

FEDERAL HIGHWAY ADMINISTRATION  
FINDING OF NO SIGNIFICANT IMPACT (FONSI) & SECTION 4(f) *DE MINIMIS*  
DETERMINATION

AIRPORT FREEWAY  
STATE HIGHWAY 121 / STATE HIGHWAY 183  
FROM IH 820 TO SH 161

TARRANT AND DALLAS COUNTIES, TEXAS

TxDOT CSJs: 0364-01-054, 0364-05-025, 0364-05-026, 0094-02-077

**INTRODUCTION**

The Federal Highway Administration (FHWA) has determined, in accordance with 23 Code of Federal Regulations (CFR) §771.119, § 771.121, §774.3(b) and §774.17(5), that the Airport Freeway project (SH 121/SH 183 from IH 820 to SH 161) in Tarrant and Dallas Counties will not have a significant impact on the human or natural environment. This Finding of No Significant Impact (FONSI) and a Section 4(f) *de minimis* determination for the Preferred Build Alternative is based on the final revised October 2009 Airport Freeway project Environmental Assessment and Section 4(f) *de minimis* documentation, hereinafter referred to as "EA". The EA was approved by FHWA for public involvement on May 13, 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) and the final revised EA completed in October of 2009 has been incorporated into the administrative record. The EA required revisions and updates, specifically in the areas of noise wall limits and right of way as a result of the Public Hearing and subsequent comments.

The EA and the Public Hearing Summary and Analysis and Comment and Response Report have been independently evaluated by the FHWA and determined to adequately and accurately discuss the need, purpose, alternatives, environmental issues, and impacts of the Airport Freeway 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 decision document.

**PROJECT BACKGROUND**

The existing Airport Freeway is a six-lane highway that includes three general purpose (non-toll) lanes in each direction, inside and outside shoulders, fully controlled access points (entrance and exit ramps), and discontinuous frontage roads. The proposed project will reconstruct and upgrade Airport Freeway from IH 820 to SH 161, a total distance of 10.8 miles. The proposed project is located in Tarrant and Dallas Counties through a very urbanized area in the cities of North Richland Hills, Hurst, Bedford, Euless, and Fort Worth.

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

- Current and projected regional growth;
- Increasing travel demand;
- Decreasing mobility and operational efficiency;
- Increasing accident rates; and
- Necessity of expedited delivery and early implementation.

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

- Accommodate current and projected growth by offering needed capacity;
- Enhance mobility and operational efficiency;
- Reduce and manage congestion and air emissions from idling;
- Improve safety and reduce accident rates; and
- Deliver and implement these benefits in an expeditious manner.

The Airport Freeway 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 774), and Public Involvement Rules (43 TAC Chapter 2), and other related federal and state requirements.

## **REVIEW OF THE EA**

TxDOT completed the final revised EA in October 2009. The EA considered and analyzed the potential social, economic, and environmental impacts related to the proposed improvement to Airport Freeway. Specifically, the EA studied in detail the potential impacts associated with two project alternatives: the No-Build Alternative and the Preferred Build Alternative. The No-Build Alternative was analyzed and carried through the document as a basis of comparison against the Build Alternative.

The potential impacts studied include 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," and may "include growth-inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystem." 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.

Beginning in the early 1990s, several roadway design concept alternatives were suggested at the various public and stakeholder meetings that were conducted in conjunction with the project development process. Reasonable alternatives were limited to a corridor along and directly adjacent to the existing highway. In August 1993, three build alternatives were presented to the public, two of which included high occupancy vehicle (HOV) lanes to respond to a need for improved air quality and to reduce traffic congestion.

Preliminary design work was suspended in July 1994 and resumed in January 2000. Three additional alternatives were introduced at a Public Meeting in November 2001 in addition to the build alternatives presented at the August 1993 Public Meeting. These three new alternatives included reversible HOV lanes. After the November 2001 Public Meeting, schematic development continued on Airport Freeway, which included reversible HOV lanes.

In April 2004, TxDOT received an unsolicited proposal to develop the Airport Freeway corridor through a Comprehensive Development Agreement (CDA). Once the decision was made to pursue the project as a CDA, schematic development changed from incorporating reversible HOV lanes to proposing managed (toll) lanes.

