

# FINAL STAKEHOLDER INVOLVEMENT REPORT

For

## ADMINISTRATIVE ACTION ENVIRONMENTAL IMPACT STATEMENT



### Wake and Johnston Counties

STIP Project Nos. R-2721, R-2828, and R-2829  
State Project Nos. 6.401078, 6.401079, and 6.401080  
Federal Aid Project Nos. STP-0540(19), STP-0540(20), and STP-0540(21)  
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# 1 INTRODUCTION

A Draft Environmental Impact Statement (EIS) that addresses the full range of alternatives and issues important to the selection of a preferred alternative can be accomplished only in consultation with those who have a stake in the decision. This technical report describes the scoping process, agency coordination process, and public involvement activities, as well as the key issues and pertinent information received through these efforts during preparation of the Draft EIS for the Complete 540 project.

## 1.1 PROPOSED ACTION AND PROJECT PURPOSE

The North Carolina Department of Transportation (NCDOT), in cooperation with the Federal Highway Administration (FHWA), proposes transportation improvements in the project study area and surrounding region to address transportation needs as defined in the project's *Purpose and Need Statement* (Lochner, 2011). The focus of these improvements is a potential extension of the Triangle Expressway (NC 540) from its current terminus at the NC 55 Bypass in Apex to the US 64/US 264 Bypass (I-495) in Knightdale. This action is designated as three projects in the NCDOT 2012-2018 STIP: R-2721, R-2828, and R-2829. Together, these STIP projects would combine to complete the 540 Outer Loop around the Raleigh metropolitan area. In some instances, the project is referred to as having two phases: Phase I is the western portion of the study area between NC 55 Bypass in Apex and I-40 near the Wake/Johnston County line; Phase II is the eastern portion of the study area between I-40 and US 64/US 264 Bypass (I-495) in Knightdale. NCDOT established a protected corridor for the project between NC 55 Bypass and I-40 in 1996 and 1997. For purposes of meeting the requirements of the National Environmental Policy Act (NEPA), both phases are being examined in the current study as a single and complete project. It is likely that the project would be constructed in phases, but depending on the availability of funding, may or may not be consistent with the current phase descriptions noted.

The project study area is located south and southeast of the City of Raleigh between the towns of Holly Springs to the west and Knightdale to the east. The project study area extends as far south as NC 42 between Fuquay-Varina and Clayton. While most of the project study area is within Wake County, a small portion of western Johnston County is also included. **Figure 1** shows the project study area.

This project, referred to as the Complete 540 - Triangle Expressway Southeast Extension, is intended to improve transportation mobility and reduce forecast traffic congestion. The proposed action is included in the Capital Area Metropolitan Planning Organization (MPO) and Durham-Chapel Hill-Carrboro MPO joint *2035 Long Range Transportation Plan* (LRTP), as well as the Capital Area MPO *2009 – 2015 Metropolitan Transportation Improvement Program* (MTIP). In addition, the proposed action is included in the state's system of Strategic Highway Corridors (SHC) aimed at providing a safe, reliable, and high-speed network of highways within North Carolina (NCDOT, 2008). NCDOT developed the *Purpose and Need Statement* (Lochner, 2011) for this project with input from federal and state environmental regulatory and resource agencies, local government representatives, and the public.

## 1.2 PROJECT ALTERNATIVES

The project's *Alternatives Development and Analysis Report* (Lochner, 2014) evaluated several possible alternatives associated with this project through a three-tiered screening process. The

alternatives remaining under consideration fall into two main categories: No-Build and Build Alternatives.

The No-Build Alternative is the baseline comparative alternative. It assumes that the transportation systems in the project study area will continue to develop as currently planned in the Capital Area MPO and Durham-Chapel Hill-Carrboro MPO joint 2035 LRTP, but without the proposed Complete 540 - Triangle Expressway Southeast Extension project.

The project’s Build Alternatives were developed and evaluated as color-coded segments termed Preliminary Corridor Alternatives. Combinations of the various Preliminary Corridor Alternatives comprise end-to-end project alternatives. The end-to-end project alternatives remaining following the screening process outlined in the *Alternatives Development and Analysis Report* are termed Detailed Study Alternatives (DSAs), which will be documented and evaluated in detail in the project’s Draft EIS. Ten Preliminary Corridor Alternatives comprise seventeen end-to-end DSAs. **Figure 2** shows the locations of the Preliminary Corridor Alternatives that make up the DSAs for the project. **Table 1** lists the Preliminary Corridor Alternatives that make up each of the DSAs. The Orange Corridor Alternative between NC 55 Bypass and I-40 corresponds to a protected corridor established by NCDOT for this project in 1996 and 1997.

The DSAs under consideration are proposed to be toll facilities. An open road (highway speed) transponder-based system will likely be used as the primary means of toll collection. This would allow drivers to travel unobstructed through the toll collection points at highway speeds.

**Table 1. Preliminary Corridor Alternatives Comprising Each Detailed Study Alternative**

DSA	Preliminary Corridor Alternatives
1	Orange to Green
2	Orange to Green to Mint Green to Green
3	Orange to Brown (South) to Tan (North) to Green
4	Orange to Brown to Green
5	Orange to Green to Teal to Brown to Green
6	Orange to Red to Green
7	Orange to Red to Mint Green to Green
8	Orange to Purple-Blue-Lilac to Green
9	Orange to Purple-Blue-Lilac to Green to Mint Green to Green
10	Orange to Purple-Blue-Lilac to Brown (South) to Tan (North) to Green
11	Orange to Purple-Blue-Lilac to Brown to Green
12	Orange to Purple-Blue-Lilac to Teal to Brown to Green
13	Orange to Lilac to Green
14	Orange to Lilac to Green to Mint Green to Green
15	Orange to Lilac to Brown (South) to Tan (North) to Green
16	Orange to Lilac to Brown to Green
17	Orange to Lilac to Green to Teal to Brown to Green

## **2 AGENCY COORDINATION**

In compliance with the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) Section 6002 (23 U.S.C. § 139), a Section 6002 Project Coordination Plan has been prepared for the Complete 540 – Triangle Expressway Southeast Extension project. This plan describes the process for agency coordination and public involvement in the project development process. The Project Coordination Plan was first presented to resource and regulatory agency representatives at the resource and regulatory agency meeting held on December 8, 2009, and agencies approved a draft of the Plan following the August 10, 2010 resource and regulatory agency meeting. The Plan has been updated as needed during the course of the project, with the most recent update occurring in November of 2013. A copy of the current version of this document is included in **Appendix A**.

### **2.1 SCOPING**

As part of preparation of an EIS, NEPA requires there to be an early and open process with project stakeholders for determining the major and important issues that need to be addressed during the study. This process is called scoping. To initiate the scoping process, NCDOT sent a formal scoping letter, as required by NEPA, to state and federal resource and regulatory agencies on January 25, 2010. A separate letter was sent to local agencies and officials on February 4, 2010. The purpose of these letters was to solicit comments and collect pertinent project information early in the alternatives development process. Coordination between NCDOT, FHWA, and the agencies has assisted with the development of the DSAs. Copies of the formal scoping letters are included in **Appendix B**. The resource and regulatory agency meeting held on February 16, 2010, served as the agency scoping meeting for the project to discuss project study area environmental features and community characteristics and potential issues of concern. More information about agency scoping for the project is in **Section 2.3.2**.

### **2.2 NOTICE OF INTENT**

Pursuant to Title 23, CFR Part 771, Environmental Impact and Related Procedures, the FHWA published a Notice of Intent (NOI) to prepare an EIS for the proposed Complete 540 – Triangle Expressway Southeast Extension project. The NOI was published in the Federal Register on November 30, 2009 (Vol. 74, No. 228). A copy of the NOI is included with the Section 6002 Project Coordination Plan in **Appendix A**.

### **2.3 RESOURCE AND REGULATORY AGENCY MEETINGS**

The principal method for agency coordination on NCDOT projects is through meetings of the resource and regulatory agencies, hosted monthly by NCDOT.

For the Complete 540 project, agencies participating in the process are:

#### **Lead Agency**

- Federal Highway Administration

#### **Cooperating Agency**

- US Army Corps of Engineers

## **Participating Agencies**

- US Army Corps of Engineers
- US Environmental Protection Agency
- US Fish and Wildlife Service
- NC Department of Cultural Resources
- NC Department of Environment and Natural Resources
  - Division of Water Resources
  - Division of Marine Fisheries
  - NC Wildlife Resources Commission
- Capital Area Metropolitan Planning Organization

Designation as a Cooperating Agency signifies a somewhat higher level of involvement and responsibility in the environmental review process. A Cooperating Agency can also be a Participating Agency. Participating Agencies include any federal, state, or local agencies that may have an interest in the project.

The sections below describe the resource and regulatory agency meetings that have been held for the Complete 540 project to date. Detailed summaries of each of these meetings are in **Appendix C**.

### **2.3.1 December 8, 2009 Meeting**

The purpose of this meeting was to introduce the project to representatives of the resource and regulatory agencies. At this meeting, the project team presented a draft Section 6002 Coordination Plan for the project and a draft Notice of Intent for announcing the project in the Federal Register. Agency representatives had the opportunity to provide input on each of these items during and following this meeting.

The project team also presented a map of the draft study area for developing project alternatives. Following an initial request by the US Environmental Protection Agency, the resource and regulatory agencies expressed interest in shifting the originally proposed northern study area boundary farther to the north. This was suggested in order to allow early consideration of potentially shorter alternatives closer to more heavily developed portions of the area and to allow evaluation of a larger number of potential locations for the crossing of Swift Creek, providing options for minimizing impacts to habitat of the federally protected dwarf wedgemussel. As a result of this request, the northern study area boundary west of I-40 was shifted from its original location near Ten Ten Road to north of Lake Wheeler and Lake Benson. This shift resulted in most of the area within the town of Garner being added to the project study area.

### **2.3.2 February 16, 2010 Meeting**

As described in **Section 2.1**, this meeting served as the agency scoping meeting for the project. The meeting discussion included initial information and input on the potential key project issues and key environmental constraints that would affect the project. The project team also presented a preliminary summary of the key elements of the need for the project and a preliminary draft statement of the project's purpose.

Four agencies (US Environmental Protection Agency, US Fish and Wildlife Service, NC Department of Environment and Natural Resources, and NC Department of Cultural Resources) prepared formal scoping responses, as did two local governments (Cary and Holly Springs) and the Capital Area

Metropolitan Planning Organization (MPO). Copies of the scoping responses are in **Appendix B**. The following summarizes scoping comments made by these agencies and organizations:

#### **US Environmental Protection Agency (EPA)**

- Project expected to have significant direct impacts to jurisdictional wetland and streams, protected water supply areas, protected mussel species, residences and business, prime and unique farmland, and air quality.
- Project anticipated to have significant indirect and cumulative effects to human and natural environmental resources in southern Wake County and western Johnston County.
- Recommends that improvements to Ten Ten Road, including a new location extension from NC 50 to I-40 interchange at Clayton Bypass be evaluated as a build alternative.

#### **US Fish and Wildlife Service (USFWS)**

- Project expected to have significant impacts on streams, wetlands, upland forest and other habitat types. Impacts will include direct loss of habitat and fragmentation effects on remaining habitat.
- USFWS is particularly concerned about impacts to the dwarf wedgemussel population in Swift Creek. Impacts will include direct effects from project construction and indirect effects on water quality from secondary development.
- Additional cumulative impacts to Swift Creek may occur in conjunction with the proposed widening of I-40 (STIP No. I-5111).
- Proposed eastern terminus of protected corridor, with interchange at I-40 and US 70 Bypass would impact several tributaries of Swift Creek and is in close proximity to Swift Creek mainstem. USFWS recommends alternative interchange locations away from Swift Creek and its tributaries be considered.
- NCTA should explore innovative conservation measures to minimize effects to dwarf wedgemussel.
- Surveys for Michaux's sumac should be conducted within the species' survey window (May-October).

#### **NC Department of Environment and Natural Resources (NCDENR)**

##### *Natural Heritage Program*

- There are a number of records of rare species, significant natural heritage areas, and conservation/managed areas within the project area.
- Project will cross nationally significant Swift Creek Aquatic Habitat, which contains numerous existing records of rare mussel species, including dwarf wedgemussel.
- It is important to keep sediment from reaching the Neuse River as there are rare aquatic species locations farther south toward Clayton.

##### *Division of Water Quality (now called Division of Water Resources)*

- All named streams in project area have supplemental classification of nutrient sensitive waters (NSW) of the State. Agency is concerned with sediment and erosion impacts.
- Swift Creek, Middle Creek, Walnut Creek, and Little Creek are listed as 303(d) waters of the State. Agency is concerned with sediment and erosion impacts.
- Project area includes surface waters classified as Water Supply Critical Area (WSCA).
- Riparian buffer impacts shall be avoided and minimized to the greatest extent possible.
- Quantitative secondary and cumulative impacts analysis will be required because the project is a new location road in areas with impaired streams and WSCA.



#### *NC Wildlife Resources Commission*

- NCWRC is concerned about potential impacts due to new crossings of Swift Creek, Middle Creek and the Neuse River, which contain several State and federal listed species.
- Neuse River in this area is designated as an Anadromous Fish Spawning Area and an Inland Primary Nursery Area.

#### *NC Department of Agriculture and Consumer Services*

- Project would increase the loss of prime farm and forest land, negatively impacting agricultural environmental balance in the project area.
- Location of the project should include consideration of farms near existing Voluntary Agricultural Districts (VAD).
- Economic impacts due to loss of agribusiness jobs associated with loss of agricultural production are a concern.

#### **NC Department of Cultural Resources**

- Project area contains numerous archaeological sites which may be eligible for the National Register of Historic Places.
- Much of the study area has never been surveyed to determine the presence or significance of archaeological resources.

#### **Town of Cary**

- NCTA should investigate providing an interchange within the Town of Cary Comprehensive Planning Area. Due to growth and development, an additional interchange may be needed near the intersection of Kildaire Farm Road and Holly Springs Road, where there is currently one interchange proposed.
- Moving the corridor off the protected alignment could negatively impact residential communities, proposed greenways, proposed parks, and proposed thoroughfare improvements.

#### **Town of Holly Springs**

- Holly Springs supports the completion of the project and the project's location in the current proposed corridor.
- Planned interchange at Holly Springs Road and Kildaire Farm Road needs special evaluation. Protected corridor area in the location is not adequate for on and off ramps.
- Town would prefer that the project be elevated on an overpass over Sunset Lake Road.

#### **Capital Area MPO**

- Phases I and II should be developed as a single design and right-of-way acquisition project to the extent possible.
- Project should provide a balanced transportation facility design that includes multimodal considerations.
- CAMPO supports inclusion of Intelligent Transportation System (ITS) components in the project design.
- Design of facility should minimize negative impacts to Swift Creek watershed and water supply area.

### **2.3.3 August 10, 2010 Meeting**

At this meeting, the project team reviewed a revised Section 6002 Coordination Plan and received a copy of a *Draft Purpose and Need Statement* for the project. The project team also began discussion of alternatives development, evaluation, and screening at this meeting, presenting an overview of the proposed methods for screening alternatives and discussing preliminary results of a qualitative first tier screening of broad Alternative Concepts and a quantitative second tier screening of preliminary alternatives.

The agencies agreed to eliminate from further consideration several of the preliminary alternatives that were presented at the meeting. These preliminary alternatives each included a proposed new location segment (known as Segment 38) east of I-40, near the Wake and Johnston County line; this is described in detail in the project's *Alternatives Development and Analysis Report*. These options were eliminated because their potential negative environmental effects did not appear to be offset by other benefits, as compared to other preliminary alternatives under consideration.

### **2.3.4 September 8, 2010 Meeting**

The purpose of this meeting was to discuss the project's *Draft Purpose and Need Statement* and to continue discussing the screening of preliminary alternatives under consideration for the project. A preliminary alternative that would have combined upgrading existing roads west of I-40 with a new location roadway east of I-40 (known as Hybrid Alternative #3) was eliminated at this meeting. It was eliminated because it would have required many more relocations than other options under consideration without providing any relative advantages. This is described in detail in the project's *Alternatives Development and Analysis Report*.

This meeting also served as a preview of the Public Informational Meetings that were held later this same month.

### **2.3.5 November 2, 2010 Meeting**

The primary purpose of this meeting was to review the results of the September 2010 Public Informational Meetings and to review the project's preliminary alternatives in light of impact data and the results of the meetings. NCDOT summarized the public meetings, explaining that most public comment expressed continued support of the project's protected corridor between NC 55 Bypass and I-40, and opposed several of the other corridors under consideration, particularly the Red, Blue, and Purple Corridor Alternatives. The agencies agreed with NCDOT's recommendation to eliminate several of the preliminary alternative corridors presented at the September 2010 public meetings, including the Blue, Purple, and Yellow Corridor Alternatives.

Following this meeting, and following subsequent coordination with the agencies and the area local governments, NCDOT added four additional preliminary alternative corridors into consideration to provide additional opportunities for avoiding or minimizing potential effects to community resources and neighborhoods in the eastern part of the project study area. These were the Tan, Brown, Teal, and Mint Green Corridor Alternatives.

### **2.3.6 January 20, 2011 Meeting**

At this meeting, the project team discussed the extensive public input that occurred since the time of the previous agency meeting in November 2010. Based on this public input and a closer review of the

existing data, NCDOT recommended eliminating the Red Corridor Alternative due to its significant community impacts and the Pink Corridor Alternative due to both its impacts and its inability to serve traffic needs as well as other alternatives. The agencies agreed with the recommendation to eliminate the Pink Corridor Alternative, but recommended retaining the Red Corridor Alternative due to its potential for avoiding habitat for the federally protected dwarf wedgemussel.

### **2.3.7 August 22, 2012 Meeting**

State legislation passed in March 2011, described in **Section 4.4**, limited evaluation of certain options under consideration for the project, including the Red Corridor Alternative. This resulted in a temporary halting of most project activities. The purpose of the August 2012 agency meeting was to discuss approaches to advancing the project in light of the restrictions put in place by the State legislation. One approach discussed was introducing new Preliminary Corridor Alternatives into consideration for their ability to potentially reduce wetland impacts to a similar degree as the Red Corridor Alternative while minimizing community impacts. One of these, the Lilac Corridor Alternative, showed potential to balance impacts similarly to other options under consideration.

### **2.3.8 December 12, 2012 Meeting**

At this meeting, the project team discussed the status of the project in light of the project advancement approaches considered at the August 22, 2012, meeting. Coordination between the agencies to advance the project in light of the State legislation was also discussed.

### **2.3.9 September 19, 2013 Meeting**

Following the June 2013 passage of subsequent State legislation removing the alignment restrictions previously imposed on the project by the 2011 legislation, NCDOT was able to resume project activities. The Lilac Corridor Alternative was formally introduced into consideration. In addition, the previously eliminated Blue and Purple Corridor Alternatives were reconsidered based on a potential alignment following the Purple to Blue to the Lilac Corridor Alternative, based on the potential of this alignment to reduce overall wetland impacts and to balance impacts similarly to other options under consideration. These options were discussed at the September 2013 agency meeting.

At this meeting, NCDOT also presented its recommended DSAs, along with a revised *Draft Alternatives Development and Analysis Report* documenting these recommendations.

### **2.3.10 December 12, 2013 Meeting**

The purpose of this meeting was to finalize the DSAs for the project. At the meeting, the agencies confirmed that they did not require any additional time (as covered by Section 8.5 of the Section 6002 Coordination Plan) to review the project's *Draft Alternatives Development and Analysis Report* and the recommended DSAs in light of the public and local government comments made since the October 2013 public meetings. USACE noted agreement to waive the additional time period for reviewing the report as noted in the Section 6002 plan. Additionally, no agencies raised any objections to proceeding with the 17 end-to-end alternatives as DSAs, and no agencies asked for any additional alternatives to be considered. To date, no agencies have raised any Issues of Concern (per the Section 6002 Coordination Plan) on the project purpose and need, range of alternatives, alternatives screening, or DSAs. Additionally, no Issues of Concern relative to these four areas of the study were raised at the meeting.

### **2.3.11 November 13, 2014 Meeting**

The main purpose of this meeting was to discuss the appropriate locations and lengths of bridges over natural resources along the project's DSAs. To expedite this discussion, NCDOT reviewed project information on natural resources, hydrology, and proposed designs in order to make suggestions about which sites should be bridged. The agencies agreed with many of NCDOT's suggestions, but requested a field review of four of the sites before agreeing to the suggestions at those sites. The agencies also suggested design modifications at another site in order to determine if a bridge would be feasible.

The project team then held a field review meeting on December 2, 2014, to review the four sites requested by the agencies. At this meeting, NCDOT and the agencies came to agreements on the appropriate hydraulic conveyance structure at each of these four sites. NCDOT then incorporated design modifications necessary to accommodate the agreed upon structure at each site.

Following selection of the project's Preferred Alternative and Least Environmentally Damaging Practicable Alternative (LEDPA), the project team and agency partners will review proposed bridge sites and other sites on the LEDPA in greater detail.

## **2.4 AGENCY COORDINATION ON TECHNICAL REPORTS**

### **2.4.1 Purpose and Need Statement**

While there was extensive discussion of the project's *Purpose and Need Statement* at several resource and regulatory agency meetings (described in Section 2.3), only one agency submitted formal comments about the *Draft Purpose and Need Statement*. This was the NC Division of Water Quality (now known as the NC Division of Water Resources); a copy of the letter is in **Appendix D**. In general, the comments in this letter suggested the following:

- Removing consistency with the State's Strategic Highway Corridors Initiative as an element of the project's purpose;
- Clarifying the difference between the project's study area used for alternatives development and the study area used for traffic analysis purposes; and
- Making sure that the criteria used to screen project alternatives match the measures of effectiveness described in the *Purpose and Need Statement*.

The project team incorporated and addressed each of these suggestions in a revised *Purpose and Need Statement*.

### **2.4.2 Alternatives Development and Analysis Report**

A copy of the *Draft Alternatives Development and Analysis Report*, dated January 13, 2012, was distributed January 13, 2012 to the cooperating and participating agencies involved in the environmental review process for this project, along with other organizations that requested to receive a copy. This included:

- Federal Highway Administration
- US Army Corps of Engineers
- US Environmental Protection Agency

- US Fish and Wildlife Service
- NC Department of Cultural Resources
- NC Department of Environment and Natural Resources
  - Secretary's Office
  - Division of Water Resources
- NC Wildlife Resources Commission
- Capital Area MPO
- NC Department of Transportation
  - State Highway Administrator
  - Project Development and Environmental Analysis
  - PDEA Human Environment Unit
  - Office of Civil Rights
- Town of Garner
- Regional Transportation Alliance

NCDOT requested that recipients of the report provide written comments on the information and conclusions in the report, including the report's recommendations for DSAs. NCDOT also requested that agency recipients identify any potential issues of concern that would result in the denial or significant delay in the issuance of any environmental permits.

Written comments were received from the following agencies and organizations:

- US Army Corps of Engineers
- US Environmental Protection Agency
- US Fish and Wildlife Service
- NC Department of Cultural Resources
- NC DENR Division of Water Resources
- Capital Area MPO
- Regional Transportation Alliance

In addition, a letter from the Southern Environmental Law Center (SELC) and a letter from the Town of Garner regarding the project and *Draft Alternatives Development and Analysis Report* were received.

Copies of all the written comments and letters are included in **Appendix D**. NCDOT responses to these comments were provided in the project's revised *Alternatives Development and Analysis Report*. The revised *Alternatives Development and Analysis Report* also included report edits and updates that were part of the responses.

A revised version of the *Draft Alternatives Development and Analysis Report*, dated September 2013, was distributed on September 5, 2013, to the agencies and the organizations listed above. This version of the report included revisions to the January 2012 version, as well as added material. It also included NCDOT/FHWA recommended DSAs for detailed study in the project's Draft EIS. Three agencies submitted written responses to the revised report. The NC Division of Water Resources and NC Division of Cultural Resources concurred with the recommended alternatives for detailed study. USACE indicated that the alternatives recommended for detailed study meet the agency's requirements under Section 404 of the Clean Water Act and NEPA. Copies of these responses are included in **Appendix D**. The remaining agencies submitted no further response. In accordance with

item 8.5 of the Section 6002 Coordination Plan for this project, no response is interpreted to mean that the participating agency had no significant objections to the alternative screening report.

### **3 PUBLIC INVOLVEMENT**

The public involvement process is integral to the entire project development and decision-making process. Public involvement activities described below are related to the development of the project's purpose and the development and evaluation of alternatives.

#### **3.1 PUBLIC MEETINGS**

NCDOT held public meetings on September 21, 22, and 23, 2010. The September 21 meeting was at Wake Technical Community College from 4:00 p.m. to 7:30 p.m.; 558 people attended. The September 22 meeting was at Holly Springs High School from 6:00 p.m. to 9:00 p.m.; 473 people attended. The September 23 meeting was at Barwell Road Community Center in southeast Raleigh from 4:30 p.m. to 7:30 p.m.; 146 people attended. The purpose of the meetings was to solicit public input on the project including the project's study area, purpose, and preliminary alternatives. Displays at the meetings included maps of the project study area, Preliminary Corridor Alternatives, and Improve Existing and Hybrid Alternatives, along with information on the transportation planning process and the preliminary purpose for this project. Comment sheets were distributed to obtain public input on the project study area, identified project needs and purposes, and range of alternatives. This input helped to ensure that the range of reasonable alternatives, including broad Alternative Concepts, covered the full spectrum of potential alternatives.

Over 2,100 comments were received during or following the meetings. The most common concerns and issues raised by meeting attendees included:

- Continued support of the Orange Corridor Alternative between NC 55 Bypass and I-40, which the public has been aware of for nearly twenty years as the protected corridor, and opposition to other new location corridors. Approximately 90 percent of those expressing an alternative preference indicated support for the Orange Corridor Alternative.
- Opposition to new alternatives (other than the Orange corridor), particularly the Blue and Purple Corridor Alternatives through Holly Springs and the Red Corridor Alternative in Garner.
- Concern about the perceived inequity of a tolled Complete 540 project when existing segments of I-540 are untolled.

Following introduction of the Tan Corridor Alternative, NCDOT held another public meeting on December 2, 2010, at the Barwell Road Community Center from 4:30 p.m. to 7:30 p.m.; 399 people attended. The purpose of this meeting was to solicit input on the Tan Corridor Alternative and the Green Corridor Alternative and to present information about these options in the Phase II area, which extends between I-40 and US 64/US 264 Bypass. Over 250 comments were received at or following this meeting. Most of these comments expressed opposition to the Tan Corridor Alternative due to potential neighborhood impacts and support for using publicly-owned land in the Randleigh Farm property for the project.

NCDOT held an additional round of three public meetings in October 2013 to present and receive public comment on the NCDOT/FHWA recommended DSAs for evaluation in the project's Draft EIS. The first meeting was at Wake Technical Community College on October 14 from 4:00 p.m. to 7:30 p.m.; 810 people attended. The next meeting was at Barwell Road Community Center on October 15

from 4:00 p.m. to 7:30 p.m.; 330 people attended. The third meeting was at Holly Springs High School on October 16 from 6:00 p.m. to 9:00 p.m.; 545 people attended. Displays included maps of the recommended DSAs, preliminary impact information, an illustration of the proposed typical section, and a summary of the project purpose and need. A brief informational video providing an overview of the project was shown on a continuous loop at each meeting. A handout brochure describing the project, the recommended DSAs, the environmental review process, and the project schedule was distributed. Comment sheets were provided at the meeting.

Over 1,100 comments were received during or following the meetings. The most common concerns and issues raised by meeting attendees included:

- Strong opposition to the Purple-Blue-Lilac Corridor and a desire to see this option dropped from consideration before the DSAs are finalized.
- Opposition to the Lilac Corridor.
- Continued opposition to the Red Corridor.
- Continued support for the Orange Corridor.

## **3.2 PUBLIC OUTREACH METHODS**

NCDOT is using several different methods for communicating project information to the public, soliciting feedback, and responding to comments and questions. These methods are described below:

### **3.2.1 Newsletters**

To date, three project newsletters have been distributed to all property owners in the project study area, a mailing list including over 56,000 individuals. The first newsletter, distributed in March 2010, announced the start of the project study and provided introductory information about the project. The second newsletter, distributed in September 2010, announced the public meetings and included a map of the preliminary new location Corridor Alternatives. The third newsletter was distributed in September 2013 to announce the October 2013 public meetings and to present and solicit input on the recommended DSAs. A fourth newsletter will be distributed in early 2014 to announce the selection of the DSAs. Copies of these newsletters are included in **Appendix E**.

### **3.2.2 Project Website**

The project website (<http://www.ncdot.gov/complete540>) includes project information, documents, maps, newsletters, meeting handouts, press releases, other project materials, and project contact information. Visitors to the website can also submit comments and questions electronically through the website.

### **3.2.3 Project Blog**

The project blog (<http://complete540.blogspot.com>) is an interactive public outreach tool providing another method for involving the public. New postings have been added to the blog approximately twice per month and visitors are able to post comments in response to the postings. Postings are about current study activities, project issues, and common questions about the project. To date, over 5,000 unique visitors have spent time on the project blog.

### 3.2.4 Toll-Free Telephone Hotline/E-mail

A toll-free telephone number (800-554-7849) is available for the public to call with questions, request information, or to provide comments about the project. In addition, the public can e-mail the project team with comments or questions at [complete540@ncdot.gov](mailto:complete540@ncdot.gov). To date, over 1,000 people have called the project hotline and over 4,000 e-mails have been received.

### 3.3 SMALL GROUP MEETINGS

Throughout the study process, the project team has met with local organizations and citizens groups to discuss the project. Several meetings were held during the development of preliminary alternatives in the project study area. Meetings were requested by and held with the following groups:

- Protected Corridor Public Information Workshop (January 27, 2010) – Open to the public; meeting notification sent to all property owners within 500 feet of the project’s protected corridor (between NC 55 Bypass and I-40)
- Upchurch Place Homeowners Association (August 14, 2010)
- Bentwinds Homeowners Association (October 13, 2010)
- Wake Technical Community College engineering staff (October 14, 2010)
- Cary Oil employees (October 14, 2010)
- Bells Pointe and Village of Wynchester Homeowners Associations (November 9, 2010)
- Village at Aversboro Homeowners Association (November 15, 2010)
- Ridgebrook, Ridgebrook Bluffs, and Westbury Homeowners Associations (November 16, 2010)
- Preserve at Long Branch Farm Homeowners Association (November 16, 2010)
- River Ridge Homeowners Association (November 22, 2010)
- Springfield Baptist Church leaders (November 23, 2010)
- Vandora Pines Homeowners Association (December 2, 2010)
- Jamison Park Homeowners Association (December 7, 2010)
- Bingham Station Homeowners Association (December 14, 2010)
- Springfield Baptist Church congregation (December 15, 2010)
- Penske Truck Leasing (January 12, 2011)
- Bridgepoint Construction Services and WRAL (January 14, 2011)
- Good Samaritan Baptist Church (January 24, 2011)
- Bridgepoint Construction Services and WRAL (February 16, 2011)
- McCullers Ruritan Club (July 24, 2012)
- Sunset Oaks Homeowners Association (October 7, 2013)
- Bentwinds Homeowners Association (October 22, 2013)



### 3.4 PETITIONS

Following the Public Informational Meetings in September 2010 and October 2013, several neighborhood groups circulated petitions regarding the project. Petitions have been submitted by the following groups:

- Tyler Farms and Brookstone Homeowners – 86 signatures supporting the Orange Corridor Alternative and opposing the Purple, Blue and Pink Corridor Alternatives.
- Upchurch Place Homeowners – 37 signatures opposing the Blue Corridor Alternative, the project as a toll facility, and the project as a whole.
- Windward Pointe – 107 signatures opposing the Blue Corridor Alternative in the vicinity of Holly Springs.
- The Village at Aversboro – 63 signatures opposing the Red Corridor Alternative.
- Ridgbrook, Ridgebrook Bluffs, and Westbury Homeowners – 121 signatures opposing the Red Corridor Alternative, supporting selection of the Purple-to-Blue Corridor Alternative, and requesting that if the Orange Corridor Alternative is selected, that the intersection at Lake Wheeler Road be located as far south as possible with sound barriers.
- Bells Pointe Homeowners – 24 signatures opposing the Orange Corridor Alternative.
- Springfield North – 30 signatures supporting the Orange Corridor Alternative and opposing the Purple and Blue Corridor Alternative.
- Bentwinds and surrounding neighborhoods – 470 signatures supporting the Orange Corridor Alternative and opposing the Blue and Purple Corridor Alternatives.
- Jamison Park Board Homeowners Association Board of Directors – Signatures of Board members supporting the Blue Corridor Alternative and opposing the Orange Corridor Alternative and the Purple Corridor Alternative.
- Town of Garner – 356 signatures opposing the Red Corridor Alternative.
- Springfield Baptist Church – 1,096 signatures opposing the Red and Pink Corridor Alternatives and the Preliminary Study Alternative that would connect the Orange Corridor Alternative to the Red Corridor Alternative via improvements to a segment of I-40.
- Sunset Oaks – 858 signatures expressing support for the Orange Corridor and opposition to the Purple and Blue Corridors.
- Bentwinds and surrounding neighborhoods – 458 signatures expressing support for the Orange Corridor and opposition to the Purple and Blue Corridors. The petition was also signed by NC Representatives Paul Stam and Nelson Dollar, Wake County Commissioner Phil Matthews, and Fuquay-Varina Mayor John Byrne.
- Brookstone and surrounding neighborhoods – 245 signatures expressing support for the Orange Corridor and opposition to the Purple, Blue, and Lilac Corridors.
- Talicud Trail – 20 signatures expressing support for the Orange Corridor and opposition to the Purple-Blue-Lilac Corridor.
- High Grove – 47 signatures expressing support for the Orange Corridor and opposition to the Purple-Blue-Lilac Corridor.
- Hillington West and Turner Farms – 86 signatures expressing opposition to the Lilac Corridor.
- Upchurch Place – 19 signatures expressing opposition to both the Orange and Blue Corridors, and also to the project as a whole.

## 4 LOCAL GOVERNMENT COORDINATION

### 4.1 CAPITAL AREA MPO MEETINGS

NCDOT provides project updates at monthly meetings of the Capital Area MPO Executive Board and Technical Coordinating Committee (TCC). These committees include representatives of all local governments and other transportation-related groups in the region. Monthly meetings of these committees provide a forum for presenting important project information, answering comments and questions, and engaging local government representatives in the project development process.

NCDOT presented project updates at Executive Board meetings on:

- February 17, 2010
- March 17, 2010
- April 21, 2010
- May 19, 2010
- June 16, 2010
- September 15, 2010
- October 20, 2010
- January 17, 2011
- February 16, 2011
- March 16, 2011

NCDOT presented project updates at TCC meetings on:

- March 18, 2010
- April 1, 2010
- June 3, 2010
- August 5, 2010
- September 2, 2010
- November 4, 2010
- January 6, 2011
- February 3, 2011
- March 3, 2011
- April 7, 2011

CAMPO also established a Complete 540 Working Group to provide a forum for the affected local governments to discuss the project. To date, the working group has held four meetings:

- September 5, 2013
- October 3, 2013
- January 9, 2014
- September 8, 2014

Summaries of these meetings are in **Appendix F**.

## **4.2 SMALL GROUP MEETINGS**

NCDOT has met with local government staff and elected officials during development of preliminary alternatives to solicit input, respond to local concerns, and receive updates on local issues and constraints relative to the project. NCDOT staff attended the following meetings:

- Garner Town Council (September 28, 2010)
- Town of Holly Springs Engineering and Planning staff and Comprehensive Transportation Plan consultant (October 4, 2010)
- Town of Garner Planning staff (October 8, 2010)
- Wake County Planning and Community Services staff (October 11, 2010)
- Durham-Chapel Hill-Carrboro MPO (October 13, 2010)
- Wake County Board of Commissioners (October 18, 2010)
- City of Raleigh Public Utilities and Engineering staff (October 25, 2010)
- Wake County Planning Board (November 3, 2010)
- Holly Springs Engineering staff (November 8, 2010)
- Wake County Historic Preservation Commission (November 16, 2010)
- Town of Garner Meeting (November 17, 2010)
- Garner Town staff (November 23, 2010)
- Garner Town staff (December 3, 2010)
- Clayton Town staff and Johnston County staff (December 14, 2010)
- City of Raleigh staff (January 7, 2011)
- City of Raleigh, Wake County, and CAMPO staff (January 19, 2011)
- Garner Town staff (February 15, 2011)
- Garner Town representatives and stakeholders (February 24, 2011)
- Garner Town Council (August 6, 2012)
- Southern Wake County mayors and managers, CAMPO, and Regional Transportation Alliance (August 7, 2012)
- Wake County Board of Commissioners (August 20, 2012)
- Garner Town staff and stakeholders (August 22, 2012)
- Southern Wake County mayors and managers, CAMPO, and Regional Transportation Alliance (July 7, 2013)
- Wake County Board of Commissioners (August 20, 2013)
- Garner representatives and stakeholders (August 22, 2013)
- Holly Springs Town Council (October 1, 2013)

## **4.3 LOCAL GOVERNMENT RESOLUTIONS AND STAFF COMMENTS**

Following the Public Informational Meetings in September 2010, several local governments passed resolutions regarding Complete 540:

- The Town of Holly Springs passed a resolution supporting construction of the project in the Orange Corridor Alternative (September 21, 2010).
- The Town of Garner passed a resolution supporting construction of the project in the Orange corridor and opposing the Red Corridor Alternative (October 4, 2010).
- The Wake County Board of Commissioners passed a resolution supporting construction of the project in the Orange Corridor Alternative and opposing the Blue, Purple, and Red Corridor Alternatives (October 18, 2010).
- The Town of Fuquay-Varina passed a resolution supporting construction of the project in the Orange Corridor Alternative (October 19, 2010).
- The Town of Knightdale adopted a resolution in support of NCDOT building a new roadway for both phases of the Triangle Expressway Southeast Extension (October 20, 2010).
- The Capital Area MPO passed a resolution supporting the Orange Corridor Alternative and urging that the entire remaining portion of the Outer Loop be built as a single project (October 20, 2010).
- The Capital Area MPO passed a resolution opposing the Red and Tan Corridor Alternatives (March 17, 2011).
- The North Carolina General Assembly passed legislation to prevent construction of the project north of the Orange Corridor Alternative; the legislation was signed into law (March 18, 2011).
- The Capital Area MPO passed a resolution expressing its “unwavering support for construction of the Wake Outer Loop, as quickly as possible, in a location that meets the needs of area citizens and requirements of federal law” (May, 16, 2012).
- The Capital Area MPO passed a resolution requesting that North Carolina Session Law 2011-7 be repealed to allow study of alternative routes for the project in accordance with NEPA and other federal laws and to allow construction of the project as quickly as possible (December 12, 2012). On December 20, 2012, the Capital Area MPO sent a letter to the North Carolina General Assembly echoing this.
- Town of Holly Springs passed a resolution supporting construction of the project in the Orange Corridor Alternative (October 1, 2013).
- The Town of Fuquay-Varina passed a resolution supporting construction of the project in the Orange Corridor Alternative (October 19, 2013).
- The Wake County Board of Commissioners passed a resolution supporting construction of the project in the Orange and Green Corridor Alternatives (October 21, 2013).
- The Town of Garner passed a resolution supporting construction of the project in the Orange Corridor Alternative (October 22, 2013).
- The Capital Area Metropolitan Planning Organization (CAMPO) passed a motion to continue support of the Orange Corridor Alternative (November 20, 2013).

Copies of these resolutions are in **Appendix G**.

