

Guidelines for Use of the Bridge and Roadway Programmatic Agreement (BRPA)

January 2013

This Bridge and Roadway Programmatic Agreement (BRPA) is a programmatic agreement (PA) intended to address NEPA approval for a majority of the bridge, roadway and non-complex projects that PennDOT undertakes.

Federal Highway Administration (FHWA) regulations contain a list of specific actions and types of actions that normally do not result in significant environmental impacts and are classified as Categorical Exclusion (CE) activities. While some of those activities do not require the submission of any further documentation to FHWA for NEPA approval (23 CFR 771.117(c)), this PA addresses the actions that meet the criteria for a CE but do require the submission of documentation to FHWA. The required documentation must demonstrate that the project meets the specific conditions and criteria to be classified as a CE, and that significant environmental impacts will not result (23 CFR 771.117(d)). This PA, negotiated in partnership with FHWA, serves as the required documentation for certain project actions determined to be CE actions and not have significant environmental impacts.

The BRPA is a formal NEPA approval document that pre-approves projects meeting the outlined stipulations and criteria in the PA.

Applicable Activities

Stipulation 1 of Part A, Stipulations 1, 2, and 4 of Part B, and Stipulation 1 of Part C of the PA define the following authorized activities:

- Roadway rehabilitation and pavement preservation activities (Part A),
- Bridge replacement, rehabilitation, preservation, and removal (Part B), and
- Other non-complex projects (Part C).

Specific activities of these types authorized by the PA are described in detail within the PA.

Projects may involve activities from only one part, or a combination of activities from more than one part, as long as the project meets the following requirements:

- The entire project must have logical termini and independent utility.
- The entire project (consisting completely of PA activity types) must be cleared in its entirety in the same BRPA Applicability Matrix.
- The project description and list of activities must be clearly documented in the BRPA applicability matrix.
- All requirements and limitations specified under the stipulations for each part/activity of a project must apply to that activity. For example, if a project includes both roadway resurfacing (part A) and Americans with Disability Act (ADA) curb ramps (part C), right-of-way cannot be acquired to complete the ADA curb ramps, even though minimal right-of-way may be acquired for the resurfacing. Information to clarify where right-of-way is being acquired, and for what purpose, should be included in the additional information/remarks section at the end of the applicability matrix.

Note that a project cannot be broken up into smaller parts that do not have independent utility and logical termini.

Use one applicability matrix to document a project with logical termini and independent utility. Multiple matrices can be included in a BRPA package in the Categorical Exclusion Expert System (CEES) to accommodate projects grouped in Multimodal Project Management System (MPMS).

Limitations

The PA identifies specific limitations on the type of activities authorized under the PA within the Preamble, Stipulation 2 of Part A, Stipulation 3 of Part B, Stipulation 2 of Part C, and Part D. Those limitations *generally* include, but are not limited to:

1. No adverse effects to resources under Section 106,
2. Does not require the preparation of an individual Section 4(f) evaluation (programmatic 4(f) evaluations and *de minimis* findings are allowed),
3. No adverse impacts to Federal or State Threatened or Endangered Species,
4. Limitations on permanent right-of-way acquisition (temporary easements for construction are also allowed),
5. Permanent wetland impacts shall not exceed 0.05 acres,
6. No reduction in hydraulic capacity,
7. No significant floodplain encroachment, and
8. Widening is generally authorized, but widening cannot exceed 12-feet on each side.

For purposes of this PA, it is assumed that replacement of structures will occur within the same approximate footprint of the existing structure except for any widening that is required.

Documentation

While the documentation requirements for NEPA approval are different for projects where this PA applies, the use of this PA does not alter the engineering and environmental (E&E) scoping process. Potential projects must be documented via a scoping process in accordance with applicable PennDOT requirements. All relevant resources and features must be considered, and a scoping field view must be held in accordance with applicable PennDOT procedures. Users document project scoping in the CEES using the current scoping form or format.

The use of this PA requires the collection of traditional engineering and environmental data to support the design process. Traditional data includes natural resources studies (wetlands, streams, water quality, threatened and endangered species, etc.), cultural resource studies (historic structures, archaeology), and socioeconomic resources evaluation (community services/facilities, parks, agricultural resources, etc.); as well as engineering design components.

