

MDOT SHA's NEPA/MEPA, Agency and Public Involvement Processes



Presentation to BRTB's Technical Committee
August 1, 2017






Agenda

- Introductions
- MDOT SHA Overview and NEPA Evaluation Process
- Section 4(f)
- TERP and Agency Coordination
- Public Involvement
- PEL Studies
- MDOT SHA Projects
 - PEL Studies (MD 32)
 - Major Capital Projects (US 219 - MD 198)
 - System Preservation Projects (MD 30 thru Hampstead/US 40 over Gunpowder Falls)
- MDOT SHA Role in Local Government Projects (BMC/success)
- Local Government Projects (success/BMC)
- Questions



MDOT SHA Project Overview:

MDOT SHA projects are characterized as either:

- **System Preservation Projects** are those whose scope is limited to the preservation or rehabilitation of an existing facility which improve the safety and/or operational characteristics. These projects do not have significant impacts on the human or natural environments. Examples of these projects include: including resurfacing, safety improvements, bridge replacement/rehabilitation, landscaping, traffic control and ridesharing lots and other miscellaneous improvements
 - **Major Capital Projects** are those which propose a new or significantly expanded facility that generally involves planning, NEPA evaluation, design, and right-of-way acquisition prior to construction. Examples include highway on new location, widening existing highways, and construction of new grade separated interchanges.
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NEPA/MEPA Evaluation and Documentation for MDOT SHA Projects

➤ Major Capital Projects

- Environmental Assessment Forms (State Funded -MEPA)
- Categorical Exclusion (Federally Funded – NEPA)
- Environmental Assessment/Finding of No Significant Impact (Federally Funded – NEPA)
- Draft/Final Environmental Impact Statement (Federally Funded – NEPA)
- Environmental Effects Report (State Funded -MEPA)
- Section 4(f) Evaluations (Federally Funded – NEPA)
- Reevaluations (Federally Funded – NEPA)

➤ System Preservation Projects

- Categorical Exclusion (Federally Funded – NEPA)
- Programmatic Categorical Exclusion (Federally Funded – NEPA)
- Environmental Assessment Forms (State Funded -MEPA)
- Reevaluations (Federally Funded – NEPA)



Section 4(f) of the US DOT Act of 1966

- Section 4(f) Evaluation is required if the project requires the use (conversion) of property from significant historic/archeological sites and/or publicly owned public parks/rec areas, wildlife/waterfowl refuges
- The evaluation must demonstrate that there is no prudent/feasible alternative to use & must include all possible planning to minimize harm
- Coordination Options
 - Draft/Final Evaluations: Adverse Effect on resource
 - Programmatic Evaluation: No adverse effect (except for historic bridges)
 - De minimis: No Adverse effect/Requires agreement from the Agency with jurisdiction
 - Temporary Use: No Adverse effect//Requires agreement from the Agency with jurisdiction
 - Non-Applicability

Public Involvement

Public involvement is required for both NEPA and PEL studies and should be coordinated early and continuously throughout the life of a project. It plays an integral role in project development. This engagement allows project teams to identify community needs and wants, as well as opportunities for mitigation.

- **Project Initiation / Develop a public involvement plan**
 - Who are the stakeholders? Determine how and when to reach key stakeholders, Environmental Justice (EJ) and/or Limited English Proficient (LEP) communities.
- **What outreach tools will be used?**
 - Surveys
 - Website, social media
 - Newspapers, radio
 - Mailings (postcards, newsletters, brochures)
 - Stakeholder Groups
 - Property owner letters

Public Involvement

- **Public meetings**

- Informational Public Meetings – as needed
- Alternatives Public Workshops – prior to ARDS
- Public Hearings – for Federal-aid projects which require greater amounts of right-of-way, have adverse impacts on properties, and/or result in adverse environmental impacts

- **Targeted outreach to key stakeholders**

- **Community meetings and events**

Public involvement throughout the NEPA process allows stakeholders to not only be informed about a project, but to be part of the decision-making process.

Transportation Environmental/Regulatory Process (TERP) (A Streamlined Process for Major Projects)



- **TERP benefits:**
- Provides the agencies with a framework for how we conduct Project Planning;
- Ensures agency input into our Planning Process;
- Facilitates collaboration with agencies;
- Review/input at four points in the process;
- Monthly interagency meetings; field meetings as needed;
- Allows for shared public outreach;
- Allows NEPA document to be adopted by permitting and regulatory agencies





MDOT SHA Project Development Trends

➤ Pre-NEPA Studies

- Streamlines the NEPA Process
- The need to respond to varying project/program delivery needs
- FHWA 10 year rule and funded successive project phase
- FHWA requirement to ensure that a successive project phase is funded prior to granting NEPA approval.

