

## Documentation of FHWA Review

Project Name: **Hampton Roads Express Lanes -Segment 4c**

State Project Number: **0064-114-, P101**

UPC: **PE: 117841 / ROW and Construction: 119638**

Based on preliminary environmental impact information compiled by VDOT; FHWA approves this project as a Categorical Exclusion on **12/15/2021**. 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.

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Eric Rothermel  
Environmental Protection Specialist

**Project Information**

<b>Project Name:</b>	Hampton Roads Express Lanes - Segment 4c	<b>Federal Project#:</b>	
<b>Project Number:</b>	0064-114- , P101	<b>Project Type:</b>	Construction
<b>UPC:</b>	117841	<b>Charge Number:</b>	UPC 117841 Act 616
<b>Route Number:</b>	64	<b>Route Type:</b>	Interstate
<b>Project Limit--From:</b>	0.139 Mi. East of LaSalle Ave.	<b>To:</b>	0.379 Mi. East of Settlers Landing Rd.

**Additional Project Description:** This project is located in the City of Hampton. The scope includes widening EB and WB I-64 from 0.139 miles East of LaSalle Ave to 0.379 miles East of Settlers Landing Rd. The proposed improvements include rehabilitation of the existing lanes and an additional 12-ft wide travel lane in each direction. Two existing EB and WB general purpose (GP) lanes will remain unchanged, one existing GP lane in each direction will be converted into an express lane, and one new lane will be added in each direction as an express lane (two GP lanes and two express lanes in each direction). This will extend the full roadway section of the HRBT Expansion project to the west for 2.4 miles. This section of interstate includes six mainline bridges, one pedestrian underpass and one triple 48" RCP section carrying Brights Creek beneath I-64. The EB Hampton River bridges will be replaced and the WB Hampton River bridge will be widened and rehabilitated. High power transmission lines along I-64 do not need to be relocated or adjusted as there is adequate clearance for the proposed design. The EB and WB portions of the bridge over King Street will be widened and rehabilitated. The EB and WB portions of the bridge over Settlers Landing will be widened and rehabilitated. The bridge over Rip Rap Road will be rehabilitated with no widening. Each bridge has been investigated to determine the appropriate rehabilitation recommendations. The widening is expected to occur mostly in the median of the existing interstate. The preliminary engineering (PE) phase has been developed under UPC 117841. The right of way (RW) and construction (CN) phases will be administered under UPC 119638.

**Purpose And Need:** The purpose is to provide reliable travel time by adding capacity on I-64 in Hampton for express lanes. The project is needed to reduce congestion in the general purpose lanes and improve travel time by providing an option for motorist during peak travel times when congestion is the highest. The project is part of a regional roadway network designed to address congestion known as the Hampton Roads Express Lanes (HREL).

<b>District:</b>	<b>City/County:</b>	<b>Residency:</b>
Hampton Roads	Hampton	Williamsburg

**Date CE level document approved by VA Division FHWA:** 12/22/2020

**FHWA Contact:** Jones, Kevin

**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 unless otherwise authorized under an executed agreement pursuant to paragraph (g) of this section. The applicant shall submit documentation which demonstrates that the specific conditions or criteria for these CEs are satisfied and that significant environmental effects will not result.

**Logical Termini and Independent Utility:** Yes

**Next Phase of Funding Available?** Yes

**Comments:** HREL Segment 4c express lanes end at 0.379 mile east of Settlers Landing Road and tie into the HRBT project as one express lane and one part-time managed shoulder. The typical section of the mainline would remain the same between the two projects.

**Typical Section:** Mainline typical includes four 12-ft general purpose lanes, four 12-ft express lanes, paved shoulders (varied width), and a 3-ft buffer separation between travel and express lanes. Minor widening for auxiliary lanes and ramp improvements where warranted.

**Structures:** There are six bridge structures on I-64 within the project (four involve widening and two involve replacement). Bridge widening would occur at the following bridges: I-64 bridge structure #20320 over Rip Rap Road (RTE 1055), I-64 bridge structure #20318 over King Street (RTE 985), I-64 westbound bridge structure #20346 over the Hampton River, and I-64 bridge structure #20312 over Settlers

Landing Road (U.S. 60). The two I-64 eastbound bridge structures #20316 over the Hampton River would be replaced with a single bridge. Owens Street pedestrian bridge structure #20322 would be rehabilitated and the triple 48" RCP carrying Brights Creek beneath I-64 would be rehabilitated.

