

# NEPA Documentation Concurrence Form

## Project Information

**Project Name:** **Federal Project#:**

**Project Number:** 0029-002-135, D624, P101 **Project Type:** Construction

**UPC:** 77383 **Charge Number:**

**Route Number:** 29 **Route Type:** Primary

**Project Limit--From:** ASHWOOD BOULEVARD **To:** TOWN CENTER DRIVE

**Additional Project Description:** Widen U.S. Route 29 in Albemarle County, Virginia from the existing 4-lane divided section to a 6-lane divided section from Ashwood Boulevard to Towncenter Drive. The project length is approximately 1.1 miles.

**District:** **City/County:** **Residency:**

Culpeper Albemarle Charlottesville

**Suggested Level of NEPA Document:** CE: d

### Description of CE Category:

Additional actions which meet the criteria for a CE in the CEQ regulations (40 CFR 1508.4) and paragraph (a) of this section may be designated as CEs only after Administration approval.

### Comments:

As depicted in the original concept drawings we intend to complete the majority of the widening to the inside median as design standards will allow. This project will not require any relocations. There are no endangered species impacts and minimal WQ impacts are anticipated. The project is number one priority in both the Long Range Transportation Plan (LRTP) and the Transportation Improvement Plan (TIP). Crash Data in a July 2008 Safety Assessment showed 364 total accidents with 170 including injuries from Airport Road to Polo Grounds Road during a three year period. The study made several suggestions based upon roadway geometrics, roadside development and crash history along the corridor. Implementation of "Signal Ahead" signs, controller activated beacons and lowered speed limits have improved safety and traffic flow, however continued rising traffic figures to a current 46,631 ADT keeps the facility operating at a failing level of service.

We concur with the suggested level of NEPA document.



*John Amkins*

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**FHWA Approval**

*10/2/12*

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**Date**



## Categorical Exclusion (CE)

Project Information			
<b>Project Name:</b>		<b>Federal Project#:</b>	
<b>Project Number:</b>	0029-002-135, D624, P101	<b>Project Type:</b>	Construction
<b>UPC:</b>	77383	<b>Charge Number:</b>	
<b>Route Number:</b>	29	<b>Route Type:</b>	Primary
<b>Project Limit--From:</b>	POLO GROUNDS ROAD	<b>To:</b>	TOWN CENTER DRIVE
<b>Additional Project Description:</b>	Widen U.S. Route 29 in Albemarle County, Virginia from the existing 4-lane divided section to a 6-lane divided section from Polo Grounds Rd. to Towncenter Drive. The project length is approximately 2.0 miles.		
<b>District:</b>	<b>City/County:</b>	<b>Residency:</b>	
Culpeper	Albemarle	Charlottesville	

**Date CE level document approved by VA Division FHWA:** 06/30/2014

**FHWA Contact:** Frost, Mack

**Project in STIP:** Yes                      **In Long Range Plan?** Yes

**CE Category 23 CFR 771.117:** d

**Description of Category:** Additional actions which meet the criteria for a CE in the CEQ regulations (40 CFR 1508.4) and paragraph (a) of this section may be designated as CEs only after Administration approval.

**Logical Termini and Independent Utility:** Yes

**Next Phase of Funding Available?** Yes

**Comments:** Albemarle County Board of Supervisors approved the MPO resolution 05/28/14.

**Typical Section:** The roadway would be constructed using an urban typical section with curb and gutter, a utility (or green) strip, and a sidewalk located on the east and west sides of the roadway. See plan sheet.

**Structures:** One box culvert that will need replacement or upgraded in order to accommodate the widening.

### SOCIO-ECONOMIC

**Minority/Low Income Populations:** Present with no impact    **Disproportionate Impacts to Minority/Low Income Populations:** No

**Source:** Albemarle County

**Existing or Planned Public Recreational Facilities:** Not Present

**Community Services:** Not Present

**Consistent with Local Land Use:** Yes

**Source:** Albemarle County Community Development

**Existing or Planned Bicycle/Pedestrian Facilities:** Not Present

**Source:** Albemarle County

**Socio-Economic Comments:** Pedestrian facilities are proposed within the limits of the project. VDOT and Albemarle county will continue to coordinate during the design process to determine type and placement of such facilities. The minority or low-income population of the environmental justice study area does not exceed 50 percent; however the percentage of minority population is above the EJ evaluator factor in Tract 103, Block Groups 3 and 5 and Tract 108, Block Group 1. Although an Environmental Justice (EJ) population is present there are no impacts to the EJ population (i.e., no relocations, no displacements, no disruption of community, and no disruption of emergency services). No minority or low-income populations have been identified that will be adversely impacted by the proposed project as determined above. Therefore, in accordance with the provisions of E.O. 12898 and FHWA Order 6640.23A, no further EJ analysis is required. See attached.