➤ MDOT's Practical Design Initiative

- Focus on project needs vs. wants
- More cost effective projects

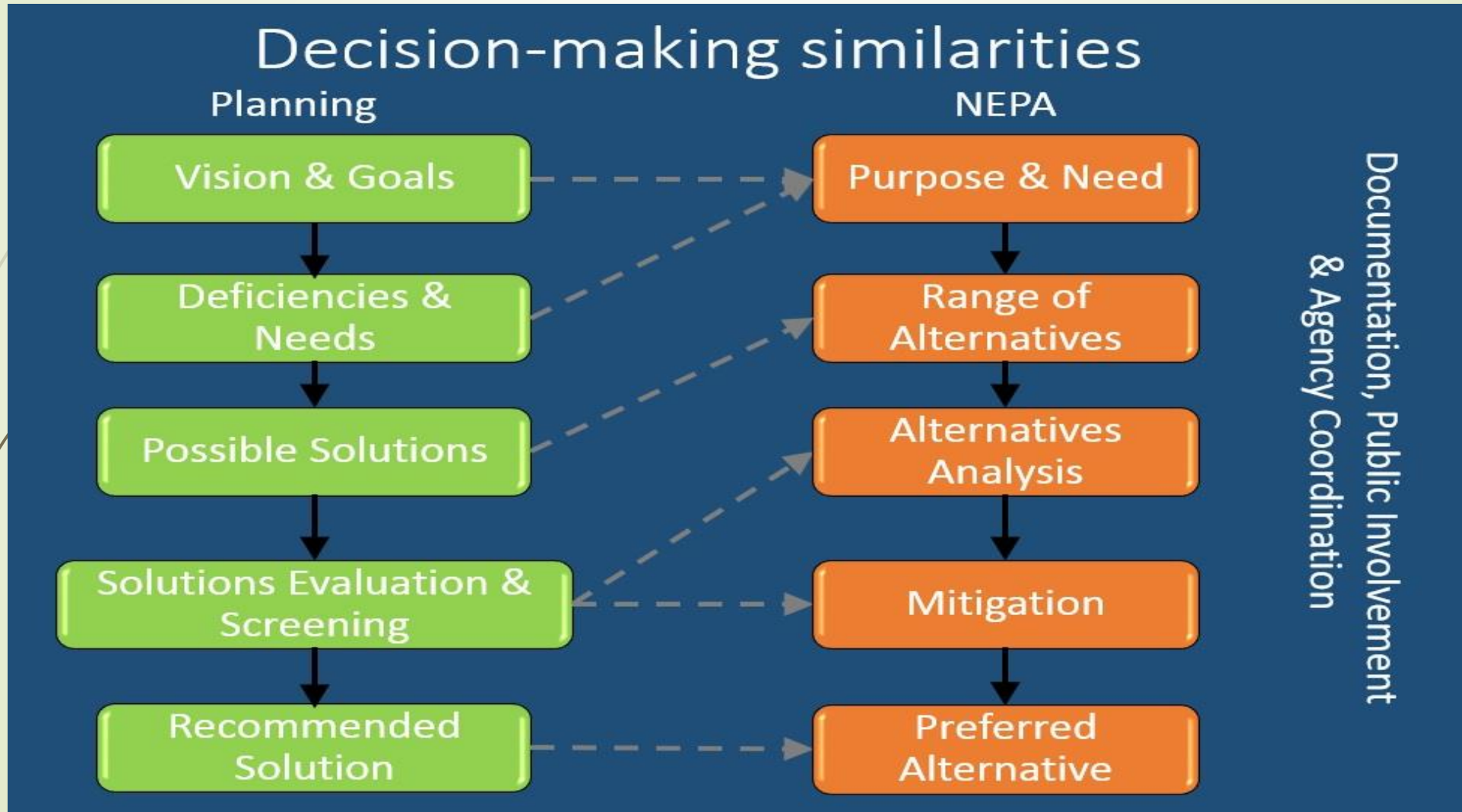
➤ FHWA's Every Day Counts Initiative

- Reader-Friendly Environmental Documents
- Programmatic Agreements/approaches establish acceptable outcomes and shorten review time

PEL Studies

- Planning and Environment Linkages (PEL)
 - FHWA collaborative and integrated approach to transportation decision-making that:
 - Considers environmental, community, and economic goals early in the transportation planning process prior to NEPA
 - Uses the information, analysis, and products developed during planning to inform the environmental review process in NEPA
 - Provides the opportunity for early input from the public.

