

# Chapter 1: Purpose and Need for the Project

## A. PURPOSE OF THE PROPOSED PROJECT

The Federal Highway Administration (FHWA) and the Texas Department of Transportation (TxDOT) propose to reconstruct and widen IH 30 and IH 35E near downtown Dallas in Dallas County, Texas. The primary purposes of the project are to improve safety and traffic operations and reduce traffic congestion along IH 30, IH 35E, and the interchange of IH 30 and IH 35E near downtown Dallas. The proposed improvements, collectively referred to as Project Pegasus, extend along 11 miles of urban freeway, specifically:

- IH 30 from Sylvan Avenue on the west to IH 45 on the east; and
- IH 35E from Eighth Street on the south to Empire Central on the north; improvements on the northern end also include SH 183 from IH 35E to Empire Central.

Project Pegasus focuses on the IH 30/IH 35E interchange on the western edge of downtown Dallas, locally known as the "Mixmaster," the depressed portion of IH 30 south of downtown, locally known as the "Canyon," and the portion of IH 35E from the Mixmaster to SH 183, also referred to as "Lower Stemmons."

The project encompasses all interconnecting cross-streets and associated direct connections and access ramps, including IH 30 interchanges with IH 45, and IH 35E, and IH 35E interchanges with Spur 366, Dallas North Tollway (DNT), and SH 183. The project area is shown on **Figure 1-1**.

## B. NEED FOR THE PROJECT

IH 30 and IH 35E near downtown Dallas are becoming increasingly unable to safely and efficiently accommodate freeway travel. These freeways were designed and constructed nearly half a century ago. Since then only minor improvements have been made. IH 30 from IH 45 to IH 35E is a six-lane freeway with four to six collector-distributor (C-D)<sup>1</sup> lanes and a one-lane reversible high-occupancy vehicle (HOV) facility from IH 45 to South Central Expressway. From IH 35E to Sylvan Avenue, IH 30 is a 10-lane freeway with four to six lanes of discontinuous frontage roads. IH 35E, from 8th Street to IH 30 is an eight-lane freeway with a one-lane reversible HOV and four-lane discontinuous frontage roads; from IH 30 to SH 183, IH 35E is a 10-lane freeway with four to six lane discontinuous frontage roads. Lane widths for these freeways range from 11 to 12 feet; inside shoulder widths range from zero to 10 feet, and outside shoulders range from eight to 10 feet.

The condition of the existing freeways is unsatisfactory for several reasons. These reasons, which contribute to the need for the project, are summarized below. The existing freeways:

- Do not provide adequate capacity for current and forecasted travel demand;
- Do not meet current vehicle operation and safety design standards;

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<sup>1</sup> A C-D road is a one-way road parallel to the main traffic lanes providing access to or from more than one ramp. The C-D road collects traffic from on-ramps or the main lanes, and distributes traffic to off-ramps or back to the main lanes. This minimizes the number of interactions with through traffic, which can increase capacity and safety. A C-D road may be short (serving two adjacent interchanges, or a single cloverleaf), or may extend for miles in congested or complicated areas.

