 of the Clean Water Act automatically disqualify a project from obtaining clearance with a CE?

A: No, a project that requires a standard permit under Section 404 can still be cleared with a CE if it meets the requirements of the CE. However, the CEs at Section 771.117(c)(26), (c)(27), and (c)(28) cannot be used if the project will require an individual standard permit under Section 404 (in which case a (d)(13) could be used).

Q: Does a determination that a project will have a “significant encroachment” on a floodplain under 23 CFR Part 650 automatically disqualify a project from obtaining clearance with a CE?

A: No, a project that will involve a “significant encroachment” on a floodplain can still be cleared with a CE if it meets the requirements of the CE (see 23 CFR 650.113(a), referring to making the only practicable alternative finding for a significant encroachment in the FEIS or FONSI, signifying that a “significant encroachment” does not necessarily equate to a “significant impact” in the NEPA sense that would require an EIS).

However, the CEs at Section 771.117(c)(26), (c)(27), and (c)(28) cannot be used if the project will involve *any* floodplain encroachment other than functionally dependent uses (e.g., bridges, wetlands) or actions that facilitate open space use (e.g., recreational trails, bicycle and pedestrian paths) (in which case a (d)(13) could be used).

2.5 Environmental assessment

If the project cannot be classified as any of the types of CEs discussed above, and it is not known whether project will have significant environmental impacts, then an environmental assessment is required.

If the project is an FHWA project and would construct a new controlled access freeway or a highway project of four or more lanes on a new location, then, according to FHWA’s rules at 23 CFR 771.115(a), an EIS is normally required. However, if district environmental staff does not anticipate that the project will cause significant environmental impacts, and district environmental staff intends to instead prepare an EA, then they may request ENV’s approval to prepare an EA using **ENV’s Template for EIS to EA Classification Approval**. As explained below in Chapter 4, ECOS will automatically generate the “Obtain Project Classification” Activity if the project is an FHWA EA that would construct a new controlled access freeway or a highway project of four or more lanes on a new location. (Note that in some unusual situations, a new controlled access freeway or a highway project of four or more lanes on a new location may qualify as an open-ended (d) CE instead of an EA. If the district intends to use an open-ended (d) CE for one of these projects, then district staff proceeds using the normal open-ended (d) CE process where pre-approval by ENV is required only if the right-of-way or displacement threshold is exceeded.)

If the project will be downgraded from an EIS to an EA as described above, then it is recommended that, prior to submitting the project work plan (WPD III) to the department delegate for review and acceptance, district environmental staff complete **ENV’s Template for EIS to EA Classification Approval** and email it to ENV Project Delivery staff. This way, district environmental staff will know whether ENV approves of the downgrade to an EA before the project work plan is submitted for approval, which will hopefully avoid district environmental staff having to re-do the project work plan process with a different selection for the “Anticipated Environmental Classification” field on WPD I.

2.6 Environmental impact statement

If the project cannot be classified as any of the types of CEs discussed above, and is anticipated to have significant environmental impacts, then district environmental staff must proceed using EIS as the anticipated environmental classification.

Chapter 3. Overview of How To Create A Project Work Plan In ECOS

As required by Texas Transportation Code 201.754 and 43 TAC 2.44, creation of a project work plan in ECOS as described below, including submittal and acceptance of WPD III, must occur at the outset of the environmental process. Creation of a project work plan in ECOS as described below, including submittal and acceptance of WPD III, must occur before district environmental staff begins work on any of the Activities that will be needed to environmentally clear the project (i.e., before district environmental staff begins following the steps for completing specific Activities as described in Environmental Guide Volume 2). This is because acceptance of the project work plan represents the department delegate's agreement on the initial project classification and initial list of Activities that will need to be completed (i.e., the "project scope"). For an EIS project, the notice of intent must not be issued until the project work plan has been submitted to, and accepted by, the department delegate.

3.1 Description of The Project Work Plan Development Process For A CE, EA, or EIS Project

After a project has been created in ECOS, the next step is for the district environmental staff to complete the fields on WPD I and WPD II. Ideally, district environmental staff will complete all of WPD I and finalize it before moving on to WPD II, but it is possible to leave one or more fields on WPD I unanswered, save WPD I, and then answer some or all of the questions on WPD II and save WPD II. District environmental staff may do this, for example, if he or she is waiting for some information needed to complete one or more of the fields on WPD I. However, WPD II cannot be finalized until WPD I has been finalized, and both WPD I and II must be finalized before moving on to WPD III.

As explained later in this Guide, the selections on WPD I may automatically answer some of the questions on WPD II when WPD I is saved. If district environmental staff had already manually answered a WPD II question when he or she selects a new response on WPD I and saves WPD I, then the manually selected answer on the WPD II question may be automatically overwritten because of the new selection on WPD I. Further, if district environmental staff then goes back and undoes the new response on WPD I and saves WPD I, the manually selected answer on the WPD II question will be automatically revived, and so district environmental staff may need to verify that the revived manually entered WPD II answer remains accurate.

After both WPD I and II have been finalized, ECOS automatically generates a list of Activities, which represent the initial "project work plan" for the project. The project work plan will be shown on WPD III.

ECOS will also automatically generate a list of negative declaration findings based on the initial information entered on WPD I and WPD II. These negative declaration findings will be shown on WPD IV, and will indicate that various subject areas have been considered as part of the environmental analysis, and that no additional work is necessary for the subject areas considered unless the initial assumptions regarding the project change. If the information entered on WPD I and WPD II is later changed, then additional work may be necessary.

Once WPD I and II have been finalized, district environmental staff reviews WPD III and WPD IV to verify that the Activities automatically generated by ECOS and listed on WPD III and the Findings listed on WPD IV are the correct ones based on what is known about the project.



Note that, as explained in Section 3.6 below, it is preferable to use the project work plan shown on WPD III to inform the scope of any consultant contracts before they are executed. If the district will be using the project work plan for this purpose, then it is advisable to not proceed to the “Submit” and “Approve” steps below until the district has retained the needed environmental contractor(s) and is ready to move forward with the environmental review process.

Once the district environmental staff has reviewed WPD III and WPD IV, the district environmental staff clicks “Submit” on WPD III to submit WPD I, WPD II, and WPD III to the department delegate for review and approval. Once the department delegate has reviewed and approved the information on these screens, the department delegate clicks “Approve” on WPD III. This creates the project work plan for the project, which consists of a list of Activities that must be completed (this is also referred to as the “project scope” in TxDOT’s environmental review rules at 43 TAC 2.44).

If any of the expedited CE types or “NDR” (“no document required”) is chosen as the Anticipated Environmental Classification, then this project work plan development process does not apply, and a separate process applies as explained later in this Guide.

3.2 Approval/Disapproval of a Local Government as the Official Project Sponsor

As explained above in Chapter 1, if a local government intends to be the official project sponsor for environmental review, then it must first contact district personnel outside of ECOS to informally request that it be the project sponsor. Then, if the department delegate (district for CEs/ENV for EAs and EISs) approves, district personnel must create the project in ECOS, and then assign the “Obtain WPD-Activity Creation Access for Consultant-Local Government (PMJFM)” Activity to the local government’s consultant or representative in order to allow him or her to complete the rest of WPD I and WPD II and submit WPD III to the department delegate for review and approval.

Under TxDOT’s rules, only certain types of local governments are eligible to be the official project sponsor – see 43 TAC 2.7(c). Additionally, whether to allow an eligible local government to be the official project sponsor is at the department delegate’s discretion (see 43 TAC 2.7(b)).

If a local government contacts district personnel outside of ECOS to informally request that it be the official project sponsor, and the department delegate determines that the local government should not be the official project sponsor, then district personnel does not assign the “Obtain WPD-Activity Creation Access for Consultant-Local Government (PMJFM)” Activity to the local government’s consultant or representative, and instead provides its reason(s) for its decision in writing. For an EA/EIS project, the decision to not allow the local government to be the official project sponsor must come from ENV in writing.

Even if a local government assigns the “Obtain WPD-Activity Creation Access for Consultant-Local Government (PMJFM)” Activity to the local government’s consultant or representative, and he or she fills out WPD I and WPD II and submits WPD III to the department delegate for approval, the department delegate (either the district or ENV), may still decline to allow the local government to be the official project sponsor by not accepting WPD III. This is because, under TxDOT’s rules, a local government’s provision of a proposed project scope (i.e., the project work plan in ECOS) is the official notice of a local government’s intent to be the project sponsor. Again, if the district or ENV determines that the local



government should not be the official project sponsor, it must provide its reason(s) to the local government in writing.

The department delegate's acceptance of WPD III is the formal approval of the local government as the official project sponsor under 43 TAC 2.47(b).

3.3 How to Resolve Uncertainty About Answers To WPD I And WPD II Questions

The data fields and questions on WPD I and WPD II have been designed such that district environmental staff should be able to answer them based on a preliminary design of the project and desktop research.

When answering questions about the project on the WPD I and WPD II screens, if the district environmental staff is not sure whether a certain condition applies, then the district environmental staff has one of two options. The first option is to answer the question assuming a worst-case scenario. By doing so, ECOS will create the Activities necessary to address that issue, meaning that if those Activities are not needed, the district environmental staff will have to explain that briefly in the Comments field of the Activity and finalize the Activity. Note that, as explained in Section 3.6 below, it is preferable to use the project work plan shown on WPD III to inform the scope of any consultant contracts before they are executed. If the district will be using the project work plan for this purpose, then it is advisable to assume a worst-case scenario when answering questions on WPD I and II, to ensure that the environmental contractor's scope of work will be broad enough to account for any possible scenario.

The second option is to answer the question assuming a best-case scenario, in which case ECOS will not create the Activities necessary to address that issue. However, if it is later determined that a question on WPD I or II is no longer accurate because of new information, the district environmental staff will be responsible for updating the answer to the question on WPD I or II, re-submitting the project work plan for acceptance by the delegate, and completing any new Activities created by ECOS to address that issue. When new information becomes available, it is always necessary to go back and correct WPD I or II because the answers to the questions can have implications in other areas, not just the specific area under which a question appears.

3.4 How to Answer WPD I And WPD II Questions For A Project With Multiple CSJs

When answering questions about the project on the WPD I and WPD II screens for the main CSJ, the answers must take into account the entire project.

For example, if the project has three CSJs for three different sections of the project, the first being the main and the other two being associate CSJs, answer the WPD I and WPD II questions for the main CSJ as if you are answering them for the entire project (e.g., all three CSJs combined). It is only necessary to answer the WPD I and WPD II questions in the main CSJ. It is not necessary to also answer the WPD I and WPD II question in the associate CSJs.

All Activities automatically created by answering the WPD I and WPD II questions for the entire project will be created in the main CSJ, not the associate CSJs. If work was performed in any CSJ that subsequently becomes an associate CSJ of the main CSJ, then that work may continue to reside in the associate CSJ.

At the end of the environmental review process, when a CE determination, FONSI or FEIS/ROD is issued for the main CSJ, ECOS will automatically enter the CE determination, FONSI or FEIS/ROD date for the associate CSJs.

3.5 One CE Clearance Per Geographically Distinct Project

In the past, some districts have filled-out one set of WPD I and WPD II questions, and issued one CE, for multiple projects that will take place in various locations throughout the county or district (for example, five bridge replacements that are located on different roads on different locations). This was problematic because it required answers to the questions on the WPD I and WPD II questions to cumulatively account for all of the different conditions and project details (ROW acreages, etc.) for each of the different projects. And, for example, if only one of the projects triggered some requirement (e.g., 404 permit or ESA consultation), it was not clear which of the multiple projects actually triggered the requirement.

It is now a requirement to answer the WPD I and WPD II questions and issue a separate CE for each geographically distinct project (for example, each one of the five different bridge replacements). “Geographically distinct” means that the project is not physically connected to another project. Two similar projects taking place in two separate locations that are not physically connected with each other (e.g., two bridge replacement projects at two separate locations on two different roadways), are geographically distinct, and therefore require separate CE determinations. An added capacity project that extends for several miles through different types of settings and has multiple CSJs for different segments of the project is a single geographically distinct project that requires a single CE determination.

Note that some geographically distinct projects may be associated with each other in TxDOTCONNECT. However, because they are geographically distinct, they must not be associated in ECOS, and separate environmental clearances will be required for each one. Remember that the only purpose of associating projects in ECOS is to issue a single environmental clearance for multiple CSJs.

Finally, note that projects that are geographically distinct (i.e., spread out from each other), but qualify for approval under Chapter 13 (expedited (c)(22)), Chapter 14 (emergency open-ended (d) CE), Chapter 15 (“no document required”), or Chapter 16 (rail safety) may be associated in ECOS and cleared with a single clearance. In other words, normally projects that are spread-out from each other (i.e., “geographically distinct”) would need their own separate CE clearances, but if they all qualify for one of those special expedited clearances, then they can, in fact, be associated together and cleared with a single CE clearance.

3.6 Using the Project Work Plan to Inform the Scope of Consultant Contracts

As stated above, district environmental staff must develop the project work plan as described above at the outset of the environmental review process. In other words, the project work plan must be submitted and accepted before district environmental staff and/or contractors begin conducting analyses, writing reports, etc.

However, if possible, it is preferable to complete WPD I and II and consider the preview of required Activities on WPD III (i.e., the project work plan) before the scope of any consultant contracts are even developed. That way, the scope of the consultant contract can be properly limited to the actual Activities that are expected to be performed (with appropriate flexibility to account for any secondary downstream



Environmental Guide: Volume 1 Process

Activities that are likely to be required based on the outcome of the Activities included in the project work plan). Of course, this would require the involvement of district environmental staff in the consultant contracting process, which may or may not be practical based on district contracting processes.

Chapter 4. How to Complete WPD Section I – Project Definition

As mentioned earlier in this Guide, the normal project work plan development process (i.e., district environmental staff completes WPD I, II, and III and submits to the department delegate) only applies if the Anticipated Environmental Classification is CE, EA, or EIS. If any other Anticipated Environmental Classification is selected (i.e., one of the expedited CEs or “NDR” (“no document required”)), then the district environmental staff follows the alternative process outlined for that specific classification later in this Guide.

In the upper right-hand corner of the screen, there may be link labeled, “Archived WPD I.” Clicking this link will take the user to an archived WPD I screen as it existed prior to the Summer 2019 ECOS update. There is no way to edit, upload to, or otherwise change the information displayed on the “Archived WPD I” screen. It is there solely to allow users to retrieve any project information that may have been entered prior to the Summer 2019 ECOS update.

Remember that certain activities may not be considered part of “the project” for purposes of environmental review, as explained above in Section 2.2 (e.g., certain PSLs, relocations outside the right-of-way, and work on a city/county road when there’s no federal funding). When filling-in the fields on WPD I (and WPD II), only describe the part of the project that is subject to environmental review.

4.1 Project Definition

Project Name

This field is manually typed by the district environmental staff.

CSJ

This field is automatically filled-in by the system when the district environmental staff created the project in ECOS. If no CSJ is automatically filled-in, then the district environmental staff must enter the CSJ.

Anticipated Environmental Classification

This field will be hidden until the project has been created in ECOS by filling-in the minimum required fields on the WPD I screen and saving the WPD I screen. After this field becomes visible, the “Anticipated Environmental Classification” is selected by the district environmental staff. There are ten possible values. Depending on your permissions, some of these options may not be available.

- Expedited (c)(22)CE
- CE
- EA
- EIS
- Expedited Rail Safety (c)(1)CE
- Expedited Rail Safety (c)(3)CE
- Expedited Rail Safety (c)(8)CE

- Expedited Rail Safety (c)(18)CE
- Expedited Recreational Trails (c)(23)CE
- Expedited Emergency Open-Ended (d) CE
- No document required

If the district environmental staff selects “CE,” the following two additional fields will appear: “Type” and “Criterion.” In the “Type” field, the district environmental staff must select either “(c)-list” or “(d)-list,” depending on whether the district environmental staff anticipates using a CE that is listed in FHWA’s rules at 23 CFR 771.117(c) or 771.117(d). If the district environmental staff anticipates using an open-ended (d)-list CE, then select “(d)-list.” Once the appropriate “Type” is selected, the district environmental staff must then select the number that corresponds with the number of the specific CE listed at 23 CFR 771.117(c) or 771.117(d), or “open-ended (d),” using the “Criterion” dropdown menu.

What happens when I complete this data field?

If district environmental staff selects, “Expedited (c)(22) CE,” then the Expedited (c)(22) CE process will be initiated – see Chapter 13 for more details.

If district environmental staff selects, “CE,” then a negative declaration finding regarding air emissions during construction will be automatically generated on WPD IV, and the following Activities will be automatically generated on WPD III:

- “Perform CE Determination”
- “Perform Species Analysis”
- “Other Project-Related Information”
- “Obtain LOA Clearance”

Note that the CE Determination Form created under the “Perform CE Determination” Activity will vary according to which of the five scenarios listed below applies:

1. “Who is the lead agency responsible for the approval of the entire project?” = “FHWA – Assigned to TxDOT” and “Who is the project sponsor as defined by 43 TAC 2.7?” = “TxDOT”
2. “Who is the lead agency responsible for the approval of the entire project?” = “TxDOT – No Federal Funding” and “Who is the project sponsor as defined by 43 TAC 2.7?” = “TxDOT”
3. “Who is the lead agency responsible for the approval of the entire project?” = “FHWA – Assigned to TxDOT” and “Who is the project sponsor as defined by 43 TAC 2.7?” = “Local Government”
4. “Who is the lead agency responsible for the approval of the entire project?” = “TxDOT – No Federal Funding” and “Who is the project sponsor as defined by 43 TAC 2.7?” = “Local Government”

5. "Who is the lead agency responsible for the approval of the entire project?" = "FHWA – Not Assigned to TxDOT" and "Who is the project sponsor as defined by 43 TAC 2.7?" = "TxDOT" or "Local Government"

If district environmental staff selects, "CE," and selects "(d)-list" from drop-down menu for the "Type" field, and selects "open-ended (d)" from the drop-down menu for the "Criterion" field, then the following additional Activity(ies) will be automatically generated on WPD III:

- "Obtain Project Classification Approval"
- "Perform 139(I) Notice of Limitation on Claims for Judicial Review" (only if the WPD I field, "Who is the lead agency responsible for approval of the entire project?" is answered, "FHWA – Assigned to TxDOT")

If district environmental staff selects, "EA," then the following Activities will be automatically generated on WPD III:

- "Perform Draft EA Preparation"
- "Perform Final EA Preparation"
- "Perform Species Analysis"
- "Perform Induced Growth Analysis"
- "Other Project-Related Information"
- "Obtain LOA Clearance"
- "Perform 139(I) Notice of Limitation on Claims for Judicial Review" (only if the WPD I field, "Who is the lead agency responsible for approval of the entire project?" is answered, "FHWA – Assigned to TxDOT")

If district environmental staff selects, "EIS," then the following Activities will be automatically generated on WPD III:

- "Perform Notice of Intent (NOI)"
- "Perform EIS Scoping"
- "Perform Draft EIS Preparation"
- "Perform Final EIS/Record of Decision (ROD) Preparation"
- "Perform Species Analysis"
- "Perform Induced Growth Analysis"
- "Other Project-Related Information"
- "Obtain LOA Clearance"



- “Perform 139(I) Notice of Limitation on Claims for Judicial Review” (only if the WPD I field, “Who is the lead agency responsible for approval of the entire project?” is answered, “FHWA – Assigned to TxDOT”)

If the ENV Deputy Director or ENV Project Delivery Section Director selects, “Expedited Emergency Open-Ended (d) CE,” then the Expedited Emergency Open-Ended (d) CE process will be initiated – see Chapter 14 for more details.

If ENV Deputy Director or ENV Project Delivery Section Director selects, “No document required,” then the “No document required” process will be initiated – see Chapter 15 for more details.

If ENV staff selects, “Expedited Rail Safety (c)(1) CE,” then the Expedited Rail Safety (c)(1)CE process will be initiated – see Chapter 16 for more details.

If ENV staff selects, “Expedited Rail Safety (c)(3) CE,” then the Expedited Rail Safety (c)(3)CE process will be initiated – see Chapter 16 for more details.

If ENV staff selects, “Expedited Rail Safety (c)(8) CE,” then the Expedited Rail Safety (c)(18)CE process will be initiated – see Chapter 16 for more details.

If ENV staff selects, “Expedited Rail Safety (c)(18) CE,” then the Expedited Rail Safety (c)(18)CE process will be initiated – see Chapter 16 for more details.

If ENV staff selects, “Expedited Recreational Trails (c)(23) CE,” then the Expedited Recreational Trails (c)(23)CE process will be initiated – see Chapter 16 for more details.

Is this an FHWA project that normally requires an EIS per 23 CFR 771.115(a)?

This question is required to be answered only if “EA” is selected from the drop-down menu for the “Anticipated Environmental Classification” field.

The district environmental staff selects, “Yes,” from the drop-down menu if the project is both an FHWA project and one of the following four project types:

1. a new controlled access freeway;
2. a highway project of four or more lanes on a new location;
3. construction or extension of a fixed transit facility (e.g., rapid rail, light rail, commuter rail, bus rapid transit) that will not be located within an existing transportation right-of-way; and
4. new construction or extension of a separate roadway for buses or high occupancy vehicles not located within an existing highway facility.

Regarding the definition of “a new controlled access freeway,” apply the following guidance:

- A “freeway” means “A divided highway with full control of access and two or more lanes for the exclusive use of traffic in each direction.” FHWA’s Freeway Management & Operations Handbook, Section 1.5.1.
- “Control of access” refers to control of access to the abutting landowners, not to changes in the pattern or operation of what is being built. As the TxDOT Glossary explains, control of access...

“[r]efers to conditions on certain sections of highways where the right to access the highway by abutting property owners or occupants is fully or partially controlled by a public authority. The Texas Department of Transportation (TxDOT) may acquire property for a designated control of access facility or impose a control of access location for safety and design considerations. Control of access is a purchased property interest.”

Additionally,

“Full control of access means that the authority to control access is exercised to give preference to through traffic by providing access connections with selected public roads only and prohibiting crossings at-grade or direct private driveway connections.” TxDOT Glossary

- ENV interprets “new controlled access freeway” to mean a construction project that either:
 - Builds a controlled access freeway on a new location, or
 - Converts an existing roadway that is not a controlled access freeway, to a controlled access freeway, by implementing full control of access.
- Please note the following additional points:
 - If a project doesn’t change control of access from the perspective of abutting property owners, then it is not “a new controlled access freeway”
 - A project that modifies an existing road that already has full control of access would not qualify as “a new controlled access freeway.”
 - A project that provides for non-controlled access frontage roads cannot be considered a “new controlled access freeway” because abutting property owners are able to access the frontage roads directly from their property.
 - In certain circumstances, it may be possible to clear the project as a CE, for example if the project is entirely within operational right-of-way ((c)(22)), or if an open-ended (d) CE is appropriate.
 - Regardless of which type of environmental clearance is used (EA or CE), conversion of an existing roadway that is not a controlled access freeway to a controlled access freeway would be considered a “substantial change in layout or function” for purposes of Transportation Code §203.023, and therefore a public hearing would be required.



Regarding the definition of “a highway project of four or more lanes on a new location,” “highway” includes any kind of road or street, including a city street, county road, farm-to-market road, state highway, United States highway, or interstate highway. See 23 U.S.C. 101(a)(11), and definition of “highway” in the TxDOT Glossary. Extension of an existing highway (on-system or off-system) onto new location would be considered construction of a highway at a new location. However, widening (e.g., adding lanes, shoulders, clear zone, etc.), filling-in gaps in frontage roads on, or re-aligning an existing highway, even if new right-of-way is required, would not be considered construction of a highway at a new location. Also, the construction of a paved highway on the former location of an unpaved road would not be considered to be construction of a highway on a new location.

The district environmental staff selects, “No,” from the drop-down menu if the project is not an FHWA project or is not one of the four project types listed above.

What happens as a result of the answer to this question?

If this question is answered, “No,” then nothing happens.

If this question is answered, “Yes,” and the WPD I field, “Anticipated Environmental Classification,” is answered, “EA,” then the “Obtain Project Classification Approval” Activity and the “Perform Notice of Availability (NOA) for Final EA listed at 23 CFR 771.115(a)” Activity will be automatically generated on WPD III.

Additionally, if this question is answered, “Yes,” then, for the WPD I field, “Who is the lead agency responsible for the approval of the entire project?,” district environmental staff will be automatically precluded from selecting, “TxDOT – No Federal Funding.”

4.2 Project Association(s)

The purpose of associating CSJs in ECOS is so that a single environmental clearance (CE, FONSI, or ROD) can be used to environmentally clear multiple CSJs at once. This has nothing to do with whether CSJs will be contractually let together.

The following business rules for associating CSJs in ECOS are built into ECOS. If the district environmental staff attempts to associate CSJs in violation of any of these business rules, the system will stop this and give a message about why the association is not allowed:

- District environmental staff cannot associate a CSJ if it is already associated to another CSJ.
- District environmental staff can only associate CSJs to a main CSJ when working in the WPD Section I – Project Definition screen for the main CSJ.
- If one of the checkboxes under the “TxC Funding Type” label on WPD I is checked “Federal,” then the district environmental staff can associate any CSJ to that main CSJ, regardless of the associate CSJs “TxC Funding Type.”
- However, if the “Federal” checkbox under the “TxC Funding Type” label on WPD I for the main CSJ is not checked, then none of the associated CSJs may have a “TxC Funding Type” that includes “Federal.”

- District environmental staff cannot associate a CSJ with another CSJ unless the responses to the following WPD I question are the same: “Who is the lead agency responsible for the approval of the entire project?”
- District environmental staff cannot associate a CSJ to a main CSJ if the environmental classifications do not match (WPD field, “Anticipated Environmental Classification” and for CEs, WPD I fields, “Type” and “Criterion”).
- District environmental staff cannot associate a CSJ if it has already been environmentally cleared.

Additionally, although not built into the system, the following business rules for associating CSJs in ECOS also apply:

- For a group of associated CSJs there can be only one “main” CSJ. All other CSJs are “associates.”
- The CE Determination Form, Final EA/FONSI, or FEIS/ROD for all associated CSJs must be stored under the main CSJ.
- For open-ended (d)-list CE projects, CSJs may be associated only if they represent project work that is (1) described by the same request for open-ended (d)-list CE classification, and (2) within the overall project limits.
- For EA or EIS projects, CSJs may be associated only if they represent project work that is (1) described by the same EA or EIS, and (2) within the overall project limits.
- CSJs for which a local government is the official project sponsor under 43 T.A.C. §2.7 can only be associated with other CSJs for which a local government is the official project sponsor. In other words, do not mix CSJs for which a local government is the project sponsor with projects for which a TxDOT district is the official project sponsor.

There has been a recent trend among districts to have a separate CSJ(s) for ROW acquisition for a project. Oftentimes, the ROW CSJ will not be associated with the project CSJ in TxDOTCONNECT; however, the ROW CSJ(s) will be shown along with all other associated CSJs in TxDOTCONNECT. It is important for district environmental staff to check TxDOTCONNECT for any ROW CSJs. If there are any ROW CSJs, district environmental staff must create them in ECOS and then associate them with the main CSJ in ECOS when they are filling-out WPD I. Because ROW CSJs are often not associated with the project CSJ in TxDOTCONNECT, it will likely be necessary to use the manual association function in ECOS as described below in Section 4.2.2.

There are two different ways to associate CSJs in ECOS. CSJs can either be auto-associated from TxDOTCONNECT, or manually associated. Each is explained below.

4.2.1 Auto Associate CSJ from TxDOTCONNECT

If the district environmental staff wishes to associate all of the CSJs listed in TxDOTCONNECT for this main CSJ, then the district environmental staff will click the “Auto Associate CSJ from TxC” button on WPD I. This action will automatically add all TxDOTCONNECT-associated CSJs to the table below the “Add” button. Clicking “OK” finalizes the process and associates the CSJs to the main CSJ in ECOS.



There is no need to first create the associate CSJs in ECOS to auto-associate them to the main using the “Auto Associate CSJ from TxC” button.

4.2.2 Manually Associate CSJ

If the district environmental staff wishes to associate additional CSJs by entering them manually in ECOS, then the district environmental staff will type into the “Manually Associate CSJ” field on WPD I the CSJ that the district environmental staff wishes to associate with the main CSJ. When the correct CSJ appears, select it and click the “Add” button. This will populate the associated CSJ in the table below the “Add” button. Note that a CSJ must first have been created in ECOS before it can be manually associated to a main CSJ. Clicking the “save” icon will run the association business rules that have been programmed into ECOS.

4.2.3 Associations Table

The various columns in the associations table are explained below.

CSJ

This will be automatically filled-in for any CSJ that is associated to this main CSJ by using either the “Auto Associate CSJ from TxC” button or the “Manually Associate CSJ” field on WPD I, as described above. It displays the CSJ from the “CSJ” field on the WPD I screen for the associated CSJ

TxC Funding

This will be automatically filled-in for any CSJ that is associated to this main CSJ by using either the “Auto Associate CSJ from TxC” button or the “Manually Associate CSJ” field on WPD I, as described above. The value will be pulled from the “TxC Funding” field on the WPD I screen for the associate CSJ.

TxC Number

This will be automatically filled-in for any CSJ that is associated to this main CSJ by using either the “Auto Associate CSJ from TxC” button or the “Manually Associate CSJ” field on WPD I, as described above. The value will be pulled from the “TxC Number” field on the WPD I screen for the associate CSJ.

Env Classification

This will be automatically filled-in for any CSJ that is associated to this main CSJ by using either the “Auto Associate CSJ from TxC” button or the “Manually Associate CSJ” field on WPD I, as described above. The value will be pulled from the “Anticipated Environmental Classification” field on the WPD I screen for the associate CSJ.

TxC Classification

This will be automatically filled-in for any CSJ that is associated to this main CSJ by using either the “Auto Associate CSJ from TxC” button or the “Manually Associate CSJ” field on WPD I, as described above. The value will be pulled from the “Project Classification” field on the WPD I screen for the associate CSJ (e.g., “BR” for bridge replacement).



Main or Associate

This will be automatically filled-in with “Associate” to indicate that the CSJ is an associate to the main CSJ.

Doc Tracked In

This will default to “Main” to indicate that all environmental documentation for the associated CSJ is uploaded under the main CSJ. However, if any Activity, Review, Coordination, or Deliverable has already been created in the associate CSJ, then this value will be automatically changed to “Associate” to indicate that some work is being tracked in the associate CSJ.

It is strongly recommended that all environmental documentation for all associated CSJs be uploaded under the main CSJ. However, if there is some unusual situation that requires some of the environmental documentation for an associated CSJ to be uploaded under the associated CSJ, then the district environmental staff will select “Associate” from the dropdown menu under this column.

Actions

The district environmental staff may click the “trash can” icon to disassociate any CSJ that has been incorrectly associated with the main CSJ.

4.3 TxC Project Funding and Location

TxC Funding Type

The “TxC Funding Type” field is automatically filled-in by the system using the funding information listed TxDOTCONNECT for the CSJ.

If none of the checkboxes under the “TxC Funding Type” label are automatically checked, then the district environmental staff must check one or more boxes to indicate all sources of funding anticipated for the project.

This field is not what determines whether the environmental clearance will be a federal clearance under NEPA, or a state clearance under 43 TAC Chapter 2. That is determined by the answer to another WPD I question, “Who is the lead agency responsible for the approval of the entire project?”

TxC Project Number

The “Project Number” field is automatically filled-in by the system using the project number listed in TxDOTCONNECT.

If no project number is automatically filled-in, then the district environmental staff may (but is not required to) type a project identification number into this field. Contact TxDOT’s Transportation Planning and Programming Division for assistance.

Highway

The “Highway” field is automatically filled-in by the system using the name or number of the highway listed in TxDOTCONNECT.



If no highway name or number is automatically filled-in, then the district environmental staff must type the highway name or number into this field.

District

The "District" field is automatically filled-in by the system using the name of the TxDOT district listed in TxDOTCONNECT.

If no TxDOT district name is automatically filled-in, then the district environmental staff must type into this field the name of the TxDOT district in which the CSJ is located.

County

The "County" field is automatically filled-in by the system using the name of the county listed in TxDOTCONNECT.

If no county name is automatically filled-in, then the district environmental staff must type into this field the name of the county in which the CSJ is located.

Project Limit – From

The "Project Limit – From" field is automatically filled-in by the system using the project limit listed in TxDOTCONNECT.

If no project limit is automatically filled-in, then the district environmental staff must type into this field the "from" project limit. The "from" project limit should be the western limit for east-west projects, or the southern limit for north-south projects. The project limit must encompass ALL of the work contemplated for the project, including transition areas.

Project Limit – To

The "Project Limit – To" field is automatically filled-in by the system using the project limit listed in TxDOTCONNECT.

If no project limit is automatically filled-in, then the district environmental staff must type into this field the "to" project limit. The "to" project limit should be the eastern limit for east-west projects, or the northern limit for north-south projects. The project limit must encompass ALL of the work contemplated for the project, including transition areas.

Begin Latitude

The "Begin Latitude" field is automatically filled-in by the system using the project limit listed in TxDOTCONNECT.

If the "Begin Latitude" field is not automatically filled-in, then the district environmental staff may (but is not required to) type into this field the latitude for the "from" project limit.

Begin Longitude

The "Begin Longitude" field is automatically filled-in by the system using the project limit listed in TxDOTCONNECT.



If the “Begin Longitude” field is not automatically filled-in, then the district environmental staff may (but is not required to) type into this field the longitude for the “from” project limit.

End Latitude

The “End Latitude” field is automatically filled-in by the system using the project limit listed in TxDOTCONNECT.

If the “End Latitude” field is not automatically filled-in, then the district environmental staff may (but is not required to) type into this field the latitude for the “to” project limit.

End Longitude

The “End Longitude” field is automatically filled-in by the system using the project limit listed in TxDOTCONNECT.

If the “End Longitude” field is not automatically filled-in, then the district environmental staff may (but is not required to) type into this field the longitude for the “to” project limit.

4.4 TxC & P6 Letting Dates

TxC District

The “TxC District” field is automatically filled-in by the system using the “DIST EST LET DATE” listed in TxDOTCONNECT.

If no date is automatically filled-in, then the district environmental staff may (but is not required to) type the anticipated let date for the CSJ using the MM/YY format.

TxC Approved

The “TxC Approved” field is automatically filled-in by the system using the “APPROVED LET DATE” listed in TxDOTCONNECT.

If no date is automatically filled-in, then the district environmental staff may (but is not required to) type the anticipated let date for the CSJ using the MM/YY format.

TxC Actual

The “TxC Actual” field is automatically filled-in by the system using the “ACTUAL LET DATE” listed in TxDOTCONNECT.

If no date is automatically filled-in, then the district environmental staff may (but is not required to) type the anticipated let date for the CSJ using the MM/YY format.

P6 Ready to Let

The “P6 Ready to Let” field is automatically filled-in by the system using information from the P6 system.

If no date is automatically filled-in, then the district environmental staff may (but is not required to) type the anticipated let date for the CSJ using the MM/YY format.



P6 Proposed Letting

The “P6 Proposed Letting” field is automatically filled-in by the system using information from the P6 system.

If no date is automatically filled-in, then the district environmental staff may (but is not required to) type the anticipated let date for the CSJ using the MM/YY format.

4.5 TxC Project Description

Type of Work

The “Type of Work” field is automatically filled-in by the system using the “TYPE OF WORK” listed in TxDOTCONNECT.

If no description of the type of work is automatically filled-in, then the district environmental staff may (but is not required to) type a very general description of the type of work (e.g., “rehab road,” “replace bridge,” “widen roadway,” “improve drainage,” “new construction highway”).

Layman’s Description

The “Layman’s Description” field is automatically filled-in by the system using the “LAYMAN’S DESCRIPTION” listed in TxDOTCONNECT.

If no layman’s description is automatically filled-in, then the district environmental staff may (but is not required to) type a brief (i.e., no more than two lines) layman’s description of the project activities (e.g., “widen roadway from two to four lanes and add a 12-foot shoulder”).

TxC Project Classification

The “TxC Project Classification” field is automatically filled-in by the system using the “PROJECT CLASSIFICATION” listed in TxDOTCONNECT.

If no project classification is automatically filled-in, then the district environmental staff must select the appropriate project classification for the CSJ from the drop-down menu (e.g., “BR – BRIDGE REPLACEMENT”). Consult the project engineer for this information.

Design Standard

The “Design Standard” field is automatically filled-in by the system using the “DESIGN STANDARD” listed in TxDOTCONNECT.

If no design standard is automatically filled-in, then the district environmental staff may (but is not required to) select the appropriate design standard for the CSJ from the drop-down menu (e.g. “4R – New Location and Reconstruction). Consult the project engineer for this information.

Roadway Functional Classification

The “Roadway Functional Classification” field is automatically filled-in by the system using the “ROADWAY FUNCTIONAL CLASSIFICATION” listed in TxDOTCONNECT. If no roadway functional classification is automatically filled-in, then the district environmental staff may (but is not required to)

select the appropriate classification for the CSJ from the drop-down menu (e.g., “6 - Rural minor collector”). Consult the project engineer for this information.

4.6 Jurisdiction

Does the project cross a state boundary, or require a new Presidential Permit or modification of an existing Presidential Permit?

This question will be automatically filled-in, “No,” if the WPD I field, “County,” is answered with any county other than one of the 57 counties that are on the border of the Great State of Texas, which are: Andrews, Bailey, Bowie, Brewster, Cameron, Cass, Childress, Clay, Cochran, Collingsworth, Cooke, Culberson, Dallam, Deaf Smith, Dimmit, El Paso, Fannin, Gaines, Grayson, Hansford, Hardeman, Harrison, Hartley, Hemphill, Hidalgo, Hudspeth, Jeff Davis, Jefferson, Kinney, Lamar, Lipscomb, Loving, Marion, Maverick, Montague, Newton, Ochiltree, Oldham, Orange, Panola, Parmer, Presidio, Red River, Reeves, Sabine, Shelby, Sherman, Starr, Terrell, Val Verde, Webb, Wheeler, Wichita, Wilbarger, Winkler, Yoakum, and Zapata.

If the project is located in one of the 57 counties listed above as being on the border of the Great State of Texas, then the district environmental staff selects “Yes” or “No” from the drop-down menu to the left of the question.

If this question is answered, “Yes,” then for the following question, “Who is the lead agency responsible for the approval of the entire project?” the district environmental staff will be precluded from selecting “FHWA – Assigned to TxDOT.” This is because projects that cross a state boundary are excluded from NEPA assignment. The district environmental staff will have to select either “TxDOT – No Federal Funding” or “FHWA – Not Assigned to TxDOT,” depending on whether or not there is federal funding.

Presidential Permits are required for any new bridges crossing from Texas to Mexico, or some modifications of such bridges.

Who is the lead agency responsible for the approval of the entire project?

The district environmental staff selects, “FHWA-Assigned to TxDOT,” if there is ANY federal funding, either already identified, or if the project is anticipated to use federal funding and therefore is being cleared to federal standards.

The district environmental staff selects, “TxDOT – No Federal Funding,” if there is NO federal funding, either already identified or anticipated. This is a state, local, or privately funded project.

The district environmental staff selects, “FHWA – Not Assigned to TxDOT,” if there is ANY federal funding, either already identified or anticipated, but the project is excluded from NEPA assignment either because it crosses into another state or into Mexico or for some other reason.

The answer to this question is what determines whether the environmental clearance will be a federal clearance under NEPA, or a state clearance under 43 TAC Chapter 2. Chapter 19 of this Guide explains how changes in whether the project will have FHWA funding affect the environmental review.

Who is the project sponsor as defined by 43 TAC 2.7?

Under TxDOT's environmental review rules, the "project sponsor" for purposes of the environmental review of a project is the entity that accepts responsibility for preparing the "project scope" (i.e., the project work plan as contained in WPD I, II, and III), the CE, EA, or EIS, and other tasks. 43 TAC 2.43. Only the following types of local governments are eligible to request to be the project sponsor under TxDOT's environmental review rules: a municipality; a county; a group of adjoining counties; a county acting under Transportation Code, Chapter 284; a regional tollway authority operating under Transportation Code, Chapter 366; a regional mobility authority operating under Transportation Code, Chapter 370; a local government corporation; or a transportation corporation created under Transportation Code, Chapter 431. 43 TAC 2.7(c). A local government provides official notice to the TxDOT district that it intends to be the project sponsor under TxDOT's environmental review rules by filling-out and submitting the project scope (i.e., the project work plan as contained in WPD I, II, and III) to the department delegate.

For any project for which a qualifying local government intends to be the project sponsor under TxDOT's environmental review rules, and for which the local government or its representative is filling-out the project work plan (WPD I, II, and III) and will submit it to the department delegate, the local government or its representative must select "Local government" from the drop-down menu.

For any project for which TxDOT district staff is filling-out the project work plan (WPD I, II, and III) and will submit it to the department delegate, the district environmental staff must select "TxDOT" from the drop-down menu. Even if a local government will be paying for part or all of the project, and will be hiring the consultant to prepare technical reports and the EA or EIS, if the local government does not indicate its intent to be the project sponsor under TxDOT's environmental review rules by filling-out the project work plan and submitting it to the department delegate, then TxDOT is the official project sponsor under TxDOT's environmental review rules.