PEL vs NEPA



PEL Case Study - MD 32: I-70 to MD 26

Goal: develop a long-term vision to manage future traffic volumes, and identify short-term safety & operational improvement concepts that will support economic development opportunities.

Need: Safety, Access, Traffic, Development

Study Process:

- Traffic and safety analyses
- Environmental Inventory
- Concept Development
- Public Outreach
- IRM Presentation
- Summary of Study Findings



PEL Case Study – MD 32 *Public Outreach*

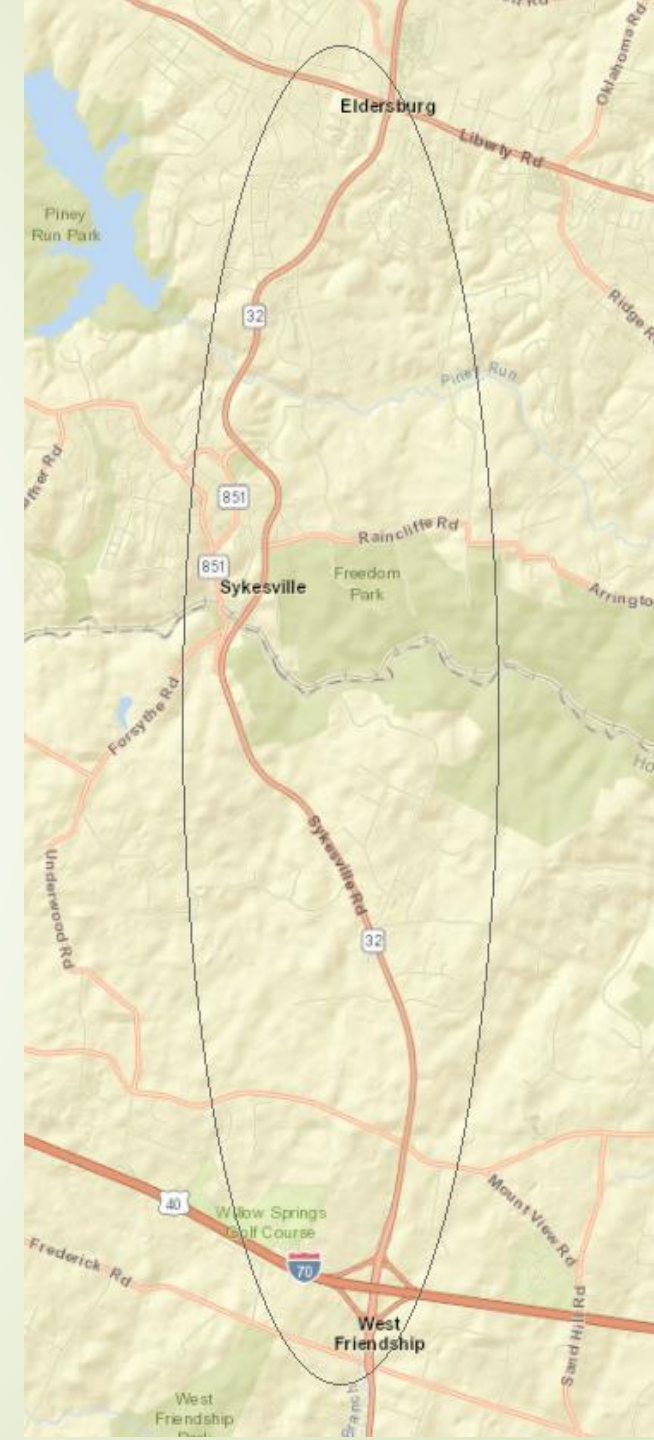
- Online Public Survey
 - Over 500 responses
- Stakeholder Interviews
 - 10 interviews conducted
 - *Stakeholders varied from: Public School Systems, Emergency Services, Medical Services, Private businesses , Institutions of Faith*
- Public Workshop
 - June 2016
 - Public comment/feedback station and “Where Do You Live” board



PEL Case Study - MD 32

Potential Outcomes – Menu of Options

- **Short-Term Concepts to address immediate safety needs**
 - Acceleration/Deceleration Lanes
 - Turn Lanes
 - Shoulders
- **Mid-range concepts to improve safety and access**
 - Access roads and access consolidation
- **Long term vision of 4 lane divided highway not precluded**
 - Need not envisioned until after 2040



US 219: I-68 (MD) to Meyersdale (PA)

