

Type I or II Categorical Exclusion Action Classification Form

STIP Project No.	<u>HL-0008C</u>
WBS Element	<u>49367.1.2</u>
Federal Project No.	<u></u>

A. Project Description:

The proposed project involves improvements on NC 50 (Benson Road) north of the intersection of NC 50 with SR 2812 (Timber Drive/Timber Drive East) in Wake County. The improvements will involve extending the northbound right turn lane on NC 50 from the driveway for a State Employees' Credit Union to the existing right turn lane at SR 2562 (New Rand Extension). Curb and gutter disturbed by proposed construction will be replaced and a sidewalk will be added on the east side of NC 50 from Timber Drive/Timber Drive East to New Rand Extension. The project location is shown on Figure 1.

The proposed project will be constructed mostly within the approximately 100-foot wide existing right of way, although an approximately 12 to 15-foot wide temporary construction easement will be required on the east side of NC 50 for the entire length of the project. In addition, a minor amount of permanent drainage easement (approximately three to six-foot wide by approximately 425 feet long) will also be required on the east side of NC 50.

The project is included in the 2020-2029 North Carolina State Transportation Improvement Program (STIP). Right-of-way acquisition and construction are expected to begin in fiscal years 2022 and 2023, respectively.

This project is one of several in the STIP funded through the Bonus Allocation Program. Bonus Allocation (BA) is an additional Strategic Transportation Investments (STI) budget allocation to an MPO, RPO or local government. BA is based on the reduction in cost to NCDOT for a project funded under STI. This project is funded out of BA awarded to the Capital Area Metropolitan Planning Organization (CAMPO) from NC 540 toll bonds.

The total estimated cost for the project is \$566,500, including \$41,500 for right of way acquisition and \$525,000 for construction.

B. Description of Need and Purpose:

The purpose of the proposed project is to improve traffic operations and reduce congestion at the intersection of NC 50 (Benson Road) with SR 2812 (Timber Drive/Timber Drive East).

In 2020, NC 50 had an average annual daily traffic volume of 17,000 vehicles per day south of Timber Drive. The northbound approach on NC 50 at the Timber Drive/Timber Drive East intersection has a left turn lane, a through lane and a right turn lane. Northbound through traffic on NC 50 exceeds the capacity of the single through lane, resulting in excessive queues on northbound NC 50 at the Timber Drive/Timber Drive East intersection. A right turn lane exists on northbound NC 50 north of the intersection, extending from Timber Drive/Timber Drive East to the northernmost driveway for a State Employees' Credit Union (SECU). Approximately 300 feet north of the SECU driveway, a right turn lane for the New Rand Extension intersection exists on NC 50. Connecting the two right turn lanes on northbound NC 50 would allow the northbound right turn lane at the NC 50 intersection with Timber Drive/Timber Drive East to be remarked as a shared through/right lane, providing two northbound through lanes and improving the operation of the NC 50 intersection at Timber Drive/Timber Drive East.

Categorical Exclusion Action Classification:

Type I(A) - Ground Disturbing Action

C. Proposed Improvements:

3. Construction of bicycle and pedestrian lanes, paths, and facilities.

23. Federally-funded projects:

a) That receive less than \$5,000,000 (as adjusted annually by the Secretary to reflect any increases in the Consumer Price Index prepared by the Department of Labor) of Federal funds

26. Modernization of a highway by resurfacing, restoration, rehabilitation, reconstruction, adding shoulders, or adding auxiliary lanes (including parking, weaving, turning, and climbing lanes), if the action meets the constraints listed in 23 CFR 771.117(e)(1-6).

D. Special Project Information:

Potential Project Effects

Roadway and sidewalk construction will require a limited amount of grading, mostly within the existing right of way. No additional right of way will be required for the project. A temporary construction easement and permanent drainage easement will be required.

Complete Streets

Bicycle, pedestrian, and public transit accommodations were evaluated for the project. A five-foot wide sidewalk will be placed on the east side of NC 50 between Timber Drive and New Rand Extension. Step 1IM1 of the Integrated Project Delivery Process (IPD) has been completed and the NCDOT Integrated Mobility Division (IMD) has indicated that given the scope of the project and the recommendation from the relevant transportation plans that bicycle facilities be considered as a long-term improvement, bicycle facilities are not required in conjunction with this project. Given the high volumes along NC 50, it is likely that a multi-use path or separated bike lane would be the preferred bicycle facility in the future. Accommodations to facilitate the future installation of a multi-use path should be considered when reasonable in conjunction with this project. Comments on the current project design have been requested from IMD (IPD Step 2IM1).

