

# NEPA Documentation Concurrence Form

## Project Information

**Project Name:** Federal  
**Project#:**

**Project Number:** 0029-002-901 **Project Type:** Construction

**UPC:** 106136 **Charge Number:**

**Route Number:** 29 **Route Type:** Primary

**Project Limit--From:** ROUTE 851 (DOMINION DRIVE) **To:** ROUTE 1417 (WOODBROOK DRIVE)

**Additional Project Description:** Grade separated intersection carrying Rio Road over Route 29 to improve mobility, reduce congestion, reduce high crash instances and provide access management treatments. Project to be completed with minimal right of way.

**District:** Culpeper **City/County:** Albemarle **Residency:** Charlottesville

**Suggested Level of NEPA Document:** CE: d

### Description of CE Category:

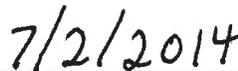
Additional actions which meet the criteria for a CE in the CEQ regulations (40 CFR 1508.4) and paragraph (a) of this section may be designated as CEs only after Administration approval.

### Comments:

We concur with the suggested level of NEPA document.



FHWA Approval



Date

## Categorical Exclusion (CE)

Project Information			
<b>Project Name:</b>	Rte. 29 and Rio Road Grade Separated Intersection	<b>Federal Project#:</b>	NHPP-002-7(045)
<b>Project Number:</b>	0029-002-901, B651, C501, P101, R201	<b>Project Type:</b>	Construction
<b>UPC:</b>	106136	<b>Charge Number:</b>	
<b>Route Number:</b>	29	<b>Route Type:</b>	Primary
<b>Project Limit--From:</b>	ROUTE 851 (DOMINION DRIVE)	<b>To:</b>	ROUTE 1417 (WOODBROOK DRIVE)
<b>Additional Project Description:</b>	Grade separated intersection carrying Rio Road over Route 29 to improve mobility, reduce congestion, reduce high crash instances and provide access management treatments.		
<b>District:</b>	<b>City/County:</b>	<b>Residency:</b>	
Culpeper	Albemarle	Charlottesville	

**Date CE level document approved by VA Division FHWA:** 07/02/2014

**FHWA Contact:** Frost, Mack

**Project in STIP:** Yes                      **In Long Range Plan?** Yes

**CE Category 23 CFR 771.117:** d

**Description of Category:** Additional actions which meet the criteria for a CE in the CEQ regulations (40 CFR 1508.4) and paragraph (a) of this section may be designated as CEs only after Administration approval.

**Logical Termini and Independent Utility:** Yes

**Next Phase of Funding Available?** Yes

**Comments:**

**Typical Section:** The build condition would provide dedicated dual left turn lanes, one dedicated through lane, and a shared through-right lane in each direction (northbound and southbound) along the local lanes of Route 29. In addition, the build condition would provide two dedicated express lanes in each direction along Route 29 which would bypass the traffic signal. The Route 29 express lanes would be depressed below Rio Road which would remain roughly on the same grade it is at in the existing condition. The build condition would provide dedicated dual left turn lanes, two dedicated through lanes, and one dedicated right turn lane in each direction along Rio Road, matching the existing condition. The build condition would include pedestrian facilities such as sidewalks and crosswalks.

**Structures:** Facility capable of carrying the typical section described above for Rio Road over Route 29.

### SOCIO-ECONOMIC

**Minority/Low Income Populations:** Present with no impact    **Disproportionate Impacts to Minority/Low Income Populations:** No

**Source:** Albemarle County and attached EJ Evaluation

**Existing or Planned Public Recreational Facilities:** Not Present

**Community Services:** Not Present

**Consistent with Local Land Use:** Yes

**Source:** Albemarle County

**Existing or Planned Bicycle/Pedestrian Facilities** Present with no impact

**Source:** Albemarle County

**Socio-Economic Comments:** Pedestrian facilities are proposed within the limits of the project. VDOT and Albemarle county will continue to coordinate during the design process to determine type and placement of such facilities. Please see Albemarle County's scoping response to question #7. The minority or low-income population of the environmental justice study area does not exceeds 50 percent; however the percentage of minority population is above the EJ evaluator factor in Tract 107, Block Group 1 and Tract 106.1, Block Group 3. Although an Environmental Justice (EJ) population is present there are no impacts to the EJ population (i.e., no relocations, no displacements, no disruption of community, and no disruption of emergency services). No minority or low-income populations have been identified adversely impacted by the proposed project as determined above. Therefore, in accordance with the provisions of E.O. 12898 and FHWA Order 6640.23, no further EJ analysis is required. See attached.

