

**RECORD OF DECISION
STATE HIGHWAY 121
From IH 30 to FM 1187
TARRANT COUNTY, TEXAS
FHWA-TX-EIS-99-05-F**

1. Decision

The Federal Highway Administration (FHWA) approves the selection of the **Build Alternative**, Alternative C/A, in agreement with the Texas Department of Transportation (TxDOT) and the North Texas Tollway Authority (NTTA). Alternative C/A is the selected alternative for the construction of State Highway 121 (SH 121) from Interstate Highway (IH) 30 near downtown Fort Worth in Tarrant County to Farm-to-Market Road (FM) 1187. SH 121 will be a multi-lane controlled access tollroad.

Alternative C/A was initially presented by the City of Fort Worth during the comment phase to the Public Hearing on the Draft Environmental Impact Statement (DEIS) in April 2003 and it was identified as the alternative recommended for selection in the October 2004 Final Environmental Impact Statement (FEIS).

This Record of Decision (ROD) selecting Alternative C/A is prepared in compliance with FHWA's regulations (23 CFR § 771, et seq. and Technical Advisory 6640.8A), the Council on Environmental Quality (CEQ) guidelines (40 CFR §§ 1500 -1508) and the requirements of the National Environmental Policy Act of 1970 (42 USC § 4321 et seq. (NEPA)).

As identified in the FEIS, the project is needed to accommodate existing and future traffic demand between downtown Fort Worth and newly developed and developing areas in southwest Tarrant County with a financially viable, effective and more efficient transportation system. The purpose of the project is to improve regional mobility, increase people and goods carrying capacity and alleviate further overburdening of the local transportation system.

The selected alternative will provide a major link in the regional transportation network. Construction of the proposed project is part of the North Central Texas Council of Governments' (NCTCOG) Regional Transportation Plan and the City of Fort Worth's *Master Thoroughfare and Comprehensive Plans*. The selected alternative will also provide a needed alternate route to the already congested urban arterials serving southwest Tarrant County.

This ROD is based upon analysis and comparison of reasonable alternatives (in addition to a No-Build alternative) described and evaluated in Chapter 3 of the FEIS. The FEIS presents a complete description of the alternatives considered and identifies Alternative C/A as the recommended alternative. Because all of the five Build Alternatives share a similar horizontal alignment over a significant portion of their lengths, the environmental consequences of implementing any of these are similar. An exception is that Alternatives B or D would potentially have adverse impacts on historic structures. Build Alternative C/A is the selected alternative based upon its ability to best meet the project's purpose and need, the

consideration of engineering parameters, the assessment of anticipated environmental effects, extensive public input, resource agency input, and coordination and various modes of input from local governmental entities. Build Alternative C/A best meets the purpose and need of the project by improving regional mobility, increasing people and goods carrying capacity and alleviating further overburdening of the local transportation system while complementing local future land use plans and incorporating public input as far as is feasible and practicable.

The total project length of the selected alternative is approximately 15 miles. The entire facility is proposed on new alignment and will traverse a large portion of the City of Fort Worth (City) with major interchanges at IH 30 and IH 20/SH 183. The selected alternative is a divided tollroad. From the northern terminus at IH 30 to Altamesa Boulevard the proposed facility will ultimately be six lanes. From Altamesa Boulevard to the southern limit at FM 1187, the ultimate facility will be four lanes. Only a part of the ultimate six/four-lane facility is being proposed at this time. As currently proposed, the facility will vary from six lanes between IH 30 and Altamesa Boulevard to four lanes from Altamesa Boulevard to FM 1187. In addition, limited frontage road access will be provided where needed for local traffic circulation.

2. Alternatives Considered

Several transportation modes and tollroad alternatives were analyzed in previous planning studies, the DEIS and the FEIS. In addition to the No-Build alternative, five tollroad build alternatives were evaluated in detail. Although originally conceived of as a non-toll facility, due to financial constraints, a toll facility was identified as the only viable option to construct the project on a timely basis. The effects of operating this facility as tollroad were evaluated and considered in selecting the Build Alternative C/A. A detailed toll and traffic study was completed in December of 1997. The NTTA's participation creates a funding option to offset the lack of public funds and the estimated construction costs.