Utilities

Some utility relocation will be required for the project, mostly involving the relocation or adjustment of utility boxes within the existing right of way or utility easement.

Public Involvement

A public input website was created to receive comments from residents and businesses in the study area. Postcards providing the website address were mailed to area property owners on November 29, 2021. Comments were accepted from the website between November 29, 2021 until December 15, 2021. No comments were received regarding the proposed project.

Cultural Resources

NCDOT architectural historians reviewed State Historic Preservation Office data on July 12, 2021 and found no existing National Register of Historic Places-listed or eligible properties in the project's area of potential effects (APE). As explained in the July 12, 2021 "No Survey Required" form prepared by the NCDOT Historic Architecture Team, Wake County architectural surveys and later studies recorded no properties in the APE. County GIS/tax materials and other visuals support the absence of

significant architectural and landscape resources. There are no National Register-listed or eligible properties within the APE and no historic architectural survey is required.

NCDOT archaeologists conducted a map review and file search utilizing on-line resources provided to NCDOT by the Office of State Archaeology on June 25, 2021. As explained in the June 25, 2021 “No Archaeological Survey Required” form prepared by the NCDOT Archaeology Team, no National Register-eligible archaeological sites nor any other archaeological resources are located within the project’s APE or directly adjacent. The APE is characterized as disturbed and impacted from land development and road right of way and is unlikely to contain significant, intact, and preserved archaeological deposits. It was concluded no archaeological survey or further consultation is required for this project.

In a letter dated May 19, 2021, the Tribal Historic Preservation Officer for the Catawba Indian Nation stated that the Catawba have no immediate concerns regarding traditional cultural properties, sacred sites, or Native American archaeological sites within the boundaries of the proposed project area. However, the Catawba are to be notified if Native American artifacts and/or human remains are located during the ground disturbance phase of this project.

Protected Species

As of December 2, 2021, the US Fish and Wildlife Service Information for Planning and Consultation (IPaC) website (ecos.fws.gov/ipac/) shows seven federally-protected species as potentially occurring in the project study area. These species are listed in the table below.

Federally-Protected Species Potentially Occurring in Project Study Area

Common Name	Scientific Name	Status	Potential Habitat?	Biological Conclusion
Atlantic Pigtoe	<i>Fusconaia masoni</i>	Threatened	No	No Effect
Carolina Madtom	<i>Noturus furiosus</i>	Endangered	No	No Effect
Dwarf Wedgemussel	<i>Alasmidonta heterodon</i>	Endangered	No	No Effect
Michaux’s Sumac	<i>Rhus michauxii</i>	Endangered	Yes	May Affect, Not Likely to Adversely Affect
Neuse River Waterdog	<i>Necturus lewisi</i>	Threatened	No	No Effect
Red-Cockaded Woodpecker	<i>Picoides borealis</i>	Endangered	No	No Effect
Yellow Lance	<i>Elliptio lanceolata</i>	Threatened	No	No Effect

NCDOT biologists conducted a site review on October 1, 2020 and found the study area does not provide suitable habitat for six of the threatened or endangered species identified in IPaC. Suitable habitat for Atlantic pigtoe, Carolina madtom, dwarf wedgemussel, Neuse River waterdog, red-cockaded woodpecker, and the yellow lance do not exist in the project study area and the project is expected to have “No Effect” on any of these species.

Suitable habitat for one species, Michaux’s sumac, does exist in the project study area. A survey for Michaux’s sumac was conducted on October 1, 2020. No specimens were observed in the study area. It is anticipated the proposed project “May Affect, Not Likely to Adversely Affect” Michaux’s sumac.

IPaC does not identify potential for bald eagle in the project study area. Additionally, no known National Heritage Program occurrences exist for this area. There are no large trees sufficient for eagle’s nests, nor were any nests or birds observed during the site visit. Therefore, based on lack of habitat, it is expected the proposed project will have “No Effect” on bald eagle.

