

PROGRAMMATIC AGREEMENT
BETWEEN
THE FEDERAL HIGHWAY ADMINISTRATION
AND THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION
FOR BRIDGE, ROADWAY AND NON-COMPLEX PROJECTS

The Federal Highway Administration, Pennsylvania Division, hereinafter FHWA, and the Pennsylvania Department of Transportation, hereinafter PennDOT, have developed this Programmatic Agreement, hereinafter PA, to outline the policy and procedures for environmental processing of certain federally funded bridge and roadway projects which are found to have no significant social, economic or environmental effects. In addition, this PA shall be applicable for the environmental clearance for specific 100% state-funded projects meeting the conditions herein, in accordance with Sections 2002(a)(15) and (b) of the Administrative Code of 1929 (71 P.S. §512(a)(15) and (b)) (otherwise commonly known as PA Section 2002).

The FHWA hereby concurs that those types of bridge and roadway projects listed in Parts A, B, and C of this PA, and which satisfy the conditions and criteria in stipulations presented in Parts A, B, C and D as more fully described herein, will not result in significant environmental impacts, and are therefore excluded from the requirement to prepare an Environmental Assessment (EA) or Environmental Impact Statement (EIS) pursuant to 23 CFR 771.115(b).

As outlined in the PA, PennDOT will individually determine the applicability of this PA and certify that an activity will not result in significant environmental impacts and document accordingly.

WHEREAS, the Division Administrator, FHWA, is the “Agency Official” responsible for compliance with the National Environmental Policy Act (NEPA) and implementing regulations (23 CFR 771);

WHEREAS, PennDOT and FHWA participated in the consultation and have jointly been invited to concur in this PA;

WHEREAS, PennDOT, as the statewide recipient of the federal-aid program, is responsible for compliance with all federal laws and regulations;

WHEREAS, this PA is consistent with the Statewide Long Range Transportation Plan, the Statewide Transportation Improvement Program (STIP), and applicable Metropolitan or Rural Planning Organizations’ Transportation Improvement Programs (TIPs) and Long Range Transportation Plans, and is exempt from regional air quality conformity determinations (40 CFR parts 51 and 93);

WHEREAS, the FHWA has delegated approval authority of certain Categorical Exclusion (CE) activities as prescribed in the PennDOT Design Manual 1B, Publication 10B;

WHEREAS, these projects are a subset of Level 1a and Level 1b CE Projects, and therefore delegated approval authority resides within the PennDOT District(s);

WHEREAS, project conditions, which define approval authority, are contained in Publication 10B, and apply to this PA;

WHEREAS, the FHWA will monitor the approval of bridge and roadway projects using this PA, as described within, and retains the authority to revoke approval authority upon discovery of the misapplication of the PA or non-compliance with any federal law or regulation;

NOW, THEREFORE, the FHWA and PennDOT agree that bridge and roadway projects consisting of activities defined in this PA, which are not part of a larger undertaking, shall be administered in accordance with the following in order to satisfy FHWA's NEPA and Pennsylvania Act 120 responsibilities.

This Agreement establishes a procedure that will reduce the paperwork and processing time for certain federal actions that do not have significant impacts on the human and natural environment. PennDOT and FHWA concur in advance that certain bridge and roadway projects (identified in Stipulation 1 of Part A, Stipulations 1, 2, and 4 of Part B, and Stipulation 1 of Part C of this Agreement) normally are found to have no significant social, economic and environmental effect. PennDOT agrees that all the conditions stated in this PA will be satisfied for all projects processed under this Agreement.

