Attachment E
NYSDOT SEQR TYPE II Project List
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(k) Private airport compliance determinations, pursuant to section 249 of the General Business Law.

(l) The Mass Transit Operating Assistance Program, pursuant to sections 18-a and 18-b of the Transportation Law.

Historical Note

15.14 Type II actions. (a) Actions which are type II are actions or classes of actions which have been determined not to have a significant effect on the environment and do not require the preparation of an FEIS, DEIS or any determinations or statements pursuant to this Part.

(b) With respect to capital projects, many activities which have, and might have, been listed in this Part as type II actions are the components of a project. The entire set of activities will be considered the "action" for the purpose of the type II determination.

(c) If a "total" capital project or physical activity consists of two or more interdependent and associated actions (each depends upon the completion of the others for its successful implementation and operation), each of which is an action within the meaning of this Part, then the "total" project must be treated as one action subject to this Part. In such cases, the total project is type II only if all the interdependent actions are also type II actions under this Part.

(d) For some of the actions listed in subdivision (e) of this section, the satisfaction of one or more of the following criteria is a prerequisite to their classification as type II. If no criteria are specified for the action, it is type II as stated. The criteria are:

(1) no acquisition of any occupied dwelling units or principal structures of businesses;

(2) no significant changes in passenger or vehicle traffic volume, vehicle mix, local travel patterns or access (other than changes that would occur without the action);

(3) no more than minor social, economic or environmental effects upon occupied dwelling units, businesses, abutting properties or other established human activities;

(4) no significant inconsistency with current plans or goals that have been adopted by local government bodies;

(5) no physical alteration of more than 2.5 acres of publicly owned or operated parkland, recreation area or designated open space;

(6) no effect on any district, site, building, structure or object that is listed, or may be eligible for listing, on the National Register of Historic Places, or any historic building, structure, site or prehistoric site that has been proposed by the Committee on the Registers for consideration by the New York State Board of Historic Preservation for a recommendation to the State Historic Preservation Officer for nomination for inclusion in said National Register;

(7) no more than minor alteration of, or adverse effect upon, any property, protected area, or natural or man-made resource of national, State or local significance, including but not limited to:

(i) freshwater or tidal wetlands and associated areas;

(ii) floodplain areas:
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(iii) prime or unique agricultural land;
(iv) agricultural districts so designated pursuant to article 25, section 203, when more than one acre of such district may be affected;
(v) water resources, including lakes, reservoirs, rivers, streams;
(vi) water supply sources;
(vii) designated wild, scenic and recreational rivers;
(viii) unique ecological, natural wooded or scenic areas;
(ix) rare, endangered or threatened species formally designated as such pursuant to Federal law; and
(x) any area officially designated as a critical environmental area pursuant to 6 NYCRR Part 617; and

(8) no requirement for an indirect source air quality permit, pursuant to 6 NYCRR Part 203.

(e) The following classes of actions have been determined by the department to be type II. For reference purposes, the department's usual involvement in the action is provided in parentheses.

GENERAL AND MULTI-MODAL

(1) (Funding or permit granting). Any action listed as type II by another agency in that agency's duly adopted type II list, when such action is the subject of an application to the department by such agency for funding or permit approval.

(2) (Funding or permit granting). Any action listed as type II by a lead SEQR agency in such agency's duly adopted type II list, when such action is the subject of an application to the department for funding or permit approval.

(3) (Permit granting or renewal). The continuation of presently existing permitted conditions or permitted activities without significant change.

(4) (Permit granting). (i) The use of State-owned property involving highway right-of-way or land held for canal purposes, where the use of the land in its existing state will be continued.

(ii) Minor work activities within State highway right-of-way.

(iii) Special hauling.

(iv) Installation of signals or signs by others on State highway right-of-way.

(5) (Permit granting). The use of State-owned property pursuant to a lease or permit which continues the use of the land and/or structures in their present condition.

(6) (Direct action or permit granting). Minor temporary uses of land having negligible or no permanent effect on the environment.

(7) (Direct action). The sale or disposal by public auction of buildings and/or property which has been determined to be surplus to transportation needs, provided that paragraph (d)(8) of this section is not violated.

(8) (Direct action). The private sale to a current occupant of buildings and/or property which has been determined to be surplus to transportation needs.

(9) (Direct action). Sale of surplus property other than land, radioactive materials, pesticides, herbicides or other hazardous materials.
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(10) (Direct action or funding). The acquisition and use of transportation fleet, safety or maintenance vehicles or equipment, or the replacement, rehabilitation or conversion of same, including aircraft, buses, trains, trucks and the like, when such vehicles or equipment would be used in undertaking exempt acts or type II actions.

