

## SUBCHAPTER 02F - DEPARTMENT OF TRANSPORTATION'S MINIMUM CRITERIA

### SECTION .0100 - MINIMUM CRITERIA

#### 19A NCAC 02F .0101 PURPOSE

This Section establishes minimum criteria to be used in determining when the preparation of environmental documents pursuant to the North Carolina Environmental Policy Act (NCEPA) is not required.

*History Note: Authority G.S. 113A-11; 143B-10;  
Temporary Adoption Eff. January 11, 2002;  
Eff. April 1, 2003;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016.*

#### 19A NCAC 02F .0102 MINIMUM CRITERIA

The following are established as an indicator of the types and classes of thresholds of activities at and below which environmental documentation under the NCEPA is not required:

- (1) Approval of:
  - (a) installation of utilities along or across a transportation facility;
  - (b) grade separated crossings of highways by railroads or highway; or
  - (c) grading, commercial driveways, and other encroachments on the highway right-of-way;
- (2) Construction of bicycle and pedestrian lanes, paths, and facilities;
- (3) Construction of safety projects such as guardrails, grooving, glare screen, safety barriers, and energy attenuators;
- (4) Installation of noise barriers or alterations to existing public buildings to provide for noise reduction;
- (5) Landscaping of highway, railroad, and rest area projects;
- (6) Installation of fencing, signs, pavement markings, small passenger shelters, lighting, traffic signals, and railroad signal systems and warning devices;
- (7) Repair, rehabilitation, or replacement of a highway or railway facility in general conformance with the original design and alignment, which is commenced immediately after the occurrence of a natural disaster or catastrophic failure, to restore the highway for the health, welfare, or safety of the public;
- (8) Highway or railway modernization by means of the following activities, which involve less than a total of 10 cumulative acres of ground surface previously undisturbed by highway or railway construction, limited to a single project, noncontiguous to any other project making use of this provision:
  - (a) resurfacing, restoration, or reconstruction;
  - (b) adding lanes for travel, parking, weaving, turning, or climbing;
  - (c) correcting substandard curves and intersections;
  - (d) adding shoulders or minor widening;
  - (e) adding or extending passing sidings;
  - (f) lengthening of railway spirals; or
  - (g) flattening of railway curves;
- (9) Reconstruction of existing crossroad or railroad separations and existing stream crossings, including, but not limited to, pipes, culverts, and bridges;
- (10) Approval of oversized and overweight permits;
- (11) Approval of outdoor advertising permits;
- (12) Maintenance or repair of the state highway or railway system to include work such as:
  - (a) Grading and stabilizing unpaved roads;
  - (b) Maintaining unpaved shoulders;
  - (c) Cleaning ditches and culverts;
  - (d) Patching paved surfaces;
  - (e) Maintaining bridges;
  - (f) Removing snow and ice;
  - (g) Controlling erosion and vegetation growth;
  - (h) Manufacturing and stockpiling material;

- (i) Paving secondary roads; and
- (j) Timber and surfacing of rail lines;
- (13) Assumption of maintenance of roads constructed by others;
- (14) Making capital improvements constructed at an existing DOT facility that: exceed the threshold planning limits of Title 3 of the Superfund Amendments and Reauthorization
  - (a) Require less than one acre of exposed, erodible ground surface; and
  - (b) Require the use of structures which do not involve handling or storing hazardous materials which Act of 1986;
- (15) Construction of a new two-lane highway in accordance with accepted design practices and DOT standards and specifications involving less than a total of 25 cumulative acres of ground surface limited to a single project, noncontiguous to any other project making use of this provision;
- (16) Reconstructing, rehabilitating, resurfacing, or maintaining existing runways, taxiways, aircraft aprons, access roads, and automobile parking lots;
- (17) Constructing, reconstructing, rehabilitating, or upgrading of lighting associated with runways, taxiways, and apron edges; visual approach aids; instrument approach aids; wind indicators; rotating beacons; obstruction lights; area lights; security lights; and the electrical distribution systems and control systems for such facilities;
- (18) Construction of terminal buildings, railway stations, maintenance buildings, and hangars involving less than five acres of previously undisturbed ground;
- (19) Acquiring property to meet Federal or State standards, requirements, or recommendations directly relating to aviation safety;
- (20) Acquiring 10 acres or less of property for future airport development or future railroad development;
- (21) Construction on existing airport property which has previously been disturbed by clearing, grubbing, or grading on land involving less than 10 acres of exposed, erodible ground surface;
- (22) Planning airport projects to include master plans, noise and compatibility plans, preliminary construction project plans, and special planning studies such as economic impact studies;
- (23) Rehabilitating, maintaining, and improving airport drainage systems on airport property to include landscaping and erosion control facilities involving less than five acres of previously undisturbed ground;
- (24) Purchasing vehicles for mass transportation purposes;
- (25) Maintaining and improving railroad track and bed in the existing right of way;
- (26) Implementation of any project which qualifies as a "categorical exclusion" under the National Environmental Policy Act by one of the Agencies of the U.S. Department of Transportation;
- (27) Acquisition and construction of wetland, stream, and endangered species mitigation sites;
- (28) Remedial activities involving the removal, treatment or monitoring of soil or groundwater contamination pursuant to state or federal remediation guidelines; and.
- (29) Other activities, not specifically described above, involving maintenance or repair needed to maintain the original function of an existing project or facility without expansion or change in use; sampling, monitoring, and related data-gathering activities; and construction or land-disturbing activities that impact less than five acres.

*History Note: Authority G.S. 113A-9; 113A-11; 143B-10(j);  
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 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016.*

**19A NCAC 02F .0103 EXCEPTIONS TO MINIMUM CRITERIA**

Any activity falling within the parameters of the minimum criteria set out in Rule .0102 of this Section shall not routinely be required to have environmental documentation under the NCEPA. However, the Secretary of Transportation or his designee shall determine if environmental documents are required in any case where a Division Director or Branch Manager makes one of the following findings as to a proposed activity:

- (1) The proposed activity may have significant adverse effects on wetlands; surface waters such as rivers, streams, and estuaries; parklands, prime or unique agricultural lands; areas of recognized

- scenic, recreational, archaeological, or historical value; or would endanger the existence of a species identified on the Department of Interior's threatened and endangered species list.
- (2) The proposed activity could cause changes in industrial, commercial, residential, agricultural, or silvicultural land use concentrations or distributions which would be expected to create significant adverse water quality, air quality, or ground water impacts; or have a significant adverse effect on long-term recreational benefits or shellfish, finfish, wildlife, or their natural habitats.
  - (3) The secondary or cumulative impacts of the proposed activity, which are not generally covered in the approval process, may result in a significant adverse impact to human health or the environment.
  - (4) The proposed activity is of such an unusual nature or has such widespread implications that an uncommon concern for its environmental effects has been expressed to the agency.

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