

Texas Department of Transportation

NEPA Clearance Form

Projects within the Texas Electric Vehicle Infrastructure Plan

This form is used for requesting a categorical exclusion determination for installation of electric vehicle infrastructure under the Texas Electric Vehicle Infrastructure Plan. The proposed action will be evaluated to determine if it fits within 23 CFR 771.117(d), also known as an open-ended (d)-list CE.

- The Developer must use a separate form for each parking lot/location of proposed installation of electric vehicle charging infrastructure.
- If the TxDOT Environmental Affairs Division's Project Delivery Section Director approves the categorical exclusion determination, they will return the signed form to the Developer via email, and copy the appropriate district environmental staff.
- The TxDOT Environmental Affairs Division's Project Delivery Section Director will keep a record of all completed forms outside of ECOS. TxDOT's Environmental Affairs Division will include the open-ended (d)-list categorical exclusion determination on its monthly list of approvals that it submits to FHWA Texas Division under the NEPA assignment program.

This form can only be used if the installation of electric vehicle infrastructure meets the following criteria listed at 23 CFR 771.117(a) and (b):

(a) Does not induce significant impacts to planned growth or land use for the area; does not require the relocation of significant numbers of people; does not have a significant impact on any natural, cultural, recreational, historic or other resource; does not involve significant air, noise, or water quality impacts; does not have significant impacts on travel patterns; and does not otherwise, either individually or cumulatively, have any significant environmental impacts.

(b) Does not involve unusual circumstances such as:

- A. Significant environmental impacts;
- B. Substantial controversy on environmental grounds;
- C. Significant impact on properties protected by Section 4(f) requirements or Section 106 of the National Historic Preservation Act; or
- D. Inconsistencies with any Federal, State, or local law, requirement or administrative determination relating to the environmental aspects of the action.

In the unusual event that an electric vehicle infrastructure project does not meet the above criteria, then TxDOT cannot issue a categorical exclusion determination and the project will instead require an environmental assessment or environmental impact statement under the National Environmental Policy Act.

The private developer, sponsor, TxDOT district, local government, or other entity (Developer) proposing to install EV charging infrastructure using federal funding through the Texas Electric Vehicle Infrastructure Plan is responsible for filling-in all sections of this form except for the Categorical Exclusion Determination section at the end, which will be completed by the environmental approver.

By submitting this form for approval, the Developer acknowledges that it is responsible for ensuring that the proposed installation of electric vehicle charging infrastructure complies with all applicable environmental laws.

Applicant Contact Information

Form Completed By

Phone Number

Email

Name of Developer or entity proposing projects

Signature

Date

Project Information

Project Name (TxDOT EV Study Area)

None

Proposed Station Address

County

None

Project Description

Does the project involve any of the conditions at 23 CFR 771.117(a) and (b) (see p. 1) that would disqualify the project from being processed as a categorical exclusion?

No

Does the project occur on undeveloped property?

No

Documentation: The following should be provided with this form. Check each item to verify:

A map showing the project location

A site plan showing the proposed project features

Street level photographs of property

Hazardous Materials

Describe any known or suspected contamination on property with potential to impact project as well as steps to handle potential waste encountered during construction activities. As needed, describe current and past land uses, information presented by current landowner, past studies (such as a Phase I Environmental Site Assessment), results of database reviews, and site observations to support conclusions.

Historic Resources

Would project take place in an existing parking facility with no major electrical infrastructure modifications, and is the project located as close to an existing electrical service panel as practicable? "Parking facility" means any building, structure, land, right-of-way, facility or area used for parking vehicles.

No

Would project only use reversible, minimally invasive, non-permanent techniques to affix the infrastructure?

No

Would project minimize ground disturbance to the maximum extent possible, and ensure that it does not exceed previous levels of documented ground disturbance?

No

Would project use the lowest profile EVSE reasonably available that provides the necessary charging capacity, place the EVSE in a minimally visibly intrusive area, and use colors complementary to the surrounding environment?

No

If "yes" to all of the above questions, the project is exempt from Section 106 historic preservation review. If project is not exempt, coordinate with TxDOT ENV and describe below anticipated impacts to historic properties. See the Advisory Council on Historic Preservation's Exemption From Historic Preservation Review for Electric Vehicle Supply Equipment, 87 Federal Register 66201, November 2, 2022.

Historic Resources

Is the project located within a historic district? Use the TxDOT Historic Resources of Texas Aggregator available at <https://arcg.is/0iW0Hj> for locations of districts. Answer yes to this questions if a feature of the project occurs within any of the six district types shown on the Aggregator.

No

If Yes, describe below any anticipated impacts to the historic district then coordinate with TxDOT ENV as soon as possible.

Archaeological Resources

Does any part of the project occur within 15 feet of the boundary of a known cemetery founded earlier than 1955, or does the project directly affect known burials? Many cemeteries are identified at <https://atlas.thc.texas.gov/>.

No

Do proposed improvements require more than 100 cubic yards of new ground disturbance (disturbance to sediments not already impacted by prior construction activities)?

No

If 'Yes' to any of the above, coordinate with TxDOT ENV as soon as possible and describe below anticipated impacts.

Vegetation, Habitat, and Invasive Species

If project occurs on undeveloped property, describe impacts to vegetation and identify rare species and natural habitats to be impacted and preserved as well as infestations of invasive species that need to be eradicated. Make a determination of the likelihood project may introduce or spread invasive species and then describe measures that will be taken to avoid and minimize potential harm.

Protected Species

Describe impacts to birds and active bird nests and then describe method of compliance with the Migratory Bird Treaty Act. If project is on undeveloped property, coordinate with TxDOT ENV as soon as possible and describe impacts to federally listed species or other species of concern. Consider <https://ipac.ecosphere.fws.gov/> as resource.

Water Resources

Describe whether project occurs within a mapped floodplain and any anticipated impacts along with any local permitting requirements. Describe impacts to streams, creeks, and wetlands and how project will comply with Section 404 of the Clean Water Act. Describe whether project requires a TPDES Construction General Permit and method of compliance.

Edwards Aquifer Rules

Does project occur over the recharge, contributing, or transition zones of the Edwards Aquifer (in portions of Medina, Bexar, Comal, Kinney, Uvalde, Hays, Travis and Williamson Counties)

No

If yes, describe whether project is considered a regulated activity (30 TAC Â§213.3(28) and Â§213.22(6)) and methods of compliance with Rules.

Community Impacts

Describe any displacements resulting from project. Describe any public involvement conducted. Describe any public controversy surrounding project.

Other Issues

Describe any other issues or impacts (such as air quality or noise) associated with this project.

Categorical Exclusion Determination

(to be completed by TxDOT)

TxDOT Comments.

By signing below, the TxDOT employee confirms that the installation of EV charging infrastructure described above meets the requirements for a categorical exclusion under 23 CFR 771.117(a), does not involve any of the unusual circumstances described at 23 CFR 771.117(b), and is approved as a categorical exclusion.

The environmental review, consultation, and other actions required by applicable Federal environmental laws for this project are being, or have been, carried-out by TxDOT pursuant to 23 U.S.C. 327 and a Memorandum of Understanding dated December 9, 2019, and executed by FHWA and TxDOT.

TxDOT Approval Signature

Date