(11) (Direct action or funding). The acquisition and operation of transportation fleet, equipment and parts used to replace, rehabilitate or convert existing equipment.

(12) (Direct action or funding). The acquisition, installation or operation of traffic signal equipment and systems and other operational improvements within existing highway, railroad and waterway rights-of-way.

(13) (Direct action or funding). The acquisition and use of communications equipment.

(14) (Direct action or funding). Any action that rebuilds or restores a previously existing transportation facility or structure, at its prior site, where the prior size and usage of such facility will not be significantly exceeded, where the property involved has not been developed or converted to other uses and where paragraph (3) of subdivision (d) of this section is not violated.

(15) (Direct action or funding). Replacement or reconstruction in kind and function of existing transportation buildings or terminals (including maintenance buildings, garages and the like) at existing sites and not involving real estate acquisition, and provided that paragraphs (5) through (8) of subdivision (d) of this section are not violated.

(16) (Direct action or funding). The expansion, reconstruction, rehabilitation or replacement, at existing sites, of existing transportation maintenance areas, sites, buildings, facilities or equipment, not involving the acquisition of real estate, and provided that paragraphs (5) through (8) of subdivision (d) of this section are not violated; or, if real estate acquisition is involved, provided that any expansion is less than 50 percent of existing site area or building floor area and provided that none of the criteria listed in subdivision (d) of this section is violated.

(17) (Funding). The expansion, reconstruction, rehabilitation or replacement, at existing sites, of existing public transportation passenger terminal buildings (air, rail, bus, ferry, port, etc.) involving an expansion by less than 50 percent of existing site area or building floor area, and provided that none of the criteria listed in subdivision (d) of this section is violated.

(18) (Direct action or funding). Minor alterations to existing structures or equipment within existing property boundaries for transportation safety or operational purposes.

(19) (Direct action). The expansion of an existing highway or waterway maintenance site by less than 50 percent of current size or usage, provided that none of the criteria listed in subdivision (d) of this section is violated.

(20) (Direct action or funding). The construction of new transportation buildings, terminals or stations within the boundaries of property already owned or used for transportation purposes, provided that the project would:

(i) not involve the physical alteration of 10 or more acres of land;

(ii) not use ground or surface water in excess of two million gallons per day;

(iii) not exceed 100 feet above original ground level in a locality without any zoning regulation pertaining to height; and

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(iv) not violate any of paragraphs (5) through (8) of subdivision (d) of this section.

(21) (Direct action or funding). Installation of fencing to secure transportation properties or to prevent inadvertent entry of transportation right-of-way.

(22) (Direct action or funding). The construction or reconstruction of bikeways, walkways, pedestrian bridges and the like, where no more than minor amounts of right-of-way need be acquired, provided that paragraphs (5) through (7) of subdivision (d) of this section are not violated.

(23) (Direct action or funding). Replacement, reconstruction or rehabilitation of existing highway/railroad crossings and crossing bridges at present sites not involving significant expansion, and provided that none of the criteria listed in subdivision (d) of this section is violated.

(24) (Direct action). All activities within the existing boundaries of a highway or waterway maintenance site, other than construction of new buildings or expansion of buildings, provided that paragraph (7) of subdivision (d) of this section is not violated.

(25) (Direct action or funding). The establishment and operation of security or safety practices and activities, not involving construction, within existing transportation facilities or structures.

(26) (Funding or permit granting). The expansion or reduction, by less than 50 percent, of existing levels of service or operations of existing passenger or freight public transportation, on or within existing travel routes or paths.

(27) (Funding). The maintenance of existing levels of service by railroads, bus lines, motor carriers or other operators of transportation services, or the expansion of such services by less than 50 percent.

(28) (Funding). All nonconstruction actions for the purpose of maintaining existing levels or patterns of public transportation services or operations, or to restore such services or operations to previously existing levels or patterns, or to prevent abandonment or discontinuance of existing services.

(29) (Permit grant). Acceptance, rejection, approval or denial by the commissioner or his duly authorized agent of:

(i) tariffs and/or amendments thereto;

(ii) contract carriage contracts;

(iii) schedules of minimum charges;

(iv) operating agreements;

(v) leases or conveyances of operating authority or lines;

(vi) issuance of indebtedness;

(vii) reorganizations, mergers, acquisitions or transfers of operating authority, franchises or stocks; and

(viii) self-insurance funding provisions and regular insurance agreements.

(30) (Direct action or funding). All physical inventories and monitoring conducted solely to inventory existing conditions or operations, including but not limited to: traffic counting, soil sampling, surveys, photologging, aerial photography, operations monitoring and the like.
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(31) (Policy, regulation and procedure making). The establishment and implementation of policies, regulations, procedures and the like, for the purpose of the routine administration, coordination, review and management activities of the department.