SECTION 4(f) and SECTION 6(f)

Use of 4(f) Property: Yes

4(f) Evaluations:

Selected Evaluation(1):

Acres of Use: 1.5

Type of Use: Permanent

Type of Resource: Individual Eligible Historic Property

Name of Resource: Brookhill Property

Comments:

De Minimis: Yes

• The officials with jurisdiction have concurred that the transportation use of the Section 4(f) resource, together with any impact avoidance, minimization, and mitigation or enhancement measures incorporated into the project, does not adversely affect the activities, features, and attributes that qualify the resource for protection under Section 4(f).

• Based on this FHWA intends to make a De minimis impact finding.

Source:

6(f) Conversion: No

Acres of Conversion:

4(f) and 6(f) Comments:

CULTURAL RESOURCES

Section 106 Effect Determination: NO ADVERSE EFFECT

Name of Historic Property: Brook Hill Property

DHR Concurrence date: 08/27/2014

MOA/PA Execution Date: None

Cultural Resource Comments: The VDOT proposes that the Route 29 widening project will not alter any of the characteristics (architecture) that make the Brookhill property noteworthy. The widened Rte 29 roadway will not be visible from the main dwelling or any of the contributing elements within the historic property boundaries. The VDOT will continue efforts to minimize impacts throughout project development.

NATURAL RESOURCES

Are Waters of the U.S. present? Yes

Linear Feet of Impact: 1603

Federal Threatened or Endangered Species:

James Spiny mussel (Pleurobema collina)-Federal:FE-Not Present

Based upon a review of the DGIF database search and DCR Natural Heritage Conservation Site Maps for the project area, Threatened or Endangered species collections/records are within the required search distance for the project.



08/26/2014 D Ray

The project is Geographically Isolated from any records of Threatened or Endangered species.



A Habitat Assessment has been conducted and no habitat for any threatened or endangered species has been documented within the area of effect for the project.



100 Year Floodplain: Not Present

Regulatory Floodway Zone: Not Present

Public Water Supplies: Not Present

Are any tidal waters/wetlands present? No

Wetlands: Present with impacts

Wetlands: Acres of Impact: 0.18

Wetland Type: Forested

Are any non-tidal wetlands present? Yes

If yes, type of non-tidal wetland impacts: Forested

Are water quality permits required? Yes

Natural Resource Comments: VDOT will avoid impacts to waters of the United States where practicable. Unavoidable impacts will be minimized when possible. Compensation, in the form of credits from an approved bank or in-lieu fee will be provided to mitigate for unavoidable impacts.

AGRICULTURAL/OPEN SPACE

Open Space Easements: Not Present

Agricultural/Forestral Districts: Not Present

Source: Project Definition Form

Agricultural/Open Space Comments: None present



## FARMLAND

**NRCS Form CPA-106 Attached?** No

**NRCS Form CPA-106 not attached because:**

**Land already in Urban use.**

**Entire project in area not zoned agriculture.**

**Alternatives Analysis Required?** No

**Source:** VDOT GIS

**Farmland Comments:** Project area is in an urban setting.

## INVASIVE SPECIES

**Invasive Species in the project area?** No

**VDCR indicated that the potential exists for some VDOT projects to further the establishment of invasive species. All seeds used will be tested in accordance with the Virginia Seed Law to ensure there are not prohibited Noxious Weed-Seeds in the seed mixes.**

**Invasive Species Comments:** None

## AIR QUALITY

### Carbon Monoxide

This project is located in: A Carbon Monoxide Attainment Area

CO Microscale Analysis Required for NEPA? Yes

✓ The design year 24-hour forecasted traffic exceeds the thresholds contained in VDOT's Project-Level Carbon Monoxide Air Quality Studies Agreement with FHWA dated February 27, 2009, and therefore a project-level CO air quality analysis is required.

A Project-Level CO Hotspot analysis was completed and the results show that, despite the assumption of worst-case traffic conditions for the base, interim, and forecast years, ambient levels of CO in the vicinity of the project are expected to remain well below both the one-hour and the eight-hour CO NAAQS. The overall forecast maximum worst-case concentrations occur in the opening year and are 8.6 and 6.0 ppm respectively, for the one-hour and eight-hour periods. The forecast are well below the 1-hr and 8-hr CO NAAQS of 35 and 9 ppm, respectively. These forecasts include the assumed background concentrations of 3.6 ppm for the one-hour standard and 2.5 ppm for the eight-hour standard. It was therefore demonstrated that the project is not expected to cause or contribute to a violation of the CO NAAQS.

### Ozone

This project is located in: An 8-hour Ozone Attainment Area

None

### Particulate Matter

This project is located in: A PM2.5 Attainment Area

PM Hotspot Analysis Required for NEPA? No

A PM2.5 hot-spot analysis is not required for this project since it is not an air quality concern. The Clean Air Act and 40 CFR 93.116 requirements were met without a hot-spot analysis, since this project has been found not to be of air quality concern under 40 CFR 93.123(b)(1).

None

### Mobile Source Air Toxics

This project requires: A qualitative MSAT analysis

✓ This project is proposed to be located in proximity to populated areas.

