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.
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

Decision-making similarities

Planning
- Vision & Goals
- Deficiencies & Needs
- Possible Solutions
- Solutions Evaluation & Screening
- Recommended Solution

NEPA
- Purpose & Need
- Range of Alternatives
- Alternatives Analysis
- Mitigation
- Preferred Alternative

Documentation, Public Involvement & Agency Coordination
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
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 constraints
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
PEL Study reviewed 16 possible alignments:
- found fatal flaws in initial screening;
- gathered further data on 4 alignments
US 219 PEL Study ended with one alignment for both states and one breakout project in MD
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
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.
  - 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).
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.
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

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Questions?