

Programmatic Agreement
between
The Federal Highway Administration-Nebraska Division
and
The Nebraska Department of Roads
for
Visual Statewide Bridge Inspections

The Federal Highway Administration-Nebraska Division (FHWA) and the Nebraska Department of Roads (NDOR), have developed this Programmatic Agreement (PA) to outline the policy and procedure for environmentally approving certain federally-funded actions that involve the visual inspection of bridges.

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, NDOR and FHWA have jointly been invited to concur in this PA;

WHEREAS, NDOR, as the statewide recipient of the federal-aid program, is responsible for compliance with all federal laws and regulations pursuant to 23 CFR 1.36;

WHEREAS, this PA is consistent with the Statewide Long Range Plan, the Statewide Transportation Improvement Program (STIP), and applicable Metropolitan or Rural Planning Organizations’ Transportation Improvement Programs (TIP’s) 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 to NDOR, as described in the *Programmatic Agreement for the Review and Approval of the NEPA Categorically Excluded Transportation Projects* (PCE Agreement) between FHWA and NDOR, dated 12/17/08;

WHEREAS, Part B of the PCE Agreement allows for exceptions to the PCE Agreement by FHWA;

WHEREAS, this PA will cover action types that would be classified as a PCE under the PCE Agreement and will create an exception to the requirement to complete a NEPA Determination Form for actions covered by this PA;

WHEREAS, FHWA will monitor the use of this PA and retains the authority to revoke approval authority upon discovery of misapplication of the PA or non-compliance with any federal law or regulation or the stipulations of this PA;

NOW THEREFORE, the FHWA and NDOR agree that activities addressed by 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 responsibilities.

Based on past experiences with similar actions, the FHWA has determined that visual bridge inspection activities do not involve significant environmental impacts. Visual bridge inspections are done on a reoccurring basis to identify bridges that may need repair or replacement.

Based on the nature of bridge inspection activities, FHWA does not anticipate negative impacts to natural, cultural, historic, or recreational resources from these activities; these activities do not negatively impact air, noise, water quality, or travel patterns, and do not present any negative cumulative impacts. FHWA has determined that these types of activities do not affect listed species, there is no potential to affect historic properties from these actions, and there is no potential to impact waters of the U.S. Furthermore, experience has demonstrated that these types of activities do not generate controversy on environmental grounds, nor do they impact Section 4(f) protected properties.

Therefore, FHWA has determined that project-specific NEPA documents and technical studies shall not be generated for this class of action in Nebraska, unless the stipulations below are not met.