History

2001 - Began as a NEPA study with PA and MD

Fall 2006 - Put on hold (DEIS not signed)

2014 - Restart NEPA study; PA funding constrained

2015 - PEL Study started

July 2016 - FHWA acknowledged PEL Study

August 2016 - MD starts NEPA for breakout project
(I-68 to Old Salisbury Road)

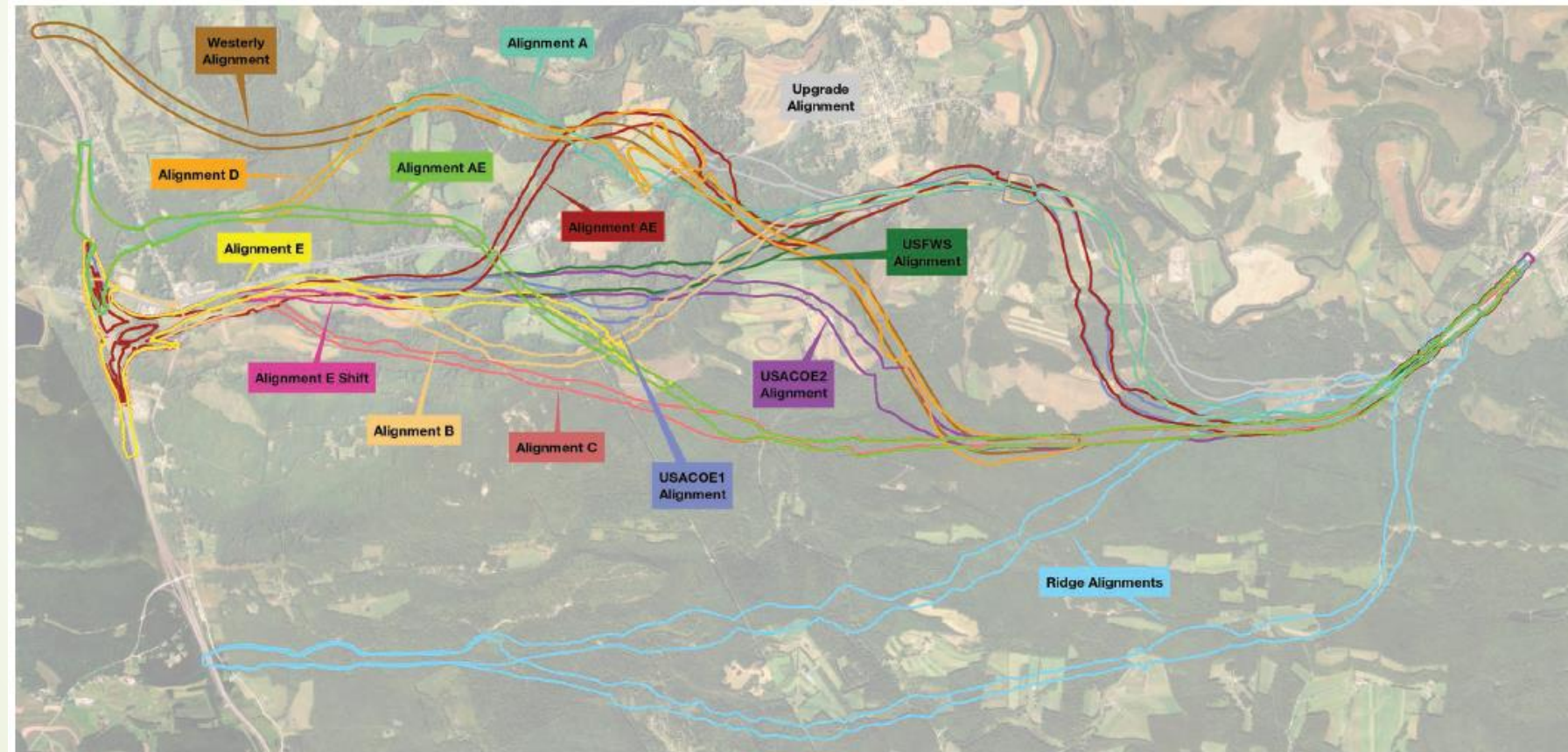
July 2017 - NEPA completed



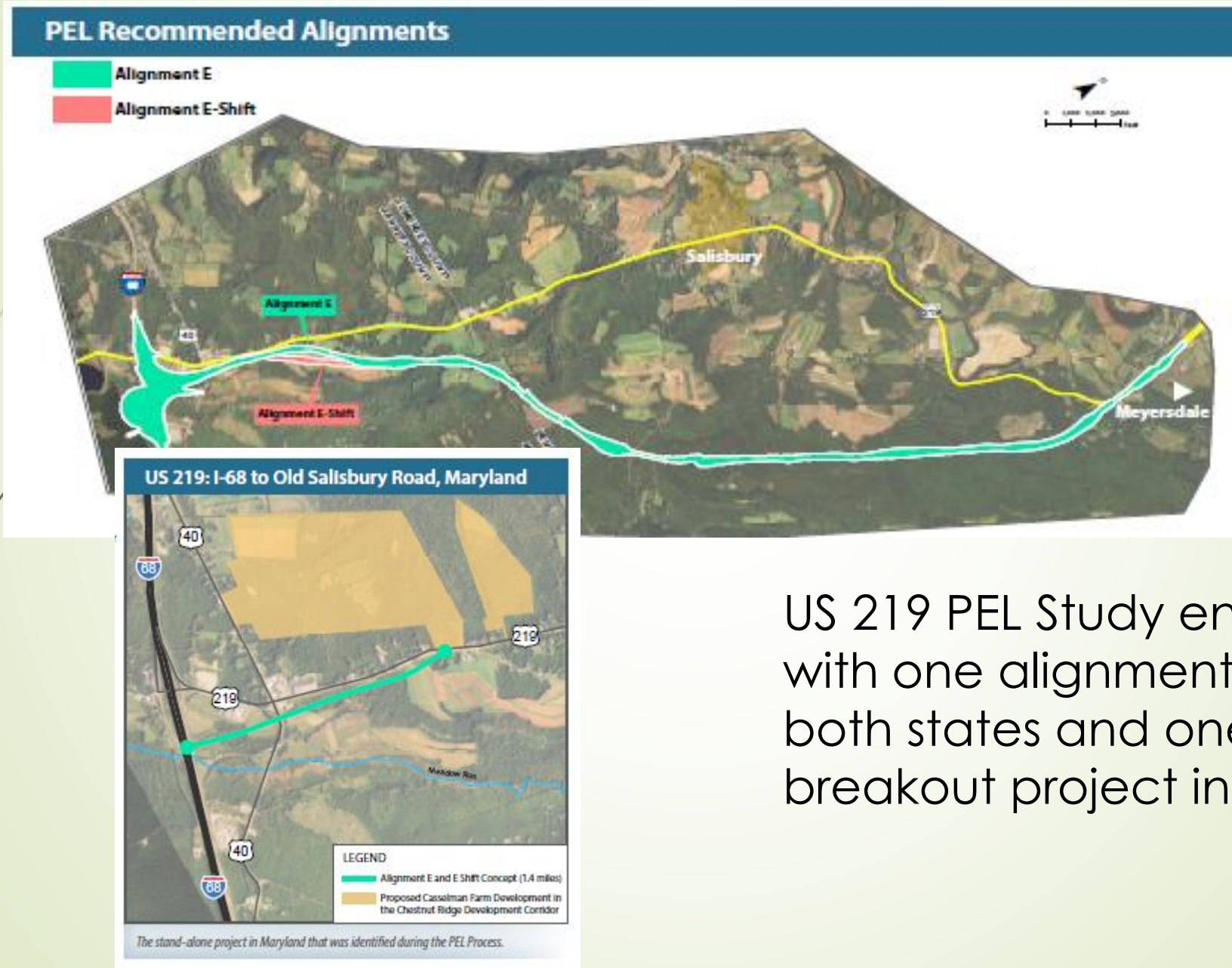
US 219: I-68 (MD) to Meyersdale (PA)

Project Purpose: to provide transportation infrastructure improvements to support planned economic development

- PEL Study reviewed 16 possible alignments:
- found fatal flaws in initial screening;
 - gathered further data on 4 alignments



US 219: I-68 (MD) to Meyersdale (PA)



US 219 PEL Study ended with one alignment for both states and one breakout project in MD

US 219: I-68 (MD) to Meyersdale (PA)

- What was controversy that the PEL Study addressed?
 - Historical relationships with agencies
 - Differences in processes and funding between the states
- What were the benefits of the PEL Study?
 - Transitioning to a NEPA study
 - Transparency
 - Published the collected data
- What was the public outreach? (Part of PEL and NEPA)
 - Stakeholders groups, homeowners and business owner meetings
 - Informational Meetings, Public Hearing
 - Post cards and newsletters

Major Capital Projects (MD 198)

Purpose:

improve capacity & traffic operations, increase vehicular & pedestrian safety, and support existing & planned development

