

Preliminary Engineering (PE)

- Engineering Study ✓
- **Preliminary Design**
- Final Design / PS&E
- Bid Phase



Section #15

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1



Preliminary Design

Prior to beginning

- Engineering Study approved by NHDOT ✓
- Scope, Schedule, and Budget updated ✓
- **"Received Authorization to Start"**
Preliminary Design ✓



or "RATS" work is ineligible!!

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2



8 Preliminary Design Steps

- 1) Perform and submit Environmental Study & requested classification
- 2) Determine Municipal Separate Storm Sewer System (MS4) and Limited Reuse Soil (LRS) requirements
- 3) Coordinate Utility Relocations
- 4) Refine Plans and Cost Estimate of the Proposed Action



3



8 Steps Continued

- 5) Document Design Exceptions and Deviations
- 6) Review project with Traffic Control Committee
- 7) Submit preliminary design documents for NHDOT review and approval
- 8) Conduct public hearing for eminent domain, if necessary



4


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Step #1 – Perform and Submit Environmental Study and Classification

NEPA basics:

- NEPA – National Environmental Policy Act
- All projects get **“Classified”**
- Most LPA Projects get classified as a **“Categorical Exclusion”**
- Results in an **Environmental Document** and **Commitments** that must be followed to build your Proposed Action

Section #17






5

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Environmental Study and Classification

- NEPA requires a review of the effects of all Federal Actions:
 - Federally Funded Projects
 - Federally Assisted Projects
 - Federally Licensed Projects



- The level of review varies based on Proposed Action and Resources Effected

Section #17




6

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Environmental Study and Classification

NEPA:



Federal Laws

- National Historic Preservation Act
- Endangered Species Act
- Clean Water Act
- Land & Water Conservation Fund
- Coastal Zone Management Act
- Others

State Laws

- Native Plant Protection Act
- Dredge & Fill in Wetlands
- Endangered Species Conservation Act
- Shoreland Water Quality Protection Act
- Others

Interdisciplinary Approach

Section #17



7

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Environmental Study and Classification

The environmental process...

Engineering Study

Preliminary Design

- Contact Affected Groups ✓
- Identify the Resources ✓
- Identify the Purpose and Need ✓
- Involve the Public / Stakeholders ✓
- Identify & Begin Vetting Proposed Action ✓
- **Determine Project Classification**
- **Satisfy Resource Agencies / FHWA**
- **Submit Environmental Document**
- **Receive NEPA Commitments Memo**


***NEPA shall be completed before Final Design**



8

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Environmental Study and Classification



Project Classifications:

- Environmental Impact Statement (EIS)
- Environmental Assessment (EA)
- **Categorical Exclusion (CE)**
 - **Individual Categorical Exclusion**
(25%)
 - **Programmatic Categorical Exclusion**
(75% LPA projects)

Section #17




9

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Environmental Study and Classification


Programmatic Categorical Exclusion

- Most common LPA classification (**75%**)
- Called: "**Programmatic CE**"
- Projects with history of **not** having **significant** environmental impacts
- There is a list of **39 "activities"** that can qualify as Programmatic
- New activity just added: Electric Vehicle Charging Stations



39 Activities listed in LPA Handouts, as well as On-Line at:
<https://www.dot.nh.gov/projects-plans-and-programs/programs/environmental-management-system/project-management-section>

Section #17




10

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Env. Study & Classification

Use Determination Form to classify your project


- Called: Categorical Exclusion Programmatic Determination Checklist Form
- The completed form becomes your Environmental Document w/ attachments
- **16** yes/no question checklist
- **All Answers "No" = Programmatic CE**



Programmatic Determination Checklist Form in LPA Handouts, as well as on-line at:

<https://www.dot.nh.gov/projects-plans-and-programs/programs/environmental-management-system/project-management-section>

Section #17



11


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Environmental Study and Classification

Individual Categorical Exclusion

- Approx. **25%** of LPA Projects
- **Answered Yes** to one or more of the 16 questions on the **Programmatic Determination Checklist Form**
- **Requires an Individual Categorical Exclusion including an alternatives analysis and written narrative**
- Still step wise NEPA process
- Needs FHWA concurrence and approval
- Example: adverse impact to a historic property

