



I. Project Information

Project Name: **TxDOT maintenance activities**

Project Limits From: **N/A**

Project Limits To: **N/A**

Main CSJ of previously cleared project: **N/A**

Associate CSJ(s) of previously cleared project: **N/A**

Is reevaluation being done for work that will be done under a new CSJ that will need to be added to the previously cleared main CSJ?

Yes

No

If so, indicate the new CSJ(s): **N/A**

District: **All**

County(ies): **All**

Original Approved Environmental Classification (if "CE," also include the type and criterion):
Environmental assessment, resulting in a Finding of No Significant Impact (FONSI)

Original Environmental Clearance Date: **August 31, 2011**

II. Reevaluation Number

Reevaluation number: **1**

III. Reason for Reevaluation

If there is more than one reason for the reevaluation, just check the box for the primary reason.

Design change

Passage of time

Change in affected environment

Omission/new information

Summary of reason for reevaluation:



TxDOT's rules, at 43 TAC 2.133(b)(1), require the department to conduct an environmental review under its Chapter 2 rules for various maintenance programs at least once every ten years. The rules go on to explain that individual non-FHWA maintenance activities conducted by TxDOT under those programs do not require individual environmental review under Chapter 2 (i.e., do not require individual categorical exclusion determinations, environmental assessments/findings of no significant impact, or environmental impact statements/records of decisions). All maintenance activities are required to comply with other applicable environmental laws, regardless of TxDOT's Chapter 2 rules.

Approximately ten years ago, TxDOT prepared an environmental assessment (EA) and issued a finding of no significant (FONSI) regarding nine maintenance programs. The EA is more than 200 pages long, and was prepared for TxDOT's use by a team of environmental consultants. The review included development of recommended best management practices (BMPs) that TxDOT could implement to reduce environmental impacts associated with the various maintenance programs. The EA (issued in April 2011), FONSI (issued on August 31, 2011), and BMPs covered the nine maintenance programs described below:

(1) Bridge maintenance--Activities to repair or perform preventive maintenance on bridges, culverts, retaining walls, and barrier walls. 43 TAC 2.133(a)(1). As explained in the April 2011 Maintenance EA, this includes:

- Deck sweeping
- Joint & bearing cleaning
- Paint removal & application
- Debris removal & channel clearing
- Power washing & sand blasting
- Channel stabilization
- Pest control
- Structural & other repairs

(2) Customer service--Activities related to providing the traveling public with services, including maintaining rest areas, picnic areas, and litter barrels. 43 TAC 2.133(a)(2). As explained in the April 2011 Maintenance EA, this includes:

- Driveway entrances within the ROW
- Sewer treatment plants & storm water systems at rest areas
- Rest & picnic areas
- Roadside parks
- Access to historical markers & sites
- Vehicle pull outs & parking areas
- Restrooms at ferry landings
- Adopt-a-Highway Program
- Providing traffic assistance

(3) Debris and spills--Activities related to removing debris from the right of way, including litter, roadway debris, spills, and sweeping. 43 TAC 2.133(a)(3). As explained in the April 2011 Maintenance EA, this includes:

- Patrols for debris



- Conducts spot litter pick-up & disposal
- Removes & disposes of litter
- Conducts hand & street sweeping
- Sweeps ice rock
- Removes & disposes of illegal dumpsites
- Removes illegal signs on ROW
- Removes encroachments
- Manages hazardous material cleanup

(4) Drainage--Activities related to maintaining drainage systems and slopes on the right of way and within drainage easements, including roadside ditches, slopes, channels, creeks, streams, and rivers. 43 TAC 2.133(a)(4). As explained in the April 2011 Maintenance EA, this includes:

- Maintains ditches
- Reshapes ditches
- Repairs or stabilizes slopes
- Maintains culverts & storm drains
- Maintains storm water pump stations
- Repair & installs riprap
- Maintains or implements storm water pollution protection plans (SW3P)

(5) Ferry maintenance--The maintenance and operation of ferries under Transportation Code, §342.001. 43 TAC 2.133(a)(5). As explained in the April 2011 Maintenance EA, this includes:

- Dredging
- Oil & fuel storage & repair
- Re-fueling
- Other chemical storage
- Grey water disposal
- Maintain public area
- Deck sweeping
- Minor routine ship maintenance
- Maintain facility equipment
- Contracted maintenance