Need:

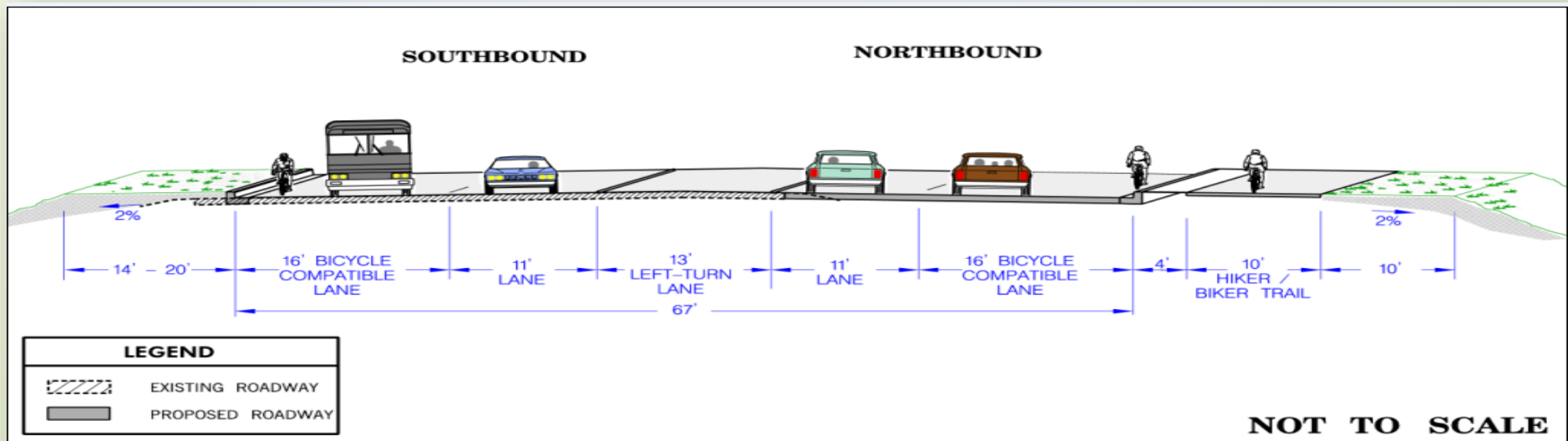
improve MD 198 to enhance access to Ft. Meade and to accommodate future transportation needs in area



Outcome: FONSI (Fall 2015) for a Preferred Alternative

TERP Process (Major Capital Projects)

- ▶ Regulatory Agency Concurrence points:
- ▶ Purpose and Need
- ▶ Alternatives Retained for Detailed Studies
- ▶ Preferred Alternative Conceptual Mitigation



Desktop assessment: Base and wildlife



Assessment after agency coordination: Section 4(f) and mitigation site



TERP- Agency Coordination (MD 198)

- Agency Coordination
 - Monthly coordination meetings and field meetings as needed
 - 4(f) with Patuxent Research Refuge, Maryland Historic Trust, National Park Service
 - Joint Public Hearing