In accordance with FHWA regulations (23 CFR 771, "Environmental Impact and Related Procedures"), actions performed under this PA meet the definition contained in the Council on Environmental Quality regulations, 40 CFR 1508.1(d), and, based on past experience with similar actions, do not involve significant environmental impacts. They are actions which:

- Do not induce significant impacts to planned growth or land use for the area,
- Do not require the relocation of significant numbers of people,
- Do not have a significant impact on any natural, cultural, recreational, historic, or other resource,
- Do not involve significant air, noise or water quality impacts,
- Do not have significant impacts on travel patterns,
- Do not have disproportionately high and adverse human health or environmental effects on minority populations and low-income populations,
- Do not otherwise, either individually or cumulatively, have any significant environmental impacts, and are, therefore, excluded from the requirement to prepare an EA or EIS, and
- Do not involve unusual circumstances including: significant environmental impacts; substantial controversy on environmental grounds; significant impact on properties protected by Section 4(f) of the USDOT Act of 1966/PA Section 2002 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.

STIPULATIONS

PART A: ROADWAY REHABILITATION AND PAVEMENT PRESERVATION

Stipulation 1

Due to the limited scope of work for certain projects whose entire scope can be defined as rehabilitating and maintaining the roadway, and based on past experience with similar actions, FHWA and PennDOT will not require additional NEPA documentation for the projects listed below, provided conditions and criteria in Stipulations 2 of Part A and the Stipulations of Part D herein are satisfied. These actions meet the intent of 23 CFR 771.117 (a), (b) and (d).

The signatories to this PA agree that the project types listed below (provided the projects are limited to the activities specified and are not part of a larger undertaking), by their nature and definition, constitute undertakings that have no potential to cause significant effects on environmental resources.

The following five (5) categories of activities shall therefore be approved under this Agreement with no further NEPA documentation required provided the conditions and stipulations are met:

1. Interstate and Expressway Pavement Preservation including: overlay projects, mill and overlay projects, micro surfacing, ultra thin friction course, concrete patching and joint rehabilitation, diamond grinding, and dowel bar retrofit. This includes the construction of crossovers in previously disturbed medians.
2. Non-Expressway Pavement Preservation including: overlay projects, mill and overlay projects, micro surfacing, ultra thin friction course, cold in-place recycling, seal coat, ultra thin white topping, concrete patching and joint rehabilitation, diamond grinding, and dowel bar retrofit. This includes the construction of crossovers in previously disturbed medians.
3. Maintenance Betterments/Roadway Rehabilitation (3R) (Resurfacing, Restoration, and Rehabilitation) including pipe replacement, guiderail replacement, paving and overlays on existing alignment, and minor widening.
4. Reconstruction within same approximate footprint including Replacement, Crack and Seal, and Rubblizing.
5. Minor widening provided such widening does not extend more than 12-feet from the existing edge of pavement.

Stipulation 2

Projects meeting the activity descriptions in Part A, Stipulation 1 shall also meet the following criteria in order to be approved under this PA. The term "Project", as used here, includes the totality of work activities required for these activities:

1. The project is designed using the latest guidance for each project type and follows the Pavement Policy Manual, Publication 242.

2. The proposed work does not include new interchanges, new ramps, or new rest areas.
3. The permanent acquisition of additional right-of-way is limited to that which is minimally necessary to allow for the activity authorized herein. Additional temporary easements which are minimally necessary to facilitate construction are also permitted.
4. Pavement Rehabilitation is limited to structural enhancements that extend the service life of an existing pavement and/or improve its load carrying capacity.
5. The project does not result in a significant impact on travel patterns based on detours for the traveling public, including bicycle/pedestrian users.
6. Impacts to jurisdictional wetlands resulting from the activities in Stipulation 1 of this Part shall not exceed 0.05 acre of permanent impact, nor shall the projects result in the relocation of any stream channels.

PART B: BRIDGE REPLACEMENT, REHABILITATION, PRESERVATION, and REMOVAL

Stipulation 1 (Bridge Replacement/Rehabilitation)

Due to the limited scope of work for certain bridge projects and based on past experience with similar actions, FHWA and PennDOT will not require additional NEPA documentation for the bridge actions listed below provided the conditions and criteria in Stipulation 3 of this Part, and the Stipulations of Part D herein are satisfied. These actions meet the intent of 23 CFR 771.117 (a), (b) and (d).