As a result of numerous meetings and collaboration with county and city officials in the affected cities of North Richland Hills, Hurst, Bedford, Euless, and Forth Worth several different alternative lane configurations for the general purpose (non-toll) and managed (toll) lanes were discussed and considered. Ultimately, five of these alternatives were eliminated from further study due to various local concerns such as excessive right-of-way (ROW) acquisition, significant visual impacts, prohibitive construction costs, and undesirable access points of entrance and exit ramps.

As a result of the project development process, the Preferred Build Alternative was proposed and ROW needs have been minimized to the maximum extent possible while still meeting the objectives of the project. Ultimately features from all alternatives were considered for the development of the Preferred Build Alternative. Approximately 83 acres of proposed ROW will be required, including the displacement of approximately 128 single family residences, 104 multi-family units, and 29 businesses. Approximately 1.8 acres of the proposed ROW is from Dallas/Fort Worth (DFW) International Airport.

The proposed improvements as selected will widen the existing six-lane freeway to a 12-lane freeway from IH 820 to SH 161. There will be three 12-foot wide general purpose lanes (non-toll) in each direction plus auxiliary lanes and 10-foot wide inside and outside shoulders from IH 820 to the SH 183/SH 360 interchange, and four 12-foot wide general purpose lanes (non-toll) in each direction plus auxiliary lanes and 10-foot wide inside and outside shoulders from the SH 183/SH 360 interchange to SH 161. Three managed (toll) lanes will be provided in each direction from IH 820 to SH 161. The managed (toll) lanes will be 12-feet wide with 10-foot wide inside and 10-foot wide outside shoulders. The proposed improvements will provide for two 12-foot wide eastbound and westbound frontage lanes, discontinuous at the SH 183/SH 360 interchange, with auxiliary lanes and turn lanes at intersections.

### **Managed (Toll) Lanes**

The toll collection system for the Airport Freeway managed (toll) lanes will operate under a fully electronic format. Vehicles will not stop to pay a toll, rather vehicles will pass through electronic readers and be assessed a toll charge either through the use of an individual toll transponder or video tolling. This is known as an electronic toll collection system (ETC).

**Method of Toll Charge Collections** - The toll collection system for the Airport Freeway managed (toll) lanes will be interoperable with other toll facilities in the state. The Texas Turnpike Authority (TTA) TxTag, the North Texas Tollway Authority (NTTA) TollTag, and the Houston area EZ TAG will be accepted. Toll charge collections will be automatically deducted from the user's prepaid credit or cash account. The user will be required to maintain sufficient funds in the account to cover incurred toll charges.

**Video Tolling** - The video tolling program allows motorists to travel the managed (toll) lanes without needing a transponder and without needing to stop and pay. However, it should be noted that the video tolling method will be more expensive for users of the facility because of the additional fee associated with billing and handling of the periodic billing statements.

**Variable Toll Pricing** - The Regional Transportation Council, the metropolitan planning organization for the region, has established a policy for managed (toll) lanes. That policy sets criteria for the region and describes toll rates to be established to maintain a minimum average corridor speed of operation. To accomplish this, the managed (toll) lane facility will not be a set fee, but will rather be set based on demand (i.e., variable toll/pricing). Toll rates for Airport Freeway will be determined prior to the facility opening as a toll facility.

**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 Airport Freeway project included representatives from the TxDOT Fort Worth District and Environmental Affairs Division and the consultant team. The process also included extensive consultation with and the participation and involvement of FHWA. The following table includes a summary of public involvement activities that began in 1993.

<b>Airport Freeway Public Involvement Activities</b>			
<b>Public Meetings / Public Hearing</b>	<b>Joint Public Officials Meetings</b>	<b>Individual City Meetings</b>	<b>HEB ISD / HEB Chamber of Commerce Meetings</b>
<i>Public Meeting</i> 1. August 4, 1993 2. November 15, 2001 3. May 25, 2006  <i>Public Hearing</i> 1. August 25, 2009	1. November 9, 2005 2. March 20, 2006	<i>City of North Richland Hills</i> 1. December 12, 2005 2. March 6, 2006  <i>City of Bedford</i> 1. November 30, 2005 2. March 1, 2006  <i>City of Hurst</i> 1. December 1, 2005 2. March 10, 2006  <i>City of Euless</i> 1. November 30, 2005 2. December 14, 2005 3. March 7, 2006	<i>HEB ISD</i> 1. March 30, 2006 2. April 3, 2006 3. November 2, 2006 4. August 9, 2007 5. August 14, 2007  <i>HEB Chamber of Commerce</i> 1. March 30, 2006