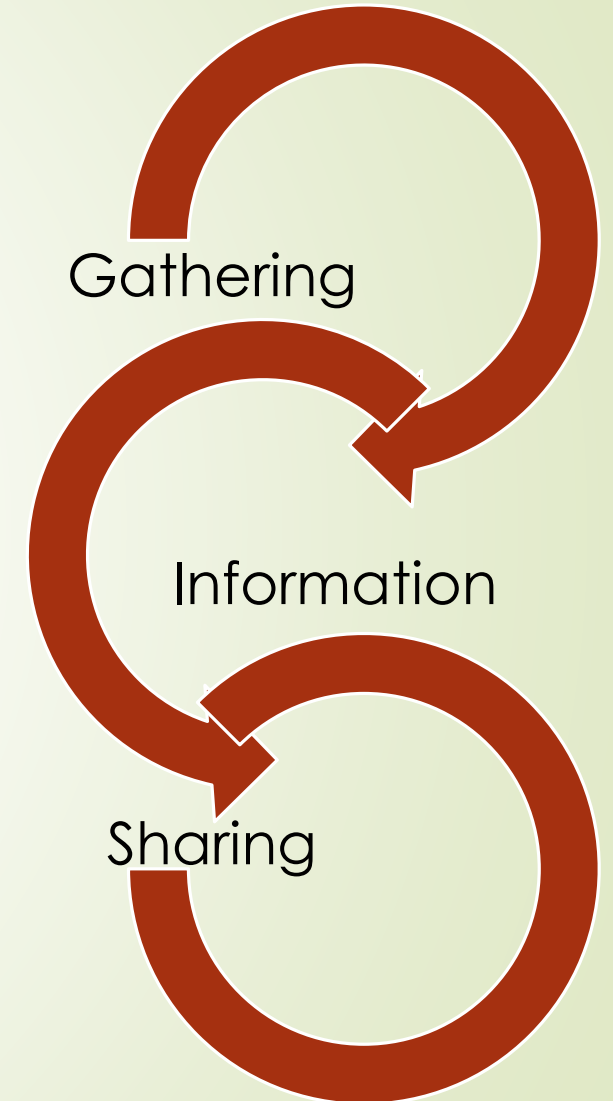


Frequent
coordination to
determine issues

Understanding of
issues and
coordination to
resolve issues

TERP- Public Involvement (MD 198)

- Information Gathering Outreach – with citizens
 - Certified mailings (access for noise and wetland assessments)
 - Newspaper ads (Workshop on alternatives, and Public Hearing for selection of Preferred Alternative)
- Information Sharing Outreach – with citizens and stakeholders
 - Workshop and Public Hearing
 - meeting with homeowner community
 - Tipton Airport/AACo Office of Planning/Zoning, Ft. Meade
 - Update at Greater Odenton Improvement Association



System Preservation Projects (MD 30)

Hampstead Urban Reconstruction

- Purpose: Community Safety and Enhancement
- Need: ADA sidewalks/ramps and drainage upgrade
 - Scope: new stormwater management, upgrading drainage, utility relocation, new sidewalks/ramps, resurfacing, new signs, signals, landscaping
- Since through town, planned to use a flagging operation
- Citizens and businesses concerns with negative impacts
 - Alternative maintenance of traffic plan



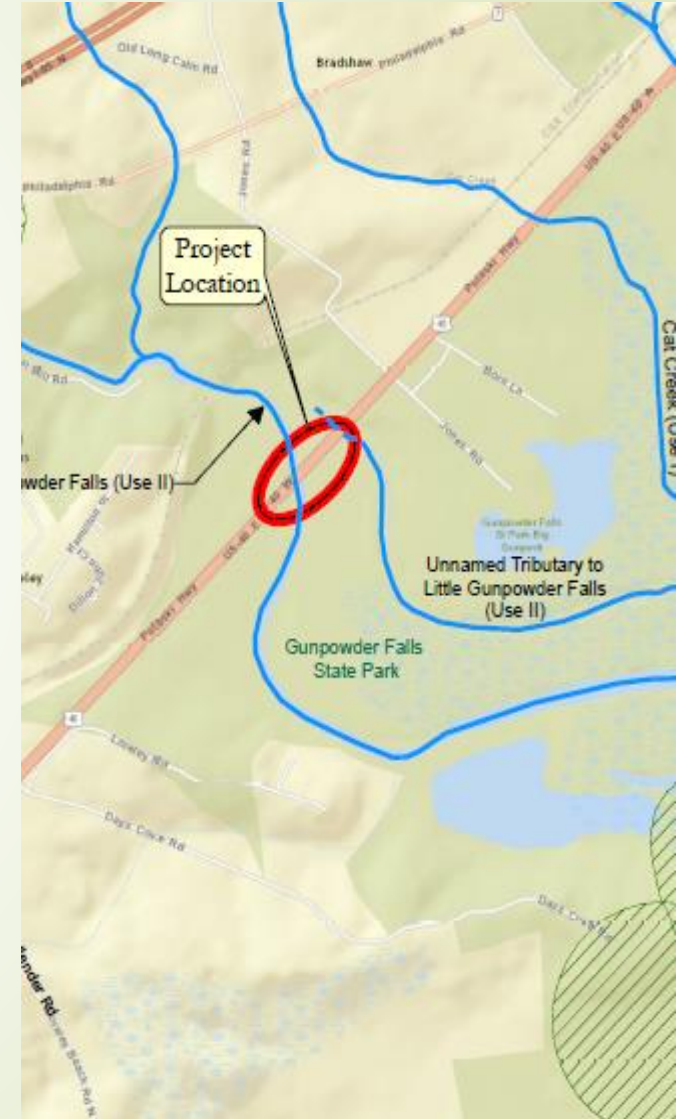
MD 30 Hampstead: Telling the Story

- Coordination with MHT
 - No Adverse Effect to Hampstead Historic District
 - Section 4(f) - *de minimis* impact
 - Developed management Plan for retaining walls
 - Identified those which are significant and are to be maintained and repaired during project
- Coordination with citizens and town about project
 - Monthly Team Meetings in Hampstead
 - Maintenance of Traffic (MOT)
 - Real Estate
 - Temporary Construction Easements
- Governor Hogan Priority
- PCE Completed 2013; Reevaluation 2016