(6) Maintenance enhancement--Maintenance activities that improve the access to a highway or improve the performance of the highway system such as the installation of turn lanes, turnouts, turn-arounds, driveways, or shoulders. 43 TAC 2.133(a)(6). As explained in the April 2011 Maintenance EA, this includes:

- Adding a shoulder
- Adding handicap ramps
- Adding sidewalks after construction
- Adding turnouts
- Inspecting driveways
- Inspecting utilities
- Maintaining landscapes
- Maintaining boat ramps



(7) Pavement maintenance--Activities to repair or perform preventive maintenance on pavements, including work performed on the pavement surface, base, sub-base, sub-grade, or embankment. 43 TAC 2.133(a)(7). As explained in the April 2011 Maintenance EA, this includes:

- Maintains base and sub-grade of travel lanes & shoulders
- Maintains flexible (asphaltic) surfaces of travel lanes & shoulders
- Maintains rigid (concrete) pavement of travel lanes & shoulders
- Stores pavement materials
- Cleans up work site & maintenance equipment

(8) Roadside appurtenances--Activities related to fixtures along the roadways, including signs, delineators, mailboxes, guard rails, attenuators, illumination, and signals. 43 TAC 2.133(a)(8). As explained in the April 2011 Maintenance EA, this includes:

- Barriers & concrete appurtenances
- Guardrails & end treatment systems
- Mailboxes
- Cattle guards
- Bridge rails
- Access controls
- Delineators
- Vehicle attenuators
- Small & large signs
- Flashing beacons
- Illumination system
- Coordinated & isolated traffic signals
- Traffic management systems
- Traffic control plans

(9) Traffic pavement markings--Activities related to markings on the pavement to control vehicular movement, including installing and removing striping, specialty markings, and pavement markings. 43 TAC 2.133(a)(9). As explained in the April 2011 Maintenance EA, this includes:

- Paint & bead striping
- High performance striping
- Specialty markings
- Raised & reflective pavement markers
- Removal of pavement markers

TxDOT's rules, at 43 TAC 2.133(a)(10) list a tenth maintenance program, "vegetation management:"

(10) Vegetation management--Activities performed to establish and maintain the condition of the roadway and roadside on the state highway right of way, including mowing operations, pest management, revegetation techniques, erosion control, wildflower preservation and propagation, tree and brush trimming and removal, and the preservation of threatened and endangered plant species.

The 2011 EA and FONSI mentioned vegetation management in several places, but did not



specifically list it as its own separate maintenance program.

Since the August 31, 2011 issuance of the FONSI, there have not been changes to TxDOT's maintenance activities that would warrant preparation of a new environmental assessment. Maintenance program activities occur almost exclusively within TxDOT right-of-way and/or property, and do not cause significant environmental impacts. TxDOT has determined that the appropriate environmental classification for this environmental review of maintenance programs is a reevaluation under 43 TAC 2.85.

This reevaluation covers all ten of the maintenance programs listed above. As part of this reevaluation, TxDOT has reconsidered the BMPs that were developed in connection with the 2011 EA and FONSI, to determine whether any may no longer be appropriate or should be revised, and whether any new BMPs are appropriate. As a result, TxDOT has developed an updated set of BMPs for maintenance programs, which will be posted on the Environmental Affairs Division's website.

Neither the 2011 EA and FONSI nor this reevaluation is being done to comply with the Federal National Environmental Policy Act (NEPA), as individual federally funded activities that fall under any of the maintenance programs described above will continue to require their own separate environmental review under Chapter 2 and NEPA.

For a design change on a project with multiple CSJs for different sections of the project, indicate which CSJs are affected by the above-described design change: **N/A**

Indicate any changes in right-of-way or easements required: **N/A**

Indicate any changes in the project limits: **N/A**

Identify any new potential relocations: **N/A**

IV. Public Involvement

Describe any public involvement conducted for this reevaluation, including a brief summary of the outcome: **No formal public involvement is required per TxDOT's Chapter 2 rules. Maintenance program activities occur almost exclusively within TxDOT right-of-way and/or property. This reevaluation and the updated BMPs for maintenance activities will be publicly posted on TxDOT's txdot.gov website.**

V. Coordination

Describe any coordination conducted for this reevaluation, including a brief summary of the outcome: **Because the 2011 maintenance program EA was coordinated with the Texas Parks and Wildlife Department (TPWD), and because the BMPs are being updated in connection with this reevaluation, TxDOT has coordinated this reevaluation and the updated BMPs with TPWD. TPWD provided comments, which TxDOT considered in developing the final version of the updated BMPs.**



No coordination with federal agencies was required, as this reevaluation is limited to non-federally funded maintenance activities.