***Stakeholder Involvement***

Three Hurst-Euless-Bedford (HEB) Independent School District (ISD) meetings were held in 2006 to discuss potential Airport Freeway project impacts on ISD operations and various ISD properties, including Shady Oaks Elementary School, L.D. Bell High School, Euless Junior High School, and the Administrative complex on Central Drive. Two additional HEB ISD meetings were held in 2007 to discuss the Section 4(f) mitigation issue at L.D. Bell High School.

On August 14, 2007, the HEB ISD Board of Trustees held a work session with its members, staff, visitors, and TxDOT representatives. During the meeting, TxDOT presented the construction of a fence as mitigation to separate L.D. Bell High School's recreation fields from the proposed improvements to Airport Freeway. The board voted unanimously to approve the Letter of Understanding with TxDOT mitigating the Section 4(f) issue at L.D. Bell High School.

On March 30, 2006, a meeting was held at the HEB Chamber of Commerce Building to discuss potential project impacts on commercial activities. Attendees included members of the Chamber of Commerce, as well as an unexpected, large number of residents from the general public. An estimated total of approximately 150 attendees participated in the meeting. An overview of the project and features of the managed (toll) lane system were presented. Generally, attendees wanted to know if they will be impacted by the project, and TxDOT explained that the project schematic presented was preliminary and that the ROW could still change before becoming finalized. Other issues briefly discussed were noise walls, utility relocation, and the environmental assessment process.

TxDOT has coordinated with resource agencies such as the Texas Historical Commission (THC), the Texas Commission on Environmental Quality (TCEQ), and the Texas Parks and Wildlife Department (TPWD) during the preparation of this EA, in accordance with applicable Memorandums of Agreement or Understanding. The EA has also been prepared for review and approval of the Federal Aviation Administration (FAA) to satisfy its NEPA requires for release of 1.8 acres from DFW International Airport to TxDOT as additional ROW for the proposed Airport Freeway project.

### ***Elected Official Outreach***

Additionally, as part of the project development process, two joint elected official meetings were held on November 9, 2005 and March 20, 2006 to collaborate with various elected officials in the project area. Attendees included elected officials from the cities of North Richland Hills, Bedford, Hurst, Euless, Fort Worth, and Haltom City, as well as the Tarrant County Commissioner's office. Nine separate meetings were also held (November 2005 to March 2006) with the city council members of North Richland Hills, Bedford, Hurst, and Euless. The purpose of these meetings was ongoing coordination between TxDOT and local officials to determine a preferred alternative alignment. Issues discussed included entrance and exit ramp locations, ROW requirements, proposed changes to local streets, safety issues such as incident and emergency response access to the managed (toll) lanes, the use of concrete traffic barriers (CTB), utility relocation and who will be responsible for the cost, and the project schedule.

### ***Public Meetings***

In addition to stakeholder and elected official meetings, three public meetings have been held to inform the public, local businesses and organizations about the project and afford them the opportunity to participate in the public process. The public meetings were held on August 4, 1993, November 15, 2001, and May 25, 2006. The August 4, 1993 meeting included a presentation and the November 15, 2001 and May 25, 2006 meetings were held in an open house format. At all of the meetings, exhibits were displayed including the proposed design schematics, various alternatives, and typical sections at various stages of development. Attendees were encouraged to ask questions and provide comments. TxDOT engineers, TxDOT ROW personnel, consulting engineers, and environmental consultants were present to assist the public in viewing the schematics and answer questions.

Notices for these meetings were sent to government officials and adjacent landowners and published in local newspapers. Since the public involvement process for this project began in 1993 prior to the signing of the Executive Order 13166 "Improving Access Services for Persons with Limited English Proficiency (LEP)", the public involvement process was initiated only in English from 1993 to 2000. Following the issuance of Executive Order 13166, TxDOT has complied with the executive order by identifying whether there are indicators of LEP populations, advertising public meeting and hearing notices in both English and Spanish speaking newspaper(s), and providing a Spanish interpreter at public meetings and the public hearing.