Additional explanation regarding a local government's role in the environmental review process

Advance funding agreements (AFAs) between TxDOT and a local government often assign responsibility for environmental compliance to the local government advancing the project. This oftentimes includes responsibility for preparing an environmental assessment or environmental impact statement (if one is required), and conducting any required public involvement.

For example, this is an excerpt from a typical AFA:

Environmental Assessment and Mitigation

Development of a transportation project must comply with the National Environmental Policy Act and the National Historic Preservation Act of 1966, which require environmental clearance of federal-aid projects. The party named in Article 1, Responsible Parties, under AGREEMENT [i.e., the local government] is responsible for the following:

- A. The identification and assessment of any environmental problems associated with the development of a local project governed by this Agreement.*
- B. The cost of any environmental problem's mitigation and remediation.*



Environmental Guide: Volume 1 Process

- C. *Providing any public meetings or public hearings required for the environmental assessment process. Public hearings will not be held prior to the approval of the Project schematic.*
- D. *The preparation of the NEPA documents required for the environmental clearance of this Project.*

If the Local Government is responsible for the environmental assessment and mitigation, before the advertisement for bids, the Local Government shall provide to the State written documentation from the appropriate regulatory agency or agencies that all environmental clearances have been obtained.

If this or similar language is in the AFA, then the local government will be responsible for most of the work required under the various Activities in the project work plan for the project.

However, this is not the same as being the official “project sponsor” for purposes of environmental review (see 43 TAC 2.7 and 2.43). The ability for a local government to become the official project sponsor for purposes of environmental review was established by the Texas Legislature in 2011 when it enacted Transportation Code Chapter 201, Subchapter I-1 (see also TxDOT’s implementing rules at 43 TAC Chapter 2, Subchapter C). The official project sponsor is the entity that accepts responsibility not only for preparing the environmental review document, but also performing related tasks, including preparing the project scope (i.e., the project work plan in ECOS consisting of the to-do list of Activities), among other responsibilities. Whether a local government may be the official project sponsor is at the discretion of both the local government and the department delegate. The process for the department delegate’s approval/disapproval of a local government as the official project sponsor is explained in Section 3.2 above.

A local government that is designated as the official project sponsor for purposes of environmental review essentially steps into the shoes of the district environmental staff and performs most of the project management functions that the district environmental staff would normally perform. This includes filling-out the information about the project in ECOS and submitting the draft project work plan to the “department delegate” for review (the department delegate is the district office for CEs and ENV for EAs/EISs), managing Activities in ECOS, submitting documents directly to ENV for review through ECOS (thereby activating the review timelines in Transportation Code Chapter 201, Subchapter I-1), and otherwise managing the environmental review process.

A local government does not have to seek to be the official project sponsor for purposes of environmental review, even if it is required by the AFA to perform the environmental-related work. If a local government is required by the AFA to perform the environmental-related work but chooses not to be the official project sponsor, it will rely on the district environmental staff to be the official project sponsor, and the district environmental staff will perform the project management functions like submitting the work plan, submitting documents to ENV for review through ECOS, etc., but the local government will still be the one preparing the various reports, checklists, and other deliverables called-for by the various Activity Instructions, as required by the AFA.



Environmental Guide: Volume 1 Process

In summary, if the AFA assigns responsibility for overall environmental compliance to the local government, and the local government will not also be the official project sponsor for environmental review purposes, then the local government will be responsible for the following:

- Providing project information to district environmental staff to allow district environmental staff to create a project work plan in ECOS
- Preparing all reports, analyses, and other documentation required by the instructions in Environmental Guide Volume 2 for all Activities in the project work plan, and any secondary Activities that may need to be created
- Providing to district environmental staff all reports, analyses, and other documentation required by the instructions in Environmental Guide Volume 2 for all Activities in the project work plan, and any secondary Activities that may need to be created (unless the local government representative is granted ECOS access by the district, in which case he or she may be able to upload directly to ECOS)

If the local government will also be the official project sponsor for environmental review purposes (subject to the department delegate's discretion), then the local government will be responsible for the following:

- Entering project information directly into ECOS and submitting the draft project work plan for approval by the department delegate
- Preparing all reports, analyses, and other documentation required by the instructions in Environmental Guide Volume 2 for all Activities in the project work plan, and any secondary Activities that may need to be created
- Complete all other instructions in Environmental Guide Volumes 1 and 2 applicable to "district environmental staff," such as uploading deliverables, assigning reviews, and managing Activities in ECOS (except for some functions that are reserved to TxDOT employees, and some coordinations on federal projects such as section 7 consultation with the United States Fish and Wildlife Service and Section 106 coordination under the National Historic Preservation Act, which are always conducted by TxDOT)

Is a local government's or a private developer's own staff or consultant preparing the CE documentation, EA or EIS?

The answer to this question does not depend in any way on whether a local government is the project sponsor under TxDOT's environmental review rules as indicated in the immediately preceding question. This question merely tracks whether any of the work will be done by entities other than TxDOT staff or TxDOT's consultants.

The district environmental staff selects, "Yes," from the drop-down menu if a local government's or private developer's staff or consultants are preparing ANY part of the environmental documentation that will be used to environmentally clear the project.

The district environmental staff selects, “No,” from drop-down menu if TxDOT staff or TxDOT’s consultants will be preparing ALL of the environmental documentation that will be used to environmentally clear the project.

Does the project require any federal permit, license, or approval?

The district environmental staff selects, “No,” from the drop-down menu if the project will not require any permit, license, or approval from a federal agency (e.g., USACE, IBWC, USCG, etc.). Selecting “No” will gray-out the checkboxes for the various types of federal permits (“USACE,” “IBWC,” “USCG,” “NPS,” “IAJR,” “Other”).

The district environmental staff selects, “Yes,” from the drop-down menu if the project will require such a permit, license, or approval. Select “Yes” if the project is anticipated to need any kind of NWP under Section 404, even if it is just an assumed NWP. (If the project will use a NWP, even if there’s no FHWA funding on the project, the project sponsor will have to evaluate *the portions of the project subject to USACE jurisdiction* for potential effects to listed species under Section 7, and potential effects to historic properties under Section 106. In this instance, if there are potential effects on a listed species or historic property within *the portions of the project subject to USACE jurisdiction*, then the project sponsor will need to submit a pre-construction notification to the USACE, but the project sponsor likely does not know whether that will be the case at the time that the WPD I screen is being filled-out.)

If the district environmental staff selects, “Yes,” then the district environmental staff must also click the appropriate checkboxes that appear for USACE, IBWC, USCG, NPS, IAJR, and Other to indicate the agency or agencies from which a federal permit, license, or approval is required. The acronyms stand for the following agencies:

- United States Army Corps of Engineers
- International Boundary and Water Commission
- United States Coast Guard
- National Park Service
- Interstate Access Justification Request (this is a type of FHWA approval granted for certain types of changes in access to the Interstate Highway System)

If the district environmental staff selects “Other,” the district environmental staff must write-in the names of any federal agencies not represented by a check box from which a permit, license, or approval is required.

Does the project occur, in part or in total, on federal or tribal lands?

The district environmental staff selects, “Yes,” from the drop-down menu if any part of the project will occur on property that, prior to acquisition of ROW for the project, is owned by the federal government or an Indian tribe. This includes any permanent or temporary occupancy required to complete the project (but this does not include project-specific locations selected by the contractor outside the TxDOT ROW and not directed by TxDOT). Answering this question, “Yes,” will result in the following WPD II question being grayed-out and left blank: “Are ALL project activities listed on the “List of Projects that Do Not

Require Review or Coordination for Archeological Compliance?" This is because projects on federal or tribal lands cannot use the "List" to avoid doing an archeological background study.

If no part of the project will occur on such property, the district environmental staff selects, "No."

If this question is answered "Yes," then even on a non-FHWA, state-funded project, the historical studies, archeology, and species analysis will be done to Federal standards (i.e., Section 106 instead of the Texas Antiquities Code, and Section 7 instead of Section 9/10 for the Endangered Species Act).

4.7 Environmental Clearance Project Description

4.7.1 Project Area

Typical Depth of Impacts

The district environmental staff fills-in the estimated average depth (feet) of excavation, drilling, boring, or other earthmoving activities anticipated to occur throughout the project limits.

Maximum Depth of Impacts

The district environmental staff fills-in the estimated maximum depth (feet) of excavation, drilling, boring, or other earthmoving activities anticipated to occur at any location within the project limits.

New ROW Required

The district environmental staff fills-in the amount of new right-of-way (acres) that needs to be acquired to complete this specific project.

Include only "fee simple" acquisitions, or acquisitions for which full ownership of the real property will transfer from the previous owner to TxDOT or a local government that is advancing this specific project. In other words, look at what property rights TxDOT (and the local government that is advancing the project, if there is one) own prior to the project. If either TxDOT or the local government that is advancing the project need to acquire new ROW from a third party, that is "new ROW."

Also include the acreage of any of the following types of special acquisitions:

- Donations of ROW made for the purpose of advancing this specific project.
- ROW acquired for this specific project from another unit of state government that is not the project proponent (e.g., the General Land Office).
- "Advance acquisitions" of ROW that have been or will be undertaken by TxDOT or a local government for this specific project. Do not include acreages of ROW that were previously acquired by TxDOT or the local government that is advancing this specific project if that ROW was originally acquired for some other previously completed project.

If no new ROW is required for this project, then enter "0" in this field.

New Perm. Easement Required

The district environmental staff fills-in the amount of acres of permanent easement that needs to be acquired to complete this specific project.

Include only permanent easements that will transfer from the previous owner to TxDOT or a local government that is advancing this specific project. In other words, look at what property rights TxDOT (and the local government that is advancing the project, if there is one) own prior to the project. If either TxDOT or the local government that is advancing the project need to acquire a new permanent easement from a third party, that is a “new permanent easement.”

Also include the acreage of any of the following types of special acquisitions:

- Donations of permanent easements made for the purpose of advancing this specific project.
- Permanent easements acquired for this specific project from another unit of state government that is not the project proponent (e.g., the General Land Office).
- “Advance acquisitions” of permanent easements that have been or will be undertaken by TxDOT or a local government for this specific project. Do not include acreages of permanent easement that were previously acquired by TxDOT or the local government that is advancing this specific project if that permanent easement was originally acquired for some other previously completed project.

If no new permanent easement is required for this project, then enter “0” in this field.

New Temp. Easement Required

The district environmental staff fills-in the amount of acres of temporary easement that needs to be acquired to complete this specific project.

Include only temporary easements that will transfer from the previous owner to TxDOT or a local government that is advancing this specific project. In other words, look at what property rights TxDOT (and the local government that is advancing the project, if there is one) own prior to the project. If either TxDOT or the local government that is advancing the project need to acquire a new temporary easement from a third party, that is a “new temporary easement.”

A “license” or “construction license” does not count as a temporary easement.

Also include the acreage of any of the following types of special acquisitions:

- Donations of temporary easements made for the purpose of advancing this specific project.
- Temporary easements acquired for this specific project from another unit of state government that is not the project proponent (e.g., the General Land Office).
- “Advance acquisitions” of temporary easements that have been or will be undertaken by TxDOT or a local government for this specific project. Do not include acreages of temporary easement that were previously acquired by TxDOT or the local government that is advancing



this specific project if that temporary easement was originally acquired for some other previously completed project.

If no new temporary easement is required for this project, then enter "0" in this field.

4.7.2 Project Description

The Project Description section consists of four text fields and a question about added capacity. The information entered into the four text fields, will be used by the various resource area SMEs to evaluate the project.

In the past, a typical practice would be to include project descriptions at the beginning of individual technical reports for specific resource areas. However, there is now only one project description for any given project, and it exists only in the four text fields that comprise this "Project Description" section of the WPD I screen.

Instructions for completing these four text fields are provided below. In completing these fields, district environmental staff must keep in mind that resource area SMEs will be referring back to these descriptions. Therefore, district environmental staff must include any additional details that they believe would be useful to the SMEs based on past experience in conducting environmental reviews of highway projects.

Also, for EA or EIS projects for which multiple build alternatives will be evaluated in the EA or EIS, up until the point at which a preferred alternative has been identified, provide separate descriptions within each of the four fields for each alternative that is being evaluated. After a preferred alternative has been identified, the project description may consist of just the preferred alternative.

Note that, in addition to the project description provided in these four fields, district environmental staff must also upload certain maps, schematics, and other documents, to the extent they are available, under the "Other Project-Related Information" Activity, which will be automatically generated for every project. See the Activity Instructions in Volume 2 of the Environmental Guide for more details. Subject matter experts will rely on both the project description in the four fields on WPD I, and the documents uploaded under the "Other Project-Related Information" Activity, to evaluate the project.

IMPORTANT: Errors in following the instructions below when completing the project description fields can cause project delays later in the environmental review process. The project description entered here will be used for multiple analyses across multiple resource areas, and for some analyses, will be shared externally. For example, some activity instructions call for a print-out of the WPD I screen, including the project description, to be attached to the analysis (e.g., "Perform Archeology Background Study"). If there are substantive errors in the project description fields, it will require updating WPD I, which in turn will require re-running the project work plan process and the re-generation of previously finalized Activities, which will have to be individually re-finalized with a note in the "Comments" field regarding the update to WPD I. This can be avoided by good quality control at the outset. It may be useful to have multiple district environmental staff check the project description before submitting the project work plan.

Describe Limits of All Activities

The district environmental staff fills-in a written description of the boundaries within which the project will take place as explained below.

First, describe the project's length using easily recognizable reference points (e.g., "The project will extend for a total of 1.2 miles along FM 2100, from 500 feet east of the intersection of FM 2100 and Main Street, to approximately one half mile past the crossing of FM 2100 over the Brazos River"). Keep in mind the following when describing the project's length:

- Describe the length of the project on all roadways on which work will take place. For example, if cross streets will be improved for a short distance on either side of the main roadway that is being improved, describe the limits for the work that will take place on the cross streets (e.g., "The project will also include work on Elm Street for approximately 800 feet north of FM 2100, to approximately 800 feet south of FM 2100.")
- Include transition areas. For example, if the name of the project is FM 12 from SH 255 to Main Street, but the project will actually require striping beyond those limits to transition back to the existing lane configuration, then the district environmental staff must describe the project limits in such a way that includes those transition areas.

Second, describe the project's width in relation to the existing right-of-way (e.g., "The project will take place within the existing 300-foot right-of-way on FM 2100" or "The project will require the acquisition of approximately 50 feet of right-of-way along the north side of FM 2100, resulting in a new right-of-way width of 350 feet").

With respect to describing both the length and the width, keep in mind the following:

- The described limits must encompass any areas within which ANY project activities will take place, including but not limited to landscaping, drainage-related work, grading, etc.
- Regarding staging areas, borrow sites, or other project-specific locations, **INCLUDE SUCH LOCATIONS ONLY IF THEY ARE WITHIN THE PROPOSED PROJECT ROW OR ARE LOCATIONS SPECIFIED BY TXDOT**. Do not include such project-specific locations if they are outside the proposed project ROW and are selected by the contractor.
- If there are any discrepancies between the TxC "Project Limit – From" or "Project Limit – To" and the description of the limits of all activities in this field, explain why the discrepancies exist.
- If there are multiple names for a single roadway (e.g. RR 2222 = Northland = Koenig Lane = US 290), make sure that the same name is used throughout WPD I and any environmental reports and schematics that are uploaded to ECOS. In other words, pick one name and stick with it.

Describe Project Setting

The project setting consists of two parts, a general description of the area, and a specific description of the area. Include both in the text box provided.

The district environmental staff fills-in a general description of the area (i.e., a “10,000-foot perspective”). This general description must include the following details:

- whether the area is generally rural, suburban, or urban; and
- any substantial traffic generators in the vicinity of the project area.

Then the district environmental staff fills-in a specific description of the area within and immediately adjacent to the project limits described in the “Describe Limits of All Activities” field. This specific description must include the following details:

- a characterization of the vegetation (e.g., agricultural pasture, ash-juniper woodland, pine woodland, mixed scrub, etc.);
- a specific description of the land use (cropland, pasture, range land, residential high density, residential rural, commercial, mixed use, etc.);
- a description of any known, notable water-related features (e.g., “the project crosses 3 streams,” “there is a small stock tank in the proposed right-of-way”); and
- any other known, notable features that may be useful to ENV SMEs such as known historic districts or cemeteries.

NOTE: There’s no need to do extensive research to complete this field, include only details that are already known or can be easily ascertained from the desktop.

Describe Existing Facility

The district environmental staff fills-in a written description of the existing roadway or other transportation facility (e.g., bridge, ramp, etc.) within the area described in the “Limits of All Activities” field. This must include the following details:

- existing number of lanes, including the lane types (e.g., travel, turn, passing, acceleration, deceleration, HOV, HOT, etc.), widths, and direction (e.g., “2 southbound 12-foot general purpose travel lanes,” “2 northbound 12-foot general purpose travel lanes”);
- existing access (e.g., at grade, non-controlled); if controlled access, number of ramps and locations);
- existing shoulders, including the shoulder widths and direction (e.g., “4-foot shoulder both northbound and southbound”);
- existing medians or dividers, including type (e.g., raised, grassy, concrete barrier, metal cable barrier, etc.) and width of any median;
- existing drainage (e.g., open ditch, curb-and-gutter, detention ponds, etc.);
- type and location of any existing permanent easements;
- existing width of ROW (typical, maximum, and minimum);
- any existing overpasses, underpasses, or elevated ramps or bridges; and

- for existing structures such as bridges, the type of structure (e.g., truss bridge, bridge class culvert, etc.).

Describe Proposed Facility

The district environmental staff fills-in a written description of any proposed changes to the existing facility. To the extent any of the parameters listed below would change as a result of the project, include the details listed below. Describe only those parameters that would change from the existing condition.

- proposed number of lanes, including the lane types (e.g., travel, turn, passing, acceleration, deceleration, HOV, HOT, etc.), widths, and direction (e.g., “2 southbound 12-foot general purpose travel lanes,” “2 northbound 12-foot general purpose travel lanes”);
- proposed access (e.g., at grade, non-controlled); if controlled access, number of ramps and locations);
- proposed shoulders, including the shoulder widths and direction (e.g., “4-foot shoulder both northbound and southbound”);
- proposed medians or dividers, including type (e.g., raised, grassy, concrete barrier, metal cable barrier, etc.) and width of any median;
- proposed drainage (e.g., open ditch, curb-and-gutter, detention ponds, etc.);
- type and location (if known) of any proposed temporary or permanent easements or construction licenses;
- proposed width of ROW (typical, maximum, and minimum);
- any proposed overpasses, underpasses, or elevated ramps or bridges; and
- for proposed structures such as bridges, the type of structure (e.g., truss bridge, bridge class culvert, etc.).

Would the project add capacity?

Consult the project engineer for this information to determine whether the project is considered to add capacity. If so, then the district environmental staff selects, “Yes,” from the drop-down menu. If not, the district environmental staff selects, “No,” from the drop-down menu.

4.8 Transportation Planning**Is the project within an MPO’s boundaries?**

The district environmental staff selects, “Yes,” from the drop-down menu if the project would take place, in part or in whole, within the boundaries of a metropolitan planning organization’s (e.g., CAMPO, NCTCOG, H-GAC, etc.). If not, the district environmental staff selects, “No,” from the drop-down menu.

Does the project meet the definition for a grouped project category for planning and programming purposes?

The district environmental staff selects, “Yes,” from the drop-down menu if the project meets the definition of a “Grouped Project Category” as set forth in Appendix A of the Introduction to the Statewide



Transportation Improvement program (STIP). The grouped project categories for the 2023-2026 STIP are:

- PE – Preliminary Engineering (see note below)
- Right of Way Acquisition
- Preventative Maintenance and Rehabilitation
- Bridge Replacement and Rehabilitation
- Railroad Grade Separations
- Safety
- Landscaping
- Intelligent Transportation Systems Deployment
- Bicycle and Pedestrian
- Safety Rest Areas and Truck Weigh Stations
- Transit Improvements

The district environmental staff must check the current STIP to find the most up-to-date list of grouped project categories and definitions.

Answer this question, “Yes,” even if the project is just “eligible” for grouping according to the grouped project categories, but has not actually been grouped yet, or will not be grouped because it is 100% locally funded. The purpose of this question is to weed-out those smaller scale groupable projects that will not be individually listed in the MTP/RTP and STIP from having an “Obtain Planning Consistency Documentation” Activity in their project work plans.

If the project has already been determined to be grouped for planning and programming purposes by TxDOT’s Transportation Planning and Programming Division, then on the STIP screen in TxDOTCONNECT there will be a “5000” number CSJ in the “Grouped Proj CSJ:” field. For any such project, ECOS will automatically pull that “5000” number and display it in a box next to this question on the WPD I screen. Note that for a non-federal project, there will not typically be a “5000” number in the “Grouped Proj CSJ:” field, but if the project meets the definition of a “Grouped Project Category” as set forth in Appendix A of the Introduction to the STIP, then it is still appropriate to select “Yes” from the drop-down menu for this question.

Regarding the inclusion of “PE – Preliminary Engineering” in the list of grouped project categories, this does not mean that a project that is at the preliminary engineering stage is excused from the requirement to be listed in the MTP (if applicable) and STIP. For example, an added capacity project is not covered by any of the grouped project categories. Therefore, even if the project is currently only at the preliminary engineering phase, and the preliminary engineering is considered “grouped,” the added capacity project itself must be individually listed in the MTP (if applicable) and STIP, and so the answer to this question regarding whether the project is grouped would be “no.”

Regarding the inclusion of “Right of Way Acquisition” in the list of grouped project categories, note that district environmental staff must not ever issue a separate CE determination for a mere right-of-way



acquisition CSJ. Right-of-way acquisition CSJs must be associated with the main CSJ for the project and cleared when the environmental clearance is issued for the main CSJ. If there is a desire to acquire right-of-way prior to environmental clearance of the project, the department's procedure for advance right-of-way acquisition, which does not require a CE determination, must be followed.

The district environmental staff selects, "No," from the drop-down menu if the project does not meet the definition of a "Grouped Project Category" as set forth in Appendix A of the Introduction to the Statewide Transportation Improvement program (STIP). ECOS will automatically create the "Obtain Planning Consistency Determination" Activity if district environmental staff selects, "No."

The project is located in _____ area

The district environmental staff selects, "Attainment/Unclassified," from the drop-down menu if the project will take place entirely within an area that has been designated by EPA as either "attainment" or "unclassified" with respect to the compliance with the National Ambient Air Quality Standards (NAAQS).

The project selects, "Non-Attainment/Maintenance," from the drop-down menu if any part of the project will take place in an area that has been designated by EPA as either "non-attainment" or "maintenance" with respect to the compliance with the National Ambient Air Quality Standards (NAAQS).

ENV maintains a list of counties' attainment/non-attainment status. See ENV's "Texas Air Quality Nonattainment or Attainment-Maintenance Areas and Counties."

This status applies to:

- If the district environmental staff selected, "Attainment/Unclassified," for the preceding question, then the checkboxes for the various criteria pollutants (e.g., CO – Carbon Monoxide, O3 – Ozone, etc.) will be automatically grayed-out.
- If the district environmental staff selected, "Non-Attainment/Maintenance," for the preceding question, then the district environmental staff clicks the checkbox for each criteria pollutant for which the county or counties in which the project will take place is designated either "non-attainment" or "maintenance."

4.9 Environmental Clearance Information

Environmental Clearance Date

This field is automatically filled-in with the environmental clearance date.

For CEs, this will be the date that the "Perform CE Determination" Activity is approved by the department delegate.

For EAs, this will be the date that is entered by the ENV core team member in the "Finding of No Significant Impact Date" field on the "Perform Final EA Preparation" Activity.

For EISs, this will be the date that is entered by the ENV core team member in the "Record of Decision (ROD) Date" field on the "Perform Final EIS/Record of Decision (ROD) Preparation" Activity.



In real-time, ECOS sends the “Environmental Clearance Date” from ECOS to populate the “NEPA Clearance Date” field in TxDOTCONNECT.

Environmental LOA Date

This field is automatically filled-in with the date on which the ENV LOA Manager finalizes the “Obtain Letter of Authority (LOA) Clearance” Activity. The date on which the ENV LOA Manager finalizes the “Obtain Letter of Authority (LOA) Clearance” Activity will also be automatically filled-in to the “Approved for Letting” field on that Activity. Then, in real-time, ECOS sends the “Environmental LOA Date” from ECOS to populate the “Environmental Clear to Let Date” field in TxDOTCONNECT.

The “Environmental LOA Date” (ECOS) or “Environmental Clear to Let Date” (TxDOTCONNECT) represents the date on which the Environmental Affairs Division’s letter of authority manager (ENV LOA manager) recorded their determination that the project is cleared for letting with regard to environmental review requirements. To make this determination, the ENV LOA manager reviews the ECOS file for the project to confirm that the project has a valid categorical exclusion (CE) determination, finding of no significant impact (FONSI), or record of decision (ROD), and that any additional environmental review-related Activities that are typically completed after environmental clearance but prior to letting (e.g., Section 404 permitting), have been completed and documented in ECOS. If there are extenuating circumstances that prevent the district from completing such Activities prior to LOA clearance, it *may* be possible to clear the project for letting in some cases. For more information on this topic, see the instructions for the “Reasonable Assurances for Activities That Could Not Be Completed Prior to LOA” Activity in **ENV’s Environmental Guide Volume 2: Activity Instructions**.

Closed Date

This field is intended to be automatically filled-in with the date that TxDOT accepts the project from the contractor as indicated in Site Manager; however, as of August 2019, this field is not available for use.

Archived Date

This field is intended to be automatically filled-in with a date that is calculated by adding six years to the Closed Date (which represents the end of the environmental records retention period for the project); however, as of August 2019, this field is not available for use.

Approved Environmental Classification

This field is automatically filled-in with the same value that is selected from the drop-down menu for the Anticipated Environmental Classification field at the top of the WPD I screen when the “Perform CE Determination,” “Perform Final EA Preparation,” or “Perform Final EIS/Record of Decision (ROD) Preparation” Activity is Finalized.

In real-time, ECOS sends the “Approved Environmental Classification” from ECOS to populate the “Environmental Clearance Type” field in TxDOTCONNECT.

Type

For CEs, this field is automatically filled-in with the same value that is selected from the drop-down menu for the Type field at the top of the WPD I screen.



For EAs, EISs, expedited CEs, and “NDR” (“no document required”) projects, this field will be automatically grayed-out.

Criterion

For CEs, this field is automatically filled-in with the same value that is selected from the drop-down menu for the Criterion field at the top of the WPD I screen.

For EAs, EISs, expedited CEs, and “NDR” (“no document required”) projects, this field will be automatically grayed-out.

4.10 Project Contacts

Created By

This field is automatically filled-in with the name of the person who created the project in ECOS.

Date Created

This field is automatically filled-in with the date that the project was created in ECOS.

Project Sponsor

The radio button will be automatically filled-in as either “TxDOT” or “Local Government” depending on whether “TxDOT” or “Local Government” is selected from the drop-down menu next to the “Who is the project sponsor as defined by 43 TAC 2.7” question.

Sponsor Point of Contact

District environmental staff uses the drop-down menu to select the name of the district employee, local government representative, or consultant who will serve as the point of contact for the project sponsor, and will automatically receive email updates from ECOS for certain actions (e.g., acceptance of WPD III by the department delegate). Usually, this is the individual who will be responsible for completing the WPD I and WPD II screens, submitting WPD III, and performing or supervising tasks needed to environmentally clear the project on behalf of the project sponsor. However, ECOS will allow other individuals with the authorized ECOS role to fulfill these responsibilities (for example, in case the individual listed in this field is not available). An individual must already have an ECOS ID to be listed in the drop-down menu and selectable as the Sponsor Point of Contact. District environmental staff may begin typing the person’s name into the field to quickly locate the person in the drop-down menu.

Delegate Point of Contact

This question only appears when “CE” is selected from the drop-down menu for the “Anticipated Environmental Classification” field.

District environmental staff uses the drop-down menu to select the name of the TxDOT employee who will serve as the point of contact for the department delegate (i.e., the district), and will automatically receive email updates from ECOS for certain actions (e.g., submittal of WPD III by the department delegate). Usually, this will be the person responsible for accepting WPD III and making the CE determination on behalf of TxDOT. However, ECOS will allow other TxDOT employees with the authorized ECOS role to



fulfill these responsibilities (for example, in case the individual listed in this field is not available). An individual must already have an ECOS ID to be listed in the drop-down menu and selectable as the Delegate Point of Contact. The district environmental staff may begin typing the person's name into the field to quickly locate the person in the drop-down menu.

For CE projects for which TxDOT is the project sponsor, it is possible for this to be the same person as the Sponsor Point of Contact.

ENV Core Team Member

This question only appears when "EA" or "EIS" is selected from the drop-down menu for the "Anticipated Environmental Classification" field.

District environmental staff uses the drop-down menu to select the name of the TxDOT employee who will fulfill the role of the ENV core team member for the project, and will automatically receive email updates from ECOS for certain actions (e.g., submittal of WPD III). However, ECOS will allow other ENV employees with the authorized ECOS role to fulfill the ENV core team member's responsibilities (for example, in case the individual listed in this field is not available). An individual must already have an ECOS ID to be listed in the drop-down menu and selectable as the ENV Core Team Member. The district environmental staff may begin typing the person's name into the field to quickly locate the person in the drop-down menu.

District Core Team Member

This question only appears when "EA" or "EIS" is selected from the drop-down menu for the "Anticipated Environmental Classification" field.

District environmental staff uses the drop-down menu to select the name of the TxDOT employee who will fulfill the role of the district core team member for the project, and will automatically receive email updates from ECOS for certain actions (e.g., acceptance of WPD III). However, ECOS will allow other TxDOT employees with the authorized ECOS role to fulfill the district core team member's responsibilities (for example, in case the individual listed in this field is not available). An individual must already have an ECOS ID to be listed in the drop-down menu and selectable as the District Core Team Member. The district environmental staff may begin typing the person's name into the field to quickly locate the person in the drop-down menu.

Other Point of Contact(s):

When "Local Government" is selected from the drop-down menu next to the "Who is the project sponsor as defined by 43 TAC 2.7" question, district environmental staff must indicate the name of the local government (e.g., "City of Austin") and the name of the local government representative who is managing the environmental consultant using this naming convention: "Bob Jones / City of Austin."

Chapter 5. How to Complete WPD Section II – Work Plan Development

District environmental staff answers all of the questions on WPD II based on information currently known about the project.

Note the following wording convention regarding the WPD II questions:

- Questions that ask whether the project involves “ALL” listed conditions (conditions will be numbered, e.g., 1, 2, 3)
 - Only answer “yes” if all of the conditions listed apply. If any one of the listed conditions does not apply, answer “no” to that question.
- Questions that ask whether the project involves “ANY” listed conditions (conditions will be marked with a “-”)
 - Answer “yes” if any one of the listed conditions applies. Only answer “no” if none of the listed conditions apply.

Some of the WPD II questions will be automatically answered and unchangeable, based on the information entered on WPD I. The drop-down menu for these questions will be grayed-out to indicate that they were automatically answered based on the WPD I information. They can only be changed by modifying the answer to the relevant question on WPD I. The sections below in this Guide will contain explanations of which questions may be automatically answered based on WPD I information, and which specific WPD I questions affect the answers.

If district environmental staff has questions about how to answer any of the WPD II questions, he or she should contact the appropriate ENV SME assigned to the respective district for further guidance.

In the upper right-hand corner of the screen, there may be a link labeled, “Archived WPD II.” Clicking this link will take the user to an archived WPD II screen as it existed prior to the Summer 2019 ECOS update. There is no way to edit, upload to, or otherwise change the information displayed on the “Archived WPD II” screen. It is there solely to allow users to retrieve any project information that may have been entered prior to the Summer 2019 ECOS update.

5.1 Air Quality

5.1.1 Conformity

Does the project involve ALL of the following conditions?

- 1. Is either an FHWA project, or a non-FHWA project considered regionally significant by the MPO**
- 2. Is located in a nonattainment or maintenance area for Ozone, CO, NO₂, PM₁₀, or PM_{2.5}**
- 3. Is not an exempt project type as identified in 40 CFR 93.126, 40 CFR 93.128, or 40 CFR 93.127 (excluding City of El Paso)**

Is this question automatically answered according to WPD I information under certain conditions?

Yes, when the WPD I data field, "The project is located in _____ area," is answered, "Attainment/Unclassified," then this question will be automatically answered, "No," because all of the conditions listed above are not met.

What happens as a result of the answer to this question?

If this question is answered, "No," then a negative declaration finding will be automatically generated on WPD IV.

If this question is answered, "Yes," then the "Obtain Project Level Conformity Determination" Activity will be automatically generated on WPD III.

Clarifying information or instructions about this question

Note that EPA's "PM Hot-spot Analyses: Frequently Asked Questions" clarifies that the following three project types are covered by the exception for projects that "correct, improve, or eliminate a hazardous location or feature" at 40 CFR 93.126: road diets, auxiliary lanes less than 1 mile in length, and ramp metering.

5.1.2 Hot Spot

Does the project involve ALL of the following conditions?

- 1. Is an FHWA project**
- 2. Is located in a nonattainment or maintenance area for CO, PM₁₀, or PM_{2.5}**
- 3. Is not an exempt project type as identified in 40 CFR 93.126 or 40 CFR 93.128**

Is this question automatically answered according to WPD I information under certain conditions?

Yes, when the WPD I data field, "Who is the lead agency responsible for the approval of the entire project?," is answered, "TxDOT – No Federal Funding," then this question will be automatically answered, "No," because all of the conditions listed above are not met.

When the WPD I data field, "The project is located in _____ area," is answered, "Attainment/Unclassified," then this question will be automatically answered, "No," because all of the conditions listed above are not met.



What happens as a result of the answer to this question?

If this question is answered, “No,” then a negative declaration finding will be automatically generated on WPD IV.

If this question is answered, “Yes,” then the “Obtain Hot Spot Project of Air Quality Concern (POAQC) Determination” Activity will be automatically generated on WPD III.

Clarifying information or instructions about this question

Note that EPA’s “PM Hot-spot Analyses: Frequently Asked Questions” clarifies that the following three project types are covered by the exception for projects that “correct, improve, or eliminate a hazardous location or feature” at 40 CFR 93.126: road diets, auxiliary lanes less than 1 mile in length, and ramp metering.

5.1.3 Congestion Management Process

Does the project involve ALL of the following conditions?

- 1. Is an FHWA project**
- 2. Is located in a nonattainment area for Ozone or CO**
- 3. Adds single occupancy vehicle (SOV) capacity or constructs a highway on new location**

Is this question automatically answered according to WPD I information under certain conditions?

Yes, when the WPD I data field, “Who is the lead agency responsible for the approval of the entire project?,” is answered, “TxDOT – No Federal Funding,” then this question will be automatically answered, “No,” because all of the conditions listed above are not met.

When the WPD I data field, “The project is located in _____ area,” is answered, “Attainment/Unclassified,” then this question will be automatically answered, “No,” because all of the conditions listed above are not met.

What happens as a result of the answer to this question?

If this question is answered, “No,” then a negative declaration finding will be automatically generated on WPD IV.

If this question is answered, “Yes,” then the “Perform Congestion Management Process (CMP) Analysis” Activity will be automatically generated on WPD III.

Clarifying information or instructions about this question

Consult the project engineer to determine whether the project is considered to add single occupancy vehicle (SOV) capacity. Note that projects identified as safety improvements or for the elimination of bottlenecks do not count as adding SOV capacity for purposes of this requirement per 23 CFR 450.322(e).



Regarding the phrase, “constructs a highway on new location,” a “highway” includes any kind of road or street, including a city street, county road, farm-to-market road, state highway, United States highway, or interstate highway. See 23 U.S.C. 101(a)(11), and definition of “highway” in the TxDOT Glossary.

Extension of an existing highway (on-system or off-system) onto new location would be considered construction of a highway at a new location.

However, widening (e.g., adding lanes, shoulders, clear zone, etc.), filling-in gaps in frontage roads on, or re-aligning an existing highway, even if new right-of-way is required, would not be considered construction of a highway at a new location. Also, the construction of a paved highway on the former location of an unpaved road would not be considered to be construction of a highway on a new location.

5.1.4 Mobile Source Air Toxics

Is the project an EA or EIS and involves ANY of the following conditions?

- **Adds capacity or constructs a highway on new location**
- **Potentially affects a major intermodal facility/port located in proximity to a populated area**

Is this question automatically answered according to WPD I information under certain conditions?

Yes, when the WPD I data field, “Anticipated Environmental Classification,” is answered with “CE,” then this question will be automatically answered, “No.”

When the WPD I data field, “Anticipated Environmental Classification,” is answered with “EA” or “EIS,” and when the WPD I data field, “Would the project add capacity?” is answered, “Yes,” then this question will be automatically answered, “Yes,” because at least one of the conditions listed above is met.

What happens as a result of the answer to this question?

If this question is answered, “No,” then a negative declaration finding will be automatically generated on WPD IV.

If this question is answered, “Yes,” then the “Perform Mobile Source Air Toxics (MSAT) Analysis” Activity will be automatically generated on WPD III.

Clarifying information or instructions about this question

Consult the project engineer to determine whether the project is considered to add capacity.

Regarding the phrase, “constructs a highway on new location,” a “highway” includes any kind of road or street, including a city street, county road, farm-to-market road, state highway, United States highway, or interstate highway. See 23 U.S.C. 101(a)(11), and definition of “highway” in the TxDOT Glossary.

Extension of an existing highway (on-system or off-system) onto new location would be considered construction of a highway at a new location.



However, widening (e.g., adding lanes, shoulders, clear zone, etc.), filling-in gaps in frontage roads on, or re-aligning an existing highway, even if new right-of-way is required, would not be considered construction of a highway at a new location. Also, the construction of a paved highway on the former location of an unpaved road would not be considered to be construction of a highway on a new location.

5.1.5 CO Traffic Air Quality Analysis

Does the project involve ALL of the following conditions?

- 1. Adds capacity or constructs a highway on new location**
- 2. Projected to have an annual average daily traffic (AADT) over 140,000 vehicles per day (vpd) twenty years after the project is open to traffic**

Is this question automatically answered according to WPD I information under certain conditions?

No.

What happens as a result of the answer to this question?

If this question is answered, "No," then a negative declaration finding will be automatically generated on WPD IV.

If this question is answered, "Yes," then the "Perform Carbon Monoxide Traffic Air Quality Analysis (CO TAQA)" Activity will be automatically generated on WPD III.

Clarifying information or instructions about this question

Consult the project engineer to determine whether the project is considered to add capacity.

Regarding the phrase, "constructs a highway on new location," a "highway" includes any kind of road or street, including a city street, county road, farm-to-market road, state highway, United States highway, or interstate highway. See 23 U.S.C. 101(a)(11), and definition of "highway" in the TxDOT Glossary.

Extension of an existing highway (on-system or off-system) onto new location would be considered construction of a highway at a new location.

However, widening (e.g., adding lanes, shoulders, clear zone, etc.), filling-in gaps in frontage roads on, or re-aligning an existing highway, even if new right-of-way is required, would not be considered construction of a highway at a new location. Also, the construction of a paved highway on the former location of an unpaved road would not be considered to be construction of a highway on a new location.

5.2 Hazardous Materials

Does the project involve ANY of the following activities?

- **Work outside the existing ROW**
- **Demolition or renovation of a bridge**
- **Substantial excavation including, but not necessarily limited to:**
 - **underpass construction**
 - **storm sewer installations**
 - **trenching or tunneling that would require temporary or permanent shoring**

Is this question automatically answered according to WPD I information under certain conditions?

No.

What happens as a result of the answer to this question?

If this question is answered, “No,” then a negative declaration finding will be automatically generated on WPD IV.

If this question is answered, “Yes,” then the “Perform Haz Mat Initial Site Assessment (ISA)” Activity will be automatically generated on WPD III.

Clarifying information or instructions about this question

Use the following definitions in answering this question:

- **Bridge**

A structure, including supports, erected over a depression or an obstruction (e.g., water, a highway, or a railway) having a roadway or track for carrying traffic or other moving loads, and having an opening measured along the center of the roadway of more than 20 ft. between faces of abutments, spring lines of arches, or extreme ends of the openings for multiple box culverts. (Source: TxDOT’s Standard Specifications for Construction and Maintenance of Highways, Streets, and Bridges)

- **Demolition**

Bridge projects involving wrecking or removing structures including any related handling operations, such as cleaning up construction debris. The definition of demolition will primarily apply only to bridge replacement project. Replacing load supporting members such as decks, girders, columns, or caps due to damage is not considered to be demolition work and should be handled as renovation work. (Source: TxDOT’s Guidance for Handling Asbestos in Construction Projects)

- **Renovation**

Non-demolition projects involving the altering of a facility or facility components in any way that may disturb asbestos-containing material (ACM). Examples of renovation work that may disturb ACM include the following:

- Bridge widening;
- Re-decking a bridge is considered to be renovation work;
- Coating removal on retaining walls, median barriers, bridges; and
- Removal of buried or suspended conduits.

