

# NEPA IMPLEMENTATION PLAN

This Planning and Environmental Linkages (PEL) Study is intended to provide the framework for the long-term implementation of transportation improvements, considering needs, funding, and requirements for future NEPA documentation. In addition, the PEL Study provides information to support the NEPA process, including issues that require additional evaluation, and recommends methods to address those issues in future NEPA documentation.

## FUTURE ACTIVITIES

The PEL Study provides the framework for the short-term and long-term implementation of the transportation strategies as funding becomes available, but it does not provide the detailed analysis required to obtain approvals to begin design and construction. In short, there are still several steps that must be accomplished before any of the strategies identified in this document can be implemented. More specifically, further study will be required in a number of areas as described in more detail in the remainder of this chapter.

## Fiscally Constrained Plan

With the exception of **Area A: Missouri River Bridge and Interchange** which includes the rehabilitation or replacement of the Buck O'Neil Bridge, funding for the recommended strategies in the other geographic regions has not been identified at this time. However, the identification of recommended strategies for each of the other regions is consistent with FHWA's objective of analyzing and selecting transportation solutions on a broad enough scale to provide meaningful analysis and avoid segmentation.

Fiscal constraint requirements must be satisfied for FHWA, MoDOT and MARC to move any of the other recommended strategies forward into the NEPA decision-making phase of study. Before FHWA, MoDOT and MARC can sign a final NEPA decision document (Record of Decision, Finding of No Significant Impact, or programmatic or non-programmatic Categorical Exclusion), the proposed project, as defined in the NEPA document, must meet the following specific fiscal-constraint criteria:

- The proposed project or phases of the proposed project within the time horizon of the Regional Transportation Plan (RTP) must be included in the fiscally-constrained RTP, and other phase(s) of the project and associated costs beyond the RTP horizon must be referenced in the fiscally-unconstrained vision component of the RTP.
- The project must be in the fiscally-constrained TIP, which includes:
  - Federal-Aid projects or project phases and state/locally funded, regionally significant projects that require a federal action.
  - Full funding is reasonably available for the completion of all project phases within the time period anticipated for completion of the project.
  - At least one subsequent project phase, or the description of the next project phase must be in the fiscally-constrained TIP.
  - For project phases that are beyond the TIP years, the project must be in the fiscally-constrained RTP and the estimated total project cost must be described within the financial element of the RTP and/or applicable TIP.

## Independent Utility and Logical Termini

In cases where a project is implemented in more than one phase, which this one will be, care must be taken to ensure that the transportation system operates acceptably at the conclusion of each phase. This is referred to as “independent utility” – the ability of each phase to operate independently of each other. Additionally, it must be demonstrated that air quality conformity will not be jeopardized. Any mitigation measures needed in response to project impacts must be implemented with the phase in which the impacts occur, rather than deferred to a later phase. More specifically, the implementation phases established as part of this project must meet the following criteria:

- **Independent Utility** - Each phase should have independent utility and logical termini to the extent that the phase provides a functional transportation system even in the absence of other phases.
- **Elements of Purpose and Need** - Each phase should contribute to meeting the purpose and need for the entire project.
- **Environmental Impacts** - Individual phases should avoid the introduction of substantial additional environmental impacts that cannot be mitigated.

## NEPA Environmental Decision-Making

Once funding is secured, the NEPA environmental planning process can be initiated. The environmental process will build on the environmental work, public outreach, and agency outreach already completed in this PEL Study. The NEPA processes that would be anticipated could be either an Environmental Impact Statement (EIS), Environmental Assessment (EA) or a Categorical Exclusion (CE).

- **Categorical Exclusions** - CEs are the most common NEPA documents and are for actions that do not individually or cumulatively have a significant environmental impact, are excluded from the requirement to prepare an EA or EIS, and do not have substantial public controversy. CEs are defined in 23 CFR 771.117 and meet the definition from the Council on Environmental Quality in 40 CFR 1508.4 and are based on the past experience with similar actions of FHWA.
- **EA/EIS** - An EA would be prepared and submitted through the successive review processes of MARC, MoDOT and FHWA. The public would have 30 days to review and comment before FHWA makes its final decision. MARC and MoDOT will consider use of a streamlined EA template for this project to accelerate the timeline for the environmental process, while still allowing for appropriate agency coordination and public involvement. If, at any point in the EA process, FHWA determines that the action would likely have a significant impact on the environment, that EA process would stop and the preparation of an EIS would be required. If FHWA agrees the action would have no significant impacts on the environment, FHWA would prepare a Finding of No Significant Impact to serve as the decision document for the proposed action.