### ***Public Hearing***

A public hearing was held on August 25, 2009. The public hearing notice was published in both English and Spanish. A notice of public hearing was published in the legal section of the *Fort Worth Star-Telegram* and the *Dallas Morning News* on July 26, 2009, August 2, 2009, August 9, 2009, and August 16, 2009. A Spanish version of the notice as published in the legal section of *La Semana* on July 24, 2009, July 31, 2009, August 7, 2009 and August 14, 2009, in the legal section of *La Estrella* on July 25, 2009, August 1, 2009, August 8, 2009 and August 15, 2009 and in the legal section of *Al Dia* July 25, 2009, August 1, 2009, August 8, 2009 and August 15, 2009. Notices were mailed to adjacent property owners and public officials. Communication materials used before and during the hearing included a PowerPoint presentation and plans illustrating the

proposed project (plans included design schematics on aerial photographs), and a high definition 3D simulation of the proposed project, the Environmental Assessment document and TxDOT's *Right-of-Way* booklet and *Relocation Assistance* Booklets in both English and Spanish were available at the public hearing. A transcript of the Public Hearing, as well as, response to comments that were received as a result of the hearing, is included in the administrative record.

Finally, electronic postings to the Airport Freeway Project website included information covering the following subjects: project, press room, the CDA, SH 121/SH 183 Study, TxDOT address, CDA project manager contact information and contact information for the Environmental (Schematic) Project Manager. Project information included a fact sheet, a section map, Frequently Asked Questions, and presentation information. Press Room information included e-Newsletters, new releases and Media information. CDA information included a Request for Proposals, CDA time lines and a short list of Proposer Teams for the project. The SH 121/SH 183 Study information included an overview, a map and a newsletter for a public meeting specific to the CDA phase of this project.

The address for the Airport Freeway Project website is as follows:  
[http://www.txdot.gov/project\\_information/projects/fort\\_worth/north\\_tarrant\\_express/default.htm](http://www.txdot.gov/project_information/projects/fort_worth/north_tarrant_express/default.htm)

### **MITIGATION/COMMITMENTS**

A majority of the potential impacts associated with the construction of the selected alternative were avoided or minimized as documented in the EA. The design and construction of Airport Freeway will incorporate the following measures to minimize harm to the environment and coordination will occur with resource agencies as appropriate.

#### ***Limited English Proficiency***

In accordance with Executive Order 13166, newspaper notices for any future public meetings or hearings held for the proposed project will be published in a Spanish-speaking newspaper and a translator will be available during the public meetings and/or hearings.

#### ***Right-of-Way Acquisition and Relocation Assistance***

The Preferred Build Alternative as selected will require the acquisition of approximately 83 acres of additional ROW, including 1.8 acres from DFW International Airport. Approximately 324 properties will be impacted through their potential reduction of land, displacement of a portion of their structures, or complete displacement. One hundred twenty-eight (128) single family homes, 104 multi-family units, 29 business displacements that include business and professional buildings. There will not be any church or school relocations. There will be a need for right of way acquisition from a church property that will displace the administration building but not the church. There will also be acquisition from a school administration complex that will result in the displacement of maintenance buildings but not the administrative complex. Approximately 86 residential parcels comprising approximately 22.93 acres were acquired through advance purchase.

All ROW acquisition and relocations will be consistent with U.S. Department of Transportation policy, as mandated by the *Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970* and the *Uniform Relocation Act Amendments of 1987*. TxDOT will provide relocation resources to all persons without discrimination. All owners from whom property is needed are entitled to receive just compensation for their land and property. Just compensation is based upon the fair market value of the property. TxDOT also provides, through its Relocation Assistance Program, payment and services to aid in movement to a new location.

### ***Section 4(f) de minimis***

There will be a minor impact to one Section 4(f) property, L.D. Bell High School, totaling approximately 0.68 acre. Through coordination with the HEB ISD, TxDOT will construct a fence as mitigation for the Section 4(f) property acquisition. The proposed minimal impacts at L.D. Bell High School will not adversely affect the activities, features and attributes of the open recreational area in accordance with 23 CFR 774.3(b) and coordination was completed for a *de minimis* Section 4(f) determination to be approved by FHWA herein.