Several local governmental and regulatory agencies, local interest groups, and local elected officials have also submitted formal letters regarding Complete 540:

- The Wake County Parks, Recreation & Open Space Department sent a letter (October 6, 2010) raising concerns about Purple, Red, and Blue Corridor Alternatives crossing segments of priority streams along Middle and Swift Creeks. Additionally there was concern expressed specifically about the Blue Corridor Alternative near the planned Southeast Regional Park. Modification of the Blue Corridor Alternative would avoid the acquired land for this park; however, Wake County is in negotiations for an adjacent piece of land to expand the park that could not reasonably be avoided with the Blue Corridor Alternative. They expressed support for the Orange Corridor Alternative.
- The Town of Holly Springs supports the Orange Corridor Alternative and sent comments (October 21, 2010) relative to the various alternative routes under consideration. The Town further supports the use of the Orange Corridor Alternative and not the Blue or Purple Corridor Alternatives at Holly Springs.
- The Garner Chamber of Commerce sent a letter (October 19, 2010) in support of the Orange Corridor Alternative and in opposition to the Red Corridor Alternative. They cited impacts to businesses and residences as the primary reason for their opposition to the Red Corridor Alternative.
- The Town of Garner sent a list of concerns (October 20, 2010) in support of eliminating the Red and Pink Corridor Alternatives. The reasons cited related to parks, recreational facilities, orderly growth, planned industrial development, community cohesion, water quality, access, and neighborhood impacts. The town reiterated in the letter their strong support for the Orange Corridor Alternative.
- The Town of Cary sent a letter (October 20, 2010) in support of designating the project as a bypass for the US 64 corridor and provided comments about the project's purpose and need statement.
- The YMCA of Garner and the YMCA of the Triangle sent a letter (October 22, 2010) opposing the Red Corridor Alternative due to potential impacts on a planned YMCA site on Aversboro Road.
- The North Carolina General Assembly's Garner delegation, including two State Representatives and two State Senators, sent a letter (November 30, 2010) asking NCDOT to eliminate the Red and Pink Corridor Alternatives from further consideration, citing potential impacts to Garner neighborhoods, the local tax base, and parks and other community facilities.
- The Wake County Board of Commissioners sent a letter (December 8, 2010) requesting elimination of the Tan Corridor Alternative.
- The Mayor of Raleigh sent a letter (January 11, 2011) stating opposition to the Tan Corridor Alternative and requesting that NCDOT work to develop other alternatives in the Phase II project area.
- USACE sent a letter (January 26, 2011) indicating its opposition to eliminating the Red Corridor Alternative.
- The Johnston County Board of Commissioners sent a letter (February 8, 2011) stating its opposition to the Tan Corridor Alternative and requesting its elimination.
- USFWS sent a letter (February 17, 2011) regarding the Dwarf Wedgemussel studies and data needs.
- USACE sent a letter (March 23, 2011) requesting more information regarding the Red and Pink Corridor Alternatives.
- The Town of Garner sent a letter (October 6, 2011) expressing continued opposition to study, consideration, or construction of the Red Corridor Alternative.

- USACE sent a letter (February 17, 2012) affirming its position that the project’s Environmental Impact Statement should “rigorously explore and objectively evaluate” the Red Corridor Alternative.
- The Town of Garner sent a letter (March 7, 2012) stressing its concerns about detrimental community impacts that could arise with continued “construction and/or study” of the Red Corridor Alternative.
- The Wake County Board of Commissioners sent a letter (August 29, 2012) reaffirming the County’s support of the Orange and Green Corridor Alternatives and requesting that the study be completed as quickly as possible.
- FHWA and USACE sent a letter (December 7, 2012) indicating that the Red Corridor Alternative should be studied in detail in the Draft Environmental Impact Statement.
- NC Representative Paul Stam submitted a letter (October 23, 2013) requesting that NCDOT complete studies on the Purple Corridor Alternative as quickly as possible and expressing support for the Orange Corridor Alternative.
- NC Representative Darren Jackson submitted a letter (November 12, 2013) suggesting that the Orange Corridor Alternative is the best option for the project west of I-40 and that potential impacts east of I-40 on the Sherriff’s training center and the wastewater treatment spray fields should carry more weight than potential impacts to the Randleigh Farm property. The letter also suggested that NCDOT complete necessary work as soon as possible in order to eliminate the Red Corridor Alternative.
- NC Senator Tamara Barringer and Representative Nelson Dollar submitted a letter (November 12, 2013) expressing support for the Orange Corridor Alternative and opposition to the Red, Blue, Purple, and Lilac Corridor Alternatives.
- The Town of Holly Springs submitted a letter (November 12, 2013) detailing the reasons why the Town supports the Orange Corridor Alternative and opposes the Purple Corridor Alternative.
- The Wake County Planning, Development and Inspections Division submitted a letter (November 12, 2013) expressing support for the Orange Corridor west of I-40 and the Green Corridor east of I-40, citing the importance of these routes in supporting the Wake County Land Use Plan.
- The Wake County Division of Parks, Recreation and Open Space submitted a letter (November 12, 2013) expressing support for the Orange Corridor Alternative west of I-40 and the Green Corridor Alternative east of I-40, citing impacts to Wake County priority stream corridors, the planned Southeast County Park, and a Natural Heritage site along Middle Creek as concerns about the Purple, Blue, and Red Corridor Alternatives.

Copies of these letters are in **Appendix H**.

#### **4.4 STATE LEGISLATION**

North Carolina House Bill 225 and Senate Bill 165, which both passed the State General Assembly, prevent implementation of the Complete 540 – Triangle Expressway Southeast Extension north of the Orange Corridor Alternative. Governor Beverly Perdue signed the bill into law as North Carolina Session Law (NCSL) 2011-7 on March 18, 2011. A copy of the legislation is in **Appendix G**.

As indicated in Section 6.3.3, the Capital Area MPO passed a resolution on December 12, 2012, requesting that NCSL 2011-7 be repealed to allow study of alternative routes for the project in

accordance with NEPA and other federal laws and to allow construction of the project as quickly as possible. The Capital Area MPO sent a copy of the resolution to the North Carolina General Assembly to encourage repeal of the law. On January 23, 2013, the Town of Garner sent a letter to the Wake County delegation of the General Assembly affirming its opposition to the repeal of the law. A copy of this letter is in **Appendix G**.

During its 2013 session, the North Carolina General Assembly passed two bills removing the alignment restrictions previously imposed on the project by NCSL 2011-7. Governor Pat McCrory signed House Bill 10 into law as NCSL 2013-94 on June 12, 2013, and signed House Bill 817 into law as NCSL 2013-183 on June 26, 2013. By removing the restrictions imposed by NCSL 2011-7, this legislation allowed NCDOT to fully resume the project's environmental study. Copies of this legislation are in **Appendix G**.

## 5 REFERENCES

Capital Area Metropolitan Planning Organization. 2008. 2009-2015 *Metropolitan Transportation Improvement Program*.

Capital Area Metropolitan Planning Organization and Durham-Chapel Hill-Carrboro Metropolitan Planning Organization. 2009. *2035 Long Range Transportation Plans*.

Federal Highway Administration. 1987. FHWA Technical Advisory T 6640.8A, *Guidance for Preparing and Processing Environmental and Section 4(f) Documents*.



H.W. Lochner. 2014. Complete 540 – Triangle Expressway Southeast Extension Alternatives Development and Analysis Report. North Carolina Department of Transportation. 2008. *Strategic Highway Corridors Vision Plan*.

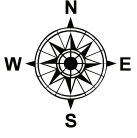
H.W. Lochner. 2011. Triangle Expressway Southeast Extension Purpose and Need Statement.

North Carolina Department of Transportation. 2009. *2009-2015 State Transportation Improvement Program*.

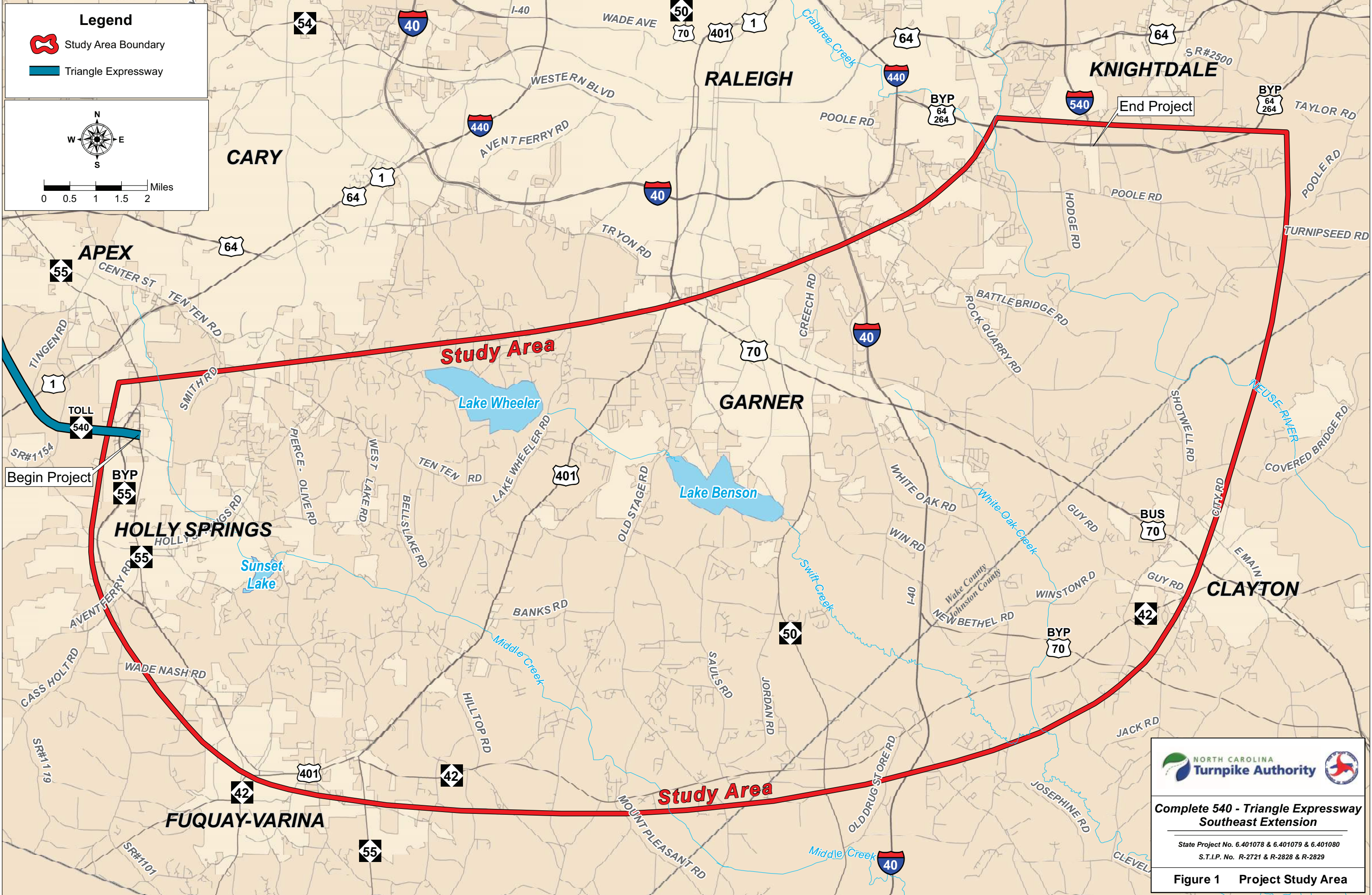


**Legend**

-  Study Area Boundary
-  Triangle Expressway



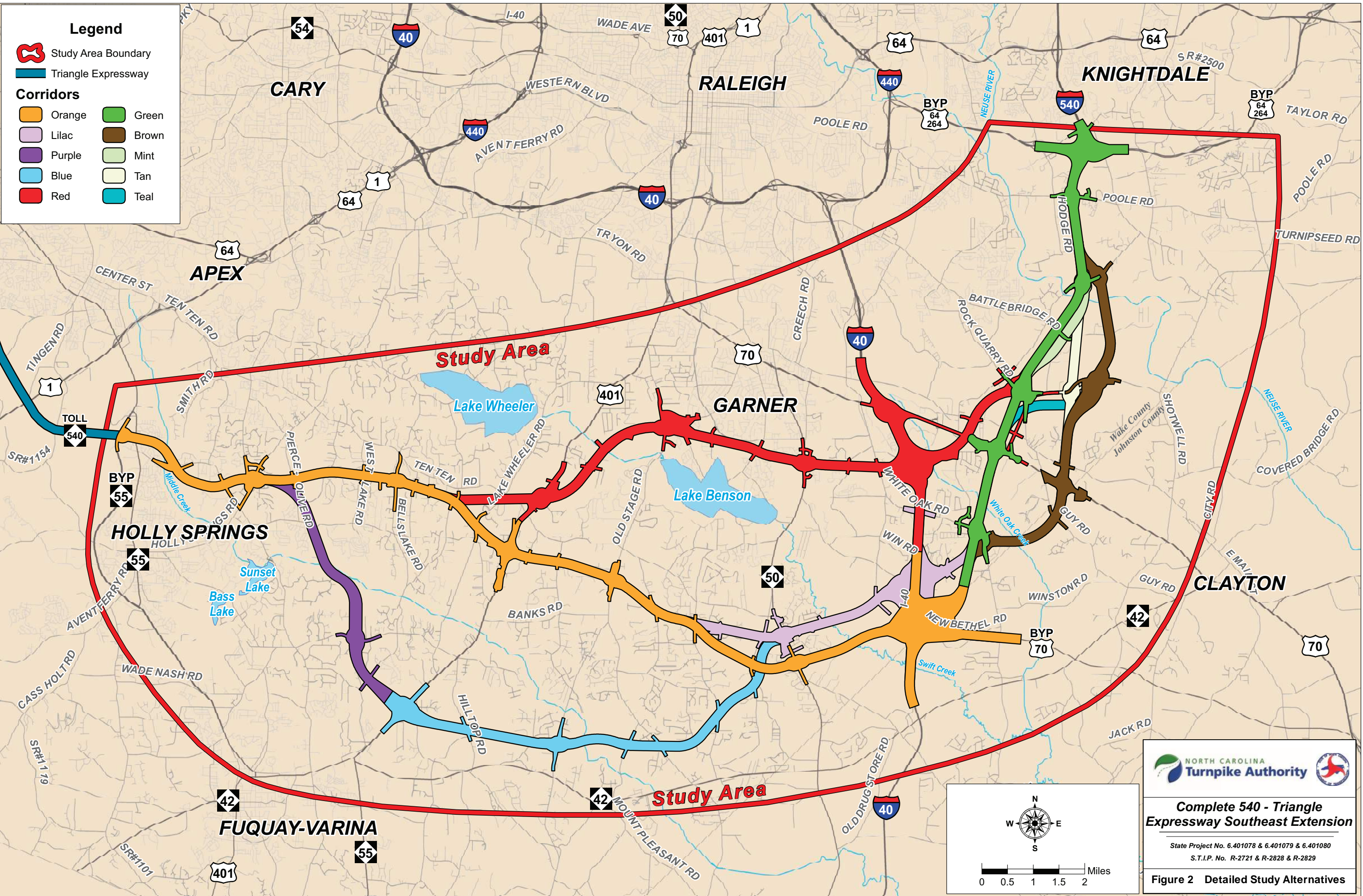
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**Complete 540 - Triangle Expressway Southeast Extension**

State Project No. 6.401078 & 6.401079 & 6.401080  
S.T.I.P. No. R-2721 & R-2828 & R-2829

**Figure 1 Project Study Area**



**Legend**

- Study Area Boundary
- Triangle Expressway

**Corridors**

Orange	Green
Lilac	Brown
Purple	Mint
Blue	Tan
Red	Teal

**NORTH CAROLINA Turnpike Authority**

**Complete 540 - Triangle Expressway Southeast Extension**

State Project No. 6.401078 & 6.401079 & 6.401080  
 S.T.I.P. No. R-2721 & R-2828 & R-2829

**Figure 2 Detailed Study Alternatives**

North arrow and scale bar (0 to 2 Miles).

# APPENDICES

**APPENDIX A**  
**Section 6002 Coordination Plan**  
**(Including Notice of Intent)**

**Final Section 6002 Coordination Plan  
for the Triangle Expressway Southeast Extension Project  
(STIP Projects R-2721, R-2828, & R-2829)**

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**COORDINATION PLAN**

1. Purpose of Plan.

1.1. Section 6002 Compliance. This plan is intended to satisfy the requirement for a Coordination Plan under Section 6002 of SAFETEA-LU (23 U.S.C § 139) for the Triangle Expressway Southeast Extension, also known as the Southern and Eastern Wake Expressway, project (North Carolina Department of Transportation [NCDOT] State Transportation Improvement Program [STIP] Projects R-2721, R-2828, and R-2829).

1.2. Integration of NEPA and Section 404 Requirements. The process established in this plan is intended to ensure that the requirements of the National Environmental Policy Act (NEPA) of 1969, as amended, and Section 404 of the Clean Water Act can be satisfied as part of a single process. Specifically, this plan is intended ensure that, to the maximum extent practicable,

- there is regular communication and collaborative discussion among all agencies that have information, experience, and/or expertise relevant to issues considered in Section 404 permitting;
- the North Carolina Department of Environment and Natural Resources (NCDENR) can issue Section 401, Riparian Buffer Authorizations, Isolated Wetland Permits, and State Stormwater Permits based on information developed as part of the NEPA process; and
- the US Army Corps of Engineers (USACE) can issue a Section 404 permit for the project promptly following the end of the NEPA process, without the need for supplemental NEPA studies,
- so that any other required permits or approvals can be obtained without unexpected issues or delays.

1.3. Agency Communication. This plan establishes a framework for regular communication among all of the agencies involved in the environmental review process. This communication will include regular agency coordination meetings. These meetings will provide a forum for open discussion and dialogue among agencies. Meetings with one or more individual agencies also may occur as part of this process. When possible, all Participating Agencies will be informed of a smaller meeting to ensure all appropriate parties are included and will be updated after the meeting.

## 2. Project Initiation

- 2.1. Project Initiation Notice. The environmental review process for a project is initiated when the North Carolina Turnpike Authority (NCTA) submits a project initiation notice to the Federal Highway Administration (FHWA). This notice was provided in the form of a letter from NCTA to FHWA on November 20, 2009. A draft Notice of Intent was included with this notice.
- 2.2. Notice of Intent. A Notice of Intent to prepare an Environmental Impact Statement (EIS) for this project was published in the Federal Register on November 30, 2009. The project initiation notice and the Notice of Intent are attached as Exhibit 1.

## 3. Project Schedule

- 3.1. Schedule. The NCTA will prepare a project schedule showing projected dates for completing all environmental studies and permitting. A draft schedule for the Southern and Eastern Wake Expressway project is shown in Table 1.

**Table 1: Draft Project Schedule**

Notice of Intent	November 2009
Identify Detailed Study Alternatives	Q1 2011
DEIS	Q1 2012
Identify Preferred Alternative	Q2 2012
FEIS	Q1 2013
ROD	Q4 2013
Permit Application(s)	Q1 2014*
Let Contract/Begin Construction	Q2 2014*

\*Contingent upon funding.

- 3.2. Agency Consultation. The schedule will be shared with the agencies and discussed at a Turnpike Environmental Agency Coordination (TEAC) meeting. Agency comments will be considered and the schedule may be revised as appropriate.
  - 3.3. Updating Schedules. The project schedule may be revised from time to time by the lead agencies during the environmental review process. Schedule changes will be communicated to all Participating and Cooperating Agencies and the public. Under the statute, the schedule may be extended by the lead agencies for good cause, and may be shortened only with the consent of Cooperating Agencies.
- ## 4. Agency Roles
- 4.1. Lead Federal Agency. FHWA will be the lead Federal agency. As lead Federal agency in the Section 6002 process, FHWA is responsible for making certain decisions as

specified in Section 6002. In addition, FHWA has an overall responsibility for facilitating the expeditious completion of the environmental review process.

- 4.2. Lead State Agency. NCTA, a division of the NCDOT, will be the Lead State Agency, and thus will share with FHWA the responsibilities of the “Lead Agency” under the process defined in Section 6002.
- 4.3. Participating Agencies. NCTA will issue letters inviting Federal and non-Federal agencies to serve as Participating Agencies for each project developed under this plan. Participating Agencies include any Federal, State, or local agencies that may have an interest in the project.
  - 4.3.1. Invitation List. Invitations were sent to Federal and non-Federal agencies that, in the judgment of FHWA and NCTA, may have an interest in the project. Table 2 lists agencies identified as having an interest in the Southern and Eastern Wake Expressway project. With the exception of the NC Department of Environment and Natural Resources (NCDENR), Division of Marine Fisheries, all agencies have agreed to serve as participating agencies for this project. Instead, NCDENR, Division of Marine Fisheries indicated that it will defer to NCDENR, Division of Water Quality. Invitation letters and agency responses thereto are included as Exhibit 2 to this Plan.

**Table 2: Agency Roles**

	Cooperating Agency	Participating Agency
US Army Corps of Engineers	✓	✓
US Environmental Protection Agency		✓
US Fish and Wildlife Service		✓
NC Department of Cultural Resources – Historic Preservation Office		✓
NC Department of Environment & Natural Resources		✓
Division of Marine Fisheries		✓
Division of Water Quality		✓
Wildlife Resources Commission		✓
Capital Area Metropolitan Planning Organization		✓

- 4.3.2. Deadline. Invitation letters specify a 30-day deadline for agencies to respond to the invitation.
- 4.3.3. Federal Invitees. A Federal agency that is invited to be a Participating Agency will be presumed to have accepted the invitation, unless the agency informs NCTA or FHWA in writing, by the deadline, that it: “(A) has no jurisdiction or

authority with respect to the project; (B) has no expertise or information relevant to the project; and (C) does not intend to submit comments on the project.”

- 4.3.4. Non-Federal Invitees. Non-Federal agencies are not required to accept designation; they become Participating Agencies only if they affirmatively accept the invitation. If a non-Federal agency declines or does not respond to the invitation, the agency will not be considered a Participating Agency.
  - 4.3.5. No Implied Support. Designation as a Participating Agency shall not imply that the Participating Agency supports a proposed project; or has any jurisdiction over, or special expertise with respect to evaluation of, the project.
  - 4.3.6. No Effect on Other Laws. Nothing in Section 6002, or in this Coordination Plan, preempts or interferes with any power, jurisdiction, responsibility, or authority that a Federal, State, or local government agency, metropolitan planning organization, Indian tribe, or project sponsor has with respect to carrying out a project or any other provisions of law applicable to projects, plans, or programs.
- 4.4. Cooperating Agencies. A Participating Agency also may be designated as a Cooperating Agency. The responsibilities of a “Cooperating Agency” are defined in the CEQ regulations and are unchanged by SAFETEA-LU. In general, designation as a Cooperating Agency signifies a somewhat higher level of involvement and responsibility in the environmental review process. Federal, State, or local government agencies can be designated as Cooperating Agencies. As shown in Table 2, the USACE was invited to become a Cooperating Agency for this project. It is recognized that due to other program commitments, Cooperating Agencies will not be responsible for funding or writing portions of the NEPA document.
- 4.5. Local Government Coordination. The Capital Area Metropolitan Planning Organization (CAMPO) will serve as the official local representative for the project. CAMPO staff will be provided the same opportunities for input as other Participating Agencies. Local municipalities will be kept apprised of project developments through their involvement with CAMPO. The following municipalities are represented by CAMPO: City of Raleigh, City of Creedmoor, Town of Angier, Town of Apex, Town of Butner, Town of Cary, Town of Clayton, Town of Franklinton, Town of Fuquay-Varina, Town of Garner, Town of Holly Springs, Town of Knightdale, Town of Morrisville, Town of Rolesville, Town of Wake Forest, Town of Wendell, Town of Youngsville, Town of Zebulon, Wake County, and portions of Franklin, Granville, Harnett, and Johnston Counties.
- 4.5.1. CAMPO Technical Coordinating Committee (TCC). A NCTA staff member will represent NCTA at CAMPO Technical Coordinating Committee (TCC) meetings.
  - 4.5.2. Meeting Summaries. Summaries of monthly TEAC meetings will be provided to CAMPO members.



## 5. Turnpike-Environmental Agency Coordination (TEAC) Meetings

- 5.1. TEAC Meetings. The principal method for agency coordination on NCTA projects will be TEAC meetings, which will be hosted by NCTA. These meetings will be used as a forum for discussing all NCTA projects, including those being studied under other procedures as well as those being studied under Section 6002. All TEAC meetings will be held at the NCTA office in Raleigh, unless otherwise specified in the meeting invitation.
- 5.2. Meeting Dates. The schedule for the TEAC meetings will be determined by FHWA and NCTA after consultation with NCDOT and the Participating Agencies. This schedule will be established, to the extent possible, for 12-month periods. The schedule will be coordinated with NCDOT interagency meetings to avoid or minimize conflicts and minimize travel. Changes to the schedule will be provided to the Participating Agencies as far in advance as possible. Each year, once available, a new schedule will be distributed.
- 5.3. Meeting Agenda and Objectives. The agenda for each TEAC meeting will be circulated via e-mail to all Participating Agencies. The agenda will identify (a) any specific issues that NCTA would like to resolve at the meeting and (b) any specific issues on which NCTA is seeking comments from the Participating Agencies at the meeting.
- 5.4. Meeting Materials. NCTA will post the agenda and materials for each TEAC meeting on a secure web site accessible to all Participating Agencies. Guidelines for circulating meeting materials are provided below.
  - 5.4.1. Secure Web Site. Meeting materials will be made available to Participating Agencies via NCTA's Constructware Site (<http://ncturnpike.constructware.com>).
  - 5.4.2. Timing of Circulation. To the greatest extent possible, NCTA will post the agenda and materials at least two weeks in advance of the meeting. In some cases, materials will be provided less than two weeks in advance, or will be circulated in the TEAC meeting itself. NCTA will not seek to resolve issues or obtain Participating Agency comments on materials that the Participating Agencies received less than two weeks in advance of the meeting.
  - 5.4.3. Availability of Paper Copies. In addition to posting documents on the TEAC web site, NCTA will make paper copies of meeting materials available to all attendees at each meeting.
  - 5.4.4. Large Documents. Documents that would be difficult or time-consuming for agencies to reproduce (e.g., large maps, lengthy bound documents with color, fold-out pages, etc.) will be made available to Participating Agencies in hard-copy format at a meeting (or by mail two weeks or more in advance) for discussion at a subsequent meeting. NCTA will consult with the Participating Agencies to determine when this type of distribution is appropriate.

- 5.5. Meeting Summaries. After each meeting, the NCTA will prepare a meeting summary. The summary will list the attendees, topics discussed, unresolved issues, and action items. The meeting summary will be posted in draft form to the TEAC web site for review and comment two weeks in advance of the next meeting. Meetings may be recorded on audiotape; the recording may be used in preparing the meeting summaries. The meeting summaries will be included in the administrative record.
- 5.6. Attendees. Participating Agencies (including Cooperating Agencies) will designate primary contacts for each NCTA project. These primary contacts will regularly attend TEAC meetings. Attendance may vary from month to month depending on the issues being discussed. Primary contacts for the Southern and Eastern Wake Expressway project are listed in Table 3.

**Table 3: Primary Agency Contacts**

US Army Corps of Engineers	Eric Alsmeyer
US Environmental Protection Agency	Chris Militscher
US Fish and Wildlife Service	Gary Jordan
NC Department of Cultural Resources – Historic Preservation Office	Peter Sandbeck
NC Department of Environment & Natural Resources	--
Division of Marine Fisheries	Kevin Hart
Division of Water Quality	Brian Wrenn
Wildlife Resources Commission	Travis Wilson
Capital Area Metropolitan Planning Organization	Chris Lukasina

## 6. Identification and Resolution of Project Issues

- 6.1. Constraint Mapping and Environmental Data. As early as practicable in project development, NCTA will provide FHWA and the Participating Agencies with mapping that shows key environmental resources, communities, topographic conditions, and other constraints in the project area. This mapping also will identify potential conceptual alternatives for the project, to the extent possible. (An “alternative” at this stage will generally be defined as a corridor.) The mapping may be accompanied by other supporting materials. This mapping may be presented to the Participating Agencies over a series of TEAC meetings and/or field meetings.
- 6.2. Field Visits and Agency Meetings. One or more field visits may be held with Participating Agencies to discuss constraints and obtain early input into development of alternatives. Attendees in field visits may be a sub-set of the Participating Agencies, depending on the issues to be discussed on the field visit; however, all Participating Agencies will be informed of upcoming meetings to determine interest in attending. The results of the field visit(s) will be discussed at a TEAC meeting, which will provide another opportunity for agency input.

- 6.3. General Project Issues. Throughout the process, Participating Agencies will be invited to identify issues that need to be considered by the Lead Agencies in preparing the environmental documentation and making project decisions, including issues that relate to the agencies' ability to approve (or comment favorably on the approval of) any necessary permits for the project. These issues will be referred to as "general project issues."
- 6.4. Issues of Concern. At any time in the process, a Participating Agency may identify an "issue of concern" as defined in SAFETEA-LU, which is an issue that in the agency's judgment could result in denial of a permit or substantial delay in issuing a permit.
- 6.4.1. Format. Participating agencies will be strongly encouraged to submit any "issues of concern" in writing to FHWA and NCTA on agency letterhead. Issues of concern submitted in other formats (e.g., e-mail) will also be considered.
- 6.4.2. Timing. Participating Agencies are required by statute to identify any issues of concern "as early as practicable" in the environmental review process, but this determination is based on information provided by the lead agencies. In some cases, it may not be practicable to identify an issue of concern until late in the process. The statute does not set a specific deadline for raising these issues.
- 6.4.3. Request for Comment. At any point in the process, NCTA may ask the Participating Agencies to state in writing whether there are any issues of concern. If such a request is made, NCTA will consult with the Participating Agencies before setting a deadline for a response. If agreed by the Lead and Participating Agencies, a deadline longer than 30 days could be established.
- 6.5. Monitoring and Updating. NCTA will maintain a record of both "general project issues" and "issues of concern" (if any) identified by the Participating Agencies. Separate meetings may be scheduled to resolve general project issues and/or any issues of concern. Additional issues may be added to the record based on new information or changed circumstances at any point in project development. This record will be posted to the TEAC web site.
- 6.6. Resolving General Project Issues. General project issues that are not resolved among the regular participants in the TEAC meetings can be elevated for consideration by the more senior officials within the relevant agencies. Any agency – Lead or Participating – can invoke the elevation process. The process is intended to be flexible, with specific procedures determined on a case-by-case basis depending on the nature of the issue. In general, the elevation process will involve the following steps:
- A Participating Agency requests elevation on an issue within the jurisdiction of that agency. This request can be made in a TEAC meeting or in a letter or e-mail to the other Participating Agencies and/or Lead Agencies.
  - The request for elevation is placed on the agenda for discussion at a subsequent TEAC meeting.

- If the issue is not resolved at that subsequent TEAC meeting, the issue is elevated to more senior officials within the agencies.
- Each Participating Agency is responsible for identifying the more senior official(s) within his or her agency who will be directly involved in the elevation.
- The Participating Agencies will work together to plan the logistics and timing of the elevation process, including any briefing materials or other documents that need to be prepared prior to a resolution of the issue.

6.7. Resolving Issues of Concern. Under the statute, NCTA or the Governor may request a meeting at any time to resolve issues of concern. If such a meeting is requested, FHWA will convene a meeting in accordance with SAFETEA-LU to resolve the specified issues of concern. If an issue of concern is not resolved within 30 days after such a meeting, a report must be submitted to Congress and to the heads of certain agencies, as provided in SAFETEA-LU. If such a meeting is not requested, FHWA and NCTA will seek to address and resolve the agencies' issues of concern as part of normal agency coordination during the environmental review process, and will resolve the issue before proceeding with subsequent studies. NCTA anticipates that this process will be invoked rarely.

## 7. Development of Purpose and Need

7.1. Preliminary Purpose and Need Statement with Supporting Information. Early in project development, NCTA will prepare a brief preliminary statement of purpose and need – generally no more than one page in length. The preliminary statement of purpose and need will be distributed to the agencies. This preliminary statement will be accompanied by supporting information to the extent that it is available. This information may include:

- GIS map of study area (with study area identified)
- Summary of local concerns that resulted in project addition to the local transportation plan(s)
- Traffic data related to project needs
- Justification for designation as NCTA project (based on funding needs, etc.)
- Description of how the action will address the need.

7.2. Discussion at TEAC Meeting. The preliminary purpose and need will be discussed with the Participating Agencies at a TEAC meeting. This will provide an early opportunity for agency input into the purpose and need statement for the project. In accordance with Section 6002, the comment period will be 30 days (unless otherwise agreed).

7.3. Determination of Purpose and Need Statement. The purpose and need statement will be refined, as appropriate, based on input from the Participating Agencies and the public. Refinement of the purpose and need statement may be a gradual, iterative process that occurs during the alternatives development and screening process. This process will include an opportunity for agencies and the public to comment on the purpose and need

statement as part of their review of the alternatives screening report. (See Part 8.4 and 8.5 below.) The purpose and need statement will be determined by the time of selection of detailed study alternatives.

## 8. Development and Screening of Alternatives

- 8.1. Conceptual Alternatives. An initial set of conceptual alternatives will be developed as early as practicable in the process. The conceptual alternatives may be developed concurrently with the preliminary purpose and need statement. These alternatives will be provided to the agencies along with the environmental constraint mapping that provides the basis for identifying issues of concern. (See Part 6.1 above.)
- 8.2. Alternatives Development. Through agency coordination and public involvement, NCTA will develop a range of preliminary alternatives for consideration. This range may extend beyond the initial set of conceptual alternatives. This effort is intended to be comprehensive and inclusive. NCTA will maintain a summary of all alternatives suggested by Participating Agencies and the public.
- 8.3. Alternatives Screening Report. The NCTA will prepare an alternatives screening report that presents the development of alternatives, the justification for eliminating alternatives from further consideration, and identifies alternatives proposed for detailed study. The alternatives screening report will be provided to the Participating Agencies and discussed in a TEAC meeting.
- 8.4. Opportunity for Public Input. A summary of the purpose and need and alternatives screening report will be made available for public review and comment. A public meeting (or meetings) may be held in the project area during the public comment period on this report. This comment period will serve as the public's opportunity for involvement in both developing the purpose and need and determining the range of alternatives to be considered in the EIS. A summary of public input will be provided to Participating Agencies. Agencies will be given notice of the public meeting and will be welcome to attend.
- 8.5. Opportunity for Agency Input. Participating Agencies will be given a 30-day period to provide additional comments on the alternatives screening report following distribution of the report summarizing public comments. Participating Agencies will not be asked to concur on the alternatives screening report. Participating Agencies will be asked to submit any significant objections to the alternatives screening report in writing to FHWA and NCTA on agency letterhead.
- 8.6. Lead Agency Decision. The Lead Agencies identify the detailed study alternatives based on the comments received from Participating Agencies and the public. In general, the NCTA and FHWA will seek to resolve any issues or concerns regarding the range of detailed study alternatives at this stage of the process. Any issues that are not resolved at this stage will need to be resolved prior to issuance of a Section 404 permit by the USACE. It is incumbent on all Participating Agencies to raise issues, concerns, or comments in a timely manner and to also provide suggestions for resolution.

## 9. Methodologies and Level of Detail for Alternatives Analysis

- 9.1. Proposed Methodologies. Early in project development, NCTA will prepare materials outlining proposed methodologies for analyzing alternatives. The materials will summarize the methodologies intended to be used for each substantive area within the EIS – noise, air, water resources, traffic issues, secondary and cumulative impacts, etc. Standard procedures will simply be referenced, where applicable. Any modifications to standard procedures will be identified and discussed in more depth.
- 9.2. Opportunity for Agency Input. The proposed methodologies that vary from standard procedures will be developed in consultation with agencies having relevant information, experience, or expertise. For example, the USACE and NCDENR and other Participating Agencies as appropriate will be consulted in developing the methodology for analyzing impacts to aquatic resources; the HPO will be consulted in developing methodologies for analyzing impacts to historic sites (including both architectural and archeological resources).
- 9.3. Ongoing Coordination. Methodologies for alternatives analysis may be refined throughout the environmental review process. The Lead Agencies will discuss adjustments, as appropriate, with Participating Agencies at TEAC meetings.
- 9.4. Level of Detail. The Lead Agencies, in consultation with the Participating Agencies, will determine the appropriate level of design detail for preliminary alternatives, for the detailed study alternatives, and for the preferred alternative.
- 9.4.1. Preliminary Alternatives. The level of design for the detailed study alternatives will be determined in consultation with the Participating Agencies. There is no presumption that any specific level of design is needed; this issue will be determined based on the information needed to allow informed decision-making.
- 9.4.2. Detailed Study Alternatives. In general, functional design will be used as the basis for comparing the impacts of the alternatives in the Draft EIS (known as the Detailed Study Alternatives) and will be used for developing the cost estimates presented in the Draft EIS. A higher level of design detail may be developed for Detailed Study Alternatives in some cases; this issue will be discussed with Participating Agencies in accordance with Sections 9.1, 9.2, and 9.3.
- 9.4.3. Bridging Decisions. The Lead Agencies, in consultation with USACE and NCDENR (and, if appropriate, other Participating Agencies) will determine bridge locations and approximate lengths for each of the detailed study alternatives. These issues also will be discussed in TEAC meetings with all Participating Agencies.
- 9.4.4. Preferred Alternative. The Preferred Alternative may be developed to a higher level of detail in the Final EIS, in accordance with procedures specified in FHWA/FTA guidance for the Section 6002 process. If phased construction is anticipated, the higher level of design detail may be developed for a portion of the Preferred Alternative. As allowed under Section 6002, the higher level of design

detail may be prepared for the purpose of developing mitigation measures and/or for complying with permitting requirements (e.g., Section 404 permitting).

9.5. Lead Agency Decision. If there are disagreements about methodology, or about the appropriate level of design detail, FHWA and NCTA will seek to resolve those disagreements with the agencies having the concern and those with relevant expertise – for example, the HPO on historic resource issues. After consultation, the Lead Agencies will determine the methodology to be used in the NEPA document. The basis for that decision will be documented in the project file and provided to the Participating Agencies.

## 10. Selection of Preferred Alternative/LEDPA

10.1. Recommended Alternative. The NCTA may choose to identify a Recommended Alternative in the Draft EIS. The Recommended Alternative is only a recommendation and is not a final decision.

10.2. Timing for Identifying Preferred Alternative. The following actions will be completed before NCTA selects a Preferred Alternative:

- the Draft EIS has been issued and submitted to the State Clearinghouse;
- a Section 404 Public Notice Request has been submitted to USACE, and the Public Notice has been issued by the USACE;
- a public hearing on the Draft EIS has been held, and the comment period on the Draft EIS has ended.

10.3. Process for Identifying Preferred Alternative. The process for identifying a preferred alternative will include:

- the NCTA will prepare an information package containing an impacts comparison matrix, responses to substantive comments on the Draft EIS that relate to selection of the Preferred Alternative, and other pertinent information;
- the NCTA will provide the information package to the Participating Agencies at least two weeks prior to the TEAC meeting at which the package will be discussed;
- the Participating Agencies will be given a 30-day period following the TEAC meeting to provide comments on the information package, and there will be a discussion of the alternatives comparison package at a TEAC meeting; and
- if requested by the Participating Agencies, the NCTA will arrange for a field review of the alternatives.

10.4. Opportunity for Agency Input. The NCTA will provide FHWA and all Participating Agencies with a copy of the preferred alternative information package. The report will be discussed at a TEAC meeting. Agencies will be provided with a 30-day period to

comment on the report after the meeting (in addition to the comment opportunities provided under Section 10.1 above). Agencies will not be asked to concur on the Preferred Alternative. Agencies will be asked to submit any significant objections in writing to FHWA and NCTA on agency letterhead.

10.5. Lead Agency Decision. The NCTA and FHWA will formally identify the Preferred Alternative after considering all comments received from Participating Agencies, including both written comments and comments provided on the Draft EIS and in TEAC meetings.

## 11. Avoidance, Minimization, Mitigation, and Enhancement

11.1. Integration into Project Development. Opportunities to avoid, minimize, and mitigate impacts, and to enhance the impacted resources, will be considered throughout the process, including during initial development of alternatives. As allowed under Section 6002, the Preferred Alternative may be developed to a higher level of detail for purposes of developing mitigation measures and meeting permitting requirements.

11.2. Required Compensatory Mitigation. The Lead Agencies will consult with USACE and NCDENR (and other Participating Agencies as appropriate) to determine the type, size, and location of required compensatory mitigation for impacts to waters of the United States.

11.2.1. On-Site Mitigation. The potential for on-site mitigation for impacts to waters of the United States will be considered in the Draft EIS for the detailed study alternatives. This discussion will typically include a discussion of conceptual on-site mitigation locations. The potential for on-site mitigation will be discussed in more detail in the Final EIS.

11.2.2. Off-Site/Ecosystem Enhancement Program (EEP). The NCTA will coordinate with the Ecosystem Enhancement Program (EEP) during project development and design regarding the use of credits from the EEP's off-site mitigation sites to meet mitigation requirements for impacts to waters of the United States. The EEP also may carry out on-site mitigation on behalf of NCTA.