The alternatives and the evaluation process used to select the selected alternative are described in Chapter 3 – Alternatives Analysis, of the FEIS. Due to planning efforts and development spanning more than 40 years, the horizontal locations of the Build Alternatives fall within the same horizontal corridor.

2.1 No-Build Alternative

Under the No-Build alternative, improvement along the SH 121 study corridor would primarily consist of maintenance activities or spot improvements that provide near-term service level improvements to existing facilities. Generally, the existing transportation network in the southwest portion of Fort Worth would be lacking major improvements in mobility. The No-Build alternative does not satisfy the purpose and need for the project. The No-Build alternative was used as a baseline for comparison of impacts to resources and was ultimately eliminated from consideration.

2.2 Alternative A

The typical section for Alternative A would consist of two to three travel lanes in each direction divided by a median. The median would vary from 48 to 100 feet (ft) in width. The alternative would have ten-foot inside and outside shoulders. The minimum right-of-way (ROW) for this alternative would be 220 ft with additional ROW needed at toll appurtenances, the interchanges and for widened medians and buffers.

This Alternative would relocate the existing Forest Park Boulevard to the west and connect the relocated Forest Park Boulevard with ramps that would traverse under IH 30 adjacent to the Fort Worth Western Railroad (FWWRR). In addition, a weave section on the IH 30 westbound frontage road would be provided to allow westbound traffic near Summit Avenue. Overton Ridge Boulevard and Dutch Branch Road would be reconstructed eight feet lower than existing.

2.3 Alternative B

The typical section for Alternative B of SH 121 would consist of two to three travel lanes in each direction divided by a median. The median would vary from 48 to 72 ft in width. The alternative would have ten-foot inside and outside shoulders. The minimum ROW for this alternative would be 220 ft with additional ROW needed at toll appurtenances and the interchanges.

The connection between SH 121 and Forest Park Boulevard would consist of one-lane flyover ramps over IH 30 that tie to Forest Park Boulevard near the Lancaster Avenue bridge. Stonegate Boulevard would be extended to the west at-grade, with SH 121 over. The diamond interchange at the Stonegate Boulevard extension would serve as access to and from Hulen Street and SH 121.

2.4 Alternative C

The typical section for Alternative C would consist of two to three travel lanes in each direction divided by a median. The median would vary from 48 to 100 ft in width. The alternative would have ten-foot inside and outside shoulders. The minimum ROW for this alternative would be 220 ft with additional ROW needed at toll appurtenances and the interchanges and for widened medians and buffers.

For this alternative, Forest Park Boulevard would not be relocated. Traffic from Summit Avenue would be able to access westbound IH 30 and southbound SH 121 via stacked ramps near the St. Paul Lutheran Church, which would eliminate the weave section on the westbound frontage road. Overton Ridge Boulevard and Dutch Branch would not be lowered or reconstructed.

2.5 Alternative D

The typical section for Alternative D of SH 121 would consist of two to three lanes in each direction divided by a median. The median would vary from 48 to 72 ft in width. The

alternative would have ten-foot inside and outside shoulders. The minimum ROW for this alternative would be 220 ft with additional ROW needed at toll appurtenances and the interchanges.

The connection to Forest Park Boulevard would consist of two lane flyover ramps that tie to Forest Park Boulevard near the Lancaster bridge, direct connections from Forest Park Boulevard north to IH 30 west and braided ramps adjacent to the St. Paul Lutheran Church. Alternative D would go over the Hulen Street bridge, a future development road and Stonegate Boulevard, which would be located closer to the river than in the other alternatives.

2.6 The Combination Alternative, Alternative C/A

Alternative C/A evolved from the City's desire to include the intent of the Alternative A interchange design at IH 30 with regard to the connections at Forest Park Boulevard and Summit Avenue. This alternative provides the main lanes and Stonegate Boulevard interchange north of the electrical transmission line and to maintain the Project Development Team (PDT) efforts where possible while avoiding ROW impacts to existing and ongoing development south of IH 20. The typical section for the Alternative C/A would consist of two to three travel lanes in each direction divided by a median. The median would vary from 48 to 100 ft in width. The alternative would have ten-foot inside and outside shoulders. The minimum ROW for this alternative would be 220 ft with additional ROW needed at toll appurtenances and the interchanges to widen medians and buffers.