### ***DFW Airport Property Acquisition***

The proposed facility will acquire approximately 1.8 acres of new ROW from DFW International Airport. Since airport property represents federally obligated land, FAA involvement is mandatory. When land is acquired from an airport, FAA must make a federal action to release the airport property for sale. This condition applies to the proposed acquisition from the DFW International Airport for the proposed SH 121/SH 183 (Airport Freeway) project.

The FAA has statutory responsibility for promoting safe flight of civil aircraft in air commerce. The purpose of FAA action in connection with the construction of the project is to ensure that the proposed alterations to the airport do not adversely affect the safety, utility, or efficiency of the airport. FAA action is necessary in connection with the proposed use of airport residual property because, pursuant to 49 USC § 47107(a)(16), the FAA Administrator (under authority delegated from the Secretary of Transportation) must approve any revision or modification to an Airport Layout Plan (ALP) before the revision or modification takes effect. The Administrator's approval includes a determination that the proposed alteration to the airport, reflected in the ALP revision or modification, do not affect adversely the safety, utility, or efficiency of the airport.

The FAA federal action requires a NEPA analysis that meets the requirements of FAA Order 5050.4B: National Environmental Policy Act (NEPA) Implementing Instructions for Airport Projects and FAA Order 1050.1E: Policies and Procedures for Considering Environmental Impacts. Appendix A of the FAA Order 1050.1E requires the evaluation of specific resource categories as part of an environmental assessment. Each of these impact categories has been evaluated against FAA's thresholds of significance as indicated in the order. Table I-1 on page 2 of the EA displays a summary of the resource categories and references page numbers for the discussion to these resource categories in this document. It is the intent of the FAA as a cooperating agency to adopt this EA and issue their FONSI following FHWA's action.

### ***Utility Adjustments and Relocations***

The adjustment and relocation of any utility will be handled so that no substantial interruptions occur. Plans for relocating utilities will be provided by the appropriate utility company. If the utility is currently located within its own easement, then TxDOT will not be responsible for utility relocation.

### ***Airway/Highway Clearance***

DFW International Airport is adjacent to the proposed project. A FAA Notice of Proposed Construction or Alteration form (Form AD-7460-1) will be completed during the design phase and submitted by TxDOT to the FAA for their approval prior to construction of the proposed improvements.

### ***Construction Detours and Access***

Plans to ensure safe and efficient traffic flow during construction will be developed as part of the detailed construction plans for the proposed improvements. Interruptions to public facilities and services during construction will be minimized through the use of appropriate traffic control and sequencing procedures. Access to businesses and residences will be maintained to the maximum

extent possible at all times. Construction of a detour will be required where existing access could not be maintained. All construction related impacts are expected to be temporary in nature.

***Visual Resources, Aesthetics, and Light Emissions***

TxDOT will consider including aesthetic treatments in structural components (retaining walls, bridges, and signage) and architectural details (landscaping, lighting, colors, finishes, etc.) The implementation of these design elements will require participation and cost-sharing to fund the aesthetic improvements from local jurisdictions, property owners, or community based organizations. Lighting on the Airport Freeway will face in a downward position eliminating any conflict in illumination to any aircraft and/or airport activity.

***Cultural Resources***

If 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 under the provisions of the Programmatic Agreement and Memorandum of Understanding. It has been determined that no historic properties will be affected by the construction of the proposed project.

***Vegetation***

Approximately 330 acres of mowed and maintained grassland within the existing TxDOT ROW will be temporarily disturbed. Approximately 51 acres of maintained grassland will be permanently impacted. Approximately 6.91 acres of shrub/scrub and upland woodland will be permanent impacted. Approximately 2.03 acres of riparian vegetation will be permanently impacted. Approximately 0.25 acre will be temporarily impacted at Bear Creek.