## 12. Section 404/401 Permitting and Other Permits/Approvals

12.1. Early Coordination. NCTA will conduct early coordination with the Participating Agencies to identify applicable permitting requirements and to determine the analysis and documentation required to satisfy those requirements. See Parts 6 and 9 above. Permits that may be applicable to this project include:

- Section 404/401 Permits
- Successful completion of Section 7 consultation
- Successful completion of Section 106 process (and Section 4(f), if applicable)



- 12.2. Comment Opportunities. The environmental review process includes multiple opportunities for comment by Participating Agencies, as described below:
- 12.2.1. Participating Agencies may submit comments at the TEAC meetings and in other meetings or field visits held during the environmental review process. NCTA will prepare meeting summaries for all substantive meetings with Participating Agencies. The meeting summaries will document comments provided by Participating Agencies.
  - 12.2.2. Participating Agencies also will be invited to provide written comments at various points in the process as noted above. Agencies are encouraged to provide their written comments on agency letterhead; in particular, agencies are strongly encouraged to use letterhead when identifying issues of concern. However, all written comments submitted by agencies, including comments submitted by email, will be accepted and considered in decision-making.
  - 12.2.3. If a Participating Agency raises an issue of concern, the Lead Agencies will confer with that agency, and with other agencies as appropriate, to address those issues.
  - 12.2.4. Meeting summaries and written agency comments (regardless of format) be considered by the Lead Agencies in decision-making and will be included in the project files.
- 12.3. Jurisdictional Delineations. The NCTA will prepare the necessary documentation to obtain preliminary jurisdictional verification by the USACE (and, as appropriate, NCDENR) for all delineated wetlands and streams within a corridor along each of the detailed study alternatives (unless otherwise determined as part of the discussion of methodologies in accordance with Section 9 of this plan). These delineations will be used as the basis for comparing wetlands and stream impacts in the Draft EIS. The width of the corridor within which jurisdictional delineations are made will be determined through coordination with the Participating Agencies. Jurisdictional determination on Detailed Study Alternatives will be performed as preliminary, and once the Preferred Alternative is determined, the final jurisdictional determination will be conducted. NCTA will prepare the necessary documentation to obtain final jurisdictional verification (i.e., Rapanos jurisdictional determination forms) for the Preferred Alternative.
- 12.4. Pre-Application Consultation. The NCTA will engage in pre-application consultation, as appropriate, with each agency that is responsible for making a permit decision on the project.
- 12.5. Request for Public Notice. The NCTA will submit the Section 404 permit application to the USACE at the time the Draft EIS is issued. This application will typically be submitted prior to identification of a Preferred Alternative; therefore, it typically will not identify the specific alternative for which the permit is being requested. This submittal will enable the USACE to issue a public notice and to use the FHWA/NCTA

public hearing on the Draft EIS as the USACE's public hearing on the Section 404 application.

- 12.6. Public Hearing. The public hearing on the Draft EIS will also serve as the public hearing for the Section 404 permit application.
- 12.7. Refining the Permit Application. After selection of a Preferred Alternative, the NCTA will coordinate on a regular basis with the USACE, NCDENR, and other Participating Agencies as appropriate regarding all applicable permit applications for the project. This coordination may occur as part of the TEAC meetings and/or in separate meetings convened to discuss permitting issues. These meetings will include discussions of:
  - avoidance and minimization measures
  - compensatory mitigation
  - review of hydraulic design
  - review of stormwater management plans
  - review of construction methods
  - review of final permit drawings
- 12.8. Permit Application and Decision. After the permitting meetings described above, the NCTA will submit an updated Section 404 permit application to the USACE and a Section 401 certification request to NCDENR. Permit applications under other applicable laws will also be filed. All permit applications shall be filed in accordance with the respective agency permitting requirements in place at the time of application. All respective permitting agencies shall forward the permit applications to other agencies for review as required by the respective agency regulations and/or rules.
- 12.9. Permit Decisions. The permitting agencies will consider and act upon the permit applications in accordance with their procedures.
- 12.10. Permitting Delay. If a Section 404 permit (or any other permit or approval) is not issued within 180 days after the FHWA issues a Record of Decision (ROD) *and* a complete permit application is submitted, the USDOT will be required by Section 6002 to submit a report to the Congress – specifically, to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure in the House of Representatives. Reports must be submitted every 60 days thereafter until the issue is resolved. The same requirement applies to other permitting decisions.
- 12.11. Coordination After Permit Issuance. After permit issuance, NCTA will coordinate directly with permitting agencies and others as required by the terms of project permits. Such coordination may include issues such as reviewing final project plans, tracking compliance with permit conditions, and modifying permits to address changes to the project's design, construction methodology or construction timeframe.

**Exhibit 1**

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**PROJECT INITIATION LETTER  
&  
NOTICE OF INTENT**



STATE OF NORTH CAROLINA  
TURNPIKE AUTHORITY

BEVERLY E. PERDUE  
GOVERNOR

1578 MAIL SERVICE CENTER, RALEIGH, N.C. 27699-1578

DAVID W. JOYNER  
EXECUTIVE DIRECTOR

November 20, 2009

John F. Sullivan, III, P.E.  
Division Administrator  
FHWA North Carolina Division  
310 New Bern Avenue, Suite 410  
Raleigh, NC 27601-1418

**RE: STIP Projects R-2721, R-2828, and R-2829  
Notification of Project Initiation**

Dear Mr. Sullivan,


In accordance with Section 6002 of SAFETEA-LU, the North Carolina Turnpike Authority (NCTA) is notifying the Federal Highway Administration (FHWA) that planning, environmental, and engineering studies for the proposed Southern and Eastern Wake Expressway project are underway. The project is included in the 2009-2015 North Carolina Department of Transportation (NCDOT) State Transportation Improvement Program (STIP) as Projects R-2721, R-2828, and R-2829. These three projects are being developed as a single project in a single Environmental Impact Statement (EIS).

NCTA, a division of NCDOT, will prepare an EIS on the proposed southern and eastern portions of the Outer Loop around Raleigh and surrounding communities in Wake and Johnston Counties. The project extends from the vicinity of NC 55 at SR 1172 (Old Smithfield Road) near Apex to the vicinity of US 64/US 264 Bypass in Knightdale, a distance of approximately 28 miles. The proposed project would complete the Outer Loop.

It is anticipated that a Clean Water Act 404 Individual Permit will be required from the US Army Corps of Engineers (Corps). NCTA will coordinate throughout project development with the Corps to ensure that their concerns are addressed and incorporated into the EIS.

Enclosed, please find a Draft Notice of Intent to begin work on the environmental document for the Southern and Eastern Wake Expressway project. If you have any questions or would like to discuss the project in more detail, please contact Jennifer Harris at (919) 571-3004.

Sincerely,

  
Steven D. DeWitt, P.E.  
Chief Engineer

cc: Ms. Deborah Barbour, P.E., NCDOT  
Ms. Jennifer Harris, P.E., NCTA

NORTH CAROLINA TURNPIKE AUTHORITY  
TELEPHONE: 919-571-3000 FAX: 919-571-3015

## NOTICES

### DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement; Wake and Johnston Counties, NC

December \_\_, 2009

**AGENCY:** Federal Highway Administration (FHWA), DOT

**ACTION:** Notice of Intent (NOI)

**SUMMARY:** The FHWA is issuing this notice to advise the public that an Environmental Impact Statement (EIS) will be prepared for a proposed project in Wake and Johnston Counties, North Carolina.

**FOR FURTHER INFORMATION CONTACT:** Mr. George Hoops, P.E., Major Projects Engineer, Federal Highway Administration, 310 Bern Avenue, Suite 410, Raleigh, North Carolina 27601-1418, Telephone: (919) 747-7022.

**SUPPLEMENTARY INFORMATION:** Pursuant to Title 23, Code of Federal Regulations, Part 771, Environmental Impact and Related Procedures, the FHWA, in cooperation with the North Carolina Turnpike Authority (NCTA), a division of the North Carolina Department of Transportation (NCDOT), will prepare an EIS addressing the proposed completion of the Raleigh Outer Loop. The proposed study area boundary begins in Wake County at NC 55 in the vicinity of Apex and Holly Springs. The boundary extends southward along NC 55 and turns eastward to parallel NC 42, crossing into Johnston County near Benson Road (NC 50). The boundary turns northward near Clayton, extending to US 64/US 264 Bypass, in Knightdale. The study area includes southeastern limits of Raleigh and the southern limits of Garner and Cary. The proposed action is included in the 2035 Long Range Transportation Plan approved by the Capital Area Metropolitan Planning Organization (CAMPO).

This project is designated as three projects in the NCDOT State Transportation Improvement Program (STIP) – Projects R-2721, R-2828, and R-2829. These projects combine to form the southern and eastern portions of the Outer Loop around Raleigh and surrounding communities, completing the Outer Loop. The northern portion of the Outer Loop is open to traffic and the western portion, the Western Wake Freeway, is currently under construction. The southern portion of this project is proposed to tie into the Western Wake Freeway near Apex. The eastern portion of this project is proposed to tie into the northern portion of the Outer Loop at the US 64/US 264 Bypass in Knightdale.

The EIS for the proposed action will consider alternatives that include improving existing roadways as well as alternatives that involve building a new location facility. Multiple alternative

corridors for a new location facility may be evaluated. The analysis will also include a range of non-highway improvement alternatives, including the “No-Build” alternative (continuation of the existing condition), expanding transit service, transportation demand management (TDM), and transportation system management (TSM). As part of the EIS, NCTA will study the feasibility and impacts of developing the proposed project as a tolled facility.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State and local agencies. Scoping will occur over a series of meetings with the agencies and citizens informational workshops with the public. Information on the dates, times, and locations of the citizens informational workshops will be advertised in the local news media and newsletters will be mailed to those on the project mailing list. If you wish to be placed on the mailing list contact Jennifer Harris at the address listed below. The Draft EIS will be available for public and agency review and comment prior to the public hearing.

To ensure the full range of issues related to the proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments and questions concerning the proposed action should be directed to the FHWA at the address provided above or directed to: Ms. Jennifer Harris, P.E., Staff Engineer, North Carolina Turnpike Authority, at 5400 Glenwood Avenue, Suite 400, Raleigh, North Carolina, 27612. Telephone: (919)571-3000. Email: [sewake@ncturnpike.org](mailto:sewake@ncturnpike.org).

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation of Federal programs and activities apply to this program.)

Issued on:

George Hoops, P.E. – Major Projects Engineer  
Federal Highway Administration  
Raleigh, North Carolina

Consumptive Use of up to 1.999 mgd;  
Modification Date: October 28, 2009.

31. Novus Operating, LLC, Pad ID:  
Wilcox #1, ABR-20090803, Covington  
Township, Tioga County, Pa.;

Consumptive Use of up to 0.999 mgd;  
Transferred Date: October 22, 2009.

32. Novus Operating, LLC, Pad ID:  
Brookfield #1, ABR-20090804,  
Brookfield Township, Tioga County,  
Pa.; Consumptive Use of up to 0.999  
mgd; Transferred Date: October 22,  
2009.

**Authority:** Public Law 91-575, 84 Stat.  
1509 et seq., 18 CFR Parts 806, 807, and 808.

Dated: November 17, 2009.

**Stephanie L. Richardson,**

*Secretary to the Commission.*

[FR Doc. E9-28514 Filed 11-27-09; 8:45 am]

**BILLING CODE 7040-01-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### Environmental Impact Statement: Wake and Johnston Counties, NC

**AGENCY:** Federal Highway  
Administration (FHWA), DOT.

**ACTION:** Notice of Intent (NOI).

**SUMMARY:** The FHWA is issuing this  
notice to advise the public that an  
environmental impact statement will be  
prepared for a proposed project in Wake  
and Johnston Counties, North Carolina.

**FOR FURTHER INFORMATION CONTACT:** Mr.  
George Hoops, P.E., Major Projects  
Engineer, Federal Highway  
Administration, 310 Bern Avenue, Suite  
410, Raleigh, North Carolina 27601-  
1418, *Telephone:* (919) 747-7022.

**SUPPLEMENTARY INFORMATION:** Pursuant  
to Title 23, Code of Federal Regulations,  
Part 771, Environmental Impact and  
Related Procedures, the FHWA, in  
cooperation with the North Carolina  
Turnpike Authority (NCTA), a division  
of the North Carolina Department of  
Transportation (NCDOT), will prepare  
an environmental impact statement  
(EIS) addressing the proposed  
completion of the Raleigh Outer Loop.  
The proposed study area boundary  
begins in Wake County at NC 55 in the  
vicinity of Apex and Holly Springs. The  
boundary extends southward along NC  
55 and turns eastward to parallel NC 42,  
crossing into Johnston County near  
Benson Road (NC 50). The boundary  
turns northward near Clayton,  
extending to US 64/US 264 Bypass, in  
Knightdale. The study area includes  
southeastern limits of Raleigh and the  
southern limits of Garner and Cary. The  
proposed action is included in the 2035

Long Range Transportation Plan  
approved by the Capital Area  
Metropolitan Planning Organization  
(CAMPO).

This project is designated as three  
projects in the NCDOT State  
Transportation Improvement Program  
(STIP)—Projects R-2721, R-2828, and  
R-2829. These projects combine to form  
the southern and eastern portions of the  
Outer Loop around Raleigh and  
surrounding communities, completing  
the Outer Loop. The northern portion of  
the Outer Loop is open to traffic and the  
western portion, the Western Wake  
Freeway, is currently under  
construction. The southern portion of  
this project is proposed to tie into the  
Western Wake Freeway near Apex. The  
eastern portion of this project is  
proposed to tie into the northern portion  
of the Outer Loop at the US 64/US 264  
Bypass in Knightdale. The EIS for the  
proposed action will consider  
alternatives that include improving  
existing roadways as well as alternatives  
that involve building a new location  
facility. Multiple alternative corridors  
for a new location facility may be  
evaluated. The analysis will also  
include a range of non-highway  
improvement alternatives, including the  
“No-Build” alternative (continuation of  
the existing condition), expanding  
transit service, transportation demand  
management (TDM), and transportation  
system management (TSM). As part of  
the EIS, NCTA will study the feasibility  
and impacts of developing the proposed  
project as a tolled facility.

Letters describing the proposed action  
and soliciting comments will be sent to  
appropriate Federal, State and local  
agencies. Scoping will occur over a  
series of meetings with the agencies and  
citizens informational workshops with  
the public. Information on the dates,  
times, and locations of the citizens  
informational workshops will be  
advertised in the local news media, and  
newsletters will be mailed to those on  
the project mailing list. If you wish to  
be placed on the mailing list, contact  
Jennifer Harris at the address listed  
below. The Draft EIS will be available  
for public and agency review and  
comment prior to the public hearing.

To ensure the full range of issues  
related to the proposed action are  
addressed and all significant issues  
identified, comments and suggestions  
are invited from all interested parties.  
Comments and questions concerning the  
proposed action should be directed to  
the FHWA at the address provided  
above or directed to: Ms. Jennifer Harris,  
P.E., Staff Engineer, North Carolina  
Turnpike Authority, at 5400 Glenwood  
Avenue, Suite 400, Raleigh, North

Carolina 27612. *Telephone:* (919) 571-  
3000. *E-mail:* [sewake@ncturnpike.org](mailto:sewake@ncturnpike.org).

(Catalog of Federal Domestic Assistance  
Program Number 20.205, Highway Research,  
Planning and Construction. The regulations  
implementing Executive Order 12372  
regarding intergovernmental consultation of  
Federal programs and activities apply to this  
program.)

Issued on: November 23, 2009.

**George Hoops,**

*Major Projects Engineer, Federal Highway  
Administration, Raleigh, North Carolina.*

[FR Doc. E9-28626 Filed 11-27-09; 8:45 am]

**BILLING CODE 4910-22-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

[WisDOT Project 1206-07-03]

#### Notice of Intent to Prepare a Supplemental Draft Environmental Impact Statement; USH 18 & 151, CTH PD to USH 12 & 14, Madison Urban Area; Dane County, WI

**AGENCY:** Federal Highway  
Administration (FHWA), DOT.

**ACTION:** Notice of Intent to Prepare a  
Supplemental Draft Environmental  
Impact Statement.

**SUMMARY:** The FHWA is issuing this  
notice to advise the public that a  
Supplemental Draft Environmental  
Impact Statement (SDEIS) is being  
prepared for transportation  
improvements to the USH 18 & 151  
(Verona Rd) corridor from CTH PD to  
USH 12 & 14 in the Madison Urban  
Area, Dane County, Wisconsin, WisDOT  
Project 1206-07-03. The SDEIS is being  
prepared in conformance with 40 CFR  
1500 and FHWA regulations.

**SUPPLEMENTARY INFORMATION:** The  
Federal Highway Administration  
(FHWA), in cooperation with the  
Wisconsin Department of  
Transportation (WisDOT), is preparing a  
Supplemental Draft Environmental  
Impact Statement (SDEIS) on  
improvements needed to provide  
capacity for existing and projected  
traffic demand, to reduce high crash  
rates, and to provide better connectivity  
between land areas adjacent to the  
highways on approximately 2 miles of  
existing USH 18 & 151 (Verona Road)  
from CTH PD (McKee Rd) to USH 12 &  
14 (Madison South Beltline Hwy). The  
previous DEIS corridor included three  
focus areas: (1) The West Madison  
Beltline Hwy (USH 12 & 14 from USH  
14 in Middleton to Todd Dr in  
Madison), (2) Interchange upgrades and  
new grade separations on the West  
Madison Beltline, and (3) the same

**Exhibit 2**

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**PARTICIPATING AGENCY INVITATIONS  
&  
AGENCY RESPONSES**





U.S. Department  
of Transportation

**Federal Highway  
Administration**

**North Carolina Division**

August 17, 2010

310 New Bern Avenue, Suite 410  
Raleigh, North Carolina 27601

In Reply Refer To:  
HDA-NC

Mr. Eric Alsmeyer  
US Army Corps of Engineers  
Raleigh Field Office  
3331 Heritage Trade Drive, Suite 105  
Wake Forest, North Carolina 27587

RE: Invitation to Become Participating Agency and Cooperating Agency  
Triangle Expressway Southeast Extension  
Wake & Johnston Counties/STIP Projects: R-2721, R-2828, R-2829

Dear Mr. Alsmeyer:

The Federal Highway Administration (FHWA) in cooperation with the North Carolina Turnpike Authority (NCTA), a division of North Carolina Department of Transportation (NCDOT), is initiating the project development, environmental, and engineering studies for the proposed Triangle Expressway Southeast Extension project, also known as the Southern and Eastern Wake Expressway, in Wake and Johnston Counties. This project is included in the 2009-2015 NCDOT State Transportation Improvement Program (STIP) as Projects R-2721, R-2828, and R-2829. The study area boundary begins in Wake County at NC 55 in the vicinity of Apex and Holly Springs. The boundary extends southward along NC 55 and turns eastward to parallel NC 42, crossing into Johnston County near Benson Road (NC 50). The boundary turns northward near Clayton, extending to US 64/US 264 Bypass, in Knightdale. The study area includes southeastern limits of Raleigh and the southern limits of Garner and Cary. A Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) was published on November 30, 2009 (Federal Register Vol. 74, No. 228, page 62629).

Your agency was identified as an agency that may have an interest in the project. With this letter, we are extending to your agency an invitation to be a participating agency with the FHWA in the development of the EIS for the subject project. This designation does not imply that your agency either supports the proposal or has any special expertise with respect to evaluation of the project.

FHWA also requests the participation of the US Army Corps of Engineers as a cooperating agency in the preparation of the Draft EIS and Final EIS, in accordance with 40 CFR 1501.6 of the Council on Environmental Quality's (CEQ) Regulations for Implementing the Procedural Provision of the National Environmental Policy Act.

Pursuant to Section 6002 of SAFETEA-LU, participating agencies are responsible to identify, as early as practicable, any issues of concern regarding the project's potential environmental or socioeconomic impacts that could substantially delay or prevent an agency from granting a permit or other approval that is needed for the project. We suggest that your agency's role in the development of the above project include the following as they relate to your area of expertise:

**MOVING THE  
AMERICAN  
ECONOMY**



- 1) Provide meaningful and early input on defining the purpose and need, determining the range of alternatives to be considered, and the methodologies and level of detail required in the alternatives analysis.
- 2) Participate in coordination meetings and joint field reviews as appropriate.
- 3) Timely review and comment on documents provided for your agency's input during the environmental review process.

A federal agency who does not respond to this letter will automatically be designated as a participating agency. If you wish to decline, we ask that your agency submit a separate letter stating your reason for declining the invitation to Ms. Jennifer Harris, P.E., NCTA Director of Planning and Environmental Studies, at 5400 Glenwood Avenue, Suite 400, Raleigh, North Carolina 27612 by September 15, 2010. Pursuant to SAFETEA-LU Section 6002, any federal agency that chooses to decline the invitation to be a participating agency must specifically state in its response that it:

- Has no jurisdiction or authority with respect to the project;
- Has no expertise or information relevant to the project; and
- Does not intend to submit comments on the project.

If you have any questions or would like to discuss in more detail the project or our agencies' respective roles and responsibilities during the preparation of the EIS, please contact Mr. George Hoops, FHWA Major Projects Engineer, at (919) 747-7022 or Ms. Harris at (919) 571-3004.

Thank you for your cooperation and interest in this project.

Sincerely,



For John E. Sullivan, III, P.E.  
Division Administrator

cc: Mr. George Hoops, P.E., FHWA  
Ms. Jennifer Harris, P.E., NCTA  
Mr. Scott McLendon, USACE



REPLY TO  
ATTENTION OF:

**DEPARTMENT OF THE ARMY**  
WILMINGTON DISTRICT, CORPS OF ENGINEERS  
69 DARLINGTON AVENUE  
WILMINGTON, NORTH CAROLINA 28403-1343

September 15, 2010

Regulatory Division

SUBJECT: Action ID 2009-02240; TIP Project Nos. R-2721, R-2828 and R-2829,  
Triangle Expressway Southeast Extension

Mr. John F. Sullivan, III, P.E.  
Division Administrator, North Carolina Division  
US Department of Transportation  
Federal Highway Administration  
310 New Bern Avenue, Suite 410  
Raleigh, North Carolina 27601

Dear Mr. Sullivan:

Please reference your August 17, 2010 letter requesting the participation of the US Army Corps of Engineers as a cooperating agency in the preparation of the Draft Environmental Impact Statement (EIS) and Final EIS for the proposed TIP Project Nos. R-2721, R-2828 and R-2829, Triangle Expressway Southeast Extension, in Wake and Johnston Counties, North Carolina. It is our understanding that this project is being developed and will likely be constructed under authority of the North Carolina Turnpike Authority (NCTA) as a toll facility.

Pursuant to the Council on Environmental Quality, (40 CFR 1501.6 Cooperating Agencies), we would be pleased to participate in the development of the necessary environmental document as a Cooperating Agency as you have requested, with the understanding that the Federal Highway Administration (FHWA) will act as the lead Federal agency. It is our intention to formally adopt the FHWA National Environmental Policy Act (NEPA) document, in whole or in part, provided it meets our requirements relative to Section 404 of the Clean Water Act and NEPA, when the Record of Decision (or Finding of No Significant Impact, as appropriate) is completed. Please note that other program commitments will preclude us from funding or writing any portion of the subject document. However, it is our intention to fully participate in the development of the necessary document throughout the EIS development process.

Should you have any questions, please contact the undersigned in the Raleigh Field Office at (919) 554-4884, extension 23.

Sincerely,



Eric C. Alsmeyer  
Regulatory Project Manager

Copies Furnished:

Mr. Steven D. DeWitt  
Chief Engineer  
North Carolina Turnpike Authority  
1578 Mail Service Center  
Raleigh, NC 27699-1578

Mr. Brian Wrenn  
NCDENR-DWQ  
Wetlands Section  
585 Waughtown Street  
Winston-Salem, NC 27107

Mr. Gary Jordan  
United States Fish & Wildlife Service  
Fish and Wildlife Enhancement  
Post Office Box 33726  
Raleigh, NC 27636-3726

Mr. Christopher Militscher  
USEPA Raleigh Office  
Office of Environmental Assessment  
310 New Bern Avenue, Room 206  
Raleigh, NC 27601

Mr. Travis Wilson  
Highway Coordinator  
North Carolina Wildlife Resources Commission  
1142 I-85 Service Road  
Creedmoor, NC 27522



U.S. Department  
of Transportation

**Federal Highway  
Administration**

**North Carolina Division**

August 17, 2010

310 New Bern Avenue, Suite 410  
Raleigh, North Carolina 27601

In Reply Refer To:  
HDA-NC

Mr. Gary Jordan  
US Fish and Wildlife Service  
Raleigh Field Office  
Post Office Box 33726  
Raleigh, North Carolina 27636

RE: Invitation to Become Participating Agency and Cooperating Agency  
Triangle Expressway Southeast Extension  
Wake & Johnston Counties/STIP Projects: R-2721, R-2828, R-2829

Dear Mr. Jordan

The Federal Highway Administration (FHWA) in cooperation with the North Carolina Turnpike Authority (NCTA), a division of North Carolina Department of Transportation (NCDOT), is initiating the project development, environmental, and engineering studies for the proposed Triangle Expressway Southeast Extension project, also known as the Southern and Eastern Wake Expressway, in Wake and Johnston Counties. This project is included in the 2009-2015 NCDOT State Transportation Improvement Program (STIP) as Projects R-2721, R-2828, and R-2829. The study area boundary begins in Wake County at NC 55 in the vicinity of Apex and Holly Springs. The boundary extends southward along NC 55 and turns eastward to parallel NC 42, crossing into Johnston County near Benson Road (NC 50). The boundary turns northward near Clayton, extending to US 64/US 264 Bypass, in Knightdale. The study area includes southeastern limits of Raleigh and the southern limits of Garner and Cary. A Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) was published on November 30, 2009 (Federal Register Vol. 74, No. 228, page 62629).

Your agency was identified as an agency that may have an interest in the project. With this letter, we are extending to your agency an invitation to be a participating agency with the FHWA in the development of the EIS for the subject project. This designation does not imply that your agency either supports the proposal or has any special expertise with respect to evaluation of the project.

Pursuant to Section 6002 of SAFETEA-LU, participating agencies are responsible to identify, as early as practicable, any issues of concern regarding the project's potential environmental or socioeconomic impacts that could substantially delay or prevent an agency from granting a permit or other approval that is needed for the project. We suggest that your agency's role in the development of the above project include the following as they relate to your area of expertise:

- 1) Provide meaningful and early input on defining the purpose and need, determining the range of alternatives to be considered, and the methodologies and level of detail required in the alternatives analysis.
- 2) Participate in coordination meetings and joint field reviews as appropriate.
- 3) Timely review and comment on documents provided for your agency's input during the environmental review process.

**MOVING THE  
AMERICAN  
ECONOMY**



A federal agency who does not respond to this letter will automatically be designated as a participating agency. If you wish to decline, we ask that your agency submit a separate letter stating your reason for declining the invitation to Ms. Jennifer Harris, P.E., NCTA Director of Planning and Environmental Studies, at 5400 Glenwood Avenue, Suite 400, Raleigh, North Carolina 27612 by September 15, 2010. Pursuant to SAFETEA-LU Section 6002, any federal agency that chooses to decline the invitation to be a participating agency must specifically state in its response that it:

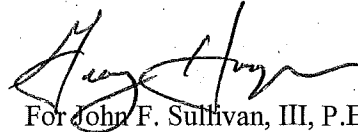
- Has no jurisdiction or authority with respect to the project;
- Has no expertise or information relevant to the project; and
- Does not intend to submit comments on the project.

A federal agency that does not decline the invitation by the date specified above will automatically be designated as a participating agency.

If you have any questions or would like to discuss in more detail the project or our agencies' respective roles and responsibilities during the preparation of the EIS, please contact please contact Mr. George Hoops, FHWA Major Projects Engineer, at (919) 747-7022 or Ms. Harris at (919) 571-3004.

Thank you for your cooperation and interest in this project.

Sincerely,



For John F. Sullivan, III, P.E.  
Division Administrator

cc: Mr. George Hoops, PE, FHWA  
Ms. Jennifer Harris, PE, NCTA  
Mr. Brian Cole, USFWS



U.S. Department  
of Transportation

**Federal Highway  
Administration**

**North Carolina Division**

August 17, 2010

310 New Bern Avenue, Suite 410  
Raleigh, North Carolina 27601

In Reply Refer To:  
HDA-NC

Mr. Chris Militscher  
US Environmental Protection Agency  
310 New Bern Avenue, Suite 410  
Raleigh, North Carolina 27601

RE: Invitation to Become Participating Agency and Cooperating Agency  
Triangle Expressway Southeast Extension  
Wake & Johnston Counties/STIP Projects: R-2721, R-2828, R-2829

Dear Mr. Militscher:

The Federal Highway Administration (FHWA) in cooperation with the North Carolina Turnpike Authority (NCTA), a division of North Carolina Department of Transportation (NCDOT), is initiating the project development, environmental, and engineering studies for the proposed Triangle Expressway Southeast Extension project, also known as the Southern and Eastern Wake Expressway, in Wake and Johnston Counties. This project is included in the 2009-2015 NCDOT State Transportation Improvement Program (STIP) as Projects R-2721, R-2828, and R-2829. The study area boundary begins in Wake County at NC 55 in the vicinity of Apex and Holly Springs. The boundary extends southward along NC 55 and turns eastward to parallel NC 42, crossing into Johnston County near Benson Road (NC 50). The boundary turns northward near Clayton, extending to US 64/US 264 Bypass, in Knightdale. The study area includes southeastern limits of Raleigh and the southern limits of Garner and Cary. A Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) was published on November 30, 2009 (Federal Register Vol. 74, No. 228, page 62629).

Your agency was identified as an agency that may have an interest in the project. With this letter, we are extending to your agency an invitation to be a participating agency with the FHWA in the development of the EIS for the subject project. This designation does not imply that your agency either supports the proposal or has any special expertise with respect to evaluation of the project.

Pursuant to Section 6002 of SAFETEA-LU, participating agencies are responsible to identify, as early as practicable, any issues of concern regarding the project's potential environmental or socioeconomic impacts that could substantially delay or prevent an agency from granting a permit or other approval that is needed for the project. We suggest that your agency's role in the development of the above project include the following as they relate to your area of expertise:

- 1) Provide meaningful and early input on defining the purpose and need, determining the range of alternatives to be considered, and the methodologies and level of detail required in the alternatives analysis.
- 2) Participate in coordination meetings and joint field reviews as appropriate.
- 3) Timely review and comment on documents provided for your agency's input during the environmental review process.

**MOVING THE  
AMERICAN  
ECONOMY**



A federal agency who does not respond to this letter will automatically be designated as a participating agency. If you wish to decline, we ask that your agency submit a separate letter stating your reason for declining the invitation to Ms. Jennifer Harris, P.E., NCTA Director of Planning and Environmental Studies, at 5400 Glenwood Avenue, Suite 400, Raleigh, North Carolina 27612 by September 15, 2010. Pursuant to SAFETEA-LU Section 6002, any federal agency that chooses to decline the invitation to be a participating agency must specifically state in its response that it:

- Has no jurisdiction or authority with respect to the project;
- Has no expertise or information relevant to the project; and
- Does not intend to submit comments on the project.

If you have any questions or would like to discuss in more detail the project or our agencies' respective roles and responsibilities during the preparation of the EIS, please contact Mr. George Hoops, FHWA Major Projects Engineer, at (919) 747-7022 or Ms. Harris at (919) 571-3004.

Thank you for your cooperation and interest in this project.

Sincerely,



For John F. Sullivan, III, P.E.  
Division Administrator

cc: Mr. George Hoops, P.E., FHWA  
Ms. Jennifer Harris, P.E., NCTA  
Mr. Ted Bisterfield, EPA-Atlanta





STATE OF NORTH CAROLINA  
TURNPIKE AUTHORITY

BEVERLY E. PURDUE  
GOVERNOR

1578 MAIL SERVICE CENTER, RALEIGH, N.C. 27699-1578

DAVID W. JOYNER  
EXECUTIVE DIRECTOR

August 10, 2010

Mr. Travis Wilson  
NC Wildlife Resources Commission  
1142 I-85 Service Road  
Creedmoor, NC 27522

RE: Invitation to Become Participating Agency and Cooperating Agency  
Triangle Expressway Southeast Extension  
Wake & Johnston Counties/STIP Projects: R-2721, R-2828, R-2829

Dear Mr. Wilson:

The Federal Highway Administration (FHWA) in cooperation with the North Carolina Turnpike Authority (NCTA), a division of North Carolina Department of Transportation (NCDOT), is initiating the project development, environmental, and engineering studies for the proposed Triangle Expressway Southeast Extension project, also known as the Southern and Eastern Wake Expressway, in Wake and Johnston Counties. This project is included in the 2009-2015 NCDOT State Transportation Improvement Program (STIP) as Projects R-2721, R-2828, and R-2829. The study area boundary begins in Wake County at NC 55 in the vicinity of Apex and Holly Springs. The boundary extends southward along NC 55 and turns eastward to parallel NC 42, crossing into Johnston County near Benson Road (NC 50). The boundary turns northward near Clayton, extending to US 64/US 264 Bypass, in Knightdale. The study area includes southeastern limits of Raleigh and the southern limits of Garner and Cary. A Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) was published on November 30, 2009 (Federal Register Vol. 74, No. 228, page 62629).

Your agency was identified as an agency that may have an interest in the project. With this letter, we are extending to your agency an invitation to be a participating agency with the FHWA in the development of the EIS for the subject project. This designation does not imply that your agency either supports the proposal or has any special expertise with respect to evaluation of the project.

Pursuant to Section 6002 of SAFETEA-LU, participating agencies are responsible to identify, as early as practicable, any issues of concern regarding the project's potential environmental or socioeconomic impacts that could substantially delay or prevent an agency from granting a permit or other approval that is needed for the project. We suggest that your agency's role in the development of the above project include the following as they relate to your area of expertise:

- 1) Provide meaningful and early input on defining the purpose and need, determining the range of alternatives to be considered, and the methodologies and level of detail required in the alternatives analysis.
- 2) Participate in coordination meetings and joint field reviews as appropriate.
- 3) Timely review and comment on documents provided for your agency's input during the environmental review process.

Please respond to this invitation prior to September 15, 2010. If you wish to accept this invitation, please sign in the space below and return a copy to Ms. Jennifer Harris, P.E., NCTA Director of Planning and Environmental Studies, at 5400 Glenwood Avenue, Suite 400, Raleigh, North Carolina 27612. If you wish to decline, we ask that your agency submit a separate letter stating your reason for declining the invitation.

If you have any questions or would like to discuss in more detail the project or our agencies' respective roles and responsibilities during the preparation of the EIS, please contact Ms. Harris at (919) 571-3004 or Mr. George Hoops, FHWA Major Projects Engineer, at (919) 747-7022.

---

Thank you for your cooperation and interest in this project.

Sincerely,

*Jennifer Harris*

for

Steven D. DeWitt, P.E.  
Chief Engineer

cc: Mr. George Hoops, PE, FHWA  
Ms. Jennifer Harris, PE, NCTA

---

We accept the invitation to become a participating agency.

*Francis W. Wilson*

Print Name

*[Signature]*

Signature

*8-10-2010*

Date



STATE OF NORTH CAROLINA  
TURNPIKE AUTHORITY

BEVERLY E. PURDUE  
GOVERNOR

1578 MAIL SERVICE CENTER, RALEIGH, N.C. 27699-1578

DAVID W. JOYNER  
EXECUTIVE DIRECTOR

August 10, 2010

Mr. Brian Wrenn  
NCDENR-Division of Water Quality  
1650 Mail Service Center  
Raleigh, NC 27699-1650

RE: Invitation to Become Participating Agency and Cooperating Agency  
Triangle Expressway Southeast Extension  
Wake & Johnston Counties/STIP Projects: R-2721, R-2828, R-2829

Dear Mr. Wrenn:

The Federal Highway Administration (FHWA) in cooperation with the North Carolina Turnpike Authority (NCTA), a division of North Carolina Department of Transportation (NCDOT), is initiating the project development, environmental, and engineering studies for the proposed Triangle Expressway Southeast Extension project, also known as the Southern and Eastern Wake Expressway, in Wake and Johnston Counties. This project is included in the 2009-2015 NCDOT State Transportation Improvement Program (STIP) as Projects R-2721, R-2828, and R-2829. The study area boundary begins in Wake County at NC 55 in the vicinity of Apex and Holly Springs. The boundary extends southward along NC 55 and turns eastward to parallel NC 42, crossing into Johnston County near Benson Road (NC 50). The boundary turns northward near Clayton, extending to US 64/US 264 Bypass, in Knightdale. The study area includes southeastern limits of Raleigh and the southern limits of Garner and Cary. A Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) was published on November 30, 2009 (Federal Register Vol. 74, No. 228, page 62629).

Your agency was identified as an agency that may have an interest in the project. With this letter, we are extending to your agency an invitation to be a participating agency with the FHWA in the development of the EIS for the subject project. This designation does not imply that your agency either supports the proposal or has any special expertise with respect to evaluation of the project.

Pursuant to Section 6002 of SAFETEA-LU, participating agencies are responsible to identify, as early as practicable, any issues of concern regarding the project's potential environmental or socioeconomic impacts that could substantially delay or prevent an agency from granting a permit or other approval that is needed for the project. We suggest that your agency's role in the development of the above project include the following as they relate to your area of expertise:

- 1) Provide meaningful and early input on defining the purpose and need, determining the range of alternatives to be considered, and the methodologies and level of detail required in the alternatives analysis.
- 2) Participate in coordination meetings and joint field reviews as appropriate.
- 3) Timely review and comment on documents provided for your agency's input during the environmental review process.

Please respond to this invitation prior to September 15, 2010. If you wish to accept this invitation, please sign in the space below and return a copy to Ms. Jennifer Harris, P.E., NCTA Director of Planning and Environmental Studies, at 5400 Glenwood Avenue, Suite 400, Raleigh, North Carolina 27612. If you wish to decline, we ask that your agency submit a separate letter stating your reason for declining the invitation.

If you have any questions or would like to discuss in more detail the project or our agencies' respective roles and responsibilities during the preparation of the EIS, please contact Ms. Harris at (919) 571-3004 or Mr. George Hoops, FHWA Major Projects Engineer, at (919) 747-7022.

Thank you for your cooperation and interest in this project.

Sincerely,

*Jennifer Harris*

for

Steven D. DeWitt, P.E.  
Chief Engineer

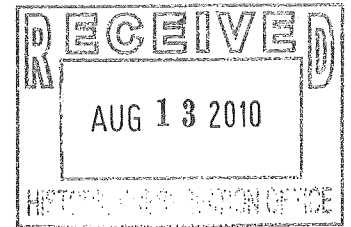
cc: Mr. George Hoops, PE, FHWA  
Ms. Jennifer Harris, PE, NCTA

We accept the invitation to become a participating agency.

*Brian Wenn*  
\_\_\_\_\_  
Print Name

*B. Wenn*  
\_\_\_\_\_  
Signature

*1/20/11*  
\_\_\_\_\_  
Date



STATE OF NORTH CAROLINA  
TURNPIKE AUTHORITY

BEVERLY E. PURDUE  
GOVERNOR

1578 MAIL SERVICE CENTER, RALEIGH, N.C. 27699-1578

DAVID W. JOYNER  
EXECUTIVE DIRECTOR

August 10, 2010

CH 98-0457

Mr. Peter Sandbeck  
State Historic Preservation Office  
North Carolina Department of Cultural Resources  
4610 Mail Service Center  
Raleigh, NC 27699-4610

RE: Invitation to Become Participating Agency and Cooperating Agency  
Triangle Expressway Southeast Extension  
Wake & Johnston Counties/STIP Projects: R-2721, R-2828, R-2829

Dear Mr. Sandbeck:

The Federal Highway Administration (FHWA) in cooperation with the North Carolina Turnpike Authority (NCTA), a division of North Carolina Department of Transportation (NCDOT), is initiating the project development, environmental, and engineering studies for the proposed Triangle Expressway Southeast Extension project, also known as the Southern and Eastern Wake Expressway, in Wake and Johnston Counties. This project is included in the 2009-2015 NCDOT State Transportation Improvement Program (STIP) as Projects R-2721, R-2828, and R-2829. The study area boundary begins in Wake County at NC 55 in the vicinity of Apex and Holly Springs. The boundary extends southward along NC 55 and turns eastward to parallel NC 42, crossing into Johnston County near Benson Road (NC 50). The boundary turns northward near Clayton, extending to US 64/US 264 Bypass, in Knightdale. The study area includes southeastern limits of Raleigh and the southern limits of Garner and Cary. A Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) was published on November 30, 2009 (Federal Register Vol. 74, No. 228, page 62629).

Your agency was identified as an agency that may have an interest in the project. With this letter, we are extending to your agency an invitation to be a participating agency with the FHWA in the development of the EIS for the subject project. This designation does not imply that your agency either supports the proposal or has any special expertise with respect to evaluation of the project.

Pursuant to Section 6002 of SAFETEA-LU, participating agencies are responsible to identify, as early as practicable, any issues of concern regarding the project's potential environmental or socioeconomic impacts that could substantially delay or prevent an agency from granting a permit or other approval that is needed for the project. We suggest that your agency's role in the development of the above project include the following as they relate to your area of expertise:

- 1) Provide meaningful and early input on defining the purpose and need, determining the range of alternatives to be considered, and the methodologies and level of detail required in the alternatives analysis.
- 2) Participate in coordination meetings and joint field reviews as appropriate.
- 3) Timely review and comment on documents provided for your agency's input during the environmental review process.

Please respond to this invitation prior to September 15, 2010. If you wish to accept this invitation, please sign in the space below and return a copy to Ms. Jennifer Harris, P.E., NCTA Director of Planning and Environmental Studies, at 5400 Glenwood Avenue, Suite 400, Raleigh, North Carolina 27612. If you wish to decline, we ask that your agency submit a separate letter stating your reason for declining the invitation.