Although not listed for Wake County, the US Fish and Wildlife Service has revised the previous programmatic biological opinion (PBO) in conjunction with the Federal Highway Administration (FHWA), the US Army Corps of Engineers (USACE), and NCDOT for the northern long-eared bat (NLEB) (*Myotis septentrionalis*) in eastern North Carolina. The PBO covers the entire NCDOT program in Divisions 1-8, including all NCDOT projects and activities. Although this PBO covers Divisions 1-8, NLEBs are currently only known in 19 counties, but may potentially occur in 11 additional counties within Divisions 1-8. NCDOT, FHWA, and USACE have agreed to two conservation measures which will avoid/minimalize mortality of NLEBs. These conservation measures only apply to the 30 current known/potential counties shown on Figure 2 of the PBO at this time. The programmatic determination for NLEB for the NCDOT program is May Affect, Likely to Adversely Affect. The PBO provides incidental take coverage for NLEB and will ensure compliance with Section 7 of the Endangered Species Act for ten years for all NCDOT projects with a federal nexus in Divisions 1-8, which includes Wake County. This level of incidental take is authorized from the effective date of a final listing determination through December 31, 2030.

Streams, Buffers, and Wetlands

Biologist conducted site reviews on October 1, 2020. Per the natural resources technical memo, the project location is within the Neuse River Basin, however there are no streams or riparian buffers within the project study area. Furthermore, there are no offsite streams or ponds that would have riparian buffers extending into the project study area. Additionally, no wetlands were observed within the project study area.

Permits Required

Given no jurisdictional features within the project study area, no environmental permits will be required.

E. Project Impact Criteria Checklists:

F2. Ground Disturbing Actions – Type I (Appendix A) & Type II (Appendix B)			
<p>Proposed improvement(s) that fit Type I Actions (NCDOT-FHWA CE Programmatic Agreement, Appendix A) including 2, 3, 6, 7, 9, 12, 18, 21, 22 (ground disturbing), 23, 24, 25, 26, 27, 28, &/or 30; &/or Type II Actions (NCDOT-FHWA CE Programmatic Agreement, Appendix B) answer the project impact threshold questions (below) and questions 8 – 31.</p> <ul style="list-style-type: none"> • If any question 1-7 is checked “Yes” then NCDOT certification for FHWA approval is required. • If any question 8-31 is checked “Yes” then additional information will be required for those questions in Section G. 			
PROJECT IMPACT THRESHOLDS (FHWA signature required if any of the questions 1-7 are marked “Yes”.)		Yes	No
1	Does the project require formal consultation with U.S. Fish and Wildlife Service (USFWS) or National Marine Fisheries Service (NMFS)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2	Does the project result in impacts subject to the conditions of the Bald and Golden Eagle Protection Act (BGEPA)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3	Does the project generate substantial controversy or public opposition, for any reason, following appropriate public involvement?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4	Does the project cause disproportionately high and adverse impacts relative to low-income and/or minority populations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5	Does the project involve a residential or commercial displacement, or a substantial amount of right of way acquisition?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6	Does the project require an Individual Section 4(f) approval?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7	Does the project include adverse effects that cannot be resolved with a Memorandum of Agreement (MOA) under Section 106 of the National Historic Preservation Act (NHPA) or have an adverse effect on a National Historic Landmark (NHL)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If any question 8-31 is checked “Yes” then additional information will be required for those questions in Section G.			
Other Considerations		Yes	No
8	Is an Endangered Species Act (ESA) determination unresolved or is the project covered by a Programmatic Agreement under Section 7?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9	Is the project located in anadromous fish spawning waters?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10	Does the project impact waters classified as Outstanding Resource Water (ORW), High Quality Water (HQW), Water Supply Watershed Critical Areas, 303(d) listed impaired water bodies, buffer rules, or Submerged Aquatic Vegetation (SAV)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
11	Does the project impact Waters of the United States in any of the designated mountain trout streams?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
12	Does the project require a U.S. Army Corps of Engineers (USACE) Individual Section 404 Permit?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