In accordance with Provision (4)(A)(ii) of the Memorandum of Agreement (MOA) between TxDOT and the TPWD, TxDOT must consider compensatory mitigation for certain habitat categories. Of the vegetation impacts, approximately 2.03 acres of riparian vegetation are considered to be pertinent to the TxDOT-TPWD MOA. On-site mitigation for the loss of approximately 2.03 acres of riparian vegetation will occur at Bear Creek on a one-to-one ratio of replacement. Clearing of vegetation within riparian areas and throughout the project corridor will be avoided or minimized, where possible.

***Invasive Species and Beneficial Landscaping***

The proposed project will be in compliance with the Executive Order 13112, which addresses invasive species, and the 1994 Presidential Memorandum on Federal Landscaping Practices. . The landscaping for Airport Freeway will be limited to seeding and replanting with native species of plants where possible. Where project construction has removed existing grasses, the State's approved seeding specification or similar mix will be used to revegetate the ROW and native replacements will be used for revegetation of trees and/or shrubs. Soil disturbances will be minimized to avoid the introduction or spread of invasive species as a result of the Airport Freeway project.

***Threatened and Endangered Species***

The project will have no effect on any State- or Federally-listed species, its habitat, or designated critical habitat. Should any species be discovered during construction, appropriate measures will be taken to remain in compliance with the Endangered Species Act.

***Migratory Birds***

Evidence of migratory birds was observed within the project limits. Swallow nests were observed within several culvert structures under Airport Freeway during site reconnaissance activities; no other active bird nests were observed within trees or culverts or under bridges. In the event that

migratory birds are encountered on-site during project construction, every effort will be made to avoid take of protective birds, active nests, eggs, and/or young. The contractor will remove all old migratory bird nests between September 1<sup>st</sup> and the end of February from any structure where work will be done. In addition, the contractor will avoid or minimize clearing vegetation within the project area between March 1<sup>st</sup> and August 31<sup>st</sup>.

**Jurisdictional Waters, Including Wetlands**

The placement of temporary or permanent dredge or fill material into potentially five of the nine jurisdictional waters of the U.S. associated with the Airport Freeway project will be authorized under Nationwide Permit (NWP) 14 without a Preconstruction Notice. No special aquatic sites (which include wetlands) will be impacted. These waters are not navigable; therefore, neither a U.S. Coast Guard Section 9 Permit nor a U.S. Army Corps of Engineers Section 10 Permit will be required. The following table lists the streams and potential impacts.

<b>Estimated Impacts to Waters of the U.S.</b>		
<b>Water of the U.S.</b>	<b>Estimated Maximum Stream Impacts (acres)</b>	
	<b>Temporary</b>	<b>Permanent</b>
Mesquite Branch (a.k.a., Lorean Branch)	0.0	0.0
Valley View Branch	0.0	0.008
Sulphur Branch	0.0	0.058
Unnamed Tributary to Sulphur Branch	0.0	0.0
Hurricane Creek	0.0	0.0
Unnamed Tributary to Hurricane Creek	0.0	0.027
Unnamed Tributary to Trinity River	0.0	0.009
Unnamed Tributary to Bear Creek	0.08	0.0
Bear Creek	0.94	0.004

While it is not possible to avoid impacts to the streams to be impacted by the proposed culvert extensions, all impacts will be kept to the minimum amount necessary to complete the project within TxDOT standards and specifications. To the maximum extent practicable, the streams will remain in their natural state (if not already concrete-lined) and will be protected during construction. This practice, combined with the implementation of best management practices (BMPs) will minimize impacts to waters of the U.S.

**Water Quality Certification**

Section 401 of the Clean Water Act certification requirements for NWP 14 will be met. Implementation of approved erosion controls, sedimentation controls, and post construction total suspended solids (TSS) control devices from the TCEQ Section 401 Water Quality Certification Condition for Nationwide Permits will occur. At least one device from each category will be utilized. Erosion and sedimentation control devices will be implemented and maintained until construction is complete. Post-construction TSS control devices will be implemented upon completion of the project.

**TCEQ Water Quality Inventory**

Based on the TCEQ's 2008 Clean Water Act Section 303(d) lists, the project does cross a threatened or impaired water segment and is within five miles upstream of an impaired or threatened segment. Therefore, coordination with the TCEQ is required for total maximum daily loads (TMDLs). The water quality of wetlands and waters will be maintained in accordance with all applicable provisions of the Texas Surface Water Quality Standards including the General, Narrative and Numerical Criteria.

