

**Federal Highway Administration
Finding of No Significant Impact
Farm-to-Market Road 1626
From Ranch-to-Market Road 967 to Brodie Lane
Hays and Travis Counties, Texas**

Introduction

The Federal Highway Administration (FHWA) has determined, in accordance with 23 CFR § 771.119 and § 771.121, that the Farm-to-Market Road (FM) 1626 project from Ranch-to-Market Road (RM) 967 to Brodie Lane will not have a significant impact on the human or natural environment. This Finding of No Significant Impact (FONSI) for the preferred alternative is based on the September 2011 FM 1626 project Environmental Assessment (EA). The EA was approved by FHWA for public involvement on October 16, 2009. The Public Hearing was held on December 8, 2009. The Public Hearing Summary and Analysis, and Comment and Response Report (which includes responses to public comments) prepared by the Texas Department of Transportation (TxDOT) in September of 2011 has been incorporated into the EA.

The September 2011 EA and the Public Hearing reports have been independently evaluated by the FHWA and determined to adequately and accurately discuss the purpose, need, alternatives, environmental issues, and impacts of the proposed FM 1626 project and appropriate mitigation measures. These documents provide sufficient evidence and analysis for determining that an Environmental Impact Statement (EIS) is not required. Finally, these documents are incorporated by reference into this decisional document.

Project Background

The FM 1626 project is located in northern Hays County and southern Travis County. The existing FM 1626 facility, within the limits of the proposed project, varies from two 11-foot travel lanes with shoulders varying from 0- to 1-foot, to two 11-foot travel lanes with 3-foot shoulders. The usual right-of-way width within the limits of the proposed project is 80 feet. At the intersection with RM 967, the usual right-of-way width varies from 80 to 125 feet and at the intersection with Brodie Lane, the usual right-of-way width varies from 80 to 100 feet.

The needs for the project, or reasons for the project, are identified in the EA:

1. Compromised safety; and
2. Decreased mobility and operational efficiency.

The purposes of the project, or solutions to the needs, are identified in the EA:

1. Improve safety within the FM 1626 corridor; and
2. Enhance mobility and operational efficiency.

The FM 1626 project was developed in accordance with the National Environmental Policy Act (NEPA) of 1969, Council on Environmental Quality (CEQ) Regulation for Implementing the Procedural Provisions of the NEPA (40 CFR 1500-1508), FHWA Environmental Impact and Related Procedures (23 CFR Part 771), and TxDOT Environmental Policy (43 TAC Chapter 2), and other related federal and state requirements.

Review of the EA

TxDOT completed the EA in September 2011. The EA considered and analyzed the potential social, economic, and environmental impacts related to the proposed construction of FM 1626. Six alternatives were considered during the planning process, including the No-Build Alternative.

The study of potential impacts included direct, indirect, and cumulative impacts of the project. Direct effects are defined by the CEQ regulations (40 CFR § 1508) as being “caused by the action and occur at the same time and place.” Indirect effects are defined as effects that are “caused by an action and occur later in time or farther removed in distance, but are still reasonably foreseeable.” Cumulative impacts are the incremental impacts that the project’s direct or indirect effects have on a resource in the context of the myriad of other past, present, and future effects on that resource from unrelated activities.

During the course of project development, a range of alternatives were considered. These were: 1) No-Build; 2) Transportation System Management (TSM); 3) Transportation Demand Management (TDM); 4) Transit Strategies; 5) Construct a two lane major divided arterial roadway (MAD 2); and 6) Construct a four lane major divided arterial roadway (MAD 4).

The No-Build Alternative assumes the construction of other projects currently planned and programmed in the Capital Area Metropolitan Planning Organization’s (CAMPO) 2035 Regional Transportation Plan. However, the No-Build Alternative would leave FM 1626 in its current condition, and no funds or energy would be expended on design or construction.