A half diamond interchange would serve Forest Park Boulevard with a ramp from eastbound IH 30 to Summit Avenue. A full diamond interchange is proposed at Summit Avenue and IH 30. Access to Summit Avenue and Forest Park Boulevard in this alternative would be a split diamond with the ramps from and to the west at Forest Park Boulevard and ramps to and from the east at Summit Avenue, in addition to a ramp from westbound IH 30 to Forest Park Boulevard. Traffic from Summit Avenue would be able to access westbound IH 30 and southbound SH 121 via separate ramps off of the frontage road near the St. Paul Lutheran Church.

Stonegate Boulevard is proposed to be extended to the west and would cross under SH 121 with a diamond interchange north of the electrical transmission line, but south of the Union Pacific Railroad (UPRR). SH 121 then would cross under the future Arborlawn Drive with a diamond interchange. Overton Ridge would not be lowered or reconstructed. At Dutch Branch Road, the existing roadway would not be lowered or reconstructed.

Alternative C/A would cross under the future Oakbend Trail and existing Oakmont Boulevard as well as under a future reconstructed Altamesa/Dirks Road. The tollroad would pass over the existing Dutch Branch Road. A diamond interchange is planned for Oakmont Boulevard with a full diamond interchange at Altamesa/Dirks Road.

3. Public Involvement

Throughout the development of this project, there has been extensive public involvement to include the input of citizens, property owners and affected local governments regarding the proposed facility. Numerous public meetings have been conducted, several advisory groups have been formed and have provided input, three formal Public Hearings have been held and dozens of public meetings have been conducted. Continuing public involvement will be provided as outlined in Articles 4 and 5, Corridor Master Plan and Measures to Minimize Harm, respectively.

The SH 121 project was first conceived in the early 1960s. Since that time, the project's alignment and limits have changed based on a number of factors, one being public input. The first public hearing on SH 121 was conducted in May 1973. The project developed over the next 15 years as extensive study, research and alternatives analysis were completed. In November 1987 and in May 1988, two public meetings were conducted to discuss the alignment possibilities and project limits for SH 121. Funding difficulties stalled the project for the next few years.

In 1994, a SH 121 Task Force retained a consulting firm, whose duty was to find a solution to the funding concerns. Between June and October 1994 more than thirty meetings and briefings with elected officials occurred. Ultimately, the Task Force recommended that a toll facility would be the best viable option to fund and facilitate the development of SH 121. Public meetings presenting the progress of the SH 121 Project were held in January 1995 and in June 1998.

In February 1999 the Fort Worth Chamber of Commerce hosted two public meetings to hear citizen concerns. The Chamber then formed the Citizens' Advisory Committee (CAC) which first met March 17, 1999. The CAC reviewed the history of and concerns surrounding the SH 121 Project. The CAC met seven more times, and in October 1999 presented its recommendations to the Fort Worth City Council.

The Fort Worth City Council was briefed by City staff in February 2000, and in April 2000 the City Council formed the Peer Review Team (PRT) to examine the preliminary geometric design proposed by NTTA and TxDOT. Within the month, the PRT recommended further detailed study, prompting the City Council to form the Project Development Team (PDT) to study the SH 121/IH 30 interchange from the City's perspective and to develop additional alternatives in cooperation with the public. The PDT completed its work and recommended to the City Council in December 2000 that several interchange alternatives be considered. The City Council concurred and presented the findings to NTTA and TxDOT later that month.

NTTA and TxDOT developed an additional alternative to incorporate the PDT's plan and the necessary safety and design elements. Two public meetings in June 2001 presented to the public three alternatives for consideration and comment: Alternative A (PDT's recommendation), Alternative B (CAC's "modified" alternative) and Alternative C (the "combination" alternative). Comments received from the June 2001 meetings were

considered and incorporated into the alternatives as appropriate, and a set of public meetings were held in November and December 2001.