Renovation does not include routine maintenance activities such as:

- Asphalt overlays or seal coats for pavement;
- Repair/change-out of guardrail, walls or fencing consisting of uncoated concrete, steel, or wood;
- Addition of conduits/piping and lighting;
- Sealing of cracks;
- Repairs affecting only asphalt, uncoated concrete, or uncoated steel;
- Modification of drainage openings that does not disturb coated concrete or other suspect ACM; and
- Change-outs of reflectors or signs.

**(Source: TxDOT's Standard Specifications for Construction and Maintenance of Highways, Streets, and Bridges)*

- **Shoring**

Furnish and place excavation protection for trenches five feet or greater in depth. (Source: TxDOT's Standard Specifications, Item 402, "Trench Excavation Protection")

5.3 Noise

Is the project a Type I Project as defined by 23 CFR 772.5?

Is this question automatically answered according to WPD I information under certain conditions?

Yes, when the WPD I data field "Would the project add capacity?" is answered, "Yes," then this question will be automatically answered, "Yes," because an added capacity project is a Type I Project.

What happens as a result of the answer to this question?

If this question is answered, "No," then a negative declaration finding will be automatically generated on WPD IV.



If this question is answered, "Yes," then the "Perform Noise Analysis" Activity will be automatically generated on WPD III.

Clarifying information or instructions about this question

For instructions regarding how to determine if the project is a Type I Project as defined by 23 CFR 772.5, refer to **ENV's Traffic Noise Policy Implementation Guidance**.

5.4 Community Impacts

Does the project involve ANY of the following conditions?

- **Displacements of any kind**
- **Permanent increase in travel times to community facilities, businesses, or homes**
- **Constructs a new or extends an existing raised median or median barrier**
- **Permanent elimination of driveway connections to/from community facilities, businesses, or homes**
- **Permanent impediment to use of non-automobile modes of travel**
- **Constructs a highway on new location**
- **Creates a new bypass or reliever route**
- **Upgrades a non-freeway facility to a freeway facility**
- **Adds toll lanes**
- **Expansion of the roadway pavement by 12-ft or more, except for any of the following conditions:**
 - o **Bridge replacement projects (includes expansion of approaches)**
 - o **No residential areas or community facilities are adjacent to the project limits**
 - o **The addition of sidewalks and/or a bikeway outside the roadway and physically separated from motor vehicle traffic (e.g., Shared Use Path) are NOT considered an expansion of the roadway pavement.**

Is this question automatically answered according to WPD I information under certain conditions?

No.

What happens as a result of the answer to this question?

If this question is answered, "No," then a negative declaration finding will be automatically generated on WPD IV.

If this question is answered, "Yes," then the "Perform Community Impacts Analysis (CIA)" Activity will be automatically generated on WPD III.

Clarifying information or instructions about this question

Use the following definitions in answering this question:

- **Displacements** – Any person (individual, family, corporation, partnership, or association) who moves from the real property or moves his/her personal property from the real property:
 - as a direct result of a written notice of intent to acquire, the initiation of negotiations for, or the acquisition of such real property in whole or in part for a highway project; or
 - as a direct result of rehabilitation or demolition for a highway project; or
 - as a direct result of a written notice of intent to acquire, or the acquisition, rehabilitation or demolition of, in whole or part, other real property on which the person conducts a business or farm operation, for a highway project.

(Source: TxDOT Glossary, definition of “displaced person”)

- **Constructs a highway on new location** – A “highway” includes any kind of road or street, including a city street, county road, farm-to-market road, state highway, United States highway, or interstate highway. See 23 U.S.C. 101(a)(11), and definition of “highway” in the TxDOT Glossary.

Extension of an existing highway (on-system or off-system) onto new location would be considered construction of a highway at a new location.

However, widening (e.g., adding lanes, shoulders, clear zone, etc.), filling-in gaps in frontage roads on, or re-aligning an existing highway, even if new right-of-way is required, would not be considered construction of a highway at a new location. Also, the construction of a paved highway on the former location of an unpaved road would not be considered to be construction of a highway on a new location.

5.5 Public Involvement

Does the project involve ANY the following conditions?

- **EIS classification**
- **EA classification**
- **substantial public interest or controversy**
- **substantial adverse impact on any abutting real property**
- **a highway project subject to Transportation Code, Section 203.021**
- **substantially changes the layout or function of a connecting roadway or an existing facility, including the addition of managed lanes, high-occupancy vehicle lanes, bicycle lanes, bus lanes, and transit lanes**
- **adds capacity**
- **constructs a highway on new location**
- **acquisition of new right-of-way, new permanent easement(s), or new temporary construction easement**

Is this question automatically answered according to WPD I information under certain conditions?

Yes, when the WPD I data field, “Anticipated Environmental Classification,” is answered with “EA” or “EIS,” then this question will be automatically answered, “Yes,” because at least one of the conditions listed above is met.

When the WPD I data field, “Would the project add capacity?” is answered, “Yes,” then this question will be automatically answered, “Yes,” because at least one of the conditions listed above is met.

What happens as a result of the answer to this question?

If this question is answered, “No,” then a negative declaration finding will be automatically generated on WPD IV.

If this question is answered, “Yes,” then one or more public involvement-related Activities will be automatically generated on WPD III, depending on the “Anticipated Environmental Classification:”

- When the WPD I data field, “Anticipated Environmental Classification,” is answered with “CE,” then the following Activity will be automatically generated on WPD III:
 - “Perform Public Involvement Analysis”
- When the WPD I data field, “Anticipated Environmental Classification,” is answered with “EA,” then the following Activities will be automatically generated on WPD III:
 - “Perform Public Meeting (PM)”
 - “Perform Opportunity for Public Hearing (OPH)/Public Hearing (PH)”
 - “Perform FONSI Notice of Availability (NOA)”
- When the WPD I data field, “Anticipated Environmental Classification,” is answered with “EIS,” then the following Activities will be automatically generated on WPD III:
 - “Perform Public Meeting (PM)”
 - “Perform Opportunity for Public Hearing (OPH)/Public Hearing (PH)”
 - “Perform Final EIS/ROD Notice of Availability (NOA)”

Clarifying information or instructions about this question

IMPORTANT NOTE: It is important to understand that if the district answers this question “yes” on the basis that the project may involve “substantial public interest or controversy,” or will be a “substantial change in layout or function” because the project will convert an undivided roadway to a divided one and “substantial controversy” is anticipated (see below), then a public hearing will be required, as explained in the instructions for “Perform Public Involvement Analysis” in Volume 2. District environmental staff should consider this implication when determining how to answer this question.

Also, sometimes the correct answer to this question is “No,” but even though none of the triggers for requiring public involvement are met, the district environmental staff may still want to conduct some public involvement, such as a public meeting. In these cases, district environmental staff should answer this

question, “No,” and then after the project work plan (WPD III) is accepted, manually create whatever Activity is needed to track the voluntary public involvement the district intends to conduct (e.g., “Perform Public Meeting” or “Perform Additional Public Outreach”).

Use the following definitions in answering this question:

- Adds capacity - Consult the project engineer to determine whether the project is considered to add capacity.
- Constructs a highway on new location – A “highway” includes any kind of road or street, including a city street, county road, farm-to-market road, state highway, United States highway, or interstate highway. See 23 U.S.C. 101(a)(11), and definition of “highway” in the TxDOT Glossary.

Extension of an existing highway (on-system or off-system) onto new location would be considered construction of a highway at a new location.

However, widening (e.g., adding lanes, shoulders, clear zone, etc.), filling-in gaps in frontage roads on, or re-aligning an existing highway, even if new right-of-way is required, would not be considered construction of a highway at a new location. Also, the construction of a paved highway on the former location of an unpaved road would not be considered to be construction of a highway on a new location.

- Right-of-way acquisition, permanent easement(s), or temporary construction easement(s) – This condition applies only if the user entered a positive number in the “New ROW required,” “New perm. easement required,” or “New temp. easement required” field on WPD I in accordance with the explanations of those fields earlier in this Guide (see Chapter 4). As explained in Chapter 4, a “license” or “construction license” does not count as any of these.
- Substantially changes the layout or function of a connecting roadway or an existing facility, including the addition of managed lanes, high-occupancy vehicle lanes, bicycle lanes, bus lanes, and transit lanes - Substantial change in layout means: for a project involving intersecting roadways, the reconfiguration of the intersection; the horizontal re-alignment or extension of an existing highway that requires more than 30 acres of new right-of-way; or converting an undivided roadway to a divided roadway where substantial controversy is anticipated. Simple added capacity, widenings, ramp re-configurations, and frontage road conversions are not considered a substantial change in layout.

In determining whether a horizontal re-alignment or extension requires more than 30 acres of new right-of-way, consider only those fee simple or permanent easement acquisitions needed for the re-alignment or extension, including any advance acquisitions conducted for the project. Do not consider temporary easements. Also, do not consider fee simple or permanent easement acquisitions needed not for the re-alignment or extension, but for another aspect of the project, such as widening of the roadway.

In determining whether a project that reconfigures an intersection qualifies as a “substantial change in layout or function,” the project sponsor must take into account the context and impact of the reconfiguration on both the travelling public and local residents and businesses. Relatively minor reconfigurations that do not substantially affect travel patterns, such as adding a turn lane

or a simple grade separation, may be determined to not qualify as a “substantial change in layout or function.” However, more complex projects that substantially affect travel patterns are considered as a “substantial change in layout or function.”

Substantial change in function means the addition of one or more managed lanes, high-occupancy vehicle lanes, bicycle lanes, or transit lanes to an existing highway; or the conversion of an existing highway from non-controlled access to controlled access.

- “Bicycle lane” means a portion of a roadway that is designated by striping, signing, or pavement markings for the exclusive use of bicyclists. Bicycle lanes that are separated from travel lanes by landscaping, a median, or other buffer are still considered “bicycle lanes” for purposes of this requirement. Shared-use paths and wide shoulders are not considered “bicycle lanes” for purposes of this requirement. Also, none of the following situations regarding bicycle lanes are treated as “substantially changing the layout or function of a connecting roadway or an existing facility or facilities:”
 - striping bicycle lanes when the pre-existing roadway already accommodated bicycles (does not include widening projects);
 - striping one or more non-continuous bicycle lanes approaching or through intersections, driveways, or other conflict areas; or
 - striping bicycle lanes not along, but across a roadway at an intersection to allow the continuation of planned or existing bicycle lanes on crossing local streets or other bicycle facilities.

Regarding the phrase, “right-of-way acquisition, permanent easement(s), or temporary construction easement(s),” this is referring to acquisition of any new right-of-way, new permanent easement(s), or new temporary construction easement that is required for the project. Work on an existing easement does not trigger required public involvement.

5.6 Water Resources

5.6.1 Surface Water

Does the project area contain ANY water feature or base floodplain?

Is this question automatically answered according to WPD I information under certain conditions?

No.

What happens as a result of the answer to this question?

If this question is answered, “No,” then a negative declaration finding will be automatically generated on WPD IV.

If this question is answered, “Yes,” then the “Perform Surface Water Analysis” Activity will be automatically generated on WPD III.



Clarifying information or instructions about this question

The phrase, “any water feature” includes any perennial, intermittent, or ephemeral water body or wetland (including arroyos, draws, canals, etc.), regardless of whether they are jurisdictional “waters of the United States.”

“Base floodplain” means the area subject to flooding by the “base flood,” which is the flood or tide having a 1-percent chance of being exceeded in any given year (i.e., the 100-year floodplain). 23 CFR 650.105(b)&(c). To determine whether the project area contains any base floodplain, access **ENV’s Water Resources Handbook Companion Viewer** and click on the layer labeled, “USA Flood Hazard Areas.”

5.6.2 TCEQ Edwards Aquifer

Is any part of the project located within the TCEQ Edwards Aquifer Contributing, Recharge, or Transition zones?

Is this question automatically answered according to WPD I information under certain conditions?

Yes, when the WPD I data field, “County,” is answered with any county other than “Bexar,” “Comal,” “Hays,” “Kinney,” “Medina,” “Travis,” “Uvalde,” or “Williamson,” then this question will be automatically answered, “No,” because the Edwards Aquifer Contributing, Recharge, and Transition zones do not extend beyond those eight counties.

What happens as a result of the answer to this question?

If this question is answered, “No,” then a negative declaration finding will be automatically generated on WPD IV.

If this question is answered, “Yes,” then the “Perform Texas Commission on Environmental Quality (TCEQ) Edwards Aquifer Rules Analysis” Activity will be automatically generated on WPD III.

Clarifying information or instructions about this question

The boundaries of the TCEQ Edwards Aquifer Contributing, Recharge, or Transition zones are shown on **ENV’s Water Resources Handbook Companion Viewer** (click on the layer labeled, “Edwards Aquifer Recharge, Contributing, and Transition Zones.”)

5.6.3 EPA Edwards Aquifer

Is the project an EA or EIS and involves ALL of the following conditions?

- 1. Is an FHWA project**
- 2. Located within the EPA's Edwards Aquifer I or II Streamflow Source Area or Recharge Zone (sole source review area)**
- 3. Is one of the four types of projects for which an EIS is normally required according to 23 CFR 771.115(a)**

Is this question automatically answered according to WPD I information under certain conditions?

Yes, when the WPD I data field, "Anticipated Environmental Classification," is answered with "CE," then this question will be automatically answered, "No."

When the WPD I data field, "Who is the lead agency responsible for the approval of the entire project?," is answered, "TxDOT – No Federal Funding," then this question will be automatically answered, "No," because all of the conditions listed above are not met.

When the WPD I data field, "County," is answered with any county other than "Bandera," Bexar," "Blanco," "Comal," "Edwards," "Gillespie," "Hays," "Kerr," "Kendall," "Kinney," "Medina," "Real," "Travis," or "Uvalde," then this question will be automatically answered, "No," because the EPA's Edwards Aquifer I or II Streamflow Source Area or Recharge Zone (sole source review area) does not extend beyond those 14 counties.

What happens as a result of the answer to this question?

If this question is answered, "No," then a negative declaration finding will be automatically generated on WPD IV.

If this question is answered, "Yes," then the "Perform Notification for Environmental Protection Agency (EPA) Edwards Aquifer MOU" Activity will be automatically generated on WPD III.

Clarifying information or instructions about this question

For the boundaries of EPA's Edwards Aquifer I or II Streamflow Source Area or Recharge Zone (sole source review area), see **ENV's Memorandum of Understanding: Sole Source Aquifers – Safe Drinking Water Act**. These boundaries are also shown on **ENV's Water Resources Handbook Companion Viewer** (click on the layer labeled, "Sole Source aquifers (Edwards Aquifer.)") Note that the Edwards Aquifer II Artesian Zone is not included in the sole source review area.

The following are the "four types of projects for which an EIS is normally required according to 23 CFR 771.115(a):"

- a new controlled access freeway;
- a highway project of four or more lanes on a new location;

- construction or extension of a fixed transit facility (e.g., rapid rail, light rail, commuter rail, bus rapid transit) that will not be located within an existing transportation right-of-way; and
- new construction or extension of a separate roadway for buses or high occupancy vehicles not located within an existing highway facility.

Regarding the definition of “a new controlled access freeway,” apply the following guidance:

- A “freeway” means “A divided highway with full control of access and two or more lanes for the exclusive use of traffic in each direction.” FHWA’s Freeway Management & Operations Handbook, Section 1.5.1.
- “Control of access” refers to control of access to the abutting landowners, not to changes in the pattern or operation of what is being built. As the TxDOT Glossary explains, control of access...

“[r]efers to conditions on certain sections of highways where the right to access the highway by abutting property owners or occupants is fully or partially controlled by a public authority. The Texas Department of Transportation (TxDOT) may acquire property for a designated control of access facility or impose a control of access location for safety and design considerations. Control of access is a purchased property interest.”

Additionally,

“Full control of access means that the authority to control access is exercised to give preference to through traffic by providing access connections with selected public roads only and prohibiting crossings at-grade or direct private driveway connections.” TxDOT Glossary

- ENV interprets “new controlled access freeway” to mean a construction project that either:
 - Builds a controlled access freeway on a new location, or
 - Converts an existing roadway that is not a controlled access freeway, to a controlled access freeway, by implementing full control of access.
- Please note the following additional points:
 - If a project doesn’t change control of access from the perspective of abutting property owners, then it is not “a new controlled access freeway”
 - A project that modifies an existing road that already has full control of access would not qualify as “a new controlled access freeway.”
 - A project that provides for non-controlled access frontage roads cannot be considered a “new controlled access freeway” because abutting property owners are able to access the frontage roads directly from their property.



- In certain circumstances, it may be possible to clear the project as a CE, for example if the project is entirely within operational right-of-way ((c)(22)), or if an open-ended (d) CE is appropriate.
- Regardless of which type of environmental clearance is used (EA or CE), conversion of an existing roadway that is not a controlled access freeway to a controlled access freeway would be considered a “substantial change in layout or function” for purposes of Transportation Code §203.023, and therefore a public hearing would be required.

Regarding the definition of “a highway project of four or more lanes on a new location,” “highway” includes any kind of road or street, including a city street, county road, farm-to-market road, state highway, United States highway, or interstate highway. See 23 U.S.C. 101(a)(11), and definition of “highway” in the TxDOT Glossary. Extension of an existing highway (on-system or off-system) onto new location would be considered construction of a highway at a new location. However, widening (e.g., adding lanes, shoulders, clear zone, etc.), filling-in gaps in frontage roads on, or re-aligning an existing highway, even if new right-of-way is required, would not be considered construction of a highway at a new location. Also, the construction of a paved highway on the former location of an unpaved road would not be considered to be construction of a highway on a new location.

5.6.4 National Wild and Scenic River

Is this an FHWA project that involves construction activities in, across, or adjacent to a river component designated or proposed for inclusion in the National System of Wild and Scenic Rivers?

Is this question automatically answered according to WPD I information under certain conditions?

Yes, when the WPD I data field, “Who is the lead agency responsible for the approval of the entire project?,” is answered, “TxDOT – No Federal Funding,” then this question will be automatically answered, “No.”

When the WPD I data field, “County,” is answered with any county other than “Brewster” or “Terrell,” then this question will be automatically answered, “No,” because there are no river components designated or proposed for inclusion in the National System of Wild and Scenic Rivers outside of those two counties.

What happens as a result of the answer to this question?

If this question is answered, “No,” then a negative declaration finding will be automatically generated on WPD IV.

If this question is answered, “Yes,” then the “Perform Wild and Scenic Rivers Act (WSRA) Analysis” Activity will be automatically generated on WPD III.

Clarifying information or instructions about this question

There is only one river in Texas that has been designated for inclusion in the National System of Wild and Scenic Rivers. It is the reach of the Rio Grande from (a) river mile 842.3 above Mariscal Canyon in Brewster County (at the boundary between the Mexican states of Chihuahua and Coahuila) to (b) river



mile 651.1 at the Terrell-Val Verde county line. This portion of the Rio Grande is shown on **ENV's Water Resources Handbook Companion Viewer** (click on the layer labeled, "Rio Grande Wild and Scenic River.")

5.6.5 International Boundary and Water Commission

Does the project cross or encroach upon the floodway of an International Boundary and Water Commission (IBWC) right-of-way or an IBWC flood control project?

Is this question automatically answered according to WPD I information under certain conditions?

Yes, when the WPD I data field, "County," is answered with any county other than "Brewster," "Cameron," "El Paso," "Hidalgo," "Hudspeth," "Jeff Davis," "Kenney," "Maverick," "Presidio," "Starr," "Terrell," "Val Verde," "Webb," or "Zapata," then this question will be automatically answered, "No," because there are no floodways of an IBWC right-of-way or an IBWC flood control project outside of those 14 counties.

What happens as a result of the answer to this question?

If this question is answered, "No," then a negative declaration finding will be automatically generated on WPD IV.

If this question is answered, "Yes," then the "Obtain International Boundary and Water Commission (IBWC) Approval" Activity will be automatically generated on WPD III.

Clarifying information or instructions about this question

In Texas, the IBWC floodway is limited to the floodway of the Rio Grande.

IBWC flood control projects and their associated floodways are shown on IBWC's Geographic Information System (GIS) Program web page (click on the "Public GIS Viewer" and "Download/View boundary image maps").

5.6.6 Texas Coastal Management Program

Is the project within the boundary applicable to the Texas Coastal Management Program (TCMP)?

Is this question automatically answered according to WPD I information under certain conditions?

Yes, when the WPD I data field, "County," is answered with any county other than "Aransas," "Brazoria," "Calhoun," "Cameron," "Chambers," "Galveston," "Harris," "Jackson," "Jefferson," "Kenedy," "Kleberg," "Matagorda," "Nueces," "Orange," "Refugio," "San Patricio," "Victoria," or "Willacy," then this question will be automatically answered, "No," because the boundary applicable to the TCMP does not exist outside of those 18 counties.

What happens as a result of the answer to this question?

If this question is answered, "No," then a negative declaration finding will be automatically generated on WPD IV.



If this question is answered, "Yes," then the "Perform Texas Coastal Management Program (TCMP) Analysis" Activity will be automatically generated on WPD III.

Clarifying information or instructions about this question

The boundary applicable to the Texas Coastal Management Program (TCMP) is shown on **ENV's Water Resources Handbook Companion Viewer** (click on the layer labeled, "Texas Coastal Management Plan Boundaries.")

5.7 Biological Resources

5.7.1 Marine Mammal

Is the project located WITHIN or OVER tidally influenced waters?

Is this question automatically answered according to WPD I information under certain conditions?

Yes, when the WPD I data field, "County," is answered with any county other than "Aransas," "Brazoria," "Calhoun," "Cameron," "Chambers," "Galveston," "Harris," "Jackson," "Jefferson," "Kenedy," "Kleberg," "Matagorda," "Nueces," "Orange," "Refugio," "San Patricio," "Victoria," or "Willacy," then this question will be automatically answered, "No," because there is no potential to impact marine mammals outside of those 18 counties.

What happens as a result of the answer to this question?

If this question is answered, "No," then a negative declaration finding will be automatically generated on WPD IV.

If this question is answered, "Yes," then the "Perform Marine Mammal Protection Act (MMPA) Analysis" Activity will be automatically generated on WPD III.

Clarifying information or instructions about this question

Tidally influenced waters are shown on **ENV's Water Resources Handbook Companion Viewer** (click on the layer labeled, "TCEQ Stream Segments (2014)," and then click on the individual stream segments and look for "tidal" in the "Segment Type.")

5.7.2 Essential Fish Habitat

Is this an FHWA project located WITHIN essential fish habitat (EFH)?

Is this question automatically answered according to WPD I information under certain conditions?

Yes, when the WPD I data field, "Who is the lead agency responsible for the approval of the entire project?," is answered, "TxDOT – No Federal Funding," then this question will be automatically answered, "No."



When the WPD I data field, "County," is answered with any county other than "Aransas," "Brazoria," "Calhoun," "Cameron," "Chambers," "Galveston," "Harris," "Jackson," "Jefferson," "Kenedy," "Kleberg," "Matagorda," "Nueces," "Orange," "Refugio," "San Patricio," "Victoria," or "Willacy," then this question will be automatically answered, "No," because there is no potential to impact marine mammals outside of those 18 counties.

What happens as a result of the answer to this question?

If this question is answered, "No," then a negative declaration finding will be automatically generated on WPD IV.

If this question is answered, "Yes," then the "Perform Essential Fish Habitat (EFH) Analysis" Activity will be automatically generated on WPD III.

Clarifying information or instructions about this question

The National Marine Fisheries Service provides an on-line Essential Fish Habitat (EFH) Mapper (<https://www.habitat.noaa.gov/apps/efhmapper/>). Navigate to the National Marine Fisheries Service's on-line Essential Fish Habitat Mapper and select the blue "Explore Data" box within the box labelled "Find your council". Select "Gulf of Mexico" from the pop-up that is generated. "Gulf of Mexico". Select the blue "Generate Report" box on the bottom left side of the screen. Zoom to the project area and left-click. This will generate an EFH Mapper Report that will identify any essential fish habitat within the area.

5.7.3 Farmland

Is this an FHWA project that requires new permanent easements or ROW?

Is this question automatically answered according to WPD I information under certain conditions?

Yes, when the WPD I data field, "Who is the lead agency responsible for the approval of the entire project?," is answered, "TxDOT – No Federal Funding," then this question will be automatically answered, "No."

What happens as a result of the answer to this question?

If this question is answered, "No," then a negative declaration finding will be automatically generated on WPD IV.

If this question is answered, "Yes," then whether or not an Activity will be automatically generated on WPD III depends on the answer to the question that immediately follows this one on WPD II, which is, "Are the entire project limits contained within..." See below.

Clarifying information or instructions about this question

"New permanent easements or ROW" means acquisitions by which full ownership of the real property will transfer from the previous owner to TxDOT or a local government that is advancing this specific project, or by which the owner of the real property will grant a permanent easement to TxDOT or a local

government that is advancing this specific project. This includes any of the following types of special acquisitions:

- Donations of ROW or a permanent easement made for the purpose of advancing this specific project.
- ROW or a permanent easement acquired for this specific project from another unit of state government that is not the project proponent (e.g., the General Land Office).
- “Advance acquisitions” of ROW or a permanent easement that have been or will be undertaken by TxDOT or a local government for this specific project. Do not include ROW or a permanent easement that was previously acquired by TxDOT or the local government that is advancing this specific project if that ROW or permanent easement was originally acquired for some other previously completed project.

Are the entire project limits contained within either of the following:

- **land already in or committed to urban development or water storage, as defined at 7 CFR 658.2**
- **a non-urbanized area that does not contain any prime, unique, statewide important, or locally important farmland as mapped by the Natural Resources Conservation Service (NRCS) Web Soil Survey**

Is this question automatically answered according to WPD I information under certain conditions?

Yes, when the WPD I data field, “Who is the lead agency responsible for the approval of the entire project?” is answered, “TxDOT – No Federal Funding,” then this question will be automatically grayed-out and left blank.

Additionally, if the question immediately preceding this one on WPD II, “Is this an FHWA project that requires new permanent easements or ROW?” is answered, “No,” then this question will also automatically be grayed-out and left blank, because if the project is not an FHWA project that requires new permanent easements or ROW, then there is no need to answer this second question as the FPPA does not apply.

What happens as a result of the answer to this question?

If this question is answered, “No,” then the “Perform Farmland Protection Policy Act (FPPA) Analysis” Activity will be automatically generated on WPD III.

If this question is answered “Yes” or is automatically grayed-out and left blank, then a negative declaration finding will be automatically generated on WPD IV.

Clarifying information or instructions about this question

The prime, unique, statewide important, or locally important farmland status of a soil can be found using either the NRCS Soil Data Access Prime and other Important Farmlands website or using the NRCS Web Soil Survey. On the NRCS Web Soil Survey, the farmland status of soils is listed within the Map Unit Description of each soil within the defined area of interest for the project. Prime, unique, statewide

important, or locally important farmland soils can be mapped in the NRCS Web Soil Survey within a defined area of interest by selecting the "Soil Data Explorer" tab, then the "Suitabilities and Limitations for Use" tab, then selecting "Land Classifications" on the dropdown menu, then "Farmland Classification," then selecting "View Rating."

Note that if any of these special soil types are present in a non-urbanized setting anywhere within the project limits, then the answer to this question is "No," and the "Perform Farmland Protection Policy Act (FPPA) Analysis" Activity will be generated. If the project will not actually impact any of these special soil types, then district environmental staff will be able to note that in the "Comments" field of the "Farmland Protection Policy Act (FPPA) Analysis" Activity, as explained in the instructions for that Activity.

5.7.4 Coastal Barrier Resources

Is this a federally funded project located within a designated Coastal Barrier Resources Act (CBRA) map unit?

Is this question automatically answered according to WPD I information under certain conditions?

Yes, when the WPD I data field, "Who is the lead agency responsible for the approval of the entire project?," is answered, "TxDOT – No Federal Funding," then this question will be automatically answered, "No."

When the WPD I data field, "County," is answered with any county other than "Aransas," "Brazoria," "Calhoun," "Cameron," "Chambers," "Galveston," "Jefferson," "Kenedy," "Kleberg," "Matagorda," "Nueces," or "Willacy," then this question will be automatically answered, "No," because there are not any designated CBRA map units outside of those 12 counties.

What happens as a result of the answer to this question?

If this question is answered, "No," then a negative declaration finding will be automatically generated on WPD IV.

If this question is answered, "Yes," then whether or not an Activity will be automatically generated on WPD III depends on the answer to the question that immediately follows this one on WPD II, which is, "Is the project within an otherwise protected area (OPA) with a "P" designation?" See below.

Clarifying information or instructions about this question

The boundaries of the CBRA map units are shown on **ENV's Water Resources Handbook Companion Viewer** (click on the layer labeled, "Coastal Barrier Resources Act.")

Is the project within an otherwise protected area (OPA) with a "P" designation?

Is this question automatically answered according to WPD I information under certain conditions?

Yes, when the WPD I data field, "Who is the lead agency responsible for the approval of the entire project?," is answered, "TxDOT – No Federal Funding," then this question will be automatically grayed-out and left blank.



When the WPD I data field, "County," is answered with any county other than "Aransas," "Brazoria," "Calhoun," "Cameron," "Chambers," "Galveston," "Jefferson," "Kenedy," "Kleberg," "Matagorda," "Nueces," or "Willacy," then this question will be automatically answered, "No," because there are not any designated CBRA map units outside of those 12 counties.

Additionally, if the question immediately preceding this one on WPD II, "Is this a federally funded project located within a designated Coastal Barrier Resources Act (CBRA) map unit?," is manually answered, "No," then this question will also automatically be grayed-out and left blank because OPAs with a "P" designation only occur within designated CBRA map units.

What happens as a result of the answer to this question?

If this question is answered, "No," and the answer to the immediately preceding question ("Is this a federally funded project located within a designated Coastal Barrier Resources Act (CBRA) map unit?") is answered, "Yes," then the "Obtain Coastal Barrier Resources Act (CBRA) Opinion" Activity will be automatically generated on WPD III.

If this question is answered, "No," and the answer to the immediately preceding question ("Is this a federally funded project located within a designated Coastal Barrier Resources Act (CBRA) map unit?") is also answered, "No," then a negative declaration finding will be automatically generated on WPD IV.

If this question is answered, "Yes" or is automatically grayed-out and left blank then a negative declaration finding will be automatically generated on WPD IV.

Clarifying information or instructions about this question

The boundaries of the otherwise protected areas (OPAs) with a "P" designation are shown on **ENV's Water Resources Handbook Companion Viewer** (click on the layer labeled, "Coastal Barrier Resources Act," and then click on the individual units to see the "Unit Type" and "Unit" number.)

5.8 Cultural Resources

5.8.1 Historical Studies

Are ALL project activities listed on the "List of Projects that Do Not Require Review or Coordination for Non-Archeological Historic Property Compliance?"

Is this question automatically answered according to WPD I information under certain conditions?

Yes, this question will be automatically grayed-out and left blank for certain combinations of WPD I data field answers because the "List of Projects that Do Not Require Review or Coordination for Non-Archeological Compliance" cannot be used under certain conditions. The combinations that will automatically gray-out and leave this question blank are identified in the table below:

Table showing combinations of WPD I data field answers that will automatically gray-out and leave blank the Historical Studies WPD II question

Who is the lead agency responsible for approval of the entire project?	Does the project require any federal permit, license, or approval?	Who is the project sponsor for environmental review (as defined by 43 TAC 2.7)?
TxDOT – No Federal Funding	No	Local Government
TxDOT – No Federal Funding	Yes	TxDOT
TxDOT – No Federal Funding	Yes	Local Government

What happens as a result of the answer to this question?

If this question is answered “No” or is automatically grayed-out and left blank then the “Obtain Historical Studies Section 106/Antiquities Code of Texas (ACT) Approval” Activity will be automatically generated on WPD III.

Additionally, if this question is answered “No” or is automatically grayed-out and left blank and if the WPD I data field, “Who is the project sponsor for environmental review (as defined by 43 TAC 2.7)?,” is answered, “TxDOT,” then the “Perform a Historical Studies Project Coordination Request (PCR)” Activity will also be automatically generated on WPD III.

Additionally, if this question is answered “No” or is automatically grayed-out and left blank and if the WPD I data field, “Who is the project sponsor for environmental review (as defined by 43 TAC 2.7)?,” is answered, “Local Government,” and if the WPD I data field, “Who is the lead agency responsible for approval of the entire project?” is answered either “FHWA – Assigned to TxDOT” or “FHWA – Not Assigned to TxDOT;” then the “Perform a Historical Studies Project Coordination Request (PCR)” Activity will also be automatically generated on WPD III. This is because for FHWA projects, TxDOT is ultimately responsible for Section 106 and the local government project sponsor should follow our normal Section 106 process.

The “Perform a Historical Studies Project Coordination Request (PCR)” Activity will not be generated on a project for which the WPD I data field “Who is the lead agency responsible for approval of the entire project?” is answered “TxDOT – No Federal Funding” and a local government is the project sponsor for environmental review (as defined by 43 TAC 2.7) because TxDOT’s programmatic agreement for section 106 compliance with FHWA does not apply and local government project sponsors are expected to obtain any non-FHWA Section 106/Antiquities Code approval without TxDOT assistance, and therefore the various actions leading to Section 106/Antiquities Code approval (e.g., the PCR Activity) need not be independently tracked in ECOS.

If this question is answered, “Yes,” then a negative declaration finding will be automatically generated on WPD IV.

Clarifying information or instructions about this question

The reason why this question is automatically grayed-out and left blank under the scenarios listed in the table above is that, in these scenarios, neither the “Programmatic Agreement Among the Federal Highway Administration, the Texas Department of Transportation, the Texas State Historic Preservation Officer, and the Advisory Council on Historic Preservation Regarding the Implementation of Transportation Undertakings,” nor TxDOT’s memorandum of understanding with the Texas Historical Commission (43 TAC Chapter 2, Subchapter H), can be used.

In the first and third of the three scenarios listed in the table above, a local government is the project sponsor for environmental review (as defined by 43 TAC 2.7). Local government project sponsors are not parties to the programmatic agreement or the MOU mentioned above; therefore, they do not have the benefit of avoiding a project-specific review for project types on the “List of Projects that Do Not Require Review or Coordination for Non-Archeological Historic Property Compliance.” Additionally, as mentioned earlier, local government project sponsors are expected to obtain Section 106/Antiquities Code approval without TxDOT assistance, and various actions leading to Section 106/Antiquities Code approval need not be independently tracked in ECOS.

In the second of the three scenarios listed in the table above, TxDOT is the project sponsor for environmental review (as defined by 43 TAC 2.7) and the project has no federal funding, but the project does require some kind of federal permit, license, or approval, for example, a USACE permit under Section 404 of the Clean Water Act. In this scenario, Section 106 approval is required for the federal permit, license, or approval, but TxDOT cannot use the programmatic agreement mentioned above because the USACE, for example, is not a party to it; therefore, TxDOT does not have the benefit of avoiding a project-specific review for project types on the “List of Projects that Do Not Require Review or Coordination for Non-Archeological Historic Property Compliance.” Note that in this scenario, it is technically the USACE’s responsibility to review the project under Section 106, but TxDOT normally does the Section 106 review of the project and submits it to the USACE for approval.

5.8.2 Archeology

Are ALL project activities listed on the “List of Projects that Do Not Require Review or Coordination for Archeological Compliance?”

Is this question automatically answered according to WPD I information under certain conditions?

Yes, this question will be automatically grayed-out and left blank for certain combinations of WPD I data field answers because the “List of Projects that Do Not Require Review or Coordination for Archeological Compliance” cannot be used under certain conditions. The combinations that will automatically gray-out and leave blank this question are identified in the table below:

Table showing combinations of WPD I data field answers that will automatically gray-out and leave blank the Archeology WPD II question

Who is the lead agency responsible for approval of the entire project?	Does the project require any federal permit, license, or approval?	Does the project occur, in part or in total, on federal or tribal lands?	Who is the project sponsor for environmental review (as defined by 43 TAC 2.7)?
TxDOT – No Federal Funding	No	Yes	TxDOT
TxDOT – No Federal Funding	No	Yes	Local Government
TxDOT – No Federal Funding	No	No	Local Government
FHWA – Assigned to TxDOT or FHWA – Not Assigned to TxDOT	Yes or No	Yes	Local Government
FHWA – Assigned to TxDOT or FHWA – Not Assigned to TxDOT	Yes or No	Yes	TxDOT
TxDOT – No Federal Funding	Yes	Yes or No	Local Government
TxDOT – No Federal Funding	Yes	Yes or No	TxDOT

What happens as a result of the answer to this question?

If this question is answered “No” or is automatically grayed-out and left blank then the “Obtain Archeology Section 106/Antiquities Code of Texas (ACT) Approval” Activity will be automatically generated on WPD III.

Additionally, if this question is answered “No” or is automatically grayed-out and left blank and if the WPD I data field, “Who is the project sponsor for environmental review (as defined by 43 TAC 2.7)?,” is answered, “TxDOT,” then the “Perform Archeology Background Study” Activity will also be automatically generated on WPD III.

Additionally, if this question is answered “No” or is automatically grayed-out and left blank and if the WPD I data field, “Who is the project sponsor for environmental review (as defined by 43 TAC 2.7)?,” is answered, “Local Government,” and if the WPD I data field, “Who is the lead agency responsible for approval of the entire project?” is answered either “FHWA – Assigned to TxDOT” or “FHWA – Not Assigned to TxDOT;” then the “Perform Archeology Background Study” Activity will also be automatically generated on WPD III. This is because for FHWA projects, TxDOT is ultimately responsible for Section 106 and the local government project sponsor should follow our normal Section 106 process.

The “Perform Archeology Background Study” Activity will not be automatically generated on a project for which the WPD I data field, “Who is the lead agency responsible for approval of the entire project?” is



answered "TxDOT – No Federal Funding" and a local government is the project sponsor for environmental review (as defined by 43 TAC 2.7) because TxDOT's programmatic agreement for Section 106 compliance with FHWA does not apply and local government project sponsors are expected to obtain any non-FHWA Section 106/Antiquities Code approval without TxDOT assistance, and therefore the various actions leading to Section 106/Antiquities Code approval (e.g., the "Perform Archeology Background Study" Activity) need not be independently tracked in ECOS.

If this question is answered, "Yes," then a negative declaration finding will be automatically generated on WPD IV.

Clarifying information or instructions about this question

The reason why this question is automatically grayed-out and left blank under the scenarios listed in the table above is that, in these scenarios, neither the "Programmatic Agreement Among the Federal Highway Administration, the Texas Department of Transportation, the Texas State Historic Preservation Officer, and the Advisory Council on Historic Preservation Regarding the Implementation of Transportation Undertakings," nor TxDOT's memorandum of understanding with the Texas Historical Commission (43 TAC Chapter 2, Subchapter H), can be used. Therefore, in the scenarios listed in the table above, an archeology background study is always required.

Note that if the project is going to be cleared as a (c)(1) or (c)(29) CE, then there is no earth disturbance, and so these projects will always be considered to be on the List of Projects that Do Not Require Review or Coordination for Archeological Compliance, and so district environmental staff should answer "Yes" to this question for a (c)(1) or (c)(29) CE.

5.8.3 Cemeteries

Are cemeteries expected to be present within or adjacent to the project?

Is this question automatically answered according to WPD I information under certain conditions?

No.

What happens as a result of the answer to this question?

If this question is answered, "No," then a negative declaration finding will be automatically generated on WPD IV.

If this question is answered, "Yes," then whether or not an Activity will be automatically generated on WPD III depends on the answer to the questions that immediately follows this one on WPD II, which are, "Would the pavement be extended to within 15 feet of the existing ROW boundary adjacent to the cemetery?" and "Would ANY other project construction directly affect any known burials?"

Clarifying information or instructions about this question

For purposes of this question, "adjacent" means located on a parcel of land that abuts the proposed edge of right-of-way. If a cemetery is expected to be present on a parcel of land that abuts the proposed edge of right-of-way, then answer this question, "Yes."

Would the pavement be extended to within 15 feet of the existing ROW boundary adjacent to the cemetery?**Is this question automatically answered according to WPD I information under certain conditions?**

No, however, if the question immediately preceding this one on WPD II, "Are cemeteries expected to be present within or adjacent to the project?," is answered, "No," then this question will also automatically be answered, "No," because there would be no cemetery adjacent to the existing ROW boundary.

Additionally, if the question immediately preceding this one on WPD II, "Are cemeteries expected to be present within or adjacent to the project?," is answered, "Yes," and the earlier question on WPD II, "Are ALL project activities listed on the "List of Projects that Do Not Require Review or Coordination for Archeological Compliance ...," is answered "No" or is automatically grayed-out and left blank then this question will automatically be grayed-out and left blank. This is because if a cemetery is expected to be present within or adjacent to the project, and the project is not on the list of project types that do not require review or coordination for archeological compliance, then it does not matter whether the pavement will be extended to within 15 feet of the existing ROW boundary adjacent to the cemetery, as a cemetery investigation will be required regardless.