Issues that will need to be considered during the NEPA process, including potential resource impacts and potential mitigation requirements are summarized below:

- **Land Use and Planning** – Any direct effects to businesses or residences (acquisitions) and associated displacement assistance under the provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 would need to be considered during a NEPA-level study. Any indirect effects stemming from access alteration due to the project with associated land use and development effects (induced development; alteration of land development patterns) would also need consideration, to ensure the project is compatible with the MARC regional growth. The consistency of the proposed projects with other local city planning would also need to be ensured throughout the NEPA process.
- **Socioeconomic Factors** – Any impacts to low income and minority populations would need to be assessed in accordance with EO 12898 Federal Actions to Address Environmental Justice (EJ) in Minority Populations and

Low-Income Populations and mitigation would be provided if warranted. The NEPA study would also include measures to ensure the opportunity for participation and input from EJ populations in the project development process.

- **Community Resources** – Although direct impacts to these resources would not be anticipated, potential impacts stemming from indirect effects of the project such as access alteration would be assessed, if warranted.
- **Existing Transportation Infrastructure** – Connectivity of a proposed alternative with the existing transportation infrastructure, as well as project effects on local access and mobility must be considered during the NEPA process. Compatibility of non-roadway alternatives with prospective transit and rail improvements must also be considered.
- **Water Resources** – NEPA-level studies would need to consider impacts to jurisdictional waters and wetlands, including Section 404 permit and potential mitigation requirements. Consideration would need to be given to the drainage and irrigation features during design so as to not compromise the function of ditches or drains in the Study Area.
- **Floodplains** – Design requirements to prevent floodplain impacts would need to be considered, along with appropriate coordination requirements with local FEMA floodplain officials.
- **Air Quality** – Demonstration of consistency of the proposed alternatives with the MARC Regional Transportation Plan (RTP) and current STIP would be needed. Air quality analyses may need to be prepared in accordance to air quality regulations and guidelines.
- **Traffic Noise** – Traffic noise impacts would need to be determined in accordance with applicable guidelines. If the project results in noise impacts, noise abatement measures would need to be considered and evaluated for implementation into the project design. If noise abatement is proposed, noise workshops would take place.
- **Hazardous Materials** – A Phase I initial site assessment would be performed on a preferred alternative during the NEPA process. Phase II site investigations may be required, depending on the results of the Phase I assessment, project design, and locations of proposed right-of-way locations. Any mitigation requirements for hazardous materials sites would be discussed.
- **Biological Resources** – If a federally-listed species or its habitat was determined to be affected by the preferred alternative, a biological assessment would be required with an effect determination (No Effect, May Affect, but is not likely to Adversely Affect; or May Affect, is likely to Adversely Affect) for submittal to the USFWS to initiate consultation. Consultation would be informal or formal depending on proposed impacts. Similarly, any impacts to state-listed species would be coordinated with the MDC. In addition to listed species, any impacts to migratory birds would require coordination with the USFWS.
- **Parks and Recreation Facilities** – Any direct impacts (taking) and construction-use impacts to parks and recreation areas would be quantified and/or assessed for a proposed project-level alternative during the NEPA study. Section 4(f) coordination with the FHWA would be undertaken. Avoidance and minimization of impacts would be determined during the coordination effort.
- **Historic and Cultural Resources** – Any effects (direct and indirect) to historic and archaeological resources during project-specific NEPA studies using an area of potential effect (APE) would be summarized in future project-specific research designs, historic resources survey reports or archaeological survey reports and coordination with the SHPO would be undertaken. As warranted, project design would be modified to avoid adverse impacts to historic resources.
- **Utilities/Transmissions** – Adjustment or relocation of aboveground or underground utilities, and associated costs, would be considered in the NEPA study.
- **Prime Farmland** – No impacts are anticipated since there are no identified prime farmlands within the study area.

Depending on the timing of future NEPA efforts, resources may require reassessment due to new regulations, changes to listed threatened and endangered species, age of data, etc. In summary, the data collected during the PEL Study will serve as a baseline for NEPA analyses, however, it would be supplemented with more project-specific data and field reconnaissance information.

## Scoping, Preliminary, and Final Engineering Design

After project funding has been identified and the projects are included in the TIP, a planning-level estimate is prepared to determine how much funding is needed for each project and phase (e.g., ROW, utilities, environmental, design and construction). A project-scoping meeting can be held before or after the selection of a project delivery method to establish the project objectives; to identify the design standards, funding sources and amounts, the resources necessary to complete the project, and the schedule; and to complete the preliminary survey request.