If you have any questions or would like to discuss in more detail the project or our agencies' respective roles and responsibilities during the preparation of the EIS, please contact Ms. Harris at (919) 571-3004 or Mr. George Hoops, FHWA Major Projects Engineer, at (919) 747-7022.

Thank you for your cooperation and interest in this project.

Sincerely,

*Jennifer Harris*

for Steven D. DeWitt, P.E.  
Chief Engineer

cc: Mr. George Hoops, PE, FHWA  
Ms. Jennifer Harris, PE, NCTA  
Ms. Renee Gledhill-Early, SHPO

We accept the invitation to become a participating agency.

Renee Gledhill-Early, ERC/SHPO

Print Name

Renee Gledhill-Early

Signature

8.31.10

Date



STATE OF NORTH CAROLINA  
TURNPIKE AUTHORITY

BEVERLY E. PURDUE  
GOVERNOR

1578 MAIL SERVICE CENTER, RALEIGH, N.C. 27699-1578



August 10, 2010

Mr. Ed Johnson  
Director  
Capital Area Metropolitan Planning Organization  
127 West Hargett Street, Suite 800  
Raleigh, NC 27601

RE: Invitation to Become Participating Agency and Cooperating Agency  
Triangle Expressway Southeast Extension  
Wake & Johnston Counties/STIP Projects: R-2721, R-2828, R-2829

Dear Mr. Johnson:

The Federal Highway Administration (FHWA) in cooperation with the North Carolina Turnpike Authority (NCTA), a division of North Carolina Department of Transportation (NCDOT), is initiating the project development, environmental, and engineering studies for the proposed Triangle Expressway Southeast Extension project, also known as the Southern and Eastern Wake Expressway, in Wake and Johnston Counties. This project is included in the 2009-2015 NCDOT State Transportation Improvement Program (STIP) as Projects R-2721, R-2828, and R-2829. The study area boundary begins in Wake County at NC 55 in the vicinity of Apex and Holly Springs. The boundary extends southward along NC 55 and turns eastward to parallel NC 42, crossing into Johnston County near Benson Road (NC 50). The boundary turns northward near Clayton, extending to US 64/US 264 Bypass, in Knightdale. The study area includes southeastern limits of Raleigh and the southern limits of Garner and Cary. A Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) was published on November 30, 2009 (Federal Register Vol. 74, No. 228, page 62629).

Your agency was identified as an agency that may have an interest in the project. With this letter, we are extending to your agency an invitation to be a participating agency with the FHWA in the development of the EIS for the subject project. This designation does not imply that your agency either supports the proposal or has any special expertise with respect to evaluation of the project.

Pursuant to Section 6002 of SAFETEA-LU, participating agencies are responsible to identify, as early as practicable, any issues of concern regarding the project's potential environmental or socioeconomic impacts that could substantially delay or prevent an agency from granting a permit or other approval that is needed for the project. We suggest that your agency's role in the development of the above project include the following as they relate to your area of expertise:

- 1) Provide meaningful and early input on defining the purpose and need, determining the range of alternatives to be considered, and the methodologies and level of detail required in the alternatives analysis.
- 2) Participate in coordination meetings and joint field reviews as appropriate.
- 3) Timely review and comment on documents provided for your agency's input during the environmental review process.

Please respond to this invitation prior to September 15, 2010. If you wish to accept this invitation, please sign in the space below and return a copy to Ms. Jennifer Harris, P.E., NCTA Director of Planning and Environmental Studies, at 5400 Glenwood Avenue, Suite 400, Raleigh, North Carolina 27612. If you wish to decline, we ask that your agency submit a separate letter stating your reason for declining the invitation.

If you have any questions or would like to discuss in more detail the project or our agencies' respective roles and responsibilities during the preparation of the EIS, please contact Ms. Harris at (919) 571-3004 or Mr. George Hoops, FHWA Major Projects Engineer, at (919) 747-7022.

Thank you for your cooperation and interest in this project.

Sincerely,

*Jennifer Harris*

for

Steven D. DeWitt, P.E.  
Chief Engineer

cc: Mr. George Hoops, PE, FHWA  
Ms. Jennifer Harris, PE, NCTA

We accept the invitation to become a participating agency.

EPISAN JOHNSON

Print Name

*Episan Johnson*

Signature

AUG. 17, 2010

Date





STATE OF NORTH CAROLINA  
TURNPIKE AUTHORITY

BEVERLY E. PURDUE  
GOVERNOR

1578 MAIL SERVICE CENTER, RALEIGH, N.C. 27699-1578

DAVID W. JOYNER  
EXECUTIVE DIRECTOR

August 10, 2010

Mr. Sean McKenna  
NCDENR-Division of Marine Fisheries  
Pamlico District Office  
943 Washington Square Mall  
Washington, NC 27889

RE: Invitation to Become Participating Agency and Cooperating Agency  
Triangle Expressway Southeast Extension  
Wake & Johnston Counties/STIP Projects: R-2721, R-2828, R-2829

Dear Mr. McKenna:

The Federal Highway Administration (FHWA) in cooperation with the North Carolina Turnpike Authority (NCTA), a division of North Carolina Department of Transportation (NCDOT), is initiating the project development, environmental, and engineering studies for the proposed Triangle Expressway Southeast Extension project, also known as the Southern and Eastern Wake Expressway, in Wake and Johnston Counties. This project is included in the 2009-2015 NCDOT State Transportation Improvement Program (STIP) as Projects R-2721, R-2828, and R-2829. The study area boundary begins in Wake County at NC 55 in the vicinity of Apex and Holly Springs. The boundary extends southward along NC 55 and turns eastward to parallel NC 42, crossing into Johnston County near Benson Road (NC 50). The boundary turns northward near Clayton, extending to US 64/US 264 Bypass, in Knightdale. The study area includes southeastern limits of Raleigh and the southern limits of Garner and Cary. A Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) was published on November 30, 2009 (Federal Register Vol. 74, No. 228, page 62629).

Your agency was identified as an agency that may have an interest in the project. With this letter, we are extending to your agency an invitation to be a participating agency with the FHWA in the development of the EIS for the subject project. This designation does not imply that your agency either supports the proposal or has any special expertise with respect to evaluation of the project.

Pursuant to Section 6002 of SAFETEA-LU, participating agencies are responsible to identify, as early as practicable, any issues of concern regarding the project's potential environmental or socioeconomic impacts that could substantially delay or prevent an agency from granting a permit or other approval that is needed for the project. We suggest that your agency's role in the development of the above project include the following as they relate to your area of expertise:

- 1) Provide meaningful and early input on defining the purpose and need, determining the range of alternatives to be considered, and the methodologies and level of detail required in the alternatives analysis.
- 2) Participate in coordination meetings and joint field reviews as appropriate.
- 3) Timely review and comment on documents provided for your agency's input during the environmental review process.

Please respond to this invitation prior to September 15, 2010. If you wish to accept this invitation, please sign in the space below and return a copy to Ms. Jennifer Harris, P.E., NCTA Director of Planning and Environmental Studies, at 5400 Glenwood Avenue, Suite 400, Raleigh, North Carolina 27612. If you wish to decline, we ask that your agency submit a separate letter stating your reason for declining the invitation.

If you have any questions or would like to discuss in more detail the project or our agencies' respective roles and responsibilities during the preparation of the EIS, please contact Ms. Harris at (919) 571-3004 or Mr. George Hoops, FHWA Major Projects Engineer, at (919) 747-7022.

Thank you for your cooperation and interest in this project.

Sincerely,



for Steven D. DeWitt, P.E.  
Chief Engineer

cc: Mr. George Hoops, PE, FHWA  
Ms. Jennifer Harris, PE, NCTA

We accept the invitation to become a participating agency.

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

## Giugno, Kiersten R

---

**From:** Hart, Kevin  
**Sent:** Tuesday, January 25, 2011 3:56 PM  
**To:** Giugno, Kiersten R  
**Cc:** Deaton, Anne  
**Subject:** RE: Southeast Extension (participating agency invitation)

Kiersten,  
At this time the NCDMF will defer to the NCWRC on this project.  
If you have any questions please let me know.  
Kevin Hart

---

**From:** Giugno, Kiersten R  
**Sent:** Wednesday, January 19, 2011 11:54 AM  
**To:** Mckenna, Sean  
**Subject:** Southeast Extension (participating agency invitation)

Sean - attached is an invitation for DMF to serve as a participating agency pursuant to Section 6002 of SAFETEA-LU. I do not believe NCTA has received a response from DMF. Please review and respond for our records.

Thank you,

Kiersten R. Giugno  
Senior Transportation Planner

NCTA General Engineering Consultant  
5400 Glenwood Ave., Suite 400  
Raleigh, NC 27612

1578 Mail Service Center  
Raleigh, NC 27699-1578

Tel 919.420.7558

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Email correspondence to and from this sender is subject to the N.C. Public Records Law and may be disclosed to third parties.

**APPENDIX B**  
**Scoping Letters and Responses**



STATE OF NORTH CAROLINA  
TURNPIKE AUTHORITY

BEVERLY E. PERDUE  
GOVERNOR

1578 MAIL SERVICE CENTER, RALEIGH, N.C. 27699-1578

DAVID W. JOYNER  
EXECUTIVE DIRECTOR

January 25, 2010

Ms. Chrys Baggett  
North Carolina Department of Administration  
1301 Mail Service Center  
Raleigh, NC 27699-1301

RE: Start of Study and Agency Scoping Meeting Notification  
Southern & Eastern Wake Expressway, Wake and Johnston Counties  
STIP Projects R-2721, R-2828, and R-2829

Dear Ms. Baggett,

The North Carolina Turnpike Authority (NCTA), a division of the North Carolina Department of Transportation (NCDOT), has initiated the project development, environmental, and engineering studies for the proposed Southern and Eastern Wake Expressway in Wake and Johnston Counties (see attached figure). As it is currently defined, the project would address the proposed completion of the Raleigh 540 Outer Loop, from NC 55 in Wake County in the vicinity of the Towns of Apex and Holly Springs, east to the US 64/US 264 Bypass, in the Town of Knightdale, a distance of approximately 28 miles. The proposed study area also includes the southeastern limits of the City of Raleigh, the southern limits of the Towns of Garner and Cary, and portions of the Town of Clayton and Johnston County. A Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) was published on November 30, 2009 (Federal Register Vol. 74, No. 228, page 62629).

This project is included in the 2009-2015 NCDOT State Transportation Improvement Program (STIP) as Projects R-2721, R-2828, and R-2829. These three projects are being developed as a single project in a single EIS. The three projects combine to form the southern and eastern portions of the Outer Loop around Raleigh and surrounding communities, completing the Outer Loop. The northern portion of the Outer Loop is open to traffic and the western portion, the Western Wake Freeway, is currently under construction. The southern portion of this project is proposed to tie into the Western Wake Freeway near Apex. The eastern portion of this project is proposed to tie into the northern portion of the Outer Loop in Knightdale.

While much of the project area is rural and agricultural in nature, the area's proximity to employment centers in Raleigh and Research Triangle Park is stimulating a transition to suburban land uses. Based on previous studies and natural systems screening, the project corridor includes a number of streams, wetlands, and floodplains, as well as potential habitat for four federally protected species: dwarf wedgemussel (*Alasmidonta heterodon*), Tar River spiny mussel (*Elliptio steinstansana*), Michaux's sumac (*Rhus michauxii*), and the red-cockaded woodpecker (*Picoides borealis*).

NCTA plans to prepare an EIS for the Southern and Eastern Wake Expressway project in accordance with the National Environmental Policy Act (NEPA). The EIS will consider

alternatives that include improving existing roadways, alternatives that involve building a new location facility, and various non-highway alternatives. We would appreciate any information you might have that would be helpful in establishing the study area and project purpose and need, identifying preliminary corridors, evaluating the potential environmental impacts of those corridors, and establishing a viable range of alternatives for consideration. Also, please identify any permits or approvals or other requirements of your agency.

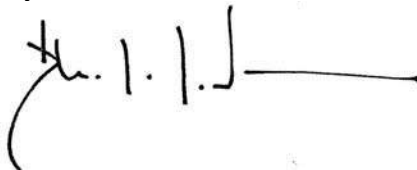
In lieu of strictly following the NCDOT's merger process, this project will follow coordination procedures authorized under Section 6002 of SAFETEA-LU for the environmental review process. The key difference in the two approaches is that under the Section 6002 process formal agency concurrence is not required at decision points in the study. However, NCTA still expects agencies to highlight issues of concern, particularly those that could affect later permitting decisions.

**An agency scoping meeting will be held at the Turnpike Environmental Agency Coordination Meeting on February 16, 2010 in the NCTA Board Room (Address: 5400 Glenwood Avenue, Suite 400, Raleigh, NC 27612). This meeting will be from 8:30 AM to 10:30 AM.** The purpose of the meeting will be to identify significant issues related to the proposed action that should be considered during the study process. We strongly encourage you or a representative of your agency to participate in this meeting; however, if your agency can not be represented, please provide written comments by March 31, 2010. Your response should be mailed to the following:

Ms. Jennifer Harris, PE  
North Carolina Turnpike Authority  
1578 Mail Service Center  
Raleigh, NC 27699-1578

If you have any questions concerning the proposed project, please call Ms. Harris at (919) 571-3004. Public inquiries about the project can also be made via e-mail at [sewake@ncturnpike.org](mailto:sewake@ncturnpike.org).

Sincerely,

A handwritten signature in black ink, appearing to read "S.D. DeWitt", followed by a horizontal line extending to the right.

Steven D. DeWitt, P.E.  
Chief Engineer

Attachment: Project Study Area Figure

cc: Mr. David Joyner, NCTA  
Ms. Jennifer Harris, P.E., NCTA  
Ms. Reid Simons, NCTA  
Mr. Roy Bruce, P.E., H.W. Lochner



STATE OF NORTH CAROLINA  
TURNPIKE AUTHORITY

BEVERLY E. PURDUE  
GOVERNOR

1578 MAIL SERVICE CENTER, RALEIGH, N.C. 27699-1578

DAVID W. JOYNER  
EXECUTIVE DIRECTOR

February 4, 2010

ADDRESS

RE: Start of Study and Local Officials Scoping Meeting Notification  
Triangle Expressway Southeast Connector  
Wake and Johnston Counties

Dear ADDRESSEE,

The North Carolina Turnpike Authority, a division of the North Carolina Department of Transportation (NCDOT), is moving forward with planning, environmental and engineering studies for the proposed Triangle Expressway Southeast Connector, also known as the Southern and Eastern Wake Expressway, project in Wake and Johnston Counties.

This project is included in the 2009-2015 NCDOT State Transportation Improvement Program (STIP) as Projects R-2721, R-2828, and R-2829. These three projects are being developed as a single project in a single planning study. This project combines to form the southern and eastern portions of the Outer Loop around Raleigh and surrounding communities, completing the Outer Loop. The northern portion of the Outer Loop is open to traffic and the western portion, the Triangle Expressway, is currently under construction.

Construction of the Southeast Connector is currently scheduled to be completed in phases. Phase I is between NC 55 in Apex and Interstate 40 near the Johnston County line. Phase II continues the project at I-40 and ends at US 64/US 264 Bypass in Knightdale. The entire project is nearly 30 miles long.

The Turnpike Authority anticipates preparing an environmental impact statement (EIS) for the Southeast Connector project in accordance with the National Environmental Policy Act (NEPA). The EIS will consider alternatives that include improving existing roadways, alternatives that involve building a new location facility and various non-highway alternatives.

Beginning this month, the Turnpike Authority will provide monthly updates on the project at Capital Area Metropolitan Planning Organization (CAMPO) Transportation Advisory Committee (TAC) meetings, as well as at monthly Technical Coordinating Committee (TCC) meetings. At the February 17, 2010 TAC meeting, the Authority will provide an overview of the project, the proposed project study area and preliminary purpose and need for the project. In addition, the Authority will seek input from local representatives to identify potential issues related to the proposed action that should be considered during the study process.

The CAMPO TAC meeting is scheduled for February 17, 2010 at 4:00 P.M. in Suite 800 of The Professional Building, 127 West Hargett Street. We strongly encourage you or a representative to participate in this meeting and/or to provide written comments. Written comments are appreciated by March 26, 2010. Your response should be mailed to the following:

Ms. Jennifer Harris, PE  
North Carolina Turnpike Authority  
1578 Mail Service Center  
Raleigh, NC 27699-1578

If you have any questions concerning the proposed project, please call Ms. Harris at (919) 571-3000.

Sincerely,

Steven D. DeWitt, P.E.  
Chief Engineer

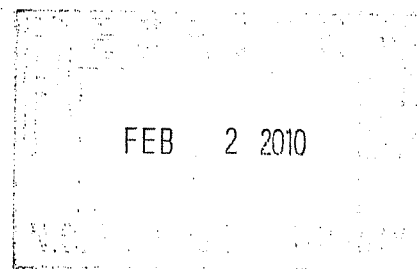
cc: Mr. David Joyner, NCTA  
Ms. Jennifer Harris, P.E., NCTA  
Mr. George Hoops, P.E., FHWA  
Mr. Roy Bruce, P.E., H.W. Lochner  
Mr. Beau Memory, NCDOT





**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960



January 25, 2010

Ms. Jennifer Harris, P.E.  
North Carolina Turnpike Authority/NCDOT  
5400 Glenwood Avenue  
Suite 400  
Raleigh, North Carolina 27612

**SUBJECT: EPA Comments on the Pre-Scoping Information, Notice of Intent to Prepare an Environmental Impact Statement and Section 6002 Draft Coordination Plan for R-2721/R-2828/R-2829, Southern and Eastern Wake Expressway Project, Wake and Johnston Counties**

Dear Ms. Harris:

The U.S. Environmental Protection Agency (EPA) Region 4 Office is providing scoping comments for the above referenced project consistent with Section 309 of the Clean Air Act and Section 102(2)(C) of the National Environmental Policy Act (NEPA). The North Carolina Turnpike Authority (NCTA) as part of the North Carolina Department of Transportation (NCDOT) and the Federal Highway Administration (FHWA) are proposing to construct an approximately 30-mile, multi-lane toll facility between NC 55 near the towns of Apex and Holly Springs and US 64/US 264 Bypass in Knightdale. The proposed project is considered to be the completion of the Raleigh Outer Loop. The Southern and Eastern Wake Expressway projects are also referred to by some entities as the Raleigh Southern Outer Loop or Interstate 540. EPA notes that Exhibit 28 of the September 2, 2004, Strategic Highway Corridor Vision Plan that was adopted by the NCDOT shows the proposed projects as Interstate 640.

The NCTA presented information at a Corridor Study and EIS pre-scoping meeting on December 8, 2009, in which Mr. Christopher Militscher of my staff participated. The presentation included a project history that began in 1996 with NCDOT filing for a Protected Corridor for Southern Wake Expressway. The project was put on hold several times due to traffic forecasts. Thirty (30) parcels in Wake County have been purchased by NCDOT for a preferred corridor. EPA requested that the identification of the parcels and acreage be provided in the Draft Environmental Impact Statement (DEIS). Mr. Militscher also requested that NCTA and FHWA consider expanding the proposed Project Study Area to include areas between Lake Wheeler, Lake Benson, and the Town of Garner and existing Interstate 40/440.

The proposed project is expected to have significant direct impacts to jurisdictional wetlands and streams, protected water supply areas, protected mussel species, residences and businesses, prime and unique farmlands, air quality, etc. The proposed project is also anticipated to have significant indirect and cumulative effects to human and natural environmental resources in southern Wake County and western Johnston County.

The Notice of Intent to prepare a DEIS dated November 30, 2009, identifies that NCTA and FHWA will also examine the "No-build", expanding transit service, transportation demand management (TDM) and transportation system management (TSM) as non-highway improvement alternatives. The Notice of Intent does not state that these non-highway alternatives will be examined in combination with one another or combined with interim improvements or upgrades to other existing roadways in the project study area. Other NCDOT Transportation Improvement Program (TIP) projects should be identified and evaluated during scoping including I-5111, I-40 Widening in Johnston County and R-2609, US 401 Widening in southern Wake County (Part of Strategic Highway Corridor #42, NC 210 to I-40). EPA notes that improvements (e.g. Widening to multi-lanes) to several existing east-west routes in southern Wake County have not been identified in area transportation plans. Ten-Ten Road (State Route 1010) which is a major east-west route in southern Wake County starts in Apex and US 1 and ends at NC 50. It is mostly a two-lane facility. NC 42 begins at US 401 and NC 55 near Fuquay-Varina and joins with US 70 Business in Clayton. Except for a small segment around Exit 312 at I-40, most of NC 42 in southern Wake County and western Johnston County is a two-lane roadway. EPA believes that these routes are in need of improvements and upgrades, including additional turn lanes and possible extended multi-lane sections.

Overall, there appears to have been very few highway improvements to existing major roadways in southern Wake County in more than a decade. EPA acknowledges improvements to Tryon Road, the proposed extension of Timber Drive in Garner, the ongoing I-540 toll road that terminates at NC 55 north of Holly Springs, and the US 70 Clayton Bypass. EPA recommends that improvements to Ten-Ten Road, including a new location extension from NC 50 to the new I-40 Interchange for the US 70 Clayton Bypass be evaluated as a 'highway build alternative' combined with other non-highway measures as identified in the Notice of Intent.

Under the Section 6002 draft Coordination Plan dated December 1, 2009, EPA notes that in Section 10.3, Process for Identifying Preferred Alternative or Section 10.4, Opportunity for Agency Input, there is no reference to the U.S. Army Corps of Engineers (USACE) determination of the Least Environmentally Damaging Practicable Alternative (LEDPA). As with other NCTA-lead projects, EPA continues to recommend that the transportation agencies make better use of the well-established NEPA/Section 404 Merger 01 Process. EPA plans to be a Participating Agency as per Section 4.3 of the draft Coordination Plan.

EPA will continue to stay involved with this proposed project and will offer more specific scoping comments when additional information, such as traffic forecasts, are available for review. Please contact Mr. Christopher A. Militscher of my staff at 919-856-4206 or by e-mail at [militscher.chris@epa.gov](mailto:militscher.chris@epa.gov) should you have any questions concerning these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Mueller", with a long horizontal flourish extending to the right.

Heinz J. Mueller, Chief  
NEPA Program Office

Cc: J. Sullivan, FHWA  
D. Barbour, NCDOT  
S. McClendon, USACE  
B. Wrenn, NCDWQ



## United States Department of the Interior

FEB 5 2010

FISH AND WILDLIFE SERVICE  
Raleigh Field Office  
Post Office Box 33726  
Raleigh, North Carolina 27636-3726

February 3, 2010

Ms. Jennifer Harris, PE  
North Carolina Turnpike Authority  
1578 Mail Service Center  
Raleigh, North Carolina 27699-1578

Dear Ms. Harris:

This letter is in response to your request for comments from the U.S. Fish and Wildlife Service (Service) on the potential environmental effects of the proposed Southern and Eastern Wake Expressway in Wake and Johnston Counties (TIP No. R-2721, R-2828, R-2829). These comments provide information in accordance with provisions of the National Environmental Policy Act (42 U.S.C. 4332(2)(c)) and Section 7 of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531-1543).

Overall, the project will have significant impacts on fish and wildlife resources, including impacts to streams, wetlands, upland forest and other habitat types. These impacts will be in the form of direct loss of habitat and fragmentation effects on remaining habitat. Although these habitats are already fragmented by multiple land uses, additional cumulative habitat fragmentation effects will occur. The negative effects of habitat fragmentation usually extend well beyond the project footprint. Forest fragmentation can lead to increased predation of some species and increased brown-headed cowbird (*Molothrus ater*) parasitism of the nests of neotropical migrant birds. Habitat fragmentation can also facilitate invasive and/or nonnative species colonization of fragmented lands. Roads also act as physical barriers to wildlife movement and cause significant wildlife mortality in the form of road-killed animals.

Section 7(a)(2) of the Endangered Species Act requires that all federal action agencies (or their designated non-federal representatives), in consultation with the Service, insure that any action federally authorized, funded, or carried out by such agencies is not likely to jeopardize the continued existence of any federally threatened or endangered species. The North Carolina Natural Heritage Program (NCNHP) database lists four federally listed species for Johnston and Wake Counties: dwarf wedgemussel (*Alasmidonta heterodon*), Tar River spiny mussel (*Elliptio steinstansana*), red-cockaded woodpecker (*Picoides borealis*) and Michaux's sumac (*Rhus michauxii*). While the Tar River spiny mussel and red-cockaded woodpecker are unlikely to occur within the project study area, the dwarf wedgemussel and Michaux's sumac are both known to occur within the study area.

The Service is particularly concerned about impacts to the dwarf wedgemussel population in Swift Creek. The protected southern corridor and preliminary eastern corridor cross Swift Creek and its tributaries. This population of dwarf wedgemussel is at risk from direct effects associated

with construction of the project (e.g. erosion and siltation from construction area), and from indirect effects associated with the degradation of water quality from secondary development induced by the new road. Increased impervious surface and storm water runoff from additional development would likely further degrade the water quality within Swift Creek and its tributaries. The rapid development in the last 10-15 years within the watershed of Swift Creek below the Lake Benson Dam has already severely impacted the dwarf wedgemussel, with the result that the species is increasing more difficult to find. Additional cumulative impacts may occur in conjunction with the proposed widening of I-40 within this same study area (TIP No. I-5111). The Turnpike Authority should begin to develop a strategy to avoid contributing to the degradation of the water quality of the Swift Creek watershed.


The protected southern corridor and the preliminary eastern corridor appear to connect with I-40 at a particularly unfavorable location with regard to potential impacts to the dwarf wedgemussel. This location puts the interchanges with I-40 and US 70 Bypass on top of several tributaries to Swift Creek and also in close proximity to Swift Creek mainstem. The Service recommends additional alternatives be considered which locate the interchange(s) farther away from Swift Creek and its tributaries. In addition, the Turnpike Authority should explore innovative conservation measures to minimize effects to the species. Additional mussel survey data would be useful in assessing the current status of the dwarf wedgemussel within Swift Creek.

The Service anticipates a formal Section 7 consultation for this project. Sufficient time must be allowed for the completion of this process. From the time that a complete consultation initiation package is received, the Service has 135 days to provide a final Biological Opinion. However, communication regarding the consultation should be occurring long before formal consultation is initiated.

Since Michaux's sumac is known to occur within the project study area, surveys should be conducted within suitable habitat to determine the presence or absence of this species. The survey window for Michaux's sumac is May – October.

The Service appreciates the opportunity to comment on this project. If you have any questions regarding our response, please contact Mr. Gary Jordan at (919) 856-4520, ext. 32.

Sincerely,

  
for Pete Benjamin  
Field Supervisor

cc: Eric Alsmeyer, USACE, Wake Forest, NC  
Travis Wilson, NCWRC, Creedmoor, NC  
Chris Militscher, USEPA, Raleigh, NC  
John Sullivan, FHWA, Raleigh, NC



# North Carolina Department of Administration

Beverly Eaves Perdue, Governor

Moses Carey, Jr., Secretary

March 30, 2010

Ms. Jennifer Harris  
State of N.C. Turnpike Authority  
1578 Mail Service Center  
Raleigh, NC 27699-1578

**Re: SCH File # 10-E-4220-0283; SCOPING; Scoping notice for the Southern and Eastern Wake Expressway, STIP Projects R-2721,-2828 and R-2829. Completion of the 540 Outer Loop from NC 55 in Wake County to the US 64/US 264 bypass in Knightdale, approximate distance of 29 miles.**

Dear Ms. Harris:

The above referenced environmental impact information has been submitted to the State Clearinghouse under the provisions of the National Environmental Policy Act. According to G.S. 113A-10, when a state agency is required to prepare an environmental document under the provisions of federal law, the environmental document meets the provisions of the State Environmental Policy Act. Attached to this letter for your consideration are the comments made by agencies in the course of this review.

If any further environmental review documents are prepared for this project, they should be forwarded to this office for intergovernmental review.

Should you have any questions, please do not hesitate to call.

Sincerely,

*Chrys Baggett (576)*

Ms. Chrys Baggett  
State Environmental Review Clearinghouse

Attachments

cc: Region J

**Mailing Address:**  
1301 Mail Service Center  
Raleigh, NC 27699-1301

**Telephone:** (919)807-2425  
Fax (919)733-9571  
State Courier #51-01-00  
*e-mail* [state.clearinghouse@doa.nc.gov](mailto:state.clearinghouse@doa.nc.gov)

**Location Address:**  
116 West Jones Street  
Raleigh, North Carolina



North Carolina Department of Environment and Natural Resources

Beverly Eaves Perdue  
Governor

Dee Freeman  
Secretary



MEMORANDUM

TO: Valerie McMillan  
State Clearinghouse

FROM: Melba McGee *MM*  
Environmental Review Coordinator

RE: 10-0283 Scoping, Southern and Eastern Wake Expressway in Wake  
County to US 64/264 Bypass in Knightdale

DATE: March 26, 2010

The Department of Environment and Natural Resources has reviewed the proposed project. The attached comments are for the applicant's consideration. More specific comments will be provided during the environmental review process.

Thank you for the opportunity to respond. If during the preparation of the environmental document, additional information is needed, the applicant is encouraged to notify our respective divisions.

Attachments



North Carolina Department of Environment and Natural Resources

Beverly Eaves Perdue  
Governor

Dee Freeman  
Secretary

March 22, 2010



MEMORANDUM

TO: Melba McGee, DENR Environmental Coordinator

FROM: <sup>HL</sup> Harry LeGrand, Natural Heritage Program

SUBJECT: Scoping – Southern and Eastern Wake Expressway (Completion of the 540 Outer Loop from NC 55 in Wake County to the US 64/264 Bypass in Knightdale), Wake County; STIP Projects R-2721, R-2828, and R-2829

REFERENCE: Project No. 10-0283

The Natural Heritage Program has a number of records of rare species, significant natural heritage areas, and conservation/managed areas within the project area. The comments below are arranged from west (NC 55) to east (US 64-264 Bypass), and they only relate to features in our database located within a mile of the proposed corridor, not for the entire study area boundary. Several maps are enclosed that show such features.

The proposed corridor would be located several tenths of a mile north of Middle Creek Park, owned and operated by Wake County. It appears that the park will not be impacted, if the highway is built where shown in the scoping notice.

The proposed highway will cross the Nationally significant Swift Creek (Wake/Johnston) Aquatic Habitat. This body of water contains numerous existing records of rare mussel species (see attached Swift Creek Aquatic Habitat material), including the Federally Endangered dwarf wedgemussel (*Alasmidonta heterodon*). Thus, it is extremely important that consultation with the U.S. Fish and Wildlife Service about the project and potential impacts to this species, as well as to other rare species, be done early in the planning process.

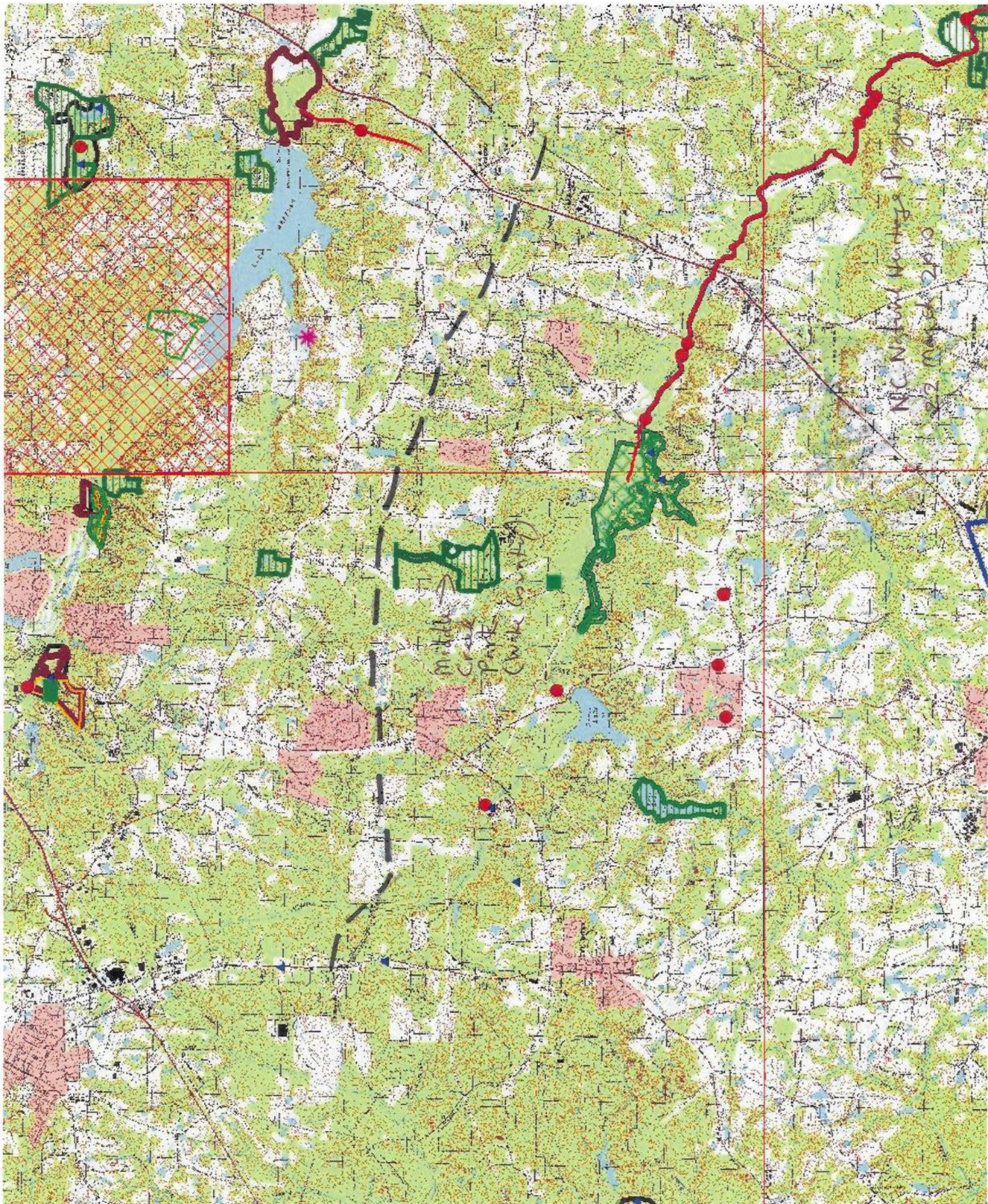
The proposed highway will also cross the Neuse River, near a small tract owned by Wake County, as open space land. In addition, there is a County-significant natural area identified as the Neuse River (Clayton) Forests that lies along a considerable stretch of the river. Though the impacts to the natural area are inevitable with a new bridge crossing, impacts to the river itself do not appear to be of Natural Heritage concern because of the apparent absence of rare species near the crossing and for a number of miles downstream. Nonetheless, it is important to keep sediment from reaching the river, as there are rare aquatic species locations in the river much farther south toward Clayton.

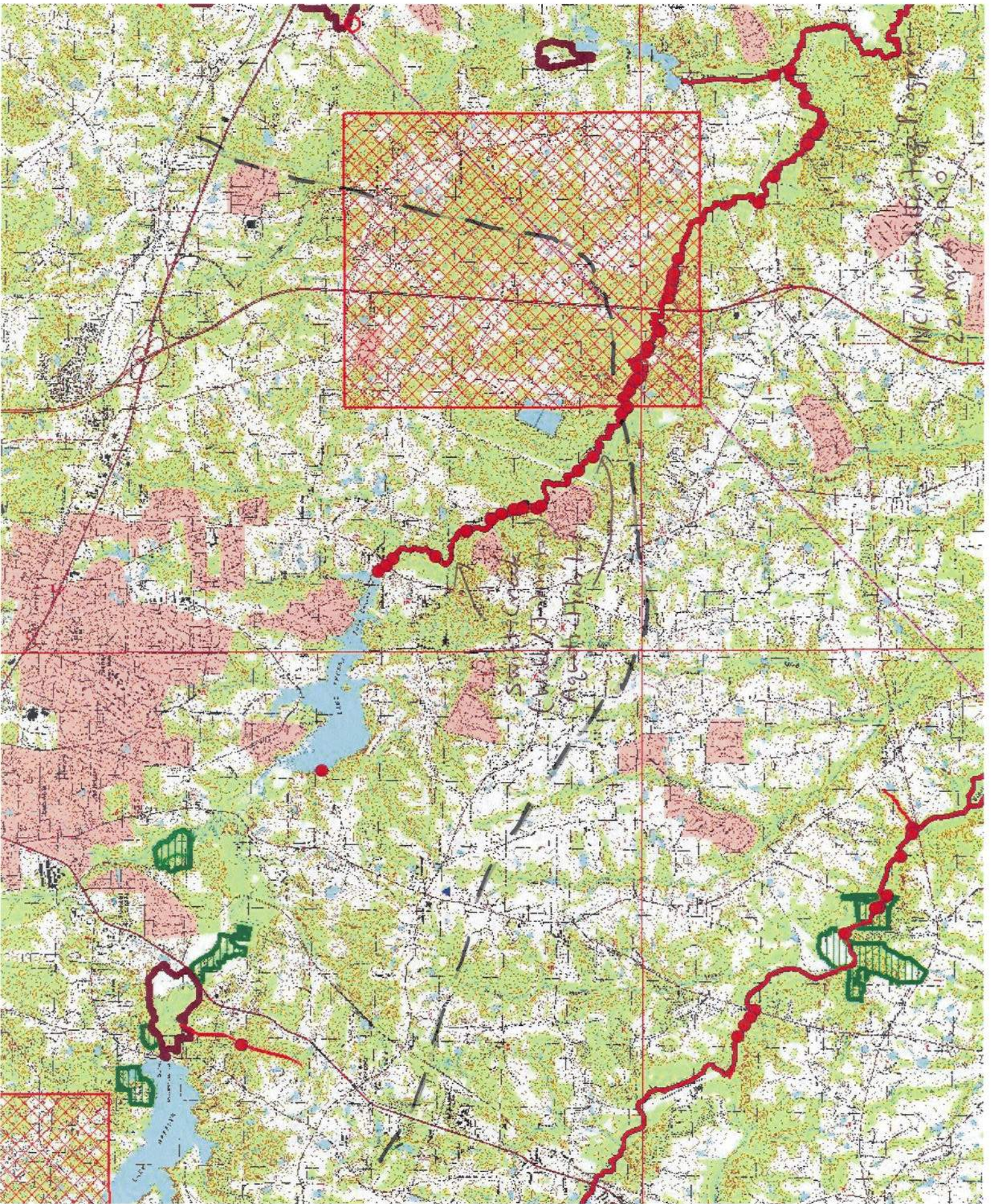
In general, the proposed route does not appear to impact any significant sites and rare species, away from Swift Creek and the Neuse River. However, there will likely be impacts to the forests along the Neuse River, and there is considerable concern for impacts to the waters of Swift Creek.

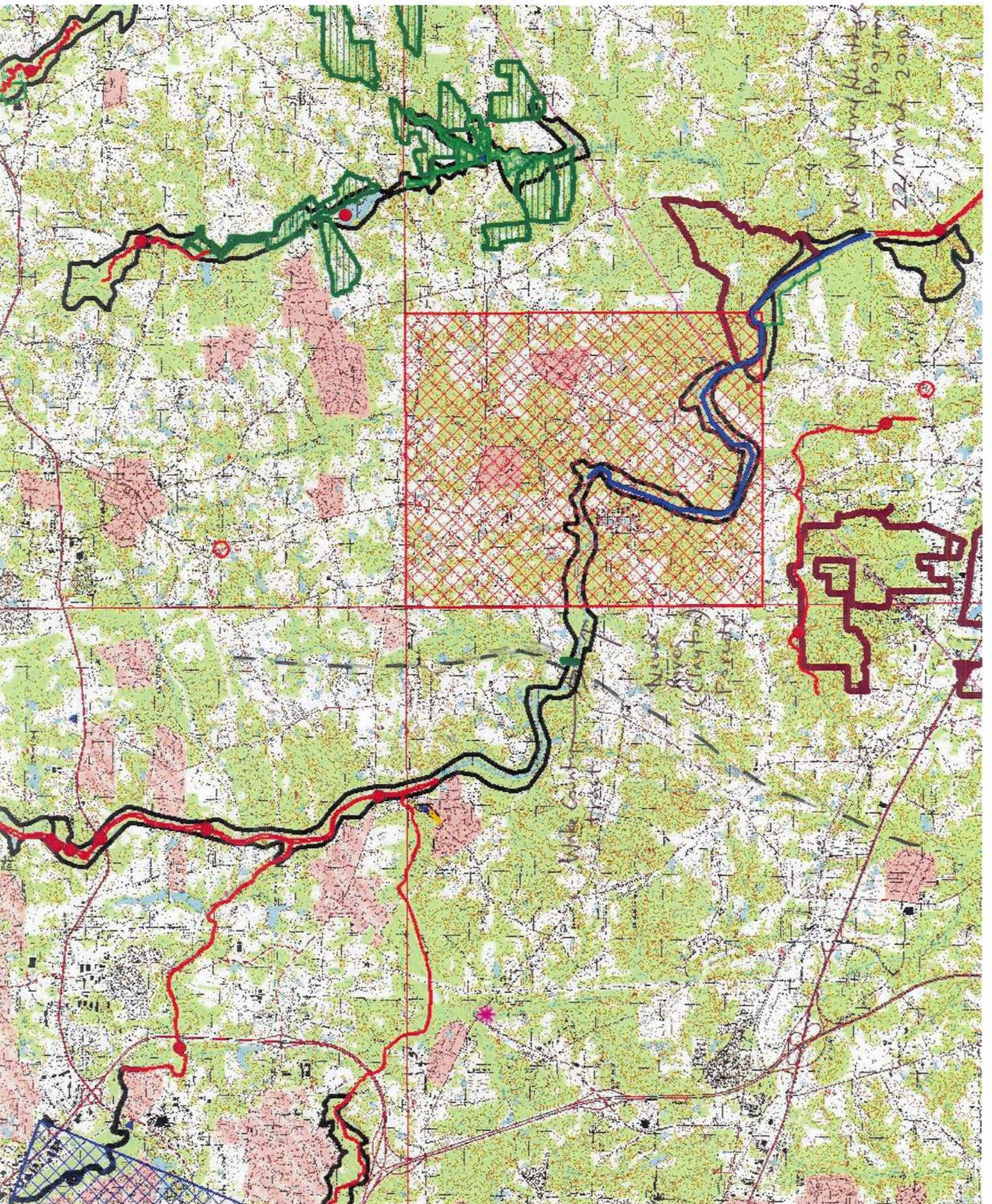


Please do not hesitate to contact me at 919-715-8697 if you have questions or need further information.