A Public Hearing conducted on April 22, 2003 presented the proposed project and alternatives, and comments from that meeting led NTTA and TxDOT to develop the C/A Alternative. The C/A Alternative incorporates the interchange design at IH 30 and movement of the mainlanes and Stonegate Boulevard interchange north of an electrical transmission line.

NTTA and TxDOT diligently analyzed the project based on concerns expressed during the Public Hearing process. This resulted in revised studies based on updated data, an expanded discussion of secondary and cumulative impacts and an overall improvement in the readability of the document. As a result of this “hard look,” NTTA and TxDOT recommended proceeding to the FEIS and the FHWA concurred.

During the period following issuance of the FEIS, an additional Public Hearing was held on December 13, 2004, and comments were again solicited. This additional comment period officially closed on December 31, 2004. This second Public Hearing and responses to the comments received are discussed further in Section 3.1.

In Resolution 3148, adopted December 7, 2004, the Fort Worth City Council declared its support for the development of a “Nature and Character Plan” that will include input from the Citizens’ Advisory Group (CAG). The resolution also stated that the FEIS discussion of context-sensitive design is responsive to previous City comments and is identified as appropriate to minimize potentially adverse environmental impacts resulting from the project.

The design concept and scope of the proposed action is consistent with the area’s financially constrained Metropolitan Transportation Plan, known as Mobility 2025-2004 Update and with the fiscal year 2000 – 2004 Transportation Improvement Program found to conform to the Clean Air Act Amendments of 1990 by the U.S. Department of Transportation on April 8, 2004. Additionally, the project comes from an operational Congestion Management System that meets all requirements of 23 CFR – Highways, Parts 450 and 500.

3.1 Comments on the FEIS and December 13, 2004 Public Hearing

A comment period was afforded after the FHWA approved the FEIS for distribution on October 27, 2004. The public was invited to a Public Hearing for the FEIS which was held on Monday, December 13, 2004 at the Fort Worth Convention Center. The hearing was widely publicized, with notices appearing in the following publications:

- *Fort Worth Star-Telegram*, November 7 and 28, 2004
- *Alliance Regional Newspaper*, November 12 and December 3, 2004
- *Burlison Star*, November 7 and 28, 2004
- *Crowley Star Review*, November 11 and December 2, 2004
- *Cleburne Times-Review*, November 7 and 28, 2004
- *Joshua Star Tribune*, November 11 and December 2, 2004, and
- *Fort Worth Business Press*, November 10 and December 1, 2004.

The notice was also published in Spanish in *La Estrella* November 13, 2004 and December 4, 2004 and *La Semana* November 12, 2004 and December 3, 2004. A press release was faxed to local media on December 10, 2004. 27 oral statements and 41 written statements were received for the FEIS from the public and elected or local officials and agencies.

Comments made by citizens, elected or local officials and agencies included a number of issues, the majority of which had already been raised in the public comment period for the 2002 DEIS. The issues raised in the FEIS comment period included air quality, cumulative and secondary impacts, water quality, impacts to prairies, and constructive use. The comments received were not substantive or new. However new and/or additional information that was now available was provided as part of the responses. The types of comments received on each of these subjects are summarized below.

Each of these comments has been carefully and thoroughly addressed in the FEIS Public Hearing Comment and Response Report. In addition to providing thoroughly researched answers and explanation, the Public Hearing Comment and Response Report includes references to sections of the FEIS, to clarify responses as needed. The Public Hearing Comment and Response Report document is hereby incorporated by reference into this ROD and a copy is attached as Appendix A.

3.1.1 Air Quality

Comments and responses about impacts on air quality are summarized as comment numbers 2-1 through 2-8. Comments raised concerns about PM_{2.5} concentrations, including project-level analysis, health effects, and current and future levels of PM_{2.5}, and air toxics generally. Additional explanation and data about air studies has been provided in the Public Hearing Comment and Response Report. Also, the discussion includes a summary of and response to each of the 19 health studies cited by commenters addressing health effects associated with living near areas with heavy traffic.

