

COMPREHENSIVE LIST FOR THE CITY AND COUNTY OF HONOLULU  
DEPARTMENT OF TRANSPORTATION SERVICES

According to section 11-200.1-15, Hawaii Revised Rules, the Department of Transportation Services may declare exempt the following types of actions from the requirement to prepare an environmental assessment.

The Department of Transportation Services shall not make exemption declarations when the cumulative impact of planned successive actions in the same place, over time, is significant, or when an action that is normally insignificant in its impact on the environment may be significant, in a particularly sensitive environment. Sensitive areas may include, but are not limited to significant historical, archaeological, and cultural sites, flood plains, wetlands, beaches, coastal areas, erosion-prone areas, geologically hazardous land, critical habitats, and estuaries.

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Routine activities and ordinary functions that do not have the potential to affect the environment more than negligibly.

**GENERAL TYPE #1**

*Operations, repairs, or maintenance of existing structures, facilities, equipment, or topographical features, involving minor expansion or minor change of use beyond that previously existing;*

A. TRANSIT STOPS

1. Bus stop and amenities including, but not limited to shelters, benches, trashcans, transit information kiosks, painted curbs with stenciling, signage, bus stop platforms, real-time arrival displays and required power-supply infrastructure, fare vending machines and required power-supply infrastructure, ADA level landing pads and accessible paths, lighting
2. Bus-only lanes which only consist of paint, signage, striping, and pavement
3. Bus stop pullouts

B. TRANSIT FACILITIES

1. Administrative, Maintenance Buildings
2. Busways, which include a separate Right of Way that is delineated from other vehicle traffic by medians or other vertical separation elements; or other transit investments within areas of the right-of-way occupied by the

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physical footprint of the existing facility or otherwise maintained or used for transportation operations

3. Streetcar lines within areas of the right-of-way occupied by the physical footprint of the existing facility or otherwise maintained or used for transportation operations
  4. Mobility hubs, bus transfer stations, transit centers, and intermodal centers
  5. Facilities for transit and non-transit purposes, located on, above, or adjacent to existing transit facilities, that are not part of a larger transportation project and do not substantially enlarge such facilities, such as police facilities, daycare facilities, public service facilities, amenities, commercial, retail, and residential development.
  6. Electric vehicle charging infrastructure
  7. Track and railbed when carried out within the existing right-of-way.
- C. TRANSIT ROUTES
1. New bus routes and alignment changes to existing bus routes, which do not require land acquisition or physical changes to the right-of-way
- D. BUILDINGS
1. Minor structures including: fences, curbing, walls, gates, and retaining walls;
  2. Preventative maintenance, including safety treatments, to culverts and channels within and adjacent to transportation right-of-way to prevent damage to the transportation facility and adjoining property, plus any necessary channel work, such as restoring, replacing, reconstructing, and rehabilitating culverts and drainage pipes; and, expanding existing culverts and drainage pipes.
  3. Improvements to mitigate environmental harm through (but not limited to) environmental restoration and pollution abatement (which cause no harm themselves), or to maintain and enhance environmental quality and site aesthetics, and employ construction best management practices.
  4. ADA accessibility improvements, including walkways, stairways, access ramps for persons using mobility aids, and handrails;
  5. Infrastructure systems and support structures for utilities including but not limited to water, drainage, wastewater, sewer, power, energy, telephone, data and communication systems
  6. Noise attenuation and noise barriers
  7. Energy or other resource conservation improvements
  8. Landscaping and collection of refuse and recyclables
  9. Parking facilities
- E. ROADWAYS
1. Ancillary transportation infrastructure including: signage, sign poles, guard rails, short-term bike racks, bike corrals, secure bike storage/parking, railings, barriers, bike share stations, retaining walls, parking meters, sidewalks.
  2. In-road components: pavement markings, crosswalks, pavement, pavement grooving, curbs, gutters, sidewalks, striping, berms, bollards.
  3. Improvements and modifications to the street network including driveways, vehicular street closures, vehicular lane reductions