Enclosures







NC Natural Heritage  
Priority Program  
22 March 2010

White County  
Forest  
Nixon  
Road  
(Cedar Fork  
Forest)

WATERWAY

# Significant Natural Heritage Area Report

22 March 2010

Name Swift Creek (Wake/Johnston) Aquatic Habitat

## IDENTIFIERS

Site ID 781

Site Alias

Macro Site Name

Mega Site Name

Site Relations



Owner Abbr.  
PW

Owner  
NC PUBLIC WATERS

Owner Comments

## LOCATORS

County Johnston (NC)  
Wake (NC)

Latitude 353455N Longitude 0783029W

Quad Powhatan  
Edmondson  
Garner

Watershed Upper Neuse

**Directions** This portion of Swift Creek is located in the Neuse River Basin of Johnston and Wake counties. The significant portion of the aquatic habitat includes the reach below Lake Benson Dam in Wake County to the confluence with Middle Creek in Johnston County. Also includes portion of White Oak Creek from the confluence with Swift Creek upstream to Austin Pond.

## SITE DESCRIPTION

<b>Minimum Elevation:</b>	<b>Feet</b>	<b>Meters</b>	<b>Survey</b> P
<b>Maximum Elevation:</b>	<b>Feet</b>	<b>Meters</b>	

**Site Description** This aquatic habitat is contained entirely in the Piedmont Province. The rare species located in the creek include: dwarf wedge mussel, yellow lance, Atlantic pigtoe, green floater, triangle floater, Roanoke slabshell, squawfoot, eastern lampmussel, notched rainbow, Neuse River waterdog, and Carolina madtom.

**Key Enviro Factors**

**Climate Description**

**Land Use History**

**Cultural Features**

**Additional Topics** NW->SE

VECTOR

## SITE DESIGN

**Site Mapped** **Mapped Date**

**Designer**

**Boundary Justification**

**Primary and Secondary Area** 242.45 Acres **Primary Area** 242.45 Acres

**Site Comments**

**Ground Survey Date** 1998 **Aerial Survey Date**

## SITE SIGNIFICANCE

**Significance** National

**Site Significance Comments** Endangered animal species; high quality aquatic ecosystem.

**Biodivsig rating** B1 - Outstanding

**Biodivsig Comments**

**Other Values**

**Other Values Comments**

# Significant Natural Heritage Area Report

22 March 2010

Name Swift Creek (Wake/Johnston) Aquatic Habitat

Protection Urgency

Protection Urgency Comments

Management Urgency

Management Urgency Comments

## REAL ESTATE/PROTECTION

Conservation Intentions High Quality Waters designation

Number of Tracts

Designation

Protection Comments No protection status

## MANAGEMENT

Land Use Comments

Natural Hazard Comments

Exotics Comments

Offsite

Information Needs

Management Needs

Managed Area Relations

## ELEMENT OCCURRENCES

<u>Scientific Name</u>	<u>Common Name</u>	<u>G Rank</u>	<u>S Rank</u>	<u>EO Rank</u>	<u>EO ID</u>
Noturus furiosus	Carolina Madtom	G2	S2	H?	9621
Alasmidonta heterodon	Dwarf Wedgemussel	G1G2	S1	BC	13799
Alasmidonta undulata	Triangle Floater	G4	S2	E	8700
Elliptio lanceolata	Yellow Lance	G2G3	S1	BC	21894
Elliptio lanceolata	Yellow Lance	G2G3	S1	BC	21890
Elliptio roanokensis	Roanoke Slabshell	G3	S1	E	6291
Elliptio roanokensis	Roanoke Slabshell	G3	S1	E	26000
Fusconaia masoni	Atlantic Pigtoe	G2	S1	AB	11695
Lasmigona subviridis	Green Floater	G3	S1	X?	15369
Strophitus undulatus	Creeper	G5	S2	E	14759
Strophitus undulatus	Creeper	G5	S2	E	6567
Villosa constricta	Notched Rainbow	G3	S3	E	5097

## REFERENCES

<u>Reference Code</u>	<u>Full Citation</u>
U93SMI01NCUS	Smith, I.K., H.E. LeGrand, S.P. Hall, Z.E. Murrell, C.W. Nordman, and M.P. Schafale. 1993. Regional inventory for critical natural areas, wetland ecosystems, and endangered species habitats, of the Albemarle-Pamlico Estuarine region: Phase 3. NC Natural Heritage Program, Div. of Parks and Recreation, Dept. of Environment, Health, and Natural Resources, Raleigh, NC.
U92ALD01NCUS	Alderman, J.M. 1992. Station locations by species for proposed critical habitats. NC Wildlife Resources Report. Nongame and Endangered Wildlife Program, NC Wildlife Resources Commission, Division of Wildlife Management, Raleigh, NC.
U91ALD01NCUS	Alderman, J.M. 1991. North Carolina Status Surveys for Fusconaia masoni, Elliptio lanceolata, and Toxolasma pullus. Nongame Project Report to U.S. Fish and Wildlife Service. Nongame and Endangered Wildlife Program, NC Wildlife Resources Commission, Division of Wildlife Management, Raleigh, NC.

## VERSION

# Significant Natural Heritage Area Report

22 March 2010

**Name** Swift Creek (Wake/Johnston) Aquatic Habitat

**Version Date** 2003-02-24

**Version Author** Kopplin

## NC NHP County Element Search Results

Returned Elements: 92 using: WAKE ALL

 [Animal Assemblage 1] [Invertebrate Animal 17] [Natural Community 17] [Nonvascular Plant 4] [Vascular Plant 39]  
 [Vertebrate Animal 14]

	Major Group	Scientific Name	Common Name	State Status	Federal Status	State Rank	Global Rank	County - Status	Map - Habitat
	Animal Assemblage	<i>Colonial Wading Bird Colony</i>	None	None	None	S3	G5	Wake - Current	<a href="#">Link</a>
✕	Invertebrate Animal	<i>Alasmidonta heterodon</i>	Dwarf Wedgemussel	E	E	S1	G1G2	Wake - Current	<a href="#">Link</a>
✕	Invertebrate Animal	<i>Alasmidonta undulata</i>	Triangle Floater	T	None	S2	G4	Wake - Current	<a href="#">Link</a>
	Invertebrate Animal	<i>Cambarus davidi</i>	Carolina Ladle Crayfish	SR	None	S2S3	G3	Wake - Current	<a href="#">Link</a>
	Invertebrate Animal	<i>Dibusa angata</i>	A Caddisfly	SR	None	S2	G5	Wake - Current	<a href="#">Link</a>
✕	Invertebrate Animal	<i>Elliptio lanceolata</i>	Yellow Lance	E	FSC	S1	G2G3	Wake - Current	<a href="#">Link</a>
✕	Invertebrate Animal	<i>Elliptio roanokensis</i>	Roanoke Slabshell	T	None	S1	G3	Wake - Current	<a href="#">Link</a>
	Invertebrate Animal	<i>Erynnis martialis</i>	Mottled Duskywing	SR	None	S2S3	G3	Wake - Obscure	<a href="#">Link</a>
✕	Invertebrate Animal	<i>Fusconaia masoni</i>	Atlantic Pigtoe	E	FSC	S1	G2	Wake - Current	<a href="#">Link</a>
	Invertebrate Animal	<i>Gomphus septima</i>	Septima's Clubtail	SR	FSC	S1S2	G2	Wake - Obscure	<a href="#">Link</a>
	Invertebrate Animal	<i>Lampsilis radiata</i>	Eastern Lampmussel	T	None	S1S2	G5	Wake - Current	<a href="#">Link</a>
	Invertebrate Animal	<i>Lasmigona subviridis</i>	Green Floater	E	FSC	S1	G3	Wake - Current	<a href="#">Link</a>
	Invertebrate Animal	<i>Lithophane lemmeri</i>	Lemmer's Pinion	SR	None	S1S3	G3G4	Wake - Obscure	<a href="#">Link</a>
	Invertebrate Animal	<i>Orconectes carolinensis</i>	North Carolina Spiny Crayfish	SC	None	S3	G3	Wake - Historical	<a href="#">Link</a>
	Invertebrate Animal	<i>Papilio cresphontes</i>	Giant Swallowtail	SR	None	S2	G5	Wake - Obscure	<a href="#">Link</a>
	Invertebrate Animal	<i>Schizura sp. 1</i>	A New Prominent Moth	SR	None	S1S3	GU	Wake - Obscure	<a href="#">Link</a>
✕	Invertebrate Animal	<i>Strophitus undulatus</i>	Creeper	T	None	S2	G5	Wake - Current	<a href="#">Link</a>
✕	Invertebrate Animal	<i>Villosa constricta</i>	Notched Rainbow	SC	None	S3	G3	Wake - Current	<a href="#">Link</a>
	Natural Community	<i>Basic mesic forest (piedmont subtype)</i>	None	None	None	S2	G5T3	Wake - Current	<a href="#">Link</a>
	Natural Community	<i>Coastal plain semipermanent impoundment</i>	None	None	None	S4	G5	Wake - Current	<a href="#">Link</a>
	Natural Community	<i>Coastal plain small stream swamp (brownwater subtype)</i>	None	None	None	S2S3	G5T3T4	Wake - Current	<a href="#">Link</a>
	Natural Community	<i>Dry-mesic oak--hickory forest</i>	None	None	None	S5	G5	Wake - Current	<a href="#">Link</a>
	Natural Community	<i>Floodplain pool</i>	None	None	None	S2S3	G3?	Wake - Current	<a href="#">Link</a>
	Natural Community	<i>Granitic flatrock</i>	None	None	None	S2	G3	Wake - Current	<a href="#">Link</a>



Natural Community	<i>Low elevation seep</i>	None	None	None	S3	G4?	Wake - Current	<a href="#">Link</a>
Natural Community	<i>Mesic mixed hardwood forest (piedmont subtype)</i>	None	None	None	S4	G5T5	Wake - Current	<a href="#">Link</a>
Natural Community	<i>Piedmont longleaf pine forest</i>	None	None	None	S1	G1?	Wake - Current	<a href="#">Link</a>
Natural Community	<i>Piedmont monadnock forest</i>	None	None	None	S4	G5	Wake - Current	<a href="#">Link</a>
Natural Community	<i>Piedmont/coastal plain acidic cliff</i>	None	None	None	S2?	G4	Wake - Current	<a href="#">Link</a>
Natural Community	<i>Piedmont/coastal plain heath bluff</i>	None	None	None	S3	G4?	Wake - Current	<a href="#">Link</a>
Natural Community	<i>Piedmont/low mountain alluvial forest</i>	None	None	None	S5	G5	Wake - Current	<a href="#">Link</a>
Natural Community	<i>Piedmont/mountain bottomland forest</i>	None	None	None	S3?	G5	Wake - Current	<a href="#">Link</a>
Natural Community	<i>Piedmont/mountain levee forest</i>	None	None	None	S3?	G5	Wake - Current	<a href="#">Link</a>
Natural Community	<i>Piedmont/mountain semipermanent impoundment</i>	None	None	None	S4	G5	Wake - Current	<a href="#">Link</a>
Natural Community	<i>Ultramafic outcrop barren</i>	None	None	None	S1	G1	Wake - Current	<a href="#">Link</a>
Nonvascular Plant	<i>Campylopus oerstedianus</i>	Oersted's Campylopus	SR-D	None	S1	G1G3	Wake - Historical	<a href="#">Link</a>
Nonvascular Plant	<i>Cleistocarpidium palustre</i>	Prairie Pleuridium	SR-D	None	S1	G5?	Wake - Current	<a href="#">Link</a>
Nonvascular Plant	<i>Sphagnum subsecundum</i>	Orange Peatmoss	SR-P	None	S1	G5	Wake - Historical	<a href="#">Link</a>
Nonvascular Plant	<i>Tortula plinthobia</i>	A Chain-teeth Moss	SR-O	None	S1?	G4G5	Wake - Historical	<a href="#">Link</a>
Vascular Plant	<i>Acmispon helleri</i>	Carolina Birdfoot-trefoil	SR-T	FSC	S3	G3	Wake - Current	<a href="#">Link</a>
Vascular Plant	<i>Agastache nepetoides</i>	Yellow Giant-hyssop	SR-P	None	S1	G5	Wake - Historical	<a href="#">Link</a>
Vascular Plant	<i>Buchnera americana</i>	American Bluehearts	SR-P	None	SH	G5?	Wake - Historical	<a href="#">Link</a>
Vascular Plant	<i>Cardamine douglassii</i>	Douglass's Bittercress	SR-P	None	S2	G5	Wake - Current	<a href="#">Link</a>
Vascular Plant	<i>Carex reniformis</i>	Kidney Sedge	SR-P	None	S1	G4?	Wake - Historical	<a href="#">Link</a>
Vascular Plant	<i>Carex tetanica</i>	Rigid Sedge	SR-P	None	S1	G4G5	Wake - Historical	<a href="#">Link</a>
Vascular Plant	<i>Cirsium carolinianum</i>	Carolina Thistle	SR-P	None	S2	G5	Wake - Historical	<a href="#">Link</a>
Vascular Plant	<i>Clematis catesbyana</i>	Coastal Virgin's-bower	SR-P	None	S2	G4G5	Wake - Historical	<a href="#">Link</a>
Vascular Plant	<i>Cyperus granitophilus</i>	Granite Flatsedge	SR-T	None	S2	G3G4Q	Wake - Current	<a href="#">Link</a>
Vascular Plant	<i>Dichantheium annulum</i>	Ringed Witch Grass	SR-P	None	S1	GNR	Wake - Historical	<a href="#">Link</a>
Vascular Plant	<i>Dichantheium sp. 9</i>	A Witch Grass	SR-L	None	S2	G2G3	Wake - Historical	<a href="#">Link</a>
Vascular Plant	<i>Didiplis diandra</i>	Water Purslane	SR-P	None	S1	G5	Wake - Current	<a href="#">Link</a>
Vascular Plant	<i>Fothergilla major</i>	Large Witch-alder	SR-T	None	S3	G3	Wake - Current	<a href="#">Link</a>
Vascular Plant	<i>Gillenia stipulata</i>	Indian Physic	SR-P	None	S2	G5	Wake - Current	<a href="#">Link</a>

Vascular Plant	<i>Helenium brevifolium</i>	Littleleaf Sneezeweed	E	None	S2	G4	Wake - Historical	<a href="#">Link</a>
Vascular Plant	<i>Isoetes piedmontana</i>	Piedmont Quillwort	T	None	S2	G3	Wake - Current	<a href="#">Link</a>
Vascular Plant	<i>Liatris squarrulosa</i>	Earle's Blazing-star	SR-P	None	S2	G4G5	Wake - Current	<a href="#">Link</a>
Vascular Plant	<i>Lindera subcoriacea</i>	Bog Spicebush	T	FSC	S2S3	G2G3	Wake - Current	<a href="#">Link</a>
Vascular Plant	<i>Magnolia macrophylla</i>	Bigleaf Magnolia	SR-P	None	S2	G5	Wake - Current	<a href="#">Link</a>
Vascular Plant	<i>Matelea decipiens</i>	Glade Milkvine	SR-P	None	S2	G5	Wake - Current	<a href="#">Link</a>
Vascular Plant	<i>Micranthes pensylvanica</i>	Swamp Saxifrage	SR-P	None	S1	G5	Wake - Current	<a href="#">Link</a>
Vascular Plant	<i>Monotropsis odorata</i>	Sweet Pinesap	SR-T	FSC	S3	G3	Wake - Historical	<a href="#">Link</a>
Vascular Plant	<i>Polygala senega</i>	Seneca Snakeroot	SR-D	None	S2	G4G5	Wake - Current	<a href="#">Link</a>
Vascular Plant	<i>Portulaca smallii</i>	Small's Portulaca	T	None	S2	G3	Wake - Current	<a href="#">Link</a>
Vascular Plant	<i>Pseudognaphalium helleri</i>	Heller's Rabbit-Tobacco	SR-P	None	S3	G3G4	Wake - Current	<a href="#">Link</a>
Vascular Plant	<i>Pycnanthemum virginianum</i>	Virginia Mountain-mint	SR-P	None	S1?	G5	Wake - Current	<a href="#">Link</a>
Vascular Plant	<i>Rhus michauxii</i>	Michaux's Sumac	E-SC	E	S2	G2G3	Wake - Current	<a href="#">Link</a>
Vascular Plant	<i>Ruellia humilis</i>	Low Wild-petunia	T	None	S1	G5	Wake - Historical	<a href="#">Link</a>
Vascular Plant	<i>Ruellia purshiana</i>	Pursh's Wild-petunia	SR-O	None	S2	G3	Wake - Historical	<a href="#">Link</a>
Vascular Plant	<i>Sagittaria weatherbiana</i>	Grassleaf Arrowhead	SR-T	FSC	S2	G3G4	Wake - Historical	<a href="#">Link</a>
Vascular Plant	<i>Scutellaria australis</i>	Southern Skullcap	SR-P	None	S1	G4?Q	Wake - Historical	<a href="#">Link</a>
Vascular Plant	<i>Scutellaria nervosa</i>	Veined Skullcap	SR-P	None	S1	G5	Wake - Historical	<a href="#">Link</a>
Vascular Plant	<i>Silphium terebinthinaceum</i>	Prairie Dock	SR-P	None	S2	G4G5	Wake - Historical	<a href="#">Link</a>
Vascular Plant	<i>Solidago radula</i>	Western Rough Goldenrod	SR-P	None	S1	G5?	Wake - Historical	<a href="#">Link</a>
Vascular Plant	<i>Symphotrichum laeve</i> var. <i>concinnum</i>	Narrow-leaf Aster	SR-P	None	S2	G5T4	Wake - Historical	<a href="#">Link</a>
Vascular Plant	<i>Thermopsis mollis</i>	Appalachian Golden-banner	SR-P	None	S2	G3G4	Wake - Current	<a href="#">Link</a>
Vascular Plant	<i>Tradescantia virginiana</i>	Virginia Spiderwort	SR-P	None	S1	G5	Wake - Current	<a href="#">Link</a>
Vascular Plant	<i>Trifolium reflexum</i>	Buffalo Clover	SR-T	None	S1S2	G3G4	Wake - Current	<a href="#">Link</a>
Vascular Plant	<i>Trillium pusillum</i> var. <i>virginianum</i>	Virginia Least Trillium	E	FSC	S1	G3T2	Wake - Current	<a href="#">Link</a>
Vertebrate Animal	<i>Aimophila aestivalis</i>	Bachman's Sparrow	SC	FSC	S3B,S2N	G3	Wake - Historical	<a href="#">Link</a>
Vertebrate Animal	<i>Ambloplites cavifrons</i>	Roanoke Bass	SR	FSC	S2	G3	Wake - Current	<a href="#">Link</a>
Vertebrate Animal	<i>Ambystoma tigrinum</i>	Eastern Tiger Salamander	T	None	S2	G5	Wake - Current	<a href="#">Link</a>
Vertebrate Animal	<i>Condylura cristata</i> pop. 1	Star-nosed Mole - Coastal Plain Population	SC	None	S2	G5T2Q	Wake - Current	<a href="#">Link</a>
Vertebrate Animal	<i>Haliaeetus leucocephalus</i>	Bald Eagle	T	None	S3B,S3N	G5	Wake - Current	<a href="#">Link</a>

Vertebrate Animal	<i>Hemidactylium scutatum</i>	Four-toed Salamander	SC	None	S3	G5	Wake - Current	<a href="#">Link</a>
Vertebrate Animal	<i>Heterodon simus</i>	Southern Hognose Snake	SC	FSC	S2	G2	Wake - Obscure	<a href="#">Link</a>
Vertebrate Animal	<i>Lampetra aepyptera</i>	Least Brook Lamprey	T	None	S2	G5	Wake - Current	<a href="#">Link</a>
Vertebrate Animal	<i>Lanius ludovicianus</i>	Loggerhead Shrike	SC	None	S3B,S3N	G4	Wake - Current	<a href="#">Link</a>
Vertebrate Animal	<i>Myotis austroriparius</i>	Southeastern Myotis	SC	FSC	S2	G3G4	Wake - Historical	<a href="#">Link</a>
Vertebrate Animal	<i>Necturus lewisi</i>	Neuse River Waterdog	SC	None	S3	G3	Wake - Current	<a href="#">Link</a>
Vertebrate Animal	<i>Noturus furiosus</i>	Carolina Madtom	T	FSC	S2	G2	Wake - Current	<a href="#">Link</a>
Vertebrate Animal	<i>Picoides borealis</i>	Red-cockaded Woodpecker	E	E	S2	G3	Wake - Historical	<a href="#">Link</a>
Vertebrate Animal	<i>Sciurus niger</i>	Eastern Fox Squirrel	SR	None	S3	G5	Wake - Current	<a href="#">Link</a>

NC NHP database updated on Friday, February 12th, 2010.  
 Search performed on Monday, 22 March 2010 @ 10:15:47 EDST  
[Explanation of Codes](#)



North Carolina Department of Environment and Natural Resources

Division of Water Quality  
Coleen H. Sullins  
Director



March 23, 2010

Beverly Eaves Perdue  
Governor

Dee Freeman  
Secretary

MEMORANDUM

To: Melba McGee, Environmental Coordinator, Office of Legislative and Intergovernmental Affairs

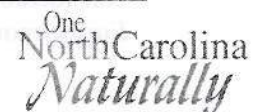
From: Brian Wrenn, Transportation Permitting Unit, NC Division of Water Quality *BLW*

Subject: Scoping comments on proposed Southern and Eastern Wake Expressway from NC55 to US 64/US 264 Bypass in Wake County, TIP Project Nos. R-2721, R-2828, and R-2829, State Clearinghouse Project No. 10-0283.

Reference your correspondence dated January 25, 2010 in which you requested comments for the referenced project. Preliminary analysis of the project reveals the potential for multiple impacts to perennial streams and jurisdictional wetlands in the project area. More specifically, impacts to:

Stream Name	River Basin	Stream Classification(s)	Stream Index Number	303(d) Listing
Lake Wheeler	Neuse	WS-III;NSW	27-43-(1)	
Lake Benson	Neuse	WS-III;NSW;CA	27-43-(5.5)	
Swift Creek	Neuse	C;NSW	27-43-(8)	Biological Integrity
Dutchman's Branch	Neuse	WS-III;NSW	27-43-4.5	
Sunset Lake	Neuse	B;NSW	27-43-15-(2)	
Bass Lake	Neuse	B;NSW	27-43-15-3	
Camp Branch	Neuse	C;NSW	27-43-15-5	
Rocky Branch	Neuse	C;NSW	27-43-15-4.5	
Bells Lake	Neuse	C;NSW	27-43-15-6	
Panther Branch	Neuse	C;NSW	27-43-15-9	
Terrible Creek	Neuse	B;NSW	27-43-15-8	
Middle Creek	Neuse	C;NSW	27-43-15	Biological Integrity, Low DO, Turbidity
White Oak Creek	Neuse	C;NSW	27-43-11	
Mahlers Creek	Neuse	C;NSW	27-43-9	
Walnut Creek	Neuse	C;NSW	27-34-(4)	Biological Integrity, Copper, PCB, Turbidity
Big Branch	Neuse	C;NSW	24-34-11	
Neuse River	Neuse	C;NSW	27-(36)	
Little Creek	Neuse	C;NSW	27-43-15-10	Biological Integrity
Gully Branch	Neuse	C;NSW	27-43-15-10-2	

Transportation Permitting Unit  
1650 Mail Service Center, Raleigh, North Carolina 27699-1650  
Location: 2321 Crabtree Blvd., Raleigh, North Carolina 27604  
Phone: 919-733-1786 | FAX: 919-733-6893  
Internet: <http://h2o.enr.state.nc.us/ncwetlands/>



Further investigations at a higher resolution should be undertaken to verify the presence of other streams and/or jurisdictional wetlands in the area. In the event that any jurisdictional areas are identified, the Division of Water Quality requests that the NC Turnpike Authority (NCTA) consider the following environmental issues for the proposed project:

**Project Specific Comments:**

1. All of the named streams in the study area have a supplemental classification of NSW waters of the State. NCDWQ is very concerned with sediment and erosion impacts that could result from this project. NCDWQ recommends that highly protective sediment and erosion control BMPs be implemented to reduce the risk of nutrient runoff to these streams. NCDWQ requests that road design plans provide treatment of the storm water runoff through best management practices as detailed in NCDOT's NPDES BMP Toolbox.
2. Swift Creek, Middle Creek, Walnut Creek, and Little Creek are listed as 303(d) waters of the State. They are listed for a variety of reasons including biological integrity, low dissolved oxygen, copper, PCBs, and turbidity. NCDWQ is very concerned with sediment and erosion impacts that could result from this project. NCDWQ recommends that the most protective sediment and erosion control BMPs be implemented in accordance with *Design Standards in Sensitive Watersheds* to reduce the risk of nutrient runoff to these creeks. Of particular concern is the listing for Middle Creek due to copper. A recent NCDOT study on stormwater runoff from bridges has shown that copper is a pollutant in stormwater runoff that frequently exceeds state standards. NCDWQ requests that road design plans provide treatment of the storm water runoff through structural best management practices as detailed in NCDOT's NPDES BMP Toolbox.
3. Review of the project reveals the presence of surface waters classified as Water Supply Critical Area (WS CA) in the project study area. Given the potential for impacts to these resources during the project implementation, NCDWQ requests that NCDOT strictly adhere to North Carolina regulations entitled *Design Standards in Sensitive Watersheds* (15A NCAC 04B .0124) throughout design and construction of the project. This would apply for any area that drains to streams having WS CA classifications. Should a crossing be located within the WS CA, NCDOT will be required to design, construct, and maintain hazardous spill catch basins in the project area. The number of catch basins installed shall be determined by the design of the crossing. Runoff shall enter the basin(s) prior to flowing into the stream. The basin(s) shall be designed in consultation with NCDWQ.
4. This project is within the Neuse River Basin. Riparian buffer impacts shall be avoided and minimized to the greatest extent possible pursuant to 15A NCAC 2B.0233.
5. Due to the fact that this project is a new location road being constructed in areas with impaired streams and water supply watershed critical areas, NCDWQ will require a quantitative secondary and cumulative impacts analysis. This analysis shall quantitatively model impacts to water quality from secondary and cumulative development resulting from this road project. This analysis shall be conducted in consultation with NCDWQ.
6. It is NCDWQ's understanding that NCTA intends to develop this project using FHWA's SAFETEA-LU 6002 process. NCDWQ would prefer that NCTA, as a division of NCDOT, develop this project and all future projects under the multi-agency Merger Process. NCDOT along with its partnering and participating agencies, and under the direction of the Interagency Leadership Team, has expended considerable time and money to develop, implement, and streamline the Merger Process. Furthermore, NCDWQ is of the opinion that the Merger Process is a more accountable process that

results in projects that hold up under scrutiny of the NEPA process and Sections 404 and 401 of the Clean Water Act.

### General Project Comments:

1. The environmental document shall provide a detailed and itemized presentation of the proposed impacts to wetlands and streams with corresponding mapping. If mitigation is necessary as required by 15A NCAC 2H.0506(h), it is preferable to present a conceptual (if not finalized) mitigation plan with the environmental documentation. Appropriate mitigation plans will be required prior to issuance of a 401 Water Quality Certification.
2. Environmental assessment alternatives shall consider design criteria that reduce the impacts to streams and wetlands from storm water runoff. These alternatives shall include road designs that allow for treatment of the storm water runoff through best management practices as detailed in the most recent version of NCDWQ *Stormwater Best Management Practices*, such as grassed swales, buffer areas, preformed scour holes, retention basins, etc.
3. After the selection of the preferred alternative and prior to an issuance of the 401 Water Quality Certification, NCDOT is respectfully reminded that they will need to demonstrate the avoidance and minimization of impacts to wetlands (and streams) to the maximum extent practical. In accordance with the Environmental Management Commission's Rules {15A NCAC 2H.0506(h)}, mitigation will be required for impacts of greater than 1 acre to wetlands. In the event that mitigation is required, the mitigation plan shall be designed to replace appropriate lost functions and values. The NC Ecosystem Enhancement Program may be available for use as wetland mitigation.
4. In accordance with the Environmental Management Commission's Rules {15A NCAC 2H.0506(h)}, mitigation will be required for impacts of greater than 150 linear feet to any single perennial stream. In the event that mitigation is required, the mitigation plan shall be designed to replace appropriate lost functions and values. The NC Ecosystem Enhancement Program may be available for use as stream mitigation.
5. NCDWQ is very concerned with sediment and erosion impacts that could result from this project. NCDOT shall address these concerns by describing the potential impacts that may occur to the aquatic environments and any mitigating factors that would reduce the impacts.
6. If a bridge is being replaced with a hydraulic conveyance other than another bridge, NCDWQ believes the use of a Nationwide Permit may be required. Please contact the US Army Corp of Engineers to determine the required permit(s).
7. If the old bridge is removed, no discharge of bridge material into surface waters is allowed unless otherwise authorized by the US ACOE. Strict adherence to the Corps of Engineers guidelines for bridge demolition will be a condition of the 401 Water Quality Certification.
8. Whenever possible, NCDWQ prefers spanning structures. Spanning structures usually do not require work within the stream or grubbing of the streambanks and do not require stream channel realignment. The horizontal and vertical clearances provided by bridges shall allow for human and wildlife passage beneath the structure. Fish passage and navigation by canoeists and boaters shall not be blocked. Bridge supports (bents) shall not be placed in the stream when possible.
9. Bridge deck drains shall not discharge directly into the stream. Stormwater shall be directed across the bridge and pre-treated through site-appropriate means (grassed swales, pre-formed scour holes,

vegetated buffers, etc.) before entering the stream. Please refer to the most current version of NCDWQ's *Stormwater Best Management Practices*.

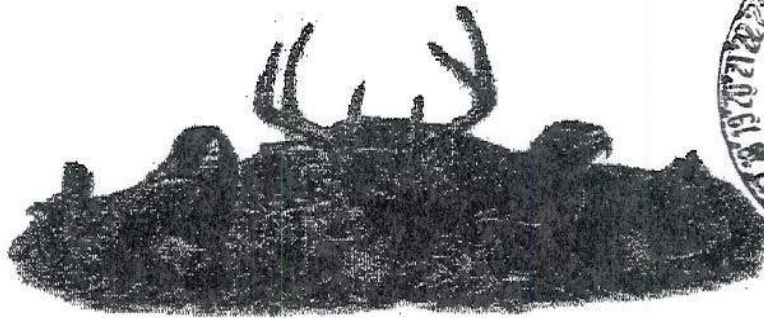
10. If concrete is used during construction, a dry work area shall be maintained to prevent direct contact between curing concrete and stream water. Water that inadvertently contacts uncured concrete shall not be discharged to surface waters due to the potential for elevated pH and possible aquatic life and fish kills.
11. If temporary access roads or detours are constructed, the site shall be graded to its preconstruction contours and elevations. Disturbed areas shall be seeded or mulched to stabilize the soil and appropriate native woody species should be planted. When using temporary structures the area shall be cleared but not grubbed. Clearing the area with chain saws, mowers, bush-hogs, or other mechanized equipment and leaving the stumps and root mat intact allows the area to re-vegetate naturally and minimizes soil disturbance.
12. Placement of culverts and other structures in waters, streams, and wetlands shall be below the elevation of the streambed by one foot for all culverts with a diameter greater than 48 inches, and 20 percent of the culvert diameter for culverts having a diameter less than 48 inches, to allow low flow passage of water and aquatic life. Design and placement of culverts and other structures including temporary erosion control measures shall not be conducted in a manner that may result in disequilibrium of wetlands or streambeds or banks, adjacent to or upstream and down stream of the above structures. The applicant is required to provide evidence that the equilibrium is being maintained if requested in writing by NCDWQ. If this condition is unable to be met due to bedrock or other limiting features encountered during construction, please contact NCDWQ for guidance on how to proceed and to determine whether or not a permit modification will be required.
13. If multiple pipes or barrels are required, they shall be designed to mimic natural stream cross section as closely as possible including pipes or barrels at flood plain elevation, floodplain benches, and/or sills may be required where appropriate. Widening the stream channel shall be avoided. Stream channel widening at the inlet or outlet end of structures typically decreases water velocity causing sediment deposition that requires increased maintenance and disrupts aquatic life passage.
14. If foundation test borings are necessary; it should be noted in the document. Geotechnical work is approved under General 401 Certification Number 3624/Nationwide Permit No. 6 for Survey Activities.
15. Sediment and erosion control measures sufficient to protect water resources must be implemented and maintained in accordance with the most recent version of North Carolina Sediment and Erosion Control Planning and Design Manual and the most recent version of NCS000250.
16. All work in or adjacent to stream waters shall be conducted in a dry work area unless otherwise approved by NCDWQ. Approved BMP measures from the most current version of NCDOT Construction and Maintenance Activities manual such as sandbags, rock berms, cofferdams and other diversion structures should be used to prevent excavation in flowing water.
17. Sediment and erosion control measures shall not be placed in wetlands and streams.
18. Borrow/waste areas shall avoid wetlands to the maximum extent practical. Impacts to wetlands in borrow/waste areas could precipitate compensatory mitigation.

19. While the use of National Wetland Inventory (NWI) maps, NC Coastal Region Evaluation of Wetland Significance (NC-CREWS) maps and soil survey maps are useful tools, their inherent inaccuracies require that qualified personnel perform onsite wetland delineations prior to permit approval.
20. Heavy equipment shall be operated from the bank rather than in stream channels in order to minimize sedimentation and reduce the likelihood of introducing other pollutants into streams. This equipment shall be inspected daily and maintained to prevent contamination of surface waters from leaking fuels, lubricants, hydraulic fluids, or other toxic materials.
21. In most cases, NCDWQ prefers the replacement of the existing structure at the same location with road closure. If road closure is not feasible, a temporary detour should be designed and located to avoid wetland impacts, minimize the need for clearing and to avoid destabilizing stream banks. If the structure will be on a new alignment, the old structure shall be removed and the approach fills removed from the 100-year floodplain. Approach fills should be removed and restored to the natural ground elevation. The area shall be stabilized with grass and planted with native tree species. Tall fescue shall not be used in riparian areas.
22. Riprap shall not be placed in the active thalweg channel or placed in the streambed in a manner that precludes aquatic life passage. Bioengineering boulders or structures should be properly designed, sized and installed.

Thank you for requesting our input at this time. NCDOT is reminded that issuance of a 401 Water Quality Certification requires that appropriate measures be instituted to ensure that water quality standards are met and designated uses are not degraded or lost. If you have any questions or require additional information, please contact Brian Wrenn at 919-733-5715.

cc: Eric Alsmeyer, US Army Corps of Engineers, Raleigh Field Office  
Clarence Coleman, Federal Highway Administration  
Chris Militscher, Environmental Protection Agency (electronic copy only)  
Travis Wilson, NC Wildlife Resources Commission  
File Copy





## ☒ North Carolina Wildlife Resources Commission ☒

Gordon Myers, Executive Director

### MEMORANDUM

**TO:** Melba McGee  
Office of Legislative and Intergovernmental Affairs, DENR

**FROM:** Travis Wilson, Highway Project Coordinator  
Habitat Conservation Program

**DATE:** March 16, 2010

**SUBJECT:** Response to the start of study notification from the N. C. Turnpike Authority regarding fish and wildlife concerns for the proposed Southern and Eastern Wake Expressway, Wake and Johnston Counties, North Carolina. TIP Nos. R-2721, R-2828, and R-2829, SCH Project No. 10-0283

This memorandum responds to a request for our concerns regarding impacts on fish and wildlife resources resulting from the subject project. Biologists on the staff of the N. C. Wildlife Resources Commission (NCWRC) have reviewed the proposed improvements. Our comments are provided in accordance with certain provisions of the National Environmental Policy Act (42 U.S.C. 4332(2)(c)) and the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661-667d).

NCTA is proposing to construct a multilane facility on new location. We have review the project study area and identified multiple resources that should be considered for avoidance and minimization during the planning of this project. Potential impacts include new crossings of Swift Creek, Middle Creek and the Neuse River. Our records indicate the following state and federal listed species are located in these drainages:

<i>Alasmidonta heterodon</i>	Dwarf Wedgemussel
<i>Alasmidonta undulata</i>	Triangle Floater
<i>Elliptio lanceolata</i>	Yellow Lance
<i>Elliptio roanokensis</i>	Roanoke Slabshell
<i>Fusconaia masoni</i>	Atlantic Pigtoe
<i>Lampsilis radiata</i>	Eastern Lampmussel
<i>Strophitus undulatus</i>	Creeper
<i>Villosa constricta</i>	Notched Rainbow
<i>Noturus furiosus</i>	Carolina Madtom
<i>Necturus lewisi</i>	Neuse River Waterdog

**Mailing Address:** Division of Inland Fisheries • 1721 Mail Service Center • Raleigh, NC 27699-1721  
**Telephone:** (919) 707-0220 • **Fax:** (919) 707-0028

Memo

2

March 16, 2010

The Neuse River at this location is also designated as an Anadromous Fish Spawning Area as well as an Inland Primary Nursery Area.

Furthermore we will reiterate the benefits of utilizing the NEPA/404 Merger Process for the planning and development of this project. The Merger process is the product of years of interagency coordination that has resulted in a valuable method for progressing transportation projects through planning by outlining expectations for the level of information and feedback provided by all parties at specific points in the process. Having participated in both the Section 6002 and Merger processes, the Merger process presents a consistent and predictable platform for decision making and documentation. However to help further facilitate document preparation and the review process, our general informational needs are outlined below:

1. Description of fishery and wildlife resources within the project area, including a listing of federally or state designated threatened, endangered, or special concern species. Potential borrow areas to be used for project construction should be included in the inventories. A listing of designated plant species can be developed through consultation with:

NC Natural Heritage Program  
Dept. of Environment & Natural Resources  
1601 Mail Service Center  
Raleigh, NC 27699-1601.  
[WWW.ncnhp.org](http://WWW.ncnhp.org)

and,

NCDA Plant Conservation Program  
P. O. Box 27647  
Raleigh, N. C. 27611  
(919) 733-3610

2. Description of any streams or wetlands affected by the project. The need for channelizing or relocating portions of streams crossed and the extent of such activities.
3. Cover type maps showing wetland acreages impacted by the project. Wetland acreages should include all project-related areas that may undergo hydrologic change as a result of ditching, other drainage, or filling for project construction. Wetland identification may be accomplished through coordination with the U. S. Army Corps of Engineers (COE). If the COE is not consulted, the person delineating wetlands should be identified and criteria listed.
4. Cover type maps showing acreages of upland wildlife habitat impacted by the proposed project. Potential borrow sites should be included.
5. The extent to which the project will result in loss, degradation, or fragmentation of wildlife habitat (wetlands or uplands).
6. Mitigation for avoiding, minimizing or compensating for direct and indirect degradation in habitat quality as well as quantitative losses.

Memo

Page 3

March 16, 2010

7. A cumulative impact assessment section which analyzes the environmental effects of highway construction and quantifies the contribution of this individual project to environmental degradation.
8. A discussion of the probable impacts on natural resources which will result from secondary development facilitated by the improved road access.
9. If construction of this facility is to be coordinated with other state, municipal, or private development projects, a description of these projects should be included in the environmental document, and all project sponsors should be identified.