SECTION 4(f) and SECTION 6(f)

Use of 4(f) Property: No

Source: VDOT GIS and VDOT Regional Historic Preservation Staff

6(f) Conversion: No Acres of Conversion:

4(f) and 6(f) Comments: No resources present.

CULTURAL RESOURCES

Section 106 Effect Determination: NO EFFECT

Name of Historic Property:

DHR Concurrence date: 08/27/2014

MOA/PA Execution Date: None

Cultural Resource Comments:

NATURAL RESOURCES

Are Waters of the U.S. present? Yes

Linear Feet of Impact: 20

Federal Threatened or Endangered Species:

James Spiny mussel (Pleurobema collina)-Federal:FE-Not Present

100 Year Floodplain: Not Present

Regulatory Floodway Zone: Not Present

Public Water Supplies: Not Present

Are any tidal waters/wetlands present? No

Wetlands: Not Present

Wetlands: Acres of Impact: 0

Wetland Type: None

Are any non-tidal wetlands present? No

If yes, type of non-tidal wetland impacts: None

Are water quality permits required? Yes

Natural Resource Comments: Impact to aquatic resources are unlikely due to their proximity to the project, however potential for impact is present. Project qualifies for nationwide 3 permit for a 20' extension of an existing culvert in an intermittent or ephemeral stream. Water quality permits will be acquired prior to commencement of construction.

AGRICULTURAL/OPEN SPACE

Open Space Easements: Not Present

Agricultural/Forestal Districts: Not Present

Source: Project Definition Form

Agricultural/Open Space Comments: None present.

FARMLAND

NRCS Form CPA-106 Attached? No

NRCS Form CPA-106 not attached because:

Land already in Urban use.

Alternatives Analysis Required? No

Source: VDOT District Environmental Staff

Farmland Comments: None present.

INVASIVE SPECIES

Invasive Species in the project area? No

VDCR indicated that the potential exists for some VDOT projects to further the establishment of invasive species. All seeds used will be tested in accordance with the Virginia Seed Law to ensure there are not prohibited Noxious Weed-Seeds in the seed mixes.

Invasive Species Comments: None

## AIR QUALITY

### Carbon Monoxide

This project is located in: A Carbon Monoxide Attainment Area

CO Microscale Analysis Required for NEPA? No

The project was addressed in an August 2012 study entitled "Route 29 Bypass Project...UPC#102419...FINAL -AIR QUALITY TECHNICAL REPORT", prepared by McCormick-Taylor, Inc. If that 2012 analysis was to be updated, its conclusion on meeting the CO NAAQS would not be expected to be change. Regarding CO, the 2012 analysis concluded (p.26) that, for all locations modeled including the Rio Road intersection: "Under all scenarios for each project location, the highest 1-hour and 8-hour CO concentrations are projected to be below the standards of 35 ppm and 9 ppm, respectively." Additionally, the project is considered exempt under 40 CFR 93.126, Table 2, Safety - Projects that correct, improve, or eliminate a hazardous location or feature, as the project description provided on the NEPA Concurrence form references safety as follows: "Grade separated intersection carrying Rio Road over Route 29 to ... reduce high crash instances..." See "Comments" for more information.

### Ozone

This project is located in: An 8-hour Ozone Attainment Area

### Particulate Matter

This project is located in: A PM2.5 Attainment Area

PM Hotspot Analysis Required for NEPA?

A PM2.5 hot-spot analysis is not required for this project since it is not an air quality concern. The Clean Air Act and 40 CFR 93.116 requirements were met without a hot-spot analysis, since this project has been found not to be of air quality concern under 40 CFR 93.123(b)(1).

### Mobile Source Air Toxics

This project requires: A qualitative MSAT analysis

- ✓ This project is proposed to be located in proximity to populated areas.
- ✓ The project potentially expands intermodal centers or impacts diesel truck traffic only to the extent that requires a qualitative assessment.