Section #17



12

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Env. Study & Classification

Programmatic CE Determination Checklist Form

State of New Hampshire – Department of Transportation

CATEGORICAL EXCLUSION PROGRAMMATIC DETERMINATION CHECKLIST

Action/Project Name: Project Name CITY or TOWN

Federal Project Number: Federal Project Number

State Project Number: #####

CE Action Number: ##

Description of Project: DETAILED DESCRIPTION SHOULD INCLUDE:
Project description

Project Limits,

Project Location,

Purpose & Need,

Design Parameters, and

Any other special considerations

Section #17

13

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Env. Study & Classification

16 Question Checklist

State of New Hampshire – Department of Transportation

CATEGORICAL EXCLUSION PROGRAMMATIC DETERMINATION CHECKLIST

Action/Project Name: _____

Federal Project Number: _____

Description of Project: _____

State Project Number: _____

CE Action Number: _____

PROGRAMMATIC CATEGORICAL EXCLUSION (CE) CRITERIA¹

	NO	YES
1 Right of Way – Does the proposed action result in any residential or non-residential displacements, or acquisition of property rights to an extent that impairs the functions of the affected property? Does the proposed action include acquisition of land for landbank or protected purposes?	<input type="checkbox"/>	<input type="checkbox"/>
2 Traffic – Does the proposed action result in capacity expansion of a roadway by addition of through lanes?	<input type="checkbox"/>	<input type="checkbox"/>
3 Temporary Access – Does the proposed action involve the construction of temporary access, or the closure of existing road, bridge, or ramps that would result in major traffic disruptions? Does the proposed action involve changes in access that pertain to interstate highways, or that have wide-reaching ramifications?	<input type="checkbox"/>	<input type="checkbox"/>
4 Cultural Resources – Does the proposed action have an Adverse Effect on historic properties pursuant to Section 106 of the National Historic Preservation Act?	<input type="checkbox"/>	<input type="checkbox"/>
5 Section 4(f) – Does the proposed action require the use of any property protected by Section 4(f) of the 1968 USCOA Act, that cannot be documented with an adequate impact determination, or a programmatic Section 4(f) evaluation, other than the programmatic evaluation for the use of historic bridges?	<input type="checkbox"/>	<input type="checkbox"/>
6 Section 4(f) Conservation Programs – Does the proposed action require the acquisition of any land under the protection of Section 4(f) of the Land and Water Conservation Act of 1965, or other publicly funded conservation areas?	<input type="checkbox"/>	<input type="checkbox"/>
7 Wetlands/Stream/Waterways – Does the proposed action require an Army Corps of Engineers Individual Permit pursuant to the Clean Water Act, and/or a Section 10 permit pursuant to the Rivers and Harbors Act of 1897?	<input type="checkbox"/>	<input type="checkbox"/>
8 US Coast Guard – Does the proposed action require a US Coast Guard bridge permit?	<input type="checkbox"/>	<input type="checkbox"/>
9 Exceedance/Exceedance – Does the proposed action encroach on the regulatory floodway of water courses or water bodies, resulting in more than a minimal increase in bank flood elevation? Does the proposed action have a significant or adverse impact on floodplain, stream, or create a significant risk to them, the property?	<input type="checkbox"/>	<input type="checkbox"/>
10 Water Quality – Does the proposed action have more than a negligible impact on water quality?	<input type="checkbox"/>	<input type="checkbox"/>
11 Wild and Scenic Rivers – Does the proposed action require construction in, across, or adjacent to a river designated as a component of, or proposed for inclusion in, the National System of Wild and Scenic Rivers?	<input type="checkbox"/>	<input type="checkbox"/>
12 State – Is the proposed action a Type I Highway project?	<input type="checkbox"/>	<input type="checkbox"/>
13 Endangered Species – Is the proposed action likely to adversely affect species or critical habitat of species protected by the Endangered Species Act, or result in impacts subject to the conditions of the Bald and Golden Eagle Protection Act?	<input type="checkbox"/>	<input type="checkbox"/>
14 Air Quality – Is the project inconsistent with the State Implementation Plan in air quality non-attainment areas, or the Statewide Transportation Improvement Program, or, in applicable urbanized areas the Transportation Improvement Program?	<input type="checkbox"/>	<input type="checkbox"/>
15 Coastal – Is the project inconsistent with the State's Coastal Zone Management Plan?	<input type="checkbox"/>	<input type="checkbox"/>
16 CEM – Are there any other major issues of concern that would benefit from a more detailed discussion?	<input type="checkbox"/>	<input type="checkbox"/>

¹ If the answer to all of the above questions is "NO" the proposed action qualifies for classification as a Programmatic Categorical Exclusion.
 If the answer to any of the above questions is YES, the proposed action does not qualify for classification as a Programmatic Categorical Exclusion.

Section #17

14

7

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Env. Study & Classification

Programmatic CE Form discussion section

DETAILED DISCUSSION OF PROGRAMMATIC CE CRITERIA

1a & 1b. Air Quality – Is the proposed action a non-CMAQ project requiring a conformity determination? A conformity determination is not required as the project is consistent with the projects listed in Table 2 of 40 CFR 93.126.

2. Cultural Resources – Does the proposed action have an adverse effect on properties eligible for or listed in the National Register of Historic Places? No. The project was determined to have [effect] on historic resources. Detail any stipulations conditioning the effect memo from SHPO.

3. Endangered Species – Does the proposed action affect species and critical habitat of species protected by the Endangered Species Act, as determined through consultation with USFWS, NHR&S, and/or NHR&S, as appropriate. The work will not affect species and/or critical habitat of species protected by the Endangered Species Act, as no work will be completed within wetlands, wetlands or require removal of vegetation.

4. Floodways – Does the proposed action [affect] on the regulatory floodway of water courses or water bodies. No. No work will be completed within wetlands or floodways.

5. Noise – Is the proposed action a Type I highway project? No.

6a & 6b. Right-of-Way – Does the proposed action require the acquisition of residences or businesses? No.

7. Section 4(f) – Does the proposed action require the use of any property protected by Section 4(f) of the 1966 USDOT Act, other than that for which a de minimis impact finding has been made? No. There will be no encroachment or acquisition from property considered historic, publicly-owned (state, park, or fish and wildlife refuges).

8. Section 6(f) – Does the proposed action require the use of any property protected by Section 6(f) of the L&WCP Act? No. Based on consultation with the Department of Resources and Economic Development there will be no Section 6(f) properties impacted, either permanently or temporarily, during construction.

9. Water Quality – Does the proposed action have more than a negligible impact on surface waters? No. There are no wetlands within 1 mile of the project area listed on the 2003 list as available through the Department of Environmental Services website. OR The project area lies within one mile of an impaired water as listed with the Department of Environmental Services. However, the proposed project will not further impair the area for the listed pollutants.


10. Wetlands – Does the proposed action require an Army Corps of Engineers Individual Permit? No. There will be no surface waters or wetlands impacted by the construction of this project.

11. Other – Do any of the above conclusions benefit from more detailed explanation or are there other issues of concern? No.