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4. Temporary traffic control devices and by-pass lanes used for construction
  5. Temporary traffic control devices used to simulate/test impacts of devices such as traffic cones and lane delineators
  6. Recreation, pedestrian, and bikeways such as paths, bike lanes, protected bike lanes, cycle tracks, Multiuse pathways, and trails.
  7. Traffic calming devices, such as medians, bulbouts, chicanes, speedhumps, rumble strips and 3D visual technology;
  8. Concrete speed tables
  9. Roundabouts and traffic circles which only consist of signage and striping
  10. Roundabouts and traffic circles with concrete curbing, permanent structures
  11. Pedestrian safety devices, such as in-road pavement lighting and delineators;
  12. Utilities: Manholes, waterlines, drainage, meters, hydrants, valves, sewer lines, utility lines, poles, underground wiring, cables, and information systems;
  13. Resurfacing, if the action meets the constraints in 23 C.F.R. §771.117, paragraph (e).
  14. Street lights; directional, informational, and regulatory signs; pavement marks; parking meters, multispace parking meters, and inroad sensors; and parklets; where no substantial land acquisition or traffic disruption will occur.
  15. Traffic signals, pedestrian crossing signals and devices, where no substantial land acquisition or traffic disruption will occur.
  16. Traffic surveillance and control systems; traffic cameras; Intelligent Transportation Systems and components; where no traffic disruption will occur.
  17. Glare screens, safety barriers, and energy attenuators (i.e., crash cushions, sand barrels) to protect the motoring public.
- F. EQUIPMENT
1. Equipment to be located within existing facilities and with no substantial off-site impacts;
  2. Vehicles, including buses, para-transit vehicles, rail cars, and people movers that can be accommodated by existing facilities or by new facilities that qualify for an exemption.
  3. Electronics, photonics, communications, or information processing used singly or in combination, or as components of a fully integrated system, to improve the efficiency or safety of a surface transportation system or to enhance security or passenger convenience. Examples include, but are not limited to:
    - a. Traffic control and detector devices;
    - b. Lane management systems;
    - c. Electronic payment equipment;
    - d. Automatic vehicle locaters;
    - e. Automated passenger counters;
    - f. Computer-aided dispatching systems;
    - g. Radio communications systems;
    - h. Dynamic message signs;
    - i. Security equipment including surveillance and detection cameras on roadways and in transit facilities and on buses.

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### **GENERAL TYPE #2**

*Replacement or reconstruction of existing structures and facilities where the new structure will be located generally on the same site and will have substantially the same purpose, capacity, density, height, and dimensions as the structure replaced;*

#### **A. TRANSIT STOPS**

1. Bus stop and amenities including, but not limited to shelters, benches, trashcans, transit information kiosks, painted curbs with stenciling, signage, bus stop platforms, real-time arrival displays and required power-supply infrastructure, fare vending machines and required power-supply infrastructure, ADA level landing pads and accessible paths, lighting
2. Bus-only lanes which only consist of paint, signage, striping, and pavement
3. Bus stop pullouts

#### **B. TRANSIT FACILITIES**

1. Administrative, Maintenance Buildings
2. Busways, which include a separate Right of Way that is delineated from other vehicle traffic by medians or other vertical separation elements; or other transit investments within areas of the right-of-way occupied by the physical footprint of the existing facility or otherwise maintained or used for transportation operations
3. Facilities for transit and non-transit purposes, located on, above, or adjacent to existing transit facilities, that are not part of a larger transportation project and do not substantially enlarge such facilities, such as police facilities, daycare facilities, public service facilities, amenities, commercial, retail, and residential development.
4. Electric vehicle charging infrastructure
5. Rail and bus buildings and ancillary facilities where only minor amounts of additional land are required, and there is not a substantial increase in the number of users, contingent on FHWA approval of Categorical Exclusion.
6. Track and railbed when carried out within the existing right-of-way.

