

**FIRST AMENDMENT TO THE  
PROGRAMMATIC AGREEMENT  
BETWEEN THE FEDERAL HIGHWAY ADMINISTRATION, NEW HAMPSHIRE DIVISION  
AND  
THE NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION  
REGARDING THE PROCESSING OF ACTIONS CLASSIFIED AS CATEGORICAL  
EXCLUSIONS FOR FEDERAL-AID HIGHWAY PROJECTS**

---

**THIS PROGRAMMATIC AGREEMENT AMENDMENT (“Amendment”), made and entered into this 13th day of November, 2023, by and between the FEDERAL HIGHWAY ADMINISTRATION, UNITED STATES DEPARTMENT OF TRANSPORTATION (“FHWA”) and the STATE of NEW HAMPSHIRE, acting by and through its DEPARTMENT OF TRANSPORTATION (“NHDOT”) hereby provides as follows:**

**WITNESSETH:**

**WHEREAS**, the Programmatic Agreement Between the Federal Highway Administration, New Hampshire Division and the New Hampshire Department of Transportation Regarding the Processing of Actions Classified as Categorical Exclusions for Federal-Aid Highway Projects (“Agreement”) was executed on May 3, 2021; and

**WHEREAS**, the Agreement expires on May 3, 2026; and

**WHEREAS**, on September 20, 2023 the US Department of Transportation adopted the US Department of Energy’s Categorical Exclusion for Electric Vehicle Charging Stations (CE B5.23 of 10 CFR part 1021, subpart D, appendix B); and

**WHEREAS**, the use of the Agreement for processing projects involving Electric Vehicle Charging Stations is limited to the, “*Installation, modification, operation, and removal of electric vehicle charging stations, using commercially available technology, within a previously disturbed or developed area;*” and

**WHEREAS**, the term “*previously disturbed or developed*” refers to land that has been changed such that its functioning ecological processes have been and remain altered by human activity; and

**WHEREAS**, FHWA released the annual adjustment to the monetary limits for Categorical Exclusions for Projects of Limited Federal Assistance (23 CFR 771.117(c)(23)); and

**WHEREAS**, effective October 1, 2023, the monetary limits for Categorical Exclusions for Projects of Limited Federal Assistance are defined as: (1) projects receiving less than \$6,742,380 of federal funds, or (2) projects with a total estimated cost less than \$39,330,550 and federal funding of less than 15% of the total estimated project cost; and

**WHEREAS**, Appendices A and B of the Agreement are modified by this Amendment to include Electric Vehicle Charging Stations, and revised monetary limits for Categorical Exclusions for Projects of Limited Federal Assistance;

**NOW, THEREFORE,** FHWA and NHDOT agree to amend the Agreement to include Electric Vehicle Charging Stations and revised monetary limits for Categorical Exclusions for Projects of Limited Federal Assistance, provided all other terms of the Agreement are met.


**SIGNATURES**

Execution of this Amendment and implementation of its terms by both parties provides evidence that both parties have reviewed this Amendment and agree to the terms and conditions for its implementation. This Amendment is effective upon the date of the last signature below.

Federal Highway Administration, New Hampshire Division

By: \_\_\_\_\_ 11-13-23  
Patrick A. Bauer (date)  
Division Administrator

New Hampshire Department of Transportation

By:  \_\_\_\_\_ 10/30/2023  
William J. Cass (date)  
Commissioner

**Appendix A: Updated CE Actions Applicable to this Agreement**  
**Appendix B: Updated Template Categorical Exclusion Programmatic Determination Checklist**