The signatories of this PA agree that the project types listed below (provided the projects are limited to the activities specified and are not part of a larger undertaking), by their nature and definition, constitute undertakings that have no potential to cause significant effects on environmental resources.

The following ten (10) categories of bridge rehabilitation/replacement activities shall therefore be approved under this Agreement with no further NEPA documentation required provided the conditions in Stipulation 3 of this Part, and the Stipulations of Part D herein are met (for purposes of this PA, the term “bridge” includes bridges as well as culverts (box, metal and concrete pipe, arch, etc.):

1. Bridge replacement activities including but not limited to in-kind replacement, within the same approximate footprint and reconstruction of bridge superstructure and/or substructure.
2. Bridge decking and/or bridge barrier (parapet) replacements or modifications and substructure repair and modifications.
3. Replacement or strengthening of beams and other structural components of the bridge to extend the longevity of the structure.
4. In-kind replacement, reconstruction or ordinary repair or modification of existing bridge-mounted lighting, guiderails, curbs and gutters, sidewalks, noise barriers, signing, utility supports, fencing, etc. on the bridge.

5. Overlay, milling, grooving, repairing (concrete or asphalt patching), striping, or resurfacing of existing bridges; or addition of pavement markings (normal and raised), and snow and ice detectors to the same.
6. Other bridge related maintenance and repair actions, including but not limited to: overlay of existing approach roads for all bridges (not to exceed 500-feet of approach work (including pavement, guiderail and shoulder work) on either side of the bridge); seismic retrofits; in-kind replacement or repair of pedestals or bearing seats, bearings, shear blocks, diaphragms, structural steel, bridge and off-structure drainage, slope protection, steel caps, protective jackets, and dolphins; installation of external post-tensioning; and other similar routine actions.
7. Any remedial activity to an existing culvert or concrete rigid frame structure less than 20 feet in length, or pipe, so long as the remedial work is aesthetically and functionally in-kind and in the same footprint (no new elements or expansion).
8. General highway maintenance on bridges, including filling potholes, crack sealing, mill and resurfacing, joint grinding/milling, shoulder reconstruction, minimal bank stabilization, etc. within the right-of-way associated with the bridge.
9. Bridge beautification or facility improvement projects (e.g., curb and gutter replacement, decorative lighting, etc.) that are covered by other Agreements.
10. Construction of bicycle and pedestrian lanes, paths and facilities on existing bridges provided any required widening does not extend more than 12-feet on either side of the structure.

Stipulation 2 (Bridge Preservation)

It is understood that by their nature, the activities listed below are actions which meet the definition contained in 40 CFR 1508.1(d), and, based on past experiences with similar actions, do not involve significant environmental impacts. The following twelve (12) bridge preservation activities are designated as CEs under this PA pursuant to 23 CFR 771.117 (a), (b), and (d) without further approval or NEPA documentation, and are hereby approved provided the conditions and criteria in PA General Stipulations of Part D herein are satisfied:

1. Expansion dams: Repair, replace or install new expansion dams to ensure leak proof joints. Repairs to deck drainage or down spouting may also be included. Replacement of seals is also permitted, provided other items, if any, relative to leakage are also addressed.
2. Beam end repairs and restoration: restore steel, concrete or P/S concrete beam-ends to extend their service life.
3. Bridge bearings and supports: Restore or replace the existing bearings to make them functional and repair or rehabilitate substructure units to extend service life.
4. Approach slabs: Repair the approach slab as necessary where the condition of the approach slab is affecting the performance of the bridge. Where practical and needed, repair or replace approach slabs, pavement relief joints, and other high spots adjacent to bridge to restore functionality and/or improve rideability.
5. Deck restoration and overlays: concrete deck patching (Repair Types I, II, or III) and/or waterproofing overlays (i.e., latex concrete, bituminous with membrane) needed to extend deck life and improve rideability.

