

Programmatic Agreement
Between
The Federal Highway Administration-Nebraska Division
and
The Nebraska Department of Roads
for
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 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 (TIPs) 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 bridge inspection activities do not involve significant environmental impacts. 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.

Stipulation 1

NDOR agrees to review actions environmentally approved by this programmatic agreement to ensure unusual circumstances as outlined by 23 CFR 771.117(b) do not exist. If an unusual circumstance is identified, NDOR shall coordinate with FHWA for guidance.

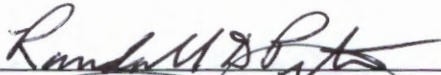
Stipulation 2

NDOR agrees to the following conditions of bridge inspections:

- During bridge inspections, noise will be kept to a minimum to avoid disturbing nesting or roosting birds.
- Any nest containing eggs or young shall be left undisturbed.
- Physical samples (e.g., paint chips, timber pile cores, etc.) can be collected from the bridge structure as long as all items in Stipulation 2 are adhered to during sample collection. Soil (void of vegetation and with no evidence of petroleum staining and/or odor) adjacent to substructure components (e.g., pile, footings, abutments, etc.) can be temporarily removed and replaced by shovel, pick or hand up to two (2) feet in depth below ground level, and within one (1) foot of individual substructure components to verify condition and/or aid in sample collection.
- The bridge inspection staff and/or contractor shall not stage, store or stockpile materials and equipment in known/potential wetlands and/or known/potential streams that exhibit a clear "bed and bank" channel. Potential wetland areas consist of any area that is known to pond water, swampy areas or areas supporting known wetland vegetation (e.g., Cattails, Bulrush, Canary reed grass, smartweed, or areas where there is a distinct difference in vegetation [at lower elevations] from the surrounding upland areas). Temporary side cast of soil, removed by hand, needed to aid in substructure inspection and/or sample collection is allowed. The side cast soil should be replaced in the excavation locations upon completion of the inspection/sample collection.

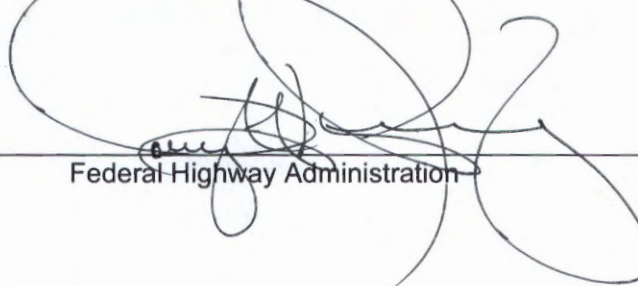
Administrative Conditions

1. This agreement becomes effective on the date of signature, below.
2. Applicability – If it is unclear what work associated with bridge inspection activities applies to this PA, NDOR shall coordinate with FHWA to determine the appropriateness of utilizing this PA.
3. Monitoring – FHWA shall complete a process review of the use of this PA every two years.
4. Termination – Any party may terminate this PA by providing 30 days written notice to the other party. In the event of termination, these classes of action shall be required to have an individual NEPA document generated to demonstrate environmental approval, unless this PA is terminated due to an update to the PA or the incorporation of these activities into a different agreement document.



Nebraska Department of Roads

3/10/14
Date



Federal Highway Administration

3-12-2014
Date

PDV11-ZK