#### **C. BUILDINGS**

1. Minor structures including: fences, curbing, walls, gates, and retaining walls;
2. Restoring, replacing, reconstructing, and rehabilitating culverts and drainage pipes; safety treatments to culverts and channels within and adjacent to the transportation right-of-way to prevent damage to the transportation facility and adjoining property; necessary channel work; expanding existing culverts and drainage pipes.
3. ADA accessibility improvements, including walkways, stairways, access ramps for persons using mobility aids, and handrails;
4. Infrastructure systems and support structures for utilities including but not limited to water, drainage, wastewater, sewer, power, energy, telephone, data and communication systems
5. Noise attenuation and noise barriers

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6. Energy or other resource conservation improvements
7. Landscaping and collection of refuse and recyclables
8. Parking facilities

### **D. ROADWAYS**

1. Ancillary transportation infrastructure including: signage, sign poles, guard rails, short-term bike racks, bike corrals, secure bike storage/parking, railings, barriers, bike share stations, retaining walls, parking meters, sidewalks.
2. In-road components: pavement markings, crosswalks, pavement, pavement grooving, curbs, gutters, sidewalks, striping, berms, bollards.
3. Improvements and modifications to the street network including driveways, vehicular street closures, vehicular lane reductions
4. Recreation, pedestrian, and bikeways such as paths, bike lanes, protected bike lanes, cycle tracks, Multiuse pathways, and trails.
5. Traffic calming devices, such as medians, bulbouts, chicanes, speedhumps, rumble strips and 3D visual technology;
6. Concrete speed tables
7. Roundabouts and traffic circles which only consist of signage and striping
8. Roundabouts and traffic circles with concrete curbing, permanent structures
9. Pedestrian safety devices, such as in-road pavement lighting and delineators;
10. Utilities: Manholes, waterlines, drainage, meters, hydrants, valves, sewer lines, utility lines, poles, underground wiring, cables, and information systems;
11. Resurfacing, if the action meets the constraints in 23 C.F.R. §771.117, paragraph (e).
12. Widening less than a single lane width, adding shoulders, adding auxiliary lanes for localized purposes (weaving, climbing, speed changes, turning lanes or turning pockets) and correcting substandard curves and intersections, if the action meets the constraints in 23 C.F.R. §771.117, paragraph (e).
13. Street lights; directional, informational, and regulatory signs; pavement marks; parking meters, multispace parking meters, and inroad sensors; and parklets; where no substantial land acquisition or traffic disruption will occur. Lighting shall comply with HRS §201-8.5 Night sky protection strategy.
14. Traffic signals, pedestrian crossing signals and devices, where no substantial land acquisition or traffic disruption will occur.
15. Installation or construction of traffic surveillance and control systems; traffic cameras; Intelligent Transportation Systems and components; where no substantial land acquisition or traffic disruption will occur.
16. Glare screens, safety barriers, and energy attenuators (i.e., crash cushions, sand barrels) to protect the motoring public.

### **E. EQUIPMENT**

1. Equipment to be located within existing facilities and with no substantial off-site impacts;

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2. Vehicles, including buses, para-transit vehicles, rail cars, and people movers that can be accommodated by existing facilities or by new facilities that qualify for an exemption.
3. Electronics, photonics, communications, or information processing used singly or in combination, or as components of a fully integrated system, to improve the efficiency or safety of a surface transportation system or to enhance security or passenger convenience. Examples include, but are not limited to:
  - a. Traffic control and detector devices;
  - b. Lane management systems;
  - c. Electronic payment equipment;
  - d. Automatic vehicle locaters;
  - e. Automated passenger counters;
  - f. Computer-aided dispatching systems;
  - g. Radio communications systems;
  - h. Dynamic message signs;
  - i. Security equipment including surveillance and detection cameras on roadways and in transit facilities and on buses.