6. Spot/Zone painting: spot/zone painting can be used as a stand-alone measure or with other steel repair items. Cleaning and waste disposal is included in this item.
7. Painting: full overcoats or complete repaintings, with cleaning, waste disposal, and steel repairs.
8. Fatigue and Fracture Retrofits: retrofits or repairs to fatigue-prone details of steel bridges.
9. Scour Countermeasures: scour countermeasures including underpinning, riprap placement, stream bed paving, grout bags, sediment deposition and debris removal, etc. properly designed for predicted scour.
10. Concrete repairs, concrete sealing, crack sealing.
11. Guiderail updates or repair.
12. Bridge washing and cleaning activities including waste disposal.

Stipulation 3

Projects meeting the activity descriptions in Stipulations 1 and 4 of this Part shall also meet the following criteria in order to be approved under this PA. The term “Project”, as used here, includes the totality of work activities required for replacement or rehabilitation of the structure, including but not limited to the structure itself, appurtenant works including walls, wingwalls and bank protection, and any approach roadway work:

1. Widening of existing structures (within the same approximate footprint) cannot exceed 12-feet on each side of the structure.
2. Changes in horizontal and vertical alignment (within the same approximate footprint) are permitted so long as those changes do not result in substantial impacts to area resources.
3. The permanent acquisition of additional right-of-way is limited to that which is minimally necessary to allow for any widening of the structure authorized herein. Additional temporary easements which are minimally necessary to facilitate construction are also permitted.
4. Impacts to jurisdictional wetlands resulting from the activities in Stipulations 1, 2, and 4 of this Part for the project shall not exceed 0.05 acre of permanent impact.
5. Stream realignment shall be limited to that which is incidental to the replacement of the structure and occurs immediately adjacent to the structure. This limitation shall also apply to temporary diversions required to facilitate construction.
6. Use of temporary crossings, causeways, cofferdams, and associated roadways that are consistent with the criteria contained in this PA to facilitate construction are allowed. Construction of these features shall be coordinated closely with the US Army Corps of Engineers (USACE), Pennsylvania Department of Environmental Protection (DEP) or other regulatory entities. Upon completion of construction, all areas disturbed by these features shall be restored to their preconstruction condition.
7. No significant floodplain encroachments as defined at 23 CFR 650.105(q)(1-3) shall occur as a result of the project.
8. There shall be no permanent reduction in hydraulic capacity as a result of any proposed work.
9. The project would not result in negative impacts to environmental justice populations, community facilities/services, and/or emergency services.

Stipulation 4 (Bridge Removal)

It is understood that by their nature, certain bridge removals are actions which meet the definition contained in 40 CFR 1508.1(d), and based on past experiences with similar actions, do not involve significant environmental impacts. Bridge removal projects that meet the following criteria are designated as CEs under this PA pursuant to 23 CFR 771.117 (a), (b), and (d) without further approval or NEPA documentation, and are hereby approved provided the following conditions and criteria, and those in PA General Stipulations of Part D herein, are satisfied:

1. The bridge will not be replaced with another bridge or culvert.
2. The removed bridge is not replaced with fill.
3. The removal is not performed as an emergency project.
4. The removal is not part of a larger project.
5. Slope reprofiling is not to exceed 12-feet on each side of the footprint of the structure to be removed.
6. The permanent acquisition of additional right-of-way for the construction of cul-de-sacs or hammerheads is limited to what is minimally necessary.
7. The removal of a historic bridge is part of an agreed upon relocation following the Secretary of Interior's Standards, resulting in a finding of "no adverse effect."

PART C: NON-COMPLEX PROJECTS

Stipulation 1 (Non-Complex Projects)

Due to the limited scope of work for certain non-complex projects and based on past experience with similar actions, FHWA and PennDOT will not require additional NEPA documentation for the actions listed below provided the conditions and criteria in Stipulation 2 of this Part, and the Stipulations of Part D herein are satisfied. These actions meet the intent of 23 CFR 771.117 (a), (b) and (d).