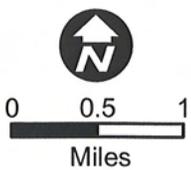
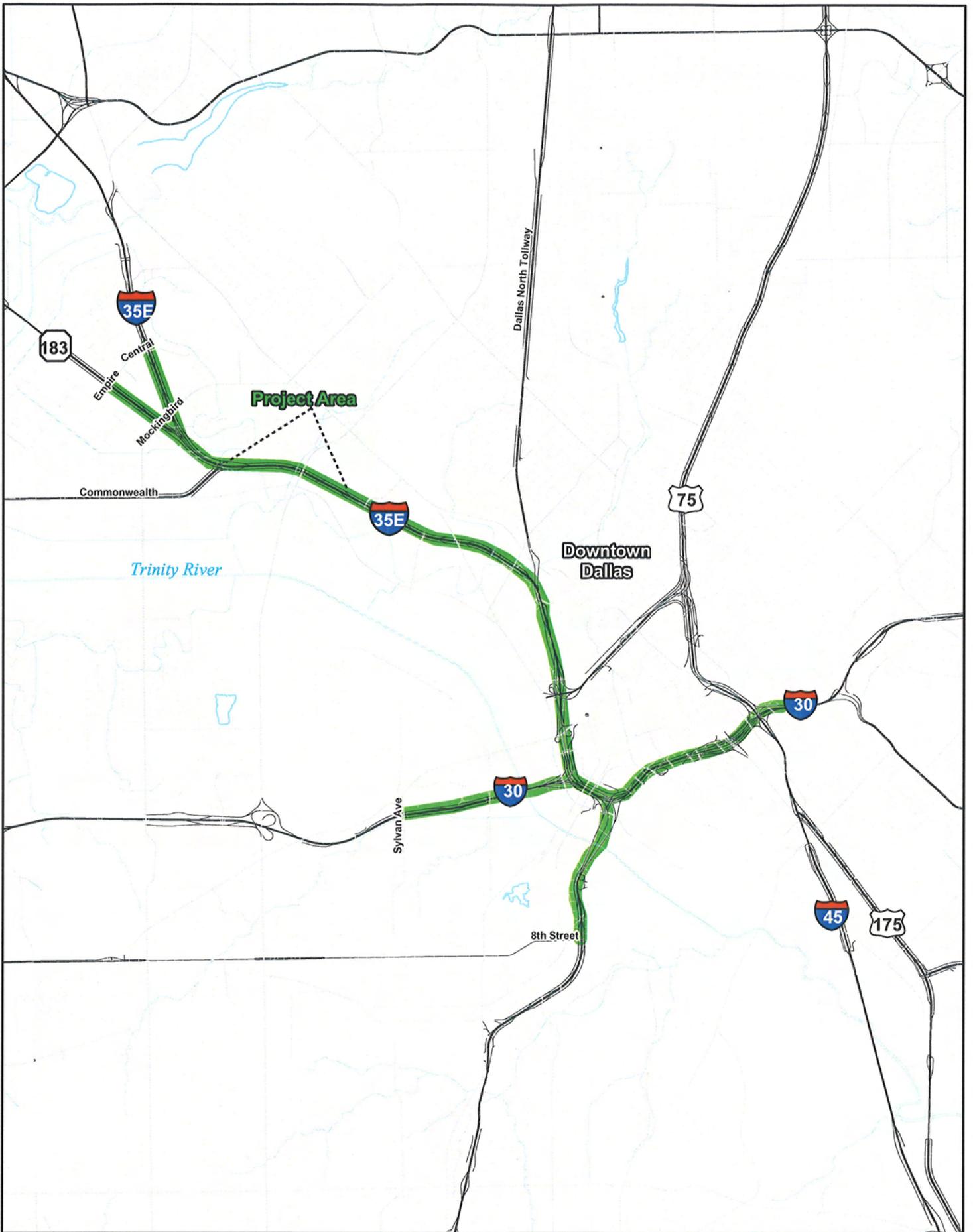


Figure 1-1  
 Project Location  
 IH 30 and IH 35E Reconstruction  
 CSJ: 0009-11-181, 0196-03-199  
 0196-03-205, 0442-02-132, 1068-04-023



- Inhibit efficient detouring of traffic around accident and incident sites;
- Do not properly provide for all major traffic movements;
- Do not offer adequate access to and from the Dallas Central Business District (CBD) and other major employment and activity centers;
- Fail to optimize connections with other travel modes in Dallas such as HOV lanes, light rail transit, and commuter inter-city rail;
- Contribute to slow travel speeds, extended hours of congestion, and increased air pollution;
- Cause traffic to back up for many miles along other freeways feeding into downtown; and
- Fail to adequately accommodate bicycle and pedestrian facilities.

High traffic volumes on IH 30 and IH 35E combined with complex lane movements contribute to a high number of traffic accidents. Additionally, the layout of ramps and service roads in the area prevents efficient detouring of traffic around accident sites. **Table 1.1** shows the traffic accident history for the years 1997, 1998 and 1999. The most common type of accidents are side-swipes and rear-end with other vehicles. There are also numerous overturned vehicles, predominately heavy trucks and load spills in the IH 30/IH 35E Mixmaster area that are caused by the sharp degree of horizontal alignment and need to change lanes to stay on the same roadway system.