Thank you for the opportunity to provide input in the early planning stages for this project. If we can further assist your office, please contact me at (919) 528-9886.

cc: Gary Jordan, U.S. Fish and Wildlife Service, Raleigh  
Rob Ridings, DWQ, Raleigh  
Eric Alsmeyer, USACE, Raleigh  
Chris Militscher, EPA

DEPARTMENT OF ENVIRONMENT AND  
NATURAL RESOURCES  
DIVISION OF ENVIRONMENTAL HEALTH

Inter-Agency Project Review Response

FEB 18 2010

NC PWSS

Project Number  
10-0283

County  
Wake, Johnston

Project Name NC Turnpike Authority/NCDOT

Type of Project

Scoping - Scoping notice for Southern & Eastern Wake Expressway, STIP Projects R-2721, R-2828 & R-2829. Complete 540 Outer Loop from NC55 to US 64/US 264 bypass, approx 29 miles

Comments provided by:

- Regional Program Person  
 Regional Supervisor for Public Water Supply Section  
 Central Office program person

Name Michael Douglas-Raleigh RO

Date: 02/12/2010

Telephone number: 919-791-4200

Program within Division of Environmental Health:

Public Water Supply

Other, Name of Program: \_\_\_\_\_

Response (check all applicable):

- No objection to project as proposed  
 No comment  
 Insufficient information to complete review  
 Comments attached  
 See comments below



Any relocation of water mains must be approved by the Public Water Supply Section - Technical Services Branch prior to construction or relocation.

Return to:  
Public Water Supply Section  
Environmental Review Coordinator for the  
Division of Environmental Health

FEB 15 2010

DEPARTMENT OF ENVIRONMENT AND  
NATURAL RESOURCES  
DIVISION OF ENVIRONMENTAL HEALTH



Project Number <b>10-0283</b>
County <b>Wake, Johnston</b>

Inter-Agency Project Review Response

Project Name NC Turnpike Authority/NCDOT Type of Project Scoping - Scoping notice for Southern & Eastern Wake Expressway, STIP Projects R-2721, R-2828 & R-2829. Complete 540 Outer Loop from NC55 to US 64/US 264 bypass, approx 29 miles

- The applicant should be advised that plans and specifications for all water system improvements must be approved by the Division of Environmental Health prior to the award of a contract or the initiation of construction (as required by 15A NCAC 18C .0300et. seq.). For information, contact the Public Water Supply Section, (919) 733-2321.
- This project will be classified as a non-community public water supply and must comply with state and federal drinking water monitoring requirements. For more information the applicant should contact the Public Water Supply Section, (919) 733-2321.
- If this project is constructed as proposed, we will recommend closure of \_\_\_\_\_ feet of adjacent waters to the harvest of shellfish. For information regarding the shellfish sanitation program, the applicant should contact the Shellfish Sanitation Section at (252) 726-6827.
- The soil disposal area(s) proposed for this project may produce a mosquito breeding problem. For information concerning appropriate mosquito control measures, the applicant should contact the Public Health Pest Management Section at (919) 733-6407.
- The applicant should be advised that prior to the removal or demolition of dilapidated structures, an extensive rodent control program may be necessary in order to prevent the migration of the rodents to adjacent areas. For information concerning rodent control, contact the local health department or the Public Health Pest Management Section at (919) 733-6407.
- The applicant should be advised to contact the local health department regarding their requirements for septic tank installations (as required under 15A NCAC 18A. 1900 et. sep.). For information concerning septic tank and other on-site waste disposal methods, contact the On-Site Wastewater Section at (919) 733-2895.
- The applicant should be advised to contact the local health department regarding the sanitary facilities required for this project.
- If existing water lines will be relocated during the construction, plans for the water line relocation must be submitted to the Division of Environmental Health, Public Water Supply Section, Technical Services Branch, 1634 Mail Service Center, Raleigh, North Carolina 27699-1634, (919) 733-2321.
- For Regional and Central Office comments, see the reverse side of this form.

<u>Jim McRight</u> Reviewer	<u>PWSS</u> Section/Branch	<u>02/12/2010</u> Date
--------------------------------	-------------------------------	---------------------------

NORTH CAROLINA STATE CLEARINGHOUSE  
DEPARTMENT OF ADMINISTRATION  
INTERGOVERNMENTAL REVIEW

COUNTY: WAKE  
JOHNSTON

F02: HIGHWAYS AND ROADS

STATE NUMBER: 10-E-4220-028  
DATE RECEIVED: 02/03/2010  
AGENCY RESPONSE: 03/23/2020  
REVIEW CLOSED: 03/27/2020

CLEARINGHOUSE COORDINATOR  
CC&PS - DIV OF EMERGENCY MANAGEMENT  
FLOODPLAIN MANAGEMENT PROGRAM  
MSC # 4719  
RALEIGH NC



RECEIVED

FEB 4 2010

NC Floodplain Mapping Program

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DENR LEGISLATIVE AFFAIRS  
DEPT OF AGRICULTURE  
DEPT OF CULTURAL RESOURCES  
DEPT OF TRANSPORTATION  
TRIANGLE J COG

PROJECT INFORMATION

APPLICANT: State of N.C. Turnpike Authority  
TYPE: National Environmental Policy Act  
Scoping

DESC: Scoping notice for the Southern and Eastern Wake Expressway, STIP Projects R-2721, -2828 and R-2829. Completion of the 540 Outer Loop from NC 55 in Wake County to the US 64/US 264 bypass in Knightdale, approximate distance of 29 miles.

The attached project has been submitted to the N. C. State Clearinghouse for intergovernmental review. Please review and submit your response by the above indicated date to 1301 Mail Service Center, Raleigh NC 27699-1301.

If additional review time is needed, please contact this office at (919)807-2425.

AS A RESULT OF THIS REVIEW THE FOLLOWING IS SUBMITTED:  NO COMMENT  COMMENTS ATTACHED

SIGNED BY:

DATE: 2/22/2010

The proposed alignment crosses multiple special flood hazard areas and FEMA regulated floodways. Each crossing within areas

a floodway will require, prior to construction, either a:

(1) no-rise certification for crossings that do not cause an increase in base flood elevations; or

(2) submittal and approval of Conditional Letter of Map Revision for projects that increase base flood elevations.

NORTH CAROLINA STATE CLEARINGHOUSE  
DEPARTMENT OF ADMINISTRATION  
INTERGOVERNMENTAL REVIEW

COUNTY: WAKE  
JOHNSTON

F02: HIGHWAYS AND ROADS

STATE NUMBER: 10-E-4220-0283  
DATE RECEIVED: 02/03/2010  
AGENCY RESPONSE: 03/23/2020  
REVIEW CLOSED: 03/27/2020

MS HOLLY GILROY  
CLEARINGHOUSE COORDINATOR  
DEPT OF AGRICULTURE  
1001 MSC - AGRICULTURE BLDG  
RALEIGH NC

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**PROJECT INFORMATION**

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AS A RESULT OF THIS REVIEW THE FOLLOWING IS SUBMITTED:  NO COMMENT  COMMENTS ATTACHED

SIGNED BY:

Holly Gilroy

DATE:

2/19/2010



Steven W. Troxler  
Commissioner

North Carolina Department of Agriculture  
and Consumer Services  
*Agricultural Services*

Dewitt Hardee  
Environmental Program  
Manager

Ms. Valerie McMillan  
State Clearinghouse  
N.C. Department of Administration  
1301 Mail Service Center  
Raleigh, North Carolina 27699-1301

February 19, 2010



State #: 10-E-4220-0283  
RE: Southern and Eastern Wake Expressway

Dear Ms McMillan:

The footprint of the proposed Southern and Eastern Wake Expressway has potential of irreversible damage and increases the loss of prime farm and forest land thereby negatively impacting agricultural environmental balance in the immediate area. The US DOT and the NCDOT should give due consideration of routing and / or designs that reduce to loss of farm and forest land activities due to potential negative environmental and economic impacts by the placement of the road's footprint. Providing friendly and accessible agricultural crossover points for agricultural equipment and livestock in conjunction with the use of agricultural easements at access points and along the proposed right ways would lessen the negative impacts on the adjacent farms and forest land.

Farm and forest lands are natural resources with no mitigation process. These agribusiness resources cannot be replaced nor relocated once converted to other uses. Placement of the Expressway should give consideration of farms near existing Voluntary Agricultural Districts (VAD) designed to recognize and protect key agricultural production centers. Transportation planning priorities should be considered highway placement and its potential negative impact on VAD and land resources. These plans should also negate the formation of incompatible and inaccessible land units that degrades agricultural production capabilities.

Agricultural production incomes from locally grown products have a considerable multiplier influence. It is estimated that for every 40 acres converted from agricultural production, one agribusiness job and its associated economic activity is lost indefinitely. Additional acreage loss is most likely to occur beyond the Southern and Eastern Wake Expressway footprint due to the subdivision and reduced agricultural production capacity from development pressures. Furthermore the costs of community services used by agricultural business are minimal and therefore are net contributors to county budgets. Both current and future cost for the conversion land from production agriculture is needed for an accurate evaluation which is not accurately recognized by the Farmland Conversion Impact Rating using Form AD 1006.

**Based on the secondary, cumulative, and direct impacts, this project has potential to adversely impact the agricultural environmental and economic resources in the proposed area.** The total negative impact on the environmental and agribusiness economy will be proportionately related to the total acres of farm and forest land taken out of production.

Respectfully,

Dewitt Hardee  
Environmental Program Manager

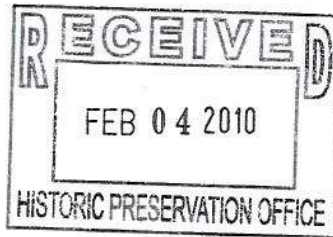


NORTH CAROLINA STATE CLEARINGHOUSE  
DEPARTMENT OF ADMINISTRATION  
INTERGOVERNMENTAL REVIEW

COUNTY: WAKE  
JOHNSTON

F02: HIGHWAYS AND ROADS

STATE NUMBER: 10-E-4220-0283  
DATE RECEIVED: 02/03/2010  
AGENCY RESPONSE: 03/23/2020  
REVIEW CLOSED: 03/27/2020



MS RENEE GLEDHILL-EARLEY  
CLEARINGHOUSE COORDINATOR  
DEPT OF CULTURAL RESOURCES  
STATE HISTORIC PRESERVATION OFFICE  
MSC 4617 - ARCHIVES BUILDING  
RALEIGH NC

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DEPT OF CULTURAL RESOURCES  
DEPT OF TRANSPORTATION  
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PROJECT INFORMATION

APPLICANT: State of N.C. Turnpike Authority  
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If additional review time is needed, please contact this office at (919)807-2425.

AS A RESULT OF THIS REVIEW THE FOLLOWING IS SUBMITTED:  NO COMMENT  COMMENTS ATTACHED

SIGNED BY:

Renee Gledhill-Earley

DATE:

2.10.10

CH 98-0457

A - DAA  
2/5/10

S - PSE 2/10/10

Due 2/11/10

FEB 05 2010



North Carolina Department of Cultural Resources  
State Historic Preservation Office

Peter B. Sandbeck, Administrator

Beverly Eaves Perdue, Governor  
Linda A. Carlisle, Secretary  
Jeffrey J. Crow, Deputy Secretary

Office of Archives and History  
Division of Historical Resources  
David Brook, Director

February 15, 2010

MEMORANDUM

TO: Jennifer Harris  
North Carolina Turnpike Authority

FROM: Peter Sandbeck *PBS*

SUBJECT: Start of Study and Agency Scoping Meeting Notification, Southern And Eastern Wake Expressway, R-2721, R-2828 and R-2829, Wake and Johnston Counties, CH 98-0457



Thank you for your letter of January 25, 2010, concerning the above project. We have reviewed the information that accompanied your letter and offer the following comments.

The proposed study area for the Southern and Eastern Expressway contains numerous Native American and historic period archaeological sites, some of which may be eligible for inclusion in the National Register of Historic Places. In addition, much of the study area has never been surveyed to determine the presence or significance of archaeological resources. We recommend that you or your cultural resource consultants contact us as project corridors and alternates are developed for the project. We will then be able better able to evaluate the potential effects upon archaeological resources and the need for any additional archaeological investigations prior to project implementation.

In terms of historic buildings and districts, we urge your consultants to consult our maps and files for the latest updates to the Wake County inventory.

We look forward to working with you and your staff on this project. Representatives of our agency plan to attend the scoping meeting on February 16, 2010.

The above comments are made pursuant to Section 106 of the National Historic Preservation Act and the Advisory Council on Historic Preservation's Regulations for Compliance with Section 106 codified at 36 CFR Part 800.

Thank you for your cooperation and consideration. If you have questions concerning the above comment, please contact Renee Gledhill-Earley, environmental review coordinator, at 919/807-6579. In all future communication concerning this project, please cite the above referenced tracking number.

cc: Steven D. DeWitt, NC Turnpike Authority  
Matt Wilkerson, NCDOT  
State Clearinghouse

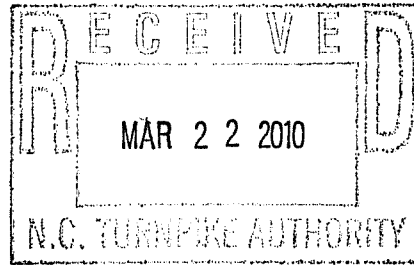


OFFICE OF THE MAYOR

TOWN OF CARY

P.O. Box 8005  
316 North Academy Street  
Cary, NC 27512-8005  
tel: 919-469-4011  
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www.townofcary.org

March 17, 2010



Ms. Jennifer Harris, P.E.  
North Carolina Turnpike Authority  
1578 Mail Service Center  
Raleigh, NC 27699

Subject: Comments on the Study of the Triangle Expressway Southeast Connector

Dear Ms. Harris:

On behalf of the Cary Town Council, I respectfully submit the following comments in response to your February 4, 2010 request for comments on the environmental impact study (EIS) process for the Triangle Expressway Southeast Connector from NC 55 in Apex to the US 64/US 264 Bypass in Knightdale. The comments are listed below and include phases of the project such as the environmental impact study process, design, and construction.

- The NCTA should work closely with the Town to establish a thorough and proactive communications plan. The NCTA should implement an aggressive public information and educational initiative for the potentially impacted residents and neighborhoods. The NCTA should hold regular meetings with the Town of Cary to present the communications plan and discuss concerns with the environmental impact study, construction effects on the quality of life, and traffic flow impacts among other issues. The NCTA should provide ample time for press releases such as community meetings, detours, and other pertinent information.
- The NCTA should investigate providing an interchange within the Town of Cary Comprehensive Planning Area. An interchange is currently proposed at the intersection of Kildaire Farm Road and Holly Springs Road. Due to growth and development, there may be too much traffic at a single point and an additional interchange may be needed in this area.
- The NCTA should closely investigate any impacts of moving the corridor off the protected alignment. This could negatively impact residential communities, proposed greenways, proposed parks, and proposed thoroughfare improvements. The NCTA should avoid impacting four current and proposed parks within the study area, including the existing Middle Creek Park and the proposed Barley Park. In addition, there are three greenways existing and proposed that cross perpendicular to the protected corridor. The greenway names are: Middle Creek Greenway, Camp

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Branch Greenway, and Optimist Farm Greenway. There is an existing historical farm, the Olive Farm, located south of the protected corridor. In addition, there are several small historical buildings within the study area. There is an existing water treatment facility, the South Cary Water Reclamation Facility, located at the southern end of West Lake Road. Future thoroughfare improvements and development site plans have been planned with respect to the location of the protected corridor.

- The NCTA should address Town of Cary concerns about how changes to the protected corridor could impact the recently adopted Cary Comprehensive Transportation Plan. The Comprehensive Transportation Plan (CTP) was adopted by Town Council in 2008. The transportation network in Cary was analyzed for connectivity, social, economic, ecological, and traffic data with respect to the location of the protected corridor. Potential impacts to these components of the CTP should be considered through the EIS.
- The NCTA should work closely with Town of Cary to review and provide comments for the alternate alignments that will be included in the draft EIS. The NCTA should contact the Town of Cary in a reasonable amount of time prior to releasing the draft EIS for review and comments. The Town will review and provide comments to proactively form a communications plan to respond to the anticipated release of the draft EIS. The NCTA should continue to accept and review stakeholder comments throughout the EIS, design, and construction stages of the project.
- The NCTA should plan for and address noise impacts before, during and after construction. The NCTA should revise the NCDOT Traffic Noise Abatement Policy to plan for and provide noise barriers for all subdivisions approved, not just properties with building permits, prior to the record of decision (ROD). The NCDOT should revise this policy prior to the final EIS for the Triangle Expressway Southeast Connector, and the revised policy should apply for this project.
- The NCTA should work closely with the Town of Cary early in the process to identify and mitigate utility conflicts. Excavations and heavy construction operations over and around utility infrastructure have the potential to damage lines and disrupt service. Potential proposed and existing Town of Cary utility conflicts within the study area include: the South Cary Water Reclamation Facility, water towers, fiber optic cable, traffic signal cable, water and sanitary sewer service (see Attachment A for approximate existing and proposed water and sewer locations). Potential proposed and existing external utility conflicts include Progress Energy distribution lines, substations, and transmission lines. Other possible proposed and existing conflicts include Time Warner Cable, gas lines, and cellular towers, among others.

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- The Town of Cary requests that the NCTA evaluate traffic impacts associated with construction. The NCTA should evaluate emergency response routes to ensure that service can be maintained. Traffic detour routes can lead to increased congestion and delays, which would increase driver inconvenience, confusion, and frustration. It is standard practice at the Town of Cary to give ample notice to drivers and residents of when, where, and how long a detour will be in place. In addition, the NCTA should give consideration to coordinating with schools and bus routes, coordinating signal work with the Town of Cary, coordinating the C-Tran bus route with the Town of Cary, and ensure that mobility is maintained through the construction area. The NCTA should evaluate and study the corridor for transit improvements, such as an HOV lane, buses, and rail.
- The NCTA should consider impacts to existing and proposed subdivision and site plans. Subdivisions and site plans will continue to be approved and lots platted throughout the EIS process. Subdivisions and site plans that are within 500' of the Triangle Expressway Southeast Connector protected corridor and the Town of Cary Comprehensive Planning Area as of March 8, 2010 are listed below (see Attachment B for the map of locations).

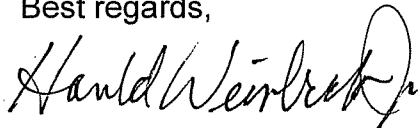
Subdivisions within 500' of the Protected Corridor and the Town of Cary Comprehensive Planning Area (List as of March 8, 2010)		
Subdivision Name	Acres	Lots
South Lake PH3	13.9398	15
Oxford Greene	32.6973	24
Clancy-Morrison	19.4583	5
Langston	77.802	72
Betty Truelove Daniels	6.81494	3
Belle Point	40.138	26
Brookshire Manor	23.4825	17
Jamison Park PH1	53.4068	136
Jamison Park PH2	78.0921	73
South Lake PH2	11.9468	12

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Site Plans within 500' of the Protected Corridor and the Town of Cary Comprehensive Planning Area (List as of March 8, 2010)				
Site Plan Number	Project Name	Status	Acres	Use
00-SP-034	Middle Creek Park Softball Fields	Complete	90.23	Softball Fields
99-SP-153	Middle Creek High School	Complete	203	High School
99-SP-247	Middle Creek Park	Complete	203	Park

The Town would appreciate advance notification of any opportunities for additional public input on the EIS, including public workshops and hearings so that we may alert our citizens. We appreciate your consideration of our comments on this important matter. Please feel free to contact Kristen Dwiggin in our Engineering Department at (919) 462-3930 or via email at [kristen.dwiggin@townofcary.org](mailto:kristen.dwiggin@townofcary.org) should you have any further questions relating to this issue. The Town of Cary looks forward to working with the Turnpike Authority on this important study process.

Best regards,



Harold Weinbrecht, Jr.  
Mayor



**TOWN OF HOLLY SPRINGS  
ENGINEERING DEPARTMENT  
PO Box 8 Holly Springs, NC 27540  
(919) 557-3938 • FAX (919) 552-9881**

**I-540 SOUTHEAST CONNECTOR  
1st COMMENTS  
3/25/2010**

Please feel free contact Kendra Parrish, PE, CFM at 557-3931 or [Kendra.Parrish@hollyspringsnc.us](mailto:Kendra.Parrish@hollyspringsnc.us) with any questions or comments regarding these comments.

Comments:

- 1. Holly Springs supports the completion of the I-540 Southeast Connector!**
2. The Town of Holly Springs supports the location of the I-540 Southeast Connector in the current corridor protection area. If for some reason the location of I-540 cannot be located in this area we request that the new location be south of Holly Springs due to all of the existing development within the town limits.
3. Holly Springs is getting ready to embark upon a major multimodal Transportation Plan Update. We would like to meet with the Turnpike Authority a couple times throughout the process for coordination.
4. The planned interchange at Holly Springs Rd/Kildare Farm Road/I-540 needs special evaluation. What is in the corridor protection plan is not adequate to NCDOT design standards for on and off ramps. This presents a problem for Holly Springs because as development plans come in we know there needs to be more right of way however, NCDOT can not endorse a design due to NEPA.
5. Holly Springs requests a copy of the environmental investigation in our area for documentation.
6. Holly Springs prefers that the grade separated bridge over Sunset Lake Road be an overpass.
7. There are 3 greenway connections planned that cross I-540 and will need to be accommodated. These greenways are major connectors between adjacent municipalities. 1-behind the Scott's Laurel Subdivision off of Kildare Farm Rd, 2-Woodcreek Subdivision on Sunset Lake Road, 3-Area that runs parallel to Pierce Olive Road.
8. Adjacent to Middle Creek the Town has a major existing sewer trunk line. This will need to be preserved and factored into the road design.



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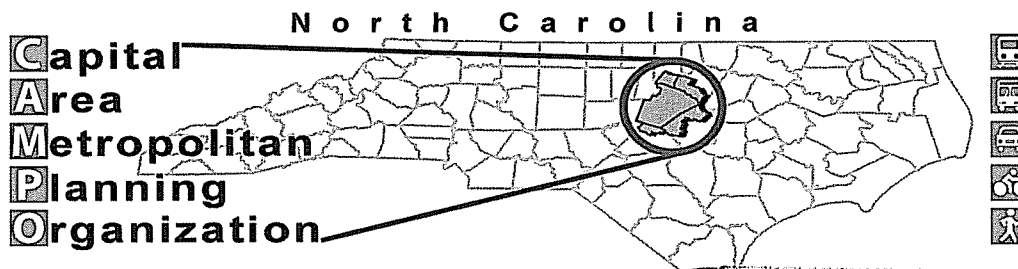
9. The overpass of Main Street (east of NC 55 Bypass) shall accommodate 100 ft right of way for a 4 lane median divided facility.
10. Sunset Lake Rd and Kildare Farm Rd are both 100 ft right of way with 4 lane median divided facilities as well.
11. Holly Springs would like to discuss noise walls and when the warrants will be evaluated. If needed what materials and height would be evaluated.

Questions:

1. If I-540 is relocated outside of the corridor protection area onto existing facilities that will be upgraded, will it still remain a toll road?
2. Will transit corridor be included with the I-540 design?

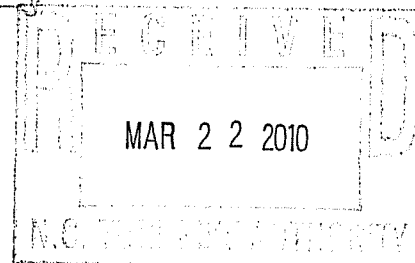
Thank you for the opportunity to comment on the process.





March 18, 2010

Ms. Jennifer Harris, PE  
Staff Engineer  
North Carolina Turnpike Authority  
5400 Glenwood Avenue  
Raleigh, NC 27612



Re: Southern & Eastern Wake Expressway (STIP Projects R-2721, R-2828, and R-2829)  
Notice of Intent Agency Response

Dear Ms Harris,

In reference to the Notice of Intent published in the Federal Register on November 30, 2009, this letter is to inform the North Carolina Turnpike Authority (NCTA) that the Capital Area Metropolitan Planning Organization (MPO) is supportive of the development of an environmental impact statement for the proposed action.

The Capital Area MPO wishes to continue to build upon the cooperative planning relationship established in the Memorandum of Understanding dated May 13<sup>th</sup>, 2007 (attached). As the designated agency responsible for the 3-C planning process under Section 134 of Title 23 United State Code and Chapter 136 of the North Carolina General Statutes, CAMPO looks forward to the opportunity to serve as a participating agency in the planning and design development process for this project.

The MPO encourages NCTA to develop and designate a preferred corridor and alignment in a timely manner in order to assist in proper transportation planning and coordination of development activities in this rapidly growing area. A designated corridor is also essential to expedite the acquisition of necessary right of way for the project, thus keeping overall project costs to a minimum.

Planning and design of this major transportation facility should be in harmony with the adopted regional Long Range Transportation Plan and Triangle Regional Model. This should include consideration for the long term needs of the transportation corridor by accommodating the ultimate cost effective design of this facility rather than incorporating design elements to minimize initial construction costs that will result in higher retrofits in the future such as resizing of bridges or interchanges once tolls are removed from the facility. The MPO recognizes that the current regional model has produced traffic volumes that are lower than the initial model that included this project. The MPO wishes to express the need for continued coordination with NCTA to ensure reasonable traffic volumes are included in an update of the Triangle Regional Model currently under development.

The Southern and Eastern Wake Expressways are portions of the larger 540 Outer Loop project. As such these projects should be developed as a single design and right-of-way acquisition project to the extent possible. This will minimize long term project costs and result in an overall savings for the taxpayers. Any study of financial, economic and congestion impacts should include an analysis of the full completion of the Outer Loop.

The Southern and Eastern Wake Expressway will serve as the backbone of the transportation network in this area and should provide a balanced transportation facility design that includes multimodal considerations such as:

- Park and Ride facilities at major interchanges and other appropriate locations.
- Transit Vehicle toll exemption and priority.
- Transit vehicle and High Occupancy Vehicle priority through the use of designated lanes, toll stalls or other means.
- Coordination with existing and proposed bicycle and pedestrian facilities in the project corridor.

The MPO supports the inclusion of Intelligent Transportation System (ITS) components in the project design that are consistent with the adopted regional ITS architecture. This will maximize the transportation investment by enabling the most efficient management of traffic operations within the corridor.

The design of this new facility should minimize negative impacts to the Swift Creek Watershed and water supply area. To accomplish this, the ultimate facility design should include a toolbox of sustainable design elements such as use of BMPs throughout the project and consideration of onsite storm water treatment such as sustainable landscaping elements that are compatible with local soil type and drainage capability and that are native to the region.

The staff at CAMPO looks forward to working with NCTA to develop this vital transportation facility for the future. If you need any further assistance or have questions please contact my office at (919) 996-4400.

Sincerely,



Edison H. Johnson, Jr., PE, FITE  
Executive Director, N.C. Capital Area MPO

cc: George Hoops, P.E. - Federal Highway Administration

**APPENDIX C**  
**Agency Meeting Summaries**



# Turnpike Environmental Agency Coordination (TEAC) Meeting

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## MEETING MINUTES FINAL

**Date:** December 8, 2009  
9:00 a.m. To 10:15 a.m.  
NCTA Board Room

**Project:** STIP R-2721, R-2828, and R-2929 – Southern and Eastern Wake Expressway

### **Southern and Eastern Wake Expressway Spotlight:**

#### **Attendees:**

George Hoops, FHWA	Tony Houser, NCDOT-Roadway Design Unit
Christopher Militscher, USEPA	Lonnie Brooks, NCDOT-Structure Design Unit
Eric Alsmeyer, USACE	Jennifer Harris, NCTA
Gary Jordan, USFWS	Christy Shumate, HNTB
Rob Ridings, NCDWQ	Spencer Franklin, HNTB
Deanna Riffey, NCDOT-NEU	Kevin Markham, ESI
Erica McLamb, NCDOT-NEU	Roy Bruce, Lochner
Rachelle Beauregard, NCDOT-NEU	Kristin Maseman, Lochner
Amy Simes, NCDENR	Karin Ertl, Lochner
Missy Pair, NCDOT-PDEA	Brian Eason, Lochner
Steve Gurganus, NCDOT-PDEA-HEU	Steve Browde, Lochner
Dewayne Sykes, NCDOT-Roadway Design Unit	Wendee Smith, Mulkey

#### **Presentation Materials (Posted on TEAC website):**

- Agenda
- Project Introduction PowerPoint Presentation
- Draft Project Study Area Map
- Notice of Intent
- Draft Section 6002 Project Coordination Plan
- Draft 2010 Calendar for Concurrence, Interagency, and NCTA Meetings

#### **Purpose:**

Introduce project and present draft project study area, Notice of Intent, and draft Section 6002 Project Coordination Plan for the project.

#### **General Discussion:**

The following information was discussed at the meeting:

- **Project Introduction:** Lochner gave a brief PowerPoint presentation to introduce the project and provide background information. Printed copies of the PowerPoint slides were provided to meeting attendees. Highlights of the presentation are as follows:

- Project length is about thirty miles, extending from NC 55 at the Western Wake Freeway/NC 540 to I-540 at the Knightdale Bypass.
- Initial project studies were conducted by NCDOT in the 1990s and a protected corridor for the Southern Wake Expressway has been filed. The protected corridor for R-2721 (NC 55 to US 401) was filed in 1996; the protected corridor for R-2828 (US 401 to I-40) was filed in 1997. To date, approximately thirty parcels have been purchased by NCDOT in order to preserve the corridor.
- In addition to the No-Build Alternative, multiple Build Alternatives, including alternatives on new location and upgrading existing roadway alternatives, as well as alternative modes, will be evaluated in this study. Alternative modes may include mass transit, transportation demand management, transportation system management, and others as identified.
- Key project issues that have been identified to date include potential impacts on area streams, the presence of federally-protected mussel species, potential indirect and cumulative effects, widespread residential development in the project area, and coordination with multiple jurisdictions. Other project issues will be identified through scoping and as the study progresses.
- Under the current draft schedule, the Draft EIS is scheduled for completion in early 2012, with a Record of Decision in late 2013.

Lochner then displayed a video simulation of an aerial flyover of the protected corridor for Southern Wake and a representative corridor for Eastern Wake to highlight locations of key area features. The representative corridor shown for Eastern Wake has not been protected—it is simply shown for reference purposes.

- **Notice of Intent:** NCTA provided printed copies of the Notice of Intent (NOI) for the project, which was published in the Federal Register on November 30, 2009. NCTA highlighted key information in the NOI, stressing that a range of alternatives will be evaluated for the project, including multiple new location and upgrade existing roadway alternatives along with several types of non-highway improvement alternatives.
- **Draft Project Study Area:** Maps showing the boundaries of the draft project study area were displayed and discussed. Lochner pointed out that the northern boundary of the study area in southern Wake County was set to avoid the Swift Creek watershed to the north, but to include Ten-Ten Road, an east-west facility. The western and southern boundaries were set to include NC 42 and NC 55, which together form a key east-west route through the study area.

Following an initial request by EPA, the resource and regulatory agencies expressed interest in the proposed northern study area boundary shifted to the north to allow early consideration of potentially shorter alternatives closer to more heavily developed portions of the area. This shift, which would create a larger study area, may also allow evaluation of a larger number of potential locations for the crossing of Swift Creek. This could be helpful in considering how to best minimize impacts to federally-protected mussel species.

NCDOT had a suggestion about the proposed southern study area boundary in light of potential issues at the I-40 interchange at NC 42. The study area will be shifted slightly in this area to include the area around the NC 42 and the Clayton Bypass.

- **Draft Section 6002 Project Coordination Plan:** In lieu of following the NCDOT's merger process, this project will follow coordination procedures authorized under Section 6002 of SAFETEA-LU for the environmental review process. The key difference in the two approaches is that formal concurrence is not required at decision points in the study. However, NCTA still

expects the agencies to highlight issues of concern, particularly those that could affect later permitting decisions. Printed copies of the draft Project Coordination Plan prepared for this project were provided. The plan contains a list of suggested cooperating and participating agencies for the project. Formal invitation letters will be sent to request formal agreement to act as cooperating or participating agencies. The current draft Project Coordination Plan will be finalized in the coming few months as the scoping process proceeds. After this, revisions can be made to the Project Coordination Plan at any time throughout the study as conditions warrant. Participants will be apprised of all revisions to the Project Coordination Plan and will be afforded opportunity to discuss the revisions.

**Q&A:**

1. *How much of the project study area is shown in the flyover video?*  
The width of the area shown is fairly small (roughly one mile wide)—the project study area is a lot wider than the area shown (as much as twelve miles wide in some locations).

2. *Why doesn't the study area include areas to the north of the existing northern boundary? Is the Swift Creek watershed a critical water supply watershed?*  
The existing northern boundary would keep any new location alternatives south of the Swift Creek water supply watershed. NCTA will determine if it is a critical water supply watershed.

*Note: Within the Swift Creek watershed, the Lake Benson watershed area has been designated by DWQ as a Critical Area (WS-III). The Lake Wheeler portion of the Swift Creek watershed is designated as WS-III, but not as a Critical Area.*

3. *Could the study area boundary be shifted to the north? This could allow development of shorter new location alternatives.*  
The boundary could and will be shifted for the purposes of environmental constraints mapping and preliminary screening of alternative concepts.

4. *What existing facilities would this project likely alleviate traffic from? Is reduction of traffic congestion on existing facilities likely to be an element of the project purpose?*  
The project would likely draw traffic off of I-40, I-440, Ten-Ten Road, NC 42 and other adjacent facilities. Reduction of traffic congestion will likely be an element of the project purpose.

5. *The agencies would like information on the parcels already acquired by NCDOT under corridor protection.*  
All 30 parcels were acquired as a result of hardship requests from the original property owners. Key details of the acquired parcels will be provided.

6. *What happens to parcels acquired through corridor protection if the protected corridor is not chosen as the preferred alternative?*  
Each parcel is first offered for purchase to its original owner, then to adjacent property owners, and then to the wider public.

**Previous Action Items:**

- None

**New Action Items:**

- TEAC members will provide to NCTA comments on the draft Project Coordination Plan and the draft study area.
- Lochner will update the draft project study area boundary and NCTA will provide copies of updated maps.
- NCTA will determine the protective status of the Swift Creek watershed (see above).
- NCTA will provide details of parcels acquired by NCDOT under corridor protection; details will include acreage, location, and, if possible, purchase price.

**Resolutions:**

- None

**Next Steps:**

- Continue to consider potential adjustments to the draft study area boundary; begin to consider scoping issues.
- Next meeting will be the scoping meeting; it is tentatively scheduled for February 16, 2010. Coordinate with HPO and NCWRC representatives, who were not able to attend this meeting, to provide information about this meeting and the upcoming scoping meeting.



# Turnpike Environmental Agency Coordination (TEAC) Meeting

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## MEETING MINUTES

**Date:** February 16, 2010  
8:30 a.m. To 10:15 a.m.  
NCTA Board Room

**Project:** STIP R-2721, R-2828, and R-2929 – Triangle Expressway Southeast Extension (Raleigh Outer Loop)

### Triangle Expressway Southeast Extension Spotlight:

#### **Attendees:**

George Hoops, FHWA  
Christopher Militscher, USEPA  
Eric Alsmeyer, USACE  
Gary Jordan, USFWS  
Brian Wrenn, NCDWQ  
Travis Wilson, NCWRC  
Dolores Hall, NCOSA (via telephone)  
Amy Simes, NCDENR  
Mickey Sugg, USACE  
Missy Pair, NCDOT-PDEA  
Derrick Weaver, NCDOT-PDEA  
Steve Gurganus, NCDOT-PDEA-HEU  
Nilesh Surti, NCDOT-TPM

Dewayne Sykes, NCDOT-Roadway Design Unit  
Aketa Emptage, NCDOT-OCR  
Neal Strickland, NCDOT-Right of Way Branch  
Tony Houser, NCDOT-Roadway Design Unit  
Jennifer Harris, NCTA  
Christy Shumate, HNTB  
Kevin Markham, ESI  
Roy Bruce, Lochner  
Kristin Maseman, Lochner  
Karin Ertl, Lochner  
Steve Browde, Lochner  
Wendee Smith, Mulkey

### Presentation Materials (Posted on TEAC website):

- Agenda
- Revised Section 6002 Project Coordination Plan
- Revised Project Study Area Map
- Scoping Handout
- Community Characteristics Summary
- Draft Preliminary Purpose and Need
- Environmental Constraints Map and Legend
- Swift Creek Critical Watershed Area Map
- Area Socioeconomic Characteristics Maps

### Purpose:

Obtain agency scoping comments; discuss preliminary statement of purpose and need.

### General Discussion:

The following information was discussed at the meeting:



- **Project Name:** NCTA explained that the project name is under development. “Triangle Expressway Southeast Connector” and “Triangle Expressway Extension” have both been used as project names. The Notice of Intent for the project, which was published in November 2009, referenced the project as the “Raleigh Outer Loop.” NCTA will need to make it clear when the project ROD is filed with EPA that the project’s NOI referenced the earlier name. Regardless of the project name, NCTA will study the full range of alternatives during the NEPA study.
- **Revised Project Study Area:** Lochner presented the revised project study area map, showing the expanded study area boundary. The study area was revised following the December TEAC meeting per USEPA comments. The expanded study area incorporates the Swift Creek Water Supply Watershed area, the Town of Garner, and the NC 42/Clayton Bypass area in Clayton. NCTA stressed that the study area reflects the area within which new location alternatives will be considered. For the purposes of the overall NEPA project, upgrade existing facilities alternatives will be considered throughout the Raleigh area.

NCDWQ has concerns about potential impacts to critical watershed areas by any alternatives developed in these areas. USFWS has concerns about potential impacts to endangered mussel species south of the Lake Benson dam. USEPA asked that the expanded study area boundary be retained rather than reduced to eliminate options that may impact the critical watershed areas.

- **Section 6002 Coordination Plan:** NCTA explained that the Section 6002 Coordination Plan has been revised slightly since the December 2009 TEAC meeting. Revisions were minor editorial changes. USEPA has recently provided input on the Plan to NCTA and this input will be incorporated into another revision. USACE asked that NCTA make every effort to provide agencies with TEAC meeting materials two weeks in advance of meetings where decisions will be required.

Several agencies expressed a desire for the NCTA to follow the NCDOT merger process. Agencies indicated that the merger process allows for concurrent activity on the project while also facilitating linear decision-making, and that the merger process makes it clear what decisions are expected for each meeting. Agencies also indicated that the merger process has been fine tuned through the years through the collaborative work of various agencies and also includes a useful dispute resolution process.

NCDOT noted that the merger process is Section 6002 compliant; however, neither NCDOT nor NCTA is required to follow merger. FHWA noted that NCTA should clearly identification of decision points prior to TEAC meetings. Both Section 6002 and the merger process flow through the same decision points and address the same issues. If new issues arise during either process, they must be addressed by the team. FHWA asked for agency ideas on ways to enhance the Section 6002 process. NCTA and FHWA has considered agencies’ positions on using the merger process versus the Section 6002 process and has elected to continue to use the Section 6002 process in lieu of the merger process.

- **Scoping Handout:** Lochner reviewed this summary of the project, highlighting some of the key project issues that have been identified and noting key environmental constraints. Maps showing the locations of known environmental constraints were also displayed.

USEPA asked for clarification on Limited English Proficiency (LEP) issues with regards to the project. Environmental Justice (EJ) and LEP are covered by two separate Executive Orders. NCDOT Office of Civil Rights asked to be actively included in the development of the project approach relative to EJ and LEP issues.

NCDOT noted that voluntary agricultural districts (VADs) have their own public hearing requirements if they may be directly impacted by the project. NCDOT recommends that VAD hearings be held around the time of the corridor public hearing for the project. NCDOT

recommended that NCTA review Governor Hunt's 1981 Executive Order relative to Soil and Water Conservation District coordination for this project.

USEPA requested that only reasonable preliminary alternatives be brought to the agencies for consideration; options should be kept simple, without excessive crossover connectors and numerous alternative segments.

USEPA inquired about the status of the traffic forecasts for this project since this issue has delayed the project in the past. NCTA responded that the "no-build" traffic for 2035 is complete, and that data are already available for an analysis of a "build" alternative along the protected corridor. This information will be posted to Constructware. USEPA expressed concern about the range of percentage increases in predicted traffic volumes along segments of NC 42.

NCDWQ noted the significance of indirect and cumulative effects (ICE) associated with this project and the potential impacts on the numerous streams in the area. USEPA is also concerned about ICE and the ability of the area to support development from water supply and wastewater treatment capacity perspectives. The project team should collect information on the status of area wastewater treatment plants, including their capacity and permit status. The project team should also obtain information on the new Dempsey Benton wastewater treatment plant on NC 50. NCDOT recommended that a screening ICE report be prepared. NCWRC noted that effective addressing of ICE will require a strong cooperative approach with local governments. USFWS noted that Section 7 will be a major project issue.