13	Will the project require an easement from a Federal Energy Regulatory Commission (FERC) licensed facility?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Other Considerations for Type I and II Ground Disturbing Actions (continued)</u>		Yes	No
14	Does the project include a Section 106 of the National Historic Preservation Act (NHPA) effects determination other than a No Effect, including archaeological remains?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
15	Does the project involve GeoEnvironmental Sites of Concerns such as gas stations, dry cleaners, landfills, etc.?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16	Does the project require work encroaching and adversely affecting a regulatory floodway or work affecting the base floodplain (100-year flood) elevations of a water course or lake, pursuant to Executive Order 11988 and 23 CFR 650 subpart A?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
17	Is the project in a Coastal Area Management Act (CAMA) county and substantially affects the coastal zone and/or any Area of Environmental Concern (AEC)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
18	Does the project require a U.S. Coast Guard (USCG) permit?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
19	Does the project involve construction activities in, across, or adjacent to a designated Wild and Scenic River present within the project area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
20	Does the project involve Coastal Barrier Resources Act (CBRA) resources?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
21	Does the project impact federal lands (e.g. U.S. Forest Service (USFS), USFWS, etc.) or Tribal Lands?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
22	Does the project involve any changes in access control or the modification or construction of an interchange on an interstate?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
23	Does the project have a permanent adverse effect on local traffic patterns or community cohesiveness?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
24	Will maintenance of traffic cause substantial disruption?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
25	Is the project inconsistent with the STIP, and where applicable, the Metropolitan Planning Organization's (MPO's) Transportation Improvement Program (TIP)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
26	Does the project require the acquisition of lands under the protection of Section 6(f) of the Land and Water Conservation Act, the Federal Aid in Fish Restoration Act, the Federal Aid in Wildlife Restoration Act, Tennessee Valley Authority (TVA), Tribal Lands, or other unique areas or special lands that were acquired in fee or easement with public-use money and have deed restrictions or covenants on the property?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
27	Does the project involve Federal Emergency Management Agency (FEMA) buyout properties under the Hazard Mitigation Grant Program (HMGP)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
28	Does the project include a <i>de minimis</i> or programmatic Section 4(f)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
29	Is the project considered a Type I under the NCDOT Noise Policy?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
30	Is there prime or important farmland soil impacted by this project as defined by the Farmland Protection Policy Act (FPPA)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
31	Are there other issues that arose during the project development process that affected the project decision?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

F. Additional Documentation as Required from Section F (ONLY for questions marked 'Yes'):

Response to Question 8:

Although not listed for Wake County, the US Fish and Wildlife Service has revised the previous programmatic biological opinion (PBO) in conjunction with the Federal Highway Administration (FHWA), the US Army Corps of Engineers (USACE), and NCDOT for the northern long-eared bat (NLEB) (*Myotis septentrionalis*) in eastern North Carolina. The PBO covers the entire NCDOT program in Divisions 1-8, including all NCDOT projects and activities. Although this PBO covers Divisions 1-8, NLEBs are currently only known in 19 counties, but may potentially occur in 11 additional counties within Divisions 1-8. NCDOT, FHWA, and USACE have agreed to two conservation measures which will avoid/minimalize mortality of NLEBs. These conservation measures only apply to the 30 current known/potential counties shown on Figure 2 of the PBO at this time. The programmatic determination for NLEB for the NCDOT program is May Affect, Likely to Adversely Affect. The PBO provides incidental take coverage for NLEB and will ensure compliance with Section 7 of the Endangered Species Act for ten years for all NCDOT projects with a federal nexus in Divisions 1-8, which includes Wake County. This level of incidental take is authorized from the effective date of a final listing determination through December 31, 2030.

Response to Question 15:

The NCDOT GeoEnvironmental Section performed a Phase I field investigation for potentially contaminated properties on July 27, 2021. One site of concern, a vacant lot that was a former gas station was identified in the project study area. Three underground storage tanks were removed from the site in 2003. Information regarding the site is presented in the table below.

SITE	ADDRESS	TYPE	INCIDENT #	ANTICIPATED IMPACTS
Former Ethco #6	1515 Hwy 50 1525 Hwy 50 Garner, NC 27529	UST	26366	Low

The site is located on the east side of NC 50 south of Timber Drive. It is not expected the project will affect the site. No construction work will occur adjacent to this property and no right of way or easements will be required from the property.

G. Project Commitments:

NCDOT PROJECT COMMITMENTS

STIP Project No. **HL-0008C**
NC 50 from SR 2812 (Timber Drive/Timber Drive East) to SR 2562 (New Rand
Extension)
Wake County
WBS Element 49367.1.2

No special project commitments have been made for this project.

H. Categorical Exclusion Approval:

STIP Project No.	<u>HL-0008C</u>
WBS Element	<u>49367.1.2</u>
Federal Project No.	<u>Federal Aid Number</u>

Prepared By:

1/28/2022

Date

DocuSigned by:

Andrew Josupait

Andrew Josupait, EI
Ramey Kemp Associates

Prepared For:

NCDOT Division Five

Reviewed By:

1/28/2022

Date

DocuSigned by:

Zahid Baloch

Zahid Baloch, PE, Senior Project Manager
NCDOT Division Five



Approved

- If NO grey boxes are checked in Section F (pages 2 and 3), NCDOT approves the Type I or Type II Categorical Exclusion.