Once the project goals and constraints are refined, the delivery schedule, complexity, and innovation opportunities can be used to determine the appropriate delivery method. These methods may include a design-bid-build (DBB) or design-build (DB). Once the delivery method is selected, the level of design, contractor selection process, and participation can be initiated.

If the project delivery method is DBB, after the design level survey is received, the preliminary design phase of the project begins. A field review meeting is held to review the site conditions with 30 percent plans complete. The plans are reviewed with MoDOT, the applicable local governments, and representatives from the utility companies to identify tasks needed to complete the project. The preliminary cost estimate is developed and compared to the available budget. Once the design is at the stage that the ROW limits can be identified, plans can be prepared and acquisition initiated. Final Design proceeds until the Plans, Specification and Estimate package is 95 percent complete. A final review meeting is then conducted to complete the review process. The project funding is then obligated and authorized once all clearances are obtained and then the project is advertised for construction.

If the project delivery method is DB then the owner will select a DB team of designers and contractors to complete the project. An engineering firm may be contracted to develop the 30 percent design plans. The factors used in the selection of the DB team typically include qualifications, duration, price and innovation.

## Acquisition of Property for Right-of-Way (ROW)

The limits of the existing ROW for the planned improvements will be determined from record information and field surveys. The preferred or final design alternatives will then be overlaid on the ROW base to determine impacts that will require additional ROW fee or easement acquisitions. When acquisitions are necessary, a title report is ordered and used to prepare property descriptions, exhibits, and ROW plans to support the acquisition process. Once these documents clearly define the impact, property appraisal is then ordered to determine the value of the property to be acquired. The acquisition process will commence after all of this information has been compiled. Typically, the time frame between identification and transfer of ownership takes about 18 months to meet all of the requirements of the Uniform Relocation Act. However, it may be possible to obtain possession earlier based on project needs. In some cases, if the property is rendered unusable or if it is a total take, relocation services may be necessary.

## Construction

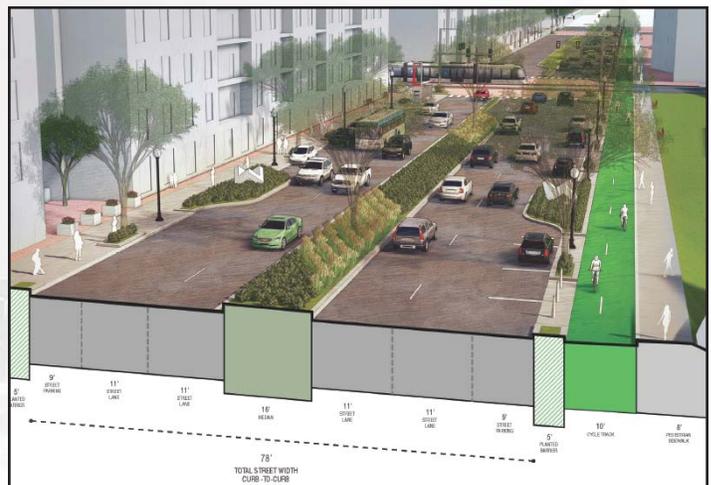
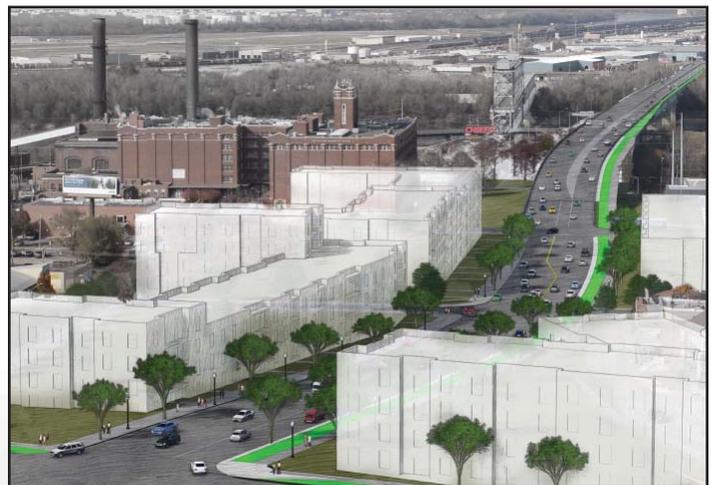
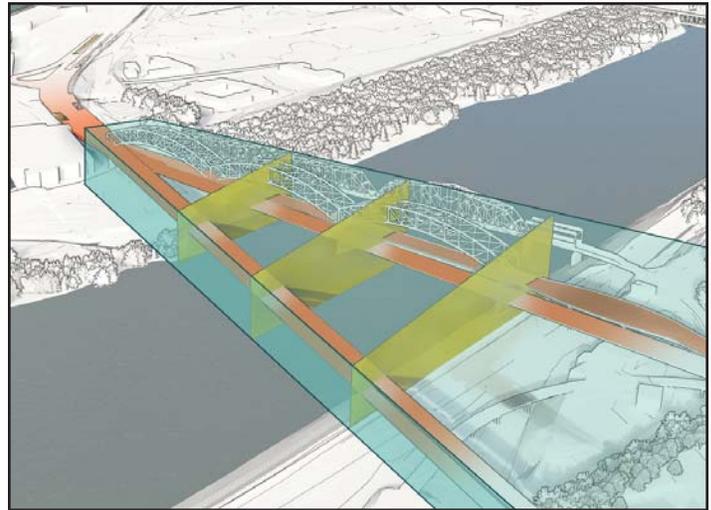
Either through DBB or DB, once the design is complete the project would be let to a contractor to build the ultimate improvement.