***Stormwater Runoff from Construction***

To minimize impacts to water quality during construction, the proposed project will utilize temporary erosion and sedimentation control practices from TxDOT's manual *Standard Specifications for the Construction of Highways, Streets, and Bridges*. Where appropriate, these measures will be in place prior to the initiation of construction, and will be maintained throughout the duration of the construction. Clearing of vegetation will be limited and/or phased in, to maintain a natural water quality buffer and minimize the amount of erodible earth exposed at any one time.

The contractor will take appropriate measures to prevent, minimize and control the spill of fuels, lubricants, and hazardous materials in the construction staging area. All spills, including those of less than 25 gallons, shall be cleaned immediately and any contaminated soil shall be immediately removed from the site and be disposed of properly. Designated areas shall be identified for materials storage. These areas shall be protected from run-on and run-off.

The use of construction equipment within the stream channel will be minimized (or not necessary). If work within a watercourse or wetland is unavoidable, heavy equipment shall be placed on mats, if necessary, to protect the substrate from gouging and rutting. All construction equipment and materials used within the stream channel and immediate vicinity will be removed as soon as the work schedule permits and/or when not in use and shall be stored in an area protected from run-on and run-off.

All materials being removed and/or disposed of by the contractor will be handled in accordance with State and Federal laws and by the approval of the Project Engineer. Any changes to ambient water quality during construction of the proposed project will be prohibited, will result in additional water quality control measures, will be mitigated as soon as possible, and will be reported to the TCEQ within 24 hours of becoming aware of impacts. The contractor will provide "good housekeeping" practices, as well as "grade management" techniques to ensure that proper precautions are in place throughout construction of the proposed project.

***Texas Pollutant Discharge Elimination System (TPDES)***

The Airport Freeway project will include five or more acres of earth disturbances. TxDOT will comply with TCEQ's - Texas Pollutant Discharge Elimination System (TPDES) Construction General Permit. A Storm Water Pollution Prevention Plan (SW3P) will be implemented, and a construction site notice will be posted on the construction site. A Notice of Intent (NOI) will be required.

***TPDES, Municipal Separate Storm Sewer System (MS4)***

The Airport Freeway project will comply with the applicable Municipal Storm Sewer System (MS4) requirements.

***Floodplains***

The hydraulic design practices for this project will be in accordance with current TxDOT design policy and standards. The highway facility will permit conveyance of the 100-year flood levels, inundation of the roadway being acceptable, without causing substantial damage to the highway, stream or other property. Tarrant County and the cities of North Richland Hills, Hurst, Bedford, Euless, and Fort Worth, are participants in the Federal Emergency Management Agency's (FEMA) National Flood Insurance Program. The project is not within the Trinity River Corridor Development Regulatory Zone; therefore, a Corridor Development Certificate (CDC) is not required.

**Hazardous Materials**

A limited site assessment based on Phase I Environmental Site Assessment was performed to identify possible hazardous material and/or petroleum product contamination within or up to 500 feet outside the proposed project ROW within the study (construction) limits, as practicable. The assessment was performed in conformance with the scope and limitations of ASTM Practice E 1527-2000. Regulatory facilities with historical environmental conditions have been identified in or within a close proximity of the proposed ROW. The majority of the environmental conditions are related to underground storage tank (UST) releases of petroleum substances (gasoline, diesel, and possibly new or used oil). Based on project reconnaissance, gasoline service stations/convenience stores were identified as having the greatest potential to be an environmental concern to the project from an environmental standpoint.

Should hazardous materials/substances be encountered during ROW acquisition or construction, the TxDOT Hazardous Materials Section will be notified and steps will be taken to protect personnel and the environment. Any unanticipated hazardous materials encountered during construction will be handled according to the applicable federal, state, and local regulations per TxDOT Standard Specifications.

**Congestion Mitigation Process**

The proposed action is consistent with the 2008-2011 Transportation Improvement Program (TIP). TxDOT and the North Central Texas Council of Governments continue to promote appropriate congestion reduction strategies through the Congestion Mitigation and Air Quality Improvement Program (CMAQ), the Congestion Mitigation Process (CMP), and the Metropolitan Transportation Plan (MTP) known as *Mobility MTP 2030, 2009 Amendment*.