The signatories of this PA agree that the project types listed below (provided the projects are limited to the activities specified and are not part of a larger undertaking), by their nature and definition, constitute undertakings that have no potential to cause significant effects on environmental resources.

The following ten (10) categories of non-complex (minor) projects shall therefore be approved under this Agreement with no further NEPA documentation required provided the conditions in Stipulation 2 of this Part, and the Stipulations of Part D herein are met:

1. Intersection improvement projects with minor or no signal layout changes, or unsignalized.
2. Construction of turn lanes at intersections.
3. Construction or replacement of sign structures including Dynamic/Variable Message Sign structures.
4. Guiderail/barrier installation, elimination, replacement or updating.
5. Traffic operations activities with minor or no roadway work including signalization, signing, pavement markings (including raised pavement markers) and roadway lighting.

6. 23 U.S.C. Sections 130 and 148 Highway 130 Safety Projects (relating to railroad grade crossings).
7. Transportation Enhancement Projects designed to address pedestrian and bicycle facilities.
8. Transportation corridor fringe parking areas and park and ride facilities located within previously disturbed right-of-way.
9. ADA curb cuts in areas that involve no disturbance outside of the existing right-of-way or no disturbance beyond the existing curb/sidewalk limits.
10. Slope restoration/slide repairs that involve no disturbance outside of the existing right-of-way.

Stipulation 2

Projects meeting the activity descriptions in Stipulation 1 of this part shall also meet the following criteria in order to be approved under this PA.

1. All work shall occur within existing right-of-way.
2. Impacts to jurisdictional wetlands resulting from these projects shall not exceed 0.05 acre of permanent impact.
3. Projects shall not result in or require relocation of any stream channels or other jurisdictional waterways.
4. There shall be no public controversy on environmental grounds.

PART D: OTHER STIPULATIONS

Stipulations presented in Part D are applicable to all actions and activities meeting the criteria identified in Parts A (Roadway), B (Bridge), and/or C (Non-Complex Projects) of this PA.

Stipulation 1

Projects applicable under this PA must be funded in part by state or Federal funds.

Stipulation 2

Projects meeting the activity descriptions in Stipulation 1 of Part A (Roadway), Stipulations 1, 2, and 4 of Part B (Bridge), or Stipulation 1 or Part C (Non-Complex Projects) shall be consistent with one of the following:

1. Meet the requirements of Appendix A of the Programmatic Agreement among the FHWA, USACE, PennDOT, the Pennsylvania State Historic Preservation Officer, and the Advisory Council on Historic Preservation Regarding Implementation of the National Historic Preservation Act for Federal Aid Highway Projects and/or Highway Projects Requiring a USACE Permit in Pennsylvania (Section 106 Delegation PA).
2. Have a finding of either No Historic Properties Affected or No Adverse Effect under the Section 106 Delegation PA.

Stipulation 3

Projects under this PA will be coordinated, as required (refer to Publication 546, the Threatened and Endangered Species Desk Reference), with the U.S. Fish and Wildlife Service (USFWS), Pennsylvania Game Commission (PGC), Pennsylvania Fish and Boat Commission (PFBC), and the Pennsylvania Department of Conservation and Natural Resources' (DCNR) Pennsylvania Natural Diversity Inventory (PNDI) using the Heritage Geographic Information System (HGIS) to determine the potential presence of state listed or federally candidate or listed threatened or endangered species and if approved activities have the potential to affect threatened or endangered species. This may include, but is not limited to, those activities involving ground disturbance in undisturbed areas, areas outside existing right-of-way or potentially affecting water quality. If it has been determined that an activity "may affect - likely to adversely affect" a federal proposed, candidate, or listed threatened or endangered species, or state listed threatened or endangered species, then formal consultation with USFWS pursuant to the Endangered Species Act (ESA) (16 U.S.C. Section 1531, as amended) and 50 CFR 402 for federal species or coordination with the agency with jurisdiction for species that are state listed, is appropriate, and this PA does not apply.