What happens as a result of the answer to this question?

Whether a negative declaration finding will be automatically generated on WPD IV or an Activity will be automatically generated on WPD III depends on the answers to both this question ("Would the pavement be extended to within 15 feet of the existing ROW boundary adjacent to the cemetery?") and the next question ("Would ANY other project construction directly affect any known burials?"), as indicated below in the explanation for that question.

Clarifying information or instructions about this question

For purposes of this question, "adjacent to the cemetery" means abutting a parcel of land on which a cemetery exists. If pavement would be extended to within 15 feet of the existing ROW boundary that abuts a parcel of land on which a cemetery exists, then answer this question, "Yes."

Would ANY other project construction directly affect any known burials?**Is this question automatically answered according to WPD I information under certain conditions?**

No, however, if the earlier question on WPD II, "Are cemeteries expected to be present within or adjacent to the project?," is answered, "No," then this question will also automatically be answered, "No," because there would be no cemetery adjacent to the existing ROW boundary.

Additionally, if the earlier question on WPD II, "Are cemeteries expected to be present within or adjacent to the project?," is answered, "Yes," and the earlier question on WPD II, "Are ALL project activities listed on the "List of Projects that Do Not Require Review or Coordination for Archeological Compliance ...," is answered, "Yes," and the question immediately preceding this one on WPD II, "Would the pavement be extended to within 15 feet of the existing ROW boundary adjacent to the cemetery?," is answered, "Yes," then this question will automatically be grayed-out and left blank. This is because if a project is taking

place within or adjacent to a cemetery, and it is on the list of projects the do not require review or coordination for archeological compliance, and the project will extend pavement to within 15 feet of the existing ROW boundary adjacent to the cemetery, then it doesn't matter whether the project would directly affect any known burials, as a cemetery investigation will be required regardless.

Additionally, if the earlier question on WPD II, "Are cemeteries expected to be present within or adjacent to the project?," is answered, "Yes," and the earlier question on WPD II, "Are ALL project activities listed on the "List of Projects that Do Not Require Review or Coordination for Archeological Compliance ...," is answered "No" or automatically grayed-out and left blank and the question immediately preceding this one on WPD II, "Would the pavement be extended to within 15 feet of the existing ROW boundary adjacent to the cemetery?," is automatically grayed-out and left blank then this question will automatically be grayed-out and left blank. This is because if a project is taking place within or adjacent to a cemetery, and it is not on the list of projects the do not require review or coordination for archeological compliance, then it doesn't matter whether the project would directly affect any known burials, as a cemetery investigation will be required regardless.

What happens as a result of the answer to this question?

If this question ("Would ANY other project construction directly affect any known burials?") and the immediately preceding question ("Would the pavement be extended to within 15 feet of the existing ROW boundary adjacent to the cemetery?") are both answered, "No," then a negative declaration finding will be automatically generated on WPD IV.

If either this question ("Would ANY other project construction directly affect any known burials?") or the immediately preceding question ("Would the pavement be extended to within 15 feet of the existing ROW boundary adjacent to the cemetery?") is answered "Yes" or automatically grayed-out then the "Perform Cemetery Investigation" Activity will be automatically generated on WPD III.

5.9 Protected Lands

5.9.1 Section 4(f) (non-historic)

Do ANY parks, recreation areas, and/or wildlife or waterfowl refuges occur in or adjacent to the project area?

Is this question automatically answered according to WPD I information under certain conditions?

No.

What happens as a result of the answer to this question?

If this question is answered "No" then a negative declaration finding will be automatically generated on WPD IV.

If this question is answered "Yes," and the WPD I data field, "Who is the lead agency responsible for the approval of the entire project?" is answered, "TxDOT – No Federal Funding," then a negative declaration finding will be automatically generated on WPD IV.



If this question is answered, “Yes,” and the WPD I data field, “Who is the lead agency responsible for the approval of the entire project?” is answered, “FHWA – Assigned to TxDOT” or “FHWA – Not Assigned to TxDOT,” then see below for what happens based on how other WPD II questions are answered:

If the earlier question on WPD II, “Are ALL project activities listed on the ‘List of Projects that Do Not Require Review or Coordination for Non-Archeological Historic Property Compliance?,’” is answered, “Yes,” and the earlier question on WPD II, “Are ALL project activities listed on the ‘List of Projects that Do Not Require Review or Coordination for Archeological Compliance ...,’” is answered, “Yes,” then the following occurs:

- a negative declaration finding regarding no use of any Section 4(f) public or private historic sites will be automatically generated on WPD IV; and
- the “Perform Section 4(f) Analysis” Activity will be automatically generated on WPD III (note that this analysis will be limited to parks, recreation areas, and wildlife and waterfowl refuges).

If the earlier question on WPD II, “Are ALL project activities listed on the ‘List of Projects that Do Not Require Review or Coordination for Non-Archeological Historic Property Compliance?,’” is answered “No” or automatically grayed-out and left blank or the earlier question on WPD II, “Are ALL project activities listed on the ‘List of Projects that Do Not Require Review or Coordination for Archeological Compliance ...,’” is answered “No” or automatically grayed-out and left blank, then the “Perform Section 4(f) Analysis” Activity will be automatically generated on WPD III.

Clarifying information or instructions about this question

The heading for this question on WPD II is “Section 4(f) (non-historic).” This is because the question is asking only whether any parks, recreation areas, and/or wildlife or waterfowl refuges occur in or adjacent to the project area, and does not ask for any information regarding historic sites. Notice, however, that on WPD IV, there is a section labeled, “Section 4(f),” which will contain any negative declaration findings for both parks/recreation areas/wildlife and waterfowl refuges and historic sites.

Answer, “Yes,” if any parks, recreation areas, and/or wildlife or waterfowl refuges occur in or adjacent to the project area, regardless of whether such properties are public or privately owned. For purposes of answering this question, consider “recreation areas” as including any golf course, school playground, sports field, fairground, picnic area, or other property that may be considered a “recreation area.” Whether such areas are actually protected under Section 4(f) will be determined and documented as part of the “Perform Section 4(f) Analysis” Activity.”

5.9.2 Section 6(f)

Does the project involve ANY of the following with respect to any Section 6(f) property?

- **Acquisition of ROW from the property**
- **Permanent or temporary easement or construction license on the property**
- **Any other arrangement that will allow for a non-public outdoor recreation use of a portion of the property**

Is this question automatically answered according to WPD I information under certain conditions?

No.

What happens as a result of the answer to this question?

If this question is answered, “No,” then a negative declaration finding will be automatically generated on WPD IV.

If this question is answered, “Yes,” then the “Obtain Section 6(f) Approval” Activity will be automatically generated on WPD III.

Clarifying information or instructions about this question

“Section 6(f) property” means any area or facility for which Land and Water Conservation Fund assistance is obtained, regardless of the extent of participation of the program in the assisted area or facility and consistent with the contractual agreement between the National Park Service and the State.” 36 CFR 59.1.

A list of Section 6(f) properties within each county can be accessed through the “Map of LWCF” website maintained by the Land and Water Conservation Fund Coalition. However, this database does not show the boundaries of each property protected by Section 6(f). The only way to get the boundaries of a 6(f) property is to contact the Texas Parks and Wildlife Department’s Local Park Grants Coordinator, who typically has to look into TPWD’s archives for this information. If there is reason to believe that the project may involve a temporary or permanent conversion of use of a Section 6(f) property, but district environmental staff is unsure, then district environmental staff may reach out to the Texas Parks and Wildlife Department’s Local Park Grants Coordinator to confirm prior to answering this question. Alternatively, district environmental staff may simply answer this question “Yes” and then look into the exact boundaries of the Section 6(f) property as part of the “Obtain Section 6(f) Approval” Activity.

5.9.3 Chapter 26

Does the project involve ANY of the following with respect to any property protected by Parks and Wildlife Code, Chapter 26?

- **Acquisition of ROW from the property**
- **Permanent easement on the property**
- **On-site construction that converts the use of the property**

Is this question automatically answered according to WPD I information under certain conditions?

No.

What happens as a result of the answer to this question?

If this question is answered, “No,” then a negative declaration finding will be automatically generated on WPD IV.

If this question is answered, “Yes,” then the “Perform Chapter 26 Analysis” Activity will be automatically generated on WPD III.

Clarifying information or instructions about this question

“Property protected by Parks and Wildlife Code, Chapter 26” means any public land designated and used as a park, recreation area, scientific area, wildlife refuge, or historic site.

In determining whether a property is protected Chapter 26, consider the following:

- Any property owned by a federal, state, or local governmental entity must be considered “public land” for the purposes of Chapter 26.
- Prior to initiation of the project, the property in question must be designated and used as a park, recreation area, scientific area, wildlife refuge, or historic site. In other words, chapter 26 applies if the property has some formal designation as one of the five listed land uses (even if it is only a local designation) and some basis for concluding the property is being used in accordance with that designation.
- Note that with respect to historic properties, Chapter 26 is different than Section 4(f). Section 4(f) applies to privately and publicly owned historic properties, and historic properties that are merely eligible for listing on the National Register of Historic Places. However, Chapter 26 only applies to publicly owned historic sites that are actually designated (on the NHRP or some other local designation) and used as a historic site.

“Acquisition of ROW” and “permanent easement” means acquisitions by which full ownership of the real property will transfer from the previous owner to TxDOT or a local government that is advancing this specific project, or by which the owner of the real property will grant a permanent easement to TxDOT or a local government that is advancing this specific project. This includes any of the following types of special acquisitions:



Environmental Guide: Volume 1 Process

- Donations of ROW or a permanent easement made for the purpose of advancing this specific project.
- ROW or a permanent easement acquired for this specific project from another unit of state government that is not the project proponent (e.g., the General Land Office).
- “Advance acquisitions” of ROW or a permanent easement that have been or will be undertaken by TxDOT or a local government for this specific project. Do not include ROW or a permanent easement that was previously acquired by TxDOT or the local government that is advancing this specific project if that ROW or permanent easement was originally acquired for some other previously completed project.

Regarding the third trigger in the WPD II question, “on-site construction that converts the use of the property,” answer “Yes” even if the on-site activities will only be temporary. The “Perform Chapter 26 Analysis” Activity will be generated, but you will be able to explain in the “Comments” field of the Activity that the on-site activities will only be temporary, and so no further actions are needed to comply with Chapter 26 (this is explained at the beginning of the EG Vol. 2 Activity Instructions for the “Perform Chapter 26 Analysis” Activity).

Chapter 6. How to complete WPD Section III – Project Work Plan, and Manage Change Control and Hold Processes

After both WPD I and II have been finalized, ECOS automatically generates a list of Activities, which represent the initial “project work plan” for the project. The project work plan will be shown on WPD III. ECOS also automatically generates a list of “Findings,” which will be shown on WPD IV as explained below in Chapter 7.

District environmental staff reviews WPD III and WPD IV to verify that the Activities automatically generated by ECOS and listed on WPD III and the Findings listed on WPD IV are the correct ones based on what is known about the project.

District environmental staff must indicate a “due date” for each Activity, either at the WPD III stage (which is preferred) or later when assigning an Activity to a particular person when creating a new Activity from the “Activities” console. To indicate a “due date” at the WPD III stage, ~~then~~ district environmental staff clicks on the calendar icon next to the “Due Date” field for that Activity as it appears on WPD III, and selects the desired due date. District environmental staff may use the “due date” to communicate when a certain deliverable is expected, or when the Activity needs to be completely finalized (including reviews or coordinations). District environmental staff should communicate the due date expectation to the individual to whom the Activity will be assigned instead of just assuming that they will notice it in ECOS.

6.1 Submittal of the Project Work Plan to the Department Delegate

Once the district environmental staff has reviewed WPD III and WPD IV and entered any “due dates”, the district environmental staff clicks “Submit to Delegate” on WPD III to submit WPD I, WPD II, and WPD III to the department delegate for review and approval. Normally, the individual listed as the Sponsor Point of Contact (for CEs) or District Core Team Member (for EAs or EISs) on WPD I does this. However, ECOS will allow others with the authorized user role to do this (for example, if the individual listed on WPD I is not available). A pop-up window with an “Explanation” field will appear. District environmental staff enters a comment in the “Explanation” field regarding the submittal of the project work plan and any other information that district environmental staff intends to communicate to the department delegate. District environmental staff clicks “Submit/Accept” in the pop-up window (and “OK” in the subsequent pop-up window). For a CE project, ECOS will send an email indicating that the project work plan is ready for review and approval to the “Delegate Point of Contact” listed on WPD I. For an EA or EIS project, ECOS will send an email to the “District Core Team Member” and “ENV Core Team Member” listed on WPD I.

6.2 Acceptance of the Project Work Plan by the Department Delegate

If the department delegate disagrees with any of the information on WPD I, WPD II or WPD III, then the department delegate discusses any issues with district environmental staff, and district environmental staff contacts the department delegate once any issues have been resolved. If changes are made to WPD I, WPD II, or WPD III prior to acceptance by the department delegate, then the district environmental staff must re-submit the project work plan for acceptance.

Once the department delegate has reviewed and approved the information on WPD I, WPD II and WPD III, the department delegate clicks “Acceptance by Delegate” on WPD III. Normally, the individual listed



as the Delegate Point of Contact (for CEs) or ENV Core Team Member (for EAs or EISs) on WPD I does this. However, ECOS will allow others with the authorized user role to do this (for example, if the individual listed on WPD I is not available). A pop-up window with an “Explanation” field will appear. The department delegate enters a comment in the “Explanation” field regarding acceptance of the project work plan and any other information that the department delegate intends to communicate to the district environmental staff. The department delegate clicks “Submit/Accept” in the pop-up window (and “OK” in the subsequent pop-up window). For a CE project, ECOS will send an email indicating that the project work plan has been accepted to the “Sponsor Point of Contact” listed on WPD I. For an EA or EIS project, ECOS will send an email to the “Sponsor Point of Contact” and “District Core Team Member” listed on WPD I.

This completes the project work plan for the project (previously referred to as the “project scope”), which consists of a list of Activities that must be completed. Upon acceptance of the project work plan by the department delegate, ECOS will:

- automatically generate the Activities listed on WPD III by adding them to the Activities console for the project; and
- move the list of automatically generated Activities listed on WPD III under “New Project Activity(ies)” to a new section of WPD III labeled, “Previously Created and Still Open Activity(ies).”

If a local government is seeking to be the official project sponsor (e.g., “Who is the project sponsor as defined by 43 TAC 2.7?” is answered “Yes”) and submits the project work plan to the department delegate for approval, and it appears that the department delegate will not be able to accept the project work plan within 30 days of the initial submittal, then the department delegate (district personnel for a CE or ENV project delivery staff for an EA/EIS) must create the “Obtain Project Classification Approval” Activity. This Activity will have to be created manually by using the “A+” icon on the Activities screen. As explained in the Activity Instructions for that Activity the department delegate must issue a letter with a preliminary classification of the project to the local government within 30 days of the initial submittal of the project work plan if the department delegate has not accepted the project work plan by that date.

6.3 “Project Start,” “Submit,” and “Acceptance” Date Fields

Note that the WPD III field labeled, “Project Start Date,” will be automatically filled-in with the date on which the project work plan was first accepted by the delegate. This date will never change, even if the project work plan is revised and re-submitted and re-accepted at a later date.

The WPD III field labeled, “Submit Date,” will be automatically filled-in with the date on which the project work plan was most recently submitted by district environmental staff for approval by the department delegate.

The WPD III field labeled, “Acceptance Date,” will be automatically filled-in with the date on which the project work plan was most recently accepted by the department delegate.

6.4 Work Plan Acceptance Log

The table at the bottom of WPD III labeled, “Work Plan Acceptance Log,” will automatically be filled-in with the dates on which the initial project work plan was submitted by the district environmental staff, and accepted by the department delegate. The submittal and acceptance will be reflected on separate rows within the table. Under the column labeled, “Explanation,” the table will also display the comments entered by the district environmental staff and department delegate in the pop-up window that appeared when they submitted and accepted the project work plan.

This table will also display subsequent submittals and acceptances of the project work plan if there are later changes to WPD I or WPD II, and any instances in which the project is placed “on-hold” as explained below.

6.5 Change Control Process

If, after acceptance of the project work plan by the department delegate, there is some change to the project that affects any of the information entered on WPD I or WPD II, then district environmental staff must update WPD I and/or WPD II with the new information and re-finalize WPD I and/or WPD II.

When the updated WPD I and/or WPD II are finalized, ECOS will amend the project work plan on WPD III. ECOS will add all Activities that are automatically generated by the responses on WPD I and WPD II under “New Project Activity(ies),” unless the Activity had been previously created and remains open as of the date on which WPD I and/or WPD II are updated and re-finalized. For example, if the “Perform Haz Mat Initial Site Assessment (ISA)” Activity had already been created and remains open when WPD I and/or WPD II is updated and re-finalized, ECOS will not create a new “Perform Haz Mat Initial Site Assessment (ISA)” Activity, as ECOS assumes that the district environmental staff will ensure that the still-open Activity will be completed to reflect any new project information or change.

However, if the “Perform Haz Mat Initial Site Assessment (ISA)” Activity had been previously created and finalized, ECOS will generate a new “Perform Haz Mat Initial Site Assessment (ISA)” Activity (assuming that the answer to the WPD II haz mat question is still “Yes”) to remind district environmental staff that they need to re-visit that Activity in light of the change that required updates to WPD I and/or WPD II. If the change does not affect the ISA that was previously completed, district environmental staff must explain in the “Comments” field of the new “Perform Haz Mat Initial Site Assessment (ISA)” Activity what change caused the update to WPD III and how it was determined that it does not affect the ISA that was previously completed, and finalize the new “Perform Haz Mat Initial Site Assessment (ISA)” Activity. If the change does affect the ISA that was previously completed, then district environmental staff must update the ISA to reflect the new information and upload it under the newly generated “Perform Haz Mat Initial Site Assessment (ISA)” Activity.

Note that changing information on, and re-finalizing WPD I and/or WPD II will generate all Activities needed for the project (subject to the exception for still-open Activities described above), not just the Activities that are tied to the specific field(s) that were changed on WPD I and/or WPD II. For example, if district environmental staff changes the text in the “Describe Limits of All Activities” field on WPD I, and the previously created “Perform Haz Mat Initial Site Assessment (ISA)” Activity had already been finalized, ECOS will automatically generate a new “Perform Haz Mat Initial Site Assessment (ISA)” Activity based on the fact that the WPD II haz mat question remains answered, “Yes.”

After district environmental staff reviews WPD III, and enters any due dates for any “New Project Activity(ies)”, district environmental staff re-submits the project work plan for acceptance by the department delegate, as described above for the initial submittal and acceptance. In the pop-up window with the “Explanation” field that will appear, district environmental staff identifies the specific fields and/or questions on WPD I and/or WPD II that have been changed, and the reason for making each change. It is very important that district environmental provide a clear explanation in the “Explanation” field, because otherwise, there will be no record of what has changed, and users will not know whether or not the work conducted under any of the previously generated Activities needs to be updated or re-done.

Additionally, if a design change caused the need to adjust the information on WPD I and/or WPD II, it is important for district environmental staff to identify the design change as the reason for re-submitting the project work plan in the “Explanation” field. This allows the Work Plan Acceptance Log to provide a record of the dates of any design changes, which may be useful in evaluating the overall duration of the environmental review process for a project.

Once the department delegate has reviewed and approved the updated information on WPD I, WPD II, and WPD III, the department delegate accepts the updated project work plan, as described above for the initial submittal and acceptance. As with the initial submittal and acceptance, ECOS will:

- automatically generate the “New Project Activity(ies)” on WPD III by adding them to the Activities console for the project; and
- move the list of automatically generated Activities listed on WPD III under “New Project Activity(ies)” to the of WPD III labeled, “Previously Created and Still Open Activity(ies).”

The “Submit Date” and “Acceptance Date” fields will also be updated to reflect the new submission and acceptance of the project work plan. As explained above, the “Project Start Date” will not change.

For a discussion of how to manage Activities (both previously created and newly created) in light of the new project information or change, see Chapter 8 below.

6.6 Putting a Project “On-Hold”

Occasionally, environmental work on a project that already has a completed project work plan may cease for an extended period of time for reasons beyond the control of district environmental staff. Examples include:

- de-prioritization of the project by district management or a local government,
- expiration of a consultant work authorization or contract,
- design change, or
- funding change.

If, after the project work plan (WPD III) has been accepted, but prior to environmental clearance, district environmental staff becomes aware that all environmental work on a project with a completed project work plan (i.e., submitted and accepted) will be suspended for a period of 3 or more months for reasons

beyond the control of district environmental staff, then district environmental staff contacts the ENV Project Delivery staff assigned to the respective district and requests that the project be put on-hold.

The purpose of putting a project on-hold is to account for periods of time during which the environmental work on the project is suspended for reasons beyond our control, so that these periods can later be subtracted out of the total duration of the environmental clearance process to more accurately reflect the actual duration. There is no reason to put a project on-hold prior to project work plan (WPD III) acceptance or after environmental clearance.

If the ENV Project Delivery staff agrees that the project should be put on-hold, then he or she clicks the “On-Hold” button in the upper left-hand corner of the WPD III screen. A pop-up window with an “Explanation” field will appear. The ENV Project Delivery staff enters a comment in the “Explanation” field regarding the reason for putting the project on-hold. The ENV Project Delivery staff clicks “On-Hold” in the pop-up window (and “OK” in the subsequent pop-up window). ECOS will update the Work Plan Acceptance Log on WPD III to reflect the current date under the “On-Hold” column, indicating that the project was put on-hold on that date and the explanation entered by the ENV Project Delivery staff.

6.7 Taking a Project “Off-Hold”

Once district environmental staff is ready to resume environmental work, he or she reviews the information on WPD I, II, and III to confirm that it is still accurate, as the project may have changed during the on-hold period.

If all of the information on WPD I, II, and III is still accurate, then district environmental staff contacts the ENV Project Delivery staff assigned to the respective district to request that the project be taken off-hold.

If the ENV Project Delivery staff agrees that the project should be taken off-hold, then he or she clicks the “Off-Hold” button in the upper left-hand corner of the WPD III screen. A pop-up window with an “Explanation” field will appear. The ENV Project Delivery staff enters a comment in the “Explanation” field explaining that there have been no changes, that the project is being taken off-hold, and the reason for taking the project off-hold. The ENV Project Delivery staff clicks “Off-Hold” in the pop-up window (and “OK” in the subsequent pop-up window). ECOS will update the Work Plan Acceptance Log on WPD III to reflect the current date under the “Acceptance” column, indicating that the project was taken off-hold on that date and the explanation entered by the ENV Project Delivery staff. ECOS uses the “Acceptance” column because, by confirming that there have been no-changes and taking the project off-hold, the department delegate is essentially re-accepting the project work plan (which hasn’t changed). Note that the “Acceptance Date” field will be updated with the date on which the project is taken off-hold, as the project work plan was, essentially, re-accepted without any changes on that date.

If some of the information on WPD I and/or WPD II has changed during the on-hold period and needs to be updated, then district environmental staff follows the process for updating WPD I and/or WPD II and re-submitting the project work plan for acceptance by the department delegate as described above under “Change Control Process.” However, acceptance of the updated project work plan while the project is on-hold will take the project off-hold. Therefore, if district environmental staff needs to make a change to WPD I and/or WPD II, but is not ready to take the project off-hold, then he or she must refrain from making the change to WPD I and/or II until he or she is ready to take the project off-hold, at which point he or she must update WPD I and/or II and submit WPD III for acceptance. Acceptance by the



Environmental Guide: Volume 1 Process

department delegate will both acknowledge the change to WPD I and/or WPD II, and take the project off-hold.

Chapter 7. Overview of WPD Section IV - Findings

The purpose of WPD Section IV – Findings is to document consideration of various issues that do not apply to the project. This tab will be automatically populated with negative declaration Findings based on the responses to the various questions on WPD II, except that there is one Finding that is not dependent on WPD II responses: The Finding for Construction Emissions is automatically included on every project.

There is no need for district environmental staff to do anything with the Findings listed on WPD IV – they just remain on WPD IV as a permanent record of TxDOT's consideration of the various issues. No Activities will be automatically generated for any subject area for which a negative declaration Finding is listed on WPD IV. Additionally, district environmental staff must not manually create any Activity for any subject area for which a negative declaration Finding is listed on WPD IV, as the Finding, itself, documents that no further work is required for the respective subject area.

The negative declaration Findings that will be generated are listed below by subject area. For most subject areas, there is only one negative declaration Finding that will be generated. However, for the Coastal Barrier Resources and Section 4(f) subject areas, there are multiple variations of the negative declaration Finding based on the answers to specific WPD II questions.

In the upper right-hand corner of the screen, there may be a link labeled, "Archived WPD IV." Clicking this link will take the user to an archived WPD IV screen as it existed prior to the Summer 2019 ECOS update. There is no way to edit, upload to, or otherwise change the information displayed on the "Archived WPD IV" screen. It is there solely to allow users to see any findings that had been created by acceptance of a project work plan prior to the Summer 2019 ECOS update.

7.1 Air Quality

7.1.1 Conformity

"The project does not require or is exempt from requirements for project level conformity."

7.1.2 Hot Spot

"The project does not require or is exempt from requirements for project level hot spot analysis."

7.1.3 Congestion Management Process

"A project level congestion management process (CMP) analysis is not required."

7.1.4 Mobile Source Air Toxics

"A mobile source air toxics (MSAT) analysis is not required. However, if public concerns subsequently identify air quality concerns then the need for a MSAT analysis should be initiated at that time."

7.1.5 CO Traffic Air Quality Analysis

"A carbon monoxide traffic air quality analysis (CO TAQA) is not required."

7.1.6 Construction Emissions

"During the construction phase of this project, temporary increases in particulate matter (PM) and MSAT emissions may occur from construction activities. The primary construction-related emissions of PM are fugitive dust from site preparation, and the primary construction-related emissions of MSAT are diesel particulate matter from diesel powered construction equipment and vehicles. ^[11]~~[11]~~ The potential impacts of PM emissions will be minimized by using fugitive dust control measures contained in standard specifications, as appropriate. Considering the temporary and transient nature of construction-related emissions, as well as the mitigation actions to be utilized including compliance with applicable regulatory requirements, it is not anticipated that emissions from construction of this project will have a significant impact on air quality in the area."

7.2 Hazardous Materials

"A hazardous material initial site assessment is not required."

7.3 Noise

"A traffic noise analysis is not required by 23 CFR 772 or TxDOT's Noise Policy."

7.4 Community Impacts

"No additional community impacts assessment is necessary as the project is not anticipated to have negative permanent impacts to any community facilities or persons including environmental justice populations."

7.5 Public Involvement

"Although public involvement activities are not required for the project, public involvement should be planned if deemed appropriate."

7.6 Water Resources

7.6.1 Surface Water

"The project area does not contain any water body, wetland, or base floodplain, therefore permitting and certification under Clean Water Act (CWA) Sections 404 and 401 is not required, Rivers and Harbors Act Sections 9 and 10 do not apply, and Executive Order 11990 on wetlands and Executive Order 11988 on floodplains do not apply."

7.6.2 TCEQ Edwards Aquifer

"The TCEQ Edwards Aquifer Rules do not apply."

7.6.3 EPA Edwards Aquifer

"The EPA Edwards Aquifer MOU does not apply."

7.6.4 National Wild and Scenic River

"The Wild and Scenic River Act (WSRA) does not apply."

7.6.5 International Boundary and Water Commission

"The project does not cross or encroach upon the floodway of the International Boundary Water Commission (IBWC) right-of-way or an IBWC flood control project."

7.6.6 Texas Coastal Management Program

"The project is not located within the Texas Coastal Management Program (TCMP) boundary. Therefore a consistency determination is not required."

7.7 Biological Resources

7.7.1 Marine Mammal

"The project area does not contain suitable habitat for marine mammals."

7.7.2 Essential Fish Habitat

"The Essential Fish Habitat (EFH)/Magnuson-Stevens Fishery Conservation and Management Act (MSA) does not apply."

7.7.3 Farmland

"The Farmland Protection Policy Act (FPPA) does not apply."

7.7.4 Coastal Barrier Resources

"The Coastal Barrier Resources Act (CBRA) does not apply."

"There are no further actions required under the Coastal Barrier Resources Act (CBRA) because the CBRA does not apply to transportation projects within an otherwise protected area with a "P" designation."

7.8 Cultural Resources

7.8.1 Historical Studies

"Existing agreements for compliance with applicable cultural resource laws define this project as a type that has no potential to affect non-archeological historic properties that require additional consideration during project planning. No consultation with the Texas Historical Commission/Texas State Historic Preservation Officer (THC/TSHPO) or other group is required."

7.8.2 Archeology

"Existing agreements for compliance with applicable cultural resource laws define this project as a type that has no potential to affect archeological sites that require additional consideration during project



planning. No consultation with the Texas Historical Commission/Texas State Historic Preservation Officer (THC/TSHPO) or other group is required.”

7.8.3 Cemeteries

“No further scoping and studies are required to specifically evaluate potential project impacts to cemeteries. If other required studies subsequently identify unknown or abandoned cemeteries within or adjacent to the project ROW or easements, additional investigations and coordination regarding potential project effects to the cemeteries should be initiated at that time.”

7.9 Protected Lands

7.9.1 Section 4(f)

“Section 4(f) requirements do not apply.”

“The project does not have a use of any Section 4(f) publicly owned parks, recreation areas, wildlife and waterfowl refuges, or public or private historic sites.”

“The project does not have a use of any Section 4(f) publicly owned parks, recreation areas, or wildlife and waterfowl refuges.”

“The project does not have a use of any Section 4(f) public or private historic sites.”

7.9.2 Section 6(f)

“The project does not have the potential to impact a Section 6(f) property.”

7.9.3 Chapter 26

“The project does not result in any take or use of property covered by Parks and Wildlife Code, Chapter 26.”

Chapter 8. How To Manage Activities, Reviews, and Coordinations

8.1 “Volume 2 Activity Instructions”

ENV has developed “Activity Instructions” for each Activity that may be generated on a given project. All of the Activity Instructions are compiled in a separate volume, “Environmental Guide: Volume 2 Activity Instructions.”

The Activity Instructions are intended to provide high-level, step-by-step instructions for completing each Activity. They generally do not contain all information regarding a given subject, and often reference other ENV guidance documents and external tools.

There are also Activity Instructions for a generic “Review _____” Activity, and for a generic “Coordinate _____” Activity. These two generic Activity Instructions explain how to record a review or coordination in ECOS. They are generic because the instructions are the same for most types of reviews and coordinations (the only exceptions being “Review Draft EA,” “Review Final EA,” “Review Draft EIS,” and “Review Final EIS/Record of Decision (ROD),” each of which has its own Activity Instructions).

8.2 Auto-generation of Activities

As explained above, the initial project work plan will consist of Activities automatically generated based on district environmental staff’s WPD I and WPD II responses. These automatically generated Activities will be added to the “Activities” console when the project work plan is accepted by the department delegate (see Chapter 3 above).

As explained in Section 6.5 above and Section 8.10 below, if WPD I or II are subsequently changed, then the project work plan (WPD III) will need to be re-submitted and re-accepted, which may automatically generate new Activities or new versions of previously finalized Activities. Refer to Sections 6.5 and 8.10 for how to handle these Activities.

8.3 Manual creation of Activities

District environmental staff may also manually create any Activity by navigating to the “Activities” console and clicking on the “A+” symbol in the upper left-hand corner.

Note that if, after acceptance of the project work plan, district environmental staff determines that one or more additional Activities are needed, but were not automatically generated because one or more of the WPD I or WPD II responses were incorrect or are no longer valid, then district environmental staff must not simply manually create the missing Activity(ies), but instead must revise the incorrect response(s) on WPD I or WPD II, and re-submit for acceptance by the department delegate. This will automatically generate the previously missing Activity(ies), as explained in more detail above in Chapter 3. It will also ensure that any needed Activities that are triggered by the revised responses on WPD I or WPD II will be automatically generated, even if district environmental staff had not previously identified them as missing.

8.4 Activity Components (“Activity” and “Assignment Details”)

Each Activity consists of two components: (1) Activity and (2) Assignment Details. Users may switch between the two by clicking on the link for the desired component in the upper left-hand corner of the Activity window.

8.4.1 “Activity” Component

The “Activity” component differs depending on the Activity. For most Activities, the “Activity” component is simply a comment box (i.e., “comment field-only”). But for some Activities, the “Activity” component has a custom design developed specifically for that Activity by the respective ENV SMEs. These custom Activities typically have fields, tables, and/or other features designed to capture and organize key dates or other information for recordkeeping purposes. Custom Activities cannot be finalized unless the required fields have been completed.

8.4.2 “Assignment Details” Component

The “Assignment Details” component of an Activity contains the same fields for all Activities, each of which is discussed below.

The “Start” field is an optional field that can be used by the user to record when he or she actually started working on the Activity. District environmental staff may instruct consultants or other staff to use this field for project management purposes.

The “End” field cannot be manually filled-in. ECOS will populate this field with the date that the user finalizes the Activity by clicking “Finalize” from the “Activity” component of the Activity, and then confirming the intent to finalize in the pop-up window that appears. Note that the pop-up window offers a choice to “Finalize with today’s date” or “Finalize/Manually enter end date.” However, users must always click the “Finalize with today’s date” option rather than the “Finalize/Manually enter end date” option, as this latter option is not working correctly and will be removed in a future ECOS update.

The “Due” field is a required field. District environmental staff must use the “due date” to communicate when a certain deliverable is expected, or when the Activity needs to be completely finalized (including reviews or coordinations). District environmental staff should communicate the due date expectation to the individual to whom the Activity will be assigned instead of just assuming that they will notice it in ECOS. If the Activity was automatically created by acceptance of the project work plan, and if district environmental staff included a “Due Date” on WPD III prior to acceptance of the project work plan, then this field will be automatically filled-in with the date selected by district environmental on WPD III. ECOS will not allow the user to assign or create a new Activity unless a due date is specified.

The “Milestone” field is a mandatory field that represents the stage of the project development process at which the Activity is expected to be completed. There are five possible milestones in the drop-down menu:

- Prior to Env Clearance*
- Prior to LOA
- Prior to Construction

- During Construction
- Post-Construction

Each Activity has a default milestone based on when that particular Activity is normally completed in the project development process. For Activities with a default milestone of “Prior to Env Clearance*”, the milestone cannot be changed to another milestone.

For Activities with a default milestone of “Prior to LOA,” the expectation is that these Activities be completed prior to when ENV approves the project for letting. However, if there are extenuating circumstances that prevent the district from completing the Activity prior to LOA clearance, it may be possible for ENV to approve LOA for the project if certain criteria are met. See the instructions for the “Reasonable Assurances for Activities That Could Not Be Completed Prior to LOA” Activity in Environmental Guide Volume 2. District environmental staff must not change the milestone for any “Prior to LOA” Activity themselves.

As mentioned above, if the Activity has a milestone of “Prior to Env Clearance*”, then it cannot be changed to any other value because that particular Activity must be completed prior to environmental clearance (this is the case both for Activities with a default milestone of “Prior to Env Clearance*” and Activities for which district environmental staff manually changes the milestone to “Prior to Env Clearance*”). For Activities with the default milestone of “Prior to Env Clearance*”, the Activity may be created after environmental clearance only if the “Perform Reevaluation” Activity has been created, in which case the milestone for the newly created Activity will be “Reevaluation,” rather than “Prior to ENV Clearance*”.

Similarly, Activities with a default milestone of “Prior to LOA.” can normally not be created after LOA clearance. For Activities with the default milestone of “Prior to LOA,” the Activity may be created after LOA clearance only if the “Perform Reevaluation” Activity has been created, in which case the milestone for the newly created Activity will be “Reevaluation,” rather than “Prior to LOA Clearance.”

When district environmental staff attempts to environmentally clear a project by finalizing the “Perform CE Determination” Activity, or when ENV staff attempts to clear an EA or EIS project by finalizing the “Perform Final EA Preparation” Activity or “Perform Final EIS/Record of Decision (ROD)” Activity, ECOS will not allow the project to be environmentally cleared if any Activities with a milestone of “Prior to Env Clearance*” are still open.

The “Assignment Details” field is an optional field in which district environmental staff can add any notes or comments regarding the assignment of the Activity. Notes or comments regarding the Activity itself must be made in the comment box for the “Activity” component as opposed to the “Assignment Details” component.

8.5 Assigning Activities

Assigning Activities to individuals is recommended, but not required (i.e., ECOS will allow an Activity to be finalized even if it was never assigned to anyone). An Activity must be assigned to only one person (unless otherwise specified in the Activity Instructions for that Activity in Volume 2 of the Environmental Guide). There are some Activities for which the respective Activity Instructions direct a user to re-assign an Activity to a second person, but these are the exceptions, not the rule.

To assign an Activity, district environmental staff uses the drop-down menu next to the “Name” field to select the name of the person who will be primarily responsible for ensuring that the Activity is performed. Note that a person must have first obtained an ECOS account as explained earlier in this Guide (Chapter 1) before his or her name will appear in the drop-down menu. Do not select the name of an ENV SME who will be merely reviewing work done under the Activity, as he or she will eventually be assigned a Review for the Activity.

The “Send Email” checkbox will default to being checked. When it is checked, ECOS will send an email to the selected individual when the Activity is saved notifying the recipient that an Activity has been assigned to him or her. There is usually no reason to un-check the “Send Email” checkbox. ECOS cannot currently automatically send an email to a non-TxDOT email address (i.e., a “-X” user account), and so it will be necessary to manually email or otherwise alert the non-TxDOT employee that the Activity, Review, or Coordination has been assigned. ECOS will automatically send an email to a “-C” user account.

District environmental staff then clicks the “Add” button. The individual to which the Activity is being assigned will then appear in the table below the shaded bar. When district environmental staff clicks “Save,” the Activity will be assigned to the individual, and the email notifying him or her will be sent (unless the Activity is being assigned to a non-TxDOT employee with a “-X” user account).

8.6 Reviews

The Activity Instructions for the various Activities specifically identify when a Review must be created. In other instances, the Activity Instructions state only that the document is emailed to a person or office for review without specifically calling for the creation of a Review in ECOS (e.g., “District environmental staff emails the draft form to the appropriate resource area ENV SME assigned to the respective district for review.”) In these situations, it is appropriate for district environmental staff to simply submit the document to the ENV personnel by email, and for the ENV personnel to return any comments by email. These emails and attachments (e.g., draft documents, comments, etc.) do not need to be uploaded to ECOS, unless the Activity Instructions for a particular Activity specifically instruct to upload an email (e.g., the General Counsel Division’s email indicating a legal sufficiency determination).

To create a Review, navigate to the “Activities” console and click the “R+” icon in the far right-hand side of the screen for the relevant Activity, fill-out the “Assignment Details” fields as instructed above in the discussion of Activities. A “Due Date” must be specified when the Review is created. The “Due Date” is important because it will be used to report data to TP&Ds and others regarding the status of ENV’s reviews of various deliverables. Refer to the estimated times for completing Reviews in Chapter 9 in determining an appropriate due date. For many types of Reviews, the estimate for providing comments back to the preparer after the Review has been assigned is two weeks, although for some specific Reviews, the estimate is longer (see Chapter 9). Do not assign a Review with a due date that is less than the estimated time indicated in Chapter 9 without the ENV reviewer’s prior approval. Identify in the “Assignment Details” the specific document(s) that need to be reviewed. After completing these steps, click “Save.” The individual performing the Review will follow the instructions in the generic “Review” Activity Instructions to record and finalize the Review. Keep in mind that if the ENV SME provides comments and a second Review is needed, that Review will also have an estimated time for completion of two weeks from the date it is assigned.

Note that, as explained earlier in this Guide, non-TxDOT employees who have only limited access by virtue of having been assigned an Activity may not create any Reviews. If a TxDOT employee wants a non-TxDOT employee to have that ability, they may want to consider activating project management joint full mode as explained in Chapter 1 above.

8.7 Coordinations

The Activity Instructions for the various Activities specifically identify when a Coordination must be created. To create a Coordination, the user does the following:

- navigate to the “Activities” console and click the “C+” icon in the far right-hand side of the screen for the relevant Activity,
- fill-out the “Assignment Details” fields as instructed above in the discussion of Activities,
- confirm the “Action type,”
- and click “Save.”

The individual performing the Coordination will follow the instructions in the generic “Coordinate _____” Activity Instructions to record and finalize the Coordination.

Note that, as explained earlier in this Guide, non-TxDOT employees who have only limited access by virtue of having been assigned an Activity may not create any Coordinations. If a TxDOT employee wants a non-TxDOT employee to have that ability, they may want to consider activating project management joint full mode as explained in Chapter 1 above.