**Table 1.1 Traffic Accidents, 1997 - 1999**

Type Of Accident	1997	1998	1999
<b>IH 30 from Sylvan to IH 45</b>			
Fatalities	1	1	4
Fatal Accidents	1	1	4
Injured	312	283	297
Injury Accidents	189	183	177
Property Damage Only	97	98	128
<i>Total Accidents</i>	<i>287</i>	<i>282</i>	<i>309</i>
<b>IH 35E South of the CBD</b>			
Fatalities	3	4	6
Fatal Accidents	3	4	5
Injured	646	558	549
Injury Accidents	376	334	331
Property Damage Only	130	155	166
<i>Total Accidents</i>	<i>509</i>	<i>493</i>	<i>502</i>
<b>IH 30 West</b>			
Fatalities	3	1	3
Fatal Accidents	3	1	2
Injured	167	186	155
Injury Accidents	89	108	86
Property Damage Only	60	66	50
<i>Total Accidents</i>	<i>152</i>	<i>175</i>	<i>138</i>
<b>IH 35E North of the CBD</b>			
Fatalities	4	5	8
Fatal Accidents	4	5	8
Injured	900	724	726
Injury Accidents	520	428	412
Property Damage Only	210	199	183
<i>Total Accidents</i>	<i>734</i>	<i>632</i>	<i>603</i>

On a typical weekday, northbound traffic on IH 35E queues from the Dallas Zoo (12th Street) to the Dallas North Tollway exit, a distance of approximately 4.3 miles. Eastbound traffic begins to queue west of the Trinity River bridge (Sylvan Avenue), and the queue continues through the entire Canyon area on IH 30, a distance of approximately 3.3 miles. Westbound queues stretch from Ferguson Road to the Mixmaster, a distance in excess of five miles. Congestion in the corridors also slows travel for many miles along freeways feeding into the city center, such as IH 35E (Stemmons Freeway and South R.L. Thornton), US 75 (North Central Expressway), and IH 30 (the Tom Landry Highway and East R.L. Thornton). Proposals for improving the outlying segments of IH 30 and IH 35E will not be effective and cannot be effectively implemented until congestion is relieved in and around the downtown area.

**Table 1.2** shows 2001 and forecasted 2026 average daily traffic (ADT) volumes. A detailed traffic service analysis is included in the *IH 30/IH 35E Interstate Access Justification Report*, dated August 2003, submitted under separate cover and available at the Dallas District Office of TxDOT.

**Table 1.2 Current and Forecasted Traffic Volumes**

Freeway Section	2001 ADT	2026 ADT
<b>IH 35E</b>		
SH 183 to Wycliff	182,700 to 203,600	246,300 to 305,200
Wycliff to Dallas North Tollway	154,000 to 181,600	228,100 to 270,000
Dallas North Tollway to Spur 366	201,600 to 210,600	179,200 to 294,300
Spur 366 to IH 30	154,400 to 162,500	239,200 to 258,700
IH 30 to 8 <sup>th</sup> Street	167,800 to 172,200	214,400 to 243,900
<b>IH 30</b>		
Sylvan to IH 35E	124,500 to 128,900	160,800 to 193,600
IH 35E to IH 45	158,200 to 190,000	252,200 to 300,800
IH 30 @ IH 35E	160,000 to 181,000	289,100 to 300,800

### C. OBJECTIVES OF THE PROJECT

The following objectives have been established for IH 30 and IH 35E:

- Maximize the traffic capacity of IH 30 and IH 35E with improvements that minimize the need for additional right-of-way;
- Improve the operational and safety conditions of the freeways through the application of current FHWA and TxDOT design standards;
- Improve connections between IH 30 and IH 35E, between these freeways and other existing and proposed roadways, and with other travel modes and facilities;
- Decrease traffic congestion and reduce travel times;
- Enhance access to the CBD and other major employment areas and activity centers in downtown Dallas;
- Enhance bicycle and pedestrian crossing facilities;
- Enhance Employee Trip Reduction (ETR) programs by providing facilities that encourage carpooling and vanpooling;
- Integrate urban design elements to reflect the character and location of the surrounding communities; and
- Develop a technically and financially feasible solution.

## **D. FOCUS OF THIS ENVIRONMENTAL ANALYSIS**

The issues analyzed in this Environmental Assessment were identified through an extensive planning and public involvement process that defined both the design objectives and the potential environmental constraints and opportunities associated with the reconstruction and widening of IH 30 and IH 35E near downtown Dallas. Given the dense, urban character of the area, project issues stem from the close proximity of established land uses to the existing freeway rights-of-way. This condition requires that a balance be struck between the right-of-way needs of proposed transportation improvements and the need to avoid or minimize land use impacts, especially to resources that are afforded regulatory protection such as parks, and historic properties. Another project challenge requires that modifications to the configuration of freeway entrance and exit ramps, which are required to attain current FHWA and TxDOT design and operational standards, have minimal adverse effects on vehicle access and circulation patterns. These project objectives and environmental issues provide a focus for the planning, design, and environmental analysis process.