Certified

- If ANY grey boxes are checked in Section F (pages 2 and 3), NCDOT certifies the Type I or Type II Categorical Exclusion for FHWA approval.
- If classified as Type III Categorical Exclusion.

1/31/2022

Date

DocuSigned by:

Ben Upshaw

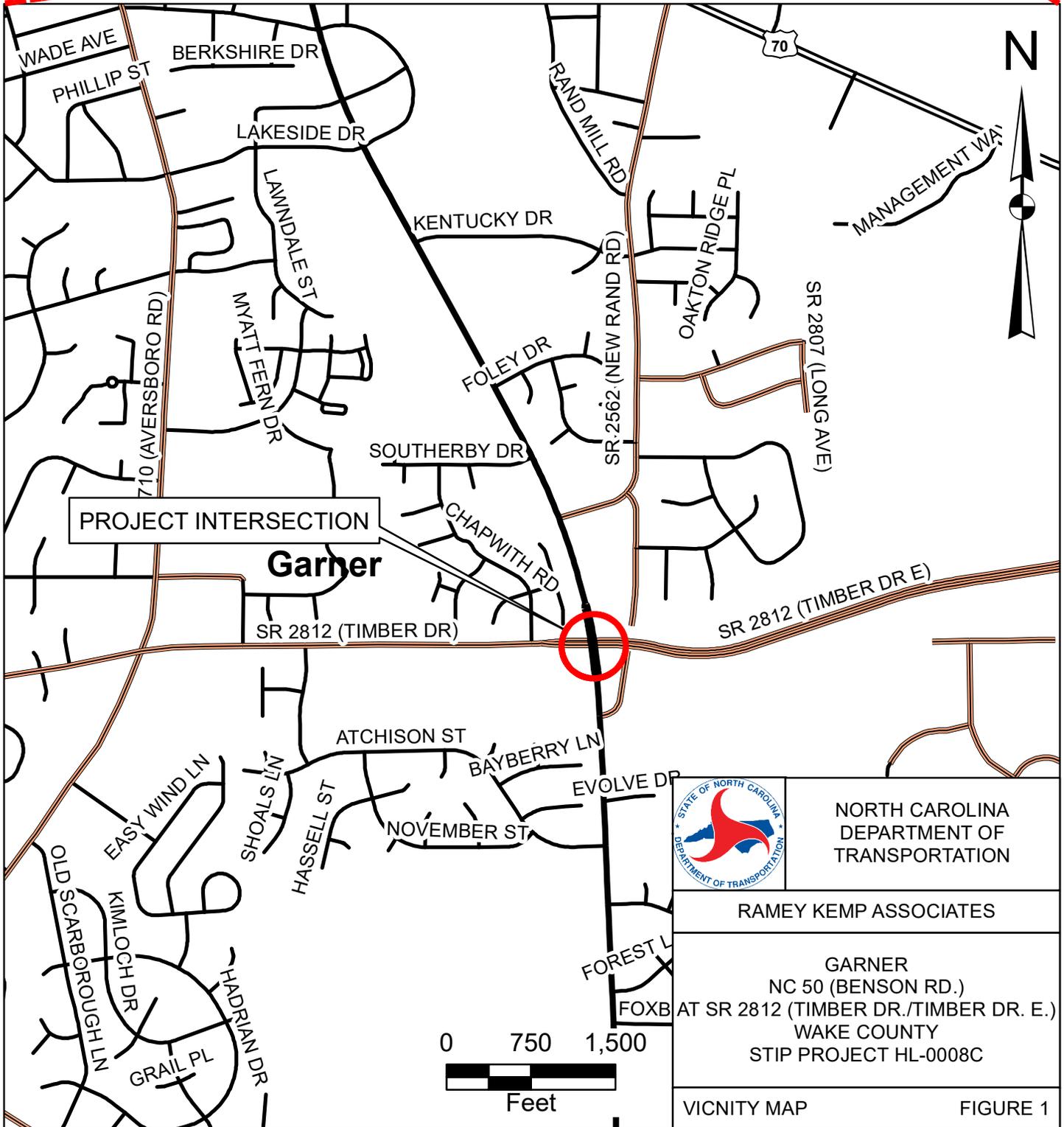
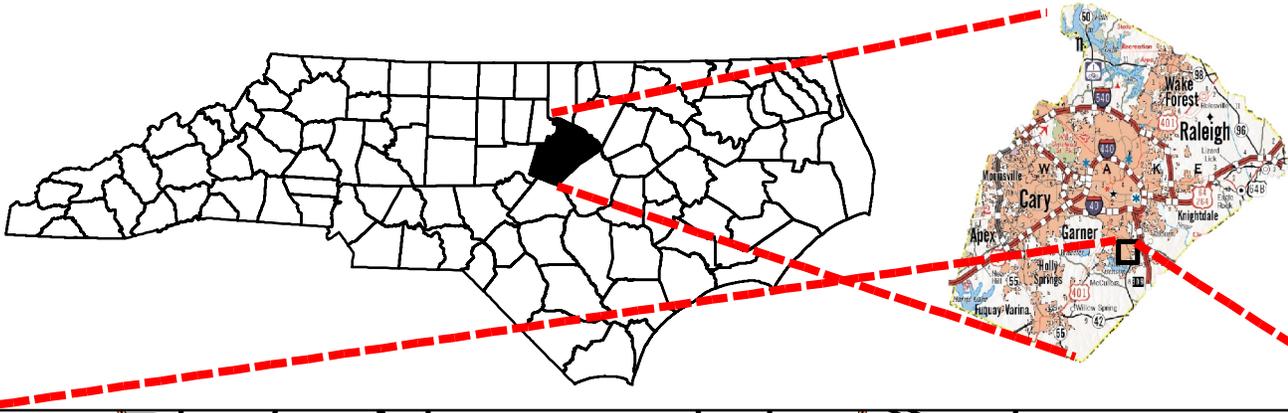
Ben Upshaw, PE, Division Five Team Lead
For Brandon Jones, PE, Division Five Engineer
North Carolina Department of Transportation