- Fill in additional information
- Demonstrate understanding of issues
- Allows NHDOT/FHWA to complete approval process

Guidance Document in handouts

Section #17



15

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Env. Study & Classification

Checklist form – List of Exhibits


State of New Hampshire – Department of Transportation

Exhibits

Exhibit 1 – Location Map
 Exhibit 2 – USGS Topographic Map
 Exhibit 3 – Traffic Data
 Exhibit 4 – No Adverse Effect Memo
 Exhibit 5 – NH Natural Heritage Bureau Memo
 Exhibit 6 – NH Natural Heritage Bureau correspondence
 Exhibit 7 – NH Division of Parks and Recreation Memo
 Exhibit 8 – Surface Water Requirements
 Exhibit 9 – Conservation Land Stewardship Program correspondence
 Exhibit 10 – Land & Water Conservation Fund correspondence
 Exhibit 11 – Office of Energy & Planning correspondence
 Exhibit 12 – White Mountain National Forest correspondence
 Exhibit 13 – Pennigewasset River Local Advisory Committee correspondence
 Exhibit 14 – Conference Report – Dept of Resources & Economic Development
 Exhibit 15 – Meeting Report – White Mountain Environment Committee
 Exhibit 16 – D&S Memorandum of Agreement Cover Sheet
 Exhibit 17 – Photographs
 Photo A – Franconia North State Park sign on southbound barrel
 Photo B – Typical metal pipe and MSM header
 Photo C – Typical MSM signpost
 Photo D – Stone retaining wall along Pennigewasset River
 Photo E – Stone dam
 Photo F – Stone retaining wall along southbound barrel (view S) and bike path/river/mobile trail adjacent to Echo Lake
 Photo G – Computer rendering of proposed 3-foot snow fence at Echo Lake
 Photo H – Typical two lane section of the Parkway (view N)
 Photo I – Existing three beam median guardrail in typical two lane section (view N)
 Photo J – Existing three beam median guardrail in typical two lane section (view N)
 Photo K – Typical condition of existing three beam median guardrail
 Photo L – Computer rendering of proposed NoGuard-31 median guardrail
 Photo M – Existing curb and drain
 Photo N – Computer rendering of proposed shoulder without curb
 Photo O – Location of proposed chain link snow fence (view N)
 Photo P – Existing chain link snow fence

- Location map
- Section 106 memo
- NHHNB memo
- USF&WS memo
- FIRMETTE and/or NHOEP memo
- Section 6(f) memo
- Contamination review
- Photographs
- Plans

Section #17



16



Environmental Study and Classification

Programmatic CE Question #1 - Right-of-Way

Does the proposed action result in any residential or non-residential displacements or acquisition of property rights to an extent that it impairs the functions of the affected property?

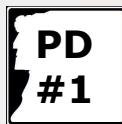


Does the proposed action include acquisition of land for hardship or protective purposes?

Section #17



17



Environmental Study and Classification

Right-of-Way Guidance

To qualify for Programmatic CE:

- "Proposed Action" cannot require the acquisition of residences or businesses, and
- Project acquisitions or permanent easements cannot impair the function of the property
- Need to determine and document impacts

Section #17



18


PD
#1

Environmental Study and Classification


Programmatic CE Question

#2 - Traffic

Does the proposed action result in capacity expansion of a roadway by addition of through lanes?



Section #17




19

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Environmental Study and Classification

Traffic Guidance

- A project resulting in capacity expansion of a roadway by the addition of through lanes will be disqualified as a Programmatic CE



Section #17



20

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Environmental Study and Classification


Programmatic CE Question

#3 – Roadway Access

Does the proposed action involve the construction of temporary access, or the closure of an existing road, bridge, or ramps that would result in major traffic disruptions?

Does the proposed action involve changes in access that pertain to interstate highways, or that have wide-reaching ramifications?

Section #17



21

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Environmental Study and Classification

Roadway Access Guidance

Major traffic disruptions (disruptions beyond normal project conditions) are defined on a case by case basis in consultation with NHDOT and FHWA

Most LPA projects are not going to have major traffic disruptions

Section #17



22



Environmental Study and Classification

Programmatic CE Question

#4 - Cultural Resources

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



Section #17



23



Environmental Study and Classification

Cultural Resource Guidance

- Some LPA projects may not need Cultural Resource Agency review
- NHDOT Bureau of Environment can review and process certain types of projects with minimal or no potential to cause effects to historic resources

Section #17



24

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Environmental Study and Classification

What kinds of projects/actions?

- "Appendix A and Appendix B Undertakings" listed in the Section 106 Programmatic Agreement
- Some Post 1945 Bridges / Culverts

Handout: SHPO Section 106 Programmatic Process and Post 1945 Guidance

Section #17




25

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Environmental Study and Classification


Cultural Resources Guidance:

- Submit Request for Project Review (RPR) ✓
- Attend Cultural Resource review ✓
- Determine Area of Potential Effect (APE)
- Determine your projects effect
 - 1) No historic properties affected?
 - 2) No adverse affect? or
 - 3) Adverse affect?



This is an FHWA decision with SHPO concurrence

Section #17




26



Environmental Study and Classification

Cultural Resources Guidance Continued

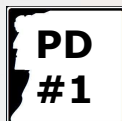
- Sponsor fills out **LPA Effects Memo** 
- Discusses project effect
- Discusses commitments to mitigate effects
- FHWA and Sponsor sign memo
- Represents cultural resource approval
- Required to move project forward
- Adverse Effect = Yes = Individual CE

Copy of Effects Memo in handouts

Section #17



27



Environmental Study and Classification

Programmatic CE Question

#5 – Section 4(f)

Does the proposed action require the use of any property protected by **Section 4(f)** of the 1966 USDOT Act, other than a *de minimis* impact determination?