### **D.1. Planning Process**

The planning process for Project Pegasus follows TxDOT's and FHWA's environmental policies and procedures. The TxDOT analysis team used a systematic, interdisciplinary planning and design approach that ensures an integrated use of the natural and social sciences and the environmental design arts. A geographic information system (GIS) was developed and supplemented with extensive field reconnaissance to identify natural, cultural, and other land use elements that could potentially constrain the engineering design. Consideration was also given to include aesthetic and landscape treatments that complement and enhance the aesthetic quality of the freeway corridors. Throughout the planning process, the analysis team attempted to resolve conflicts between design requirements and environmental constraints. In some instances where conflicts were unavoidable, measures to minimize adverse effects were considered and, where appropriate, would be integrated into the design.

The IH 30 and IH 35E corridors were studied as part of the Trinity Parkway Corridor Major Transportation Investment Study (MTIS), conducted from 1996 to 1998. The purpose of the MTIS was to develop a solution to congestion in the IH 30 Canyon and IH 35E/IH 30 interchange near the Dallas CBD and the Trinity River. The study, which included an extensive public and agency involvement program, evaluated numerous travel modes, considered over 40 improvement alternatives, and produced preliminary designs, traffic, hydraulic, and environmental analyses. The MTIS recommended the following improvements:

- Modification to the Mixmaster interchange and IH 30 and IH 35E freeways;
- Extension of Spur 366 (Woodall Rodgers Freeway);
- Addition of continuous HOV lanes;
- Construction of a new location parkway route;
- Construction of a light rail line;
- Construction of bicycle and pedestrian improvements;
- Installation of intelligent transportation systems (ITS); and
- Development of ETR programs.

The MTIS recommendation was approved by the City of Dallas, Dallas County, Dallas Area Rapid Transit (DART), and North Central Texas Council of Governments (NCTCOG) and endorsed by the US Army Corps of Engineers (USACE). Because no single agency has jurisdiction to design and build all of the recommended improvements, and because many of the improvements have independent utility, they are being further developed by the agencies that

would be responsible for building, operating, and maintaining them. DART is studying the light rail element, the North Texas Tollway Authority (NTTA) is studying the parkway route, and TxDOT is proceeding with the design of the Spur 366 extension.

TxDOT is also taking the lead on developing improvements for IH 30 and IH 35E, which is the focus of this Environmental Assessment. Public participation is guiding the development of this project. Two work groups were established to assist TxDOT:

- The Community Work Group represents a diverse range of interests within the study area. The group has met with TxDOT's project team every other month since February 2002 through December 2003.
- The Project Coordination Work Group is composed of representatives from agencies and local governments that have a role in funding, permitting, and/or planning and implementing any proposed transportation improvements. The group met with TxDOT's project team every month between January 2002 and December 2003. The group continues to meet on an as-needed basis.

Opportunities for active participation from the public are being provided throughout the duration of this project. These include Public Meetings and Hearings, project newsletters, project informational packets, presentations to community organizations upon request, mobile project display/kiosks, and a project web site.

## D.2. Related Studies and Relevant Documents

The NCTCOG serves as the Metropolitan Planning Organization (MPO) for the Dallas-Fort Worth area. It serves a 16-county metropolitan region centered on Dallas and Fort Worth. Since the early 1970's, MPOs have had the responsibility of developing and maintaining a Metropolitan Transportation Plan (MTP). The MTP, which is federally mandated, serves to identify transportation needs and guides federal, state, and local transportation expenditures. *Mobility 2025 Plan – 2004 Update* is the current MTP for the Dallas-Fort Worth area. In 1998, the MTP (at the time, *Mobility 2020*) was modified to incorporate the Trinity Parkway Corridor MTIS recommended plan of action. *Mobility 2025 Plan – 2004 Update* also includes the recommendations of the MTIS and provides the basis for the current Project Pegasus.