- **Purpose and Need:** Lochner summarized the key study area characteristics underlying the need for the project and described preliminary concepts for the project purpose. The project purpose includes a primary goal, improving transportation mobility between areas south and east of Raleigh and areas west and north of the city, as well as other desirable outcomes.

With regards to local government support for the project, which will be an important element of the project need, USEPA expressed concern that local communities in the study area are competing for growth and development with the expressed desire to grow and expand their municipal boundaries. USEPA is concerned that there is not a coordinated effort relative to growth management and the ability of the area to provide public services. USEPA expects serious environmental issues in the project area relative to water supply and wastewater treatment capacity because of this growth competition.

USACE and USEPA noted that Research Triangle Park (RTP) and other areas west and north of Raleigh are not the only employment centers/trip destinations in the area; there are other strong trip attractors. USACE noted that this project provides connectivity for the entire 540 Loop.

NCDOT suggested that the discussion of project need include a clear explanation about why the Capital Area Metropolitan Planning Organization (CAMPO) has included this project in its Long Range Transportation Plan (LRTP). NCDOT also recommended that economic development not be included in the project purpose and need as a desirable outcome.

- **General:** Future graphics and maps displayed at TEAC meetings should include the date when they were printed or last revised.

NCTA has placed maps showing the locations of protected corridor parcels purchased by NCDOT on Constructware. NCTA has also posted spreadsheets listing details for each of these approximately 30 parcels.

**Q&A:**

1. *What is the definition of Limited English Proficiency?*

LEP individuals are unable to speak, read, or write in English. Project materials must be translated into another language if either 5% of the individuals in a community or 1,000 individuals in the community are classified as LEP.

2. *What is the large historic site shown on the constraints map on Old Stage Road just north of the protected corridor?*

It is the Williams Crossroads site; it was placed on the State Study List but is not currently listed on the National Register.

**Previous Action Items:**

- TEAC members will provide to NCTA comments on the draft Project Coordination Plan and the draft study area.
- Lochner will update the draft project study area boundary and NCTA will provide copies of updated maps. (*Completed*)
- NCTA will determine the protective status of the Swift Creek watershed. (*Completed*)
- NCTA will provide details of parcels acquired by NCDOT under corridor protection; details will include acreage, location, and, if possible, purchase price. (*Completed*)

**New Action Items:**

- Agencies to review scoping handout and constraints mapping and provide to NCTA information about additional environmental issues and constraints.
- NCTA/FHWA to review process for agency coordination.
- Lochner will add STIP project R-2609 (US 401) to the list of other projects in the study area.
- Lochner will contact NCDOT Office of Civil Rights to coordinate on LEP and EJ considerations and analysis for the project.
- NCTA/Lochner will coordinate with County Soil and Water Conservation Districts.
- NCTA will place completed traffic forecast and analysis reports to Constructware.
- Lochner will collect information on study area wastewater treatment plants.

**Resolutions:**

- None

**Next Steps:**

- NCTA will continue to develop project purpose and need. Continue to consider potential adjustments to the draft study area boundary; begin to consider scoping issues.
- Develop Community Characteristics Report.
- Public workshops to be held in summer 2010.



# Turnpike Environmental Agency Coordination (TEAC) Meeting

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## MEETING MINUTES

**Date:** August 10, 2010  
10:00 a.m. to 11:30 a.m.  
NCTA Board Room

**Project:** STIP R-2721, R-2828, and R-2929 – Triangle Expressway Southeast Extension

### Triangle Expressway Extension Spotlight:

#### **Attendees:**

Rob Ayers, FHWA	Jason Moore, NCDOT-Roadway Design Unit
Christopher Militscher, USEPA	BenJetta Johnson, NCDOT-TMSD
Eric Alsmeyer, USACE	Chris Lukasina, CAMPO
Scott McLendon, USACE	Jennifer Harris, NCTA
Gary Jordan, USFWS	Christy Shumate, HNTB
Brian Wrenn, NCDENR-DWQ	Spencer Franklin, HNTB
Travis Wilson, NCWRC	Gail Tyner, ESI
Amy Simes, NCDENR (via telephone)	Joanna Rocco, URS
Renee Gledhill-Earley, NCDCCR-HPO (via telephone)	Roy Bruce, Lochner
Missy Pair, NCDOT-PDEA	Brian Eason, Lochner
Herman Huang, NCDOT-PDEA, HEU	Kristin Maseman, Lochner
Doug Taylor, NCDOT-Roadway Design Unit	Karin Ertl, Lochner
Sam St. Clair, NCDOT-Roadway Design Unit	Steve Browde, Lochner
Tony Houser, NCDOT-Roadway Design Unit	Wendee Smith, Mulkey

#### **Presentation Materials (Posted on TEAC website):**

- Agenda
- Final Meeting Minutes – 2/16/10 TEAC Meeting
- Revised Section 6002 Draft Project Coordination Plan
- Draft Purpose and Need Statement
- Handout 1 – Alternatives Screening Methodology Summary
- Handout 2 – Qualitative First Tier Screening of Alternative Concepts
- Handout 3 – Quantitative Second Tier Screening of Alternative Concepts

#### **Purpose:**

Discuss purpose and need statement and alternatives screening process.

#### **General Discussion:**

The following information was discussed at the meeting:

- **Project Coordination Plan:** NCTA stated that a revised version of the Draft Project Coordination Plan has been posted to Constructware. The revisions were based on similar edits that were

made to the Project Coordination Plan for the Cape Fear Skyway project. NCTA distributed invitation letters to representatives of State agencies, asking for the agencies to become participating agencies under the Project Coordination Plan. FHWA will distribute a similar letter to representatives of federal agencies. Agencies are requested to submit to NCTA any final comments on the Project Coordination Plan before the next TEAC meeting on September 8, 2010.

- **Purpose and Need:** Lochner summarized the three key elements of the project need: the need for improved mobility in the project, underscored in the Capital Area Metropolitan Planning Organization (CAMPO) Long Range Transportation Plan (LRTP); the limited transportation options for efficient local and through travel in the region due to increasing congestion on existing freeways and a lack of alternative routes and travel modes; and existing and projected poor levels of service (LOS) on major roadways in the project area. Lochner summarized the project purpose as improving transportation mobility to enhance connectivity in the area and to provide additional high-speed, efficient regional transportation infrastructure for local and regional traffic. Other desirable outcomes include system linkage and support for federal sustainability and livability goals.

NCDENR-DWQ asked how a reduction in congested vehicle miles traveled (one of the measures of effectiveness listed in the Draft Purpose and Need Report for meeting project purpose) would differ from improvement in LOS. HNTB explained that measuring changes in congested vehicle miles traveled provides information on congestion levels throughout the local transportation network. LOS only provides information on congestion levels for a specific link in that network.

NCDENR-DWQ asked whether the study area for traffic analysis is different from the study area for alternatives development. NCTA explained that the limits of the study area for traffic analysis are broader than those for alternatives development because the former must consider more of the regional transportation network outside the immediate project area. NCDENR-DWQ stated that this discrepancy between the two study areas is confusing in the Draft Purpose and Need Report and suggested that this issue be clarified in the report.

FHWA suggested that more information be provided about potential thresholds for meeting the project purpose under each of the measures of effectiveness listed in the Draft Purpose and Need Report. NCTA explained that it could be difficult to set thresholds that do not arbitrarily eliminate otherwise reasonable alternatives. CAMPO indicated that their LRTP includes measures of effectiveness but does not identify minimum requirements for meeting them.

USEPA asked why information about US 401 is not included in the traffic figures in the Draft Purpose and Need Statement. HNTB explained that traffic data for existing conditions and no-build scenarios are available for US 401. HNTB will include this information in the figures.

NCDENR-DWQ questioned the appropriateness of including the NC Strategic Highway Corridor vision as part of the need for the project. NCTA explained that this was included as supporting information to explain that current and projected LOS do not support that vision. NCTA will more closely examine this issue and consider revising the report text to clarify.

FHWA asked how public involvement will be incorporated into purpose and need development. Lochner explained that public workshops to present this information, along with information about alternatives development will be held in late September. Project purpose and need will be finalized after considering all public and agency comments received. NCTA explained that agency comments received will also be considered in finalizing the project purpose and need. The Draft Purpose and Need Statement will be posted to the project website.

- **Alternatives Screening:** NCTA summarized the methodology used for screening alternative concepts and preliminary alternative corridors and then provided an overview of the results of screening alternative concepts (Qualitative First Tier Screening). NCTA stressed that improve

existing and hybrid new location/improve existing concepts may prove to be worthy of more consideration for this project than for past NCTA projects.

NCTA explained that for the first screening, alternative concepts were qualitatively compared to the no-build alternative. USEPA asked whether combinations of concepts could be considered as such combinations may be better able to meet elements of project purpose and need than each concept alone. USEPA also stated that “maybe” could be a more accurate answer than “yes” or “no” in qualitatively assessing whether each alternative concept meets each element of purpose and need.

NCDOT-PDEA asked if CAMPO has done any modeling to see how much transit ridership is needed to achieve quantitative improvements in, for example, area commute times. CAMPO indicated that in its traffic model the Southeast Extension is assumed to be a multimodal facility, with mass transit using the roadway along with cars and trucks. CAMPO expects that the Southeast Extension will be developed so that it is consistent with the LRTP.

FHWA asked why the measures of effectiveness for meeting the project purpose were not used to screen alternative concepts. NCTA responded that it would be difficult to quantify the ability of each alternative concept to meet the measures of effectiveness for the project purpose. Lochner added that the first tier screening of alternative concepts is meant to determine whether each concept would be able to fulfill the main points of the project and purpose and need; those that meet those points will then be subject to the quantifiable measures of effectiveness. Several agencies suggested that NCTA consider qualitatively screening the alternative concepts according to the measures of effectiveness. NCDENR-DWQ and NCWRC also suggested the NCTA consider eliminating the following two elements of the first tier screening: consistency with the NC Strategic Highway Corridor program and ability to improve system linkage. Several agencies also suggested that NCTA more clearly explain the first tier screening process.

FHWA asked whether CAMPO has any documentation of how mode choices for specific areas are made for the LRTP. CAMPO stated that regardless of mode, there is no east-west corridor in southern and eastern Wake County that can handle projected traffic volumes. CAMPO views the 540 Outer Loop as the backbone of the transportation network in this area.

Lochner presented preliminary alternative corridors currently under consideration. These include several new location alternatives, as well as improving existing facilities alternatives and hybrid new location/improve existing facilities alternatives. Lochner described preliminary impact estimates for these alternatives. NCTA recommended several alternatives for elimination based on magnitude of impacts on relocations and jurisdictional resources. USFWS asked that NCTA not eliminate Alternative O from further consideration at this point because, while it would require a large number of relocations and would directly impact the Swift Creek Watershed Critical Area, it is the only new location alternative that would avoid dwarf wedgemussel habitat. The agencies agreed to eliminate Alternatives B, D, F, H, K, and M from further consideration. These alternatives each use Segment 38, rather than Segment 9, at the eastern project terminus. In all cases, alternatives using Segment 38 would have greater impacts to jurisdictional resources and would require more relocations than similar alternatives using Segment 9. The agencies also agreed to eliminate Improve Existing Alternative #2 and Hybrid Alternative #2 (each includes upgrading and widening NC 55 and NC 42) due to the large number of relocations each would require. NCTA and Lochner will complete the third tier qualitative screening on the remaining alternatives.

**Previous Action Items:**

- Agencies to review scoping handout and constraints mapping and provide to NCTA information about additional environmental issues and constraints.  
*[Scoping responses were received from USEPA, USFWS, NCDCR-HPO, NCDENR-DWQ, NCWRC, NCDENR-NHP, NCDENR-DEH, NC Floodplain Mapping Program, and NCDACS (NC Department of Agriculture and Consumer Services), as well as CAMPO, Cary, and Holly Springs.]*

- NCTA/FHWA to review process for agency coordination.  
*[After additional discussion, the NCTA and FHWA have determined that the Section 6002 Project Coordination Plan process will be followed for this project.]*
- Lochner will add STIP project R-2609 (US 401) to the list of other projects in the study area.  
*[Completed]*
- Lochner will contact NCDOT Office of Civil Rights to coordinate on LEP and EJ considerations and analysis for the project.  
*[Completed]*
- NCTA/Lochner will coordinate with County Soil and Water Conservation Districts.  
*[Completed]*
- NCTA will place completed traffic forecast and analysis reports to Constructware.  
*[Posted under 2010-02-16 folder.]*
- Lochner will collect information on study area wastewater treatment plants.  
*[This information has been added to study area environmental constraints mapping.]*

**New Action Items:**

- FHWA to distribute letters inviting federal agencies to become cooperating/participating agencies under the Project Coordination Plan.  
*[Distributed on August 17, 2010.]*
- Agencies to provide final comments to NCTA on Project Coordination Plan by September 8, 2010.
- NCTA/Lochner to clarify distinction between traffic study area and project study area for alternatives development in Purpose and Need Report.
- HNTB to review existing and projected traffic for US 401 and add this information to traffic figures in the Purpose and Need Report.
- Agencies to provide comments on Draft Purpose and Need Statement by September 8, 2010.
- NCTA/Lochner to consider revising first tier qualitative screening of alternative concepts to clarify the link between this screening and the measures of effectiveness for project purpose.
- NCTA/Lochner to complete third tier qualitative screening of alternatives and present results at September TEAC meeting.
- Agencies to provide comments on alternatives screening methodology and draft alternative concepts by September 8, 2010.

**Resolutions:**

- None

**Next Steps:**

- TEAC meeting – September 8, 2010.
- Public workshops scheduled for September 21, 22, and 23, 2010.
- Revise Purpose and Need Statement following review of agency and public comments.
- Complete third tier quantitative screening for preliminary alternative corridors.



# Turnpike Environmental Agency Coordination (TEAC) Meeting

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## MEETING MINUTES

**Date:** September 8, 2010  
8:30 a.m. To 9:00 a.m.  
NCTA Board Room

**Project:** STIP R-2721, R-2828, and R-2929 – Triangle Expressway Extension (Raleigh Outer Loop)

### Triangle Expressway Extension Spotlight:

#### **Attendees:**

George Hoops, FHWA	John Burris, HNTB
Eric Alsmeyer, USACE	Joanna Rocco, URS
Gary Jordan, USFWS	David Griffin, URS
Travis Wilson, NCWRC	Roy Bruce, Lochner
Deloris Hall, NCDCCR (via telephone)	Brian Eason, Lochner
Doug Taylor, NCDOT-Roadway Design Unit	Kristin Maseman, Lochner
Jennifer Harris, NCTA	Wendee Smith, Mulkey
Christy Shumate, HNTB	

#### **Presentation Materials (Posted on TEAC website):**

- Agenda
- Draft Meeting Minutes – 8/10/10 TEAC Meeting
- Handout 4 – Alternatives Screening, Quantitative Third Tier Screening of Alternative Concepts
- Newsletter #2

#### **Purpose:**

Continue discussion on purpose and need statement and alternatives screening.

#### **General Discussion:**

The following information was discussed at the meeting:

- **Purpose and Need and Alternatives Screening Methodology:** NCTA has received comments on the draft Purpose and Need Report from NCDENR-DWQ. Comments on both purpose and need and the alternatives screening methodology will be accepted until after the September public workshops. A revised Purpose and Need Report and a draft Alternatives Report will then be completed and made available to agencies, local governments and the public for comments. Other agencies indicated they do not plan to submit written comments and will defer to NCDENR-DWQ's comments.
- **Alternatives Screening:** Lochner summarized the results of the quantitative third tier screening of alternatives carried forward from the second tier screening, which included nine new location alternatives, two improve existing facilities alternatives, and two hybrid new location/improve



existing facilities alternatives. This round of screening included more evaluation criteria and a more detailed examination of impacts than the second round of screening.

USFWS and NCWRC stated that National Heritage Program (NHP) occurrences should not be used in the impacts summary table in Handout 4 because the NHP GIS database is too general to provide useful comparative information. Instead, they suggested that federal and state listed species occurrences would provide more useful comparative information.

The agencies agreed to eliminate Improve Existing Alternative #3 and Hybrid Alternative #3 (each includes upgrading and widening Ten-Ten Road) because each of these would require much larger numbers of relocations than all other alternatives without providing clear advantages. In addition, because Improve Existing Alternative #1 and Hybrid Alternative #1 remain under consideration, viable alternatives are not limited to new location options at this point.

NCTA will discuss with NCDOT Roadway Design staff the nine new location alternatives, Improve Existing Alternative #1, and Hybrid Alternative #1 to identify geometric constraints and other design considerations influencing the further development of these alternatives. After presenting these alternatives to the public at the September workshops, NCTA expects to select Detailed Study Alternatives (DSAs) by November of this year.

- **Section 6002 Cooperating Agency Invitation:** USACE has received the FHWA letter inviting it to be a cooperating agency under the Project Coordination Plan and will sign and return it to FHWA soon.

#### **Previous Action Items:**

- FHWA to distribute letters inviting federal agencies to become cooperating/participating agencies under the Project Coordination Plan.  
*[Letters were distributed on August 17, 2010.]*
- Agencies to provide final comments to NCTA on Project Coordination Plan.  
*[No additional comments were received.]*
- NCTA/Lochner to clarify distinction between traffic study area and project study area for alternatives development in Purpose and Need Report.  
*[Clarification will be included in revised Purpose and Need Report, available by mid-October, after the public workshops.]*
- HNTB to review existing and projected traffic for US 401 and consider adding this information to traffic figures in the Purpose and Need Report.  
*[This information was not included on the initial traffic figures because only segments that experienced more than 10 percent change in traffic between the No-Build and Build scenarios were modeled; however, this traffic information for US 401 will be added for information.]*
- Agencies to provide comments on Draft Purpose and Need Report.  
*[Written comments were received from NCDENR-DWQ. Other agencies indicated that they will not provide additional written comments.]*
- NCTA/Lochner to consider revising first tier qualitative screening of alternative concepts to clarify the link between this screening and the measures of effectiveness for project purpose.  
*[Clarification will be included in draft Alternatives Report, available by mid-October, after the public workshops.]*
- NCTA/Lochner to complete third tier qualitative screening of alternatives and present results at September TEAC meeting.  
*[Handout 4 presented at the September TEAC meeting includes the results of the third tier qualitative screening.]*
- Agencies to provide comments on alternatives screening methodology and draft alternative concepts.  
*[A draft Alternatives Report will be prepared following public workshops in late September and made available for agency and public review and comment.]*

**New Action Items:**

- Lochner to revise alternatives impact table to replace Natural Heritage Program Occurrences as an evaluation criterion with separate breakouts of federal and state protected species.

**Resolutions:**

- None

**Next Steps:**

- Public workshops on September 21, 22, and 23, 2010.
- Revise Purpose and Need Report according to agency and public comments.
- Prepare draft Alternatives Report and circulate for agency and public review and comment.



# Turnpike Environmental Agency Coordination (TEAC) Meeting

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## MEETING MINUTES

**Date:** November 2, 2010  
9:30 a.m. To 11:30 a.m.  
NCTA Board Room

**Project:** STIP R-2721, R-2828, and R-2929 – Triangle Expressway Southeast Extension  
(Raleigh Outer Loop)

### Triangle Expressway Extension Spotlight:

#### **Attendees:**

George Hoops, FHWA	Chris Lukasina, CAMPO
Christopher Militscher, USEPA	Gerald Daniel, CAMPO
Eric Alsmeyer, USACE	Steve DeWitt, NCTA
Gary Jordan, USFWS	Jennifer Harris, NCTA
David Wainwright, NCDENR-DWQ	Christy Shumate, HNTB
Travis Wilson, NCWRC	John Burriss, HNTB
Amy Simes, NCDENR	Kevin Markham, ESI
Delores Hall, OSA (via telephone)	Joanna Rocco, URS
Regina Page, NCDOT Congestion Management (via telephone)	Roy Bruce, Lochner
Deanna Riffey, NCDOT-Natural Environment Unit	Kristin Maseman, Lochner
Steve Gurganus, NCDOT-Human Environment Unit	Doug Wheatley, Lochner
Derrick Weaver, NCDOT-PDEA	Steve Browde, Lochner
Doug Taylor, NCDOT-Roadway Design Unit	Wendee Smith, Mulkey
Tony Houser, NCDOT-Roadway Design Unit	Tim Savidge, Catena Group
	Mike Wood, Catena Group

#### **Presentation Materials (Posted on TEAC website):**

- Agenda
- Draft Meeting Minutes – 9/8/10 TEAC Meeting
- Handout 5 – Public Informational Meetings (Sept. 2010), Summary and Comment Analysis
- Handout 6 – Preliminary Alternative Corridors, Major Constraints/Issues
- Impact Table – Southeastern Extension Preliminary Alternative Corridors by Phase, Summary of Potential Impacts

#### **Purpose:**

Discuss revisions to purpose and need statement, summary of public comments and alternatives screening discussion.

**General Discussion:**

The following information was discussed at the meeting:

- **Purpose and Need Update:** NCTA stated that the revised version of Purpose and Need is on Constructware. The revisions address comments from earlier TEAC meetings and written comments from NCDENR-DWQ. Also, written responses to NCDENR-DWQ comments are posted to Constructware.
- **Alternatives Screening:** The Alternatives Development and Analysis Report is being prepared and should be distributed prior to next month's TEAC meeting.
- **Summary of Public Comments (Handout 5):** Lochner presented the summary of public responses to date, indicating that over 1,000 people attended the September Public Informational Meetings. To date over 2,000 comments have been received. Several neighborhood petitions have also been received with nearly 1,000 signatures. Most comments express support for the project located in the protected corridor and dismay over other new location alternatives. Some comments related to the perceived "fairness issue" of tolling only a portion of this loop facility.

Lochner stated that the public comments are helpful in evaluating alternative corridors as they typically include details relative to human and natural environment impacts.

Several local governments have passed resolutions regarding the project. Most indicate support for the project located in the project corridor. The Wake County Board of Commissioners resolution states opposition to the blue, purple, red, and pink corridors. The City of Garner resolution states opposition to the red corridor.

NCTA explained that public involvement activities have included significant effort to educate the public on the project development process. That included explaining to citizens the role of the protected corridor in the study process.

- **Alternatives Screening Discussion (Handout 6):** Lochner summarized the major constraints and relative advantage of each corridor in the Phase I and Phase II areas, mentioning a few new constraints that have emerged since the Public Informational Meetings. There is a proposed mixed-use development (Randleigh Farm property) planned jointly by Wake County and City of Raleigh and purchased using open space funds. The green corridor in Phase II would bisect this property. Adjacent to Randleigh Farm is a potential historic site known to include remnants of a nineteenth century mill and with anecdotal evidence of Civil War significance. OSA suggested meeting with NCTA staff to review the known facts related to the historic significance of this property. To avoid or minimize impacts to the Randleigh Farm and the adjacent potential historic sites, two other corridor alternatives in the Phase II area were reintroduced. The tan corridor would impact Randleigh Farm along its eastern edge, reducing the amount of direct impacts to the site relative to the green corridor. The grey corridor would completely avoid the Randleigh Farm area, including an eastern swing into Johnston County.

USACE asked whether there have been traffic projections for the various alternative corridors. HNTB stated that preliminary traffic projections are similar for the protected corridor (orange) and the blue and purple corridors to the south. The red corridor to the north is projected to serve smaller traffic volumes than the others. USEPA requested that traffic data be made available to TEAC members and NCTA agreed.

NCTA asked for agency feedback on eliminating some of the preliminary alternative corridors from further consideration. In considering the red corridor, discussion turned to dwarf wedgemussel habitat in the Swift Creek watershed. USFWS indicated that the red corridor may be the only alternative with a chance for a "no adverse effect" determination for the species. The Catena Group has found fairly young dwarf wedgemussel individuals in Swift Creek in the vicinity of the Wake-Johnston County line, near the protected corridor. They have not yet surveyed the area between Lake Wheeler and Lake Benson, and there have been limited past surveys in this area. State listed



# Turnpike Environmental Agency Coordination (TEAC) Meeting

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## MEETING MINUTES

**Date:** January 20, 2011  
1:00 p.m. To 4:00 p.m.  
NCTA Board Room

**Project:** STIP R-2721, R-2828, and R-2929 – Triangle Expressway Southeast Extension  
(Raleigh Outer Loop)

### Triangle Expressway Extension Spotlight:

#### **Attendees:**

George Hoops, FHWA (via telephone)	Jennifer Harris, NCTA
Christopher Militscher, USEPA	Kiersten Giugno, HNTB
Eric Alsmeyer, USACE	Spencer Franklin, HNTB
Gary Jordan, USFWS	John Burris, HNTB
Brian Wrenn, NCDWQ	Kevin Markham, ESI
Travis Wilson, NCWRC	Roy Bruce, Lochner
Delores Hall, OSA (via telephone)	Kristin Maseman, Lochner
Doug Taylor, NCDOT-Roadway Design Unit	Doug Wheatley, Lochner
Michael Bright, NCDOT-Utilities	Steve Browde, Lochner
Herman Huang, NCDOT-PDEA HEU	Jay Bissett, Mulkey
Ronnie Williams, Mayor-Town of Garner	Wendee Smith, Mulkey
Hardin Watkins, Town of Garner	Tim Savidge, Catena Group
Chris Lukasina, CAMPO	Russ Owen, Garner resident
David Joyner, NCTA	Jeff Swain, Garner resident
Steve DeWitt, NCTA	

#### **Presentation Materials (Posted on TEAC website):**

- Agenda
- Handout 7 – Public Involvement – November 2010 through January 2011
- Handout 8 – Red and Pink Corridor Elimination
- Red and Pink Corridor Elimination slideshow

#### **Purpose:**

Continue discussion of alternatives

#### **General Discussion:**

The following information was discussed at the meeting:

- **Summary of Public Involvement (Handout 7):** Lochner presented the summary of public involvement activities between November 2010 and the present. Public involvement has centered around two main issues. The first was presenting and receiving comments on the Tan

corridor, an alternative added in the Phase II area to minimize impacts to the Randleigh Farm property and to avoid three large communications towers. NCTA held a Public Informational Meeting in December to solicit input on the Tan and Green corridors. NCTA has received nearly 300 public comments opposing the Tan corridor, mostly due to neighborhood impacts. Local residents have also submitted a petition opposing the Tan corridor, signed by over 700 people. On December 8, 2010, the Wake County Board of Commissioners sent a letter to NCTA asking that NCTA remove the Tan corridor from consideration. On January 5, 2011, the Raleigh City Council voted to send a letter asking NCTA to remove the Tan corridor from further consideration and to seek other alternative routes.

The second main issue in recent public involvement has been strong opposition to the Red and Pink corridors. In November, over 1,000 local residents attended a public meeting organized by Town of Garner to discuss the Red corridor. Attendees overwhelmingly expressed strong opposition to the Red corridor. In December, several hundred local residents attended a public meeting organized by the Springfield Baptist Church to address potential impacts of the Red and Pink corridors to church-owned property. Garner residents have submitted a petition signed by 356 people opposing the Red corridor. Springfield Baptist Church has submitted a petition signed by 1,086 people, and letters from 970 individuals, opposing the Red and Pink corridors. To date, NCTA has also received several hundred e-mail comments, letters, and telephone hotline comments opposing the Red corridor and several hundred comments opposing the Pink corridor. Garner's State Legislative delegation also submitted a letter asking for the Red and Pink corridors to be eliminated.

Lochner stated that the Town of Garner asked NCTA to look at another potential corridor that would follow I-40 north from the Orange protected corridor, but would turn eastward south of White Oak Road to avoid the Greenfield South Business Park and Springfield Baptist Church area. This was shown on maps as the Forest Green corridor. This corridor has not yet been presented to the general public.

- **Draft Alternatives Report:** Lochner explained that the Draft Alternatives Report is still being reviewed but is anticipated to be distributed to the agencies within a month.
- **Corridor Elimination Discussion (Handout 8):** Lochner presented a slideshow summarizing the development and evaluation of project alternatives to date. Following the November TEAC meeting, the Blue, Purple and Yellow corridors were eliminated from further study, the Pink corridor was modified to connect to the Orange protected corridor, and the Tan and I-40 corridors were added. Since then, the Forest Green corridor was developed, as described in the previous discussion. USACE asked what advantage the Forest Green corridor would provide over the Green corridor and NCTA explained that it would create an alignment following a portion of I-40 but avoiding the Greenfield South Business Park area farther north. It would also shift a portion of the I-40 interchange area out of the immediate vicinity of Swift Creek. USFWS stated that the Forest Green would not offer an avoidance or minimization option for Dwarf wedgemussel impacts.

Catena provided a brief summary of recent Dwarf wedgemussel surveys. Biologists found three mussel species in Swift Creek between Lake Benson and Lake Wheeler, but none were rare species. Downstream of Lake Benson, biologists have found five Dwarf wedgemussel individuals. USFWS stressed that this number is representative and does not mean there are only five Dwarf wedgemussel individuals in this part of Swift Creek. In 2007 surveys in this area, biologists found seven individuals; in 2001 and 2002, they found one or two individuals. This suggests that the species is still reproducing in this part of Swift Creek, but does not provide enough information to make conclusions about long-term viability of the species.

Only one mussel was found in Mahler's Creek, a tributary of Swift Creek downstream of Lake Benson, but it was not a rare species. Current conditions in Mahler's Creek make it poor quality habitat for the Dwarf wedgemussel.

General natural resource habitat quality in Swift Creek between Lake Benson and Lake Wheeler is quite good; the area is largely forested.

Lochner then showed the Town of Garner's "Visual Letter to the North Carolina Turnpike Authority", a roughly 15-minute video explaining local officials' and residents' concerns about the Red corridor. After the video, Lochner summarized the key disadvantages of the Red corridor and Pink corridor and explained the reasons why NCTA recommends eliminating these two corridors as they are not reasonable corridor for detailed study in the EIS.

USFWS stated that it has no legal authority to tell NCTA not to eliminate the Red or Pink corridors. However, USFWS could not go on record agreeing with the Orange protected corridor as the Least Environmentally Damaging Practicable Alternatives (LEDPA) based on the information currently available. The recovery plan for the Dwarf wedgemussel, adopted in the early 1990s, requires a viable population of the species in Swift Creek. USFWS has to make judgments based on this goal. Unless we uncover information demonstrating that Swift Creek does not contain viable habitat that will promote the long-term survival of the species, the agency's decisions must err on the side of protecting the species and its habitat. This lack of information could push the USFWS towards a Jeopardy Opinion. It is imperative that the right questions be identified and answers found.

USFWS has applied for federal funding to do detailed studies of Dwarf wedgemussel viability in Swift Creek. These studies would include: 1) provide an accounting (compliance/success) of existing conservation measures in the Swift Creek watershed; 2) evaluate the effectiveness of existing conservation measures; 3) determine habitat and mussel population viability in Swift Creek. If the application for funding is denied, then the USFWS may ask the NCTA to fund the studies. NCTA is interested in further discussions with USFWS about these studies

If the Dwarf wedgemussel population is found not to be viable, but habitat is found to be viable, USFWS would consider captive propagation as a mitigation technique. The technology for this has already been developed at Virginia Tech.

USACE asked whether any monitoring has been done on the effectiveness of Dwarf wedgemussel impact mitigation for the Clayton Bypass project. USFWS replied that it was not aware of any recent monitoring efforts, although Johnston County did do some monitoring in the past.

USACE asked whether USFWS would need to wait until Section 7 consultation is complete to be able to support the protected corridor as the project LEDPA. USFWS replied that since the project is not going through the merger process, it does not have to provide concurrence on LEDPA. USFWS also stated that the Section 7 process can't be completed until after a LEDPA is selected. NCTA remarked that on the Monroe Bypass project, it selected a tentative LEDPA to be finalized pending the conclusion of Section 7 consultation.

USEPA remarked that much of the analysis presented today would be the kind of information that would typically be included in the Draft EIS and that typically, agencies wouldn't be asked to consider elimination of all but one alternative until the Draft EIS is published. USEPA also pointed out that it could be problematic from a 404 Permit standpoint to eliminate the Red corridor prior to preparing the Draft EIS since it would have lower wetlands impacts than the protected corridor. USEPA stressed that it would have concerns about NEPA compliance if the Red corridor is eliminated at this point.

NCTA explained that, due to its impacts and lack of public support, construction of the project in the Red corridor would have extreme difficulty being funded and likely never be built. NCTA also stressed that the community and economic impacts of waiting until 2012 to eliminate the Red corridor are highly significant.

USACE stated that it is concerned about eliminating the Red corridor at this point because it has the smallest amount of wetland and stream impacts. It could be difficult to issue a 404 Permit for the project knowing that this alternative was eliminated before it could be studied in detail for inclusion in the Draft EIS.

USEPA emphasized the need for stormwater controls at each crossing of Swift Creek (Red and Orange) to avoid potential contamination by a hazardous spill. This is an issue for water quality related the critical watershed area along the Red corridor and related to endangered species along the Orange corridor.

NCTA asked whether USACE would oppose elimination of the Pink corridor, too. USACE explained that it might not oppose eliminating it if the Red corridor remained under consideration.

USFWS stressed that federal agencies must fully comply with all applicable laws, statutes, policies, procedures, etc., and are under constant risk of being sued for not doing so.

There was some discussion about whether there may be other alternatives in the project study area that would meet the needs of NEPA while avoiding such major community impacts. The project team has not been able to identify any other alternatives that would avoid these impacts and despite extensive community involvement, there have been no suggestions from the public for new alternatives. Agency representatives were asked if they knew of any other potential alternatives NCTA should consider, but no such alternatives were suggested. It is possible that the Improve Existing Alternative, which would widen I-40, I-440 and US 64/US 264 Bypass up to twelve lanes, could be reintroduced into consideration. It was eliminated at the November TEAC meeting because of concerns about its feasibility and its ability to meet the project's traffic needs.

USFWS mentioned that it is more concerned with the indirect and cumulative effects of the project on loss of habitat than on direct impacts on the Dwarf wedgemussel.

NCDWQ stated that in the past, agencies have accepted letters of commitment as proof that agreed-upon mitigation strategies will be implemented. NCDWQ now requires stronger proof through enactment of local ordinances.

NCDWQ also questioned whether there was any relative advantage to the new Forest Green corridor. Lochner explained that this option would shift a portion of the I-40 interchange out of the Swift Creek area. USFWS did not feel that this shift would offer much advantage from a habitat impact standpoint. Each agency representative agreed that the Forest Green corridor and the I-40 corridor, which would connect the protected corridor to the Red corridor, should be eliminated from further consideration.

USACE requested a detailed explanation of the how the traffic analysis information shown in Handout 8 (comparing traffic volumes on project segments along the Red or Pink corridors and the protected corridor) was derived. There was also interest in more information about impacts of various alternatives on the existing roadway network. NCTA will provide this information.

As long as another option for minimizing Dwarf wedgemussel impacts is studied in detail, the agencies could support elimination of the Pink corridor since it would require out of direction travel, limiting it ability to meet the project's traffic needs.



**Phase II (Eastern) Corridors:** NCTA explained that in the time since the September public informational meetings, it has learned of additional constraints in the Phase II (eastern) project area. The project team has been exploring new and modified alternative alignments in this area. Lochner reviewed these, describing the Tan corridor, Brown corridor and Teal corridor. The Brown corridor would begin near the southern end of the Tan corridor, avoid Good Samaritan Baptist Church (impacted by the Tan corridor), and follow the general alignment of Brownfield Road, extending through sprayfields for a City of Raleigh water treatment plant and avoiding the Preserve and Long Branch Farm neighborhood. The Teal corridor would connect the Green corridor to the northern end of the Brown corridor.

USACE asked why the Tan corridor is still under consideration since the City of Raleigh has asked that NCTA eliminate it. NCTA responded that Raleigh has asked NCTA to look at other options besides the Tan corridor, but hasn't stated that the Green corridor should be selected.

There was some discussion about the three communications towers adjacent to the Green corridor. One of the guying wires for one of these three towers is within the corridor. NCTA has learned that the guying wire cannot be shifted without having to dismantle and relocate the tower. It could cost \$15 million to \$20 million to move the tower and take at least five years to complete permitting and construction prior to dismantling the current tower.

There was agency interest in further evaluation of the Brown corridor and elimination of the Tan corridor. NCTA mentioned that if new corridors in the Phase II area, such as the Brown corridor, are retained for further study, there will need to be public outreach to notify the community.

At the conclusion of the meeting Garner Mayor Ronnie Williams spoke about the enormous stress the Garner community is under while it waits for the Red corridor to be eliminated.

#### **Previous Action Items:**

- NCTA/Lochner will follow up with Dolores Hall regarding Randleigh Farm property and adjacent potential historic site. *(Completed. NCDOT archaeologists have consulted with Dolores Hall; NCDOT then provided information to NCTA/Lochner)*
- Catena Group to survey Swift Creek above Lake Benson Dam and Mahler's Creek and review existing survey data for White Oak Creek and Little Creek. They will coordinate scope, etc. directly with Kevin Markham. *(Completed)*
- Lochner will eliminate the following corridors: blue, purple, yellow, grey, and options west of NC 55 Bypass (white). *(Completed)*
- NCTA will prepare a press release to publicize corridor eliminations; Lochner will develop an accompanying email distribution list. *(Completed)*
- Lochner will explore the following corridor modifications/additions: orange-to-pink; orange-to-widen I-40 (to 10 lanes)-to red. Lochner will prepare basic impacts information and summarize major constraints. *(Completed)*
- NCTA will make traffic analysis for improve existing and hybrid options available to TEAC members. *(Completed)*
- NCTA/Lochner will complete Draft Alternatives Development and Analysis Report ASAP *(in progress)*.

#### **New Action Items:**

- NCTA/Lochner will consider eliminating the Red and Tan corridors
- NCTA/Lochner will eliminate the Forest Green and Pink corridors
- NCTA will meet with USFWS and NCWRC to discuss Dwarf wedgemussel study needs and approach to Section 7 consultation.
- HNTB will prepare more detailed explanation of traffic impacts of Red corridor, including effects on existing roadway network.

- NCTA/Lochner will continue to develop corridor options for Phase II of the project for future discussion at a TEAC meeting
- NCTA/Lochner will distribute Draft Alternatives Development and Analysis Report ASAP.

**Resolutions:**

- None.

**Next Steps:**

- Complete Draft Alternatives Development and Analysis Report and circulate for agency review and comment.



# Interagency Project Meeting

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## MEETING MINUTES FINAL

**Date:** August 22, 2012  
8:30 a.m. to 10:30 a.m.  
NCDOT Century Center – Structure Design Conference Room C

**Project:** STIP R-2721, R-2828, and R-2929 – Triangle Expressway Southeast Extension  
(Raleigh Outer Loop)

**Attendees:**

George Hoops, FHWA	Phil Harris, NCDOT – NES
Clarence Coleman, FHWA	Colin Mellor, NCDOT – NES
Christopher Militscher, USEPA (via telephone)	Elizabeth Lusk, NCDOT – NES-PMG
Scott McLendon, USACE	Deanna Riffey, NCDOT – NES-PMG
Monty Matthews, USACE (via telephone)	BenJetta Johnson, NCDOT – TMSD
Eric Alsmeyer, USACE	Mark Staley, NCDOT – Roadside Env. Unit
Gary Jordan, USFWS	Art McMillan, NCDOT – Hydraulics
Rob Ridings, NCDWQ	Matt Lauffer, NCDOT – Hydraulics
Travis Wilson, NCWRC	John Rouse, NCDOT – Division 4
Delores Hall, OSA (via telephone)	Wally Bowman, NCDOT – Division 5
Amy Simes, DENR	Kiersten Bass, HNTB
Ronnie Williams, Mayor-Town of Garner	Fred Skaer, Dawson & Associates
Hardin Watkins, Town Manager, Town of Garner	John Studt, Dawson & Associates
Ed Johnson, CAMPO	Roy Bruce, Lochner
Chris Lukasina, CAMPO	Kristin Maseman, Lochner
Scott Slusser, NCDOJ	Jeff Schlotter, Lochner
Greg Thorpe, NCDOT – PDEA	Steve Browde, Lochner
Eric Midkiff, NCDOT – PDEA	Jay Bissett, Mulkey
Jennifer Harris, NCDOT – PDEA	Wendee Smith, Mulkey
Harrison Marshall, NCDOT – PDEA-PICS	Michael Wood, Catena Group
Tony Houser, NCDOT – Roadway Design Unit	Tim Savidge, Catena Group
Kevin Fischer, NCDOT – Structures Mgmt.	Nancy Scott, Catena Group

**Presentation Materials:**

- Agenda
- Handout 9 (revised) – FHWA Project Advancement Plan
- Handout 10 (revised) – Potential Purpose and Need Refinement
- Handout 11 – Potential Additional New Location Corridors
- Project Advancement Presentation

**Purpose:**

Present project status update; discuss project advancement; discuss purpose and need refinement.