Section #17





28

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Environmental Study and Classification

Section 4(f) Resources are:

- Publicly owned public parks and recreation areas
- Fish & waterfowl/wildlife refuges
- National Register listed/eligible historic properties

Section #17



29


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Environmental Study and Classification

Section 4(f) Guidance

- Consult with Local, State and/or Federal Agencies involved with 4(f) resources in your project area
- Consult during Monthly Cultural and/or Natural Resource Agency Meetings
- The specific 4(f) resource and the impacts to it from the proposed action will need to be vetted to determine impacted or not

Section #17




30

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Environmental Study and Classification

Programmatic CE Question
#6 – Section 6(f)

Does the proposed action require the acquisition or conservation of any land under the protection of Section 6(f) of the Land and Water Conservation Act of 1965?



Section #17




31

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Environmental Study and Classification

Section 6(f) Guidance

- Section 6(f) Lands are administered through the **NH Department of Natural and Cultural Resources (Formally DRED)**
- Consult with them to determine if 6(f) lands are involved in your project area



Section #17



32



Environmental Study and Classification

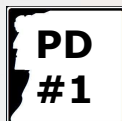
Other Publicly Funded Area Guidance

- Contact the Stewardship Specialist at the NH Conservation Land Stewardship (CLS) Program and the Executive Director at the Land and Community Heritage Investment Program (LCHIP)



Section #17 New Hampshire DOT
Department of Transportation

33



Environmental Study and Classification

Programmatic CE Question

#7 – Wetlands & Surface Waters

Does the proposed action require an Army Corp of Engineers Individual Permit?

and/or

A section 10 permit pursuant to the Rivers and Harbors Act of 1899?



Section #17

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Department of Transportation

34



Environmental Study and Classification

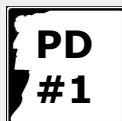
Wetlands Guidance

- Perform wetland delineation
- Determine amount and type of wetland impacts
- If jurisdictional wetland impacts are 3 acres or greater, then an Army Corp of Engineers Individual Permit is required

Section #17



35



Environmental Study and Classification

Rivers and Harbors Guidance

- Proposed actions conducted below the ordinary high water (OHW) elevation of navigable waters need to be permitted by Army Corp
- Natural Resource Coordination Meetings can be utilized to help determine permit thresholds and mitigation requirements

Section #17



36



Environmental Study and Classification

Programmatic CE Question

#8 – US Coast Guard

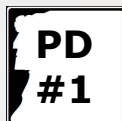
Does the proposed action require a US Coast Guard bridge permit?



Section #17

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DOT
Department of Transportation

37



Environmental Study and Classification

US Coast Guard Guidance

- Alteration or replacement of bridges over navigable waters may require a Bridge Permit from the Coast Guard
- If the Coast Guard confirms that a Bridge Permit is required, then the action does not qualify for a programmatic CE

See handout for definition of navigable waters

Section #17

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DOT
Department of Transportation

38

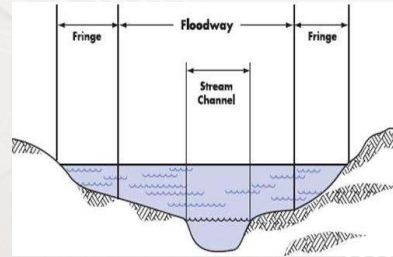


Environmental Study and Classification

Programmatic CE Question

#9a - Floodways

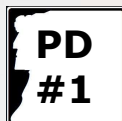
Does the proposed action encroach on the regulatory floodway of water courses or water bodies, resulting in more than a nominal increase in base flood elevation?



Section #17

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DOT
Department of Transportation

39



Environmental Study and Classification

Floodway Guidance

- Review Flood Maps to determine if action is located in regulatory floodway
- If so, perform hydraulic analysis and determine rise in flood elevation
- Generally rise < 1 foot qualifies for Programmatic CE

Section #17

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DOT
Department of Transportation

40

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Environmental Study and Classification

Programmatic CE Question
#9b - Floodplains

Does the proposed action have a significant or adverse impact on floodplain values, or create a significant risk to human life or property?

Source: NFIP Guidebook, FEMA

Section #17

41

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Environmental Study and Classification

Floodplain Guidance

- Review National Flood Insurance Program Maps
- Consult Local, State, and Federal entities relative to floodplain management programs and required analysis
- Discuss at Natural Resource Agency monthly meetings

Section #17

42


PD
#1

Environmental Study and Classification


Programmatic CE Question

#10 – Water Quality

Does the proposed action have more than a negligible impact on water quality?



Section #17



43


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Environmental Study and Classification

Water Quality Guidance

- Look for both surface water and ground water resources
- Review at Natural Resource Agency monthly meeting
- Consult with NHDES about sensitive water resources
- Follow Municipal Separate Storm Sewer System (MS4), Alteration of Terrain (AOT) and National Pollutant Discharge Elimination System (NPDES) requirements

Section #17



44



Environmental Study and Classification

Programmatic CE Question #11 – Wild and Scenic Rivers

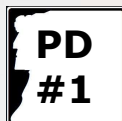
Does the proposed action require construction in, across, or adjacent to a river designated as a component of, or proposed for inclusion in, the National System of Wild and Scenic Rivers?



Section #17



45



Environmental Study and Classification

Wild & Scenic River Guidance

- Lamprey River and Wildcat River
- If a project will impact the channel or banks of a W&S River or the channel or banks of a river below, above, or on a stream tributary to a W&S River, then the action will not qualify for Programmatic CE approval

Section #17



46


PD
#1

Environmental Study and Classification


Programmatic CE Question

#12 -Noise

Is the proposed action a Type I highway project?



