

Documentation of FHWA Review

Project Name: Hampton Roads Express Lanes Segment 1

State Project Number: 0064-122-, P101

UPC: 117840

Based on preliminary environmental impact information compiled by VDOT, FHWA approved this project as a Categorical Exclusion on 02/24/2021. Based on my review of the Categorical Exclusion documentation submitted by VDOT, I find this information acceptable and sufficient as supporting documentation to support the original Categorical Exclusion determination.

Approving FHWA Official

12/20/2021

Date

SOCIO-ECONOMIC

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

Source: City Manager, Environmental Justice Evaluation, and Regional Express Lanes Network Traffic Operations & Safety Analysis Memorandum

Existing or Planned Public Recreational Facilities: Not Present

Community Services: Present with no impact

Consistent with Local Land Use: Yes

Source: City Manager, and Land Use Maps

Existing or Planned Bicycle/Pedestrian Facilities Present with no impact

Source: City Manager, Design Plans, and Long Range Transportation Plan

Socio-Economic Comments: There are three bike lane projects programmed in the LRTP located on Granby Street, Military Hwy, and East Little Creek Rd. A small portion of each bike lane is proposed underneath I-64 within the Segment 1 limits. The opening timeline for these bike lanes is 2030 to 2037. Segment 1 would not impact these resources.

The addition of express lanes would require non-high-occupancy vehicles to pay a toll to use the express lanes. The existing inside shoulder would be converted to a part-time shoulder express lane. The three existing GP lanes would remain free for travelers using the facility at this location; thus, there would be no disproportionately high impact from tolls on EJ populations." FHWA has stated that congestion pricing "places responsibility for travel choices squarely in the hands of the individual traveler, where it can be decided and managed" (FHWA, 2008). While the single-occupancy vehicle is typically the preferred choice of travel, there are benefits to shared passenger transportation alternatives, and travelers may decide to change their travel habits. The combination of the free GP lanes and express lanes allows each individual traveler to choose between the free lanes or the tolled lanes based on the value the individual has placed on their time and/or need for a reliable trip. E-ZPass created a new cash-based system (E-ZPass Reload Card) for individuals who previously could not obtain and E-ZPass transponder due to lack of a credit-card, but can now purchase at local convenience stores, such as CVS and 7-Eleven. These options ensure that low-income drivers are not precluded from acquiring an E-ZPass and using the new tolled facilities.

Although the express lanes toll cost would be a higher proportion of income for some individuals, other options are available for users to avoid the tolls associated with the express lanes that offer flexibility for all income levels. These include the use of the GP lanes, the use of a "flex" electronic transponder which would provide free access to the express lanes for carpoolers, as well as transit.

Based on the traffic operational analysis conducted, time travels savings on I-64 from 564 to the I-264 would be up to 18 minutes in the Westbound GP lanes (PM) with the part-time shoulder lane, and up to 3 minutes in the Eastbound GP lanes (PM) with part-time shoulder lane.

No minority or low-income populations have been identified that would be disproportionately high and adversely impacted by the proposed project. Therefore, in accordance with the provisions of E.O. 12898 and FHWA Order 6640.23, no further EJ analysis is required.

SECTION 4(f) and SECTION 6(f)

Use of 4(f) Property: No

Source: Project Design Plans, Geographical Information System Data, and Department of Historic Resources

6(f) Conversion: No **Acres of Conversion:**

4(f) Comments: The project does not impact any 4(f) properties within the corridor.

6(f) Comments: There are no 6(f) properties impacted by the project.

CULTURAL RESOURCES

Section 106 Effect Determination: NO ADVERSE EFFECT

Name of Historic Property: Multiple Properties - see comments.

DHR Concurrence date: 08/02/2021

MOA/PA Execution Date: None

Cultural Resource Comments: Historic properties within the Direct and Indirect APE limits: Norfolk Naval Base Historic District (122-0410), Forest Lawn Cemetery (122-0531), Lake Taylor Middle School (122-5995), Barry Robinson Center (122-1077, and the Norfolk and Virginia Beach Railroad (134-5145). The Department of Historic Resources (DHR) has determined that the project would have a No Adverse Effect on historic resources. There is no direct impact to these resources.

NATURAL RESOURCES

Are Waters of the U.S. present? Yes

Linear Feet of Impact: Approximately 300

Federal Threatened or Endangered Species:

Loggerhead (Sea Turtle) (*Caretta caretta*)-Federal:FT-No Effect

Northern Long-Eared Bat (*Myotis septentrionalis*)-Federal:FT-NLEB covered by the 4d rule

Based upon review of federal databases including IPaC, federal T&E species have a potential to occur in the project area. ✓ 08/27/2021 D Devereaux

100 Year Floodplain: None

Regulatory Floodway Zone: Not Present

Public Water Supplies: Present with no impact

Are any tidal waters/wetlands present? Yes

Wetlands: Present with impacts

Tidal Acres of Impact: 0.25

Tidal Wetland Type: Emergent

Are any Non-Tidal Wetlands Present? Yes

Non Tidal Acres of Impact: 0.25

Non Tidal Wetland Type: Forested

Total Wetland Acres of Impacts: 0.5

Are water quality permits required? Yes

Natural Resource Comments: Impacts anticipated to tidal emergent, non-tidal emergent, and forested wetlands. Preliminary evaluation has determined that a Nationwide Permit 23 (NWP-23) is required. Compensatory mitigation would be required for permanent wetland impacts and would be addressed during the permitting phase of the project.