## SOCIO-ECONOMIC

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

**Source:** Right of Way Relocation Report, Director of Public Works, and Environmental Justice Evaluation

**Existing or Planned Public Recreational Facilities:** Present with impacts

**Community Services:** Present with no impact

**Consistent with Local Land Use:** Yes

**Source:** City of Hampton Director of Public Works

**Existing or Planned Bicycle/Pedestrian Facilities** Present with impacts

**Source:** City of Hampton Director of Public Works and Hampton Regional Express Lanes Network Traffic Operations & Safety Analysis Memorandum

**Socio-Economic Comments:** River Street Park and Woodlands Golf Course would have minor permanent and temporary impacts.

The N. King Improvements Phase IV shared-use path is under construction. There are no permanent impacts to the shared-use path as a result of this project.

An Environmental Justice (EJ) analysis was performed for this project. There are impacts to a minority/low income area; however, the impacts are not disproportionately high to minority/low income populations. The proposed design widened to the median to the greatest extent possible to minimize property impacts.

The addition of express lanes would require non-high-occupancy vehicles to pay a toll to use the express lanes. One express lane would be added, one existing GP lane would be converted to express lane, and two existing GP lanes would remain as is in each direction. The 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 an 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 LaSalle Ave. to the HRBT range between 10-15 minutes in the express lanes and up to 10 minutes in the GP lanes.

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:** Yes

**4(f) Evaluations:**

Selected Evaluation(1):

**Acres of Use:** 0.18

**Type of Use:** Permanent

**Type of Resource:** Public Park

**Name of Resource:** River Street Park

**Comments:** No 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.

Selected Evaluation(2):

**Acres of Use:** 0.15

**Type of Use:** Temporary

**Type of Resource:** Public Park

**Name of Resource:** River Street Park

**Comments:** No 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.

Selected Evaluation(3):

**Acres of Use:** 0.18

**Type of Use:** Permanent

**Type of Resource:** Public Recreation Area

**Name of Resource:** Woodlands Golf Course

**Comments:** No 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.

Selected Evaluation(4):

**Acres of Use:** 1.95

**Type of Use:** Temporary

**Type of Resource:** Public Recreation Area

**Name of Resource:** Woodlands Golf Course

**Comments:** No 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:** Hampton City Manager

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

**4(f) Comments:** The project requires a total of 0.33 acre of right from the River Street Park. Permanent impacts total 0.18 acre and temporary impacts total 0.15 acre. The park would be closed for activities for approximately two years during construction.

The project requires a total of 2.13 acres of right of way from the Woodlands Golf Course. Permanent impacts total 0.18 acre and temporary impacts total 1.95 acre. Recreation would be restricted in the area of construction, but the golf course would remain open.

The officials with jurisdiction concurred on October 13, 2021 that impacts are minor, and the impacts would not cause a permanent adverse affect to, nor interfere with the protected activities, features, or attributes of River Street Park or the Woodlands Golf Course.

There are no 4(f) impacts to historic properties within the project limits.

**6(f) Comments:** There are no 6(f) properties within the project limits.

**CULTURAL RESOURCES**

**Section 106 Effect Determination:** NO ADVERSE EFFECT

**Name of Historic Property:** Multiple Properties - see comments.

**DHR Concurrence date:** 07/08/2021

**MOA/PA Execution Date:** None

**Cultural Resource Comments:** Historic properties within the Direct and Indirect APE limits: Elmerton Cemetery (114-0155), Pasture Point Historic District (114-0118), Hampton Institute Historic District (114-0006), Hampton National Cemetery (114-0148), Hampton Veterans Affairs Medical Center Historic District (114-0101), and Captain John Smith Chesapeake National Historic Trail (no number). The Department of Historic Resources (DHR) has determined that the project would have a No Adverse Effect on historic resources. VDOT will fulfill the conditions of the No Adverse Effect determination. There are no direct impacts to these resources.