Section #17



47

PD
#1


Environmental Study and Classification

NOISE Guidance

To qualify for a **Programmatic CE**, the propose action must **not** be a **Type I** project which would consist of the following:

- Construction of a new highway
- Substantial alteration to vertical or horizontal alignment
- Addition of through lanes

Section #17



48



Environmental Study and Classification

Programmatic CE Question

#13 - Endangered Species

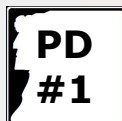
Is the proposed action likely to adversely affect species or critical habitat of species protected by the Endangered Species Act, or result in impacts subject to the conditions of the Bald and Golden Eagle Protection Act?



Section #17

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49



Environmental Study and Classification

Endangered Species Guidance

- Check New Hampshire Natural Heritage Bureau (NHB), US Fish and Wildlife (USFWS), and Information Planning and Conservation System (IPAC) Websites
- If positive, then further coordination will be necessary



Section #17

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Department of Transportation

50


PD
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Environmental Study and Classification


Programmatic CE Question

#14 - Air Quality

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



Section #17



51

PD
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Environmental Study and Classification

Air Quality Guidance:

To be a Programmatic CE

- Project must be listed in the STIP -Statewide Transportation Improvement Plan
- Project must not be listed as "regionally significant" in the STIP

Section #17



52



Environmental Study and Classification

Programmatic CE Question

#15 - CZMA

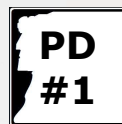
Is the project inconsistent with the State's Coastal Zone Management Plan?



Section #17



53



Environmental Study and Classification

Coastal Zone Guidance:

- Proposed Actions in coastal communities may require a federal consistency review as determined by coastal program consistency coordinator at NHDES
- If so, an intergovernmental review process is coordinated thru the Grants and Compliance section of the Office of Energy and Planning (OEP)
- Other permits may cover these requirements

Section #17



54

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#1

Environmental Study and Classification

Programmatic CE Question


#16 - Other


Are there any unusual circumstances that would require additional environmental studies to determine if the action would qualify for processing programmatically?

For Example:

- Substantial environmental controversy?,
- Inconsistency with other environmental requirements?, or
- Significant sources of contamination?

Section #17





55

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#1

Environmental Study and Classification


Question #16 Other Guidance

Typical "Other" Items to mention:

- Public Opposition
- NH Designated River
- Lakes Management Program
- Comprehensive Shore Land Protection Act (CSPA)
- Certain population groups next slide

Usually do not end up being answered as "yes"
(ie: remain programmatic)

Section #17




56

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Env. Study & Classification


Environmental Justice Populations

- Elderly
- Minority
- Low Income
- Disabled
- Limited English Proficiency



Request analysis from NHDOT, may need additional public outreach

Section #17



57

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Env. Study & Classification

Environmental Justice Populations

Reunión de Vecinos
Reinventando Sheehan-Basquil Park

¡Acompañenos!

16 de Noviembre a las 1:30 de la tarde
En la
Escuela Beech Street

Esta reunión esta tomando lugar para motivar miembros de la comunidad a hablar sobre sus necesidades y deseos mientras *Reinventamos* lo que este parque puede ser para nuestra comunidad.

¿No puede acompañarnos? Tome nuestra encuesta: <https://www.surveymonkey.com/r/SPManchester>
Dirija sus preguntas a Nichole Davis o ndavis@hoptinnet.com

Neighborhood Meeting
Reimagine Sheehan-Basquil Park


Join Us

November 16, 2019 at 1:30pm
at the
Beech Street School

This meeting is being held to encourage community members to discuss their needs and wants as we all *Reimagine* what this park can be for our community.

Can't Join Us? Take our survey: <https://www.surveymonkey.com/r/ManchesterSP>
Direct Questions to Nichole Davis at ndavis@hoptinnet.com

Section #17



58

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Submit Environmental Study for NHDOT Review and NEPA Approval

Completed Determination Form

16 answers all "NO" = Programmatic CE
or
1 or more answers "Yes" = Individual CE

**This requires an Individual Categorical
Exclusion including an alternatives analysis
and written narrative**

Section #17

**KEEP
CALM**
It's Not
**Finished
Yet**

59

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Submit Environmental Study for NHDOT Review and NEPA Approval

Add environmental commitments

Commitments need to:

- Be Tracked
- Use the word **"SHALL,"** not "should" or "will"
- **Come from the NEPA process**

Section #17

60



Submit Environmental Study for NHDOT Review and NEPA Approval

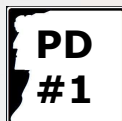
Example Cultural Commitment

*"All work within 25 feet of the cemetery, exclusive of work within the footprint of the existing roadway, **shall** be monitored by a 36 CFR 61 qualified archaeologist"*

Section #17



61



Submit Environmental Study for NHDOT Review and NEPA Approval

Example public input commitment

"One lane in each direction shall remain open to the travelling public Monday thru Friday during the hours of 3pm to 6pm to help facilitate school buses and higher traffic volumes in the weekday afternoons"

Section #17



62


**PD
#1**

Submit Environmental Study for NHDOT Review and NEPA Approval

NHDOT review timelines

- **Programmatic CE:** 1-2 Weeks
- **Individual CE:** 2-3 Weeks
(Requires review and approval by FHWA)
- Programmatic 4(f): 3-4 Weeks
- Full 4(f): 14-16 Weeks
(Requires US Dept. of Interior Review)



Section #17




63

**PD
#1**

Submit Environmental Study for NHDOT Review and NEPA Approval


Final Product – NEPA Complete Memo

- NHDOT Bureau of Environment will issue a NEPA Complete Memo to NHDOT Project Manager
- We send copy to Sponsor and consultant (both keep copy)
- Memo will be needed later prior to bidding project (PS&E Stage)



*** NEPA shall be completed before Final Design**

Section #17




64

**PD
#2**

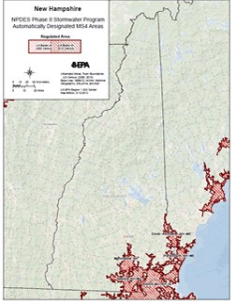
Step #2 – Determine Municipal Separate Storm Sewer System (MS4) and Limited Reuse Soil (LRS) requirements



MS4 Requirements

Certain Areas of the State have additional storm water regulations.