The TSM alternative is geared toward managing the existing transportation facility more efficiently in order to facilitate the movement of people and goods. The most prominent TSM strategies in use today include traffic signal optimization and intersection modifications (addition of turn lanes, turn bays, etc.). Generally, TSM strategies are implemented within the existing right-of-way. TSM strategies are strongly encouraged by and are an integral part of the CAMPO long-range transportation plan (LRTP), and a variety of TSM measures are currently included in the Congestion Management System for the Austin metropolitan area. Although implementation of TSM strategies would ease congestion on existing roadways, they would not fully or adequately address the demand for improvements along FM 1626. This conclusion is supported by CAMPO’s decision to include the proposed FM 1626 improvements in its LRTP. Since TSM

strategies alone would not satisfy the purpose and need for the project, this alternative was eliminated from further study.

The TDM alternative is intended to reduce the number of vehicles on the road, particularly during peak travel periods. This is done through various programs and policies aimed at increasing the number of occupants per vehicles, encouraging off-peak trips, and the use of alternative travel modes. Examples of TDM strategies include providing preferential parking for carpools and van pools as well as telecommuting and flextime programs at the work place – all of which rely on voluntary implementation by local employers to achieve results. As with TSM strategies, TDM strategies are also strongly encouraged by and are an integral part of the CAMPO LRTP, and a variety of TDM measures are currently included in the Congestion Management System for the Austin metropolitan area. Although implementation of TDM strategies would ease congestion on existing roadways like TSM strategies, they would not fully or adequately address the demand for improvements along FM 1626. This conclusion is also supported by CAMPO's decision to include the proposed FM 1626 improvements in its LRTP. Since TDM strategies alone would not satisfy the purpose and need for the project, this alternative was eliminated from further study.

The Transit strategies alternative, like TDM strategies, is intended to reduce the number of vehicles on the road. As with TSM and TDM strategies, transit strategies are also strongly encouraged by and are an integral part of the CAMPO LRTP. However, there are currently no Capital Metropolitan Transportation Authority (Capital Metro) services along this segment of FM 1626 and according to the CAMPO LRTP, no future Capital Metro services are planned for this segment of FM 1626. Although transit strategies would ease congestion on existing roadways like TDM and TSM strategies, it would not fully or adequately address the demand for improvements along FM 1626. Since transit strategies alone would not satisfy the purpose and need for the project, this alternative was eliminated from further study.

The MAD 2 alternative would consist of upgrading FM 1626 by adding a continuous center-turn lane and 4-foot shoulders. This alternative is being evaluated in response to a comment received at the public hearing. The MAD 2 facility would be upgraded similarly to the MAD 4 alternative described below, except that no additional capacity would be included in the MAD 2 alternative. The MAD 2 would involve widening the pavement width, separating turning movements from through traffic, and improving the vertical and horizontal alignments of the roadway, which would reduce the high number of run off road/fixed object/overtake crashes and rear-end crashes in the project area which would, thus, improve safety. However, as described below, it would not provide the capacity needed to handle the traffic volume already existing in the project area – and projected to continue to grow.

An operational analysis was conducted and is found in Appendix A of the EA. Due to constraints in the corridor modeling software, the MAD 2 alternative was analyzed as a two-lane undivided arterial. The peak-hour corridor analysis found that the existing two-lane facility would operate in opening year (2012) at LOS C (good) to F (very poor); by 2024, the LOS would degrade to E (poor) to F; and by 2030, a two-lane facility would

be rated F throughout the project limits. A peak-hour intersection analysis showed the MAD 2 alternative to fare slightly better. In 2008, intersections in the MAD 2 alternative would range from B (very good) to D (moderate); by 2024, they would operate from D to F; and by 2030, they would all operate at level F. Therefore, the MAD 2 alternative would not meet the stated purpose of improving mobility within the corridor and was eliminated from further study.

The MAD 4 alternative would consist of upgrading FM 1626 by adding an additional travel lane in each direction, a continuous center turn lane, and 4-foot shoulders. The MAD 4 would involve widening the pavement width, separating turning movements from through traffic, and improving the vertical and horizontal alignments of the roadway, which would reduce the high number of run off road/fixed object/overtake crashes and rear-end crashes which are prevalent in the project area, and would, thus, improve safety.