3.1.2 Cumulative and Secondary Impacts

Comment numbers 6-1 through 6-8 summarize concerns and provide responses about cumulative and secondary impacts. Among the concerns raised in this set of comments are possible induced land use changes in Overton Woods and a related special tax, mitigation, cumulative impacts of toll plazas and maintenance facilities, impacts to historic neighborhoods, alternate interchange configurations and increased land development and accompanying increased storm water runoff. Note that Comment 7-1 also raised questions regarding increased storm water runoff, where the commenter states that no analysis or determination has been included in the FEIS to demonstrate that the storm sewer system can handle additional runoff, and the commenter asks whether the project has detention ponds. A response to this comment is provided in response to Comment #7.1 of the Public Hearing Comment and Response Report.

3.1.3 Water Quality and Safety

Water quality comments and responses are included in comment numbers 28-1 through 28-3. Commenters raise questions about bank stabilization to prevent erosion, selection of building materials that will not harm the river or detract from its beauty, and whether reseeding for erosion control and flooding will be composed of 100% native seeds.

3.1.4 Impacts to Prairies

Comments related to prairies are summarized and addressed in the Public Hearing Comment and Response Report section titled “Impacts to River, Trees and Wildlife.” In comment numbers 10-1 through 10-5, commenters indicate that the FEIS has not sufficiently examined issues related to wetlands, wildlife and jurisdictional waters, and that deferring examination of those issues is inappropriate and a hindrance to development. Another issue raised by commenters is that the SH 121 Project would cross the largest contiguous area of prairie in the entire Fort Worth prairie area, and that such prairie land is botanically and ecologically significant. Several suggestions are made about how to minimize loss of prairie. Finally, concerns are stated about protection of wildlife and their habitats, trees and the river and its environs and whether sufficient data was analyzed to ensure protection of each of these resources. Additional comments and responses about wetlands and the FEIS’ consideration of them are contained in numbers 29-1 and 29-2.

3.1.5 Constructive Use

Comments and responses discussing constructive use are located in the following comment numbers and responses: 6-4, 16-5, 17-1, 17-3 and 31-1. The primary concern raised about constructive use relates to whether the FEIS properly considers potential constructive use based upon Section 4(f) considerations.

4. Corridor Master Plan

During the project approval process FHWA was informed that the City of Fort Worth, NTTA and TxDOT had executed a document styled “Amendment #2 to the Agreement Between the City of Fort Worth, the North Texas Tollway Authority, and the Texas Department of Transportation Concerning the Development of the Southwest Parkway” (the “Interlocal Agreement”) specifying, among other things, certain design elements and amenities for the project as well as a master plan process. Copies of the Interlocal Agreement are available for review and copying at the TxDOT Fort Worth District Office.

The parties to the Interlocal Agreement also have drafted a Corridor Master Plan (CMP) which ultimately may be used as a guideline for final project design elements that are reasonable and feasible without compromising the safety of the roadway. The CMP is expected to further define the appropriate nature and character elements, and the locations of those elements, including a master landscape plan.

While the CMP is outside the NEPA process and separate from the decision making and approval of the project, it is understood by FHWA that the signatories to the Agreement

believe it will be a crucial element in the project's eventual final design and construction. But, the CMP process cannot alter or revise the geometrics of the Project or result in any other project modifications not evaluated during the NEPA process. Should any such modifications be adopted, FHWA will review them to determine if the FEIS needs to be reevaluated.

5. Measures to Minimize Harm

Section 101(b) of NEPA requires that Federal agencies incorporate into their project planning all practicable measures to mitigate adverse environmental impacts resulting from a proposed action. The following section summarizes concept-level mitigation measures that have been identified as appropriate to minimize adverse environmental impacts for the recommended alternative. Agency coordination and contacts with individual property owners will continue throughout the detailed design phase of the project. During that time, mitigation measures and measures developed as part of the CMP will be developed in more detail. Final mitigation and measures developed during the CMP process will be incorporated into the detailed engineering plans and specifications for this project. Mitigation measures are described in the FEIS for the recommended Alternative C/A for adverse impacts to resource categories to the degree that can be anticipated at this point in project development.