<https://www.epa.gov/npdes-permits/regulated-ms4-new-hampshire-communities>



65


**PD
#2**

Determine MS-4 and LRS Requirements

The 4 questions of MS-4 (If you don't count the map question)

- 1) Is project located within the State Right-of-Way?
- 2) Does project have a point source discharge?
- 3) Does point source discharge to "Waters of the US" (WOTUS)?
- 4) Is impervious area of point source greater than 1 acre?

MS-4 Process Flow Chart is in the Handouts




66

**PD
#2**

Determine MS-4 and LRS Requirements

The 4 questions of MS-4:

- **If yes to all 4 questions....then:**
 - 1) NHDOT needs to be aware – it affects our permit with NHDES (Environmental Services)
 - 2) Stormwater treatment will likely be required at the point source discharges location(s)
 - 3) Determine potential right-of-way needs for stormwater treatment locations.
 - 4) Later develop a stormwater treatment “Technical Memo” for NHDOT review in Final Design
- If **no** to **any** of the 4 questions, then just mention in the NEPA document – not applicable



67


**PD
#2**

Determine MS-4 and LRS Requirements

NHDOT Limited Reuse Soil (LRS) Definition

Transportation corridor soils that commonly containing metals and polycyclic aromatic hydrocarbons at concentrations above naturally occurring background conditions

2019 LRS Presentation in Handouts



68



Determine MS-4 and LRS Requirements

NHDOT Limited Reuse Soil (LRS) Areas

Soils currently managed as **LRS** by the Department include **all topsoil** within the limits of the existing right-of-way (ROW) under its control, regardless of its depth. In those instances where there is no measurable topsoil, **LRS** will be measured from the top of ground to a depth of six (6) inches. In addition, street wastes (material generated through street sweeping, catch basin clean outs and ditching), asphalt millings, and reclaimed asphalt are **LRS**

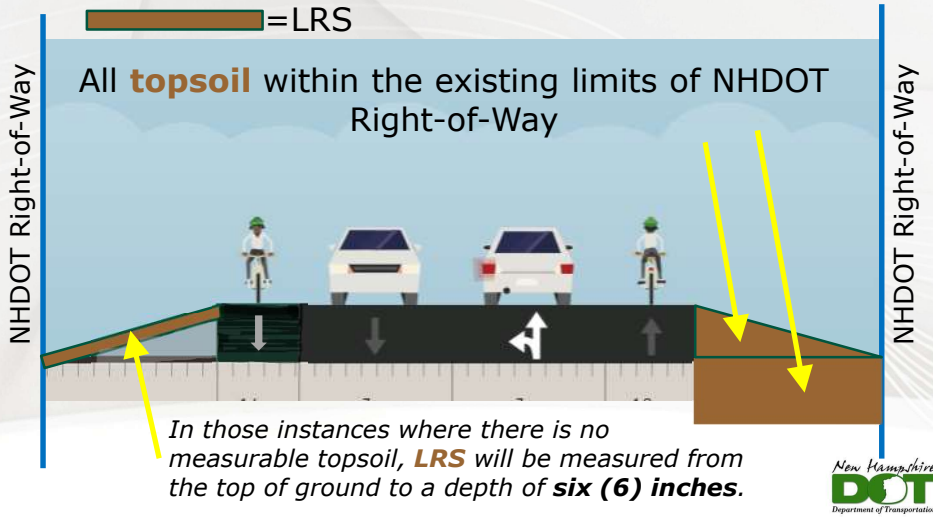


69



Determine MS-4 and LRS Requirements

NHDOT Limited Reuse Soil (LRS) Areas



70


**PD
#2**

Determine MS-4 and LRS Requirements

LRS is NOT:

- Point source contamination
- Material under existing pavement
- Material underwater
- Considered during clearing/grubbing (*de minimis* generation activities)



71


**PD
#2**

Determine MS-4 and LRS Requirements


Is LPA project in State Right-of-Way or a Class 4 Urban Compact Section?

If Yes:

- Determine approximate quantity of **LRS**
- Determine **LRS** stockpile locations (**LRS needs to be kept in existing Right-of-Way footprint**)



Tomorrow's Final Design Presentation will provide an example and cover documentation needed for **LRS** including a **Soil Management Plan**



72



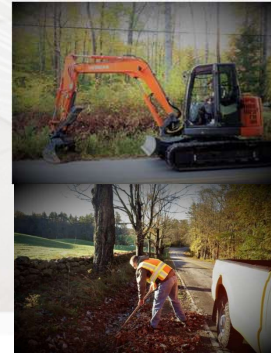
Determine MS-4 and LRS Requirements

Some activities qualify as **LRS "De-Minimis"** activities?