Notwithstanding the exemption as noted above, which would otherwise eliminate the need for a qualitative analysis of MSATs, one is provided for information purposes. A qualitative MSATs assessment was also provided with the 2012 air quality study referenced above under the assessment for CO.

VDEQ Comments (August 2013): This project lies in an area that is currently in attainment with all of the National Ambient Air Quality Standards (NAAQS). The following VDEQ air pollution regulations must be adhered to during the construction of this project: 9 VAC 5-130, Open Burning restrictions; and 9 VAC 5-50, Article 1, Fugitive Dust precautions. Additional Comments for CO: The overall conclusion from the 2012 study indicating that the CO NAAQS would be met would not be expected to change with any updated study (including updated traffic and plan details) given that: 1) The CO NAAQS were met by a substantial margin in the 2012 analysis, 2) Background concentrations are lower now, which if incorporated into the forecasts would serve to increase the margin by which the NAAQS would be met in an updated study, 3) Any updated study would be based on the new EPA MOVES emission factor model, which supersedes the previous EPA MOBILE model on which the 2012 study was based and generally produces lower forecasts for emission factors for CO. Additional Information from the 2012 Study: A carbon monoxide (CO) analysis is not needed to comply with NEPA for the Route 29/Rio Road grade-separation because the impacts on air quality are not expected to be adverse. The primary reason for this is because the Route 29/Rio Road signalized intersection was studied in the August 2012 FINAL AIR QUALITY TECHNICAL REPORT prepared for the Route 29 Bypass Project (UPC#102419) by McCormick-Taylor, Inc., which included a quantitative CO analysis. For that 2012 analysis, the grade-separated condition at Route 29 and Rio Road was not analyzed because it did not represent the worst-case modelling condition at this location (there were also no grade-separated interchange concepts that had been developed that could be modeled at the time). Instead, the existing signalized intersection condition was analyzed under a couple different scenarios including the 2040 No-Build scenario. Under the 2040 No-Build scenario, the Route 29 Bypass was not included in the analysis but other improvements programmed in the MPO's CLRP for construction were included with the exception of the Route 29/Rio Road grade-separated interchange. It was assumed at the time, which is consistent with the results of a number of other CO analyses, that any improvement to the intersection to implement a grade-separation would only further improve air quality and CO concentrations by removing all queuing and idling vehicles associated with the signalized intersection and allow those vehicles to pass through under free-flow conditions. Therefore, since the worst-case condition was analyzed, there is no benefit to analyze the grade-separation. As part of that 2012 analysis, 28 different receptors located adjacent to Route 29 and Rio Road were analyzed for CO. The results showed that under the worst-case condition, CO concentrations would be well below the NAAQS for CO established by EPA. The forecasted worst case 2040 No-Build CO concentrations were 8.4 ppm for the 1-hour level and 5.9 ppm for the 8-hour level, which is well below the 1-hour standard of 35 ppm and 8-hour standard of 9 ppm. These results include background concentrations of 3.0 ppm and 2.2 ppm for the 1-hour and 8-hour results, respectively. Since the worst-case condition represented by a signalized intersection at Route 29/Rio Road does not result in any violations of the NAAQS for CO, it can reasonably be concluded that the grade-separation of Route 29 and Rio Road will likewise not result in any violations of the NAAQS for CO.

## NOISE

**Noise Scoping Decision:** Type III- Noise study not required

**Barriers Under Consideration?** No

**Noise Comments:** Project has no noise sensitive sites. Project scoped Type III, noise study NOT required.

## RIGHT OF WAY AND RELOCATIONS

**Residential Relocations:** No

**Commercial Relocations** No

**Non-Profit Relocations:** No

**Right of Way required?** Yes      **Amount of Right of Way Acreage:** 4.5

**Septic Systems or Wells:** Not Present      **Hazardous Materials:** Present with impacts

**Source:** VDOT Regional Hazardous Material Staff and Virginia Department of Environmental Quality-Waste

**ROW and Relocations Comments:** There is potential need for 0.3 acres of fee acquisition for project ROW, 2.6 acres of fee acquisition for utility relocation easement, 1.6 acres of fee acquisition for drainage easement and 1.4 acres for a temporary construction easement. Subsequent to visiting the project corridor and reviewing the VDEQ petroleum release files surrounding the proposed R/W, VDOT does not anticipate major generation of petroleum contaminated media (soil and groundwater) along anticipated additional right of way. VDOT suggests continued review of engineering plans as the project develops.