VI. Review of Resource Areas

For each of the resource areas listed below, indicate whether the reason for the reevaluation invalidates the original environmental decision by checking one of the two boxes provided, and explain how that determination was made, with references to any supporting materials.

- For CEs, the CE determination is invalidated only if the project no longer meets the CE criteria at 23 CFR 771.117(a) and (b), or no longer meets the specific (c)-list or (d)-list criteria used.
- For EAs, the FONSI is invalidated only if the project will now have significant environmental impacts requiring an EIS.
- For EISs, the FEIS/ROD is invalidated only if there are now new or different significant environmental impacts not evaluated in the original EIS such that a supplemental EIS is now required.

Also, for each of the resource areas listed below, indicate whether the reason for the reevaluation affects a previously issued permit or other environmental commitment, or triggers the need for any action under any other environmental law or regulation, and provide an explanation for that determination. If any new Activities were created in connection with the reason for the reevaluation, explain the status of any such Activity(ies).

Air

- Original environmental decision valid
- Original environmental decision **no longer** valid

Explanation: **TxDOT's activities under the above-described maintenance programs do not cause significant environmental impacts related to air quality. The updated BMPs contain multiple provisions related to minimizing the impacts of maintenance activities on air quality.**

Indicate if the reason for the reevaluation affects a previously issued permit or other environmental commitment, or triggers the need for any action under any other environmental law or regulation:

- Yes
- No

Explanation: **No changes to TxDOT's maintenance activities are being made in connection with this reevaluation, other than updating the BMPs previously established in connection with the 2011 EA and FONSI. The updated BMPs do not trigger the need for any action under any environmental law or regulation.**

Archeological Sites and Cemeteries



Reevaluation Form

- Original environmental decision valid
- Original environmental decision **no longer** valid

Explanation: **TxDOT's activities under the above-described maintenance programs do not cause significant environmental impacts related to archeological sites or cemeteries. If any archeological resources (e.g., arrowheads, pottery, human remains) are encountered during maintenance activities, TxDOT personnel must leave them in place and immediately identify the district environmental staff and/or an ENV archeologist.**

Indicate if the reason for the reevaluation affects a previously issued permit or other environmental commitment, or triggers the need for any action under any other environmental law or regulation:

- Yes
- No

Explanation: **No changes to TxDOT's maintenance activities are being made in connection with this reevaluation, other than updating the BMPs previously established in connection with the 2011 EA and FONSI. The updated BMPs do not trigger the need for any action under any environmental law or regulation.**

Biology

- Original environmental decision valid
- Original environmental decision **no longer** valid

Explanation: **TxDOT's activities under the above-described maintenance programs do not cause significant environmental impacts related to biological resources. The updated BMPs contain multiple provisions related to minimizing the impacts of maintenance activities on biological resources.**

Indicate if the reason for the reevaluation affects a previously issued permit, voluntary conservation measures, or other environmental commitment; or triggers the need for any action under any other environmental law or regulation:

- Yes
- No

Explanation: **No changes to TxDOT's maintenance activities are being made in connection with this reevaluation, other than updating the BMPs previously established in connection with the 2011 EA and FONSI. The updated BMPs do not trigger the need for any action under any environmental law or regulation.**

If there is a concern about the need to re-initiate coordination with TPWD, contact the ENV SME assigned to the respective district to discuss.

Community Impacts



Reevaluation Form

- Original environmental decision valid
- Original environmental decision **no longer** valid

Explanation: **TxDOT's activities under the above-described maintenance programs do not cause significant environmental impacts related to community resources. Maintenance program activities occur almost exclusively within TxDOT right-of-way and/or property, and generally involve the maintenance and continued operation of previously constructed transportation infrastructure.**

Indicate if the reason for the reevaluation affects a previously issued permit or other environmental commitment, or triggers the need for any action under any other environmental law or regulation:

- Yes
- No

Explanation: **No changes to TxDOT's maintenance activities are being made in connection with this reevaluation, other than updating the BMPs previously established in connection with the 2011 EA and FONSI. The updated BMPs do not trigger the need for any action under any environmental law or regulation.**