## D.3. Issues Studied in Detail

Following is a list and brief explanation of the resources relevant to this Environmental Assessment:

- **Land Use** – Land immediately adjacent to and outside of the existing rights-of-way is subject to displacement at locations where the proposed transportation improvements require additional right-of-way. The avoidance or minimization of commercial and residential relocations was a major consideration during project development and would continue to figure prominently in final design and right-of-way acquisition.
- **Parkland** – As a protected resource under Section 4(f) of the Department of Transportation Act of 1966 (as amended), public parklands along IH 30 and IH 35E were identified early during Project Pegasus in an attempt to avoid any taking. Of the six parks located near the freeways, one – Stemmons Park – would be partially converted to transportation use to accommodate the desired improvements. Therefore, a Section 4(f) Evaluation has been prepared and is included in **Appendix C** of this Environmental Assessment.
- **Historic Resources** – The TxDOT analysis team has identified numerous sites within the project Area of Potential Effects (APE) that currently hold local, state or federal historic designations. A Reconnaissance Survey identified additional properties that may be eligible

for the National Register of Historic Places (NRHP). Research and coordination efforts pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended, are currently underway regarding the effect that the proposed action would have on historic properties.

- **Air Quality** – The project study area is located in Dallas County, which is designated an ozone nonattainment area. Therefore, the transportation conformity rule does apply and the project is subject to a regional air quality analysis. In addition, a carbon monoxide analysis is required for this Environmental Assessment because the proposed improvements would provide increased capacity.
- **Noise** – Forecasted traffic volumes for the year 2026 could result in higher noise levels along the corridors. This Environmental Assessment addresses the prediction of future noise levels at representative noise receivers along the project corridors and the evaluation of potential mitigation measures. Any locations where noise mitigation measures are found to be both reasonable and feasible would still be subject to the final design process and to additional public involvement with affected property owners.
- **Access** – Nearly 100 employers with more than 100 or more employees – almost 64,000 in all – are located within the IH 30 and IH 35E project corridor. The area is also a routine destination for non-work trips such as shopping, entertainment, tourism and sports events. A large portion of the vehicular traffic generated by these activities utilizes IH 30 and IH 35E. The current pattern of freeway entrance and exit ramps that provide access for these motorists would be affected by the proposed transportation improvements. The design requirements for achieving overall operational and safety improvements dictate that some ramps be relocated or eliminated. These ramp modifications would potentially have both beneficial and adverse effects on the accessibility and access to specific locations along the corridors. This Environmental Assessment attempts to identify the nature and extent of these impacts, recommends measures that TxDOT can take to help mitigate any adverse effects, and suggests ways that affected property owners could adapt or manage their access needs if and when the proposed changes take place.
- **Wetlands and Waters of the U.S.** – There are 16 potential wetlands/waters of the U.S. shown on U.S. Fish and Wildlife Service (USFWS) National Wetland Inventory (NWI) maps within approximately 500 feet of the existing freeway rights-of-way. Of these mapped features, most are associated with the Trinity River floodway. Any impacts to wetlands/waters of the U.S. determined to be jurisdictional under Section 404 of the Clean Water Act would need to be permitted by the USACE prior to the start of construction. Permitting could be accomplished through nationwide or individual permits depending on the type and amount of impacts.
- **Considerations Relating to Pedestrians and Bicycles** – Current and proposed City of Dallas pedestrian and bicycle facilities that cross IH 30 and IH 35E would be fully accommodated by the proposed improvements.
- **Visual Impacts** – IH 30 and IH 35E have been a dominant element of downtown Dallas for over 40 years. The improvements proposed for these facilities are not incompatible with the visual character of the surrounding area.
- **Construction Impacts** – Plans to ensure safe and efficient traffic and pedestrian flow during construction would be developed as part of the detailed construction plans for the proposed improvements. Other construction-related impacts (such as temporary air and noise effects, lane closures and detours) would be addressed in compliance with standard TxDOT policies and procedures. A public involvement and notification process would be conducted prior to and during construction to help inform drivers and businesses of construction activities.