8.8 Uploading documents to Activities, Reviews, and Coordinations

In previous versions of ECOS, documents could be uploaded directly from the “Documents” console. This was problematic because it allowed users to upload documents without connecting them with any specific Activity, sometimes resulting in a junk drawer-type situation. To resolve this problem, documents can no longer be uploaded directly from the “Documents” console, and now must be uploaded in connection with a specific Activity, Review, or Coordination. Documents that truly do not belong to any specific Activity, Review, or Coordination can be uploaded under the “Other Project-Related Information,” as explained in the Activity Instructions for that Activity.

To upload documents in connection with an Activity or Review, navigate to the “Activities” console and click on the blue “upload” icon next to the appropriate Activity or Review.

To upload a document in connection with a Coordination, navigate to the “Coordinations” console and click on the blue “upload” icon next to the appropriate Coordination. Currently, a user cannot upload a document to a Coordination unless he or she created that Coordination. This limitation is planned to be fixed in a future ECOS update.

Keep in mind the following technical aspects regarding uploading documents:

- The maximum size of any single file that can be uploaded is 500 MB.

- When uploading large files, it is recommended that the user temporarily disconnect from VPN, as this will allow the file to upload faster.
- It is possible to upload a zipped folder, so long as it does not exceed the 500 MB limit.
- A large file can take several minutes to upload, so please be patient and wait for a confirmation message from ECOS that the document has been uploaded.

Note that documents can be uploaded to Activities, Reviews, and Coordinations even if they have already been finalized. The need to do this might occur if a user realizes that he or she forgot to upload a document, or if there is some new correspondence that needs to be uploaded under the Coordination after the Coordination was believed to have been completed, for example. However, if new work is being done on an Activity after it has been finalized, the user must create the Activity for a second time, and track all new work under that newly created Activity, rather than continuing to upload documents under the previously finalized Activity (see Section 8.13 below about how to correct a mistake in a finalized Activity).

8.9 How to Handle Activities That Were Created and Are Still Open, But Need Not Be Completed

Occasionally, district environmental staff may discover that an Activity that has been created does not actually need to be performed. This could occur, for example, when there is a project change and the project work plan has been updated and no longer requires performance of the previously created Activity. It could also occur when there is some special circumstance that justifies not performing an Activity and an ENV SME has approved a deviation from the normal process. It could also occur when a user has accidentally manually created an Activity that is not needed. If any of these situations arise, district environmental staff must not delete the Activity. Instead, district environmental staff proceeds as instructed below.

If the Activity is a “comment field-only” Activity (i.e., has no drop-down menus, checkboxes, or other fillable fields), then district environmental staff explains in the “Comments” field of the Activity why the Activity will not be performed, and finalizes the Activity.

If the Activity is not a “comment field-only” Activity, it may have a threshold question at the top that says, “Was [name of Activity] performed?” For these types of Activities, district environmental staff selects “No” from the drop-down menu, explains in the “Comments” field of the Activity why it was not performed, and finalizes the Activity. Answering the threshold question at the top of the Activity, “No,” will allow district environmental staff to bypass any of the other fields on the Activity that would otherwise be required to be completed in order to finalize the Activity.

The only exception to the above instructions would be any situation in which the Activity that is not needed is one that would actually clear the project, such as “Perform CE Determination,” “Perform Final EA Preparation,” and “Perform Final EIS/Record of Decision (ROD) Preparation.” This situation might arise if the “Anticipated Environmental Classification” field was changed after initial project work plan acceptance (such as when a project is downgraded from an EIS to an EA, or from an EA to an open-ended (d)-list CE), and so the Activity associated with the previous classification might still be in ECOS. If this situation arises, the inapplicable Activity should not be finalized because that would clear the project



with the wrong classification. Instead, after the “Obtain Project Classification Approval” Activity is finalized, district environmental staff should discuss with ENV Project Delivery staff, and request that the TxECOS team disable and hide the inapplicable Activity.

For unnecessary Coordinations that were inadvertently created and will not be conducted, if no communications were sent, then district environmental staff may delete the Coordination. However, if one or more communications have already been recorded under the Coordination, then district environmental staff selects, “Rescinded,” from the drop-down menu for the field labeled, “Coordination Status,” and then finalizes the Activity.

For unnecessary Reviews that were inadvertently created and will not be conducted, district environmental staff may delete the Review (so long as no review occurred and no comments have been recorded in the “Comments” field or uploaded under the Review).

8.10 How to Handle Activities That Were Previously Created and Finalized, But Are Newly Generated (Again) When the Project Work Plan is Updated Due to New Project Information or a Change

As explained above in Chapter 6 under “Change Control Process,” if a change to WPD I and/or WPD II triggers the need for an Activity that was previously created but has already been finalized, then ECOS will automatically generate that Activity on WPD III under “New Project Activity(ies),” as district environmental staff will need to re-visit that Activity in light of the new project information or change. There are two possible approaches to completing the new Activity in this situation, depending on whether the new project information or changes affects the conclusions of the work that was done under the previously created and finalized Activity.

If the new project information or change does not affect the conclusions of the work that was done under the previously created and finalized Activity, then, for a “comments field-only” Activity, district environmental staff must explain in the “Comments” field of the new Activity what change caused the update to WPD III and how it was determined that it does not affect the previously completed Activity, and finalize the new Activity. For a custom Activity, district environmental staff selects “No” from the drop-down menu for the threshold question at the top that says, “Was [name of Activity] performed?”, explains in the “Comments” field of the new Activity what change caused the update to WPD III and how it was determined that it does not affect the previously completed Activity, and finalizes the new Activity.

If the new project information or change does affect the conclusions of the work that was done under the previously created and finalized Activity, then district environmental staff must re-do some or all of the steps of the Activity to reflect the new information or change. All new work must be done in the newly generated Activity, as there is no way to re-open or otherwise change anything in the previously created and finalized Activity, and users must not upload documents related to new work to a previously finalized Activity. In certain circumstances, it may not be necessary to re-do all steps of the previously created and finalized Activity. District environmental staff should consult with the appropriate ENV SME assigned to the respective district to determine the correct approach.

8.11 How to Handle Activities That Were Previously Created and Remain Open at the Time the Project Work Plan is Updated Due to New Project Information or a Change

District environmental staff will need to re-visit the Activity in light of the new project information or change to ensure that the completion of the Activity reflects the new project information or change. Depending on the nature of the new project information or change, it may be necessary to re-do some or all of the steps that have already been completed for the Activity (e.g., re-do a coordination). Again, district environmental staff should consult with the appropriate ENV SME assigned to the respective district to determine the correct approach.

8.12 Creating Activities After Environmental Clearance

See below for a few special rules that apply to creating new Activities after environmental clearance.

Activities with a default milestone of “Prior to Env Clearance*” cannot be created after the project has been environmentally cleared unless district environmental staff has created the “Perform Reevaluation” Activity. Activities with that default milestone are ones that must always be done before the environmental clearance because they are likely to affect the overall conclusion of the environmental review. Therefore, if there is a need to re-do those Activities after environmental clearance, a reevaluation is required to determine whether the outcome of the new Activities change the overall environmental clearance of the project, and the new Activities must be done in connection with that reevaluation.

Similarly, Activities with a default milestone of “Prior to LOA.” can normally not be created after LOA clearance. For Activities with the default milestone of “Prior to LOA,” the Activity may be created after LOA clearance only if the “Perform Reevaluation” Activity has been created, in which case the milestone for the newly created Activity will be “Reevaluation,” rather than “Prior to LOA Clearance.”

Activities with one of the other default milestones (i.e., “Prior to Construction,” “During Construction,” or “Post-Construction”) may be created after the project has been environmentally cleared.

8.13 How to Correct a Mistake in a Finalized Activity

If a user discovers a mistake in a finalized Activity (e.g., incorrect information in “Comments” field or in other data field, or incorrect or outdated uploaded document), then the user must create a new version of that Activity, and explain in the “Comments” field of the newly created Activity why it was created and what is being corrected. In the case of an incorrect or outdated uploaded document, the user must upload a new, complete version of the document under the newly created Activity. For example, if the user discovered a mistake on the Species Analysis Spreadsheet, upload a new, complete Species Analysis Spreadsheet with the error corrected and explain in the “Comments” field why you uploaded a second version of the document and what changed.

Chapter 9. Estimated Times For Completing Activities, Reviews, And Coordinations

For some Activities, Reviews, and Coordinations, ENV SMEs have provided estimates of how long it typically takes to complete that specific Activity, Review, or Coordination. Estimates have not been provided for all Activities, Reviews, and Coordinations.

For Activities, the estimates represent how long it typically takes to complete all steps in the Activity Instructions for that Activity, from the first step in the Activity Instructions to finalizing the Activity, including any required Reviews or Coordinations.

For Reviews, the estimates represent how long it typically takes to complete the initial review of a document(s). In other words, the estimates represent how long it typically takes for the reviewer to provide comments back to the preparer after the Review has been assigned. They do not account for any additional time needed to prepare a revised document(s) in response to the reviewer's comments, or the time needed to conduct a subsequent review(s) to confirm that previous comments have been addressed. For many types of Reviews, the estimate for providing comments back to the preparer after the Review has been assigned is two weeks, although for some specific Reviews, the estimate is longer (see below). Do not assign a Review with a due date that is less than the estimated time indicated below without the ENV reviewer's prior approval. Keep in mind that if the ENV SME provides comments and a second Review is needed, that Review will also have an estimated time for completion of two weeks from the date it is assigned.

For Coordinations, the estimates represent how long it typically takes to complete the coordination process, from the initial contact with the entity with whom TxDOT is coordinating to finalizing the Coordination.

These estimates are based on typical conditions. They are not best-case or worst-case scenarios. The time to complete a particular Activity, Review, or Coordination may be much shorter or longer than the estimates provided below based on project-specific factors.

9.1 Air

"Obtain Hot Spot Project of Air Quality Concern (POAQC) Determination" – Varies

- "Review Hot Spot Project of Air Quality Concern (POAQC) Determination" – 2 weeks
- "Coordinate Hot Spot Project of Air Quality Concern (POAQC) Determination" – Varies

"Obtain Project Level Conformity Determination" – Varies

- "Review Project Level Conformity Determination" – 2 weeks
- "Coordinate Project Level Conformity Determination" – 60 days

“Perform Air Quality Commitments” – Varies

“Perform Carbon Monoxide Traffic Air Quality Analysis (CO TAQA)” – Varies

- “Review Carbon Monoxide Traffic Air Quality Analysis (CO TAQA)” – 2 weeks

“Perform Congestion Management Process (CMP) Analysis” – Varies

- “Review Congestion Management Process (CMP) Analysis” – 2 weeks

“Perform Hot Spot Analysis” – Varies

- “Review Hot Spot Analysis” – 2 weeks
- “Coordinate Hot Spot Analysis” – Varies

“Perform Mobile Source Air Toxics (MSAT) Analysis” – Varies

- “Review Mobile Source Air Toxics (MSAT) Analysis” – 2 weeks

9.2 Archeology

“Develop or Manage Work Authorization” – 42 days

“Obtain Archeology Section 106/Antiquities Code of Texas (ACT) Approval” – Varies

- If the project only needs a “Perform Archeology Background Study” activity – 50 days*
- If the project also needs a “Perform Archeology Survey” activity – 159 days for small projects with work conducted through ENV and 248 days for larger projects with work conducted by others*
- If the project also needs a “Perform Archeology Testing” activity – 292 days for small projects with work conducted solely through ENV and 381 days for larger projects with initial survey done by others

*If the project also requires a “Perform Cemetery Investigation” activity, the duration for that activity will occur concurrently with either the “Perform Archeology Background Study” activity or the “Perform Archeology Survey” activity.

“Obtain Project Information or Access” – Varies

“Perform Archeology Background Study” – 50 days

- “Review Perform Archeology Background Study” – 2 weeks
- “Coordinate Archeology Background Study” – 31 days

“Perform Archeology Data Recovery” – 315 days*

- “Review Archeology Data Recovery” – 30 days
- “Coordinate Archeology Data Recovery” – 20 days

*Duration includes the time required to develop a work authorization, complete fieldwork, coordinate field results, and obtain approval for construction to proceed. It does not include post-fieldwork reporting and analysis, which typically occur under separate work authorizations. These additional post-field tasks are not on the critical path for construction.

“Perform Archeology Mitigation” – Varies

- “Review Archeology Mitigation” – 2 weeks

“Perform Archeology Monitoring Commitments” – Varies

- “Review Archeology Monitoring Commitments” – 30 days

“Perform Archeology Survey” –140 days for small projects with work conducted through ENV and 229 days for larger projects with work conducted by others

- “Review Archeology Survey” – 2 weeks
- “Coordinate Archeology Survey” – 31 days

“Perform Archeology Testing” – 164 days

- “Review Archeology Testing” – 21 days
- “Coordinate Archeology Testing” – 31 days

“Perform Cemetery Investigation” – Varies*

- “Review Cemetery Investigation” – 2 weeks
- “Coordinate Cemetery Investigation” – 3 days

*Cemetery investigations are conducted concurrently with background study and (if required) survey activities. Cemetery investigations do not typically require survey.

“Perform Cemetery Removal” – 241 days

- “Review Cemetery Removal” – 21 days
- “Coordinate Cemetery Removal” – 45 days

“Perform Consultation Documentation” – 7 days**“Perform Native American Graves Protection and Repatriation Act (NAGPRA) Analysis” – variable**

- “Review Native American Graves Protection and Repatriation Act (NAGPRA) Analysis” – 30 days
- “Coordinate Native American Graves Protection and Repatriation Act (NAGPRA) Analysis” – Varies

9.3 Biology

“Obtain Coastal Barrier Resources Act (CBRA) Opinion” – 3 months

- “Review Coastal Barrier Resources Act (CBRA)” – 2 weeks
- “Coordinate Coastal Barrier Resources Act (CBRA)” – 1 to 3 months

“Obtain Endangered Species Act (ESA) Consultation” – 3 months to 1 year

- “Review Endangered Species Act (ESA) BE or BA” – 4 weeks
- “Coordinate Endangered Species Act” – 2 to 6 months

“Perform Endangered Species Act (ESA) Consultation Commitments” – 6 months to 5 years

“Perform Essential Fish Habitat (EFH) Analysis” – 1 day to 6 months

- “Review Essential Fish Habitat (EFH) Analysis” – 2 weeks
- “Coordinate Essential Fish Habitat (EFH)” – 1 to 6 months

“Perform Farmland Protection Policy Act (FPPA) Analysis” – 1 week to 3 months

- “Review Farmland Protection Policy Act (FPPA) Analysis” – 2 weeks
- “Coordinate Farmland Protection Policy Act (FPPA)” – 1 to 3 months

“Perform Marine Mammal Protection Act (MMPA) Analysis” – 1 day to 6 months

- “Review Marine Mammal Protection Act (MMPA) Analysis” – 2 weeks
- “Coordinate Marine Mammal Protection Act (MMPA)” – 1 to 6 months

“Perform Non-Endangered Species Act (ESA) Biology Commitments” – 6 months to 5 years

“Perform Species Analysis” – 1 to 3 months

- “Review Species Analysis” – 2 weeks
- “Coordinate Species Analysis (TPWD or BGEPA)” – 1 to 2 months

9.4 Community Impacts

“Perform Community Impacts Assessment (CIA)” – 5 months

- “Review Community Impacts Assessment (CIA)” – 1 month for initial Full Report; 2 weeks for revised Full Report or Summary Analysis with ENV SME Review Required.

“Perform Community Impacts Mitigation” – Varies

9.5 Hazardous Materials

“Perform Haz Mat Initial Site Assessment (ISA)” – 4 weeks

- “Review Haz Mat Initial Site Assessment (ISA)” – 2 weeks

“Perform Haz Mat Issue Identification and Resolution (IIR)” – Varies

- “Review Haz Mat Issue Identification and Resolution (IIR)” – 2 weeks

9.6 Historical Studies (*all days refer to as business days, not calendar days*)

“Obtain Historical Studies Section 106/Antiquities Code of Texas Approval” – Varies

“Perform Historical Studies Desktop Survey” – 30 days

- “Review Historical Studies Windshield Survey” – 2 weeks
- “Coordinate Historical Studies Windshield Survey” – 10 days for internal memo; 25 days for Texas Historical Commission (THC) coordination; 35 days for all other consulting party coordination (inclusive of coordination preparation)

“Perform Historical Studies Intensive Survey” – 95 days

- “Review Historical Studies Intensive Survey” – 2 weeks
- “Coordinate Historical Studies Intensive Survey” – 10 days for internal memo; 25 days for Texas Historical Commission (THC) coordination; 35 days for all other consulting party coordination (inclusive of coordination preparation)

“Perform Historical Studies Mitigation” – 6 to 12 months

- “Review Historical Studies Mitigation” – 2 weeks
- “Coordinate Historical Studies Mitigation” – 10 days for internal memo; 25 days for Texas Historical Commission (THC) coordination; 35 days for all other consulting party coordination (inclusive of coordination preparation)

“Perform Historical Studies Monitoring Commitments” – Depends on the construction schedule

- “Review Historical Studies Monitoring Commitments” – 2 weeks
- “Coordinate Historical Studies Monitoring Commitments” – 10 days for internal memo; 25 days for Texas Historical Commission (THC) coordination; 35 days for all other consulting party coordination (inclusive of coordination preparation)

“Perform Historical Studies Project Coordination Request (PCR)” – 17 days

- “Review Historical Studies Project Coordination Request (PCR)” – 2 weeks

- “Coordinate Historical Studies Project Coordination Request (PCR)” – 10 days for internal memo; 25 days for Texas Historical Commission (THC) coordination; 35 days for all other consulting party coordination (inclusive of coordination preparation)

“Perform Historical Studies Reconnaissance Survey” – 95 to 110 days (depending on number of resources)

- “Review Historical Studies Reconnaissance Survey” – 2 weeks
- “Coordinate Historical Studies Reconnaissance Survey” – 10 days for internal memo; 25 days for Texas Historical Commission (THC) coordination; 35 days for all other consulting party coordination (inclusive of coordination preparation)

“Perform Historical Studies Research Design” – 20 days

- “Review Historical Studies Research Design” – 2 weeks

“Perform Historical Studies Windshield Survey” – 80 days

- “Review Historical Studies Windshield Survey” – 2 weeks
- “Coordinate Historical Studies Windshield Survey” – 10 days for internal memo; 25 days for Texas Historical Commission (THC) coordination; 35 days for all other consulting party coordination (inclusive of coordination preparation)

9.7 Noise

“Perform Noise Analysis” – Varies

- “Review Noise Analysis” – 3 weeks

“Perform Noise Mitigation” – Varies

“Perform Noise Constructability Assessment” – 6 months

- “Review Noise Constructability Assessment” – 2 weeks

“Perform Noise Workshop” – 6 months

- “Review Noise Workshop” – 2 weeks

“Perform Notification of Noise Information to Local Officials” – 1 month

9.8 Project

“Add CSJ After Environmental Clearance” – 5 days

“Perform CE Determination” – 1 day

“Perform Draft EA Preparation” – nine months

- “Review Draft EA” – 30 days



“Perform Draft EIS Preparation” – 18 months

- “Review Draft EIS” – 30 days

“Perform EIS Scoping” – 9 months

“Perform Final EA Preparation” – 3 months

- “Review Final EA” – 30 days

“Perform Final EIS/Record of Decision (ROD) Preparation” – 6 months

- “Review Final EIS/Record of Decision (ROD)” – 30 days

“Perform Induced Growth Analysis” – Varies

- “Review Induced Growth Analysis” – 1 month

“Perform Notice of Intent (NOI)” – 2 months

“Perform Post-Environmental Clearance File Correction” – 1 day

“Perform Recreational Trails Analysis” – 2 months

- “Review Recreational Trails Analysis” – 30 days

“Perform Reevaluation” – 2 months

- “Review Reevaluation” – 30 days

“Reasonable Assurances for Activities That Could Not Be Completed Prior to LOA” – 1 week

“Obtain Letter of Authority (LOA) Clearance” – 1 day

“Obtain Planning Consistency Documentation” – 1 day

“Obtain Project Classification Approval” – 10 days

“Revoke Environmental Clearance” – 5 days

9.9 Protected Lands

“Obtain Section 4(f) Approval” – Varies

- “Review Historic Exception...” – 2 weeks
- “Coordinate Historic Exception...” – Varies
- “Review Historic De Minimis” – 2 weeks
- “Coordinate Historic De Minimis” – Varies



- "Review Historic Programmatic..." – 2 weeks
- "Coordinate Historic Programmatic..." – Varies
- "Review Historic Individual" – 2 weeks
- "Coordinate Historic Individual" – Varies
- "Review Park/Rec Area/Refuge Exception..." – 2 weeks
- "Coordinate Park/Rec Area/Refuge Exception..." – 15 days
- "Review Park/Rec Area/Refuge De Minimis" – 2 weeks
- "Coordinate Park/Rec Area/Refuge De Minimis" – 30 days
- "Review Park/Rec Area/Refuge Programmatic..." – 2 weeks
- "Coordinate Park/Rec Area/Refuge Programmatic..." – 45 days
- "Review Park/Rec Area/Refuge Individual" – 30 days
- "Coordinate Park/Rec Area/Refuge Individual" – 3 months

"Obtain Section 6(f) Approval" – 6 months

- "Review Section 6(f)" – 30 days
- "Coordinate Section 6(f)" – 3 months

"Perform Chapter 26 Analysis" – 45 days

"Perform Protected Lands Mitigation" – Varies

"Perform Section 4(f) Analysis" – Varies

9.10 Public Involvement

“Perform Additional Public Outreach” – Varies

“Perform Final EIS/ROD Notice of Availability (NOA)” – 2 months

“Perform FONSI Notice of Availability (NOA)” – 1 month

“Perform Notice and Opportunity to Comment” – 2 months

“Perform Notice of Availability (NOA) for Final EA listed at 23 CFR 771.115(a)” – 1 month

“Perform Opportunity for Public Hearing (OPH)-Public Hearing (PH) – 6 months

- “Review Opportunity for Public Hearing (OPH)-Public Hearing (PH)” – 30 days

“Perform Public Involvement Analysis” – 1 day

“Perform Public Meeting” - 6 months

- “Review Public Meeting” – 30 days

“Perform 139(l) Notice of Limitation on Claims for Judicial Review” – 2 months

9.11 Water

“Obtain International Boundary and Water Commission (IBWC) Approval” – 3 months

- “Review International Boundary and Water Commission (IBWC) Approval” – 3 weeks
- “Coordinate International Boundary and Water Commission (IBWC) Approval” – 1 to 2 months

“Obtain Section 9 Bridge Permit” – 1 to 3.5 years

- “Review Section 9 Bridge Permit” – 1 to 6 months (or 3 weeks for a bridge permit exemption request, or 1 to 2 weeks for a lighting approval exemption request)
- “Coordinate Section 9 Bridge Permit” – 1 to 3 years (or 1 to 2 months for a bridge permit exemption request, or 1 month for lighting approval exemption request)

“Obtain Section 404/10 Permit” – 3 months to 5 years

- “Review Section 404/Section 10 Permit” – 3 weeks
- “Coordinate Section 404/Section 10 Permit” – 2 weeks to 3 years



“Perform Notification for EPA Edwards Aquifer MOU” – 48 days

“Perform Section 404/10 Permitting Commitments – 2 days to 7 years

“Perform Surface Water Analysis” – 1 to 3 months

- “Review Surface Water Analysis” – 2 weeks

“Perform Texas Coastal Management Program (TCMP) Analysis” – 1 day

“Perform Texas Commission on Environmental Quality (TCEQ) Edwards Aquifer Rules Analysis” – 1 to 6.5 months

- “Review Texas Commission on Environmental Quality (TCEQ) Edwards Aquifer Rules Analysis” – 2 weeks
- “Coordinate Texas Commission on Environmental Quality (TCEQ) Edwards Aquifer Rules Approval” – 3 to 6 months

“Perform Water Compensatory Mitigation” – 2 days to 7 years

“Perform Wild and Scenic Rivers Act (WSRA) Analysis” – 3.5 months

- “Review Wild and Scenic Rivers Act (WSRA) Analysis” – 2 weeks
- “Coordinate Wild and Scenic Rivers Act (WSRA) Analysis” – 1 to 3 months

Chapter 10. How to Use the Landing Page Console

The “Landing Page Console” is the console that first appears once you log-in to ECOS. It is not actually labeled, “Landing Page Console,” but it is called that because it is the console on which the user “lands” at the beginning of any ECOS session.

The purposes of this console are to provide an “at-a-glance” list of the user’s current projects and activities, allow the user to search ECOS for projects or documents, and allow the user to run reports (i.e., compile lists of projects or other ECOS information based on specified criteria). The following four links appear at the top of the console, corresponding to four different functions that are built-in to the Landing Page Console:

- “My Projects”
- “My Activities”
- “Search”
- “Reports”

Clicking on any of the first two links listed above (“My Projects” or “My Activities”) will call-up a screen with a table of information below the shaded bar. The table will show different information depending on which link was selected. The selected link will always appear in white font at the top of the screen. Whenever a user logs-in to ECOS, the Landing Page Console will be defaulted to the “My Projects” screen.

Clicking on either of the last two links listed above (“Search” or “Reports”) will call-up a new screen with fillable fields for the user to search for a project or document or run a report.

Note that there is also a link towards the top of the Landing Page Console labeled, “Site Map.” Clicking this link will display a list of each of the screens that compose this console (“My Projects,” etc.). Users can also access any of the screens listed by clicking on the name of that screen from the Site Map.

Each of the four screens are explained separately below.

10.1 “My Projects”

This screen is intended to provide an “at-a-glance” table of projects in which the user is, or has been, involved in some way:

The amount and types of projects listed in the table will depend on which filter options the user selects from the four drop-down menus that appear above the shaded bar. The projects that meet the criteria specified by the user in selecting drop-down options for each of the four filters will be displayed in a table format. The column headings for the information in the table are explained below:

“Project Name”

This refers to the field labeled, “Project Name,” on WPD I.

“WPD Status”

This refers to the status of work plan development for the project. The table will show one of the following statuses:

- **“Project Created”**

This means that the project has been created in ECOS, but WPD I has not yet been finalized, or that there have been changes to WPD I that require WPD I to be re-finalized.

- **“WPD I Finalized”**

This means that WPD I has been finalized, but WPD II has not yet been finalized, or that there have been changes to WPD II that require WPD II to be re-finalized.

- **“WPD I and II Finalized”**

This means that WPD I and II have been finalized, but the project work plan (WPD III) has not yet been initially submitted to the department delegate, or that the project work plan was previously submitted to and accepted by the department delegate, but there have been subsequent changes to WPD I or WPD II which require the project work plan (WPD III) to be re-submitted to the department delegate, which has not yet occurred.

- **“Submitted”**

This means that the initial or a revised project work plan (WPD III) has been submitted to the department delegate, but has not yet been accepted by the department delegate.

- **“Accepted”**

This means that the initial or a revised project work plan (WPD III) has been accepted by the department delegate, and after the most recent acceptance of the project work plan, there have not been subsequent changes to WPD I or WPD II which require the project work plan (WPD III) to be re-submitted to the department delegate.

- **“On-Hold”**

This means that ENV Project Delivery staff has put the project “on-hold” as explained above in Chapter 6, and that the project has not yet been taken “off-hold.”

“CSJ”

This refers to the field labeled, “CSJ,” on WPD I.

“Hwy”

This refers to the field labeled, “Highway,” on WPD I.

“District”

This refers to the field labeled, “District,” on WPD I.

“County”

This refers to the field labeled, “County,” on WPD I.



“Env Class”

This refers to the field labeled, “Anticipated Environmental Classification,” on WPD I.

“Env Clearance Date”

This refers to the field labeled, “Environmental Clearance Date,” on WPD I.

“TxC District Letting Date”

This refers to the field labeled, “TxC District,” under “TxC & P6 Letting Date” on WPD I.

Note that each of the column headings in the table is sortable (with the exception of the “TxC District Letting Date” column, which as of August 2019, is not sorting correctly). Click on the column heading within the shaded bar to re-order the table results according to the values in that column. Also, the user may click on the value for “Project Name” and ECOS will take the user to the “Project Summary” screen for that project. If the user clicks the value for “WPD Status,” ECOS will take the user to the WPD I screen for that project.

Each of the four filter drop-down menus are discussed separately below, going in order from left to right as they appear on the “My Projects” screen. Due to space limitations, none of the filter drop-down menus are labeled, but the headings below provide an indication of the type of project information by which projects can be filtered.

10.1.1 Filter #1 – WPD status of the project

This filter drop-down menu has three drop-down options:

“All” (default)

Selecting this option will not limit the table results according to WPD status, and therefore will bring in projects with any of the following statuses under the “WPD Status” in the table:

- “Project Created”
- “WPD I Finalized”
- “WPD I and II Finalized”
- “Submitted”
- “Accepted”
- “On-Hold”

“WPD under development”

Selecting this option will limit the table results to projects for which the project work plan (WPD III) has not yet been submitted to and accepted by the department delegate, or for which the project work plan was previously submitted to and accepted by the department delegate, but there have been subsequent changes to WPD I or WPD II which require the project work plan (WPD III) to be re-submitted to and re-accepted by the department delegate, which has not yet occurred.

In other words, selecting this option will limit the table results to projects that have any of the following statuses under “WPD Status” in the table:

- “Project Created”
- “WPD I Finalized”
- “WPD I and II Finalized”
- “Submitted”
- “On-Hold”

“WPD accepted”

Selecting this option will limit the table results to projects for which the project work plan has been submitted to and accepted by the department delegate, for which there are not currently pending changes to WPD I or WPD II requiring the project work plan (WPD III) to be re-submitted to and re-submitted by the department delegate.

In other words, selecting this option will limit the table results to projects that have the following status under “WPD Status” in the table:

- “Accepted”

10.1.2 Filter #2 – Environmental classification of the project

This filter drop-down menu has options for each of the possible values that may be selected for the “Anticipated Environmental Classification” field on WPD I, and older environmental classifications that are not in use anymore, such as “BCE,” “PCE,” and “SEA,” to allow such projects to be accessed through the “My Projects” screen.

It also has the following two additional options:

“All” (default)

Selecting this option will not limit the table results according to environmental classification.

“Blank”

Selecting this option will limit the table results to projects for which no drop-down option has been selected from the drop-down menu for the “Anticipated Environmental Classification” field on WPD I.

10.1.3 Filter #3 – User’s relationship to the project

This filter drop-down menu has seven drop-down options:

“All” (default)

Selecting this option will not limit the table results according to the user’s relationship to the project. In other words, the table will show projects for which the user has any of the relationships to the project listed in the drop-down menu (e.g., “I created the project in ECOS,” etc.), so long as the user has at least



one of the listed relationships for the project. The table will not show projects to which the user has no relationship, as this screen is called "My Projects."

"I created the project in ECOS"

Selecting this option will limit the table results to projects for which the user's name has been automatically filled-in to the "Created By" field on WPD I.

"I am the Project Sponsor POC"

Selecting this option will limit the table results to projects for which the user's name has been selected from the drop-down menu for the "Sponsor Point of Contact" field on WPD I.

"I am the Dept Delegate POC (CE)"

Selecting this option will limit the table results to projects for which the user's name has been selected from the drop-down menu for the "Delegate Point of Contact" field on WPD I. Remember that only CE projects have a "Delegate Point of Contact" field on WPD I.

"I am a Core Team Member (EA/EIS)"

Selecting this option will limit the table results to projects for which the user's name has been selected from the drop-down menu for the "District Core Team Member" field or the "ENV Core Team member" field on WPD I. Remember that a core team is only created for EA and EIS projects.

"Projects with Open Activities Assigned to Me"

Selecting this option will limit the table results to projects for which the user's name appears under the "Assigned To" column in the Assignment Details component of any Activity, Review, or Coordination that has not yet been finalized.

"Projects with Open Activities Created or Assigned by Me"

Selecting this option will limit the table results to projects for which the user either created or assigned any Activity, Review, or Coordination that has not yet been finalized.

ECOS considers Activities that are automatically created when the project work plan (WPD III) is accepted as having been "created" by the individual that submits the project work plan (WPD III) for acceptance by the department delegate.

10.1.4 Filter #4 – Environmental clearance status of the project

This filter drop-down menu has three drop-down options:

"All"

Selecting this option will not limit the table results according to environmental clearance status. In other words, the table will show projects that are environmentally cleared and projects that are not environmentally cleared.



“Environmentally Cleared”

Selecting this option will limit the table results to projects for which a date has been entered into the “Environmental Clearance Date” field on WPD I. Projects that have been environmentally cleared, but for which a reevaluation is ongoing, will appear in the table if this option is selected.

“Not Environmentally Cleared” (default)

Selecting this option will limit the table results to projects for which a date has not been entered into the “Environmental Clearance Date” field on WPD I. Projects that have been environmentally cleared, but for which a reevaluation is ongoing, will not appear in the table if this option is selected.

10.2 “My Activities”

This screen is intended to provide an “at-a-glance” table of open Activities, Reviews, and Coordinations that have been created by the user, assigned by the user, or assigned to the user. Activities, Reviews, and Coordinations that have been finalized will not appear in this table.

The Activities, Reviews, and Coordinations listed in the table will depend on which filter options the user selects from the two drop-down menus that appear above the shaded bar. The Activities, Reviews, and Coordinations that meet the criteria specified by the user in selecting drop-down options for each of the two filters will be displayed in a table format. The column headings for the information in the table are explained below:

“Project Name”

This refers to the field labeled, “Project Name,” on WPD I for the project in which the Activity, Review, or Coordination was created.

“CSJ”

This refers to the field labeled, “CSJ,” on WPD I for the project in which the Activity, Review, or Coordination was created.

“District”

This refers to the field labeled, “District,” on WPD I for the project in which the Activity, Review, or Coordination was created.

“Activity Name”

This refers to the name of the Activity, Review, or Coordination.

“Assigned To”

This refers to the individual(s) to which the Activity, Review, or Coordination has been assigned using the “Assigned To” function on the “Assignment Details” component of the Activity.

“Assigned By”

This refers to the individual who assigned the Activity, Review, or Coordination to another individual(s) (or him or herself) using the “Assigned To” function on the “Assignment Details” component of the Activity.



“Due Date”

This refers to the field labeled, “Due,” on the “Assignment Details” component of the Activity, Review, or Coordination.

“Start Date”

This refers to the field labeled, “Start,” on the “Assignment Details” component of the Activity, Review, or Coordination.

“Milestone”

This refers to the field labeled, “Milestone,” on the “Assignment Details” component of the Activity, Review, or Coordination.

Note that each of the column headings in the table is sortable. Click on the column heading within the shaded bar to re-order the table results according to the values in that column. Also, the user may click on the value for the “Activity Name” and ECOS will take the user to the “Activities” screen for that project.

Each of the two filter drop-down menus are discussed separately below, going in order from left to right as they appear on the “My Activities” screen. Due to space limitations, neither of the filter drop-down menus are labeled, but the headings below provide an indication of the type of project information by which projects can be filtered using each of the two drop-down menus.

10.2.1 Filter #1 – User’s relationship to Activity

This filter drop-down menu has three drop-down options:

“All My Open Activities” (default)

Selecting this option will not limit the table results based on whether open Activities, Reviews, or Coordinations were assigned to, or created or assigned by, the user.

“Open Activities Assigned to Me”

Selecting this option will limit the table results to open Activities, Reviews, and Coordinations that have been assigned to the user.

“Open Activities Created or Assigned by Me”

Selecting this option will limit the table results to open Activities, Reviews, and Coordinations that were created or assigned by the user.

ECOS considers Activities that are automatically created when the project work plan (WPD III) is accepted as having been “created” by the individual that submits the project work plan (WPD III) for acceptance by the department delegate.

10.2.2 Filter #2 – Due date

This filter drop-down menu has seven drop-down options:

“All Activities” (default)

Selecting this option will not limit the table results according to the date entered into the “Due” field of the Activity, Review, or Coordination, or even whether any date has been entered into the “Due” field of the Activity.

“All Activities with a Due Date”

Selecting this option will limit the table results to open Activities, Reviews, and Coordinations that have a date entered into the “Due” field of the Activity.

“Activities with no Due Date”

Selecting this option will limit the table results to open Activities, Reviews, and Coordinations that do not have a date entered into the “Due” field of the Activity.

“Activities Overdue”

Selecting this option will limit the table results to open Activities, Reviews, and Coordinations that have a date entered into the “Due Date” field of the Activity, Review, or Coordination that is earlier than the current date.

Note that an Activity, Review, or Coordination must have a date entered into the “Due” field in order to show up on the table when this filter option is selected. Activities, Reviews, and Coordinations with no date entered into the “Due” field will not show up on the table when this filter option is selected.

“Activities Due within 30 days”

Selecting this option will limit the table results to open Activities, Reviews, and Coordinations that have a date entered into the “Due” field of the Activity, Review, or Coordination that is between 0 and 30 days later than the current date.

Note that an Activity, Review, or Coordination must have a date entered into the “Due” field in order to show up on the table when this filter option is selected. Activities, Reviews, and Coordinations with no date entered into the “Due” field will not show up on the table when this filter option is selected.

“Activities Due within 31+ days”

Selecting this option will limit the table results to open Activities, Reviews, and Coordinations that have a date entered into the “Due” field of the Activity, Review, or Coordination that is at least 31 days later than the current date.

Note that an Activity, Review, or Coordination must have a date entered into the “Due” field in order to show up on the table when this filter option is selected. Activities, Reviews, and Coordinations with no date entered into the “Due” field will not show up on the table when this filter option is selected.

“Activities Due Prior to Environmental Clearance”

Selecting this option will limit the table results to open Activities, Reviews, and Coordinations that have a milestone value of “Prior to Env Clearance*”.



“Activities Due After Environmental Clearance”

Selecting this option will limit the table results to open Activities, Reviews, and Coordinations that have a milestone value of “Prior to LOA,” “Prior to Construction,” “During Construction,” “Post-Construction,” or “Reevaluation.”

10.3 “Search”

This screen allows the user to search ECOS for projects or documents by entering strings of characters, selecting a value or values from the drop-down menu(s), and/or selecting a date or dates using the calendar icon(s) for one or more of the search criteria listed below:

“Highway”

This refers to the field labeled, “Highway,” on WPD I. This is a free-form field.

Region

This is an outdated reference to a previous TxDOT organizational structure, which divided the state into four “Regions,” each containing between 4 and 8 TxDOT districts. Even though the regions have been dissolved, users must still select the appropriate “Region” before they can search by “District” or “County” due to system architecture limitations.

“District”

This refers to the field labeled, “District,” on WPD I. This is a drop-down menu. As explained above, users must first select a “Region” before they can search by “District.”

“County”

This refers to the field labeled, “County,” on WPD I. This is a drop-down menu. As explained above, users must first select a “Region” and “District” before they can search by “County.”

“Environmental Classification”

This refers to the field labeled, “Anticipated Environmental Classification,” on WPD I. This is a drop-down menu.

If “CE” is selected, then two new drop-down menus will appear, “Type” and “Criterion.” This allows the user to specify the “Type” of CE (i.e., (c)-list or (d)-list) and “Criterion” (i.e., the specific number of the CE as listed in 23 CFR 771.117).

“CSJ”

This refers to the field labeled, “CSJ,” on WPD I. This is a free-form field.

“Project Name”

This refers to the field labeled, “Project Name,” on WPD I. This is a free-form field.



“Document Name”

This refers to the electronic file name of a document that has been uploaded to a particular project in ECOS. This is a free-form field.

“Environmental Clearance Date (From)”

This refers to the field labeled, “Environmental Clearance Date,” on WPD I. Use the calendar icon to select the desired date. To use this search criterion, the user must also enter a date in the “Environmental Clearance Date (To)” field, in order to provide a date range.

“Environmental Clearance Date (To)”

This refers to the field labeled, “Environmental Clearance Date,” on WPD I. Use the calendar icon to select the desired date. To use this search criterion, the user must also enter a date in the “Environmental Clearance Date (From)” field, in order to provide a date range.

“TxC District Letting Date (From)”

This refers to the field labeled, “TxC District,” under “TxC & P6 Letting Date” on WPD I. Use the calendar icon to select the desired date. To use this search criterion, the user must also enter a date in the “TxC District Letting Date (To)” field, in order to provide a date range.

“TxC District Letting Date (To)”

This refers to the field labeled, “TxC District,” under “TxC & P6 Letting Date” on WPD I. Use the calendar icon to select the desired date. To use this search criterion, the user must also enter a date in the “TxC District Letting Date (From)” field, in order to provide a date range.

“TxC Project Classification”

This refers to the field labeled, “TxC Project Classification,” on WPD I. It represents the “PROJECT CLASSIFICATION” listed in TxDOTCONNECT (e.g., “BR – BRIDGE REPLACEMENT”). This is a free-form field.

Note that for any of the free-form fields, the user may enter a string of characters and ECOS will search for any project (or document if the “Document Name” field is used) with that string of characters in the relevant data field. For example, if all you knew was that the CSJ contained “593,” or that the name of the project contained, “improvement project,” you could search using that information by simply typing those characters into the respective data fields. The free-form fields are not case-sensitive, meaning that if the user searches on “road” or “Road,” ECOS will search for projects or documents that have those four characters in that order, regardless of capitalization.