Chapter 26

- Original environmental decision valid
- Original environmental decision **no longer** valid

Explanation: **TxDOT's activities under the above-described maintenance programs do not cause significant environmental impacts related to resources protected under Chapter 26 of the Texas Parks and Wildlife Code. Maintenance program activities occur almost exclusively within TxDOT right-of-way and/or property. In the unlikely event that a maintenance activity would convert the use of a Chapter 26 property, compliance with Chapter 26 would be required prior to such conversion.**

Indicate if the reason for the reevaluation affects a previously issued permit or other environmental commitment, or triggers the need for any action under any other environmental law or regulation:

- Yes
- No

Explanation: **No changes to TxDOT's maintenance activities are being made in connection with this reevaluation, other than updating the BMPs previously established in connection with the 2011 EA and FONSI. The updated BMPs do not trigger the need for any action under any environmental law or regulation.**

Cumulative Impacts

- Original environmental decision valid

**Reevaluation Form**

- Original environmental decision **no longer** valid

Explanation: **TxDOT's activities under the above-described maintenance programs do not cause significant environmental impacts related to cumulative impacts. The updated BMPs contain multiple provisions related to minimizing the impacts of maintenance activities on various environmental resources, which have the effect of minimizing the activities' cumulative effects on the environment.**

Indicate if the reason for the reevaluation affects a previously issued permit or other environmental commitment, or triggers the need for any action under any other environmental law or regulation:

- Yes
 No

Explanation: **No changes to TxDOT's maintenance activities are being made in connection with this reevaluation, other than updating the BMPs previously established in connection with the 2011 EA and FONSI. The updated BMPs do not trigger the need for any action under any environmental law or regulation.**

Induced Growth

- Original environmental decision valid
 Original environmental decision **no longer** valid

Explanation: **TxDOT's activities under the above-described maintenance programs do not cause significant environmental impacts related to induced growth. These activities do not increase capacity or create new roadways, and therefore do not induce growth of residencies, commercial activities, or other development.**

Indicate if the reason for the reevaluation affects a previously issued permit or other environmental commitment, or triggers the need for any action under any other environmental law or regulation:

- Yes
 No

Explanation: **No changes to TxDOT's maintenance activities are being made in connection with this reevaluation, other than updating the BMPs previously established in connection with the 2011 EA and FONSI. The updated BMPs do not trigger the need for any action under any environmental law or regulation.**

Hazardous Materials

- Original environmental decision valid
 Original environmental decision **no longer** valid

Explanation: **TxDOT's activities under the above-described maintenance programs do not cause significant environmental impacts related to hazardous materials.**



Reevaluation Form

The updated BMPs contain multiple provisions related to minimizing the impacts of maintenance activities in relation to hazardous materials.

Indicate if the reason for the reevaluation affects a previously issued permit or other environmental commitment, or triggers the need for any action under any other environmental law or regulation:

- Yes
- No

Explanation: **No changes to TxDOT's maintenance activities are being made in connection with this reevaluation, other than updating the BMPs previously established in connection with the 2011 EA and FONSI. The updated BMPs do not trigger the need for any action under any environmental law or regulation.**

Historic Resources

- Original environmental decision valid
- Original environmental decision **no longer** valid

Explanation: **TxDOT's activities under the above-described maintenance programs do not cause significant environmental impacts related to non-archeological historic resources. The updated BMPs contain multiple provisions related to minimizing the impacts of maintenance activities on non-archeological historic resources.**

Indicate if the reason for the reevaluation affects a previously issued permit or other environmental commitment, or triggers the need for any action under any other environmental law or regulation:

- Yes
- No

Explanation: **No changes to TxDOT's maintenance activities are being made in connection with this reevaluation, other than updating the BMPs previously established in connection with the 2011 EA and FONSI. The updated BMPs do not trigger the need for any action under any environmental law or regulation.**

Noise

- Original environmental decision valid
- Original environmental decision **no longer** valid

Explanation: **TxDOT's activities under the above-described maintenance programs do not cause significant environmental impacts related to noise. These activities do not increase capacity or create new roadways. And as the 2011 EA explained, while noise is generated by the operation of maintenance equipment, any sensitive noise receivers would not be expected to be exposed to elevated noise levels for extended periods of time.**