#### D.4. Issues Eliminated from Further Study

Following is a list and brief explanation of resources or issues that are not relevant to the analysis of alternatives presented in this Environmental Assessment:

- **Social Impacts** – Since the footprint of the proposed improvements would coincide (for the most part) with existing freeway rights-of-way, no disruption or division of existing communities or neighborhoods is expected to occur. The relative existence of community cohesion and character that presently exists along the corridors would not be affected by the proposed improvements.
- **Environmental Justice** – An analysis of 2000 Census data revealed the presence of low-income and minority populations along the freeway corridors. However, these areas would not experience disproportionately high and adverse impacts as a result of the proposed improvements. **Appendix E** provides additional information about the environmental justice analysis. The requirements of Executive Order 12898 appear to be satisfied.
- **Farmland Impacts** – The proposed project is located within an urban area and therefore is exempt from the requirements of the Farmland Protection Policy Act (FPPA) and requires no coordination with the Natural Resources Conservation Service (NRCS).
- **Joint Development** – Potential joint development measures that would preserve or enhance downtown Dallas' social, economic, environmental, and visual values have been discussed among the TxDOT analysis team, Community Work Group, Project Coordination Work Group, and presented at public meetings. These potential measures include landscaping and aesthetic plans (see discussion of Visual Impacts). Implementation of certain urban design elements would require participation and cost-sharing by the City of Dallas and possibly others.
- **Texas Pollutant Discharge Elimination System** – Because this project would disturb more than one acre, TxDOT would be required to comply with TCEQ - Texas Pollutant Discharge Elimination System General Permit for Construction Activity. The project would disturb more than five acres; therefore, a Notice of Intent would be filed to comply with TCEQ stating that TxDOT would have a Storm Water Pollution Prevention Plan (SW3P) in place during construction of the proposed project. The SW3P utilizes the temporary control measures as outlined in TxDOT's manual *Standard Specifications for the Construction of Highways, Streets, and Bridges*. Avoiding work by construction equipment directly in the stream channels and/or adjacent areas would minimize impacts.
- **Wild and Scenic Rivers** – There are no designated wild and scenic rivers within the project area. Therefore, there would be no impacts to wild and scenic rivers as a result of implementing the proposed improvements.
- **Coastal Barriers** – There would be no impacts to these landforms as a result of implementing the proposed improvements.
- **Coastal Zone Impacts** – There would be no impacts to coastal zones as a result of implementing the proposed improvements.
- **Water Body Modifications** – No water bodies would be modified by the proposed improvements.
- **Wildlife Impacts** – Because of its heavily urbanized nature, the project area does not contain any special habitat features. The Vegetation Types of Texas describes the project corridor as occurring in the Urban vegetation type (McMahan et al. 1984). In order to ascertain the type of vegetation occurring within the corridor, a site investigation was conducted in March 2002 to determine the type and composition of plant communities. The site visit also evaluated the corridor for the presence or absence of rare plants. No rare plant species or plant communities were observed. Vegetation in the project area is composed primarily of common landscape species associated with urban development and those species adapted to colonizing disturbed urban areas. A number of aquatic adapted

plants are found in association with improved drainages, including the Trinity River. No areas of bottomland hardwoods were noted during the field visit. Although some riparian woodland species are present within the IH 30 and IH 35E corridors, they are widely scattered individuals in landscape situations and thus do not constitute true woodlands. No trees 20 inches or more in diameter (at breast height) were observed.

In accordance with Provision (4)(A) (ii) of the TxDOT – Texas Parks and Wildlife Department (TPWD) Memorandum of Understanding (MOU) and at the TxDOT District’s discretion, habitats given consideration for non-regulatory mitigation during project planning would include:

- Habitat for Federal candidate species if mitigation would assist in the prevention of the listing of the species;
- Rare vegetation series (S1, S2, or S3) that also locally provide habitat for a state-listed species;
- All vegetation communities listed as S1 or S2, regardless of whether or not the series in question provide habitat for state-listed species;
- Bottomland hardwoods, native prairies, and riparian sites; and
- Any other habitat feature considered to be locally important.

There are no special habitat features such as (a) bottomland hardwoods, (b) caves, (c) cliffs and bluffs, (d) native prairies (particularly those with climax species of native grasses and forbs), (e) ponds (temporary and permanent, natural and man-made), (f) seeps or springs, (g) snags (dead trees) or groups of snags, and (h) existing bridges with known or easily observed bird or bat colonies. Water bodies that occur within the corridor (e.g., Turtle Creek, Trinity River) would not be adversely affected by the proposed transportation improvements (see previous discussions of Wetlands and Waters of the U.S., Water Quality Impacts, Storm Water Issues, and Texas Pollutant Discharge Elimination System).