The Search function can be used to search for two different categories: projects or documents. Whether ECOS will return a list of projects or documents depends on whether the user enters data into the “Document Name” field. If the user does not enter data into the “Document Name” field, then ECOS will return a list of projects. If the user does enter data into the “Document Name” field, then ECOS will return a list of documents, regardless of whether any of additional search criteria are selected. For example, if the user enters data into both the “Project Name” and “Document Name” field, ECOS will return a list of documents.



10.4 “Reports”

This screen allows the user to run reports (i.e., compile lists of projects or other ECOS information based on specified criteria). There are ten specific kinds of reports that can be run, as indicated by the list on the left side of the screen. To run any of these reports, click on the desired report type, and in the next screen that opens, specify any desired criteria to narrow the report, and click “Run.”

Upgrades to the “Reports” screen are not included in the Summer 2019 upgrades to many of the other screens in ECOS that are discussed throughout this Guide. However, ENV expects to upgrade the “Reports” screen in a future ECOS update to make it more useful and consistent with the rest of the upgraded screens. This section of the Guide will be revised to reflect any future upgrade to the “Reports” screen.

Chapter 11. How to Use the Project Console

The “Project Console” is the console that contains the information and documents for a particular project or, more specifically, a particular CSJ. It is not actually labeled, “Project Console,” but it is called that because it is the project-specific console (as opposed to the “Landing Page Console,” which is used to access information about many different projects and Activities).

The Project Console can be accessed by clicking on a “Project Name” for a specific project from the “My Projects” screen on the Landing Page Console, or by clicking on “Project Name” for a specific project within the table of search results on the “Search” screen on the Landing Page Console.

The purpose of this console is to house the various screens that are needed to develop a project work plan, and track the performance of Activities needed to environmentally clear the project.

The following four links appear at the top of the console, corresponding to four different functions that are built-in to the Project Console:

- “Project Summary”
- “Activities”
- “Coordination”
- “Documents”

Clicking on any of the links listed above will call-up a different screen. The selected link will always appear in white font at the top of the screen. Whenever a user accesses the Project Console, it will be defaulted to the “Project Summary” screen.

Note that there is also a link towards the top of the Project Console labeled, “Site Map.” Clicking this link will display a list of each of the screens that compose this console (“Project Summary,” “Activities,” etc.) and lists of Activities, Reviews, and Coordinations that have been created within the individual screens. This is useful because it displays all of these items in a single display. Users can access any of the screens, Activities, Review, or Coordinations listed by clicking on the name of that screen from the Site Map.

Each of the four screens that compose the Project Console is explained separately below.

11.1 “Project Summary”

The purpose of the “Project Summary” screen is to provide an overview of the status of the project.

At the top of the “Project Summary” screen, there is a set of links that will take the user to various other screens and data (if it exists), as explained below:

“Work Plan Development”

Clicking this link will take the user to the WPD I, WPD II, WPD III, and WPD IV screens for the project.



“TxC Data”

Clicking this link will take the user to TxDOTCONNECT data for the project.

This link will **not** appear if the project does not exist in TxDOTCONNECT.

“ETS Data”

Clicking this link will take the user to ETS data for the project. “ETS” refers to a legacy environmental tracking system that was developed by ENV and is no longer in-use.

This link will **not** appear if there is no ETS data for the project.

“Archived Tasks”

Clicking this link will take the user to an archived screen showing “Tasks” that were created in ECOS prior to the Summer 2019 update.

The “Archived Tasks” screen is for display purposes only. There is no way to edit, upload to, or otherwise change the information displayed on the “Archived Tasks” screen.

This link will **not** appear if there are no archived Tasks for the project.

“Archived Journal”

Clicking this link will take the user to an archived screen showing “Journal” entries that were created in ECOS prior to the Summer 2019 update.

The “Archived Journal” screen is for display purposes only. There is no way to edit or otherwise change the information displayed on the “Archived Journal” screen.

This link will **not** appear if there are no archived Journal entries for the project.

“Archived EPICs”

Clicking this link will take the user to an archived screen showing “environmental permits, issues, and commitments” or “EPICs” that were created in ECOS prior to the Summer 2019 update.

The “Archived EPICs” screen is for display purposes only. There is no way to edit, upload to, or otherwise change the information displayed on the “Archived EPICs” screen.

This link will **not** appear if there are no archived EPICs for the project.

11.1.1 Project Summary Section

Below the above-listed links at the top of the “Project Summary” screen, there is a section of this screen labeled “Project Summary” (yes, this is redundant given that this entire screen is also called the “Project Summary” screen). The “Project Summary” section will display the following five pieces of information:

“Project Name”

This corresponds to the field labeled, “Project Name,” on WPD I.



“Federal or State Project”

This field displays either “Federal” or “State” based on how the following question from WPD I is answered: “Who is the lead agency responsible for the approval of the entire project?”

If the answer to this question is either “FHWA – Assigned to TxDOT” or “FHWA – Not Assigned to TxDOT,” then this field will display, “Federal.”

If the answer to this question is “TxDOT – No federal funding,” then this field will display, “State.”

“Environmental Classification Type”

This corresponds to the field labeled, “Anticipated Environmental Classification,” on WPD I.

Remember that, on environmental clearance of the project, this field will be updated with the classification entered into the field labeled “Approved Environmental Classification” on WPD I.

“CSJ”

This corresponds to the field labeled, “CSJ,” on WPD I.

“Environmental Clearance Target Date”

This is an optional field that may be used to enter a target date for issuing a CE determination, FONSI, or FEIS/ROD for the project.

11.1.2 Project Checkpoint Status

The section of this screen labeled, “Project Checkpoint Status,” shows a bar indicating the status of the environmental review of the project according to whether various checkpoints have been reached. The bar will not appear until an option is selected for the field labeled, “Anticipated Environmental Classification,” on WPD I and WPD I is saved. The bar will also not appear for projects that have been cleared using the “No Document Required” expedited process, as there is no work plan development or CE determination, FONSI, or ROD for such projects. The checkpoints, and the conditions that correspond to the checkpoints being highlighted different colors, are explained below:

“WPD I”

This checkpoint will be gray until the WPD I screen has been saved, at which point it will turn yellow.

This checkpoint will turn green when the WPD I screen has been finalized.

Note that this checkpoint is also a link to the WPD I screen.

“WPD II”

This checkpoint will be gray until the WPD I screen has been saved (because WPD I and WPD II are linked), at which point it will turn yellow.

This checkpoint will turn green when the WPD II screen has been finalized.

Note that this checkpoint is also a link to the WPD II screen.



“WPD III”

This checkpoint will be gray until the WPD III screen has been accepted by the department delegate, at which point it will turn green.

Note that this checkpoint is also a link to the WPD III screen.

“LOA”

This checkpoint will be gray until the field labeled, “Environmental LOA Date,” on the WPD I screen has been filled in, at which point it will turn green.

Note that this checkpoint is also a link to the “Activities” screen.

11.1.3 CE-specific checkpoints

“CE Determination”

This checkpoint will be gray until the WPD II screen has been finalized, at which point it will turn yellow.

This checkpoint will turn green when the “Perform CE Determination” Activity is finalized, or when any of the expedited CE processes are completed.

Note that this checkpoint is also a link to the “Activities” screen.

11.1.4 EA-specific checkpoints

“DEA”

This checkpoint will be gray until the “Perform Draft EA Preparation” Activity has been finalized, at which point it will turn green.

Note that this checkpoint is also a link to the “Activities” screen.

“PH/OPH”

This checkpoint will be gray until the “Perform Opportunity for Public Hearing (OPH)/Public Hearing (PH)” Activity is finalized, at which point it will turn green.

Note that this checkpoint is also a link to the “Activities” screen.

“FONSI”

This checkpoint will be gray until the “Perform Final EA Preparation” Activity is finalized, at which point it will turn green.

Note that this is also a link to the “Activities” screen.



11.1.5 EIS-specific checkpoints

“DEIS”

This checkpoint will be gray until the “Perform Draft EIS Preparation” Activity has been finalized, at which point it will turn green.

Note that this checkpoint is also a link to the “Activities” screen.

“PH”

This checkpoint will be gray until the “Perform Opportunity for Public Hearing (OPH)/Public Hearing (PH)” Activity is finalized, at which point it will turn green.

Note that this checkpoint is also a link to the “Activities” screen.

FEIS/ROD

This checkpoint will be gray until the “Perform Final EIS/ROD Preparation” Activity has been finalized, at which point it will turn green.

Note that this checkpoint is also a link to the “Activities” screen.

11.1.6 Project Activity

Below the checkpoint bar there is section labeled, “Project Activity.” This section consists of a chart showing the numbers of Activities, Reviews, and Coordinations that have been created for the project. The chart shows the number of Activities, Reviews, and Coordinations by milestone (“Prior to Env Clearance*”, “Prior to LOA,” “Prior to Construction,” “During Construction,” “Post-Construction,” and “Reevaluation”), by whether they have been finalized (“Finalized”) or have not yet been finalized (“Open”). This chart is intended to provide the user with a rough overview of how much work has been done on the project, and how much is remaining.

11.1.7 Clearance History

Below the “Project Activity” chart there is a link labeled, “Clearance History.” Clicking this link will take the user to a new screen that consists solely of a chart showing instances in which the project has been previously environmentally or LOA-cleared. If the project has not yet been environmentally cleared, this chart will have a single row indicating “Pending.” Users cannot environmentally clear projects or otherwise enter any information from this screen as it is for informational purposes only.

11.1.8 Project Association

Finally, at the bottom of the “Project Summary” screen, there is a chart labeled, “Project Association,” which shows any CSJs that are associated to the CSJ in which the user is working. This chart displays the same information regarding associated projects as the chart in the “Project Association(s)” section of WPD I.

11.2 “Activities”

The purpose of the “Activities” screen is to display and provide access to all Activities and Reviews that have been created for the project. The Activities and Reviews are displayed in a table. There are subheadings within the table to differentiate between program areas (“Air,” “Archeology,” etc.).

The Activities and Reviews listed in the table will depend on which filter options the user selects from the three drop-down menus that appear above the shaded bar. The column headings for the information in the table are explained below:

“Activity”

This refers to the name of the Activity or Review.

“REL”

“REL” stands for “relationships.” If a Coordination has been created in connection with an Activity, a “C” icon will appear in this column. Hovering over the “C” icon will show the name of the Coordination in a small pop-up window. Clicking on the name of the Coordination in the small pop-up window will take the user to that Coordination.

“Assigned To”

This refers to the individual(s) to which the Activity or Review has been assigned using the “Assigned To” function on the “Assignment Details” component of the Activity or Review.

“Due”

This refers to the date field labeled, “Due,” on the “Assignment Details” component of the Activity or Review.

“Start”

This refers to the date field labeled, “Start,” on the “Assignment Details” component of the Activity or Review.

“End”

This refers to the date that is recorded in the date field labeled, “End,” on the “Assignment Details” component of the Activity or Review, which is determined according to the user’s preference as specified in a pop-up window during finalization of the Activity or Review (i.e., either the date on which the Activity or Review is finalized, or some earlier date specified by the user when he or she finalizes the Activity or Review).

“Milestone”

This refers to the field labeled, “Milestone,” on the “Assignment Details” component of the Activity or Review.

“Create”

This refers to the date on which the Activity was automatically created by acceptance of the project work plan, or manually created.

“Acceptance”

If an Activity was automatically created by acceptance of the project work plan, then the “Acceptance” column will show the date of acceptance of the project work plan that automatically created that specific Activity.

If an Activity was manually created, and the project work plan has been accepted, then the “Acceptance” column will show the acceptance date for the last version of the project work plan that was accepted by the department delegate.

If an Activity was manually created, but the project work plan has never been accepted, then no “Acceptance” date will be shown.

“Actions”

The following icons may appear under this column:

- **“C+”**

Click this icon to create a Coordination in connection with an Activity. This icon will only appear if the Activity is of a type for which a Coordination may be needed.

- **“R+”**

Click this icon to create a Review in connection with an Activity. This icon will only appear if the Activity is of a type for which a Review may be needed.

- **“D+”**

Click this icon to create a Deliverable in connection with an Activity. A Deliverable is simply a placeholder for the anticipated submittal of a document for review.

This icon will only appear for the “Perform Draft EA Preparation,” “Perform Final EA Preparation,” “Perform Draft EIS Preparation,” and “Perform Final EIS/ROD Preparation.” The instructions for these four Activities in the respective Activity Instructions require the creation of separate Deliverables each time a new version of the document is submitted, to make it easier to see which reviews were done for a specific version of the document.

- **“Upload” icon (graphic of a piece of paper with a blue arrow pointing upward)**

Click this icon to upload a document in connection with an Activity or Review. Clicking on the “upload” icon will call-up a new window displaying the names of any documents that have already been uploaded in connection with that Activity or Review, and allowing the user to upload additional documents in connection with that Activity or Review.

- **Trash can**



Click this icon to permanently delete an Activity or Review. This icon will only appear if the user is the same individual that created the Activity or Review. Deleting an Activity also deletes any associated Reviews, Coordinations, and documents. Deleting a Review also deletes any associated documents.

Even though ECOS provides the ability to delete an Activity, as explained earlier in this Guide, Activities that are unnecessary or inadvertently created must not be deleted. Instead, follow the instructions under “How to handle Activities that were created and are still open, but need not be completed” in Chapter 8.

As explained earlier, for Reviews that were inadvertently created and will not be conducted, district environmental staff may delete the Review (so long as no review occurred and no comments have been recorded in the “Comments” field or uploaded under the Review).

Note that each of the column headings in the table is sortable. Click on the column heading within the shaded bar to re-order the table results according to the values in that column. Click on the name of an Activity or Review to access that specific Activity or Review.

Each of the two filter drop-down menus are discussed separately below, going in order from left to right as they appear on the “Activities” screen.

11.2.1 Filter #1 – Activities

This filter drop-down menu has the drop-down options listed below. Selecting an option from this drop-down menu will limit the table results to Activities that meet the relevant criterion, and their respective Reviews.

“All” (default)

Selecting this option will not limit the table results according to the due date (or whether a date has been entered into the “Due” field of the Activity), whether the Activity remains open (i.e., not yet finalized), or whether the Activity has been assigned to the user. In other words, the table will show all Activities for the project.

“Activities with no Due Date”

Selecting this option will limit the table results to Activities that do not have a date entered into the “Due” field of the Activity. ECOS will also display the Reviews associated with such Activities for informational purposes, even if the Reviews, themselves, have a due date,

“Overdue Activities”

Selecting this option will limit the table results to Activities that have a date entered into the “Due Date” field of the Activity that is earlier than the current date (even if the Activity has been finalized, in which case the Activity is not technically “overdue”). ECOS will also display the Reviews associated with such Activities for informational purposes, even if the Reviews, themselves, are not overdue (which should not actually occur, because if due dates are being used, the due date for a Review should be earlier than the due date for the Activity itself).



Note that an Activity must have a date entered into the “Due” field in order to show up on the table when this filter option is selected. Activities with no date entered into the “Due” field will not show up on the table when this filter option is selected.

“Activities Due within 30 days”

Selecting this option will limit the table results to Activities that have a date entered into the “Due” field of the Activity that is between 0 and 30 days later than the current date (even if the Activity has been finalized, in which case the Activity is not technically “due”). ECOS will also display the Reviews associated with such Activities for informational purposes, even if the Reviews, themselves, do not have due date that is between 0 and 30 days later than the current date.

Note that an Activity must have a date entered into the “Due” field in order to show up on the table when this filter option is selected. Activities with no date entered into the “Due” field will not show up on the table when this filter option is selected.

“Activities Due within 31+ days”

Selecting this option will limit the table results to Activities that have a date entered into the “Due” field of the Activity that is at least 31 days later than the current date (even if the Activity has been finalized, in which case the Activity is not technically “due”). ECOS will also display the Reviews associated with such Activities for informational purposes, even if the Reviews, themselves, do not have due date that is at least 31 days later than the current date.

Note that an Activity must have a date entered into the “Due” field in order to show up on the table when this filter option is selected. Activities with no date entered into the “Due” field will not show up on the table when this filter option is selected.

“Open Activities”

Selecting this option will limit the table results to Activities that have not yet been finalized. ECOS will also display the Reviews associated with such Activities for informational purposes, even if the Reviews, themselves, have been finalized.

“Open Activities Assigned to Me”

Selecting this option will limit the table results to Activities that have not yet been finalized and that have been assigned to the user. ECOS will also display the Reviews associated with such Activities for informational purposes, even if the Reviews, themselves, have been finalized or have not been assigned to the user.

“Finalized Activities”

Selecting this option will limit the table results to Activities that have been finalized. ECOS will also display the Reviews associated with such Activities for informational purposes, even if the Reviews, themselves, have not been finalized (which should not actually occur, as all Reviews must be finalized before the Activity is finalized).

11.2.2 Filter #2 – Program Area

This filter drop-down menu has the drop-down options listed below. Selecting any of these options (other than “All”) will limit the table results to Activities and Reviews that are associated with the specific program area selected.

- “All” (default)

Selecting this option will not limit the table results based on program area.

- “Air”
- “Archeology”
- “Biology”
- “Community Impacts”
- “Cumulative Impacts”
- “Hazardous Materials”
- “Historical Studies”
- “Indirect Impacts”
- “Noise”
- “Project”
- “Protected Lands”
- “Public Involvement”
- “Water”

Note that “Cumulative Impacts” and “Indirect Impacts” are no longer distinct program areas in ECOS, as the “Perform Cumulative Impacts Analysis” is no longer used and the “Perform Induced Growth Analysis” Activity is now included within the “Project” program area. However, “Cumulative Impacts” and “Indirect Impacts” are selectable options within this drop-down menu to allow for users to find old Activities that were created within these program areas prior to Summer of 2019.

11.2.3 Filter #3 – Milestone

This filter drop-down menu has the following drop-down options:

“All” (default)

Selecting this option will not limit the table results based the milestone on the “Assignment Details” component of the Activity or Review.

“Prior to Env Clearance*”

Selecting this option will limit the table results to Activities or Reviews with a milestone of “Prior to Env Clearance*” on the “Assignment Details” component of the Activity.

“Post-Env Clearance”

Selecting this option will limit the table results to Activities or Reviews with a current milestone of “Prior to LOA,” “Prior to Construction,” “During Construction,” “Post-Construction,” or “Reevaluation” on the “Assignment Details” component of the Activity.

“Reevaluation”

Selecting this option will limit the table results to Activities or Reviews with a current milestone of “Reevaluation” on the “Assignment Details” component of the Activity or Review.

“Prior to LOA”

Selecting this option will limit the table results to Activities or Reviews with a current milestone of “Prior to LOA” on the “Assignment Details” component of the Activity or Review. Activities and Reviews with a default milestone of “Prior to LOA” will not be included if the milestone has been changed to something else.

“Prior to Construction”

Selecting this option will limit the table results to Activities or Reviews with a current milestone of “Prior to Construction” on the “Assignment Details” component of the Activity or Review. Activities with a default milestone of “Prior to Construction” will not be included if the milestone has been changed to something else.

“During Construction”

Selecting this option will limit the table results to Activities or Reviews with a current milestone of “During Construction” on the “Assignment Details” component of the Activity or Review. Activities or Reviews with a default milestone of “During Construction” will not be included if the milestone has been changed to something else.

“Post-Construction”

Selecting this option will limit the table results to Activities or Reviews with a current milestone of “Post-Construction” on the “Assignment Details” component of the Activity or Review. Activities or Reviews with a default milestone of “Post-Construction” will not be included if the milestone has been changed to something else.

11.3 “Coordination”

The purpose of the “Coordination” screen is to display and provide access to all Coordinations that have been created for the project. The Coordinations are displayed in a table. There are subheadings within the table to differentiate between program areas (“Air,” “Archeology,” etc.).

The Coordinations listed in the table will depend on which filter options the user selects from the two drop-down menus that appear above the shaded bar. The column headings for the information in the table are explained below:

“Coordination”

This refers to the name of the Coordination.

“REL”

“REL” stands for “relationships.” Because Coordinations can only be created in connection with an Activity, an “A” icon will always appear in this column. Clicking on the “A” icon will take the user to the specific Activity under which the Coordination was created.

“Assigned To”

This refers to the individual(s) to which the Coordination has been assigned using the “Assigned To” function on the “Assignment Details” component of the Coordination.

“Due Date”

This refers to the field labeled, “Due,” on the “Assignment Details” component of the Coordination.

“Start Date”

This refers to the field labeled, “Start,” on the “Assignment Details” component of the Coordination.

“End Date”

This refers to the date that is recorded in the field labeled, “End,” on the “Assignment Details” component of the Coordination, which is determined according to the user’s preference as specified in a pop-up window during finalization of the Coordination (i.e., either the date on which the Coordination is finalized, or some earlier date specified by the user when he or she finalizes the Coordination).

“Actions”

The following icons may appear under this column:

- “Upload” icon (graphic of a piece of paper with a blue arrow pointing upward)

Click this icon to upload a document in connection with a Coordination. Clicking on the “upload” icon will call-up a new window displaying the names of any documents that have already been uploaded in connection with that Coordination, and allowing the user to upload additional documents in connection with that Coordination.

- Trash can

Click this icon to permanently delete a Coordination. This icon will only appear if the user is the same individual that created the Coordination, and if the Coordination has not yet been finalized. Once a Coordination has been finalized, it can never be deleted. Deleting a Coordination also deletes any associated documents.

Even though ECOS provides the ability to delete a Coordination, as explained earlier in this Guide, a Coordination may be deleted only if it was inadvertently created and will not be conducted, and if no communications were sent. If one or communications have already been recorded under a Coordination that was later determined to be unnecessary, then district

environmental staff selects, “Rescinded,” from the drop-down menu for the field labeled, “Coordination Status,” and then finalizes the Activity.

Note that each of the column headings in the table is sortable. Click on the column heading within the shaded bar to re-order the table results according to the values in that column. Click on the name of a Coordination to access that specific Coordination.

Each of the two filter drop-down menus are discussed separately below, going in order from left to right as they appear on the “Coordination” screen.

11.3.1 Filter #1 – Program Area

This filter drop-down menu has the drop-down options listed below. Selecting any of these options (other than “All”) will limit the table results to Coordinations that are associated with the specific program area selected.

- “All” (default)

Selecting this option will not limit the table results based on program area.

- “Air”
- “Archeology”
- “Biology”
- “Community Impacts”
- “Cumulative Impacts”
- “Hazardous Materials”
- “Historical Studies”
- “Indirect Impacts”
- “Noise”
- “Project”
- “Protected Lands”
- “Public Involvement”
- “Water”

Note that “Cumulative Impacts” and “Indirect Impacts” are no longer distinct program areas in ECOS, as the “Perform Cumulative Impacts Analysis” is no longer used and the “Perform Induced Growth Analysis” Activity is now included within the “Project” program area. However, “Cumulative Impacts” and “Indirect Impacts” are selectable options within this drop-down menu to allow for users to find old Coordinations that were created within these program areas prior to Summer of 2019.

11.3.2 Filter #2 – Agency Name

This filter drop-down contains a list of agencies. Selecting any of the specific agencies listed will limit the table results to Coordinations with that specific agency. Selecting “All” (default) will not limit the table results to Coordinations with any specific agency, and will show all Coordinations that have been created for that project.

11.4 “Documents”

The purpose of the “Documents” screen is to display and provide access to all documents that have been uploaded for the project. The documents are displayed in a table. There are subheadings within the table to differentiate between program areas (“Air,” “Archeology,” etc.).

Note that the following program areas, although not used after the Summer 2019 ECOS update, may appear as subheadings on the “Documents” screen if documents were uploaded under these subheadings prior to the Summer 2019 ECOS update:

- “Administration”
- “Cumulative Impacts”
- “Indirect Impacts”
- “General”
- “Other”

The documents listed in the table will depend on which filter options the user selects from the drop-down menu that appears above the shaded bar. The column headings for the information in the table are explained below:

“Name”

This refers to the file name of the document.

“REL”

“REL” stands for “relationships.” Because documents can only be uploaded in connection with an Activity, Review, Coordination, or Deliverable, an “A,” “R,” “C,” or “D” icon will always appear in this column. Clicking on the “A,” “R,” or “D” icon will take the user to the “Activities” screen. Clicking on the “C” icon will take the user to the “Coordination” screen.

If a document was uploaded under an old “Task” prior to the Summer 2019 ECOS update, a “T” icon will appear under the “REL” column. Clicking on a “T” icon will take the user to the “Archived Tasks” screen for the project.

“Upload By”

This refers to the name of the ECOS user who uploaded the document.



“Upload Date”

This refers to the date on which the document was uploaded.

“Actions”

The following icon may appear under this column:

- Trash can

Click this icon to permanently delete a document. This icon will only appear if the user is the same individual that uploaded the document.

Even though ECOS provides the ability to delete a document, users should refrain from deleting any document. Even if a document is superseded by a later draft, any document uploaded must remain in the system. Earlier drafts that have been superseded must remain in ECOS. Even if a document labeled, “Approved,” is superseded by a later document, keep both in ECOS, and label the second document “2nd Approved” or use some other naming convention to indicate that is a later-approved document. A user should delete a document only in an unusual situation, such as when a document was erroneously uploaded under the wrong project.

Note that each of the column headings in the table is sortable. Click on the column heading within the shaded bar to re-order the table results according to the values in that column. Click on the name of a document to access that specific document.

The “documents” screen will only display documents according to program area. It will not further organize documents according to the specific Activities, Reviews or Coordinations under which they have been uploaded. To see a list of documents that have been uploaded under a specific Activity, Review, or Coordination, navigate to the “Activities” screen (for Activities and Reviews) or the “Coordination” screen (for Coordinations) and click on the blue “upload” icon next to the specific Activity, Review, or Coordination. The screen that opens will show a list of documents that have already been uploaded under that Activity, Review, or Coordination, in addition to allowing the user to upload additional documents under that Activity, Review, or Coordination.

There is only one filter on the “Documents” screen.

11.4.1 Filter #1 – Program Area

This filter drop-down menu has the drop-down options listed below. Selecting any of these options (other than “All”) will limit the table results to Documents that are associated with the specific program area selected.

- “All” (default)

Selecting this option will not limit the table results based on program area.

- “Administration”
- “Air”
- “Archeology”



Environmental Guide: Volume 1 Process

- "Biology"
- "Community Impacts"
- "Cumulative Impacts"
- "Hazardous Materials"
- "Historical Studies"
- "Indirect Impacts"
- "General"
- "Noise"
- "Other"
- "Project"
- "Protected Lands"
- "Public Involvement"
- "Water"

Note that "Administration," "Cumulative Impacts," "Indirect Impacts," "General," and "Other" are no longer distinct program areas in ECOS; however, they are selectable options within this drop-down menu to allow for users to find old documents that were uploaded within these program areas prior to Summer of 2019.

Chapter 12. How to Handle Deviations from Procedures and File Corrections

12.1 Deviations From Procedure

If it is necessary to deviate from any business processes in the Environmental Guide (including any Activity Instructions in Volume 2), district environmental staff will explain the deviation and the justification for the deviation in the Comments field of the relevant Activity. Include a summary of any discussions with an ENV SME regarding the deviation, including the format (email, telephone, or meeting) and date.

If there is no appropriate Activity in which to explain the deviation, district environmental staff will create the appropriate "SME Consultation" Activity (e.g., "CE/EA/EIS SME Consultation") and provide the explanation and justification in the "Comments" field within the "SME Consultation" Activity.

12.2 Post-Environmental Clearance File Corrections

If it is discovered after environmental clearance that some documentation that was created prior to environmental clearance is missing, incomplete, or incorrect, district environmental staff must upload the needed document under the appropriate Activity, if that Activity was already created prior to environmental clearance. If the appropriate Activity was not created prior to environmental clearance, then district environmental staff creates the "Perform Post-Environmental Clearance File Correction" Activity and proceeds according to the Activity Instructions for the "Perform Post-Environmental Clearance File Correction" Activity, and, if necessary, consults with the appropriate ENV SME assigned to the respective district on how to proceed. This Activity may also be used by ENV's Program Review Section to record other kinds of findings regarding its review of the ECOS file.

Chapter 13. How to Use the Expedited (c)(22) CE

This chapter sets forth an alternative expedited process for documenting (c)(22) categorical exclusion (CE) coverage for certain types of low-impact state or FHWA projects. Using this expedited process allows district environmental staff to make an expedited CE determination for a qualifying project without creating and completing a project-specific work plan in ECOS, which is the normal process for all projects that require a CE determination but do not qualify for an expedited process.

This expedited process is available only to those projects for which the project sponsor is a TxDOT district, and that meet the criteria set forth in **Appendix A** of this chapter, "Criteria for Using Expedited (c)(22) Categorical Exclusion (CE) Process for Certain Low-Impact Project Types." This expedited process cannot be used for any project for which a local government is the project sponsor as defined by 43 TAC 2.7.

For an explanation of the basis for this expedited process, see **Appendix B** of this chapter, "Basis for Expedited (c)(22) Categorical Exclusion (CE) Process for Certain Low-Impact Project Types."

1. District environmental staff determines if the project meets the criteria set forth in **Appendix A** of this document, "Criteria for Using Expedited Categorical Exclusion (CE) Process for Certain Low-Impact Project Types." If so, proceed as instructed below.
2. If the project has already been created in ECOS, proceed to step 4 below.
3. If the project has not been created in ECOS, district environmental staff creates the project in ECOS as follows:
 - Navigate to the "Projects" console.
 - Click on "New Project."
 - If the project already exists in TxDOTCONNECT, answer "Yes" to "Are you creating a project with a CSJ from TxC and enter the CSJ for the project and click "Search." If not, answer "No."
4. After the WPD Section I – Project Definition screen opens, click the save icon in the upper left-hand corner. A pop-up message listing the fields that need to be completed will appear. Click "Ok."
5. If the following fields on the WPD Section I – Project Definition screen are not auto-filled from TxDOTCONNECT, complete the fields (note that some of the fields below will never be auto-filled from TxDOTCONNECT):
 - Project Definition:
 - "Project Name"
 - "CSJ"
 - "Anticipated Environmental Classification:" Enter this as a "regular" (c)(22), not expedited (i.e, select "(c)-list" for "Type" and "(22)" for Criterion)
 - "Highway"
 - "District"

- “County”
- Project Location:
 - “Project Limit – From”
 - “Project Limit – To”
- Jurisdiction:
 - “Who is the lead agency responsible for the approval of the entire project?”
 - “Who is the project sponsor as defined by 43 TAC 2.7?”

6. Click the save icon in the upper left-hand corner.
7. To associate additional CSJs with this main CSJ, scroll down to the Project Association(s) section, and either click on the “Auto Associate CSJ from TxC” button and/or manually enter the CSJ(s) to be associated, select the correct CSJ from the drop-down menu, and click the “Add” button.

Remember that if you are manually entering the CSJ(s) to be associated, the CSJ(s) must have first been created in ECOS. But for each associate CSJ, you only need to fill in the minimum required fields on the WPD Section I – Project Definition screen needed to create the CSJ in ECOS (Project Name, CSJ, “Anticipated Environmental Classification:” Enter this as a “regular” (c)(22) not expedited (i.e, select “(c)-list” for “Type” and “(22)” for “Criterion”), Highway, District, County, Project Limit – From, Project Limit – To, Who is the lead agency responsible for the approval of the entire project?, and Who is the project sponsor as defined by 43 TAC 2.7?).

8. On the WPD Section I – Project Definition screen, select “Expedited (c)(22) CE” from the dropdown menu next to “Anticipated Environmental Classification.”
9. The following pop-up message will appear:
- “By clicking OK below, you are confirming that, for the main CSJ and all additional associated CSJs, all project activities meet requirements identified in TxDOT’s Criteria for Using Expedited (c)(22) Categorical Exclusion (CE) Process for Certain Low-Impact Project Types, Section 2.0, Project Types Covered, and Section 3.0, Conditions of Use.”

If correct, click “Ok” and follow the instructions below. If not correct, click “Cancel” and follow TxDOT’s traditional (i.e., non-expedited) CE process.

10. Click the save icon in the upper left-hand corner. The following pop-up message will appear:
- “By clicking OK below, you are signing the CE determination and certifying that, for the main CSJ and all additional associated CSJs, all project activities meet requirements identified in TxDOT’s Criteria for Using Expedited (c)(22) Categorical Exclusion (CE) Process for Certain Low-Impact Project Types, Section 2.0, Project Types Covered, and Section 3.0, Conditions of Use.”

If correct, click “OK.” If not, then click “Cancel.” Clicking “OK” will do the following:



Environmental Guide: Volume 1 Process

- record a CE determination form for the main and any associate CSJs;
- environmentally and LOA-clear the main and any associated CSJs on the WPD Section I – Project Definition and Project Summary screens; and
- update in real-time the “NEPA Clearance Date” and “Environmental Clear to Let Date” fields in TxDOTCONNECT for the main and any associate CSJs.

From this point, district environmental staff may close the window for this project or otherwise navigate away from the completed CE determination form page.

NOTE: Do NOT upload to ECOS ANY documentation for projects cleared with this expedited (c)(22) CE process (but any documentation uploaded prior to September of 2018 may remain in ECOS).

Appendix A to Chapter 13

Criteria for Using Expedited (c)(22) Categorical Exclusion (CE) Process for Certain Low-Impact Project Types

1.0 Introduction

This appendix sets forth criteria for using an alternative expedited process for documenting CE coverage for certain types of low-impact state or FHWA projects.

2.0 Project Types Covered

This expedited process may be used to document CE coverage for the following project types:

- Ramp relocations except Federally funded ramp relocations in an area that is nonattainment or maintenance for particulate matter or carbon monoxide (i.e., El Paso) as hot-spot requirements apply
- Rumble strips – Installation or repair
- Glare screens – Installation or repair
- Metal beam guard fence and/or crash cushion – Installation, repair, or replacement
- Guard rail – Installation, repair, or replacement (including installation, repair, or replacement of mow strip and associated backfilling/shoring up of pavement edges)
- Cable barrier – Installation, repair, or replacement
- Concrete barrier – Installation (except in the Pharr District as they may impede ocelots), removal, or in-kind replacement
- Signage – Installation, repair, or replacement
- Traffic signals including associated trench work – Installation, repair, or replacement (including cabinet work on a traffic signal) except Federally-funded installation of traffic signals at an intersection in an area that is nonattainment or maintenance for particulate matter or carbon monoxide (i.e., El Paso) as hot-spot requirements apply
- Railroad warning devices including associated trench work – Installation, repair, or replacement
- Cameras including associated trench work – Installation, repair, or replacement
- Intelligent highway system equipment and “connected vehicle technology,” including associated trench work – Installation, repair, or replacement
- Flood detection and warning systems – Installation, repair, or replacement
- Lighting – Repair or in-kind replacement

- Lighting – Installation, except such projects that take place in or adjacent to any of the following sensitive property types: historic courthouse squares, historic downtown commercial areas, historic residential neighborhoods, historic farmsteads, historic road corridors, historic parks or recreation areas, and historic bridges
- Concrete curbs and gutters – Repair or in-kind replacement
- Concrete curbs and gutters – Installation, except such projects that take place in or adjacent to any of the following sensitive property types: historic courthouse squares, historic downtown commercial areas, historic residential neighborhoods, historic farmsteads, historic road corridors, historic parks or recreation areas, and historic bridges
- Curb ramp and landing – Installation, repair, or replacement, except such projects that take place in or adjacent to any of the following sensitive property types: historic courthouse squares, historic downtown commercial areas, historic residential neighborhoods, historic farmsteads, historic road corridors, historic parks or recreation areas, and historic bridges
- Sidewalks and shared-use paths – Installation, repair, or in-kind replacement, except such projects that take place in or adjacent to any of the following sensitive property types: historic courthouse squares, historic downtown commercial areas, historic residential neighborhoods, historic farmsteads, historic road corridors, historic parks or recreation areas, and historic bridges
- Seal coating of any roadway that does not consist of brick paving
- Crack sealing of any roadway that does not consist of brick paving
- Overlaying of any roadway that does not consist of brick paving
- Milling of any roadway that does not consist of brick paving
- Grooving of any roadway that does not consist of brick paving
- Resurfacing of any roadway or shared-use path that does not consist of brick paving
- Replanking of a railroad crossing
- Base repair up to two feet from the edge of the existing pavement
- Modification of superelevation on any roadway that does not consist of brick paving
- Side slope repair within existing fill material
- Pavement markings (e.g., thermoplastic, ceramic buttons, texturized shoulders, and profile edgeline markings) on any roadway that does not consist of brick paving
- Safety end treatments – Installation, maintenance, repair, or extension
- Striping or restriping, including striping or restriping that modifies or converts existing pavement into a shoulder, turn lane, or bicycle lane (the bicycle lane cannot be considered a “substantial change in layout or function” as defined in ENV’s PI Handbook) except Federally funded striping or restriping to add a turn lane in an area that is nonattainment or maintenance for particulate matter or carbon monoxide (i.e., El Paso) as hot-spot requirements apply

Note: Striping or restriping that creates or eliminates any of the following lanes is **NOT** eligible to use this expedited CE process:

- a through-traffic lane
 - HOV lane
 - HOT lane
 - bus lane
 - passing lane (i.e., truck or climbing lane or “Super 2”)
- Median work consisting of any of the categories below, except such projects that take place in or adjacent to any of the following sensitive property types: historic courthouse squares, historic downtown commercial areas, historic residential neighborhoods, historic farmsteads, historic road corridors, historic parks or recreation areas, and historic bridges:
 - Installation or widening of an inside turn lane or inside shoulder (i.e., a shoulder that abuts a median separating opposite direction travel lanes or that abuts a median separating a frontage road from a mainlane)
 - Installation or removal of an at-grade turnaround or crossover
 - Median grading
 - Installing, removing, or modifying raised medians
- Bridge or culvert work consisting of any of the categories listed below, so long as the work “falls under Appendix 3” according to **ENV’s Guidance - Determining Appropriate Level of Non-Archeological Historic Properties Review for Bridge Projects**:
 - Routine maintenance, such as asphalt overlays, cleaning deck drains and vegetation, sealing concrete, installing rip rap and other scour protection, and cleaning the bridge
 - Widening
 - Upgrades, including rail/guardrail repair and replacement
 - Repair
 - Replacement
- Installation or removal of landscaping vegetation, and associated earthwork, irrigation, etc.
- Cleaning ditches with no excavation deeper than the original ditch grade

3.0 Conditions of Use

This expedited process may be used to document CE coverage for the project types listed above only if all of the following conditions are met:

A. No unusual circumstances

The project does not involve any unusual circumstances that would warrant the creation of any Activities other than “Perform CE Determination”.

Also, per FHWA's CE rule (23 C.F.R. §771.117(b)), the project does not involve any of the following "unusual circumstances:"

1. "significant environmental impacts;"
2. "substantial controversy on environmental grounds;"
3. "significant impact on properties protected by section 4(f) of the DOT Act or section 106 of the National Historic Preservation Act;" or
4. "inconsistencies with any Federal, State, or local law, requirement or administrative determination relating to the environmental aspects of the action."

B. All work within existing operational right-of-way

The project does not involve the acquisition of any right-of-way or permanent easements (temporary easements are ok, so long as final project is entirely within the operational right-of-way). Existing operational right-of-way means all real property interests acquired for the construction, operation, or mitigation of a project.

C. No vegetation clearing

The project does not involve the cutting, trimming or clearing of brush, trees, or any other vegetation, with the following exceptions, which would not preclude use of the expedited (c)(22) CE process:

- Cutting or blading of grass in areas that are already mowed as part of routine maintenance and when the mowing has previously been determined to have no effect on any federally or state listed species.
- Removing vegetation that was installed by TxDOT or a local government, or is otherwise considered landscaping.

D. No work in jurisdictional waters requiring more than a non-reporting nationwide permit

The project does not involve any work in waters of the United States, or if the project does involve work in waters of the United States, such work is authorized under a United States Army Corps of Engineers (USACE) non-reporting nationwide permit (i.e. no pre-construction notification is triggered).

If the project will require a USACE nationwide permit with pre-construction notification, individual permit, letter of permission, or regional general permit, then the expedited (c)(22) CE process cannot be used.

E. No known hazardous materials

The project is not expected to involve contact with or exposure to any known, pre-existing hazardous materials present at the project site. Asbestos and lead-based paint issues are addressed programmatically under TxDOT guidance and specifications and therefore are not "known hazardous materials" that would preclude the use of this expedited (c)(22) CE process.

F. No potential effects to Federally listed threatened or endangered species



The project does not have the potential to affect any federally listed threatened or endangered species. While ENV has reviewed the project types listed above and has determined that they generally do not have the potential to affect any listed species, district environmental staff must apply sound judgment and refrain from using an expedited (c)(22) CE if there are unusual circumstances or local conditions that could cause a particular project to have a potential effect on listed species.