# PROJECT PHASING

Establishing meaningful project phases and connecting them with potential funding packages will help to further the projects identified in this PEL Study. The recommendations within this study requires a phased approach because the total cost of implementing the identified strategies in each of the five geographic areas will require more funding than is currently available. MARC, and its partners, will likely have to implement these recommendations over a number of years.

As part of the PEL process, project phases have been sequenced and prioritized logically in terms of constructability and operations. These phased recommendations may change over time as conditions, needs, and priorities change. Also if funding becomes available, such as the case with the Buck O’Neil Bridge, some phases may be built earlier than currently planned.

- Phase I: Missouri River Bridge and Interchange** — Construction funding has already been identified for either the rehabilitation or replacement of the Buck O’Neil Bridge over the Missouri River and the southern interchange with I-70, I-35, and with access into downtown Kansas City. MoDOT has already begun the environmental NEPA process to decide on the ultimate preferred alternative that is expected to be completed in 2019. The current schedule estimates that the preferred improvements in this region will be completed by 2023.
- Phase II: Wheeler Airport Interim Interchange Improvements** — Discussions have already begun to determine whether funding can be allocated to the two interim improvements along US-169 at the Wheeler Airport. The first improvement would be at the north end of the airport to provide an additional southbound on-ramp onto US-169. The second improvement option would be to provide improved geometrics at the existing right-in right-out ramp just north of the Harlem Road interchange.
- Phase III: West Bottom Access** — Depending on the final preferred alternative for the Missouri River Bridge, improvements to access into and out of the West Bottoms will be required to compensate for the loss of access from the Woodswether Viaduct. These improvements can either be incorporated into the preferred alternative for the bridge project or developed as a separate stand-alone project.
- Phase IV: Mitigation Improvements** — Several improvement options outside the five geographic regions were explored as mitigation strategies to help improve various alternatives along the I-70 North Loop. Some of those strategies, such as restriping lanes under Bartle Hall on I-670, have



merit on their own and should be considered as separate, stand-alone projects regardless of the final preferred alternative along I-70.

- **Phase V: Bring Route 9 to Grade** — The Study clearly recommended that alternatives along Route 9 between the Heart of America Bridge and I-70 should include bringing the existing facility to grade and to reconnect Independence Boulevard all the way to Broadway.
- **Phase VI: Wheeler Airport Interchange at Harlem Road** — The interim improvements at the north end of the airport and at the right-in right-out will help in the short-term but eventually the existing Wheeler Airport interchange will need to be improved.
- **Phase VII: I-70 Access Consolidation** - The final decision on I-70 does not have to be made immediately. The results of the ULI study confirmed that those improvements will not be necessary for 10 to 15 years. In the interim, the study recommends that the improvements identified in the access consolidation strategy be considered for implementation. Reducing the number of access points and improving safety can easily be implemented early in the process without compromising the ultimate approved configuration of I-70.
- **Phase VIII: Final I-70 Solution** — The final phase of this plan would be to implement the preferred alternative on the north side of the I-70 loop. Whether a compressed footprint or complete removal, this phase would represent the final step in the overall process outlined in this PEL study.



## FHWA PEL QUESTIONNAIRE

Throughout the course of this study, the study team has been coordinating with the FHWA to ensure that the process has followed the federal guidelines for PEL documents. As part of that process, FHWA requires the study team to fill out a detailed PEL questionnaire that summarizes the PEL process and ensures the materials developed and decisions made can easily transition from the PEL Study to a NEPA study. That detailed questionnaire has been provided in Appendix A.