Examples

- Installation of guardrail
- Grubbing activities
- Soil not stockpiled overnight
- Re-used & stabilized within the same day

If you only have **De-Minimis LRS** activities on LPA project, that will reduce the soil management documentation requirements covered tomorrow in Final Design



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73



Step #3 – Coordinate Utility Relocation



Section #20

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74



Step #3 – Coordinate Utility Relocation

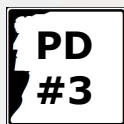
- Determine if utilities need to be relocated and who pays?
- Determine if work will be part of the LPA construction contract
- Determine timelines needed



Section #20



75



Step #3 – Coordinate Utility Relocation

Rules and Policies

- There are **rules and policies** in place for the relocation of utilities based on **type of ownership** and **type of right-of-way**
- See **Section 20** of the **LPA Manual**
- See **NHDOT Utility Accommodation Manual (UAM)**



Section #20



76



Step #3 – Coordinate Utility Relocation

Utility Accommodation Manual (UAM)

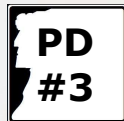
- **UAM** discusses minimum requirements for location, installation, adjustments and maintenance of utilities
- Section 16 of UAM lists situations that qualify for reimbursement (see handout)
- NHDOT Policy to not participate in the burying of aerial utilities for aesthetics

Section #20



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77



Step #3 – Coordinate Utility Relocation



Utility conflicts can:
cause delay,
be costly,
or even
deadly!

Section #20

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78

**PD
#3**

Step #3 – Coordinate Utility Relocation

Railroads

Many Combinations of Ownership and Operators:

- Private
- State
- Abandoned



Section #20




79

**PD
#3**


Step #3 – Coordinate Utility Relocation

Railroad Coordination

- Coordinate thru your NHDOT PM
- State Owned/Managed RR corridors and Privately Owned/Operated RR corridors typically involve NHDOT Bureau of Rail and Transit
- **Entering a rail corridor without permission is trespassing – Temporary Use Agreements are required**



Section #20



80

**PD
#3**

Step #3 – Coordinate Utility Relocation

Typical RR Projects:

- Active railroad crossing thru your project (CSX, Amtrak, etc...)
- Active railroad with trail nearby
- Abandoned Rail Trail / Multi-Use Paths

NHDOT owns most abandoned rail corridors

**Dept. of Nat & Cult Resources
Manages most abandoned rail corridors**




Section #20






81

**PD
#4**


Step #4 – Refine Proposed Action

Incorporate comments from:

- Engineering Study Review 
- Public Input Process 
- NEPA Process 

**The NEPA process may end up
modifying your previous Engineering
Study "Proposed Action"**

Section #15



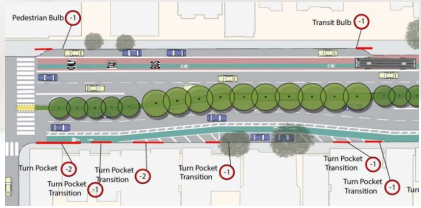

82

PD
#4


Refine Proposed Action

Refine design plans and costs :

- Refine general plans and profiles
- Refine typical and critical cross sections
- Cost Estimates – **NHDOT 2016 Standard Item Nomenclature**

Section #15



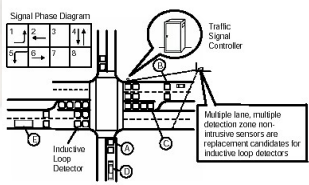
83

PD
#4


Refine Proposed Action

Develop specific types of design plans appropriate to project

Structural, Alignment, Drainage,
Curbing, Signals, Pavement
Markings, Signs, Traffic Control,
Preliminary ROW, etc...




Section #15



84

**PD
#5**

Step #5 – Document Design Exceptions



Section #16



85

**PD
#5**


Document Design Exceptions

FHWA 10 Controlling Criteria used to
be 13 (3 removed)

National Highway System (NHS) \geq 50mph

Design Speed	Lane Width
Structural Capacity	Vertical Clearance
Shoulder Width	Stopping Sight Distance
Cross Slope	Superelevation Rate
Horizontal Curvature	Maximum Grade
Horizontal Clearance	Bridge Width
Vertical Curvature	

Section #15 & #16



86



Document Design Exceptions

If less Than 50mph, then only 2 controlling criteria:

- Design Speed
- Structural Capacity

Applies to all National Highway System (NHS) Highways

NHDOT practice to apply this to all roadways

Section #15 & #16



87



Document Deviations

Additional design standards

- Clear Zone
- Intersection Sight Distance
- Hydraulic Opening
- Queuing
- Level of Service
- Roadway Ponding
- And more.....



Section #15 & #16



88

**PD
#5**

Document Design Exceptions

Submit Early

- Submit Design Exception and Deviation Documentation along with Preliminary Design submittal
- Design Exceptions shall be granted no later than the Preliminary Design stage



Design Exception info is in the Handouts

Section #15 & #16



89

**PD
#6**

Step #6 – Traffic Control Committee (TCC) Review

Traffic Control Committee (TCC)

- The TCC was created from the **Work Zone Safety and Mobility Policy** adopted 2007
- Provides statewide consistency and multiple work zone awareness



www.dot.nh.gov/doing-business-nhdot/engineers-consultants

Section #23




90

**PD
#6**

Step #6 – Traffic Control Committee (TCC) Review

“Significance” Determination Request Memo

- Sponsor and/or Consultant fill out memo and submit to NHDOT PM
- LPA recommends level of significance to TCC as part of memo
- Submittal includes location map, detour plans, traffic volumes, construction phasing plans and/or lane use cross sections