✓ The project potentially expands intermodal centers or impacts diesel truck traffic only to the extent that requires a qualitative assessment.

A qualitative MSAT analysis is included in the project level air study document.

This project lies in an area that is currently in attainment with all of the National Ambient Air Quality Standards (NAAQS). The following VDEQ air pollution regulations must be adhered to during the construction of this project: 9 VAC 5-130, Open Burning restrictions; and 9 VAC 5-50, Article 1, Fugitive Dust precautions.

**NOISE**

**Noise Scoping Decision:** Type I - Noise study required

**Barriers Under Consideration?** No

**Noise Comments:** Since there are no noise sensitive sites within the extended project portion, the results from the 2013 preliminary noise report remain valid, there is no additional noise work required.

**RIGHT OF WAY AND RELOCATIONS**

**Residential Relocations:** No

**Commercial Relocations** No

**Non-Profit Relocations:** No

**Right of Way required?** Yes      **Amount of Right of Way Acreage:** 16

**Septic Systems or Wells:** Not Present      **Hazardous Materials:** Not Present

**Source:** VDOT Regional Hazardous Materials Staff, VDEQ Waste

**ROW and Relocations Comments:**

**CUMULATIVE AND INDIRECT IMPACTS**

**Present or reasonably foreseeable future projects (highway and non-highway) in the area:** Yes

**Impact same resources as the proposed highway project (i.e. cumulative impacts):** Yes

**Indirect (Secondary) impacts:** No

**Source:** CLRP and LRTP

**Cumulative and Indirect Impacts Comments:** The intensity of the incremental impacts of the project are considered small, when viewed in the context of impacts from other past, present, and reasonably foreseeable future actions and would not rise to a level that would cause significant cumulative impacts. Reasonably foreseeable projects and recent past projects in the area are: RTE. 29/ 250 BYPASS INTERCHANGE (Advertisement Oct. 2014) – 3.5 mi. s. of 29 widening project, RTE. 29/ RIO RD GRADE SEPARATED INTERSECTION (Advertisement Oct. 2014) – 1.5 s. of the 29 widening project, Hillsdale DR. (3 LANES)(Advertisement March 2017) – 2.5 mi. s. of 29 widening project, BERKMAR DR. Extended, New Roadway (Ad. October 2014)- adjacent to Rte. 29 widening, RTE. 250 Bypass Interchange at MCINTIRE Rd. (Construction underway) – 4.1 mi. s. of 29 widening project, RTE 631 - 2 LANE (Construction Complete) – 3.0 mi. s. of 29 widening project.

**PUBLIC INVOLVEMENT**

**Substantial Controversy on Environmental Grounds:** No

**Source:** Albemarle County

**Public Hearing:** Yes    **Type of Hearing:** Design Public Hearing

**Other Public Involvement Activities:** Yes

**Type of Public Involvement:** As a result of the Route 29 Bypass Project being cancelled; public meetings called Route 29 Solutions Panel took place four times between March and May 2014 for public input. A Project Delivery Advisory Panel has been put into place to meet every two weeks from design through construction.

**Public Involvement Comments:** Design Public Hearing is shceduled for October 14, 2014

**COORDINATION**

**State Agencies:**

- DEQ - Air Division
- DEQ - Waste Division
- DEQ - Water Division
- Department of Conservation and Recreation
- Department of Forestry
- Virginia Outdoors Foundation
- Department of Health

**Federal Agencies:**

- NRCS
- U.S. Army Corps of Engineers

**Local Entity:**

- Albemarle County Board Of Supervisors
- Albemarle County/City Planner
- Albemarle MPO

**Other Coordination Entities:**



**This project meets the criteria for a Categorical Exclusion pursuant to 40 CFR 1508.4 and 23 CFR 771.117 and will not result in significant impacts to the human or natural environment.**

## Documentation of FHWA Review

State Project Number: 0029-002-135, D624, P101

UPC: 77383

Based on the preliminary environmental impact information compiled by VDOT, FHWA approved this project as a Categorical Exclusion on June 30, 2014. FHWA hereby approves the Categorical Exclusion documentation for public availability. FHWA's final approval of the project meeting the criteria for a Categorical Exclusion is subject to the consideration of public comments.

John Simkins 9/4/2014



## Documentation of FHWA Review

Project Name: Route 29 Widening

State Project Number: 0029-002-135, D624, P101

UPC: 77383

On June 30<sup>th</sup>, 2014, FHWA approved the Categorical Exclusion documentation for public availability. At that time, FHWA indicated that final approval of the project meeting the criteria for a Categorical Exclusion was subject to the completion and consideration of public comments.

FHWA has reviewed the public comments as well as VDOT's responses to the comments regarding environmental issues. In addition, FHWA has reviewed the updated Categorical Exclusion documentation. FHWA hereby finds that the project meets the criteria for a Categorical Exclusion pursuant to 23 CFR 771.117(d).

Madelyn 9/29/2014

Approving FHWA Official, Date