Although up to about 31 acres of vegetation could be disturbed, compensatory mitigation is not required, as no unusual vegetation or special habitat features were found to occur within the proposed right-of-way. There is no habitat for Federal candidate species, no rare vegetation series (S1, S2, or S3), no vegetation communities listed as S1 or S2, no bottomland hardwoods, native prairies, riparian sites, and no other habitat features considered to be locally important by the TxDOT – Dallas District. Very little vegetation, other than what was previously described, occurs within the right-of-way boundaries of IH 30 and IH 35E. The affected area is unregulated habitat in the sense that there are no habitat areas requiring either a USACE permit or coordination under the federal Endangered Species Act in the vicinity of this project.

- **Threatened or Endangered Species** – A records search of the database maintained by the Endangered Resources Branch of the TPWD indicates that no federal or state listed endangered or threatened species have been reported to occur along or adjacent to the project corridor. However, the project is within the range of several endangered, threatened, or candidate migratory bird species. Although there have been no specific recorded occurrences, such species could use portions of the project corridor as temporary stopover areas during migration. Because no potential habitat for these species was found during a field visit in March 2002, and because no species have been reported to occur nor were observed during the field visit, no effect to federal or state protected migratory species are anticipated to result from the proposed project. One reported occurrence of a sensitive or special natural area (a bird rookery) is listed adjacent to the study corridor. This area was not found during the March 2002 field visit and no effects are anticipated to result from

construction of the proposed improvements. A list of Dallas County federal and state threatened/endangered species of concern is included in **Appendix F**.

- **Archeological Resources** – Preliminary investigations at the Texas Archeological Research Laboratory (TARL) and the Texas Historical Commission (THC) found that a number of recorded archeological sites exist within the project APE (defined as 50 feet beyond the right-of-way) of project corridors. Most of the project corridor has not been surveyed for archeological resources. While some potential for buried cultural deposition remains in the project area, the likelihood of identifying deeply buried prehistoric deposits by coring or trenching is slight. The TxDOT analysis team recommends no archeological survey before construction begins. The THC has concurred with this recommendation (see **Appendix B Agency Coordination**).

More potential exists for encountering historic remains in the project area. The project may affect the Houston Street viaduct (National Register listed) and site 41DL377, a historic landfill, which contains material dating from the period 1880s to 1910. The analysis team recommends avoidance of the Houston Street Viaduct and monitoring near 41DL377.

Monitoring for historic archeological deposits is recommended also at specific areas along the bluff edges and in the IH 30 Canyon area where the use of extensive fill materials has hidden and sealed early in situ historic deposits (e.g., residential yards, privies, trash deposits, etc). The type and amount of work required would be coordinated by TxDOT with the State Historic Preservation Officer (SHPO) in compliance with Section 106 of the National Historic Preservation Act, and under TxDOT's MOU with the THC. Should evidence of archeological deposits be encountered during construction, work in the immediate area would cease and TxDOT archeological staff would be contacted to initiate accidental discovery procedures under the provisions of the MOU.

- **Hazardous Materials** – A Phase I Environmental Site Assessment was performed. Many of the areas along the freeway corridors are characterized by a high relative risk of recognized environmental condition occurrence. This means for many locations along IH 30 and IH 35E, there is a probability of 50 percent or greater that some sort of subsurface impact would be encountered during future construction activities associated with implementation of the proposed improvements. A list of the closest, most likely candidates that may eventually be confirmed as recognized environmental conditions and sources of some sort of impact to the proposed project site is included in **Appendix G Hazardous Materials Concerns**.

Rather than conduct a traditional Phase II investigation, it is recommended that an environmental soil and groundwater management plan be developed. It is unlikely that a Phase II assessment would identify all the relevant subsurface impacts before the construction work begins. Some specific probability of encountering unexpected subsurface impact would remain and modified work procedures and contingencies would be required; therefore, it would not be prudent to incur the expense of extensive pre-construction environmental testing. The recommended management plan would concentrate future efforts on contingency planning so that only the actual subsurface impacts must be addressed. Should the proposed transportation improvements be approved for final design and construction, the most practical and efficient next step would be to involve environmental professionals with the construction planning staff to determine what kind of contingency planning and full-time or on-call environmental inspectors would most streamline the eventual work.

The TxDOT Dallas District has procedures intended to minimize cost and construction delays when petroleum contaminated soils are encountered during roadway construction. The Dallas District has a contractor to remove underground tanks and a contractor to

excavate and haul petroleum contaminated soils. These contractors are not intended to replace any mitigation that can take place during right-of-way acquisition, but they do reduce the cost if petroleum contamination is encountered during construction. This procedure has reduced the degree of impact that underground storage tanks could have on construction activities. If this or any other type of encounter with hazardous substances does occur, it would be handled according to all applicable state, federal, and local regulations.