Stipulation 4

If at any time the project requires additional Federal permits or approvals (beyond a Section 404 permit) other than from FHWA, this PA is no longer applicable. Examples include a U.S. Coast Guard permit or Section 7 formal consultation with or an incidental take permit from the USFWS.

Stipulation 5

Projects meeting the scope descriptions in Stipulation 1 of Part A (Roadway), Stipulations 1, 2, or 4 of Part B (Bridge) and/or Stipulation 1 of Part C (Non-Complex Projects) of this Agreement require completion of the *Bridge and Roadway Programmatic Agreement CE Applicability Matrix* (Appendix A).

Stipulation 6

Upon successful review and approval by PennDOT of the *Bridge and Roadway Programmatic Agreement CE Applicability Matrix* (Appendix A), in accordance with the stipulations contained herein, the approval date of the PA shall be the designated CE approval date for the subject project. Projects meeting the scope and condition descriptions in this PA do not require review and approval by FHWA.

Stipulation 7

Documentation assembled by PennDOT to support any environmental findings resulting from anticipated impacts, including the *Bridge and Roadway Programmatic Agreement CE Applicability Matrix* (Appendix A) will be maintained in the respective project file. This includes, but is not limited to documentation related to the National Historic Preservation Act (NHPA) (36 CFR 800), Endangered Species Act (50 CFR 402), the Clean Water Act, Section 4(f) of the US DOT Act of 1966/PA Section 2002, and all applicable permits.

Stipulation 8

If the scope of the proposed roadway, bridge, or non-complex project activity/ies change, or previously unidentified environmental resources are identified in final design, the PennDOT District Environmental Manager shall be notified, and will evaluate the need for additional environmental studies, the continued applicability of this PA to the project, and the need for other environmental documentation. All findings shall be documented in the project file and coordinated with FHWA, if necessary, for full NEPA compliance.

Stipulation 9

If previously unidentified environmental resources are identified during construction, those work activities that could potentially impact the resources will be stopped. The PennDOT District Environmental Manager shall be notified, and will evaluate the need for additional environmental studies, the continued applicability of this PA to the project, and the need for other environmental documentation. All findings shall be documented in the project file.

Stipulation 10

If at any time the PennDOT District Environmental Manager establishes that this PA no longer applies to a specific project due to changes in scope of work activities or environmental impacts, the appropriate individual project environmental document (CE, EA or EIS) will be completed.

Stipulation 11

The continued applicability of this PA to each individual project shall be re-evaluated according to the criteria contained in the FHWA Regulations at 23 CFR 771.129 which requires a confirmation of the continued applicability prior to “requesting any major approvals or grants” from the FHWA.

Stipulation 12

If an individual Section 4(f) evaluation is required for a project (excluding *de minimis*), this PA is not applicable to the project.

Stipulation 13

This PA is not applicable if the project involves property acquired by a municipality with hazard mitigation grants under the provisions of the Stafford Act (42 U.S.C. 5170c).

Stipulation 14

If the project involves property that has received a Land and Water Conservation Fund (LWCF) grant, this PA is not applicable to the project.

Stipulation 15

This PA is not applicable if ROW acquisition results in residential or commercial displacements.