Reevaluation Form

Indicate if the reason for the reevaluation affects a previously issued permit or other environmental commitment, or triggers the need for any action under any other environmental law or regulation:

- Yes
- No

Explanation: **No changes to TxDOT's maintenance activities are being made in connection with this reevaluation, other than updating the BMPs previously established in connection with the 2011 EA and FONSI. The updated BMPs do not trigger the need for any action under any environmental law or regulation.**

Section 4(f)

- Original environmental decision valid
- Original environmental decision **no longer** valid

Explanation: **TxDOT's activities under the above-described maintenance programs do not cause significant environmental impacts related to resources protected under Section 4(f) of the Department of Transportation Code of 1966. Maintenance program activities occur almost exclusively within TxDOT right-of-way and/or property. Additionally, Section 4(f) only applies to federally funded activities. Any federally funded activities would require individual review under NEPA and an individual categorical exclusion determination, EA/FONSI, or EIS/ROD. Applicability and compliance with Section 4(f) would be determined as part of that individual environmental review.**

Indicate if the reason for the reevaluation affects a previously issued permit or other environmental commitment, or triggers the need for any action under any other environmental law or regulation:

- Yes
- No

Explanation: **No changes to TxDOT's maintenance activities are being made in connection with this reevaluation, other than updating the BMPs previously established in connection with the 2011 EA and FONSI. The updated BMPs do not trigger the need for any action under any environmental law or regulation.**

Water

- Original environmental decision valid
- Original environmental decision **no longer** valid

Explanation: **TxDOT's activities under the above-described maintenance programs do not cause significant environmental impacts related to water resources. The updated BMPs contain multiple provisions related to minimizing the impacts of maintenance activities on water resources.**



Reevaluation Form

Indicate if the reason for the reevaluation affects a previously issued permit or other environmental commitment, or triggers the need for any action under any other environmental law or regulation:

- Yes
- No

Explanation: No changes to TxDOT's maintenance activities are being made in connection with this reevaluation, other than updating the BMPs previously established in connection with the 2011 EA and FONSI. The updated BMPs do not trigger the need for any action under any environmental law or regulation.

Other

- Original environmental decision valid
- Original environmental decision **no longer** valid

Explanation: TxDOT's activities under the above-described maintenance programs do not cause significant environmental impacts related to any other resource. The updated BMPs, and other requirements of TxDOT's Maintenance Operations Manual, have been developed to minimize the impact of TxDOT's maintenance activities on the environment.

Indicate if the reason for the reevaluation affects a previously issued permit or other environmental commitment, or triggers the need for any action under any other environmental law or regulation:

- Yes
- No

Explanation: No changes to TxDOT's maintenance activities are being made in connection with this reevaluation, other than updating the BMPs previously established in connection with the 2011 EA and FONSI. The updated BMPs do not trigger the need for any action under any environmental law or regulation.

Rules implementing the Texas Coastal Management Program (TCMP) require that, for an environmental document for a transportation construction project or maintenance program, TxDOT must either make a determination of consistency with the TCMP goals policies, or make a determination that the action will not have a direct and significant adverse effect on coastal natural resource areas. 31 TAC 505.11(a)(4), 505.30(b). In the environmental assessment conducted approximately ten years ago, TxDOT documented that its maintenance activities do not have a direct or significant adverse impact on coastal natural resource areas, and therefore are in accordance with the TCMP. In preparing this reevaluation, TxDOT has reviewed its maintenance program activities for consistency with the TCMP goals and policies, and reaffirms its previously determination that they will not have a direct and significant adverse effect on coastal natural resource areas. Maintenance program activities occur almost exclusively within TxDOT right-of-way and/or property, and there have not been



Reevaluation Form

changes to TxDOT's maintenance activities that would cause any new direct and significant adverse effect on coastal natural resource areas.

VII. Reevaluation Conclusion

Check one of the boxes below to indicate the overall conclusion of this reevaluation.

- Original environmental decision valid
- Original environmental decision **no longer** valid

VIII. Preparer

Name: **Patrick Lee**

Title: **Environmental Program Manager**

Date: **February 23, 2022**

IX. Approval

Approved by:

Adrienne Boer

Environmental Affairs Division Project Delivery Section Director

Title

DocuSigned by:

845AC519A0BF4CC...
Signature

2/25/2022

Date