4.0 Restriction on Use

Lead Agency

This expedited process can only be used for projects for which the lead agency responsible for the approval of the entire project is either "TxDOT – No Federal Funding" or "FHWA – Assigned to TxDOT." This process CANNOT be used for projects for which the lead agency responsible for the approval of the entire project is "FHWA Not Assigned to TxDOT" (i.e., FHWA projects that cross a state boundary or require a new, or modification of an existing Presidential Permit, are not eligible to use this expedited CE process).

Project Sponsor

This expedited process is available only to those projects for which the project sponsor is a TxDOT district. This expedited process CANNOT be used for any project for which a local government is the project sponsor as defined by 43 TAC 2.7.

Delegate

Only TxDOT staff – not consultants or contractors – are allowed to approve CE determinations.

Appendix B to Chapter 13

Basis For Expedited (c)(22) Categorical Exclusion (CE) Process for Certain Low-Impact Project Types

The project types eligible to use the expedited (c)(22) CE procedure were developed based, in part, on a previous FHWA-TxDOT programmatic agreement regarding the processing of certain types of projects.

Conditions of use were developed (in consultation with ENV subject matter experts), to account for other regulatory and environmental considerations. The subject matters considered included cultural resources, water quality, biology, hazardous materials, air quality, noise, and community impacts.

The project types eligible for this expedited process are covered by one or more specific CEs listed in FHWA's CE rule, most notably the CE at 23 C.F.R. §771.117(c)(22) for projects that would take place entirely within the existing operational right-of-way. The eligible project types have also been determined to not trigger any additional reviews or coordination under any state or federal environmental law. For example:

- Section 4(f)¹ – The covered activities have no potential to use land from a public park, recreation area, wildlife and waterfowl refuge, or historic site because the Conditions on Use in Section 3.0 prohibit the acquisition of any right-of-way or construction easements. Further, the covered activities do not involve any impacts that could rise to the level of a “constructive use” of such properties.
- Section 106² – Based on consultation with the Texas SHPO, professionally qualified archeologists and historians have determined that projects on the list of covered activities and meeting the conditions of use do not have the potential to cause effects to archeological or non-archeological historic properties, and therefore no project-specific review by a historian or archeologist is required. For some of the covered activity descriptions, historians added provisions to ensure no effect to historic properties (e.g., “... except such projects that take place in or adjacent to any of the following sensitive property types: historic courthouse squares, historic downtown commercial areas, etc.”).
- Endangered and Threatened Species – The project types eligible for this expedited CE process have no potential for effects on any plants or animals listed as threatened or endangered either under the Endangered Species Act or the Texas Parks and Wildlife Code,

¹ Section 4(f) of the Department of Transportation Act of 1966.

² Section 106 of the National Historic Preservation Act.

or their habitat. These project types occur within existing pavement or within the operational right-of-way and do not involve vegetation clearing or cutting, except cutting or blading of grass in areas that are already mowed as part of routine maintenance, when the mowing has previously been determined to have no effect on any listed species, and removing planted landscaping. In addition, Section 3.0, Conditions on Use, would capture any unusual circumstances warranting consideration under the Endangered Species Act or the Texas Parks and Wildlife Code.

- Clean Water Act/Rivers and Harbors Act - The covered activities either have no impacts to jurisdictional waters or are covered by a nationwide permit under Section 404 and/or Section 10 of the Clean Water Act (Condition of Use D above). Additionally, the covered activities have no potential to require authorization under Sections 9 or 10 of the Rivers and Harbors Act because the covered activities generally do not trigger the permitting requirements of Sections 9 and 10, and the prohibition against “unusual circumstances” (Condition of Use A above) applies.

Some environmental impact-related issues are addressed on a programmatic basis. For examples:

- Context-specific best management practices (BMPs) to minimize construction emissions and other construction-related impacts such as noise and light pollution are used on all TxDOT projects as appropriate.
- Stormwater discharges are addressed through compliance with the TCEQ’s General Permit to Discharge under the Texas Pollutant Discharge Elimination System, also known as the Construction General Permit.
- Lead-containing paint and asbestos on bridges and other structures are addressed programmaticallly and are not identified or tracked as part of the NEPA review of a project.

Chapter 14. How to Use the Expedited Emergency Open-Ended (d) CE

This chapter sets forth an alternative expedited process for documenting open-ended (d)-list categorical exclusion (CE) coverage for certain types of emergency projects.

Note that, like all CEs, an emergency open-ended (d)-list CE determination should be made prior to the beginning of construction. However, in certain circumstances, a “retroactive” CE determination may be appropriate. For example, if emergency work is performed by district maintenance staff, and then after the work is completed it is determined that federal funds should be applied, it may be appropriate to issue the CE determination retroactively. Please contact ENV for assistance.

This expedited process is available only to those projects that meet the criteria set forth in **Appendix A** of this chapter, “Criteria for Using Expedited Emergency Open-Ended (d)-List CE Determination Process.”

1. District environmental staff determines if the project meets the criteria set forth in **Appendix A** of this chapter, “Criteria for Using Expedited Emergency Open-Ended (d)-List CE Determination Process.” If so, proceed as instructed below.
2. If the project has already been created in ECOS, proceed to step 7 below.
3. If the project has not been created in ECOS, district environmental staff creates the project in ECOS as follows:
 - Navigate to the “Projects” console.
 - Click on “New Project.”
 - If the project already exists in TxDOTCONNECT, answer “Yes” to “Are you creating a project with a CSJ from TxC?” and enter the CSJ for the project and click “Search.” If not, answer “No.”
4. After the WPD Section I – Project Definition screen opens, click the save icon in the upper left-hand corner. A pop-up message listing the fields that need to be completed will appear. Click “Ok.”
5. If the following fields on the WPD Section I – Project Definition screen are not auto-filled from TxDOTCONNECT, complete the fields (note that some of the fields below will never be auto-filled from TxDOTCONNECT):
 - Project Definition:
 - “Project Name”
 - “CSJ”
 - “Anticipated Environmental Classification:” Enter this as an open-ended (d)-list CE, not expedited (i.e., select “(d)-list” for “Type” and “Open-Ended D” for “Criterion”)
 - “Highway”
 - “District”
 - “County”

- Project Location:
 - "Project Limit – From"
 - "Project Limit – To"
 - Jurisdiction:
 - "Who is the lead agency responsible for the approval of the entire project?"
 - "Who is the project sponsor as defined by 43 TAC 2.7?"
6. Click the save icon in the upper left-hand corner.
7. To associate additional CSJs with this main CSJ, scroll down to the Project Association(s) section, and either click on the "Auto Associate CSJ from TxC" button, or to manually associate CSJs, do the following:
- Make sure the associate CSJ(s) have already been created in ECOS. To create each associate CSJ, you only need to fill in the minimum required fields on the WPD Section I – Project Definition screen needed to create the CSJ in ECOS (Project Name, CSJ, Anticipated Environmental Classification (see note below), Highway, District, County, Project Limit – From, Project Limit – To, Who is the lead agency responsible for the approval of the entire project?, and Who is the project sponsor as defined by 43 TAC 2.7?)
 - In both the associate CSJ(s) and in the main CSJ, select "CE" from the dropdown menu for the "Anticipated Environmental Classification" on WPD I, select "(d)-list" from the drop-down menu for the "Type" field on WPD I, select "Open-Ended d" from the drop-down menu for the "Criterion" field on WPD I, and click the save icon in the upper left-hand corner. This step is needed because before CSJs can be manually associated with each other in the context of an emergency open-ended (d)-list CE, both the main and associate CSJs must be saved as regular open-ended (d)-list CEs first.
 - In the main CSJ, type into the "Manually Associate CSJ" field on WPD I the associate CSJ, and click the "Add" button. Repeat as needed for each associate CSJ.
8. Click the save icon in the upper left-hand corner.
9. District environmental staff sends an email to the ENV Project Delivery staff assigned to their district with the following information:
- State the main CSJ and request that the CSJ be cleared using the Expedited Emergency Open-Ended (d)-list CE process.
 - Briefly describe the project in a sentence or two, including where it will take place and what project activities will be undertaken.
 - Identify the emergency (hurricane, flooding, accident, or other condition) that requires the project to be undertaken.
 - Explain why the project had to be undertaken immediately.

- Explain that district environmental staff has determined that the project meets the criteria in Appendix A of this chapter.
- 10.** If ENV Project Delivery staff agrees that the project meets the criteria in Appendix A, ENV Project Delivery staff does the following:
- sends an email to the ENV NRM staff assigned to the district notifying him or her of the emergency project, so that ENV NRM staff can make any required emergency notifications to the appropriate resource agency(ies) (there is no need for this step if the work has already been done and the CE determination is being made retroactively); and
 - sends an email to the ENV Project Delivery Section Director or ENV Deputy Director notifying him or her that the project is ready to be environmentally cleared as an emergency open-ended (d)-list CE.
- 11.** If the ENV Project Delivery Section Director or ENV Deputy Director agrees that the project meets the criteria in Appendix A, then he or she selects “Expedited Emergency Open-Ended (d) CE” from the dropdown menu next to “Anticipated Environmental Classification” on the WPD I screen, and proceeds as instructed further below.

If the ENV Project Delivery Section Director or ENV Deputy Director determines that the project does not meet the criteria in Appendix A, but that the project should nevertheless be cleared using this Expedited Emergency Open-Ended (d)-list CE process, the ENV Project Delivery Section Director or ENV Deputy Director discusses the project with district environmental staff and any ENV SMEs for resources that could potentially be affected by the project activities. If, after discussing the project with any appropriate ENV SMEs, the ENV Project Delivery Section Director or ENV Deputy Director concludes that the project should be cleared using this Expedited Emergency Open-Ended (d)-list CE process, then he or she selects “Expedited Emergency Open-Ended (d) CE” from the dropdown menu next to “Anticipated Environmental Classification” on the WPD I screen, and proceeds as instructed further below.

- 12.** The following pop-up message will appear:
- “By clicking OK below, you are confirming that, for the main CSJ and all additional associated CSJs, all project activities meet requirements identified in TxDOT’s Criteria for Using Expedited Emergency Open-Ended (d)-List CE Process, Section 2.0, Project Types Covered, and Section 3.0, Conditions of Use.”

If correct, the ENV Project Delivery Section Director or ENV Deputy Director clicks “Ok” and follows the instructions below. If not correct, click “Cancel.”

- 13.** Click the save icon in the upper left-hand corner. The following pop-up message will appear:
- “By clicking OK below, you are signing the CE determination and certifying that, for the main CSJ and all additional associated CSJs, all project activities meet requirements identified in TxDOT’s Criteria for Using Expedited Emergency Open-Ended (d)-List CE Process, Section 2.0, Project Types Covered, and Section 3.0, Conditions of Use.”



Environmental Guide: Volume 1 Process

If correct, the ENV Project Delivery Section Director or ENV Deputy Director clicks "OK." If not correct, click "Cancel." Clicking "OK" will do the following:

- record a CE determination form for the main and any associate CSJs;
- environmentally and LOA-clear the main and any associated CSJs on the WPD Section I – Project Definition and Project Summary screens; and
- update in real-time the "NEPA Clearance Date" and "Environmental Clear to Let Date" fields in TxDOTCONNECT for the main and any associate CSJs (only if the project already has an actual CSJ in TxDOTCONNECT).

From this point, the ENV Project Delivery Section Director or ENV Deputy Director may close the window for this project or otherwise navigate away from the completed CE determination form page.

14. The ENV Project Delivery Section Director or ENV Deputy Director sends an email to the district environmental staff notifying him or her that the project has been environmentally cleared.
15. District environmental staff uploads his or her original email describing the project and requesting the emergency clearance under the "Perform CE Determination" Activity.
16. In certain circumstances, it may be necessary to undertake additional environmental review work after the CE clearance is finalized (e.g., Section 106 consultation regarding repair or replacement of a damaged historic bridge). In those instances, district environmental staff creates the "Perform Reevaluation" Activity and follows the Instructions for that Activity. For the field labeled, "Reason for Reevaluation," in the "Perform Reevaluation" Activity, select "Omission/new information."

Appendix A to Chapter 14

Criteria for Using Expedited Emergency Open-Ended (d)-List CE Process

1.0 Introduction

This appendix sets forth criteria for using an alternative expedited process for documenting CE coverage for certain types of emergency projects.

2.0 Project Types Covered

This expedited process may be used to document CE coverage for reconstruction or repair of any facility that is damaged or otherwise impaired by a storm, flood, vehicular accident, or other unexpected natural or human-caused event.

3.0 Conditions of Use

This expedited process may be used to document CE coverage for the project types listed above only if all of the conditions listed below are met. Exceptions to these conditions may be granted under certain circumstances – please contact ENV for assistance.

A. No modification of the capacity, dimensions or design of the facility

The work must be limited to repair or reconstruction of the damaged facility in the same location, and with the same capacity, dimensions, and design as it had before the unexpected natural or human-caused event.

However, the repair or reconstruction may include resiliency or hazard mitigation measures, as well as upgrades to meet codes and standards, as long as the repair or reconstruction occurs within the existing right-of-way and in a manner that substantially conforms to the preexisting design, function and location.

B. Construction needs to begin within 30 days of the event

It must be necessary to physically begin the repair or reconstruction within 30 days after the unexpected natural or human-caused event in order to restore essential traffic, minimize the extent of the damage, protect remaining facilities, or restore the facility to its pre-existing condition.

C. No work outside existing right-of-way

The repair or reconstruction must not require the acquisition of any permanent easements or new right-of-way.



4.0 Restrictions on Use

Lead Agency

This expedited process can only be used for projects for which the lead agency responsible for the approval of the entire project is either "TxDOT – No Federal Funding" or "FHWA – Assigned to TxDOT." This process CANNOT be used for projects for which the lead agency responsible for the approval of the entire project is "FHWA Not Assigned to TxDOT" (i.e., FHWA projects that cross a state boundary or require a new, or modification of an existing Presidential Permit, are not eligible to use this expedited CE process).

Project Sponsor

This expedited process is available only to those projects for which the project sponsor is a TxDOT district. This expedited process CANNOT be used for any project for which a local government is the project sponsor as defined by 43 TAC 2.7.

Delegate

Only TxDOT staff – not consultants or contractors – are allowed to approve CE determinations.

Chapter 15. How to Use the “No Document Required” Environmental Classification

This chapter sets forth an expedited process for recording an “Environmental Clearance Date” for clerical purposes only. It is used exclusively for non-FHWA-funded projects that do not qualify as “transportation projects” requiring individual review under TxDOT’s environmental review rules, but for which Letting Management, nevertheless, requires an “Environmental Clearance Date” to be recorded in TxDOTCONNECT. When this expedited process is used, the “Environmental Clearance Date” that is recorded represents the date on which ENV confirmed that the project does not require a TxDOT CE determination, EA, or EIS (hence, “no document required”).

Examples of the types of projects that may need an “Environmental Clearance Date” using this expedited process include:

- TxDOT maintenance programs and projects covered by the April 2011 TxDOT Maintenance Environmental Assessment that are in TxDOTCONNECT, with no FHWA funding or approval
- Projects in state parks that are on a road that is not listed on the state highway system and is owned and operated by the Texas Parks and Wildlife Department, with no FHWA funding or approval
- Governor’s Community Achievement Awards that are transportation projects and that will not take place on the state highway system or other TxDOT-owned property, with no FHWA funding or approval
- Governor’s Community Achievement Awards that are not transportation projects, with no FHWA funding or approval
- 100% privately funded access improvement project (i.e., turn lane, acceleration or deceleration lane, traffic signal, or other project the sole purpose of which is to facilitate access to or from a privately owned driveway or roadway, such as a shopping or apartment complex), and are in TxDOTCONNECT, with no FHWA funding or approval
- Projects that are not funded by FHWA but are being funded by FRA, FTA, or FAA and therefore are being reviewed under NEPA not by TxDOT but by FRA, FTA, or FAA

District environmental staff need not use this process to record an “Environmental Clearance Date” for all projects of the types listed above – but only for those projects for which district environmental staff anticipates that Letting Management will require an “Environmental Clearance Date” despite the fact that no environmental review is actually required.

IMPORTANT NOTE REGARDING FRA, FTA, OR FAA PROJECTS: Do not follow the steps below to record an “NDR” clearance until the FRA, FTA, or FAA NEPA process is complete.

1. If the project has already been created in ECOS, proceed to step 6 below.
2. If the project has not been created in ECOS, district environmental staff creates the project in ECOS as follows:

- Navigate to the “Projects” console.
 - Click on “New Project.”
 - Because the project already has to be in TxDOTCONNECT for the need to use this process to arise in the first place, answer “Yes” to “Are you creating a project with a CSJ from TxC?” and enter the CSJ for the project and click “Search.”
3. After the WPD Section I – Project Definition screen opens, click the save icon in the upper left-hand corner. A pop-up message listing the fields that need to be completed will appear. Click “Ok.”
 4. If the following fields on the WPD Section I – Project Definition screen are not auto-filled from TxDOTCONNECT, complete the fields:
 - Project Definition:
 - “Project Name”
 - “Anticipated Environmental Classification:” Enter this as a “regular” (c)(22), not expedited (i.e, select “(c)-list” for “Type” and “(22)” for “Criterion”)
 - Jurisdiction:
 - “Who is the lead agency responsible for the approval of the entire project?”
 - “Who is the project sponsor as defined by 43 TAC 2.7?”
 5. Click the save icon in the upper left-hand corner.
 6. To associate additional CSJs with this main CSJ, scroll down to the Project Association(s) section, and either click on the “Auto Associate CSJ from TxC” button and/or manually enter the CSJ(s) to be associated, select the correct CSJ from the drop-down menu, and click the “Add” button.

Remember that if you are manually entering the CSJ(s) to be associated, the CSJ(s) must have first been created in ECOS. But for each associate CSJ, you only need to fill in the minimum required fields on the WPD Section I – Project Definition screen needed to create the CSJ in ECOS (Project Name, CSJ, “Anticipated Environmental Classification:” Enter this as a “regular” (c)(22) not expedited (i.e, select “(c)-list” for “Type” and “(22)” for “Criterion”), Highway, District, County, Project Limit – From, Project Limit – To, Who is the lead agency responsible for the approval of the entire project?, and Who is the project sponsor as defined by 43 TAC 2.7?).

7. Click the save icon in the upper left-hand corner.
8. District environmental staff sends an email to the ENV Project Delivery staff assigned to their district with the following information
 - Identifying the main CSJ and request that an “Environmental Clearance Date” be recorded using the “No Document Required” expedited process.
 - Briefly describe the project in a sentence or two.

- Insert this text: “This project is not FHWA-funded and is not a “transportation project” that is subject to TxDOT’s environmental review rules under 43 TAC 2.3; therefore, no TxDOT CE determination or any other kind of environmental clearance is required.”
9. If ENV Project Delivery staff agrees that the project is not FHWA-funded and not a “transportation project” that is subject to TxDOT’s environmental review rules under 43 TAC 2.3, ENV Project Delivery sends an email to the ENV Project Delivery Section Director or ENV Deputy Director notifying him or her that the project is ready to have an “Environmental Clearance Date” recorded using the “No Document Required” expedited process.
10. If the ENV Project Delivery Section Director or ENV Deputy Director agrees that the project is not FHWA-funded and not a “transportation project” that is subject to TxDOT’s environmental review rules, then he or she selects “No Document Required” from the dropdown menu next to “Anticipated Environmental Classification” on the WPD I screen.
11. The following pop-up message will appear:

- “By clicking OK below, you are confirming that, for the main CSJ and all additional associated CSJs, all project activities are not FHWA-funded and do not represent a “transportation project” that is subject to TxDOT’s environmental review rules under 43 TAC 2.3.”

If correct, the ENV Project Delivery Section Director or ENV Deputy Director clicks “Ok” and follows the instructions below. If not correct, click “Cancel.”

12. Click the save icon in the upper left-hand corner. The following pop-up message will appear:
- “By clicking OK below, you are certifying that, for the main CSJ and all additional associated CSJs, all project activities are not FHWA-funded and do not represent a “transportation project” that is subject to TxDOT’s environmental review rules under 43 TAC 2.3. This will enter an “Environmental Clearance Date” for the project for clerical purposes only, and will not create a CE determination or any other kind of actual environmental clearance.”

If correct, the ENV Project Delivery Section Director or ENV Deputy Director clicks “OK.” If not correct, click “Cancel.” Clicking “OK” will do the following:

- environmentally and LOA-clear the main and any associated CSJs on the WPD Section I – Project Definition screen; and
- update in real-time the “Environmental Classification”, “NEPA Clearance Date” and “Environmental Clear to Let Date” fields in TxDOTCONNECT for the main and any associate CSJs (only if the project already has an actual CSJ in TxDOTCONNECT).

From this point, the ENV Project Delivery Section Director or ENV Deputy Director may close the window for this project.

13. The ENV Project Delivery Section Director or ENV Deputy Director sends an email to the district environmental staff notifying him or her that an “Environmental Clearance Date” has been recorded for the project using the “no document required” expedited process.

Chapter 16. How to Use the Expedited (c)(1), (c)(3), (c)(8), or (c)(18) Rail Safety CEs

(FOR USE BY ENV ONLY)

This chapter relates to railroad safety projects and studies that are federally funded by FHWA under the Railway Highway Crossings Program, 23 U.S.C. §130, and overseen by TxDOT's Rail Safety Section. It sets forth an alternative expedited process for documenting (c)(1) categorical exclusion (CE) coverage for railroad safety planning studies overseen by the TxDOT Rail Safety Section, and (c)(3), (c)(8), or (c)(18) categorical exclusion (CE) coverage for railroad safety projects administered by the TxDOT Rail Safety Section and that take place entirely within existing railroad right-of-way. Rail safety projects that do not fall into the categories listed above are not eligible for the expedited process set forth in this document, and must be cleared by district environmental staff using the normal CE process.

Note that TxDOT Rail Safety Section Staff will provide the designated ENV PDM the information needed to environmentally clear these types of projects on a spreadsheet with the following information for each project:

- TxDOT district
- County
- City name
- Street
- Railroad (e.g., "BNSF," "UPRR," etc.)
- Real CSJ (not planning CSJ)
- The specific CE that best describes the project (e.g., "(c)(8)")

For any rail safety project on the spreadsheet that does not meet the criteria described above, TRF Rail Safety Section Staff will denote "district clear" to indicate that the project must be cleared by the respective district according to normal CE procedures.

1. If the project has already been created in ECOS, proceed to step 6 below.
2. If the project has not been created in ECOS, the designated ENV PDM creates the project in ECOS as follows:
 - Navigate to the "Projects" console.
 - Click on "New Project."
 - If the project already exists in TxDOTCONNECT, answer "Yes" to "Are you creating a project with a CSJ from TxC?" and enter the CSJ for the project and click "Search." If not, answer "No."

3. After the WPD Section I – Project Definition screen opens, click the save icon in the upper left-hand corner. A pop-up message listing the fields that need to be completed will appear. Click “Ok.”
4. If the following fields on the WPD Section I – Project Definition screen are not auto-filled from TxDOTCONNECT, complete the fields (note that some of the fields below will never be auto-filled from TxDOTCONNECT):
 - Project Definition:
 - “Project Name” (enter the street name “at” the railroad name (e.g., “Beverly St. at BNSF”), or if the project is a planning study, simply enter “Rail Safety Planning Study - _____,” with the blank filled-in with any identifying information provided by TRF Rail Safety Section Staff)
 - “CSJ”
 - “Anticipated Environmental Classification:” Enter this as a “regular” (c)(22), not expedited (i.e, select “(c)-list” for “Type” and “(22)” for “Criterion”)
 - “Highway”
 - “District”
 - “County”
 - Project Location:
 - “Project Limit – From” (enter “N/A”)
 - “Project Limit – To” (enter “N/A”)
 - Jurisdiction:
 - “Who is the lead agency responsible for the approval of the entire project?”
 - “Who is the project sponsor as defined by 43 TAC 2.7?”
5. Click the save icon in the upper left-hand corner.
6. On the WPD I – Project Definition screen, select the correct CE based on the information provided by the TxDOT Rail Safety Section Staff from the following options in the dropdown menu next to “Anticipated Environmental Classification:”
 - “Expedited Rail Safety (c)(1) CE,”
 - “Expedited Rail Safety (c)(3) CE,”
 - “Expedited Rail Safety (c)(8) CE,” or
 - “Expedited Rail Safety (c)(18) CE.”
7. One of the following pop-up messages will appear, based on which specific rail safety CE is chosen:

- “By clicking “OK” below, you are confirming that, for the main CSJ and all additional associated CSJs, all project activities consist solely of a rail safety planning study or studies that qualify as a CE under 23 C.F.R. 771.117(c)(1).”
- “By clicking OK below, you are confirming that, for the main CSJ and all additional associated CSJs, all project activities consist solely of a rail safety project or projects that will take place entirely within existing railroad right-of-way and qualify as a CE under 23 CFR 771.117(c)(3).”
- “By clicking OK below, you are confirming that, for the main CSJ and all additional associated CSJs, all project activities consist solely of a rail safety project or projects that will take place entirely within existing railroad right-of-way and qualify as a CE under 23 CFR 771.117(c)(8).”
- “By clicking OK below, you are confirming that, for the main CSJ and all additional associated CSJs, all project activities consist solely of a rail safety project or projects that will take place entirely within existing railroad right-of-way and qualify as a CE under 23 CFR 771.117(c)(18).”

If correct, click “OK” and follow the instructions below. If not correct, then click “Cancel” and follow the normal (i.e., non-expedited) CE process.

8. Click the save icon in the upper left-hand corner. One of the following pop-up messages will appear, based on which specific rail safety CE is chosen:

- “By clicking OK below, you are signing the CE determination and certifying that, for the main CSJ and all additional associated CSJs, all project activities consist solely of a rail safety planning study or studies that qualify as a CD under 23 CFR 771.117(c)(1).”
- “By clicking OK below, you are signing the CE determination and certifying that, for the main CSJ and all additional associated CSJs, all project activities consist solely of a rail safety project or projects that will take place entirely within existing railroad right-of-way and qualify as a CE under 23 CFR 771.117(c)(3).”
- “By clicking OK below, you are signing the CE determination and certifying that, for the main CSJ and all additional associated CSJs, all project activities consist solely of a rail safety project or projects that will take place entirely within existing railroad right-of-way and qualify as a CE under 23 CFR 771.117(c)(8).”
- “By clicking OK below, you are signing the CE determination and certifying that, for the main CSJ and all additional associated CSJs, all project activities consist solely of a rail safety project or projects that will take place entirely within existing railroad right-of-way and qualify as a CE under 23 CFR 771.117(c)(18).”

If correct, click “OK.” If not, then click “Cancel.” Clicking “OK” will do the following:

- record a CE determination form for the CSJ;
- environmentally and LOA-clear the CSJ on the WPD I – Project Definition and Project Summary screens; and
- update in real-time the NEPA Clearance Date and “Environmental Clear to Let Date” fields in TxDOTCONNECT or the CSJ.



Environmental Guide: Volume 1 Process

From this point, the ENV PDM can close the window for this project or otherwise navigate away from the completed CE determination form page.

9. The ENV PDM sends an email to the TxDOT Rail Safety Section staff indicating that a CE determination has been made for the project.

Chapter 17. How to Use the Expedited (c)(23) Recreational Trails CE

(FOR USE BY ENV ONLY)

This chapter sets forth an alternative expedited process for documenting (c)(23) categorical exclusion (CE) coverage for projects administered by the Texas Parks and Wildlife Department (TPWD) under the Federal Recreational Trails Program, which is codified at 23 U.S.C. §206.³

Because Recreational Trails projects are administered not by TxDOT but by TPWD, and typically have extremely low environmental impacts compared to highway projects, ENV has developed this expedited process for fulfilling FHWA's NEPA review responsibility. TxDOT is not responsible for securing permits or otherwise ensuring that recreational trails projects are constructed in compliance with any applicable environmental laws, as such responsibilities remain with the entities constructing the individual recreational trails projects.

1. TPWD provides to the ENV Project Delivery Manager (PDM) a list of recreational trails projects that will require a NEPA clearance, each with a unique 3-digit "RT" number.
2. The ENV PDM assigns a CSJ to each of the recreational trails projects using this protocol: 2222-YY-RT number. For example, if the RT number is 036, and the project is being created in ECOS in 2019, then the CSJ would be 2222-19-036.
3. The ENV PDM creates the project in ECOS as follows:
 - Navigate to the "Projects" console.
 - Click on "New Project."
 - If the project already exists in TxDOTCONNECT, answer "Yes" to "Are you creating a project with a CSJ from TxC?" and enter the CSJ for the project and click "Search." If not, answer "No."
4. After the WPD Section I – Project Definition screen opens, click the save icon in the upper left-hand corner. A pop-up message listing the fields that need to be completed will appear. Click "Ok."

³ The Federal Recreational Trails Program is a Federal-aid assistance program, overseen by FHWA, to help the States provide and maintain recreational trails for both motorized and non-motorized recreational use. In Texas, TPWD is the state administrator, meaning that it is the entity that makes decisions regarding the use of Recreational Trails funds in Texas.

5. If the following fields on the WPD Section I – Project Definition screen are not auto-filled from TxDOTCONNECT, complete the fields (note that some of the fields below will never be auto-filled from TxDOTCONNECT):
 - Project Definition:
 - “Project Name”
 - “CSJ”
 - “Anticipated Environmental Classification:” Enter this as a “regular” (c)(22), not expedited (i.e, select “(c)-list” for “Type” and “(22)” for “Criterion”)
 - “Highway” (enter “N/A”)
 - “District” (select “Austin”)
 - “County” (select “Travis”)
 - Project Location:
 - “Project Limit – From” (enter “N/A”)
 - “Project Limit – To” (enter “N/A”)
 - Jurisdiction:
 - “Who is the lead agency responsible for the approval of the entire project?”
 - “Who is the project sponsor as defined by 43 TAC 2.7?”
6. Click the save icon in the upper left-hand corner.
7. The ENV PDM navigates to the Activities console, and creates the “Perform Recreational Trails Analysis” Activity.
8. The ENV PDM notifies TPWD that the project has been created in ECOS, and is ready for TPWD to upload documentation regarding the project as explained below.
9. At least six months before TPWD’s target date for NEPA clearance of a recreational trails project, TPWD will upload under the “Perform Recreational Trails Analysis” Activity a packet containing the following materials:
 - Cover letter containing the following:
 - Project description and location
 - Estimated cost
 - Target date for NEPA clearance
 - Statement regarding whether the project is listed in the State Transportation Improvement Program (STIP)
 - Statement regarding whether the project meets the definition of a categorical exclusion at 23 C.F.R. §771.117, including, specifically, whether the project will have

any significant impact on any natural, cultural, recreational, historic or other resources, or involves any significant air, noise, or water quality impacts.

- Statement regarding whether the project involves any unusual circumstances, including those listed at 23 C.F.R. §771.117(b) (letter must specifically reference §771.117(b))
 - Statement regarding how the project complies with air conformity requirements
 - Request for confirmation that the project qualifies for a CE
 - Attachment – Grant application
 - Attachment – Map or drawing showing area of disturbance
 - Attachment – Copy of STIP excerpt demonstrating project is included in STIP
 - Attachment – Any other documents TPWD RTP Program Staff determines may be relevant to TxDOT's review (e.g., photographs, conceptual drawings, background letters, etc.)
 - Attachment – Completed Project Coordination Request form (for historic properties)
- 10.** Once the TPWD has uploaded the packet as described above, TPWD notifies the ENV PDM that the packet has been uploaded.
- 11.** The ENV PDM follows the instructions in the Activity Instructions for the “Perform Recreational Trails Analysis” Activity.
- 12.** Once the “Perform Recreational Trails Analysis” Activity has been completed and finalized, the ENV PDM navigates to the WPD I screen and selects “Expedited Recreational Trails (c)(23) CE” from the dropdown menu next to “Anticipated Environmental Classification.”
- 13.** The following pop-up message will appear:
- “By clicking OK below, you are certifying that this project is a recreational trails project administered by TPWD under 23 U.S.C. 206, and that based on the information provided by TPWD, this project meets the requirements for a categorical exclusion under 23 C.F.R. 771.117(c)(23).”
- If correct, click “OK” and follow the instructions below. If not correct, then click “Cancel” and follow the normal (i.e., non-expedited) CE process.
- 14.** The ENV PDM clicks the save icon in the upper left-hand corner. The following pop-up message will appear:
- “By clicking OK below, you are signing the CE determination and certifying that this project is a recreational trails project administered by TPWD under 23 U.S.C. 206, and that based on the information provided by TPWD, this project meets the requirements for a categorical exclusion under 23 C.F.R. 771.117(c)(23).”

If correct, click “OK.” If not, then click “Cancel.” Clicking “OK” will do the following:

- record a CE determination form for the CSJ; and



Environmental Guide: Volume 1 Process

- environmentally and LOA-clear the CSJ on the WPD I – Project Definition and Project Summary screens.
- 15.** The ENV PDM sends an email indicating that a CE determination has been made for the project to the TPWD and FHWA recreational trails program coordinators.

Chapter 18. How To Determine When A Reevaluation Is Required

The sole purpose of a reevaluation is to determine whether the original environmental decision remains valid according to the following standards:

- For CEs, the CE determination is invalidated only if the project no longer meets the CE criteria at 23 CFR 771.117(a) and (b), or no longer meets the specific (c)-list or (d)-list criteria used.
- For EAs, the FONSI is invalidated only if the project will now have significant environmental impacts requiring an EIS.
- For EISs, the FEIS/ROD is invalidated only if there are now new or different significant environmental impacts not evaluated in the original EIS such that a supplemental EIS is now required.

To start a reevaluation, create the “Perform Reevaluation” Activity in the main CSJ and follow the Activity Instructions for that Activity. All work associated with the reevaluation must be tracked in the main CSJ, not an associate CSJ.

Note that WPD section I, II, III, and IV are frozen in time when the project is environmentally cleared. Even if there are reevaluations on the project, once it is cleared, the WPD sections I, II, III, and IV can never be changed (unless the environmental clearance were to be revoked for some reason). They must remain unchanged from how they existed on the date of the environmental clearance. Any project changes after environmental clearance will be described only in the reevaluation form that is uploaded under the “Perform Reevaluation” Activity, and will be reflected in any new Activities that are created in connection with that reevaluation.

For projects cleared with an expedited (c)(22) CE or a (c)(1) CE, there is no need to ever document a reevaluation so long as the project still qualifies as an expedited (c)(22) CE or (c)(1) CE. For all other classifications, a reevaluation is required in the following situations:

- Change in the project design

A reevaluation is required if there is a change in the limits, ROW requirements, alignment, project features, layout, or other aspect of the design that was the basis for the environmental clearance.

NOTE: See section below about “Reevaluation versus new environmental clearance” for instructions about when a “project change” is really its own project, and therefore should be cleared with its own environmental clearance, and not a reevaluation of a previous project.

- Substantial change in affected environment prior to start of construction

A reevaluation is required if there is a substantial change in the baseline traffic volumes, land use, population, displacements, or any other aspect of the affected environment that was the basis for the environmental clearance.

- Three-year delay between environmental clearance and start of construction (does not apply to projects that were cleared as expedited (c)(22) CEs)

If more than three years have elapsed since the environmental clearance, and construction has still not begun on any part of the project, then a reevaluation must be conducted after the reason for the delay has been resolved and the project is ready to be built, but prior to the actual start of construction. For projects with multiple phases, if construction has begun on the project within three years of clearance, and there is no three-year suspension in all construction activities on the entire project, then no reevaluation is required for the passage of time, even if later phases are started more than three years after clearance.

For example, if *six* or *eight* years have elapsed since environmental clearance and construction has still not begun, then a reevaluation would have to be done once the reason for the delay is resolved and prior to the start of construction. *Note that in this situation, a single reevaluation prior to construction would suffice. It is not necessary to do multiple reevaluations at three-year intervals just to account for the delay in construction.*

Also, if there is a three-year delay after environmental clearance and the date on which LOA clearance is needed, and no reevaluation has been done, then a reevaluation is required prior to LOA clearance.

For a project that was cleared with something other than an expedited (c)(22) CE (e.g., CE, BCE (pre-NEPA assignment), PCE (pre-NEPA assignment)) but has not started construction within three years of the clearance, if the project would now qualify for an expedited (c)(22) CE, then district environmental staff may revoke the clearance and re-clear with an expedited (c)(22) CE instead of doing a reevaluation.

- Three-year suspension in all construction activities on the project (does not apply to projects that were cleared with expedited (c)(22) CEs)

If all construction activities on the entire project (i.e. all phases of the project) are completely suspended for a three-year period, then a reevaluation must be conducted after the reason for the suspension has been resolved and construction is ready to resume, but prior to the actual commencement of construction.

For example, if all construction on the project has been suspended for *six* or *eight* years, then a reevaluation would have to be done once the reason for the suspension is resolved and prior to the commencement of construction. *Note that in this situation, a single reevaluation prior to commencement of construction would suffice. It is not necessary to do multiple reevaluations at three-year intervals just to account for the suspension in construction.*

For projects with multiple CSJs/phases, if construction has occurred on at least one of the CSJs/phases during any three year period, then there is no "suspension in all construction activities on the project," and so no reevaluation would be required for any part of the project due to passage of time.

For a project that was cleared with something other than an expedited (c)(22) CE (e.g., CE, BCE (pre-NEPA assignment), PCE (pre-NEPA assignment)) but for which there has been a three-year

suspension in construction activities, if the project would now qualify for an expedited (c)(22) CE, then district environmental staff may revoke the clearance and re-clear with an expedited (c)(22) CE instead of doing a reevaluation.

- Omission/new information

A reevaluation is required if an omission or new information is discovered that could affect the validity of the environmental clearance.

Examples of omissions or new information that would require a reevaluation include:

- Discovery that a Section 4(f) property was missed
- Discovery that required coordination under Section 106 of the National Historic Preservation Act was not conducted
- Discovery that required consultation under Section 7 of the Endangered Species Act was not conducted
- Discovery that a public hearing was required but not conducted
- Discovery that a noise analysis was required but not conducted

Very minor omissions or new information, or omissions that obviously do not affect the validity of the environmental clearance do not require a reevaluation. Examples include:

- Discovery that a required notice of availability of a FONSI was sent to a wrong address
- Discovery that a project classification was not made within 30 days of the submittal of the project work plan by a local government project sponsor
- Discovery that some required documentation was not properly uploaded to ECOS
- Discovery that an ECOS Activity or Coordination was not created prior to environmental clearance or LOA clearance, and ECOS will not allow such Activity or Coordination to be created without the "Perform Reevaluation" Activity having first been created.

- New Clean Air Act CO, PM10, or PM2.5 nonattainment designation after environmental clearance

A reevaluation is required if all of the following statements are true:

- 1) EPA designates the area in which the project is located as a nonattainment area for CO, PM10, or PM2.5 after the project was environmentally cleared;
- 2) the Federal Project Authorization and Agreement (FPAA) form has not been or will not be approved by FHWA within one year after EPA's nonattainment designation;
- 3) the project is either an FHWA project, or a non-FHWA project considered regionally significant by the MPO; and
- 4) the project is not an exempt project type as identified in 40 CFR 93.126 or 40 CFR 93.128.

In this situation, the purpose of the reevaluation is to obtain a conformity determination for the project before seeking FHWA approval of the FPAA form.

Additionally, for EIS projects, a reevaluation is required in the following situations (in addition to the situations listed above):

- Three-year delay between DEIS and FEIS/ROD

A reevaluation is required if there is a three-year delay between when the notice of availability of the DEIS is published in the Federal or Texas Register and when the FEIS is issued (in this situation, the purpose of the reevaluation is to determine whether or not to supplement the DEIS or circulate a new DEIS for public review).

Note that there generally should not be a three-year delay with the DEIS and FEIS/ROD, and so this situation should not occur. However, if it does occur, note that there are special instructions for this situation at the end of the Activity Instructions for the “Perform Reevaluation” Activity in Environmental Guide Volume 2. If district environmental staff becomes aware that a reevaluation will be needed under this trigger, they should discuss the approach for this reevaluation with ENV Project Delivery Staff, as it is relatively unusual and there are special instructions for it.

- No major steps to advance the project for three years after the FEIS/ROD (or FEIS supplement)

A reevaluation is required if there have been no major steps to advance the project (e.g., authority to undertake final design, authority to acquire right-of-way acquisition, or approval of plans, specifications and estimates) for three years after final approval of the FEIS/ROD (or FEIS supplement).

- Three-year delay between major steps to advance the project after the FEIS/ROD

A reevaluation is required if there is a three-year delay between major steps to advance the project (e.g., authority to undertake final design, authority to acquire right-of-way acquisition, or approval of plans, specifications and estimates) and construction has still not yet begun.

Situations in which a reevaluation is not required

A reevaluation is not required if it is already known that the original environmental decision is not valid. For example, if a project is cleared with a (c)(22) CE because it is believed that there would be no right-of-way acquisition, but it is later determined that project will require right-of-way acquisition, then do not start a reevaluation. Instead, revoke the clearance (using the “Revoke Environmental Clearance” Activity) and use a different CE to re-clear the project (or start an EA or EIS, if needed).