The MAD 4 alternative would also extend the period of time during which FM 1626 could safely and efficiently accommodate traffic demands, as indicated in the operational analysis in Appendix A of the EA. The peak-hour corridor LOS for the MAD 4 alternative would range from A (excellent) to C (good) in opening year (2012). By 2024, the LOS would range from A to D (moderate). By 2030, peak-hour corridor LOS would range from A to D, except for the AM peak for the stretch between Bliss Spillar Road and Brodie Lane, which would operate around E/F (poor/very poor). The intersection operational analysis, which was conducted at selected study area intersections, found that with 2008 traffic, the intersection LOS would range from B (very good) to D; by 2024, it would range from B to F; and by 2030, intersections would range from C to F.

The MAD 4 alternative was considered sufficient in satisfying the purpose and need of the project as stated in Part II of the EA. TxDOT has recommended the approval of the MAD 4 alternative as the Preferred Alternative as discussed below.

The proposed improvements would consist of upgrading FM 1626 from RM 967 in northern Hays County to Brodie Lane in southern Travis County. At the intersection with RM 967 the overall pavement width of FM 1626 would be 82 feet and would consist of four 12-foot travel lanes (two in each direction), a 14-foot left turn lane, a 12-foot right turn lane, and 4-foot shoulders. From RM 967 to Jerry Lane the overall pavement width of FM 1626 would be 70 feet and would consist of four 12-foot travel lanes (two in each direction), a 14-foot two-way continuous left turn lane, and 4-foot shoulders. From Jerry Lane to Brodie Lane the overall pavement width of FM 1626 would be 82 feet and would consist of four 12-foot travel lanes (two in each direction), a 14-foot two-way continuous left turn lane, and 10-foot shoulders. Curb and gutter and an 8-foot sidewalk on the west side of FM 1626 would be provided from RM 967 to Jerry Lane. The proposed usual right-of-way width would be 160 feet. Approximately 36.77 acres of new right-of-way would be required.

To date no cultural resources, wetlands, prime or unique farmlands, residences, businesses, environmental justice populations, migratory birds, existing hazardous

materials sites, or air quality, have been identified as impacted under the MAD 4 Alternative. There are five U.S. Army Corps of Engineers (USACE) jurisdictional waters (Garlic Creek, Little Bear Creek, two tributaries to Little Bear Creek, and Bear Creek) located within the limits of the proposed project, all of which would require a USACE permit under Section 404 of the Clean Water Act. Portions of the proposed project are located over the Edwards Aquifer Recharge and Contributing Zones and the Edwards Rules that are issued by Texas Commission on Environmental Quality (TCEQ) are considered non-degradation rules. Therefore, the increases in impervious cover and water quality impacts resulting from the MAD 4 Alternative would be mitigated through Best Management Practices (BMPs) and water quality control facilities that are permitted in an approved TCEQ Edwards Rules: Water Pollution Abatement Plan (WPAP). Soil disturbance during construction activities will be mitigated through adherence to the Texas National Pollutant Discharge Elimination System program. During construction, BMPs, including temporary erosion, sedimentation, and total suspended solids (TSS) water pollution controls will be implemented. There is a very small potential for stormwater runoff to effect the Barton Springs salamander; therefore, the proposed project may affect but would not likely adversely affect this species. Informal coordination with the U.S. Fish and Wildlife Service (Service) was initiated on July 11, 2008. Concurrence from the Service on the Barton Springs salamander was received on July 26, 2011. The occurrence of the golden-cheeked warbler is considered unlikely within the limits of the proposed project; however, golden-cheeked warbler habitat exists within the indirect effects study area. Thus, the proposed project may affect but is not likely to adversely affect this species. Informal coordination with the Service was initiated on July 11, 2008. Concurrence from the Service on the golden-cheeked warbler was received on August 3, 2011. The proposed project would result in a noise impact at two receivers. Noise abatement measures were determined not be feasible and reasonable; therefore, no abatement measures are proposed for the proposed project.

The EA concluded that the MAD 4 Alternative is the recommended alternative for the FM 1626 project, meets the purpose and need with minimal impacts when compared to the no build alternative, and would have no significant impacts on the quality of the human or natural environment. TxDOT recommends a FONSI for the FM 1626 project.

TxDOT's recommendation for the selection of the MAD 4 Alternative resulted from a process that involved the public and close coordination with various federal, state, and local government agencies.