ADMINISTRATIVE CONDITIONS

1. **Applicability.** Applicable activities are defined as those specified in Stipulation 1 of Part A, Stipulations 1, 2, and 4 of Part B, and Stipulation 1 of Part C of this PA, including any areas necessary to support implementation of the project including, but not limited to staging areas, dewatering basins, stormwater facilities and temporary construction easements that are necessary to carry out the activity so long as those areas are depicted on the project plans being reviewed to determine applicability with this PA. Applicable activities shall include those administered by PennDOT and funded by the FHWA, as well as activities administered and 100% state-funded by PennDOT. This PA may not be applied to activities that are part of a larger action not covered under this PA.
2. **Prior Agreements.** This PA shall supersede the previous Bridge Preservation Program PA distributed under SOL 430-05-17, the Bridge Preservation/Replacement PA distributed under SOL 438-09-01, and the Bridge and Roadway PA distributed under SOL 482-13-02.
3. **Other Permits.** The use of this PA does not alleviate the need to obtain any necessary Federal or State permits including, but not limited to, Section 404, Chapter 105 and NPDES.
4. **Documentation.** For those bridge, roadway, and non-complex projects comprising the activity/ies and meeting the conditions defined in this PA, the PennDOT Environmental Managers or Designees shall, in reviewing the documentation provided, exercise their best judgment that the above conditions are being met, and shall document that no further NEPA compliance review shall be necessary other than the *Bridge and Roadway Programmatic Agreement CE Applicability Matrix* (Appendix A) as part of the appropriate NEPA project file. The NEPA project file shall contain supporting documentation (i.e., Bike/Ped Checklist, etc.). All projects shall be scoped and documented in the Categorical Exclusion Expert System utilizing the current scoping form or format. For purposes of this PA, Designee shall be defined to include the Assistant Environmental Manager, Assistant District Executive or District Executive. PennDOT shall maintain a list of projects reviewed by PennDOT under this PA.
5. **Monitoring.** FHWA shall conduct process reviews of a sampling of Districts on a triennial basis for compliance with the PA.
6. **Amendments.** Either party to this PA may request that it be amended, whereupon the FHWA shall consult with PennDOT to consider such an amendment. Any party to this Agreement may request that it be amended, and the request will be addressed within 30 days.
7. **Re-evaluation.** The FHWA and PennDOT may from time to time re-evaluate the list of undertakings (Stipulation 1 of Part A (Roadway), Stipulations 1, 2, and 4 of Part B (Bridge), and Stipulation 1 of Part C (Non-Complex Projects) of this PA) for possible new inclusions and/or deletions.
8. **Freedom of Information Act (FOIA).** Any information furnished to the FHWA by PennDOT under this instrument is subject to the Freedom of Information Act (5 U.S.C. 552).

9. **Disputes.** Objections to any actions carried out by either party under this Agreement shall be raised in writing by the objecting party. The FHWA and PennDOT shall consult to resolve those objections.
10. **Resolution of Objections by the Public.** At any time during the implementation of the activities stipulated in this PA, should any objection pertaining to any such activities or its manner of implementation be raised by a member of the public, the FHWA shall notify PennDOT and take the objection into account, consulting with the objector and, should the objector so request, with PennDOT to resolve the objection.
11. **Review of Implementation.** If the process of this Agreement has not been initiated within three (3) years after execution of this PA, the parties to the Agreement shall review the Agreement to determine whether revisions are needed. If revisions are needed, the parties to this Agreement shall consult to make such revisions.
12. **Termination.** Any party to this PA may terminate it by providing thirty (30) days notice to the other party, provided that the parties will consult during the period prior to termination to seek agreement on amendments or other actions that would avoid termination. In the event of termination, FHWA shall consult with PennDOT to develop a new PA or request comments from PennDOT. PennDOT shall have forty-five (45) days to respond with comments.

PROGRAMMATIC AGREEMENT:

An Agreement for Bridge, Roadway and Non-Complex Projects:

FEDERAL HIGHWAY ADMINISTRATION (FHWA)

Alicia Nolan
Division Administrator

Date

PENNSYLVANIA DEPARTMENT OF TRANSPORTATION (PennDOT)

Michael W. Rebert

Michael Rebert, P.E.
Acting Deputy Secretary for Highway Administration

Date

6/15/2023

Bridge and Roadway Programmatic Agreement
Agreement No. 221148


APPROVED AS TO LEGALITY AND FORM

BY 

For Chief Counsel

6/16/2023

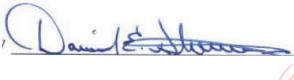
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BY 

Deputy General Counsel

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Date

BY 

Deputy Attorney General

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Stover, Assistant Chief Deputy
Attorney General
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Date

