

Documentation of FHWA Review

Project Name: Hampton Roads Express Lanes Segment 4a/4b

State Project Number: 0064-121-, P101

UPC: 117839

Based on preliminary environmental impact information compiled by VDOT, FHWA approved this project as a Categorical Exclusion on 04/14/2021. 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

January 27, 2022

Date

Project Information

Project Name:	Hampton Roads Express Lanes Segment 4a/4b	Federal Project#:	
Project Number:	0064-121- , P101	Project Type:	Construction
UPC:	117839	Charge Number:	117839 Act 616
Route Number:	64	Route Type:	Interstate
Project Limit--From:	1.200 Mi. West of Denbigh Blvd.	To:	0.139 Mi. East of LaSalle Avenue

Additional Project Description: The proposed project starts 1.20 miles west of Denbigh Boulevard and ends 0.139 miles east of LaSalle Avenue for a project length of approximately 13.5 miles. For the portion of the segment where there is an existing high occupancy vehicle (HOV) lane, the project proposes three general purpose lanes and one express lane. For the last mile of the segment, where there are three existing eastbound and westbound general purpose (GP) lanes, one lane will be converted into an express lanes and two GP lanes will remain the same, totaling three lanes in each direction. The eastbound and westbound bridges over LaSalle Avenue will be replaced. The eastbound and westbound bridges over Armistead Avenue will be rehabilitated. This project will involve a change and/or break in limited access control. Interstate ramps will be realigned as needed. The preliminary engineering (PE) phase has been developed under UPC 117839. The right of way (RW) and construction (CN) phases will be administered under UPC 119824 for project delivery.

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

District:	City/County:	Residency:
Hampton Roads	Newport News	Williamsburg

Date CE level document approved by VA Division FHWA: 04/14/2021

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? No

Comments: Segment 4a/4b connects to the western terminus of Segment 4c. The existing lane configuration would remain the same with minor widening in areas to allow for the 3-ft buffer area between the GP lanes and the express lanes.

Typical Section: Segment 4a mainline typical section is from 1.2 miles west of Denbigh Boulevard to Interstate I-664 includes three 12-ft general purpose lanes, one 12-ft express lanes, 8-12-ft paved shoulders, and a 3-ft buffer separation (both EB and WB) between travel and express lanes, and 12-foot auxiliary lanes in various areas. Segment 4b mainline typical section is from Interstate 664 to 0.139 miles east of LaSalle Avenue (one mile segment ending at the western terminus of Segment 4c) includes two 12-ft general purpose lanes, one 12-ft express lanes, 8-12-ft paved shoulders, and a 3-ft buffer separation between travel and express lanes, and 12-foot auxiliary lanes in various areas.

Structures: I-64 bridge structure #20326 over LaSalle Avenue would be replaced and the I-64 EB and WB structure #20324 bridges over Armistead Avenue would be rehabilitated.

SOCIO-ECONOMIC

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

Source: Project Design Plans, Hampton Roads District Project Manager, and Hampton Roads Regional Express Lanes Network Traffic Operations and Safety Analysis Memorandum

Existing or Planned Public Recreational Facilities: Not Present

Community Services: Not Present

Consistent with Local Land Use: Yes

Source: City of Newport News Senior Engineer and Land Use Maps

Existing or Planned Bicycle/Pedestrian Facilities: Not Present

Source: City of Newport News Parks Director and Project Design Plans

Socio-Economic Comments: The addition of express lanes would require non-high-occupancy vehicles to pay a toll to use the express lanes. Conversion of one existing high occupancy vehicle lane to an express lane and three existing GP lanes would remain as is in each direction for the majority of the corridor. The project proposes a one mile section where one GP lane would be converted to an express lane and two GP lanes remain the same. 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 analysis study, the express lane increases the throughput of vehicles per hour through the corridor for AM and PM peak times for both the EB and WB directions. For the EB AM and PM peak travel times, the throughput increased by 1263 and 1040 vehicles per hour. For the WB AM and PM peak travel times, the throughput increased by 703 and 984 vehicles per hour. The increased throughput shows there is increased capacity for the segment with the addition of the express 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: Newport News Director of Parks and Recreation, Department of Historic Resources, and Project Design Plans

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

4(f) Comments: There are no 4(f) properties located within the proposed project limits.

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

CULTURAL RESOURCES

Section 106 Effect Determination: None

Name of Historic Property: None

DHR Concurrence date: None

A Section 106 effect determination of No Historic Properties Present or Affected has been concluded pursuant to Stipulation II.A of the 2016 Federal Programmatic Agreement among FHWA, USACE, TVA, VA SHPO, and VDOT.