FHWA Approved: For Projects Certified by NCDOT (above), FHWA signature required.

Date

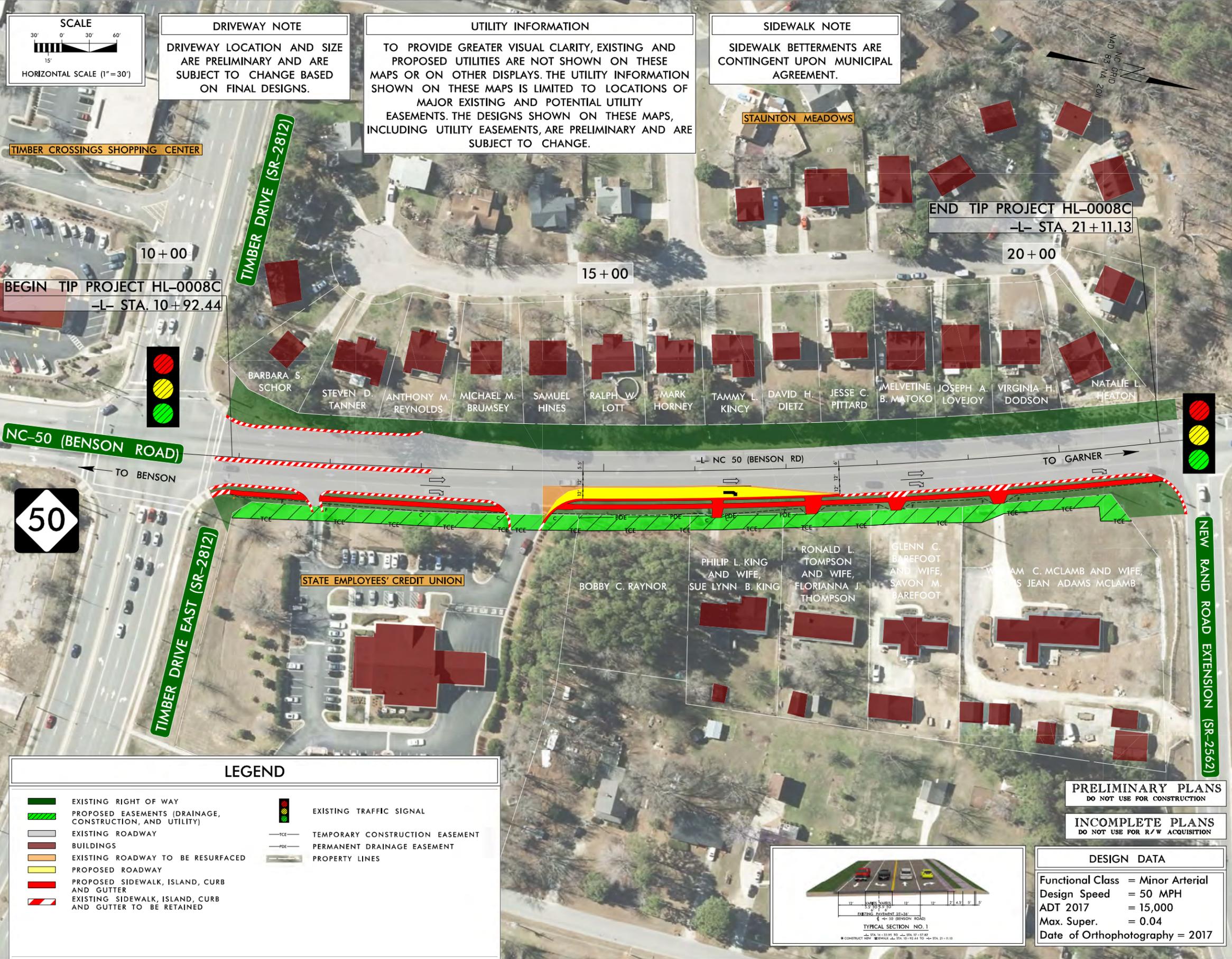
N/A
for John F. Sullivan, III, PE, Division Administrator
Federal Highway Administration