As a part of the CMP process component of the Interlocal Agreement, NTTA and TxDOT have also agreed to plant 4,700 trees within the project area, preserve as many trees as possible within the project limits in the Overton Woods neighborhood and around the Trinity River, and include the colors, wall texture designs, and railings as adopted by the CAG. TxDOT has agreed to implement Trinity River Vision enhancements including trailheads at Rosedale Street and pedestrian access across the old Vickery Bridge. In the agreement, Alamo Heights and Sunset Terrace also secured screening protections. More specific context sensitive design details will be detailed in the CMP.

The Selected Alternative (Alternative C/A) incorporates and adopts all practicable measures to minimize environmental harm that were identified in the FEIS. Mitigation measures adopted to minimize harm to the environment were discussed in detail in Chapter 8 of the FEIS. In addition to the commitments mentioned previously, the following measures will apply and be implemented.

5.1 Traffic Noise Barriers

A preliminary noise analysis in accordance with FHWA Regulation 23 CFR 772, Procedures for Abatement of Highway Traffic Noise and Construction Noise and TxDOT's 1996 Guidelines for Analysis and Abatement of Highway Traffic Noise was conducted for the proposed tollroad and presented in the FEIS.

Preliminary analyses indicate that a traffic noise barrier would be feasible and reasonable for affected residential receivers in the Mistletoe Heights, Fort Worth Country Day School and Hulen Bend Addition/Park Palisades areas; therefore, traffic noise barriers are proposed for incorporation into the project at these locations. Details of these proposed traffic noise barriers are shown in Section 5.11 of the FEIS. The final decision to construct noise barriers

will be made upon completion of the more detailed project design and a public involvement process as described in the TxDOT Guidelines for Analysis and Abatement of Highway Traffic Noise.

5.2 Water Quality

5.2.1 Erosion Control

A National Pollutant Discharge Elimination System (NPDES) permit will be required for the construction of SH 121. A Stormwater Pollution Prevention Plan will be developed to offset erosion/sediment concerns during the construction and operation phases. Proper stabilization techniques will be employed to control erosion and sedimentation through Best Management Practices (BMPs). These techniques will be detailed in the Storm Water Pollution Prevention Plan. The final BMPs will be determined during design of the project and included in the plans, specifications, and estimates package for implementation during construction.

5.2.2 Jurisdictional Waters of the US, including Wetlands

During the final design phase of the proposed project, a further and more detailed on-the-ground jurisdictional water of the United States delineation and project impacts assessment will be completed along the selected alternative. This jurisdictional waters of the United States delineation will be in accordance with the procedure described in the 1987 United States Army Corps of Engineers (USACE) Wetland Delineation Manual.

In accordance with the Federal Clean Water Act Section 404 (b)(1) guidelines, design of the project will include measures to avoid and minimize impacts to jurisdictional areas. Unavoidable impacts to jurisdictional areas will be compensated for during the Section 404 permitting process by providing mitigation for unavoidable losses (functions and values) of waters of the United States as required by any pertinent Section 404 permit administered by the USACE. The Section 404 permitting process will be conducted during preparation of the detailed design. Mitigation will be proposed at no less than a one-to-one ratio.

As a result of unavoidable impacts to jurisdictional waters associated with the construction of this project, Tier I Erosion Control, Post-Construction Total Suspended Solids (TSS) Control and Sedimentation Control devices will be required under the Texas Commission on Environmental Quality (TCEQ) Section 401 Water Quality Certification process and will be included in the design of the project.

5.2.3 Floodplains

A detailed floodplain evaluation will be conducted during the final design phase of the project in accordance with Executive Order 11988 and 23 CFR 650, Subpart A. All construction within floodplains will be in compliance with Executive Order 11988, Floodplain Management, dated May 24, 1977; Federal Emergency Management Agency (FEMA) regulations; and all Federal, State, and local regulations. If the hydraulic studies indicate the project would modify the contour of the floodplain, or increase the floodplain elevation above the Base Flood Elevation (BSE), coordination with FEMA would occur.

The structures carrying the Selected Alternative will be designed to avoid increase in the 100-year flood elevation. Abutments and piers will be placed so as to avoid or minimize encroachment on the 100-year floodplain.