Stip. II.A Determination Date: 03/29/2021

MOA/PA Execution Date: None

Cultural Resource Comments: There are no impacts to historic properties.

NATURAL RESOURCES

Are Waters of the U.S. present? Yes

Linear Feet of Impact: Approximately 150

Federal Threatened or Endangered Species:

DNH Sites - 100 ft Buffer (-)-Federal:NL-No Effect

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: Present with no impact **Regulatory Floodway Zone:** Not Present

Public Water Supplies: Not Present

Are any tidal waters/wetlands present? Yes

Wetlands: Present with impacts

Tidal Acres of Impact: 0.1

Tidal Wetland Type: Forested

Are any Non-Tidal Wetlands Present? Yes

Non Tidal Acres of Impact: 0.5

Non Tidal Wetland Type: Forested

Total Wetland Acres of Impacts: 0.6

Are water quality permits required? Yes

Natural Resource Comments: 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.

Compensatory mitigation would be required for permanent wetland impacts and would be addressed during the permitting phase of the project.

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 Geographical Information System Database Information

Farmland Comments: The project is located in an urban area. Therefore, there are no farmland impacts.

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 a court decision that reinstates 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 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 III- Noise study not required

Barriers Under Consideration? No

Noise Comments: The project is not a Type I, therefore, a noise study is not required.

RIGHT OF WAY AND RELOCATIONS

Residential Relocations: No

Commercial Relocations: No

Non-Profit Relocations: No

Right of Way required? Yes

Fee Simple: 0

Temporary Easement: 0

Permanent Easement: 0.1595

Utility Easement: 0

Amount of Right of Way Acreage: 0.1595

Septic Systems or Wells: Not Present

Hazardous Materials: Present with no impact

Source: Hampton Roads District Project Manager and Hampton Roads District Hazardous Materials Manager

ROW and Relocations Comments: The current construction plans depict minimal right of way in the form of permanent easement.

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: No

Source: City of Newport New Senior Engineer, VDOT PMO Section Manager, and VDOT Traffic Engineering

Cumulative and Indirect Impacts Comments: The Oyster Point Road Access Improvements project (UPC 113259) is in preliminary design. Proposed work for this project involves widening to the outside of the ramp while the lane conversion occurs within the inside mainline lanes. The lane conversion involves signing and pavement markings. Each project requires a Traffic Management Plan (TMP) to address construction impacts and provide mitigation measures to reduce impacts and eliminate conflict points where possible. Should a conflict be identified during the evaluation process, construction timelines would be modified to allow completion of one project prior to beginning construction in the same area. There would be no cumulative or indirect impacts to the Oyster Point project.

The J. Clyde Morris Intersection Improvements (UPC 115237) involves operational improvements. The project is planned to begin the preliminary design phase in 2023. There would be no cumulative or indirect impact to the J. Clyde Morris Intersection Improvement Project.

Newport News Transportation Center (UPC 102734 & 109075) involves construction of the Amtrak Station. The proposed construction is scheduled to be complete in 2022. The project is outside the limits of the express lane; therefore, there would be no cumulative or indirect impacts to the Amtrak Station.

HREL Segment 4a/4b would connect to Segment 4c (UPC 117841) at the eastern terminus. VDOT has coordinated these projects to ensure construction activities within transition areas would minimize impacts to properties or sensitive environmental resources. 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.

PUBLIC INVOLVEMENT

Substantial Controversy on Environmental Grounds: No

Source: Newport News Senior Engineer

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

Other Public Involvement Activities: Yes

Type of Public Involvement: VDOT held a Virtual Public Hearing on September 29, 2021 and a Design Public Hearing on September 30, 2021. VDOT posted a public notice of availability for the Categorical Exclusion document. The public comment period was from January 11, 2022 through January 26, 2022.

Public Involvement Comments: Approximately forty (40) citizens attended the Virtual Public Hearing. One (1) citizen question answered during the on-line event and seven (7) comments received on-line after the event. From the virtual on-line comments, one (1) is in support of the project, five (5) are not in support and one (1) did not respond to the question. Six (6) citizens signed in at the In-Person Public Hearing. No written, verbal, or emailed comments were received.

VDOT did not receive any public comments during the public comment period for the Categorical Exclusion document.

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:

Newport News Town/City Manager
Newport News Mayor
Newport News Public Works
Newport News County/City Planner
Newport News Parks and Recreation
Hampton Town/City Manager
Hampton County/City Planner
Hampton Public Works

Other Coordination Entities:

Hampton Roads Transportation Planning Organization

Wolford, Melissa R

01/27/2022

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.