## CUMULATIVE AND INDIRECT IMPACTS

**Present or reasonably foreseeable future projects (highway and non-highway) in the area:** Yes

**Impact same resources as the proposed highway project (i.e. cumulative impacts):** Yes

**Indirect (Secondary) impacts:** No

**Source:** Locality input, VDOT's Six Year Plan

**Cumulative and Indirect Impacts Comments:** The intensity of the incremental impacts of the project are considered small, when viewed in the context of impacts from other past, present, and reasonably foreseeable future actions and would not rise to a level that would cause significant cumulative impacts. Reasonably foreseeable projects and recent past projects in the area are: RTE. 29 (EMMET STREET) RTE. 250 BYPASS INTERCHANGE (Advertisement Oct. 2014) - 2 mi. south of Rio Project at the intersection of 29/250, 29 widening, 4 to 6 lanes (Advertisement Oct. 2014) - 1.5 mi. north of Rio Project on Rte. 29, HILLSDALE DRIVE EXTENDED (3 LANES)(Advertisement March 2017) - 1.0 mi. south of Rio Project, BERKMAR DRIVE EXTENDED, CONSTRUCTION OF NEW ROADWAY (Ad. October 2014)-1.5 mi. north of Rio Project, adjacent to Rte. 29, ROUTE 250 BYPASS INTERCHANGE AT MCINTIRE ROAD (Construction underway) - 2.6 mi. south of Rio Project, RTE 631 - 2 LANE ON 2 LANE ROW (Construction Complete) 1.5 mi. south of Rio Project.

## PUBLIC INVOLVEMENT

**Substantial Controversy on Environmental Grounds:** No

**Source:** Albemarle County

**Public Hearing:** Yes    **Type of Hearing:** Design Public Hearing

**Other Public Involvement Activities:** Yes

**Type of Public Involvement:** As a result of the Route 29 Bypass Project being cancelled; public meetings called Route 29 Solutions Panel took place four times between March and May 2014 for public input. A Project Delivery Advisory Panel has been put into place to meet every two weeks from design through construction.

**Public Involvement Comments:**

**COORDINATION**

**State Agencies:**

Department Of Environmental Quality  
DEQ - Air Division  
DEQ - Waste Division  
DEQ - Water Division  
Department of Conservation and Recreation  
Department of Forestry  
Department of Game and Inland Fisheries  
Department of Health  
Department of Historic Resources  
Virginia Outdoors Foundation

**Federal Agencies:**

U.S. Fish and Wildlife Service

**Local Entity:**

Albemarle County Board Of Supervisors  
Albemarle County/City Planner  
Albemarle Fire and Rescue  
Albemarle Superintendent of Schools  
Albemarle MPO

**Other Coordination Entities:**

**This project meets the criteria for a Categorical Exclusion pursuant to 40 CFR 1508.4 and 23 CFR 771.117 and will not result in significant impacts to the human or natural environment.**

## Documentation of FHWA Review

Project Name: Route 29 and Rio Road Grade Separated Intersection

State Project Number: 0029-002-901, B651, C501, P101, R201

UPC: 106136

Based on the preliminary environmental impact information compiled by VDOT, FHWA approved this project as a Categorical Exclusion on 07/02/2014. FHWA hereby approves the Categorical Exclusion documentation for public availability. FHWA's final approval of the project meeting the criteria for a Categorical Exclusion is subject to the consideration of public comments.

Made [Signature] 9/2/2014

Approving FHWA Official, Date

## Documentation of FHWA Review

Project Name: Route 29 and Rio Road Grade Separated Intersection

State Project Number: 0029-002-901, B651, C501, P101, R201

UPC: 106136

On July 2<sup>nd</sup>, 2014, FHWA approved the Categorical Exclusion documentation for public availability. At that time, FHWA indicated that final approval of the project meeting the criteria for a Categorical Exclusion was subject to the completion and consideration of public comments.

FHWA has reviewed the public comments as well as VDOT's responses to the comments regarding environmental issues. In addition, FHWA has reviewed the updated Categorical Exclusion documentation. FHWA hereby finds that the project meets the criteria for a Categorical Exclusion pursuant to 23 CFR 771.117(d).

 9/29/2014

Approving FHWA Official, Date