5.3 Vegetation

Vegetation clearing and disturbance within the ROW will be limited to the minimum needed to construct and maintain the roadway. In accordance with Executive Order 13112 on Invasive Species and the Executive Memorandum on Beneficial Landscaping, landscaping will be limited to seeding and replanting the ROW with native species of plants where possible. A mix of native grasses and native forbs will be used to re-vegetate the ROW within the 30 ft clear zone. Specific commitments to control invasive species will be developed during detailed project design.

5.4 Section 106 of the National Historic Preservation Act and Section 4(f) of the United States Department of Transportation Act of 1966

5.4.1 Historic Structures

There are no historic structures listed or eligible for listing in the National Register of Historic Places (NRHP) impacted by the C/A Alternative. A copy of the State Historic Preservation Officer's "no adverse effect" concurrence letter is included in Chapter 9 – Agency Coordination and Comments of the FEIS.

5.4.2 Archeology Sites

An archeological site (41TR170 as designated by the Texas Historical Commission) has the potential to be directly impacted by the C/A Alternative near the project crossing of the Clear Fork of the Trinity River. Site 41TR170 was recommended as eligible for the NHRP and as a State Archeological Landmark (SAL) in the Section 106 archeological survey report submitted to TxDOT's Environmental Affairs Division (ENV) in August 1999. In a letter dated March 28, 2000, TxDOT requested Texas Historical Commission (THC) concurrence that site 41TR170 warranted comprehensive testing to determine its NRHP eligibility. In a letter dated April 24, 2000, the THC concurred that site 41TR170 warranted testing. Formal testing of the site is in progress and is anticipated to be completed early Summer 2005.

5.4.3 Section 4(f) Properties

The project does not require any takings from any properties covered under the provisions of Section (4f).

5.5 Hazardous Materials

Impacts to hazardous waste sites will be minimized as much as possible. Precautions and remediation measures will be necessary during the construction phase to ensure that all

means are utilized to identify and remove any hazardous waste encountered while work is proceeding.

Further investigation will be required at potentially hazardous waste sites impacted by the Selected Alternative such as three hazardous waste generator businesses designated as H-30, H-31, and H-32 on Exhibit 5.2 of the FEIS. Any structures that will be acquired will be surveyed for asbestos and PCB-containing materials before they are demolished. In addition, any known and/or encountered hazardous waste sites will be properly remediated according to appropriate State and Federal requirements.

5.6 Displacements

Displacements of homes and businesses have been avoided wherever possible. It is estimated that Alternative C/A will relocate approximately 82 businesses and three single-family residential structures. Relocation assistance will be provided in accordance with the 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, and Title VI of the Civil Rights Restoration Act of 1987.

5.7 Threatened and Endangered Species

Based on the mitigation plan developed during consultation with the U.S. Fish and Wildlife Service (FWS), the project corridor will be checked for the presence of suitable nesting/feeding habitat from April through August of 2005 for the endangered interior least tern. A detailed description of the survey procedures and requirements can be found in Section 5-15—Water Body Modifications and Wildlife Impacts and in Appendix F of the FEIS. A Biological Assessment was completed for the project to address any potentially occurring threatened and endangered species possibly affected by the recommended project. On June 12, 2002, the FWS provided a response that the project is not likely to adversely affect listed species.

5.8 Utilities

The specific and exact location of Utilities (power lines, water and sewer lines, etc.) within the proposed right-of-way will be identified by field survey during pre-final design. Relocations will be performed where necessary with as minimal disruption to service as possible.

6. Monitoring or Enforcement

The FHWA, TxDOT and NTTA have committed to monitor final design development and construction of this project to ensure that all mitigation commitments made in the FEIS and this ROD are implemented. The monitoring effort will ensure that identified minimization and mitigation measures are included in the plans and specification, and will document the implementation of each commitment. An Environmental Quality Coordinator will monitor construction of the project to ensure that minimization and mitigation measures included in the plans and specification are implemented. The Environmental Quality Coordinator will

also monitor construction of the project to ensure that any permit requirements and environmental commitments that have been made are implemented.

7. Conclusion

Based on the analysis and evaluation contained in this project's FEIS and after careful consideration of the entire social, economic, and environmental factors and input from the public involvement process Alternative C/A is hereby adopted as the selected alternative for this project.



Salvador Deocampo
District Engineer, Texas Division
Federal Highway Administration

6/13/05
Date