Note: Prior to ROW or Construction authorization, a consultation may be required (please see Section VII of the NCDOT-FHWA CE Programmatic Agreement for more details).





PUBLIC MEETING MAP
WAKE COUNTY
PROJECT HL-0008C
 49367.1.2
 NC 50 (BENSON ROAD) AT SR 2812 (TIMBER DRIVE)
 EXTEND NORTH BOUND RIGHT-TURN LANE ON
 NC 50 FROM SECU TO EXISTING RIGHT-TURN
 LANE AT NEW RAND EXTENSION.



SCALE
 30' 0' 30' 60'
 15'
 HORIZONTAL SCALE (1" = 30')

DRIVEWAY NOTE
 DRIVEWAY LOCATION AND SIZE ARE PRELIMINARY AND ARE SUBJECT TO CHANGE BASED ON FINAL DESIGNS.

UTILITY INFORMATION
 TO PROVIDE GREATER VISUAL CLARITY, EXISTING AND PROPOSED UTILITIES ARE NOT SHOWN ON THESE MAPS OR ON OTHER DISPLAYS. THE UTILITY INFORMATION SHOWN ON THESE MAPS IS LIMITED TO LOCATIONS OF MAJOR EXISTING AND POTENTIAL UTILITY EASEMENTS. THE DESIGNS SHOWN ON THESE MAPS, INCLUDING UTILITY EASEMENTS, ARE PRELIMINARY AND ARE SUBJECT TO CHANGE.

SIDEWALK NOTE
 SIDEWALK BETTERMENTS ARE CONTINGENT UPON MUNICIPAL AGREEMENT.

LEGEND

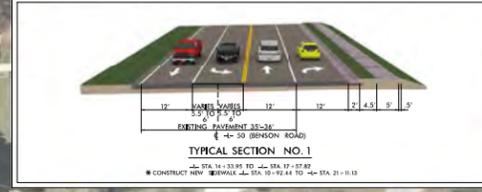
	EXISTING RIGHT OF WAY		EXISTING TRAFFIC SIGNAL
	PROPOSED EASEMENTS (DRAINAGE, CONSTRUCTION, AND UTILITY)		TEMPORARY CONSTRUCTION EASEMENT
	EXISTING ROADWAY		PERMANENT DRAINAGE EASEMENT
	BUILDINGS		PROPERTY LINES
	EXISTING ROADWAY TO BE RESURFACED		
	PROPOSED ROADWAY		
	PROPOSED SIDEWALK, ISLAND, CURB AND GUTTER		
	EXISTING SIDEWALK, ISLAND, CURB AND GUTTER TO BE RETAINED		