**NATURAL RESOURCES**

**Are Waters of the U.S. present?** Yes

**Linear Feet of Impact:** Approximately 250

**Federal Threatened or Endangered Species:**

- Red Knot (*Calidris canutus rufa*)-Federal:FT-No Effect
- Piping Plover (*Charadrius melodus*)-Federal:FT-No Effect
- Green Sea Turtle (*Chelonia mydas*)-Federal:FT-May affect, Not Likely to adversely Effect
- Atlantic Sturgeon (*Acipenser oxyrinchus*)-Federal:FE-May affect, Not Likely to adversely Effect
- Loggerhead (Sea Turtle) (*Caretta caretta*)-Federal:FT-May affect, Not Likely to adversely Effect
- Shortnose Sturgeon (*Acipenser brevirostrum*)-Federal:FE-May affect, Not Likely to adversely Effect
- Leatherback Sea Turtle (*Dermochelys coriacea*)-Federal:FE-May affect, Not Likely to adversely Effect
- Kemp's Ridley sea turtle (*Lepidochelys kempii*)-Federal:FE-May affect, Not Likely to adversely Effect

Based upon review of federal databases including IPaC, federal T&E species have a  potential to occur in the project area. 05/21/2021 M Mussomeli

**100 Year Floodplain:** Present with no impact      **Regulatory Floodway Zone:** Present with no impact      **Zone Code:** AE

**Public Water Supplies:** Present with impacts      **Are any tidal waters/wetlands present?** Yes

**Wetlands:** Present with impacts      **Tidal Acres of Impact:** 0.1      **Tidal Wetland Type:** Emergent

**Are any Non-Tidal Wetlands Present?** Yes      **Non Tidal Acres of Impact:** 0.15      **Non Tidal Wetland Type:** Forested

**Total Wetland Acres of Impacts:** 0.45

**Are water quality permits required?** Yes

**Natural Resource Comments:** Impacts anticipated to nontidal emergent, forested, and scrub-shrub wetlands and tidal emergent wetlands. Anticipated 0.400-acre impact to tidal waters of Hampton River, branch of Hampton River, and Bright's Creek. 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 species under USFWS purview and Not Likely to Adversely Effect species under NMFS jurisdiction.

**AGRICULTURAL/OPEN SPACE**

**Open Space Easements:** Not Present

**Agricultural/Forestal Districts:** Not Present

**Source:** Project Definition Form

**Agricultural/Open Space Comments:** The project is located in an urban area.

**FARMLAND**

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

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

**NRCS determined no prime or unique farmland in the project area.**

**Alternatives Analysis Required?** No

**Source:** Natural Resources Conservation Service

**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 Hampton. At the time of preparation of this technical report, the United States Environmental Protection Agency's (EPA) Green Book shows the City of Hampton 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 South Coast II court decision that reinstated conformity requirements nationwide associated with the 1997 ozone NAAQS.

### 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 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 total of five noise barriers have been identified as feasible and reasonable. Four of the proposed noise barriers would be new construction, while one barrier system is proposed to replace two existing noise barriers in the corridor. One existing noise barrier is physically impacted by the proposed alignment and would be replaced in-kind, while the second existing noise barrier has reached the end of its life cycle and would be replaced as part of the project.

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:** Yes      **Number of Residential Relocations:** 1

**Commercial Relocations:** No

**Non-Profit Relocations:** No

**Right of Way required?** Yes

**Fee Simple:** 1.1892

**Temporary Easement:** 2.1844

**Permanent Easement:** 0.7129

**Utility Easement:** 0.0115

**Amount of Right of Way Acreage:** 4.0802

**Septic Systems or Wells:** Not Present

**Hazardous Materials:** Present with impacts

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

**ROW and Relocations Comments:** One residential property would be relocated. Property acquisitions and relocations would comply with the Uniform Relocation guidelines.

A Phase I Environmental Site Assessment (ESA) conducted by VDOT has identified potential hazardous materials being present on 15 parcels. A Phase II ESA would be completed later in project development. However, based on the initial site assessment, no significant hazardous material contamination impacts are anticipated.

## 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):** No

**Indirect (Secondary) impacts:** Yes

**Source:** City of Hampton Public Works Director and Hampton Roads Transportation Planning Organization

**Cumulative and Indirect Impacts Comments:** HREL Segment 4a/4b (UPC 117839) would connect to Segment 4c at the western terminus while the HRBT Expansion project connects to the eastern 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. VDOT is conducting a traffic analysis for the corridor to include all HREL segments. Approved recommendations to minimize construction impacts would be incorporated in the project's final design and bid documents.

Project UPC 107340 (N. King Street Improvement Phase IV) is currently under construction in the City of Hampton. The project involves constructing a shared use path on N. King Street. Widening efforts at the I-64/N. King Street would have some temporary impacts during construction. However, no cumulative or indirect impacts to environmental resources are expected. N. King Street Improvements Phase V would begin preliminary engineering in 2025. The proposed shared-use path would continue on the eastside of N. King Street. Segment 4c construction completion is expected in 2025, therefore, there would be no cumulative or indirect impacts to Phase V.