### **GENERAL TYPE #3**

*Construction and location of single, new, small facilities or structures and the alteration and modification of the facilities or structures and installation of new, small equipment or facilities and the alteration and modification of the equipment or facilities, including, but not limited to:*

- (A) *Single-family residences less than 3,500 square feet, as measured by the controlling law under which the proposed action is being considered, if not in conjunction with the building of two or more such units;*
- (B) *Multi-unit structures designed for not more than four dwelling units if not in conjunction with the building of two or more such structures;*
- (C) *Stores, offices, and restaurants designed for total occupant load of twenty individuals or fewer per structure, if not in conjunction with the building of two or more such structures; and*
- (D) *Water, sewage, electrical, gas, telephone, and other essential public utility services extensions to serve such structures or facilities; accessory or appurtenant structures including garages, carports, patios, swimming pools, and fences; and, acquisition of utility easements.*

#### **A. TRANSIT STOPS**

1. Bus stop and amenities including, but not limited to shelters, benches, trashcans, transit information kiosks, painted curbs with stenciling, signage, bus stop platforms, real-time arrival displays and required power-supply infrastructure, fare vending machines and required power-supply infrastructure, ADA level landing pads and accessible paths, lighting
2. Bus-only lanes which only consist of paint, signage, striping, and pavement
3. Bus stop pullouts

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### **C. TRANSIT ROUTES**

1. New bus routes and alignment changes to existing bus routes, which do not require land acquisition or physical changes to the right-of-way

### **D. BUILDINGS**

1. Minor structures including: fences, curbing, walls, gates, and retaining walls;
2. Improvements to mitigate environmental harm through (but not limited to) environmental restoration and pollution abatement (which cause no harm themselves), or to maintain and enhance environmental quality and site aesthetics, and employ construction best management practices.
3. ADA accessibility improvements, including walkways, stairways, access ramps for persons using mobility aids, and handrails;
4. Infrastructure systems and support structures for utilities including but not limited to water, drainage, wastewater, sewer, power, energy, telephone, data and communication systems
5. Noise attenuation and noise barriers
6. Energy or other resource conservation improvements

### **E. ROADWAYS**

1. Safety treatments to culverts and channels within and adjacent to transportation right-of-way to prevent damage to the transportation facility and adjoining property, plus any necessary channel work, such as restoring, replacing, reconstructing, and rehabilitating culverts and drainage pipes; and, expanding existing culverts and drainage pipes.
2. Ancillary transportation infrastructure including: signage, sign poles, guard rails, short-term bike racks, bike corrals, secure bike storage/parking, railings, barriers, bike share stations, retaining walls, parking meters, sidewalks.
3. In-road components: pavement markings, crosswalks, pavement, pavement grooving, curbs, gutters, sidewalks, striping, berms, bollards.
4. Improvements and modifications to the street network including driveways, vehicular street closures, vehicular lane reductions
5. Temporary traffic control devices and by-pass lanes used for construction
6. Temporary traffic control devices used to simulate/test impacts of devices such as traffic cones and lane delineators
7. Recreation, pedestrian, and bikeways such as paths, bike lanes, protected bike lanes, cycle tracks, Multiuse pathways, and trails, if not located in historic sites.
8. Traffic calming devices, such as medians, bulbouts, chicanes, speedhumps, rumble strips and 3D visual technology;
9. Roundabouts and traffic circles which only consist of signage and striping
10. Pedestrian safety devices, such as in-road pavement lighting and delineators;
11. Utilities: Manholes, waterlines, drainage, meters, hydrants, valves, sewer lines, utility lines, poles, underground wiring, cables, and information systems;
12. Resurfacing, if the action meets the constraints in 23 C.F.R. §771.117, paragraph (e).
13. Street lights; directional, informational, and regulatory signs; pavement marks; parking meters, multispace parking meters, and inroad sensors;

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and parklets; where no substantial land acquisition or traffic disruption will occur. Lighting shall comply with HRS §201-8.5 Night sky protection strategy.