Consider a new clearance instead of a reevaluation

When a reevaluation is required due to one of the above-listed conditions being met, consider whether it would be easier to simply issue a new CE for the entire project. This may be the case due to the expansion of CEs and introduction of new CE processes over the past several years (e.g., (c)(22) and

(c)(23), expedited (c)(22), etc.). Of course, this option is only available if construction has not yet begun on the project.

For some project changes, a new environmental clearance *should* be done instead of a reevaluation

Sometimes it is not obvious whether a “project change” is part of a previously cleared project and therefore should be covered with a reevaluation, or if it is really its own new project, for which a new environmental clearance should be issued. Below is a list of some situations, for illustrative purposes, involving a new design change or some other change concerning the project that, depending on project-specific factors, would normally require issuance of a new CE, EA, or EIS as opposed to a reevaluation. Rebates may be available, contact ENV to discuss.

1. The entire original project has already been built.

It does not make sense to “reevaluate” a CE, EA, or EIS once the project has been completely constructed. NEPA review is intended to be “pre-decisional.” Once a project has been constructed, any associated environmental impacts have already occurred, and it is too late to “reevaluate” whether the conclusion of the CE, EA, or EIS remains accurate. Further work on the facility will require its own CE, EA, or EIS under its own CSJ(s) that is not associated in ECOS to the CSJ(s) for the originally cleared project (and there is obviously no need to revoke the original environmental clearance in this situation).

2. The entire original project has not yet been built, but it has been substantially completed.

Again, a primary purpose of NEPA review is to consider the potential environmental consequences before undertaking an action. If a project has been built-out to the point that most of its environmental consequences have already occurred and are, at this point, irreversible, then it does not make sense to “reevaluate” the original review in light of a new “project change,” as there is little chance that TxDOT will change its mind and choose not to complete the project. Therefore, in this situation, the “project change” would normally require its own CE, EA, or EIS under its own CSJ(s) that is not associated in ECOS to the CSJ(s) for the originally cleared project (and there would be no need to revoke the original environmental clearance for the entire project).

3. The entire original project has not been substantially completed, but the change affects a part of the project that is completely finished.

This is a variation on the situation described immediately above. If, for example, the first two miles of a 10-mile widening project are completely constructed, and then a re-design of an intersection somewhere on the completed two-mile section is proposed, then that intersection re-design would normally be considered a new project for purposes of environmental review and would normally require its own CE, EA or EIS under its own CSJ(s) that is not associated in ECOS to the CSJ(s) for the originally cleared project (and there would be no need to revoke the original environmental clearance for the entire project).

4. The “project change” would fundamentally change the nature of the project or substantially change the number of individuals or businesses impacted.

Again, this is largely a matter of degree and professional judgment, but there are some obvious examples. If the original project was to add a left-turn lane with less than one acre of new ROW, and prior to construction it is proposed that the project also add a divided median at that intersection, then a reevaluation might be appropriate (as opposed to clearing the divided median as its own CE).

But if the proposed project change was to add a new travel lane for a couple of miles in addition to the left turn lane at the intersection, this would normally require a new CE, EA, or EIS. In this scenario, district environmental staff could either leave the original environmental clearance for the left-turn lane in-place and clear the new travel lane separately with a new CE, EA, or EIS under its own CSJ(s) that is not associated in ECOS to the CSJ(s) for the originally cleared project, or district environmental staff could revoke the environmental clearance for the left-turn lane, and include both the left-turn lane and the new travel lane in the new CE, EA, or EIS.

For another example, if the original project was a 1-mile widening project, and it is later proposed to be lengthened into a 10-mile widening project, then a new CE, EA, or EIS is required. In this situation, district environmental staff would need to revoke the original environmental clearance, and clear the entire 10-mile widening project under a new CE, EA, or EIS.

5. The cumulative effect of multiple design changes has fundamentally changed the nature of the project.

Sometimes there are multiple design changes, each of which are relatively minor, but which, collectively, sufficiently transform the project so as to require revocation of the original CE, EA, or EIS, and a new CE, EA, or EIS for the entire project.

6. The purpose and need for the “project change” is different than the purpose and need of the project originally evaluated in the EA or EIS.

This could come up when the “project change” is a new feature that stands alone and serves its own purpose. In this situation, the “project change” will require its own EA or EIS under its own CSJ(s) that is not associated in ECOS to the CSJ(s) for the originally cleared project (and there is obviously no need to revoke the original environmental clearance in this situation).

Chapter 19. Changes in FHWA Funding Status

For most environmental reviews of highway projects, it is known at the outset whether the project will involve funding provided through FHWA, and the use or non-use of federal funds for the project remains constant throughout. However, for some highway projects, there may be an unexpected change in whether the project will use FHWA funds, and that change may occur either before or after the environmental decision. This Chapter explains how environmental reviews of highway projects are impacted when the status of FHWA funding changes, using the following four scenarios:

- Scenario 1 – Before environmental clearance, the project changes from having no FHWA funding to having some FHWA funding
- Scenario 2 – After environmental clearance, the project changes from having no FHWA funding to having some FHWA funding, after the environmental decision
- Scenario 3 – Before environmental clearance, the project changes from having some FHWA funding to having no FHWA funding
- Scenario 4 – After environmental clearance, the project changes from having some FHWA funding to having no FHWA funding

The effects of FHWA funding changes are explained below.

19.1 Scenario 1 - Before environmental clearance, the project changes from having no FHWA funding to having some FHWA funding

If this occurs prior to initial acceptance of the project work plan (WPD III), then district environmental staff ensures that the WPD I question labeled, “Who is the lead agency responsible for the approval of the entire project?”, is answered either “FHWA – Assigned to TxDOT” or “FHWA – Not Assigned to TxDOT,” and completes the project work plan process. District environmental staff completes all Activities in accordance with any FHWA project-specific instructions in the Environmental Guide Volume 2 Activity Instructions and any other ENV templates or guidance.

If this occurs after initial acceptance of the project work plan (WPD III), then district environmental staff must change the answer to the WPD I question labeled, “Who is the lead agency responsible for the approval of the entire project?”, to either “FHWA – Assigned to TxDOT” or “FHWA – Not Assigned to TxDOT,” and re-submit the project work plan (WPD III) for acceptance by the department delegate (do not forget to identify all fields or answers that you are changing on WPD I and II when the “Explanation” box pops-up). ECOS will generate new versions of any previously finalized Activities as explained above in Section 6.5, “Change Control Process.” Complete all still-open Activities and any newly generated Activities in accordance with any FHWA project-specific instructions in the Environmental Guide Volume 2 Activity Instructions and any other ENV templates or guidance. For any previously finalized Activity that is re-generated upon acceptance of the project work plan, district environmental staff must assess whether the addition of FHWA funds affects any of the work done under the previously finalized Activity. If not, then in the “Comments” field of the newly generated Activity explain the change and how it was determined that it does not affect the analysis and conclusion that was previously completed, and finalize

the new Activity. If so, then complete the newly generated Activity in accordance with any FHWA project-specific instructions in the Environmental Guide Volume 2 Activity Instructions and any other ENV templates or guidance.

Note that if consultation with resource agencies, Indian tribes, or other consulting parties occurred prior to the addition of FHWA funding, it will likely be necessary to re-do the consultation to reflect the addition of FHWA funding. Additionally, if any notice of intent, notice of an opportunity for public hearing, or notice of public hearing was issued prior to the addition of FHWA funding, it will also likely need to be re-done. Any new public notices should specifically mention the funding change. Previously conducted public meetings (except for EIS scoping meetings) or notices and opportunity to comment will likely not need to be re-done. District environmental staff should consult with an ENV SME if there are questions about which types of outreach may need to be re-done to reflect the change in funding.

19.2 Scenario 2 - After environmental clearance, the project changes from having no FHWA funding to having some FHWA funding

If the project was cleared as a state project (i.e., the WPD I question labeled, “Who is the lead agency responsible for the approval of the entire project?”, was answered “TxDOT – No Federal Funding”), and then FHWA funds are added after environmental clearance, then the state clearance must be revoked using the “Revoke Environmental Clearance” Activity, and the project must be re-cleared as a federal project. A reevaluation cannot be used to change from state funding to FHWA funding after environmental clearance.

After the state clearance has been revoked using the “Revoke Environmental Clearance” Activity, district environmental staff must change the answer to the WPD I question labeled, “Who is the lead agency responsible for the approval of the entire project?”, to either “FHWA – Assigned to TxDOT” or “FHWA – Not Assigned to TxDOT,” and re-submit the project work plan (WPD III) for acceptance by the department delegate (do not forget to identify all fields or answers that you are changing on WPD I and II when the “Explanation” box pops-up). ECOS will generate new versions of any previously finalized Activities as explained above in Section 6.5, “Change Control Process.” Complete all still-open Activities and any newly generated Activities in accordance with any FHWA project-specific instructions in the Environmental Guide Volume 2 Activity Instructions and any other ENV templates or guidance. For any previously finalized Activity that is re-generated upon acceptance of the project work plan, district environmental staff must assess whether the addition of FHWA funds affects any of the work done under the previously finalized Activity. If not, then in the “Comments” field of the newly generated Activity explain the change and how it was determined that it does not affect the analysis and conclusion that was previously completed, and finalize the new Activity. If so, then complete the newly generated Activity in accordance with any FHWA project-specific instructions in the Environmental Guide Volume 2 Activity Instructions and any other ENV templates or guidance.

Note that if consultation with resource agencies, Indian tribes, or other consulting parties occurred prior to the addition of FHWA funding, it will likely be necessary to re-do the consultation to reflect the addition of FHWA funding. Additionally, if any notice of intent, notice of an opportunity for public hearing, or notice of public hearing was issued prior to the addition of FHWA funding, it will need to be re-done. Any new public notices should specifically mention the funding change. Previously conducted public meetings (except for EIS scoping meetings) or notices and opportunity to comment will likely not need to be re-

done. District environmental staff should consult with an ENV SME if there are questions about which types of outreach may need to be re-done to reflect the change in funding.

19.3 Scenario 3 - Before environmental clearance, the project changes from having some FHWA funding to having no FHWA funding

In this scenario, district environmental staff may choose to either complete the environmental review as a federal project, or clear the project as a state project.

Option 1 – Complete the environmental review as a federal project

If environmental work has already begun on the assumption that the project will have FHWA funding, it may be easier to simply continue the review as a federal project, even if it is now anticipated that the project will not have FHWA funding. This option also has the benefit of preserving the possibility of FHWA funding for the project, should there be another unexpected change in funding.

If district environmental staff chooses this option, then district environmental staff leaves the WPD I question labeled, “Who is the lead agency responsible for the approval of the entire project?” as either “FHWA – Assigned to TxDOT” or “FHWA – Not Assigned to TxDOT,” and completes all Activities in accordance with any FHWA project-specific instructions in the Environmental Guide Volume 2 Activity Instructions and any other ENV templates or guidance.

However, see Section 19.5 below labeled, “WARNING – Removal of FHWA Funds May Affect Some Analyses and Consultations.” In this scenario, district environmental staff must provide an explanation in the “Comments” field of the “Other Project-Related Information” Activity indicating that the project was federally cleared even though no FHWA funding is anticipated, and that the lack of FHWA funding does not raise any of the issues listed under the Section 19.5 below labeled, “WARNING – Removal of FHWA Funds May Affect Some Analyses and Consultations.”

Option 2 – Clear the project as a state project

If district environmental staff chooses this option prior to initial acceptance of the project work plan (WPD III), then district environmental staff ensures that the WPD I question labeled, “Who is the lead agency responsible for the approval of the entire project?”, is answered, “TxDOT – No Federal Funding,” and completes the project work plan process. District environmental staff completes all Activities in accordance with the instructions in the Environmental Guide Volume 2 Activity Instructions and any other ENV templates or guidance, without the need to comply with any FHWA project-specific requirements.

If district environmental staff chooses this option after initial acceptance of the project work plan (WPD III), then district environmental staff must change the answer to the WPD I question labeled, “Who is the lead agency responsible for the approval of the entire project?”, to “TxDOT – No Federal Funding,” and re-submit the project work plan (WPD III) for acceptance by the department delegate (do not forget to identify all fields or answers that you are changing on WPD I and II when the “Explanation” box pops-up). ECOS will generate new versions of any previously finalized Activities as explained above in Section 6.5, “Change Control Process.” Complete all still-open Activities and any newly generated Activities in accordance with the instructions in the Environmental Guide Volume 2 Activity Instructions and any other ENV templates or guidance, without the need to comply with any FHWA project-specific requirements.

For any previously finalized Activity that is re-generated upon acceptance of the project work plan, district environmental staff must assess whether the removal of FHWA funds affects any of the work done under the previously finalized Activity – see the Section 19.5 below labeled, “WARNING – Removal of FHWA Funds May Affect Some Analyses and Consultations.” If not, then in the “Comments” field of the newly generated Activity explain the change and how it was determined that it does not affect the analysis and conclusion that was previously completed, and finalize the new Activity. If so, then complete the newly generated Activity in accordance with the Environmental Guide Volume 2 Activity Instructions and any other ENV templates or guidance for non-FHWA projects.

19.4 Scenario 4 - After environmental clearance, the project changes from having some FHWA funding to having no FHWA funding

In this scenario, district environmental staff does not need to revoke the federal clearance, as the federal clearance satisfies TxDOT’s Chapter 2 environmental review rules. However, district environmental staff must consider whether any of the issues described in Section 19.5 below labeled, “WARNING – Removal of FHWA Funds May Affect Some Analyses and Consultations.” If so, then district environmental staff must conduct create and complete a “Perform Reevaluation” Activity and any other Activity that needs to be re-done due to the removal of FHWA funds. If not, then district environmental staff must provide an explanation in the “Comments” field of the “Other Project-Related Information” Activity indicating that the project will not, in fact, use FHWA funding but that the lack of FHWA funding does not raise any of the issues listed under the Section 19.5 below labeled, “WARNING – Removal of FHWA Funds May Affect Some Analyses and Consultations.”

19.5 WARNING – Removal of FHWA Funds May Affect Some Analyses and Consultations

Removal of FHWA funding from a project will not require the project to be re-cleared as a state project, and will generally not require TxDOT to re-do environmental work or public involvement that has already been completed. However, there are the following exceptions:

- TxDOT cannot rely on USFWS Section 7 consultation for ESA compliance if there’s no federal funding. Effects on federally listed species must instead be evaluated under a “take”/“no take” standard, which, depending on the outcome of the analysis, may result in the need to acquire a permit under Section 10 of the ESA prior to project implementation.
- It may be necessary to re-do any alternatives analysis that was influenced by Section 4(f) constraints, as the outcome may be different if Section 4(f) does not apply (this is most likely to arise when the Section 4(f) analysis involved a privately owned historic site, as other types of Section 4(f) properties are usually covered by a comparable state law, Chapter 26 of the Texas Parks and Wildlife Code).
- District environmental staff must contact ENV-CRM staff to determine whether any modification or additional consultation for cultural resources is needed. The consultation obligations under Section 106 and Antiquities Code of Texas are different, and it may be appropriate under certain circumstances to notify consulting parties of the change in funding. This determination should be made by ENV-CRM staff.

Appendix – Revision History

July 2025

The following changes were made to this Environmental Guide: Volume 1 Process in July 2025:

- Update references from “DCIS” to “TxDOTCONNECT” throughout.
- Add new Section 1.11, District Environmental Staff Certification Process.
- Add new Section 1.12, The “project file”.
- Regarding use of a (c)-list or (d)-list CE other than (c)(22) or (d)(13) (e.g., (c)(1)), instruct district environmental staff to contact ENV Project Delivery staff instead of ENV Project Delivery Section Director. Section 2.4, Categorical Exclusion.
- Clarify that ENV’s Template for EIS to EA Classification Approval is used only when the district wants to downgrade to an EA (i.e., it is not needed when the district wants to downgrade to an open-ended (d)-list CE). Section 2.5, Environmental assessment.
- Remove references to the “Perform Cumulative Impacts Analysis” Activity. Section 4.1, Project Definition; Section 9.8, Project.
- Instruct that district environmental staff should include a description of any construction licenses in the “Describe Proposed Facility” field on WPD I. Section 4.7.2, Project Description.
- Revise Community Impacts question on WPD II. Section 5.4, Community Impacts.
- Add instruction that if a project is going to be cleared as (c)(1) or (c)(29) CE, answer “Yes” to the Archeology question on WPD II (because it’s automatically on “the List”). Section 5.8.2, Archeology.
- Revise Section 6(f) question on WPD II (add reference to “construction license”). Section 5.9.2, Section 6(f).
- Add reminder that when an ENV SME provides comments on a document and a second Review is needed, that second Review will also have a two-week timeframe. Section 8.6, Reviews; Chapter 9, Estimated Times For Completing Activities, Reviews, And Coordinations.
- Revise estimated timelines for various archeology Activities. Section 9.2, Archeology.
- In Chapter 9 regarding estimated timelines for various Activities, move “Obtain Coastal Barrier Resources Act (CBRA) Opinion” from Section 9.11, Water, to Section 9.3, Biology.



Environmental Guide: Volume 1 Process

- Revise estimated timeline for “Review Community Impacts Assessment (CIA)”, Section 9.4, Community Impacts.
- In Chapter 9 regarding estimated timelines for various Activities, break “Perform Noise Constructability Assessment/Workshop” into two separate Activities, “Perform Noise Constructability Assessment” and “Perform Noise Workshop”.
- Add an estimated timeline for the “Reasonable Assurances for Activities That Could Not Be Completed Prior to LOA”. Section 9.8, Project.
- Revise estimated timeline for the “Obtain Project Classification Approval” Activity. Section 9.8, Project.
- Add an estimated timeline for the “Perform Additional Public Outreach” Activity. Section 9.10, Public Involvement.
- Revise estimated timelines for various archeology Activities. Section 9.11, Water.
- Add “and shared-use paths” to the “sidewalks” project category eligible for the expedited (c)(22) CE clearance process. Appendix A to Chapter 13, Section 2.0, Project Types Covered.

February 2025

The following change was made to this Environmental Guide: Volume 1 Process in February 2025:

- Remove references to the “Perform Project-Level Greenhouse Gas and Climate Change Technical Report” Activity. This Activity is no longer needed as EISs will summarize the statewide greenhouse gas analysis report instead of having individual project-level greenhouse gas analyses.

April 2024

The following changes were made to this Environmental Guide: Volume 1 Process in April 2024:

- Revise instructions for non-TxDOT employees to gain access to ECOS (e.g., ENV211 instructor provides three forms to ENV211 trainees at end of class). Section 1.7, Getting an ECOS ID.
- Add statement that ECOS will send the “Anticipated Environmental Classification” to TxDOTCONNECT when WPD I is saved. Section 1.9, Creating a project in ECOS.
- Clarify that that the “no document required” process can be used for projects that are funded by another USDOT Operating Administration like FAA, FRA, or FTA, wait until FAA, FRA, or FTA NEPA process is complete before “clearing” with “no document required.” Section 2.3, No document required; Chapter 15, How to Use the “No Document Required” Environmental Classification.
- Clarify that the department delegate has authority to approve/disapprove a local government as the official project sponsor (i.e., it’s not automatic approval and for EA/EIS it’s ENV that ultimately

decides). Section 3.2, Approval/Disapproval of a Local Government as the Official Project Sponsor.

- Add statement that a new Activity, “Perform Project-Level Greenhouse Gas and Climate Change Technical Report,” will be automatically generated when “EIS” is selected as the “Anticipated Environmental Classification.” Section 4.1, Project Definition.
- For the WPD I question, “Does the project require any federal permit, license, or approval?”, clarify that staff should select “Yes” even the project will need just a NWP. Also explain that if the project will use a NWP, even if there’s no FHWA funding, the project sponsor will have to evaluate the portions of the project subject to USACE jurisdiction for Section 7 and Section 106 compliance to determine whether to submit a PCN. Also explain that if this question is answered, “Yes,” then historical studies, archeology, and species analysis must be done to federal standards, even if no FHWA funding. Section 4.6, Jurisdiction.
- Update WPD II question re: Community Impacts to match current version of ECOS (i.e., constructing a median barrier in front of “an emergency responder dispatch location”). Section 5.4, Community Impacts.
- Revise “Texas Coastal Management Plan” to “Texas Coastal Management Program.” Section 5.6.6, Texas Coastal Management Program; Section 7.6.6, Texas Coastal Management Program.
- Move WPD II question re: Coastal Barrier Resources from the Water section to the Biology section of WPD II (this change will be made in ECOS later this Spring). Section 5.7.4, Coastal Barrier Resources.
- Revise name of CBRA Activity from “Perform Coastal Barrier Resources Act (CBRA) Analysis” to “Obtain Coastal Barrier Resources Act (CBRA) Opinion.” Section 5.7.4, Coastal Barrier Resources.
- Move WPD IV finding re: Coastal Barrier Resources to from the Water section to the Biology section of WPD IV (this change will be made in ECOS later this Spring). Section 7.7.4, Coastal Barrier Resources.
- Clarify that due dates are now mandatory for Activities. Chapter 6, How to complete WPD Section III – Project Work Plan, and Manage Change Control and Hold Processes; Section 6.1, Submittal of the Project Work Plan to the Department Delegate; Section 6.5, Change Control Process; Section 8.4.2, “Assignment Details” Component.
- Clarify that due dates are also mandatory for Reviews, and add an instruction to not assign a Review with a due date that is less than the estimated time indicated in Chapter 8 without the ENV reviewer’s prior approval. Section 8.6, Reviews; Chapter 9, Estimated Times for Completing Activities, Reviews, and Coordinations.
- Update various estimated times for completing Activities, Reviews, and Coordinations in Chapter 9. Reviews that previously had an estimated time of less than two weeks have been changed to a minimum of two weeks. Review timelines that were longer than two weeks have remained the

way they were. Chapter 9, Estimated Times for Completing Activities, Reviews, and Coordinations.

- Clarify that Review timelines in Chapter 9 represent how long it typically takes for the reviewed to provide comments back to the preparer after the Review has been assigned. Chapter 9, Estimated Times for Completing Activities, Reviews, and Coordinations.
- For the expedited (c)(22) CE, “no document required,” expedited rail safety CE (used by ENV only), and expedited recreational trails CE (used by ENV only, explain that you have to select a regular (c)(22) as the “Anticipated Environmental Classification” (or regular open-ended (d) for the expedited emergency open-ended (d)-list CE) when you are first setting up the CSJ in ECOS. This is because “Anticipated Environmental Classification” is a required field on CSJ creation, and if you selected the expedited option ECOS tries to immediately launch the clearance process, and gives you no time to associate other CSJs. Once you’ve got all the CSJs created in ECOS and associated with each other, then you can go into the main and select the expedited option for “Anticipated Environmental Classification” and launch the clearance process. Chapter 13, How to Use the Expedited (c)(22) CE; Chapter 14, How to Use the Expedited Emergency Open-Ended (d) CE; Chapter 15, How to Use the “No Document Required” Environmental Classification; Chapter 16, How to Use the Expedited (c)(1), (c)(3), (c)(8), or (c)(18) Rail Safety CEs; and Chapter 17, How to Use the Expedited (c)(23) Recreational Trails CE.
- Regarding the expedited (c)(22) CE, add a caveat for ramp relocations, traffic signals, and striping projects in El Paso because PM or CO hot spot requirements apply, and so these cannot be cleared with the expedited process. Chapter 13, How to Use the Expedited (c)(22) CE.
- Regarding the expedited (c)(22) CE, for concrete barriers, revise to only exclude installation in the Pharr District as they may impede ocelots (previous version said concrete barriers in a non-urban area were not covered by the expedited process, but that was overly broad). Chapter 13, How to Use the Expedited (c)(22) CE.
- Regarding the expedited (c)(22) CE, for lighting, remove nearby historic resources exception for repair or in-kind replacement of lighting, so now the nearby historic resource exception only applies to installation of new lighting. Chapter 13, How to Use the Expedited (c)(22) CE.
- Same thing for concrete curbs and gutters: Regarding the expedited (c)(22) CE, for concrete curbs and gutters, remove nearby historic resources exception for repair or in-kind replacement of concrete curbs and gutters, so now the nearby historic resource exception only applies to installation of new concrete curbs and gutters. Chapter 13, How to Use the Expedited (c)(22) CE.
- Regarding the expedited (c)(22) CE, for lighting, remove requirement of ENV Deputy Director approval of installation of lighting for karst issues (but remember that districts must always apply judgment and knowledge of local conditions and potential issues when using the expedited process). Chapter 13, How to Use the Expedited (c)(22) CE.
- Regarding the expedited (c)(22) CE, revise to allow installation of sidewalks (previously only allowed repair or in-kind replacement of sidewalks). Chapter 13, How to Use the Expedited (c)(22) CE.

- Regarding the expedited (c)(22) CE, clarify that installation of inside turn lanes/shoulders includes those that abut a median separating a frontage road from a mainlane. Chapter 13, How to Use the Expedited (c)(22) CE.
- Regarding the expedited (c)(22) CE, add a reminder that while ENV has reviewed the project types listed as being eligible for the expedited process and has determined that they generally do not have the potential to affect any listed species, district environmental staff must apply sound judgment and refrain from using an expedited (c)(22) CE if there are unusual circumstances or local conditions that could cause a particular project to have a potential effect on listed species.
- Revise to state that for projects cleared with an expedited (c)(22) or (c)(1) CE, you never need to do a reevaluation so long as the project still qualifies as an expedited (c)(22) or (c)(1) CE (we previously had this in there, but just for the three-year trigger). Chapter 18, How to Determine When A Reevaluation Is Required.
- Regarding the three-year reevaluation trigger, clarify that it is for the whole project, not each segment of the project. In other words, if construction has begun on at least one segment or part of the project, then the three-year reevaluation trigger does not apply, even if there are other CSJs or segments of the project on which construction has not begun. This is the case for both the “start construction” and “delay” three-year triggers. Chapter 18, How to Determine When A Reevaluation Is Required.
- Add a requirement to do a reevaluation for a new Clean Air Act CO, PM10, or PM2.5 nonattainment designation after environmental clearance and the FPAA form will not be approved within one year after EPA’s nonattainment designation. In this situation the purpose of the reevaluation is to obtain a conformity determination before seeking FHWA approval of the FPAA form. Chapter 18, How to Determine When A Reevaluation Is Required.

February 2023

The following changes were made to this Environmental Guide: Volume 1 Process in February 2023:

- Make “Anticipated Environmental Classification” (including “Type” and “Criterion”) a required WPD I field on initial project creation. Section 1.9, Creating a project in ECOS.
- Add requirement that for any Word, Excel, or pdf document anticipated to be shared publicly or provided to another agency, district environmental staff must run the built-in accessibility checker prior to uploading the document to ECOS. Section 1.10, Accessibility.
- Clarify that the “100% privately funded access improvement projects” row in the table of non-FHWA project types that do not require an ECOS clearance is limited to projects that only facilitate access to or from a privately owned driveway or privately owned roadway. Section 2.1, Is an environmental clearance even required for my project?
- Instruct that, absent unusual circumstances, all CE projects should be cleared with expedited (c)(22), (c)(22), (d)(13), open-ended (d)-list CE, or expedited emergency open-ended (d)-list CE. Explain process for using a different CE (e.g., (c)(1) in unusual circumstances. Section 2.4, Categorical exclusion.

- Emphasize that, for (c)(22) CE, “operational right-of-way” means entire right-of-way owned by TxDOT or the local government. Section 2.4.2, (c)(22) CE.
- Add explanation of the types of projects that can be cleared with (d)(13) CE. Section 2.4.3, (d)(13) CE.
- Update discussion of open-ended (d)-list CEs to reflect new 30 acre/ten displacement thresholds for not requiring ENV approval with ENV’s Open-Ended (d) Categorical Exclusion Classification Request Form. Section 2.4.4, Open-ended (d)-list CE.
- Clarify that when seeking to use an open-ended (d)-list CE in excess of the 30 acre/ten displacement thresholds, district environmental staff must get pre-approval of the form via email before submitting the project work plan for approval by the department delegate. Section 2.4.4, Open-ended (d)-list CE.
- Add instruction for open-ended (d)-list CEs that if it ever becomes apparent that the project will not meet the criteria at 23 CFR 771.117(a) and (b), district environmental staff will instead prepare an EA or EIS. Section 2.4.4, Open-ended (d)-list CE.
- Add reminder that, regardless of which CE is used, district environmental staff must be able to confirm that the regulatory CE criteria are met. Section 2.4.7, Unusual circumstances.
- Emphasize that the project work plan must be established in ECOS before beginning work on the specific Activities that will be required for the project. Chapter 3, Overview of How To Create A Project Work Plan In ECOS.
- Explain that it is preferable to use the project work plan developed in ECOS to inform the scope of any consultant contracts before they are executed, in which case it is advisable to assume a worst-case scenario on WPD I and II. Chapter 3, Overview of How To Create A Project Work Plan In ECOS; Section 3.3, How to Resolve Uncertainty About Answers To WPD I and WPD II Questions; Section 3.6, Using the Project Work Plan to Inform the Scope of Consultant Contracts.
- Emphasize that, when answering the “grouping” question under Transportation Planning on WPD I, answer “Yes” if the project is eligible for grouping according to the grouped project categories. Section 4.8, Transportation Planning.
- Explain that, in real-time, ECOS sends the “Environmental Clearance Date” from ECOS to populate the “NEPA Clearance Date” field in TxDOTCONNECT, sends the “Environmental LOA Date” from ECOS to populate the “Environmental Clear to Let Date” field in TxDOTCONNECT, and sends the “Approved Environmental Classification” from ECOS to populate the “Environmental Clearance Type field in TxDOTCONNECT. Section 4.9, Environmental Clearance Information.
- Explain what the “Environmental LOA Date” represents (i.e., ENV’s LOA Manager has cleared the project for letting with regard to environmental review requirements). Section 4.9, Environmental Clearance Information.

- Revise WPD II Community Impacts question with new language regarding how to interpret “expansion of the roadway pavement”. Section 5.4, Community Impacts. (This change is expected to be made in ECOS Version 9.7.)
- Revise WPD II Public Involvement question to clarify that only new easements count (work in a previously existing easement does not count). Section 5.5, Public Involvement. (This change is expected to be made in ECOS Version 9.7.)
- Revise WPD II Surface Water question to refer to “water feature” instead of “water body or wetland”. Section 5.6.1, Surface Water. (This change is expected to be made in ECOS Version 9.7.)
- Provide updated instructions for using the NMFS on-line Essential Fish Habitat Mapper to assist with answering WPD II Essential Fish Habitat question. Section 5.7.2, Essential Fish Habitat.
- Revise WPD II Section 6(f) question to account for temporary easements and any other arrangement that will allow for a non-public outdoor recreation use. Section 5.9.2, Section 6(f). (This change is expected to be made in ECOS Version 9.7.)
- Expand instructions on how to obtain the boundaries of a Section 6(f) property to assist with answering the WPD II Section 6(f) question. Section 5.9.2, Section 6(f).
- Add explanation of how Chapter 26 of the Texas Parks and Wildlife Code differs from Section 4(f) with respect to historic properties. Section 5.9.3, Chapter 26.
- Clarify that users should answer the Chapter 26 question “Yes” even if use will only be temporary. Users can explain in the “Perform Chapter 26 Analysis” Activity that will be generated if there will be no permanent conversion of use. Section 5.9.3, Chapter 26.
- Emphasize that for Activities with a default milestone of “Prior to LOA,” expectation is that they be completed prior to when ENV approves the project for letting. For certain Activities, if there are extenuating circumstances that prevent the district from completing the Activity prior to LOA clearance, there is a new Activity called, “Reasonable Assurances for Activities That Could Not Be Completed Prior to LOA” with instructions on how to proceed. (This new Activity is expected to be available in ECOS Version 9.7.)
- Revise estimated completion times for various Archeology, Biology, Historical Studies, Noise, and Water Activities. Chapter 9, Estimated Times for Completing Activities, Reviews, and Coordinations.
- Add instruction about uploading a “2nd Approved” document instead of deleting an “Approved” document. Section 11.4, Documents.
- Clarify instructions regarding use of the “Perform Post-Environmental Clearance File Correction” Activity, so that it is only used if there is not already an appropriate Activity in ECOS under which the needed document can be uploaded. Section 12.2, Post-Environmental Clearance File Corrections.



Environmental Guide: Volume 1 Process

- Add new eligible project types for the expedited (c)(22) CE: “removal of an at-grade turnaround or crossover” and “cleaning ditches with no excavation deeper than the original ditch grade.” Chapter 13, Appendix A, Criteria for Using Expedited (c)(22) Categorical Exclusion (CE) Process for Certain Low-Impact Project Types.
- Clarify that expedited (c)(22) CE can only be used if the project does not involve any unusual circumstances that would warrant the creation of any Activities other than “Perform CE Determination”. Chapter 13, Appendix A, Criteria for Using Expedited (c)(22) Categorical Exclusion (CE) Process for Certain Low-Impact Project Types.
- Revise emergency open-ended (d)-list CE process so that a reevaluation is not required as a matter of routine, but only if it’s necessary to undertake additional environmental review work after the CE clearance is finalized. Chapter 14, How to Use the Expedited Emergency Open-Ended (d) CE.
- Clarify that three-year trigger for a reevaluation does not apply to projects that were cleared as expedited (c)(22) CEs. Also, if the project was cleared with a regular CE, there’s a three-year delay and now it qualifies as an expedited (c)(22) CE, district can revoke and re-clear with expedited (c)(22) instead of doing a reevaluation. Chapter 18, How to Determine When a Reevaluation is Required.

September 2021

The following changes were made to this Environmental Guide: Volume 1 Process in September 2021:

- Add explanation of three especially useful CEs, (d)(13), (c)(22), and (c)(23), and an instruction to consider these first before looking at other CEs or open-ended (d).
- Incorporate guidance about use of CEs when certain thresholds are exceeded, so the separate guidance that’s on the old PD Sharepoint site is no longer needed.
- Regarding the public involvement question on WPD I, emphasize that when districts are determining whether the project will involve “substantial controversy,” if they answer “yes” on that basis, a public hearing will be required.
- Add clarification that bike lanes separated from travel lanes by landscaping, median or other buffer is still a bike lane (this was already in the Public Involvement Handbook, but was missing from EG Volume 1).
- In Chapter 18, about reevaluations, add a reminder that if there’s a three-year delay between environmental clearance and LOA, then a reevaluation is needed prior to LOA. This is basically a safeguard to make sure that we don’t go to construction before doing a reevaluation if more than three years have passed.

July 2021

The following changes were made to this Environmental Guide: Volume 1 Process in July 2021:



- Clarify that non-TxDOT employees can begin process for gaining an ECOS ID before taking ENV211, but they must take ENV211 before being granted an ECOS ID. Section 1.7, Getting an ECOS ID.
- Add reminder that once you have an ECOS ID, you need to log-in to ECOS at least once every 30 days. Section 1.7, Getting an ECOS ID.
- Explain that it is not necessary to un-check the "Send Email" checkbox when assigning an Activity to a non-TxDOT employee with a "-X" email address, but ECOS will still not automatically send emails to those email addresses. Section 1.8, Assigning roles and responsibilities in ECOS to non-TxDOT Employees; Section 8.5, Assigning Activities.
- Revise "Park Road" to "Parks and Wildlife Road" to describe roads in state parks that are not on the state highway system, and are instead owned and operated by the Texas Parks and Wildlife Department. Section 2.1, Is an environmental clearance even required for my project?
- Clarify that no documentation is uploaded to ECOS for projects that do not require a TxDOT environmental clearance. Section 2.1, Is an environmental clearance even required for my project?
- Add new section to describe which parts of the project area subject to ENV's environmental review process. Section 2.2, Which parts of the project area subject to ENV's environmental review process?
- Add recommendation about requesting ENV approval of open-ended (d)-list CE classification prior to submitting WPD III to department delegate for review and acceptance. Section 2.5.2, Open-ended (d)-list CE.
- Add section about the federal funding limits for a (c)(23) CE. Section 2.5.3, (c)(23) CE.
- Add recommendation about requesting ENV approval of a downgrade from EIS to EA prior to submitting WPD III to department delegate for review and acceptance. Section 2.6, Environmental assessment.
- Move reminder that WPD I, II, III, and IV are frozen in time when the project is environmentally cleared from Section 3.5, One CE Clearance Per Geographically Distinct Project, to Chapter 18, How to Determine When A Reevaluation Is Required, and add explanation about how any project changes will be described in the reevaluation form.
- Clarify that when filling-out WPD I and II, only describe the part of the project that is subject to environmental review. Chapter 4, How to Complete WPD Section I – Project Definition
- Add explanation of "new controlled access freeway" (this was previously contained in a separate guidance document on ENV's Sharepoint page). Section 4.1, Project Definition; Section 5.6.3, Edwards Aquifer.
- Add reminder about checking for ROW CSJs in TxDOTCONNECT and associating in ECOS before clearing a project. Section 4.2, Project Association(s).

- Clarify that “DCIS Funding Type” does not dictate whether clearance will be federal or state. Instead, that is determined by “Who is the lead agency responsible for the approval of the entire project?” Section 4.3 DCIS Project Funding and Location, Section 4.6, Jurisdiction.
- Explain which types of local governments are eligible to be the official project sponsor for purposes of environmental review. Section 4.6, Jurisdiction.
- Add explanation regarding a local government’s role in the environmental review process. Section 4.6, Jurisdiction.
- Add clarifying language regarding “New ROW Required,” “New Perm. Easement Required,” and “New Temp. Easement Required.” Section 4.7.1, Project Area.
- Add reminder about the importance of entering a complete and accurate project description on WPD I. Section 4.7.2, Project Description.
- Clarify that just because the preliminary engineering part of the project is “grouped” for planning purposes, the project itself still must meet the planning consistency requirements for environmental clearance. Section 4.8, Transportation Planning.
- Clarify that for a non-federal project, there will not typically be a “5000” number in the “Grouped Proj CSJ” DCIS field, but it still might be considered “grouped” for planning purposes. Section 4.8, Transportation Planning.
- Add clarifying information for the conformity question on WPD II. Section 5.1.1, Conformity.
- Add clarifying information for the hot spot question on WPD II. Section 5.1.2, Hot Spot.
- Add clarifying information for the congestion management process on WPD II. Section 5.1.3, Congestion Management Process.
- Explain that, if none of the public involvement triggers on WPD II apply, but the district still wants to conduct some voluntary public involvement, then answer the public involvement question no, and then manually create “Perform Public Meeting” or “Perform Additional Public Outreach.” Section 5.5, Public Involvement.
- Revise WPD II surface water question to also ask whether the project area contains any base floodplain, and add clarifying information about this question (the Surface Water Analysis Form will also be amended to require recordation of the appropriate statement(s) regarding actions in the floodplain to comply with EO 11988. Section 5.6.1, Surface Water.
- Add clarifying information to WPD II farmland question. Section 5.7.3, Farmland.
- Revise historical studies and archeology questions to reflect that ECOS now generates the PCR or archeology background study Activities when there’s a local government project sponsor on an FHWA project that is not on the list of project types that do not require review. Section 5.8.1, Historical Studies; 5.8.2, Archeology.

- Clarify that when there's a change after acceptance of the project work plan (WPD III), and ECOS automatically generates an Activity that was previously finalized, and the change does not affect the previously completed work, district environmental staff must explain in the "Comments" field of the new Activity the change and how it was determined that the previously finalized Activity is not affected by the change. Section 6.5, Change Control Process; Section 8.10, How to Handle Activities That Were Previously Created and Finalized, But Are Newly Generated (Again) When the Project Work Plan is Updated Due to New Project Information or a Change.
- Revise the surface water negative declaration finding to include EO 11988 regarding floodplains. Section 7.6.1, Surface Water
- Add requirement that when district environmental staff changes a default milestone on an Activity (i.e., "Prior to LOA" to "Prior to Construction"), they must explain in the "Comments" field of the Activity the reason for changing the milestone, and detailing the plan for accomplishing completion of the Activity in the future. Section 8.4.2, "Assignment Details" Component (also Introduction to Environmental Guide Volume 2: Activity Instructions, and instructions for "Obtain Letter or Authority (LOA) Clearance").
- Add some tips regarding the technical limits on uploading documents. Section 8.8, Uploading documents to Activities, Reviews, and Coordinations.
- Add instructions for dealing with an Activity that would clear the project (i.e., "Perform CE determination") when the classification is changed. Section 8.9, How to Handle Activities That Were Created and Are Still Open, But Need Not Be Completed.
- Add a few more project types covered by the expedited (c)(22) CE. Chapter 13, Appendix A, Criteria for Using Expedited (c)(22) Categorical Exclusion (CE) Process for Certain Low-Impact Project Types.
- Clarify that the trigger for doing a reevaluation on a DEIS is a three-year delay between the DEIS register notice and when the ROD is issued (not when the FEIS/ROD is submitted to ENV for final approval). Chapter 18, How To Determine When A Reevaluation Is Required.
- Add new Chapter 19, Changes in FHWA Funding Status. This will replace the current separate guidance document, "Primary Effects of Change in Federal Funding Status on Environmental Review of Highway Projects."