(32) (Policy, regulation and procedure making). All policy, regulation and procedure making of the department which relates exclusively to type II or exempt acts.

(33) (Policy and regulation making). The establishment of:

(i) quality standards for engineering materials in accordance with accepted engineering practice; and

(ii) equipment construction standards for school buses.

(34) (Policy, regulation and procedure making). Preparing, maintaining and updating manuals, directives, procedures, guidelines and the like which do not commit the department to undertake new capital programs, which do not involve a major reordering of priorities and which meet all the conditions stated in paragraph (36) of this subdivision.

(35) (Procedure making). The preparation and adoption of minor revisions to the department’s Environmental Action Plan, pursuant to Federal requirements.

(36) (Policy, regulation and procedure making). Any policy, regulation, procedure making and other similar activities of the department, including the updating of same, provided that such actions:

(i) do not significantly reduce the extent to which the department identifies, considers and documents the social, economic and environmental effects of actions subject to this Part, or the extent to which the department provides for public and agency participation and review of its actions;

(ii) do not significantly expand the number of types or classes of actions, subject to this Part, for which an environmental assessment and determination of effect is not required; and

(iii) do not precipitate or allow changes to standard department operations or practices that may significantly affect the environment.

HIGHWAYS

(37) (Direct action or funding). All highway and associated construction projects which do not violate any of the criteria contained in subdivision (d) of this section and which are of a scale and scope illustrated by the following:

(i) minor improvements to existing highways, such as adding or widening shoulders, adding auxiliary lanes for weaving, climbing, turning or speed change, or correction of substandard intersections;

(ii) installation on existing highways of traffic control devices, surveillance systems, pavement markings, lighting, signs, other similar operational improvements;

(iii) safety improvements to existing highways such as removal, relocation or shielding of roadside obstacles, grooving, installation of impact attenuators, guide rails, at-grade protective devices, fencing, glare screening, etc.;

(iv) replacement reconstruction or rehabilitation, at present sites or immediately adjacent thereto, of existing bridges, culverts or other transportation structures, including railroad crossing structures, not involving substantial expansion of the structure:

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(v) minor reconstruction or rehabilitation of existing highways within existing right-of-way, or involving minimal right-of-way acquisition;

(vi) aesthetic or user convenience improvements to existing highways, such as landscaping, removal of nonconforming outdoor advertising, screening of junkyards and improvements at existing rest areas;

(vii) resurfacing or spot correction of deteriorated facilities or structures;

(viii) minor expansion or alteration of an existing highway maintenance site or structure;

(ix) construction of bus shelters and bays, construction of bicycle or pedestrian facilities within existing right-of-way; and

(x) other projects of a minor scale and scope that meet all of the criteria listed in subdivision (d) of this section.

(38) (Direct action or funding). The construction of new parking areas for fewer than 250 automobiles, or the expansion of an existing parking area by fewer than 250 automobile spaces, provided that no occupied dwelling units or principal structures of businesses are acquired and that paragraphs (5) through (8) of subdivision (d) of this section are not violated.

(39) (Direct action or funding). The construction and operation of new exclusive or preferential bus or high-occupancy-vehicle lanes and ramps within existing transportation rights-of-way, not involving any significant restriction on existing vehicular travel.

(40) (Direct action or funding). The establishment, installation and/or operation of the following:

(1) ramp metering;

(ii) traffic channelization;

(iii) reversible and contra-flow lanes;

(iv) preferential lanes and tolls for high-occupancy vehicles at toll collection points;

(v) reduced off-peak fares for public transportation;

(vi) staggered or flexible work-hour programs;

(vii) designation of bikeways not involving new construction;

(viii) park-and-ride bus services, not involving the construction or designation of additional parking capacity.

(41) (Direct action or funding). The construction and operation of park-and-ride areas and associated facilities, services and amenities, where paragraphs (5) through (8) of subdivision (d) of this section are not violated.

(42) (Direct action or funding). The construction and operation of transit transfer terminal areas, other than park-and-ride areas and terminal buildings.

(43) (Direct action). The construction, along existing highways, of bus and transit turnout bays, turning lanes and shelters.

(44) (Direct action). The implementation of the directional and tourist-oriented replacement sign program on interstate, expressway and primary highways.

(45) (Regulation making). The issuance or approval of traffic regulations.

PUBLIC TRANSIT

(46) (Direct action or funding). The establishment, operation and administration of car-pooling, van-pooling or other shared-ride programs.

(47) (Funding or permit granting). The institution and operation of new bus services or the expansion of existing services.

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(48) (Permit granting: approval or denial of requests allowing). Increases or decreases in the service frequency of bus lines.