14. Installation or construction of traffic surveillance and control systems; traffic cameras; Intelligent Transportation Systems and components; where no substantial land acquisition or traffic disruption will occur.
15. Glare screens, safety barriers, and energy attenuators (i.e., crash cushions, sand barrels) to protect the motoring public.

### **F. EQUIPMENT**

1. Equipment to be located within existing facilities and with no substantial off-site impacts;
2. Vehicles, including buses, para-transit vehicles, rail cars, and people movers that can be accommodated by existing facilities or by new facilities that qualify for an exemption.
3. Electronics, photonics, communications, or information processing used singly or in combination, or as components of a fully integrated system, to improve the efficiency or safety of a surface transportation system or to enhance security or passenger convenience. Examples include, but are not limited to:
  - a. Traffic control and detector devices;
  - b. Lane management systems;
  - c. Electronic payment equipment;
  - d. Automatic vehicle locaters;
  - e. Automated passenger counters;
  - f. Computer-aided dispatching systems;
  - g. Radio communications systems;
  - h. Dynamic message signs;
  - i. Security equipment including surveillance and detection cameras on roadways and in transit facilities and on buses.

#### **GENERAL TYPE #4**

*Minor alterations in the conditions of land, water, or vegetation;*

1. Landscaping alongside public transportation bus stops, park & ride locations, administrative and vehicle maintenance facilities.
2. Landscaping of highway or roadway, rights-of-way, embankments, and medial strips.
3. Installation of accessory sprinkler and/or electrical systems.
4. Alteration/improvement of existing landscaping, water, or vegetation to mitigate environmental harm through (but not limited to) environmental restoration and pollution abatement (which cause no harm themselves), or to maintain and enhance environmental quality and site aesthetics, such as re-vegetation.

#### **GENERAL TYPE #5**



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*Basic data collection, research, experimental management, and resource and infrastructure testing and evaluation activities that do not result in a serious or major disturbance to an environmental resource;*

1. Mechanical and electronic traffic data collection and traffic surveys (i.e., volume, speed, classification);
2. Public transit planning data collection;
3. Field surveying;
4. Communication / Media surveys.
5. Public transit facility design alternative analysis;
6. Localized geotechnical and other investigations to provide information for preliminary design and for environmental analyses and permitting purposes, such as:
  - a. Drilling test bores for soil sampling;
  - b. Archeological investigations for archeology resources assessment or similar survey;
  - c. Wetland surveys.

### **GENERAL TYPE #6**

*Demolition of structures, except those structures that are listed on the national register or Hawaii Register of Historic Places;*

1. Demolition work to existing: curbs, sidewalks, pavement, driveways, structures, facilities, and equipment; excluding conditions listed in General Type #6, Part 2.

### **GENERAL TYPE #7**

*Zoning variances except shoreline setback variances;*

1. Zoning variances of City properties except shoreline setback variances.

### **GENERAL TYPE #8**

*Continuing administrative activities;*

1. Buying of equipment and materials related to existing operations and maintenance.
2. Promulgation of rules, regulations, directives, and program guidance.
3. Acquisition or transfer of an interest in real property that is not within or adjacent to recognized environmentally sensitive areas (e.g., wetlands, non-urban parks, wildlife management areas) and does not result in a substantial change in the functional use of the property or in substantial displacements, such as:
  - a. Acquisition for scenic easements or historic sites for the purpose of preserving the site. This exemption extends only to acquisitions

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and transfers that will not limit the evaluation of alternatives for future FTA-assisted projects that make use of the acquired or transferred property.

4. Planning and administrative activities that do not involve or lead directly to construction, such as:
  - a. Training, technical assistance, planning, and research;
  - b. Grants for training;
  - c. Approval of project concepts;
  - d. Engineering to define the elements of a proposed action or alternatives so that social, economic, and environmental effects can be assessed;
  - e. Operating assistance to transit authorities to continue existing service or increase service to meet routine demand.
5. Right of entry agreements with private landowners.