Federal and State databases document potential presence of Federally threatened and endangered species. Preliminary determination is No Effect for the Loggerhead (Sea Turtle) under USFWS purview. Preliminary determination for the Northern Long-Eared Bat (NLEB) is May affect, Likely to adversely Effect, but not prohibited by the 4d rule.

AGRICULTURAL/OPEN SPACE

Open Space Easements: Not Present

Agricultural/Forestal Districts: Not Present

Source: Project Definition Form

Agricultural/Open Space Comments: There are no agricultural/forestal districts or open space easements within the project limits.

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: Project Design Plans and City of Norfolk

Farmland Comments: The project is located in an urban area.

INVASIVE SPECIES

Invasive Species in the project area? Unknown

There is potential for invasive species to become established along the limits of disturbance of the project during and following construction. Section 244.02(c) of VDOT's Road and Bridge Specifications includes provisions intended to control noxious weeds (which includes non-native and invasive species).

While rights-of-ways are at risk from invasive species colonization from adjacent properties, implementing the above provisions would reduce or minimize potential for introduction, proliferation, and spread of invasive species. Additionally, the implementation of best management practices for erosion/sediment control and abatement of pollutant loading would minimize indirect impacts to adjoining communities and habitat by reducing excess nutrient loads that could encourage invasive species proliferation.

Invasive Species Comments: None.

AIR QUALITY

Air Quality Status and Regional Conformity

Jurisdiction Description: This project is located within an Attainment area for all of the National Ambient Air Quality Standards (NAAQS). In addition, the project is located in a volatile organic compounds (VOC) and nitrogen oxides (NOx) Emissions Control Area. As such, all reasonable precautions should be taken to limit the emissions of VOC and NOx. The following VDEQ air pollution regulations must be adhered to during the construction of this project: 9 VAC 5-130, Open Burning restrictions; 9 VAC 5-45, Article 7, Cutback Asphalt restrictions; and 9 VAC 5-50, Article 1, Fugitive Dust precautions.

The study area is located in the City of Norfolk. At the time of preparation of this technical report, the United States Environmental Protection Agency's (EPA) Green Book shows the City of Norfolk to be designated as an attainment area for all criteria pollutants. Notwithstanding that listing in the EPA Green Book, federal conformity requirements, including specifically 40 CFR 93.114 and 40 CFR 93.115, apply for the project as the area in which it is located is one affected by the recent South Coast II court decision that reinstated conformity requirements nationwide associated with the 1997 ozone NAAQS that had previously been eliminated with the revocation by EPA of that NAAQS in 2015. Accordingly, there must be a currently conforming transportation plan and program at the time of project approval, and the project must come from a conforming plan and program (or otherwise meet criteria specified in 40 CFR 93.109(b)).

Carbon Monoxide

CO Microscale Analysis Required for NEPA? No

- ✓ The proposed project meets the criteria specified in the current FHWA-VDOT "Programmatic Agreement for Project Level Air Quality Analyses for Carbon Monoxide" and therefore a project-specific analysis for CO is not required.

As the project is located in a region that is attainment of the CO NAAQS, EPA project-level ("hot-spot") transportation conformity requirements do not apply. As only NEPA applies, a project-specific analysis and/or assessment for carbon monoxide (CO) is not needed under the terms of the 2020 Programmatic Agreement between FHWA and VDOT for project-level air quality analyses for CO. As documented in that agreement, which is based on the analysis and information presented in the template Programmatic Agreement and Technical Support Document (TSD) developed in the National Cooperative Highway Research Program (NCHRP) 25-25 Task 104 study (2020), the weight-of-evidence shows that it may reasonably be concluded that the national ambient quality standard (NAAQS) for CO will be met.

Particulate Matter

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

PM Hotspot Analysis Required? No

The final rule that establishes the transportation conformity criteria and procedures for determining which transportation projects must be analyzed for local air quality impacts in Fine Particulate Matter (PM2.5) nonattainment and maintenance areas was published on March 10, 2006. This project is located in a PM2.5 attainment area and therefore no further discussion of PM2.5 is necessary.

Mobile Source Air Toxics

This project requires: No further discussion of MSAT

- ✓ The project qualifies for a categorical exclusion under 23 CFR 771.117.