PRELIMINARY PLANS
 DO NOT USE FOR CONSTRUCTION

INCOMPLETE PLANS
 DO NOT USE FOR R/W ACQUISITION

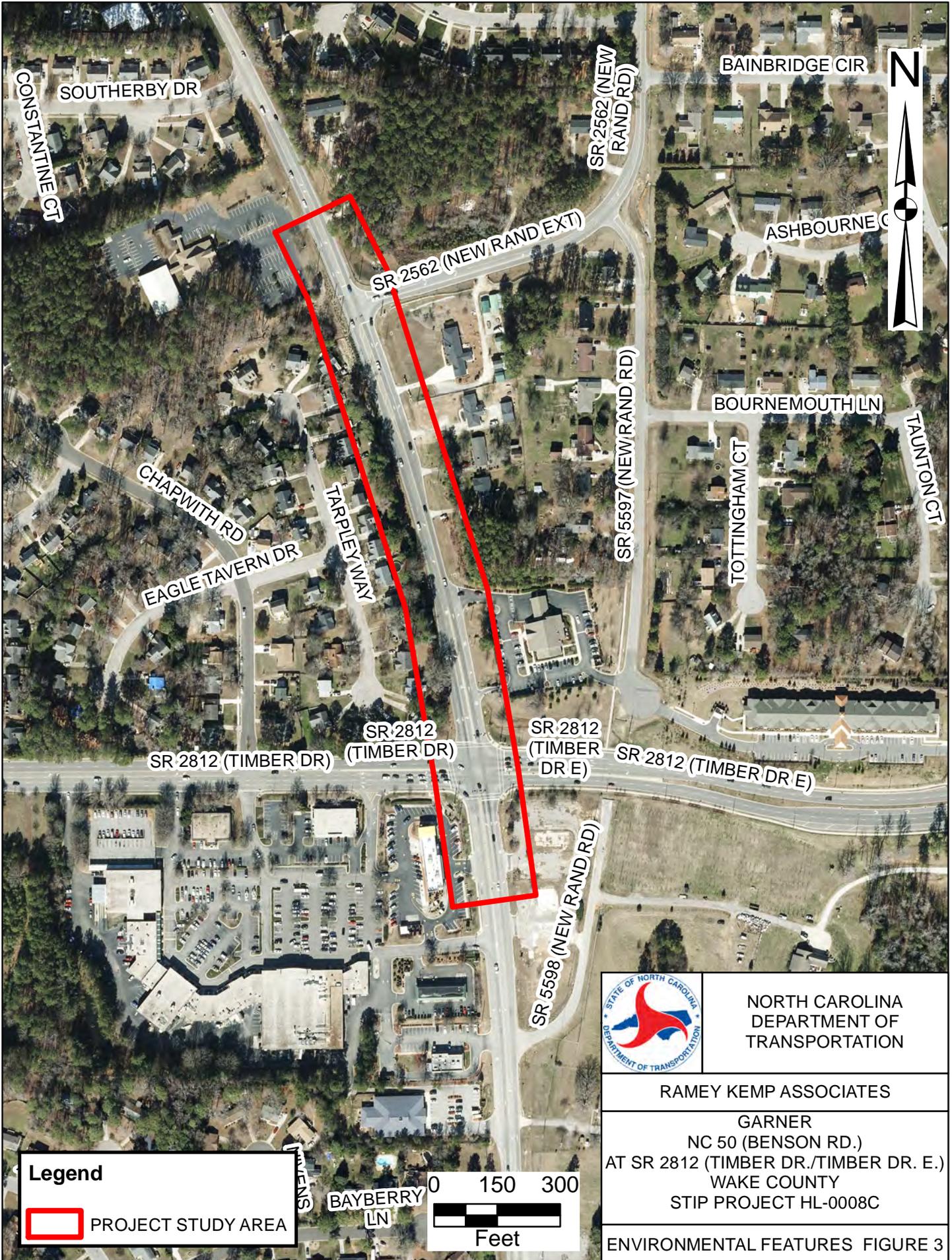
DESIGN DATA

Functional Class	= Minor Arterial
Design Speed	= 50 MPH
ADT 2017	= 15,000
Max. Super.	= 0.04
Date of Orthophotography	= 2017



PUBLIC MEETING MAP
WAKE COUNTY
PROJECT HL-0008C
 49367.1.2
 NC 50 (BENSON ROAD) AT SR 2812 (TIMBER DRIVE)
 EXTEND NORTH BOUND RIGHT-TURN LANE ON
 NC 50 FROM SECU TO EXISTING RIGHT-TURN
 LANE AT NEW RAND EXTENSION.





Legend
 PROJECT STUDY AREA

0 150 300

 Feet



NORTH CAROLINA
 DEPARTMENT OF
 TRANSPORTATION

RAMEY KEMP ASSOCIATES

GARNER
 NC 50 (BENSON RD.)
 AT SR 2812 (TIMBER DR./TIMBER DR. E.)
 WAKE COUNTY
 STIP PROJECT HL-0008C

ENVIRONMENTAL FEATURES FIGURE 3