System Preservation Projects (US 40 over Gunpowder Falls)

- Purpose: Bridge Rehabilitation Project
- Need: Maintain safety of travelling public; match profile of bridge to profile of
- Scope: new stormwater management; new, wider bridge deck, temporary utility relocation, landscaping
- Story of the Project: DNR Coordination, Section 4(f) *de minimis*



US 40 over Gunpowder: Telling the Story

- Coordination with DNR
 - Impacts to Gunpowder Falls State Park
 - Project Initiation Form (PIF)
 - Landscaping Plan
- Coordination with MHT
 - Project will have adverse effect on historic bridges
 - MDOT SHA Historic Bridge Programmatic Agreement
 - Programmatic Section 4(f)
- Coordination with NMFS
 - No Effect on Endangered Species
- Maintenance of Traffic



MDOT SHA Role in Local Government Projects

- MDOT SHA provides NEPA/MEPA guidance and oversight to Local Government sponsored projects that receive state or federal funds
- MDOT SHA Environmental Managers ensure that projects are developed in compliance with federal and state regulations and procedures
- NEPA document levels: **PCE**, **CE**, EA/FONSI, EIS/ROD, **4(f) Evaluations**, **Reevaluations**
 - Most projects are CEs or PCEs
- Environmental document submittal timing:
 - Project Initiation (design work);
 - Semi-final plan stage (funding and right-of-way for final design)

MDOT SHA Role in Local Government Projects

- Local Government is responsible for developing their projects in compliance with federal and state regulations and procedures:
 - Coordinate with resource agencies
 - Secure permits
 - Draft the environmental document, and
 - Ensure commitments are implemented.

Worse case
impacts

Detailed impacts
and negotiation

NEPA,
Commitments and
construction

MDOT SHA Role in Local Government Projects

► Agency Coordination

- Coordinate with resource agencies and secure permits, draft the environmental document, and ensure commitments are implemented.
- Always coordinate with: Maryland Historical Trust, Maryland Department Natural Resources (2), US Fish and Wildlife Service
- As needed: National Marine Fisheries Service, US Army Corp of Engineers, MD Department of the Environment DNR/Critical Area Commission, 4(f)/6(f) officials, Environmental Justice populations
- Almost always needed: Public Outreach about project, or about detours



MDOT SHA Role in Local Government Projects

- **Project Scope of Work and Impacts determines NEPA duration and level of coordination required:**
- **Resurfacing Improvements**
 - No new impacts to environmental resources, No ground disturbance
 - Coordination with MHT
 - **NEPA/MEPA duration (1-2 months) SHA Approval**
 - NEPA/MEPA documentation: Minor PCE, EAF
- **Safety and Resurfacing Improvements:**
 - **Resurfacing, Replacement of existing curb, gutter, and/or upgrade existing sidewalk, installation of guardrail**
 - Ground disturbance, expansion of existing footprint Minor impacts to various resources
 - Coordination with MHT for section 106, DNR and USFWS for impacts to Endangered Species, MDE, typically no stream impacts, possible wetland impacts
 - **NEPA/ MEPA duration (4-5 months) SHA Approval**
 - NEPA/MEPA documentation Minor PCE, EAF

SHA Role in Local Government Projects

Anne Arundel County DPW Replacement of Bridge over Stocketts Run

- Impacts: Streams (Stocketts Run), Trees (Forest interior Dwelling Species Habitat), Adjacent Property Owners/Right-of-Way,
- **Section 106** historic properties review; **Section 7** endangered species; **Section 404** CWA permit.
- Targeted Public Outreach for affected property owners, and coordination with 911 Services, and schools
- **NEPA(PCE) (12 -24 months) MDOT SHA Approval *estimate dependent upon county schedule**
- Documentation of Minimization techniques; Mitigation requirements



Baltimore City DOT – Replacement of Broening Highway Bridge over Colgate Creek

- Impacts: Tidal Wetlands (Colgate Creek), 100-Year Floodplain, Critical Area, Trees, Time of Year Restrictions for Use II Waters
- **Critical Area Consistency Report, Section 404** CWA permit, **NMFS** Coordination



MDOT SHA Project Liaisons

MDOT SHA Liaison	Contact Info	Responsibility
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Questions?