Public Involvement

Public involvement is an integral and critical component of the NEPA project development process. A comprehensive public involvement plan was developed to incorporate all the different types of stakeholders and their needs, from safety to mobility to environmental concerns. The public involvement team for this FM 1626 project included representatives from the TxDOT Austin District and Environmental Affairs Division. The process also included extensive consultation with and the participation and involvement of FHWA.

Stakeholder Involvement

Several stakeholder interviews were conducted with 3 city and county planners and engineers, as well as the Barton Springs Edwards Aquifer Conservation District staff, and 2 developers to gather input on the influence of the proposed FM 1626 improvements could have on potential future development in the indirect affects study area.

TxDOT and project team members also exchanged correspondence with 4 federal and state governmental agencies including the Texas Commission on Environmental Quality, US Fish and Wildlife Service, Texas Parks and Wildlife Department, and Texas Historical Commission.

Public Meetings and Public Hearing

A public meeting for this project was held on May 6, 2004, at Akins High School. The Public Meeting notice was published in the Austin American Statesman and the Hays Free Press. A summary of comments that were received as a result of the Public Meeting has been incorporated into the EA.

A Public Hearing was held on December 8, 2009, at Elm Grove Elementary School. The Public Hearing notice was published in the Austin American Statesman and the Hays Free Press. A transcript of the Public Hearing, as well as responses to comments that were received as a result of the hearing, have been incorporated into the Summary and Analysis of Public Hearing.

Media Coordination

Website postings regarding the project on the Hearings and Meetings page of TxDOT's website included a hearing notice, draft copy of the EA, hearing handout, and exhibits shown at the hearing. Copies of the Environmental Assessment were made available to the public at the TxDOT South Austin Area Office.

Changes Made to the FM 1626 Project as a Result of Public Input

As a result of close coordination with stakeholders and the community, TxDOT was able to identify and address community needs and concerns throughout the project development process. The following is a summary of public issues and the corresponding actions taken by TxDOT:

- *Add a right turn lane from SB FM 1626 onto WB RM 967 from RM 967 to end of Balcones Bank property line (Sta. 74+18.02 to Sta. 93+15.57).* The addition of the requested right turn lane is consistent with the purpose and need for the project and would serve to enhance the overall benefit of the proposed project; therefore, this design change was incorporated into proposed project.

- *Add an 8' wide sidewalk along SB FM 1626 from RM 967 to Jerry's Lane/West Way Drive intersection (Sta. 74+18.02 to Sta. 118+51.95).* The addition of a sidewalk is consistent with the purpose and need for the project and would serve to enhance pedestrian mobility in the project area; therefore, this design change was incorporated into the proposed project.
- *Add left turn and right turn lanes at Maybrook Drive and at CR 143 (Jerry's Lane/West Way Drive).* The addition of the requested turn lanes is consistent with the purpose and need for the project and would serve to enhance the overall benefit of the proposed project; therefore, this design change was incorporated into the proposed project.
- *Widen the proposed Little Bear Creek Bridge to accommodate an 8' wide sidewalk.* The addition of a sidewalk is consistent with the purpose and need for the project and would serve to enhance pedestrian mobility in the project area; therefore, this design change was incorporated into the proposed project.
- *Address project related impacts along Brodie Lane.* A traffic analysis was conducted to address project related impacts along Brodie Lane. As demonstrated in the traffic analysis, the proposed FM 1626 improvements would not result in significant additional traffic on Brodie Lane nor would the proposed FM 1626 improvements alter the level of service experienced on Brodie Lane. The traffic analysis is summarized in the EA and is included as an Appendix to the EA as well.
- *Expand the range of alternatives considered.* The alternative analysis, discussed in the environmental assessment for the proposed project has been expanded to include Transportation System Management, Transportation Demand Management, transit strategies, and Construct a two lane major divided arterial roadway.
- *Address construction related impacts such as traffic delay, air and light pollution that would affect residents and users of FM 1626.* The discussion of construction-phase impacts contained in the environmental assessment was expanded to include other construction related impacts.
- *The EA did not discuss the no-build alternative throughout the document. The environmental assessment was updated to include a more thorough discussion of impacts that would result from the no-build alternative.*

Mitigation/Commitments

A majority of the potential impacts associated with the construction of the MAD 4 Alternative were avoided or minimized as documented in the EA. The design and construction of the FM 1626 improvements will incorporate measures to minimize harm to the environment, as described below.

