September 5, 2018

NDOT CE ASSIGNMENT BRIDGING DOCUMENT

Effective this day, September 5, 2018, the Nebraska Department of Transportation (NDOT) assumed the responsibilities of the US Department of Transportation, Federal Highway Administration (FHWA) for determining whether certain designated activities are included within classes of action classified as Categorical Exclusions (CEs and CE Assignment). The assigned responsibilities, as well as the duties and obligations of NDOT under CE Assignment are specifically set forth in a Memorandum of Understanding between Federal Highway Administration, Nebraska Division and the Nebraska Department of Transportation, State Assumption of Responsibility for Categorical Exclusions, 23 USC §326 (the Section 326 MOU), dated September 5, 2018.

The purpose of this NDOT CE Assignment Bridging Document (the Bridging Document) is to disclose that some of the processes and procedures used to develop the final CE Documentation and/or the corresponding Re-Evaluation Documentation may not follow those process and procedures developed and submitted to FHWA for NDOT CE Assignment. During NDOT’s transition into CE Assignment, CE projects may have the following conditions:

1) the project existed prior to, and continued into CE Assignment;
2) the project commenced shortly before or after September 5, 2018, the date of CE Assignment, and during the early transition period;
3) the project file contains documentation and/or decisions made by NDOT and/or FHWA utilizing past processes undergoing modification by NDOT as part of CE Assignment (transitioning processes); and
4) the project file may contain documentation and/or decisions made by NDOT and/or FHWA utilizing past forms/templates undergoing modification by NDOT for CE Assignment (transitioning documents).

This Bridging Document will be used on a case by case basis to supplement the CE documentation record, so that the effects of the transition of the project into CE Assignment are evident to, and may be taken into consideration by the future reader of the CE Documentation.

By completing its CE Documentation, the State has determined that this project has no significant impact(s) on the environment and that there are no unusual circumstances as described in 23 CFR 771.117(b). As such, the project is categorically excluded from the requirements to prepare an environmental assessment or environmental impact statement under the NEPA. The State has been assigned, and hereby certifies that it has carried out, the responsibility to make this determination pursuant to 23 U.S.C. §326 and a Memorandum of Understanding dated September 5, 2018, executed between FHWA and the State.

Any questions regarding documentation during NDOT’s transition into CE Assignment, including questions about thresholds applicable or applied, should be directed to the Environmental Documents Unit Manager, Jon Barber, at Jon.Barber@nebraska.gov or 402-479-4412.

Jon Barber, Environmental Documents Unit Manager

Date September 5, 2018