APPENDIX A
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Bridge and Roadway Programmatic Agreement CE Applicability Matrix

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Bridge and Roadway Programmatic Agreement (BRPA)

Applicability Matrix

for Bridge, Roadway and Non-Complex Projects

CEES Package Number:

☐ Project Scoping

☐ Project Evaluation

☐ Project Re-Evaluation (original approval date _____)

Project Information			
MPMS	BMS	BRKEY	SR/Sec
County:	Municipality:	Seg/Offset Start	Seg/Offset End
Project:			
Date of the Scoping Field View:			
Project Description			
Project Purpose			
Why the project is needed? — Project Need(s)			
Description of Activity			
Identify activity from Stipulation 1 of Part A and/or Stipulations 1, 2 and/or 4 of Part B and/or Stipulation 1 of Part C of the PA with a note specifying the activity (ex. Act B2-4 = Part B, Stipulation 2, Activity 4 — Approach slab repair). If the proposed activity is not included in Stipulation 1 of Part A, or Stipulation 1, 2, or 4 of Part B, or Stipulation 1 of Part C, the PA is not applicable. Identify multiple activities, if appropriate.			

Are temporary easements required? <input type="radio"/> Yes <input type="radio"/> No	
Will there be any permanent right-of-way acquisition? <input type="radio"/> Yes <input type="radio"/> No	
Resource Analysis	
<i>Answer YES to indicate that a resource is present. If YES, briefly discuss potential impacts and related commitments to avoid, minimize or mitigate. Attach additional documentation as required to document project impacts and any mitigation measures. Answer NO to indicate that a resource is not present.</i>	
1. Wild or Stocked Trout Streams	<input type="radio"/> Yes <input type="radio"/> No
2. High Quality/EV Streams	<input type="radio"/> Yes <input type="radio"/> No
3. Wetlands	<input type="radio"/> Yes <input type="radio"/> No
4. Federally Proposed, Candidate, or Listed; or State Listed Threatened & Endangered Species	<input type="radio"/> Yes <input type="radio"/> No
5. Agricultural Resources	<input type="radio"/> Yes <input type="radio"/> No
6. Historic Properties or Archaeological Resources	<input type="radio"/> No Adverse Effect or No Historic Properties Affected Standard Treatment (if applicable): <input type="checkbox"/> Meet the requirements of Appendix A of the Section 106 Delegation Programmatic Agreement Exempt Project Activity(s): Individual Making Exemption: Date of Exemption: Exemption Comments:
7. Public Controversy on Environmental Grounds	<input type="radio"/> Yes <input type="radio"/> No
8. Resources protected under Section 4(f)/PA Section 2002. (If an Individual Section 4(f)/PA Section 2002 Evaluation is required (excluding de minimis), this PA does not apply.)	<input type="radio"/> Yes <input type="radio"/> No
9. Water Trails	<input type="radio"/> Yes <input type="radio"/> No
10. Hazardous, Residual, or Municipal Waste Sites	<input type="radio"/> Yes <input type="radio"/> No

11. Regulated floodplain within or beyond the project limits. If there is a significant floodplain encroachment which requires a Floodplain Finding, the PA does not apply.	<input type="radio"/> Yes <input type="radio"/> No
12. Navigable watercourses which require U.S. Coast Guard coordination or a waterway which requires an Aid to Navigation Plan.	<input type="radio"/> Yes <input type="radio"/> No
DEP/USACE Permit Required?	<input type="radio"/> Yes <input type="radio"/> No
Mitigation or other commitments included?	<input type="radio"/> Yes <input type="radio"/> No
The projects identified on this form are in full compliance with the Bridge and Roadway Programmatic Agreement dated 2023, and found not to have significant social, economic or environmental impacts, and therefore qualify as a CE under 23 CFR 771.117(a) and (b).	
Prepared by:	
	Name/Title
Reviewed for Applicability by:	
	Date
Additional Information — Remarks, Footnotes, Supplemental Data	