### **GENERAL TYPE #9**

*Acquisition of land and existing structures, including single or multi-unit dwelling units, for the provision of affordable housing, involving no material change of use beyond previously existing uses, and for which the legislature has appropriated or otherwise authorized funding;*

### **NOTE: All exemptions below only apply to affordable housing projects**

1. Disposition of land and any improvements thereon.
2. Transfer of management authority over city-owned land, such as setting aside of city lands to or from other government agencies.
3. Transfer of title to land.
4. Acquisition of land or interests in land.
5. Creation or termination of easement, covenants, or other rights in structures or land.
6. Leases of city land involving negligible or no expansion or change of use beyond that previously existing.
7. Appraisal of real property for land exchange proposals, determination of acquisition/sales price, rental establishment or the establishment of royalties.
8. Land exchanges including, but not limited to, transactions to correct existing roadway alignments and easement locations, and title transfers between DTS and other agencies involving no monetary consideration.

### **GENERAL TYPE #10**

*New construction of affordable housing, where affordable housing is defined by the controlling law applicable for the state or county proposing agency or approving agency, that meets the following:*

- (A) *Has the use of state or county lands or funds or is within Waikiki as the sole triggers for compliance with chapter 343, HRS;*
- (B) *As proposed conforms with the existing state urban land use classification;*

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- (C) *As proposed is consistent with the existing county zoning classification that allows housing; and*
- (D) *As proposed does not require variances for shoreline setbacks or siting in an environmentally sensitive area, as stated in section 11-200.1-13(b)(11).*

## **PART 2 – Exemption Notice**

Types of actions eligible for exemption under HAR Section 11-200.1-15 that will have minimal or no significant effects on the environment.

### **GENERAL TYPE #1**

*Operations, repairs, or maintenance of existing structures, facilities, equipment, or topographical features, involving minor expansion or minor change of use beyond that previously existing;*

#### **G. ALL FACILITIES**

1. Emergency repairs/reconstruction performed without a declaration of a state of emergency, can be filed after the action.

### **GENERAL TYPE #2**

*Replacement or reconstruction of existing structures and facilities where the new structure will be located generally on the same site and will have substantially the same purpose, capacity, density, height, and dimensions as the structure replaced;*

#### **B. TRANSIT FACILITIES**

1. Streetcar lines within areas of the right-of-way occupied by the physical footprint of the existing facility or otherwise maintained or used for transportation operations
2. Mobility hubs, bus transfer stations, transit centers, and intermodal centers

#### **F. ALL FACILITIES**

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1. Emergency repairs/reconstruction performed without a declaration of a state of emergency, can be filed after the action.

### **GENERAL TYPE #3**

*Construction and location of single, new, small facilities or structures and the alteration and modification of the facilities or structures and installation of new, small equipment or facilities and the alteration and modification of the equipment or facilities, including, but not limited to:*

- (A) *Single-family residences less than 3,500 square feet, as measured by the controlling law under which the proposed action is being considered, if not in conjunction with the building of two or more such units;*
- (B) *Multi-unit structures designed for not more than four dwelling units if not in conjunction with the building of two or more such structures;*
- (C) *Stores, offices, and restaurants designed for total occupant load of twenty individuals or fewer per structure, if not in conjunction with the building of two or more such structures; and*
- (D) *Water, sewage, electrical, gas, telephone, and other essential public utility services extensions to serve such structures or facilities; accessory or appurtenant structures including garages, carports, patios, swimming pools, and fences; and, acquisition of utility easements.*

### **B. TRANSIT FACILITIES**

1. Administrative, Maintenance Buildings with 20 persons or less per structure
2. Busways, which include a separate Right of Way that is delineated from other vehicle traffic by medians or other vertical separation elements; or other transit investments within areas of the right-of-way occupied by the physical footprint of the existing facility or otherwise maintained or used for transportation operations
3. Facilities for transit and non-transit purposes, located on, above, or adjacent to existing transit facilities, that are not part of a larger transportation project and do not substantially enlarge such facilities, such as police facilities, daycare facilities, public service facilities, amenities, commercial, retail, and residential development.
4. Electric vehicle charging infrastructure
5. Rail and bus buildings and ancillary facilities where only minor amounts of additional land are required, and there is not a substantial increase in the number of users, contingent on FHWA approval of Categorical Exclusion.
6. Transit facility modernization or expansion outside the existing right-of-way contingent on FTA approval of Categorical Exclusion.