(49) (Permit granting). Approval or denial of a certificate or amendment or extension of a certificate allowing:

(i) operation of a common carrier of property by motor vehicle;
(ii) operation of a bus line;
(iii) operation of a common carrier;
(iv) operation of a contract carrier of property by motor vehicle;
(v) operation of a contract carrier of passengers by motor vehicle;
(vi) the operation of a common carrier of household goods by motor vehicle;
(vii) the temporary operation as a common or contract carrier of property, household goods or passengers by motor vehicle.

RAIL

(50) (Policy making). Any resolution of a conflict between agencies as to the order of priority with respect to the exercise of a preferential right of acquisition, pursuant to section 18 of the Transportation Law.

(51) (Direct action or funding). Except for the types of projects listed below, all railroad construction, reconstruction, rehabilitation and preservation projects, and associated capital projects, within existing rail travel corridors, provided that no acquisition of real estate is involved and paragraphs (5) through (8) of subdivision (d) of this section are not violated; or, if real estate acquisition is involved, provided that none of the criteria listed in subdivision (d) of this section is violated. The following do not qualify as type II under this paragraph:

(i) construction of new or relocation of existing railroad crossings of waterways or streams; and
(ii) passenger terminal or station projects and automobile parking area projects.

AIRPORT

(52) (Direct action or funding). The following airport development projects:

(i) the purchase or construction of fire/crash/rescue vehicles and buildings and other safety equipment to meet Federal airport certification requirements;
(ii) installation of fencing;
(iii) construction of segmented circles;
(iv) purchase and installation of wind or landing direction indicators;
(v) runway and taxiway marking and grooving;
(vi) the purchase of security equipment;
(vii) the purchase and/or construction of pedestrian and people-moving facilities and baggage-handling facilities to be located within existing airport boundaries;
(viii) the construction of taxi fillets and jet blast facilities for existing runways, taxiways and aprons within existing airport boundaries;
(ix) the purchase and installation of lighting systems;
(x) the purchase of visual and electronic approach aids;
(xi) the purchase of communication equipment;
(xii) the purchase of weather and other atmospheric measuring equipment and/or services.

(53) (Direct action or funding). The acquisition, installation or operation of airport operational, maintenance or safety equipment for use within existing areas of operation of an existing airport, except for the establishment or relocation of instrument landing systems, approach lighting systems and runway-end identification lights.
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(54) (Direct action or funding). All airport construction, reconstruction, rehabilitation and preservation projects and associated capital projects, other than terminal building and parking lot construction, within an existing airport's boundaries, provided that paragraphs (5) through (8) of subdivision (d) of this section are not violated; or, if real estate acquisition is involved, provided that none of the criteria listed in subdivision (d) of this section is violated. The following do not qualify as type II under this paragraph:

(i) new or relocated runways;
(ii) major runway extensions (which either expand the airport's existing boundary or a clear zone into surrounding land areas, or upgrade an existing runway to permit first-time jet aircraft usage, usage by a larger or noisier type of jet aircraft or a significant increase in the level of jet aircraft operations);
(iii) runway strengthening that would permit first-time jet use or use by larger or noisier jet aircraft;
(iv) the establishment or relocation of instrument landing systems, approach lighting systems and runway-end identification lights.

PORTS

(55) (Funding). The expansion, reconstruction, rehabilitation or replacement, at existing sites, of existing port and dock facilities not involving the acquisition of real estate and provided that paragraphs (5) through (8) of subdivision (d) of this section are not violated; or, if real estate acquisition is involved, provided that any expansion is less than 50 percent of existing site area or building floor area, and provided that none of the criteria listed in subdivision (d) of this section is violated.

Historical Note

15.15 Content of DEIS's and FEIS's. (a) All draft and final EIS's shall be preceded by a cover sheet stating:

(1) whether it is a draft or final EIS;
(2) the name or descriptive title of the action;
(3) the location (county and town, village or city) of the action;
(4) the name and address of the department and the name and telephone number of a department employee who can provide further information;
(5) the name of any individual or organization, other than the department or department employees, that prepared any portion of the statement;
(6) the date of acceptance by the department;
(7) in the case of a DEIS, the date by which comments must be submitted.

(b) A DEIS or FEIS shall have a table of contents following the cover sheet and a precise summary which adequately and accurately summarized the statement.

(c) The body of all DEIS's and FEIS's shall at least contain the following:

(1) a concise description of the proposed action, its purpose, public need and benefits, including social and economic considerations;
(2) a concise description of the environmental setting of the areas to be affected, sufficient to understand the effects of the proposed action and alternatives;
(3) a statement and evaluation of the environmental impacts of the proposed action, including reasonably related short- and long-term effects, cumulative effects and other associated environmental effects;

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