Once that data has been collected and analyzed, and the preliminary design completed, complete the “Bridge and Roadway Programmatic Agreement Applicability Matrix” (appendix A of the PA). The CEES has been modified to record and report projects approved under this PA. To create BRPA packages, select the “Bridge and Roadway Programmatic Agreement” option in the classification field on a new package document. Enter other relevant data such as Federal Project Number (FPN) and MPMS information before clicking the “Generate” button.

Once the package is generated, one or more BRPA applicability matrix forms are created. An applicability matrix form will automatically be created for every structure and roadway associated with every MPMS project within the BRPA package.

For projects with logical termini and independent utility that consist of multiple activities from one or more parts of the PA (i.e. a project on a single stretch of roadway including both roadway and bridge work), document the project (and all its activities) within one single BRPA applicability matrix.

Use multiple BRPA applicability matrices for projects that have their own individual logical termini and independent utility, but that are grouped together as single MPMS “projects.” For example, an MPMS project with three bridge replacements located in different areas of a county requires three separate BRPA applicability matrices, since each bridge replacement has its own logical termini and independent utility.

The applicability matrix poses a series of questions related first to the scope of the work and second to the potential impacts of the project. A completed applicability matrix serves as documentation that the proposed activity is in fact consistent with the requirements of the PA.

Complete the project information and project description sections of the applicability matrix by including the following:

- Specific action(s) being proposed from the lists of activities in the PA (Part A Stipulation 1, Part B Stipulations 1, 2 and/or 4 and/or Part C Stipulation 1),
- Limits of work,
- Scoping field view date,
- Project purpose and project need(s);
- Written narrative of the proposed activity(s); and
- Any anticipated need for temporary easements or permanent right-of-way acquisition.

The part, stipulation, and subcategory and its description (ex. Act B2-4 Approach slab repair) must be provided in the “Description of Activity” field. If there are multiple activities, clearly document all included activities.

The resource analysis section of the applicability matrix focuses on specific resource impacts of the proposed action(s). All proposed projects authorized under the PA are categorical exclusion (CE) level actions and therefore shall have no significant impacts. For each listed resource, indicate “yes” if the resource is present and “no” if it is not present. (For historic properties or archaeological resources, indicate either “No Adverse Effect or No Historic Properties Affected” (noting the standard treatment, if applicable) or that the project will “meet the requirements of Appendix C of the Section 106 Delegation Programmatic Agreement”, noting the requested information regarding the exemption.)

If potential impacts will result from the project, briefly discuss the impacts and related commitments to minimize or mitigate. Attach additional documentation as required per the “*What are required attachments for packages?*” FAQ in the CEES to document impacts and any mitigation measures. Maintain any other supporting studies conducted and/or documentation prepared such as wetland delineation reports, Section 106 documentation, threatened and endangered species coordination, etc. in the technical support data file. For specific guidance on whether a Pennsylvania Natural Diversity Inventory (PNDI) search is required for a project, refer to Section III-B of the Threatened and Endangered Species Desk Reference (Publication 546).

The individual(s) responsible for preparing the forms shall be identified in the “Prepared By” section.

Processing

Like all other CEES forms, complete and verify the package and associated documents online. Include relevant supporting documentation as attachments as required per the “*What are required attachments for packages?*” FAQ in the CEES. When the matrix (or matrices) is complete, submit the package in the CEES, and the associated district environmental manager (EM) or designee (as defined in the administrative conditions of the PA) receives an email notifying him or her that the package is available for their review.

Upon completion of the form, the EM (or designee) reviews the information to ensure compliance with the terms and conditions of the PA and to independently verify that the project:

- Does not result in significant environmental impacts,
- Does not result in substantial controversy on environmental grounds,
- Does not have significant impacts on properties protected by Section 4(f), and
- Does not result in any inconsistencies with any Federal, state or local law, requirement or administrative determination.

The EM (or designee) can request revisions if necessary. Once the EM (or designee) is satisfied that the project as documented is appropriate under this PA, he or she “approves” the package using the “Mark as Applicable” button. The CEES then permanently archives the package, making it available to the public.

The EM’s (or designee’s) concurrence that the project meets the stipulation and criteria of the BRPA constitutes NEPA approval for the proposed activity. Although the date of the approval of the PA (October 9, 2012) shall be listed as the formal NEPA approval date for the project, the applicability concurrence date is the date that the CEES automatically sends to ECMS for the project development checklist.

Any questions regarding the use or applicability of the PA should be directed to the PennDOT Environmental Policy and Development Section.