### **E. ROADWAYS**

1. Concrete speed tables
2. Roundabouts and traffic circles with concrete curbing, permanent structures
3. Widening less than a single lane width, adding shoulders, adding auxiliary lanes for localized purposes (weaving, climbing, speed changes, turning lanes or turning pockets) and correcting substandard curves and

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- intersections, if the action meets the constraints in 23 C.F.R. §771.117, paragraph (e).
4. Traffic signals, pedestrian crossing signals and devices, where no substantial land acquisition or traffic disruption will occur.

### **GENERAL TYPE #6**

*Demolition of structures, except those structures that are listed on the national register or Hawaii Register of Historic Places;*

#### **B. TRANSIT FACILITIES**

1. Streetcar lines within areas of the right-of-way occupied by the physical footprint of the existing facility or otherwise maintained or used for transportation operations
2. Mobility hubs, bus transfer stations, transit centers, and intermodal centers

#### **C. BUILDINGS**

1. Demolition of buildings and structures prior to or concurrent with the construction of a new or replacement building or structure, except those structures located on any historic site;
2. Demolition of old, dilapidated, unsafe or dangerous buildings or structures required by building, housing or health codes and regulations; in accordance with applicable condemnation regulations;
3. Parking Facilities

#### **D. ROADWAYS**

1. Concrete speed tables
2. Roundabouts and traffic circles with concrete curbing, permanent structures
3. Traffic signals, pedestrian crossing signals and devices.

### **GENERAL TYPE #8**

*Continuing administrative activities;*

1. Acquisition of land for hardship or protective purposes. Hardship and protective buying will be permitted only for a particular parcel or a limited number of parcels. These types of land acquisition qualify for a CE only where the acquisition will not limit the evaluation of alternatives, including shifts in alignment for planned construction projects, which may be required in the NEPA process. No project development on such land may proceed until the NEPA process has been completed. Contingent on FTA and FHWA approval of Categorical Exclusion.
  - a. Hardship acquisition is early acquisition of property by the applicant at the property owner's request to alleviate particular hardship to the owner, in contrast to others, because of an inability to sell his property. This is justified when the property owner can

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document on the basis of health, safety or financial reasons that remaining in the property poses an undue hardship compared to others.

- b. Protective acquisition is done to prevent imminent development of a parcel that may be needed for a proposed transportation corridor or site. Documentation must clearly demonstrate that development of the land would preclude future transportation use and that such development is imminent. Advance acquisition is not permitted for the sole purpose of reducing the cost of property for a proposed project.
2. Approvals for disposal of excess right-of-way or for joint or limited use of right-of-way, where the proposed use does not have significant adverse impacts, contingent on FHWA approval of Categorical Exclusion.

### **GENERAL TYPE #9**

*Acquisition of land and existing structures, including single or multi-unit dwelling units, for the provision of affordable housing, involving no material change of use beyond previously existing uses, and for which the legislature has appropriated or otherwise authorized funding;*

### **NOTE: All exemptions below only apply to affordable housing projects**

1. Condemnation actions.
2. Acquisition, but not improvement of property, for public use (including easements) minor subdivision and consolidation of parcels necessary for acquisition of property for public use (including rounding corners and minor street widening).
3. Acquisition and leasing of land under the 201H, HRS program and facilities/improvements acquired for continued use, provided that a site assessment is conducted.
4. Acquisition of interests, including fee simple, quitclaim, easements, and leaseholds, in real property on which a housing development will be situated, provided that a site assessment is conducted.