This project is excluded from further analysis following FHWA's Interim Guidance Update on MSAT Analysis in NEPA dated October 18, 2016 for projects qualifying as a categorical exclusion under 23 CFR 771.117.

NOISE

Noise Scoping Decision: Type I - Noise study required

Barriers Under Consideration? Yes

Noise Comments: The Preliminary Noise Analysis has identified potential noise impacts within the project limits, warranting a noise abatement evaluation.

A more detailed assessment of noise impacts and abatement will be completed during final design. As such, noise barriers that are found to be feasible and reasonable by this assessment may also not be recommended for further consideration in the future. Conversely, noise barriers that were not considered feasible and reasonable may meet the established criteria and be recommended for construction.

RIGHT OF WAY AND RELOCATIONS

Residential Relocations: No

Commercial Relocations: No

Non-Profit Relocations: No

Right of Way required? Yes

Fee Simple: 1.5379

Temporary Easement: 0

Permanent Easement: 0

Utility Easement: 0

Amount of Right of Way Acreage: 1.5379

Septic Systems or Wells: Not Present

Hazardous Materials: Present with no impact

Source: Hampton Roads District Project Manager, Hampton Roads District Hazardous Materials Manager, and Project Right of Way Data Sheet

ROW and Relocations Comments: Currently, no permanent, temporary, or utility easement impacts have been identified on the project plans.

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: Project Management Office Section Manager, 204 Long Range Transportation Plan, and Project Manager

Cumulative and Indirect Impacts Comments: HREL Segment 1 would connect to Segment 2 (UPC 112923) at the eastern terminus while the HRBT Expansion project connects to the western terminus. VDOT has coordinated these projects to ensure construction activities within transition areas would minimize impacts to properties or sensitive environmental resources. The proposed express lanes would be provide consistent connections for reliable travel time. HREL Corridor Work Zone Traffic Impact Analysis and Transportation Management Plans (TMP) are being developed to minimize construction impacts for all HREL segments. Approved recommendations to minimize construction impacts would be incorporated in the project's final design and bid documents.

The I-64/I-264 Interchange Phase II (UPC 57048) & III (UPC 17630) are in construction and include improvements outside the limits of Segment 1's construction footprint. There would be no cumulative or indirect impacts to I-64/I-264 Interchange Phase II & III.

The I-64/I-264 Interchange Phase III-A is programmed for PE only (2021-2024). The limits of construction are within the boundaries of Segment 1 from Northampton Blvd. to the I-64/I-264 Interchange, however, these projects are programmed on different construction timelines. Segment 1 construction completion is expected in 2025; therefore, there would be no cumulative or indirect impacts to I-64/I-264 Interchange Phase III-A.

There are three bike lane projects programmed in the LRTP located on Granby Street, Military Hwy, and East Little Creek Rd. A small portion of each bike lane is proposed underneath I-64 within the Segment 1 limits. The opening timeline for these bike lanes is 2030 to 2037. Segment 1 would not have cumulative or indirect impacts to these resources.

PUBLIC INVOLVEMENT

Substantial Controversy on Environmental Grounds: No

Source: City of Norfolk City Manager

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

Other Public Involvement Activities: Yes

Type of Public Involvement: VDOT held four separate community meetings as follows: Ward's Corner Task held on May 13, 2021 at 8:30 am (Virtual); Wellington Oaks Civic League held on June 7, 2021 at 6:00 om (in-person); East Side Task Force held on June 17, 2021 at 3:00 pm (Virtual); and Greater Norview Task Force held on June 17, 2021 at 6:00 pm (Virtual). VDOT held a Virtual Public hearing on December 1, 2021 and a Design Public Hearing on December 2, 2021. The public comment period expired on December 12, 2021.

Public Involvement Comments: VDOT provided a project presentation in four community meetings to inform citizens and offer early public engagement. Citizen's concerns were focused on the project design details, noise barriers, and the right of entry letter to perform soil borings. VDOT provided answers during the meetings and extended an invitation to attend the public hearing.

Approximately thirty-seven (37) citizens attended the Virtual Public Hearing. Seven (7) citizen questions were received and answered during this on-line event. Fourteen (14) citizens signed in at the In-Person Public Hearing. There were two (2) written comment sheets and no (0) court reporter comments were received. From the written comment sheets, two (2) are in support of the project.

COORDINATION

State Agencies:

Department of Environmental Quality
Department of Conservation and Recreation
Department of Historic Resources
Virginia Outdoors Foundation

Federal Agencies:

U.S. Army Corps of Engineers
U.S. Fish and Wildlife Service
US Dept. of Housing and Urban Dvlmnt.

Local Entity:

Norfolk Town/City Manager
Norfolk Public Works
Norfolk Mayor
Norfolk Parks and Recreation
Norfolk Office of Transportation
Norfolk County/City Planner

Other Coordination Entities:

Hampton Roads Transportation Planning Organization

Wolford, Melissa R

12/15/2021

Environmental Manager, CE Certification

Date

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.