**Noise**

The proposed project will result in a traffic noise impact. It has been determined that the following noise walls will be feasible and reasonable for impacted receivers.

<b>Noise Barrier Proposal (Preliminary)</b>						
<b>Number of Barrier Segments</b>	<b>Representative Receivers</b>	<b>Total # Benefited</b>	<b>Length (feet)</b>	<b>Height (feet)</b>	<b>Total Cost (\$) <sup>1</sup></b>	<b>\$/Benefited Receiver*</b>
1	R-1A thru R-4A	17	1,641	Varies (10.0-18.0)	421,224	24,777
4	R-5A thru R-6B	8	1,085	10.0	175,770	21,971
3	R-7A thru R-7C	4	580	9.0	93,960	23,490
2	R-8A thru R-9B	12	970	Varies (12-14.0)	215,640	17,970
1	R-10A thru R-10E	7	960	Varies (9.0-11.0)	167,616	23,945
1	R-11A thru R-11C	10	804	Varies (13.0-17.0)	216,609	21,660
2	R-12A thru R-12D	11	730	10	131,400	11,945
4	R-13A thru R-13D	8	801	Varies (7.0-17.0)	194,394	24,299
3	R-14A thru R-14G <sup>2</sup>	16	1,334	Varies (8.0-10.0)	212,679	13,292
3	R-15A thru R-15F, and R15-J	15	1,600	Varies (8.0-13.0)	262,800	17,520
	R17A thru R17C	24	830	12	179,200	7,470
2	R-21A thru R-21G	15	1,236	Varies (11.0-19.0)	374,400	24,960
3	R-22A thru R-22N	43	4,019	Varies (9.0-20.0)	985,230	22,912

1. Based on estimated construction costs of \$18.00 per square foot.  
 2. These receivers represent a total of 16 residences. The residences are located behind an existing six (6) foot tall masonry developer wall. The noise analysis indicates the existing developer wall does not achieve a 5 dBA reduction in noise levels at the receivers (ranges from 2-5 dBA reduction). Because of this, the proposed noise barrier for R14A to R14G remains in this Noise Barrier Proposal, but with restrictions because TxDOT would not construct a noise barrier adjacent to the existing masonry wall due to maintenance and safety issues.

## MONITORING OR ENFORCEMENT

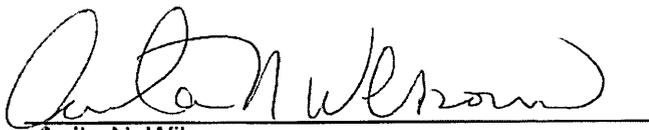
All mitigations, commitments and conditions of approval stated in the EA will be monitored by TxDOT and other appropriate state, federal and local agencies to ensure compliance.

## FHWA DECISION

FHWA has reviewed all of the relevant documents and material and all of the previous environmental studies and findings. Based upon our own independent review and analysis we find that the final revised October 2009 Airport Freeway project EA analyzed and considered all the relevant potential environmental impacts and issues. This EA is an update to the May 2009 EA which was found satisfactory for further processing on May 13, 2009. FHWA concurs with the findings made in the EA in that: (1) the Preferred Build Alternative is the recommended alternative for the Airport Freeway project, (2) the Preferred Build Alternative best meets the need and purpose of the project with the least amount of impacts to the resource areas and (3) the proposed Airport Freeway project 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 approves the issuance of a Finding of No Significant Impact and Section 4(f) *de minimis* determination for the Airport Freeway project. FHWA further approves the Preferred Build Alternative as the recommended alternative for selection as the proposed action for this project. The selected alternative will best fulfill the need and purpose for the project and meet the goals identified for the Airport Freeway corridor. The proposed project is included in the *Mobility 2030 MTP, 2009 Amendment*.

As to project mitigation, TxDOT is hereby required to ensure completion of all mitigation outlined above and set out specifically in the final revised October 2009 Airport Freeway project EA. TxDOT is also required to ensure that any and all local, state, or federal permit requirements and conditions are met and otherwise complied with.



Anita N. Wilson  
Urban Programs Engineer  
Federal Highway Administration

October 26, 2009

Date