The five jurisdictional waters (Garlic Creek, Little Bear Creek, two tributaries to Little Bear Creek, and Bear Creek) are considered “single and complete projects” according to 33 CFR 320.2(i); therefore, five separate USACE Nationwide Permits (NWP) #14 will be utilized at each crossing. There are no wetlands present within the limits of the proposed project and permanent impacts at each crossing will be less than 0.1 of an acre; therefore, coordination with the USACE is not required.

TxDOT will comply with the TCEQ’s Texas Pollutant Discharge Elimination System Construction General Permit. A Stormwater Pollution Prevention Plan will be prepared and implemented, and a construction site notice will be posted on the construction site. A Notice of Intent will be required. During construction, BMPs, including temporary erosion, sedimentation, and TSS water pollution controls will be implemented.

Because the project will result in ground disturbing activities within the Recharge and Contributing Zones of the Edwards Aquifer, a WPAP will be submitted and approved by TCEQ prior to construction.

In the event that migratory birds are encountered on-site during project construction, every effort will be made to avoid protected birds, active nests, eggs, and/or young. Clearing of vegetation will take place outside of the breeding season (March through August) as much as practicable to avoid impacts to nesting birds.

Permission to conduct archeological investigations was denied; thus, as provided under Stipulation IX.B.3 of the Programmatic Agreement (PA), this undertaking may proceed with further project development, including completion of the environmental process and right-of-way acquisition without the concurrence from State Historic Preservation Office (SHPO). After obtaining access to the proposed right-of-way, TxDOT will complete the inventory on unsurveyed properties and conclude any additional work that may be required under the terms of the PA and Memorandum of Understanding (MOU).

In the event that unanticipated archeological deposits are encountered during construction, work in the immediate area will cease, and TxDOT archeological staff will be contacted to initiate post-review discovery procedures in accordance with the Programmatic Agreement – Transportation Undertaking (PA-TU) and the MOU.

A total of approximately 36.77 acres of additional right-of-way will be required for the proposed project; however, there will be no displacement of residences or businesses. Acquisition of right-of-way will be completed in accordance with TxDOT’s Procedures for Purchase of Right-of-Way and the provisions of the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

Provisions will be included in the plans and specifications that require the contractor to make every reasonable effort to minimize construction noise through abatement measures such as work-hour controls and proper maintenance of muffler systems.

Monitoring or Enforcement

All commitments and conditions of approval stated in the EA will be monitored by TxDOT and other appropriate state, federal, and local agencies to ensure compliance.

FHWA Decision

FHWA has reviewed all of the relevant documents and materials. Based upon our own independent review and analysis, we find that the September 2011 FM 1626 project EA analyzed and considered all the relevant potential environmental impacts and issues. FHWA concurs with the findings made in the EA that: (1) the MAD 4 Alternative best meets the purpose and need of the project, (2) the MAD 4 Alternative will have no significant impacts on the quality of the human or natural environment under NEPA.

Based upon our own agency review and consideration of the analysis and evaluation contained in the EA for this project, and after further careful consideration of all social, economic, and environmental factors, including input from the public involvement process, FHWA hereby issues a FONSI for the FM 1626 project. FHWA further approves the MAD 4 Alternative as the recommended alternative for selection as the proposed action for this project. The selected alternative will best fulfill the purpose and need for the project and meet the goals identified for the FM 1626 project.

CAMPO has included the proposed project in both the CAMPO 2011-2014 Transportation Improvement Program (TIP) and the CAMPO 2035 Regional Transportation Plan.

As to project mitigation, TxDOT is hereby required to ensure completion of all mitigation outlined above and set out specifically in the September 2011 FM 1626 project EA. TxDOT is also required to ensure that any and all applicable local, state, or federal permit requirements and conditions are met and otherwise complied with.

Justin Ham, P.E. Date 10-19-11

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