FROM: <input type="text"/>	DATE: <input type="text"/>
	AT OFFICE: Bureau of <input type="text"/>
SUBJECT: <input type="text"/>	
TO: William J. Oldenburg, P.E. Assistant Director of Project Development	
MEMORANDUM	
<small>The following information is in accordance with the Guidelines for Implementation of the Work Zone Safety and Mobility Policy to the Traffic Control Committee (TCC) for determination of the project's significance.</small>	
<small>Consistent with the TCC Work Zone and Mobility Manual Section 2 Interim Release dated August 19, 2020 regarding the need for Traffic Control Committee reviews, this project is:</small>	
<input type="checkbox"/> Exempt from Presentation-Reason for Exempt Status <input type="text"/>	
<input checked="" type="checkbox"/> Requires Presentation	
The purpose of this project is: <input type="text"/>	
The project will advertise on: <input type="text"/>	
The project will be completed: <input type="text"/>	
Traffic impacts are expected to be: <input type="text"/>	
<ul style="list-style-type: none"> • An evaluation of the criteria for determination of a significant project is provided in the table shown below. 	

Section #23


91

**PD
#6**

Step #6 – Traffic Control Committee (TCC) Review

Determination Request Memo Requirements

- Submit one document in pdf format. The TCC Determination memo should be first 4 pages
- The pdf submission should be named:
"Project Name_StateProjectNumber_TCC"
Example: **Concord_41212_TCC.pdf**
- Submissions are due the Friday before the mtg
- Meetings are third Thursday of the month



Section #23

92

PD
#6

Step #6 – Traffic Control Committee (TCC) Review

TCC Presentation Exemption


- Some projects (**most LPA projects**) will have the ability to avoid meeting with the TCC
- Presentation Exemptions are requested thru the Determination Request Memo and need to provide a reason for exempt status (see memo)

Consistent with the TCC Work Zone and Mobility Manual Section 2 Interim Release dated August 19, 2020 regarding the need for Traffic Control Committee reviews, this project is:

Exempt from Presentation-Reason for Exempt Status

Requires Presentation

Section #23



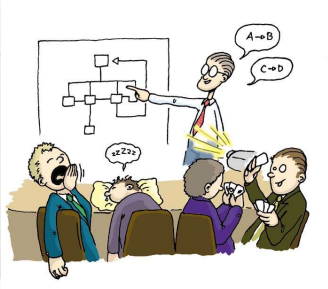
93

PD
#6


Step #6 – Traffic Control Committee (TCC) Review

TCC Presentation

- Sponsor/Consultant may be requested to meet with TCC to present the project
- Coordinate meeting through your NHDOT Project Manager
- Discuss elements in TCC memo



Section #23



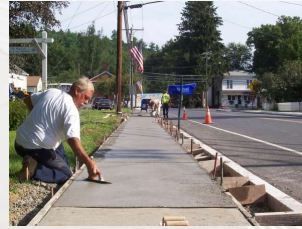
94

**PD
#6**

Step #6 – Traffic Control Committee (TCC) Review

TCC Outcome

The TCC will review the information supplied and make any comments or stipulations to be implemented as part of the **Work Zone Traffic Control Plan** or **Project Outreach Initiatives**



Typically, ADA and public outreach comments

Section #23

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95

**PD
#7**

Step #7 - Submit Preliminary Design Submission for NHDOT Review and Approval

Submission requirements

- Sponsor letterhead
- Back up material, calculations, design exceptions / deviations, etc..
- Updated estimate
- Updated schedule
- Check with NHDOT Project Manager on format for electronic submission

Section #15

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96



Step #8 - Conduct Public Hearing for Eminent Domain (If Necessary)

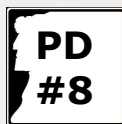
Public Hearings for Eminent Domain

- Very uncommon for LPA projects
- Need NHDOT concurrence prior
- Need FHWA concurrence of NEPA Classification prior
- But we do have 1 or 2 a year....

Section #19



97



Conduct Public Hearing for Eminent Domain (If Necessary)

Public Hearing Law

- If you decide to hold a Public Hearing to layout the project on a class I, II, IV, or V highway, you must comply with State RSA 230 and/or 231
- This may involve the appointment of a Commission, approved by Governor and Council

Section #19



98



Conduct Public Hearing for Eminent Domain (If Necessary)

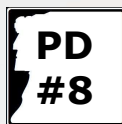
Eminent Domain Laws

- Eminent Domain Procedures
State RSA 498A (Final Design)
- Federal Law - Uniform Act of 1970
49 CFR Part 24 (as amended)

Section #19



99



Conduct Public Hearing for Eminent Domain (If Necessary)

Discussions with Abutters

- Encouraged
- **Can't discuss compensation until Final Design**
- **"Just Compensation"**
covered in Final Design



Section #19



100



8 Preliminary Design Steps

Re-Cap:

- 1) Perform and Submit Environmental Study & Classification
- 2) Determine Municipal Separate Storm Sewer System (**MS4**) and Limited Reuse Soil (**LRS**) requirements
- 3) Coordinate utility relocation
- 4) Refine plans and cost estimate of the Proposed Action



101




8 Steps Continued

Re-Cap:

- 5) Document Design Exceptions & Deviations
- 6) Review project with Traffic Control Committee
- 7) Submit Preliminary Design submission for NHDOT review and approval
- 8) Conduct public hearing for eminent domain, if necessary



102




PD


End of Preliminary Design

Project Status

- Local Project Agreement ✓
- Consultant Selected (QBS) ✓
- Scope and Fee ✓
- Engineering Study ✓
- NEPA Complete ✓
- Preliminary Design ✓
- Received letter from NHDOT to Proceed to Final Design ✓




103



PD

Preliminary Design


Questions ?



Next Up:

9:30am Wednesday – tomorrow!

Final Design



104