## E. APPLICABLE REGULATORY REQUIREMENTS AND REQUIRED COORDINATION

The following environmental laws and regulations are applicable to this project:

- **Clean Air Act** – The project study area is located in Dallas County, which is designated an ozone nonattainment area. Therefore, the transportation conformity rule does apply and the project is subject to a regional air quality analysis. Transportation conformity is a Clean Air Act Amendments (CAAA) requirement that calls for the Environmental Protection Agency (EPA), U.S. Department of Transportation (US DOT), and various regional, state, and local government agencies to integrate air quality and transportation planning development processes. Transportation conformity supports the development of transportation plans, programs, and projects that enable areas to meet and maintain national air quality standards for ozone, particulate matter, and carbon monoxide, which impact human health and the environment. Through the State Implementation Plan, the air quality planning process ties transportation planning to the conformity provisions of the CAAA. This ensures that transportation investments are consistent with state and local air quality objectives. The NCTCOG is responsible for the conformity analysis in the Dallas-Fort Worth area.
- **Clean Water Act** – Section 404 of the Clean Water Act (CWA) requires a permit for activities that would result in fill of jurisdictional waters of the U.S. These permits could be Individual or General. General permits include both regional and nationwide permits. Nationwide Permit 14 is intended to provide a means of permitting linear transportation projects and may apply in this case. All Section 404 permitting would be coordinated with the Regulatory Branch, Fort Worth District of the USACE. The USACE is responsible for confirming all jurisdictional determinations as well as establishing the appropriate permitting avenue. The TCEQ issues Section 401 water quality certifications for projects prior to approval of the Section 404 permit from the USACE. Section 401 of the CWA requires states to certify that a proposed CWA Section 404 permit would not violate water quality standards. The design and construction of the proposed improvements must include construction and post-construction BMPs to manage stormwater runoff and control sediments.
- **National Historic Preservation Act** – Section 106 of the National Historic Preservation Act of 1966, as amended, requires federal agencies to “take into account” the “effect” that an undertaking would have on historic properties. Historic properties are those included in or are eligible for inclusion in the NRHP and may include structures, buildings/districts, objects, cemeteries, and archeological sites. In accordance with the Advisory Council on Historic Preservation (ACHP) regulations pertaining to the protection of historic properties (36 CFR 800.4), federal agencies are required to locate, evaluate and assess the effects that the undertaking would have on such properties. These steps shall be completed under terms of the Programmatic Agreement (PA) between FHWA, SHPO, the ACHP, and TxDOT.
- **Resource Conservation and Recovery Act (RCRA), Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), Superfund Amendment and Reauthorization Act (SARA)** – When hazardous material concerns are revealed, the project can still be approved with the understanding that commitments for the project would be followed throughout project development and construction. Commitments for further

investigation, approvals, permits, and coordination regarding hazardous materials should be identified, summarized in environmental documentation, and monitored during subsequent stages of project development. In cases where contamination cannot be cleaned up prior to construction, procedures, plan notes, specifications, and plan details to address contamination concurrent with construction may be needed. Any hazardous materials and/or petroleum contamination encountered during construction would need to be handled according to applicable federal, state, and local regulations.

- **Uniform Relocation Assistance and Real Property Acquisitions Policies Act** – Any household or business that would be relocated or displaced would be eligible for assistance under the requirements of the Federal Uniform Relocation Act. Local municipalities and TxDOT may participate in right-of-way acquisition and relocation assistance. Inventories of replacement dwellings are to contain comparable, decent, safe, and sanitary dwellings. They must: a) not be less desirable in regard to public utilities or public and commercial facilities; b) offer adequate facilities to accommodate the displacees; and c) be located in a neighborhood that is not subject to unreasonably adverse environmental factors. The available housing is also to be within the financial means of the displacees, including low-income families, and open to all persons regardless of race, color, sex, religion, or national origin and consistent with the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.
- **Section 4(f) of the Department of Transportation Act of 1966 (as amended)** – This federal law states that "The Secretary may approve a transportation program or project requiring use of publicly owned land of a public park, recreation area, or wildlife/waterfowl refuge, or land of a historic site of National, State, or local significance...only if: 1) there is no prudent and reasonable alternative to such use, and 2) the project includes all possible planning to minimize harm...."