**General Discussion:**

The following information was discussed at the meeting:

- **Project Status Update:** Lochner provided an update on project activities that have occurred since the last TEAC meeting in January 2011. NC Session Law 2011-7, which was passed in March 2011, has limited advancement of the project, although NCDOT has continued to coordinate with agencies to find a path forward. NCTA/NCDOT published the Draft Alternatives Development and Analysis Report (DADAR) in January 2012 and sent copies to the agencies. Several agencies submitted written responses to the report. To date, Detailed Study Alternatives (DSAs) for inclusion in the Draft Environmental Impact Statement (EIS) have not been finalized. FHWA has indicated that NCTA/NCDOT should identify a clear plan for moving the project forward—in response, NCTA/NCDOT prepared a Project Advancement Plan in July 2012 through collaborative efforts with local and regional partners. Dawson & Associates, a Washington DC based environmental policy firm, was engaged to guide and assist in developing the Advancement Plan.
- **FHWA Project Advancement Plan:** Dawson & Associates provided an overview of the Project Advancement Plan, explaining that agency acceptance, community support, and legal defensibility are key goals of the Plan. The major elements of the Plan are: 1) refinement of the project Purpose and Need Statement, 2) evaluation of additional alternatives, 3) revised screening of project alternatives, and 4) additional public involvement. Purpose and Need refinement is supported by SAFETEA-LU Section 6002, FHWA guidance, and MAP-21 considerations. Two elements—support for local planning objectives and financial viability—are being evaluated as NCDOT considers refining the Purpose and Need Statement.
- **Potential Purpose and Need Refinement:** Dawson & Associates explained that 404(b)(1) guidelines, which are one of the key elements of USACE's review of environmental documents, require evaluation of alternatives' "practicability" in light of the overall project purpose. Including local planning as part of the NEPA project purpose could be appropriate, but it is unlikely to be appropriate with respect to the 404 guidelines. It is suggested that the revised Purpose and Need Statement include both a statement of overall project purpose that would apply to 404 guidelines, along with a more detailed statement of project purpose under NEPA. The latter could be refined to include local planning considerations.
- **Potential Additional Alternatives:** Dawson & Associates explained that the alternatives screening process will be updated to include evaluation with respect to a refined Purpose and Need Statement. It will also include evaluation of new Alternative Corridors, possibly including Lilac, Plum, and a modified version of Red. The Lilac and Plum Alternative Corridors were identified as possible ways to minimize wetland impacts and impacts to Dwarf wedgemussel habitat in Swift Creek relative to the Orange Corridor Alternative, while also avoiding the community impacts associated with other alternatives. The modified version of the Red Corridor Alternative was identified to evaluate whether Section 4(f) impacts in the vicinity of the Red Corridor can be avoided.
- **Comments/Questions:** USACE stated that it is sensitive to local planning efforts with respect to this project, but that it must consider this factor at the appropriate step in the process. USACE also reminded the group that alternatives screened out of further consideration based on the NEPA project purpose could still be "practicable" under the 404 guidelines. USACE has not yet seen evidence allowing the agency to determine that the Red Corridor Alternative is not practicable from a 404 perspective and therefore allowing USACE to support dropping the alternative. However, USACE also stated that they believed that practicability information may be developed for the screening process, and the Red Corridor may be screened out since there is another alternative. USACE would prefer that the environmental process not separate the 404 process from the NEPA process.

Several agencies stated that they have not yet seen a NEPA project successfully use local planning as a primary component of project purpose. FHWA indicated that it had tried in the past on other projects to use consistency with local plans as a primary project purpose but had encountered pushback from some of the agencies. As a result, consistency with plans was

sometimes used as a screening factor rather than as a primary project purpose. USEPA stated that NEPA documents often discuss whether alternatives are consistent with local plans, but do not require alternatives to match or mirror local planning objectives. USACE indicated that it would be problematic to have a local planning component front and center in the project purpose. USACE also pointed out that local plans are not developed according to NEPA.

There was some discussion about the impact of the Red Corridor Alternative on Section 4(f) resources. The project team explained that the Red Corridor Alternative would impact Section 4(f) resources, but a modified version of it (known as the Red Modified Corridor Alternative) would avoid them. However, the Red Modified Corridor only appears to meet the minimum roadway design standards.

USEPA asked what corridor width is being used to evaluate impacts at this stage and how those corridors were laid out. Lochner explained that impacts are being evaluated both for the 1,000-foot study corridors and for 300-foot conceptual right-of-way widths. The conceptual rights-of-way were laid out to minimize impacts to the greatest extent possible. Dawson & Associates explained that impact screening criteria are being refined and more information will be presented at a future agency meeting. USEPA asked for the uniquely different length of the Lilac Corridor Alternative and asked that information on the existing and new alternative corridors include information on the length of each color-coded corridor segment. The Lilac Corridor Alternative where it is uniquely different from other corridors is 9.2 miles long. Impacts will be reported for end-to-end project alternatives including the various color-coded corridors.

USFWS asked whether the I-40 interchange on the Plum Corridor Alternative would actually be two separate interchanges. Lochner confirmed that it would. NCDOT expressed concern at the close proximity of the two extra interchanges on Plum with respect to the NC 50 interchange and the US 42 interchange.

USACE asked for clarification about whether NC Session Law 2011-7 poses a problem for evaluating alternatives for impacts. Dawson & Associates explained that the desktop-level analysis that appears to be permissible relative to the law should allow a robust screening of impacts. USACE asked if NWI wetland maps would be used to screen for wetland impacts and the project team stated that they would.

USACE asked if FHWA has approved the Project Advancement Plan. FHWA responded that it is comfortable with the process as outlined in the Plan, but has not issued any formal approval. A letter (dated August 7, 2012) from FHWA to NCDOT relative to the advancement plan was provided to all participants in the revised Handout 9 at the meeting.

USEPA asked for a description of "Environmental Sensitive Zones" as indicated in the Johnston County 2030 Comprehensive Plan in Handout 10. The project team explained that this is a Johnston County designation. Lochner will provide more information about how this designation is defined in the Comprehensive Plan in future project documentation. CAMPO indicated that Johnston County does not extend water or sewer infrastructure into Environmental Sensitive Zones.

USEPA asked whether one of the new corridor alternatives impacts the City of Raleigh sprayfields near I-40. Dawson & Associates confirmed that the Lilac Corridor Alternative does impact this area, but also stated that this facility is being transitioned to a solid application facility and that an alternative could likely be designed consistent with the solid application facility. USEPA asked whether these sprayfields could be considered a Section 4(f) resource. FHWA stated that it did not appear that this site would be a Section 4(f) resource, but that it would verify this.

USACE confirmed that it would prefer to consider more than one alternative in the Draft EIS. If another corridor exists that minimizes jurisdictional impacts relative to the Orange Corridor

Alternative it could certainly be considered. USACE stressed that it is committed to finding a way for the project to move forward, that it has not made a preference regarding alternatives, and that it wants a document and decision that are defensible.

CAMPO asked for more clarification about why support for local planning objectives is too specific for the overall project purpose for 404 guidelines. Dawson & Associates explained that the overall project purpose needs to be broad enough not to automatically preclude alternatives. Several agencies reiterated this.

USEPA asked whether agency comment letters submitted in response to the January 2012 DADAR would receive formal responses. The project team confirmed that responses would be prepared as part of the next revision of the DADAR.

FHWA suggested reviewing the Section 6002 Project Coordination Plan to consider updating it to allow for written agency approval of the determination of DSAs in the environmental process and to revise the schedule included in the Plan.

USFWS suggested that future mapping of project alternatives show the Plum Corridor Alternative more fully, clearly showing that the traffic movements are bifurcated and result in roadway on both sides of Swift Creek.

**Previous Action Items:**

- NCTA/Lochner will consider eliminating the Red corridor and southern portion of the Tan corridor (Southern portion of the *Tan corridor was eliminated after January 2011 TEAC meeting; Red corridor remains under consideration*)
- NCTA/Lochner will eliminate the Forest Green and Pink corridors (*Completed*)
- NCTA will meet with USFWS and NCWRC to discuss Dwarf wedgemussel study needs and approach to Section 7 consultation (*Held initial meeting – additional coordination is ongoing*)
- HNTB will prepare more detailed explanation of traffic impacts of Red and protected corridor alignments, including effects on existing roadway network (*Completed*)
- NCTA/Lochner will continue to develop corridor options for Phase II of the project for future discussion at a TEAC meeting (*Completed*)
- NCTA/Lochner will distribute draft alternatives report (*Completed*)

**New Action Items:**

- NCDOT/Lochner will provide lengths for all of the color-coded Corridor Alternatives in future project documentation
- Lochner will provide more information about how the Environmental Sensitive Zone designation is defined in the Johnston County Comprehensive Plan in future project documentation
- NCDOT will review the Section 6002 Coordination Plan to determine whether any updates need to be made
- Lochner will revise maps of alternatives to display the Plum Corridor Alternative more fully
- Written comments on the Project Advancement Plan, if desired, should be submitted to NCDOT as soon as possible following this meeting

**Resolutions:**

- None

**Next Steps:**

- Investigate refinement of project purpose and need to include support for local planning objectives and financial viability



# Interagency Project Meeting

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## MEETING MINUTES FINAL

**Date:** December 12, 2012  
8:30 a.m. to 9:00 a.m.  
NCDOT Century Center – Hydraulics Conference Room

**Project:** STIP R-2721, R-2828, and R-2829 – Triangle Expressway Southeast Extension  
(Raleigh Outer Loop)

**Attendees:**

George Hoops, FHWA	Jennifer Harris, NCDOT – PDEA (via telephone)
Christopher Militscher, USEPA (via telephone)	Tris Ford, NCDOT – PDEA-PICS
Eric Alsmeyer, USACE (via telephone)	Tony Houser, NCDOT – Roadway Design Unit
Gary Jordan, USFWS	Rachelle Beauregard, NCDOT – NES-PMG
Rob Ridings, NCDWQ (via telephone)	Deanna Riffey, NCDOT – NES-PMG
Travis Wilson, NCWRC	Matt Lauffer, NCDOT – Hydraulics
Dolores Hall, OSA (via telephone)	John Rouse, NCDOT – Division 4 (via telephone)
Renee Gledhill-Early, HPO	Wally Bowman, NCDOT – Division 5
Amy Simes, DENR	Chris Murray, NCDOT – Division 5
Amy Chapman, DENR	Kiersten Bass, HNTB
Hardin Watkins, Town of Garner	Fred Skaer, Dawson & Associates (via telephone)
Ed Johnson, CAMPO	John Studt, Dawson & Associates (via telephone)
Chris Lukasina, CAMPO	Roy Bruce, Lochner
Eric Midkiff, NCDOT – PDEA	Kristin Maseman, Lochner

**Presentation Materials:**

- December 7, 2012, letter from FHWA and USACE to NCDOT regarding the project

**Purpose:**

Discuss letter and project status.

**General Discussion:**

The following information was discussed at the meeting:

- NCDOT summarized the December 7, 2012, letter from FHWA and USACE to NCDOT. NCDOT explained that the letter indicates that the Project Advancement Plan (discussed at the August 22, 2012, Interagency Project Meeting) would not support USACE permitting requirements. The letter also indicates that both agencies do not support modifying the NEPA project purpose for this project to include local plan support. The letter also indicates that USACE believes that the Red Corridor will need to be studied in detail in the Draft Environmental Impact Statement (EIS) and that FHWA plans to rescind the project's Notice of Intent (NOI) due to the complication created by NC Session Law 2011-7. A new NOI can be filed once this issue is resolved.

- NCDOT confirmed that the State still intends to pursue the project as it is in the STIP and CAMPO's LRTP and expects that rescinding the NOI will create only a temporary pause in the project until a new NOI can be filed once the items raised in the letter are adequately addressed to allow for full NEPA compliance.
- USEPA asked if FHWA's increased emphasis on expeditious project development was part of the reason FHWA will rescind the NOI. FHWA stated that while efficiency is important, the lack of a clear path for project advancement in light of NC Session Law 2011-7 is the main reason for rescinding the NOI.
- USFWS expressed concern that the pause in the project could hinder continued studies on the Dwarf Wedgemussel (DWM) being funded through this project. The field season for the species will begin in the Spring; if the survey window elapses while the project is paused, an entire year could be lost from the perspective of this work. NCDOT indicated that it will try to see if this work can continue even while the NOI is rescinded because the work has value beyond just this project.
- USEPA asked if there have been efforts to address the problems created by NC Session Law 2011-7. CAMPO indicated that State legislators are aware of the problems and may work to address them during the 2013 legislative session.
- CAMPO has had conversations with FHWA about future land use modeling and its influence on indirect and cumulative effects (ICE) analysis. CAMPO is in the process of finalizing new forecasts using a new modeling method (Community Viz), which should produce more robust and defensible results. This could be incorporated into project analysis as documented in the Draft EIS.

**Previous Action Items:**

- NCDOT/Lochner will provide lengths for all of the color-coded Corridor Alternatives in future project documentation (*Completed*)
- Lochner will provide more information about how the Environmental Sensitive Zone designation is defined in the Johnston County Comprehensive Plan in future project documentation (*Completed*)
- NCDOT will review the Section 6002 Coordination Plan to determine whether any updates need to be made (*Completed*)
- Lochner will revise maps of alternatives to display the Plum Corridor Alternative more fully (*Completed*)
- Written comments on the Project Advancement Plan, if desired, should be submitted to NCDOT as soon as possible following this meeting (*Completed*)

**New Action Items:**

- None

**Resolutions:**

- None

**Next Steps:**

- To be determined





U.S. Department  
of Transportation

**Federal Highway  
Administration**

**FEDERAL HIGHWAY ADMINISTRATION**

North Carolina Division  
310 New Bern Avenue, Suite 410  
Raleigh, NC 27601  
HDA-NC



**DEPARTMENT OF THE ARMY**

Wilmington District, Corps of Engineers  
69 Darlington Avenue  
Wilmington, NC 28403-1343  
Regulatory Division/1145b

December 7, 2012

Mr. Terry R. Gibson, P.E.  
Chief Engineer  
North Carolina Department of Transportation (NCDOT)  
1536 Mail Service Center  
Raleigh, NC 27699-1536

SUBJECT: Action ID 2009-02240; STIP Nos. R-2721, R-2828, and R-2829

Dear Mr. Gibson:

This letter is in regards to the North Carolina Session Law 2011-7 (N.C.S.L. 2011-7) and its impact on the Triangle Expressway Southeast Extension project proposed by the North Carolina Turnpike Authority (NCTA). The law, which was passed on March 18, 2011, states that the Triangle Expressway Southeast Extension project shall not be located north of an existing protected corridor established by the North Carolina Department of Transportation (NCDOT) in 1995, except in the area of Interstate 40 East. Consequently, the law restricts the location of alternative corridors prior to the engineering and environmental analysis required by the National Environmental Policy Act (NEPA) and other Federal laws. Based on this restriction, Federal Highway Administration (FHWA) found it imperative that the process to advance the project be fully supported and concurred with by all Federal agencies. In an effort to do this, a series of meetings and discussions were held with multiple stakeholders to resolve issues and advance the project. Through these meetings, the following concerns have been identified by the Army Corps of Engineers (Corps) and FHWA regarding the approach and its ability to successfully advance the project under the requirements of NEPA and Section 404 (b)(1) Guidelines (40 CFR Part 230).

The NCDOT and NCTA, in consultation with Dawson and Associates, developed a Project Advancement Plan which included a proposal to evaluate refinements to the project purpose to reflect input from public involvement [possibly including local plan support and financial viability as elements of the NEPA project purpose] and an evaluation of additional potential alternatives. Both the Corps and FHWA have concerns that, for this project, including local plan support as a primary NEPA project purpose may inappropriately limit the study of a full range of Detailed Study Alternatives. The Corps believes that it would not support their requirement

under the 404 (b)(1) Guidelines (40 CFR Part 230) to analyze and objectively compare alternatives for this project that requires a Clean Water Act permit.

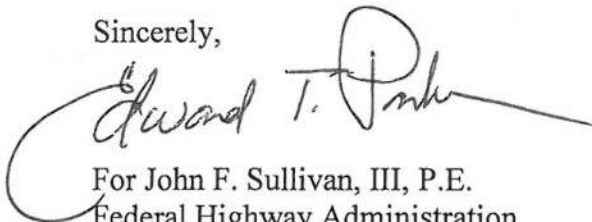
In the evaluation of alternatives, the Corps continues to believe that in regards to streams and wetlands, the Orange to Red to Green Alternative appears to be a less environmentally damaging alternative and should be included as an alternative to be analyzed in the Draft Environmental Impact Statement (DEIS). Please note that, at this time, the Corps is not able to make a decision on the practicability of any of the alternatives. That decision will not be made until after the Corps has issued a public notice (following publication of the DEIS) seeking comments from the public, Federal, State and local agencies, including any consolidated state viewpoint or written position of the Governor, on the Detailed Study Alternatives and the factors that the Corps considers in our public interest decision. The decision will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest, and will reflect the national concern for both protection and utilization of important resources. Factors, including the cumulative effects thereof, which may be relevant to the proposal that will be considered include, but are not necessarily limited to community cohesion, relocations, impacts to existing and proposed business centers, recreation, including parks, historic properties (Section 4(f) issues), water supply and conservation, ecological conservation, economics, aesthetics, general environmental concerns, wetlands, fish and wildlife values, flood hazards, flood plain values (in accordance with Executive Order 11988), land use, navigation, shoreline erosion and accretion, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. The Corps evaluation process for this project is consistent with the review for all other transportation projects in North Carolina, and with Section 404 of the Clean Water Act, including the 404 (b)(1) Guidelines (40 CFR Part 230).

Therefore, in consideration of the concerns above, the Corps and the FHWA believe the project can no longer move forward with the Project Advancement Plan and satisfy all Federal environmental requirements in a concurrent manner. As a result, the FHWA will withdraw the Notice of Intent (NOI), meaning we will no longer continue to develop the environmental impact statement and federally fund the project. Our withdrawal does not prevent the project from being reinitiated in the future. NCDOT or other applicant/sponsors may restart the project at any time by requesting a new NOI with sufficient support that all constraints have been relieved to allow compliance with NEPA.

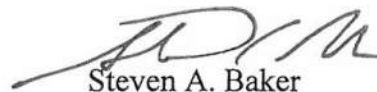
Should you have any questions, please call George Hoops of the FHWA at (919) 747-7001 or Eric Alsmeyer of the Corps at (919) 554-4884, extension 23.

Sincerely,

Sincerely,



For John F. Sullivan, III, P.E.  
Federal Highway Administration  
Division Administrator



Steven A. Baker  
Colonel, U. S. Army  
District Commander

Copies Furnished:

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North Carolina Department of Transportation  
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Mr. Gary Jordan  
US Fish and Wildlife Service  
PO Box 33726  
Raleigh, NC 27636

Mr. Travis W. Wilson  
Eastern Region Highway Project Coordinator  
Habitat Conservation Program  
NC Wildlife Resources Commission  
1718 Hwy 56 West  
Creedmoor, NC 27522

Mr. Peter Sandbeck  
NC State Historic Preservation Office  
4619 Mail Service Center  
Raleigh, NC 27699-4619



# Interagency Project Meeting

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## MEETING MINUTES FINAL

**Date:** September 19, 2013  
10:00 a.m. to 11:00 a.m.  
NCDOT Century Center – Structure Design Conference Room C

**Project:** STIP R-2721, R-2828, and R-2929 – Complete 540 - Triangle Expressway Southeast Extension (Raleigh Outer Loop)

**Attendees:**

George Hoops, FHWA	Steve McKee, NCDOT – Utilities
Clarence Coleman, FHWA	Don Proper, NCDOT – Utilities
Christopher Militscher, USEPA (via telephone)	Ed Reams, NCDOT – Utilities
Eric Alsmeyer, USACE	Kyle Pleasant, NCDOT – Utilities
Henry Wicker, USACE (via telephone)	Robert Memory NCDOT – Utilities (on telephone)
Gary Jordan, USFWS	BenJetta Johnson, NCDOT – TMSD
Rob Ridings, NCDWR	Nick Lineberger, NCDOT – TMSD
Travis Wilson, NCWRC	Rupal Desai, NCDOT – TPB
Amy Simes, NCDENR	Andie Cozzarelli, NCDOT – TPB
Renee Gledhill-Early, SHPO (via telephone)	Adam Snipes, NCDOT – TIP
Ed Johnson, CAMPO	Alla Lyudmirskaya, NCDOT - WZTC
Jennifer Harris, NCDOT – PDEA	Kiersten Bass, HNTB
Eric Midkiff, NCDOT – PDEA	Joe Milazzo, Regional Transportation Alliance
Tony Houser, NCDOT – Roadway Design Unit	Fred Skaer, Dawson & Associates (via telephone)
Wally Bowman, NCDOT – Division 5	John Studt, Dawson & Associates (via telephone)
Tris Ford, NCDOT – HES	Roy Bruce, Lochner
Greg Smith, NCDOT – HES	Kristin Maseman, Lochner (via telephone)
Deanna Riffey, NCDOT – NES	Jeff Schlotter, Lochner (via telephone)
Mary Pope Furr, NCDOT – Historic Architecture	Brian Eason, Lochner

**Presentation Materials:**

- Agenda
- Final Interagency Project Meeting Minutes – December 12, 2012
- Handout 12 – Project Status Update
- Handout 13 – Revised Draft Alternatives Development and Analysis Report Summary
- Handout 14 – Recommended Detailed Study Alternatives
- Handout 15 – Project Schedule
- Newsletter No. 3
- Frequently Asked Questions
- Presentation

**Purpose:**

Present project status update; discuss revised Draft Alternatives Development and Analysis Report; discuss recommended Detailed Study Alternatives.

## **General Discussion:**

The following information was discussed at the meeting:

- **Project Status Update (Handout 12):** Lochner provided an update on project activities that have occurred since the TEAC meetings in January 2011, August 2012, and December 2012. In late 2010 and early 2011, efforts were underway to determine the Detailed Study Alternatives (DSAs) for full evaluation in the Draft Environmental Impact Statement (EIS). NC Session Law 2011-7, passed in March 2011, limited advancement of the project in the area of the Red Corridor. NCDOT continued to coordinate with agencies and local groups to find an effective path forward. A Draft Alternatives Development and Analysis Report was published in January 2012. Agencies submitted written comments on the draft report. Additional study corridors (Lilac and Plum) were developed and preliminarily evaluated. In December 2012, FHWA and USACE sent a joint letter to NCDOT indicating that full evaluation of the Red Corridor would be required to advance the project. NC Session Laws 2013-94 and 2013-183 were passed that repealed the 2011 law that limited project advancement. Following this two and a half year pause in the study, the immediate project objective remains to determine the DSAs for inclusion in the Draft EIS. Previously eliminated corridors have been reevaluated in conjunction with the additional corridors that were developed.
- **Revised Draft Alternatives Development and Analysis Report (Handout 13):** The January 2012 draft report was revised and updated to address agency comments and incorporate new project information and analysis. The current draft report was issued in early September for review and comment. The revised draft report contains responses to agency comments, evaluation of additional corridors (Lilac and Plum), and recommended DSAs. Agency comments on the September 2013 version of the draft report are due to NCDOT by October 21, 2013.
- **Recommended Detailed Study Alternatives (Handout 14):** Lochner presented the NCDOT rationale for recommending ten color-coded corridors as the building blocks for the DSAs. These ten color-coded corridors can be combined to form 17 unique end-to-end routes that make up the DSAs.
- **Project Schedule (Handout 15):** An aggressive schedule has been established for the project in order to expedite the selection of a Preferred Alternative in accordance with Section 2 of NC Session Law 2013-94. Some elements of study have been and will continue to be completed in segments or phases culminating in a Draft EIS in the spring of 2015 with Public Hearings that summer and the selection of a Preferred Alternative by fall of 2015.
- **Discussion:**  
USEPA sought clarification on how the NC Session Law 2011-7 restrictions were removed. NCDOT explained that the text that was added in 2011 was stricken with the 2013 legislation. There are now no legislative restrictions on any corridors under consideration for this project.

There was interest in the current status of the additional mussel surveys and assessments that have been ongoing during this pause in the study process. The agreed upon work has progressed in accordance with the mutually defined scope of study. The work is not finished and is not ready for agency review at this time. NCDOT will provide additional information at a subsequent interagency meeting. This information will be fully documented for review and included in the Draft EIS.

USEPA asked about added development in the Red Corridor during the pause in the study, particularly in reference to the Village of Aversboro subdivision and the Greenfield Business Park. The Village of Aversboro has continue to build and sell homes in the north phase of the development as that project moves towards completion and build-out. The two businesses that were in the process of developing in the Greenfield Business Park are complete and in operation.

The SHPO inquired about the way Section 4(f) resources are reported on the impacts chart. They would like to see separate impacts for historic resources and parks/recreation areas. All of the impacts on the table are park impacts and there are no historic impacts based on the available data used for the preliminary screening. This will be noted on the tables in the Draft Alternatives Development and Analysis Report and other relevant materials.

The NCDWR asked that the tables be expanded to include impacts for any Outstanding Resource Waters (ORW) or any High Quality Waters (HQW) in addition to the Critical Watershed Areas and the 303(d) streams. Subsequent to the meeting, it was reconfirmed that there are no ORW or HQW streams in the project study area.

The SHPO asked when historic architecture information would be available for the Purple and Blue Corridors. The survey work has not yet started. The SHPO requested the data be made available if the Purple and Blue Corridors will be considered for elimination.

NCDOT asked if there were any comments on the Draft Alternatives Development and Analysis Report or Recommended DSAs. No comments regarding these items were made during the meeting.

**Previous Action Items:**

- None

**New Action Items:**

- Agency review comments on the September 2013 Draft Alternatives Development and Analysis Report due to NCDOT by October 21, 2013.
- NCDOT will provide a status update on mussel surveys at a future interagency meeting.
- Impact tables to be adjusted to reflect no historic resource impacts and note that Section 4(f) impacts that are listed are for parks/recreational areas.
- Add impacts to ORW and HQW to tables, if appropriate. There are none of these resources in the study area. (*Completed*)

**Resolutions:**

- None

**Next Steps:**

- Public Meetings on recommended DSAs
- Agency comments on Draft Alternatives Development and Analysis Report
- November and/or December interagency meeting to discuss comments made by the agencies on the Draft Alternatives Report, review public comments, and select DSAs



# Interagency Project Meeting

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## MEETING MINUTES FINAL

**Date:** December 12, 2013  
11:45 a.m. – 12:45 p.m.  
NCDOT Century Center – Structure Design Conference Room C

**Project:** STIP R-2721, R-2828, and R-2829 – Complete 540, Triangle Expressway Southeast Extension

### Attendees:

George Hoops, FHWA  
Clarence Coleman, FHWA  
Christopher Militscher, USEPA (via telephone)  
Eric Alsmeyer, USACE  
Jean Gibby, USACE  
Thomas Brown, USACE  
Gary Jordan, USFWS  
Rob Ridings, NCDWR  
Travis Wilson, NCWRC  
Amy Simes, NCDENR  
Renee Gledhill-Early, SHPO (via telephone)  
Dolores Hall, NCOSA (via telephone)  
Ed Johnson, CAMPO (via telephone)  
Eric Midkiff, NCDOT – PDEA  
Jennifer Harris, NCDOT – PDEA  
Richard Hancock, NCDOT - PDEA  
Tony Houser, NCDOT – Roadway Design Unit  
Tim Little, NCDOT – Division 4

Wally Bowman, NCDOT – Division 5  
Nick Lineberger, NCDOT – TMSD  
Tris Ford, NCDOT – HES  
Deanna Riffey, NCDOT – NES  
Matt Lauffer, NCDOT - Hydraulics  
Kyle Pleasant, NCDOT – Utilities  
Donald Proper, NCDOT – Utilities  
Mark Staley, NCDOT – REU  
Kiersten Bass, HNTB  
Fred Skaer, Dawson & Associates (via telephone)  
John Studt, Dawson & Associates (via telephone)  
Roy Bruce, Lochner  
Kristin Maseman, Lochner  
Jeff Schlotter, Lochner  
Michael Wood, Catena Group  
Tim Savidge, Catena Group  
Nancy Scott, Catena Group

### Presentation Materials:

- Agenda
- Final Interagency Project Meeting Minutes – September 19, 2013
- Handout 16 – Public Meetings - Summary and Comment Analysis
- Handout 17 – Revised Draft Alternatives Development and Analysis Report
- Handout 18 – Detailed Study Alternatives
- Handout 19 – Section 6002 Coordination Plan Update
- Presentation

### Purpose:

Present project status update and summary of public comments; discuss revised Draft Alternatives Development and Analysis Report; discuss recommended Detailed Study Alternatives.

### General Discussion:

The following information was discussed at the meeting:

- **Project Status Update:** Lochner provided an update on project activities that have occurred since the Interagency Meeting in September 2013, when the revised Draft Alternatives Development Analysis and Report and the recommended Detailed Study Alternatives (DSAs) for



the project were discussed. Agencies were then asked to submit comments about the revised report and the recommended DSAs. The CAMPO Working Group met on October 3 to discuss the recommended DSAs. Three public meetings were held on October 14, 15, and 16 to present the recommended DSAs and to solicit public comments. To the extent possible, work including some field investigations and preliminary design, has continued on the project during this period in order to expedite the overall project schedule.

- **Public Meetings – Summary and Comment Analysis (Handout 16):** The three public meetings in October were very well attended and there has been extensive public comment about the recommended DSAs. The input from these meetings was combined with input received from the public in late 2010 and early 2011 on preliminary alternatives. To date, public comments about project alternatives reveal strong support for the project and the Orange Corridor, and strong opposition to the Red, Purple, Blue, and Lilac Corridors. Several local governments have also passed resolutions supporting the Orange Corridor and opposing others.
- **Revised Draft Alternatives Development and Analysis Report (Handout 17):** Four agencies responded to NCDOT's request for comments on the revised Draft Alternatives Development and Analysis Report; three agencies did not submit responses. The agency comments either explicitly or implicitly support proceeding with the recommended DSAs. None of the comments request eliminating, adding, or modifying any alternatives.
- **Detailed Study Alternatives (Handout 18):** Lochner reviewed the ten color-coded corridors that are the building blocks for the DSAs. These ten color-coded corridors can be combined to form 17 unique end-to-end routes that make up the DSAs. Based on the preliminary data available for the project, the previously recommended DSAs remain as viable feasible alternatives that appear to have sufficient merit to warrant further evaluation and study as part of the Draft Environmental Impact Statement. Therefore, all 17 of the previously recommended DSAs will be carried forward in the environmental study. Should additional project information become available as studies are completed that substantially alters the merits of any alternative, this decision could be reevaluated at that time.
- **Section 6002 Coordination Plan Update (Handout 19):** Lochner reviewed changes that have been made to the Section 6002 Coordination Plan for this project since its previous January 2011 version. Changes include an update to the project schedule and primary agency contacts.
- **Update on Dwarf Wedgemussel Studies:** The Catena Group reviewed the work that has been completed to date on the Dwarf Wedgemussel (DWM) studies requested by USFWS. This work is being documented in a technical report that will be submitted to NCDOT in February or March of 2014. The studies have included a review of existing conservation measures established for DWM as part of other projects in the Swift Creek watershed, characterization of the Swift Creek watershed with respect to DWM habitat, and an assessment of historical trends and current viability of the species in Swift Creek.
- **Discussion:**  
HPO reminded the group that their response letter to the revised Draft Alternatives Development and Analysis Report stated that the report did not include any mention of archaeological studies for the DSAs. NCDOT will indicate in the final report that the required archaeological studies will be completed and documented in the Draft Environmental Impact Statement.

USEPA asked for clarification on why the “bulbouts” at different interchanges on the map of DSAs are different sizes. NCDOT explained that the bulbout areas correspond to the wider study corridor around the interchange areas and vary depending on the roadway geometry, existing facilities, and other constraints at each interchange area. The bulbout areas do reflect the relative magnitude of each interchange area. In particular, the size of the interchange areas at 540, I-40, and the US 70 Bypass were questioned since they are substantially larger than other

interchanges. The geometry of ramp movements in a freeway to freeway high speed interchange require more land area than a typical interchange. At 540, I-40, and US 70 Bypass there are three freeways converging at a single interchange.

NCDOT Utilities inquired about the basis of the preliminary wetland impacts along the Purple and Blue Corridors. These impacts are based on National Wetlands Inventory mapping data and the 300 foot preliminary right of way within the larger study corridor.

The NCDOT suggested that the agencies would not require any additional time (as described in Section 8.5 of the Section 6002 Coordination Plan) to review the Draft Alternatives Development and Analysis Report and the recommended DSAs in light of the public and local government comments made since the October public meetings. The reason provided by NCDOT included that the public comments remain consistent with those previously provided and therefore would not cause the need to make additional adjustments to the DADAR. USACE noted agreement that no additional review would be necessary based on the information presented during this meeting and no other agencies objected.

No agencies raised any objections to proceeding with the 17 end-to-end alternatives as DSAs, and no agencies asked for any additional alternatives to be considered.

Based on today's discussion, past Issues of Concern (per the Section 6002 Coordination Plan) have been resolved and that there are no outstanding issues regarding the project purpose and need, range of alternatives, alternatives screening, or DSAs. Additionally, no Issues of Concern relative to these four areas of the study were raised at the meeting.

USEPA informed the group that there is a new Executive Order (EO) pertaining to the impact of federal projects on children's health, and suggested that NCDOT seek guidance from FHWA regarding the need to address the EO in the Draft Environmental Impact Statement (EIS).

**Previous Action Items:**

- Agency review comments on the September 2013 Draft Alternatives Development and Analysis Report due to NCDOT by October 21, 2013 (revised to November 4, 2013). (*Completed*)
- NCDOT will provide a status update on mussel surveys at a future interagency meeting. (*Completed*)
- Impact tables to be adjusted to reflect no historic resource impacts and note that Section 4(f) impacts that are listed are for parks/recreational areas. (*Completed*)
- Add impacts to ORW and HQW to tables, if appropriate. There are none of these resources in the study area. (*Completed*)

**New Action Items:**

- NCDOT will indicate in the final Alternatives Development Analysis and Report that the required archaeological studies will be completed and documented in the Draft Environmental Impact Statement.
- Lochner will investigate the requirements of the new EO pertaining to the impact of federal projects on children's health and work with NCDOT and FHWA regarding the appropriate method for addressing it.

**Next Steps:**

- Public announcement of Detailed Study Alternatives
- CAMPO Working Group meeting – January 9, 2014
- Complete technical base studies on DSAs
- Prepare Draft Environmental Impact Statement



# Interagency Project Meeting

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## MEETING MINUTES FINAL

**Date:** November 13, 2014  
9:00 a.m. – 11:00 a.m.  
NCDOT Century Center – Structure Design Conference Room C

**Project:** STIP R-2721, R-2828, and R-2929 – Complete 540 - Triangle Expressway Southeast Extension (Raleigh Outer Loop)

### Attendees:

Clarence Coleman, FHWA	Matt Lauffer, NCDOT – Hydraulics
Cynthia Van Der Wiele, USEPA	Charles Smith, NCDOT – Hydraulics
Gary Jordan, USFWS	Kyle Pleasant, NCDOT – Utilities
Rob Ridings, NCDWR	Donald Proper, NCDOT – Utilities
Travis Wilson, NCWRC	Mark Staley, NCDOT – REU
Dolores Hall, SHPO (via telephone)	Kiersten Bass, HNTB
Alex Rickard, CAMPO	Fred Skaer, Dawson & Associates (via telephone)
Eric Midkiff, NCDOT – PDEA	John Studt, Dawson & Associates (via telephone)
Jennifer Harris, NCDOT – PDEA	Roy Bruce, Lochner
Maria Baez, NCDOT – PDEA	Brian Eason, Lochner
Tony Houser, NCDOT – Roadway Design Unit	Doug Wheatley, Lochner
Maira Ibarra, NCDOT – Roadway Design Unit	Kristin Maseman, Lochner
Nick Lineberger, NCDOT – TMSD	Wendee Smith, Mulkey
Colin Mellor, NCDOT – NES	Jonathan Scarce, Mulkey
Deanna Riffey, NCDOT – NES	Brian Dustin, Mulkey
Rachelle Beauregard, NCDOT – NES	

### Presentation Materials:

- Agenda
- Handout 20 – Approach to Interagency Coordination on Bridging Decisions
- Handout 21 – Hydraulic Conveyance Suggestions
- Handout 22 – Suggested Bridge Length Locations and Lengths
- Presentation

### Purpose:

Present project status update and review bridging suggestions to be used in evaluating Detailed Study Alternatives (DSAs).

### General Discussion:

The following information was discussed at the meeting:

- **Project Status Update:** Lochner provided an update on project activities that have occurred since the Interagency Meeting in December 2013, when the DSAs for the project were finalized. A CAMPO Working Group meeting was held on January 9, 2014. The project team has been completing various required technical studies and documenting the results of these studies in corresponding technical reports.

- **Approach to Interagency Coordination on Bridging Decisions (Handout 20):** There are a total of over 1,200 natural system sites, which include wetlands, streams or ponds, inside the study corridors along the roughly 100 total miles of the DSAs. Preliminary hydraulic analysis showed that there were 81 sites along the DSAs where hydraulic conditions and proposed designs require incorporation of a major hydraulic conveyance structure (defined as a 72-inch pipe or larger). Based solely on hydraulic analysis, 17 of these sites would require bridges, with the remaining 64 requiring culverts.

To increase the efficiency of interagency coordination on bridging decisions, the project team reviewed the preliminary hydraulic recommendations and the characteristics of the natural systems sites along the DSAs to make additional suggestions for bridging. The project team compiled this information and distributed it as part of the Interagency Meeting information distributed on October 9, 2014, and presented this information to USACE and NCDWR in consultation on October 23, 2014, to receive input on those suggestions. Based on the consultation with USACE and NCDWR, two handouts were revised and distributed to the agencies on November 6, 2014.

- **Hydraulic Conveyance Suggestions (Handout 21):** Of the original 17 sites found to require bridging on the basis of preliminary hydraulic analysis, the project team suggested extensions of 7 of the bridges; additional bridging was not recommended at the remaining 10 sites.

Of the 64 sites for which preliminary hydraulic analysis recommended culverts for hydraulic conveyance, the project team considered bridging 8 of the sites. Following consultation with USACE and NCDWR, 5 of the 64 sites were found to warrant additional interagency discussion. Following distribution of the Interagency Meeting information in October, USFWS requested that Site 74 be discussed during the Interagency Meeting.

- **Suggested Bridge Locations and Lengths (Handout 22):** The project team presented a detailed table compiling the original preliminary hydraulic recommendations and any suggested modifications for each hydraulic site along the DSAs. The project team also presented aerial mapping of the sites recommended for bridging (including those recommended for extended bridges), the sites where a bridge is suggested instead of the originally recommended culvert, and the sites noted by USACE, NCDWR, and USFWS for additional discussion.
- **Discussion:**  
The meeting discussion focused on certain hydraulic sites identified by agency representatives. For some of the sites, agency representatives requested a field visit in order to better understand conditions at the site—a field meeting is scheduled for December 2, 2014, to view these sites. Discussion according to site number as shown on the meeting handouts was as follows:

**Site 34** (Swift Creek, Red Corridor) – The project team recommendation was an extended bridge. USFWS asked if it would be feasible to lengthen the bridge further or to shift the service road proposed in this location in order to minimize the encroachment into the floodplain with the service road. Minimization of impacts in this area could be beneficial for dwarf wedgemussel habitat. The project team will investigate possible minimization and will also try to determine the property value of the adjacent undeveloped residential parcel. *A field review of this site was requested prior to making any final determinations about bridging at this site.*

**Site 35** (Yates Branch, Red Corridor) – NCDOT Roadway Design Unit staff indicated that the interchange design at this site may need to be modified to better accommodate the ramp terminals with respect to the end of the bridges. The interchange design will be coordinated with the NCDOT Roadway Design Unit now that approximate bridge lengths have been identified at this location.

**Site 63** (Tributary to Swift Creek, Orange Corridor) – NCDWR asked if it would be possible to make modifications at this site so that stream SEW (as shown on mapping) would be under the

bridge. These modifications could include extending the proposed bridge or possibly relocating the stream. This would require bridge extensions on both the mainline and the ramp. Mulkey noted that the stream is intermittent and that its quality may not warrant this modification. No additional changes will be needed at this site beyond what was suggested in the meeting materials.

**Site 21** (Tributary to Swift Creek, Orange Corridor) – Habitat connectivity was raised by NCWRC and NCDWR as a consideration for this site. There was discussion about ways to maintain habitat connectivity while possibly shortening the bridge to reduce costs. At this site, NCDWR indicated that maintaining stream integrity would have a higher priority than minimizing the total wetland impact. *A field review of this site was requested prior to making any final determinations about bridging at this site.*

**Site 24** (Tributary to Swift Creek, Orange Corridor) – USFWS and NCWRC indicated that it is important to consider this site from the perspective of aquatic and terrestrial habitat connectivity. Depending on the size, stability and condition of this stream, placing the mainline and the ramps on the north side of the site on bridges could be a preferred modification. *A field review of this site was requested prior to making any final determinations relative to bridging at this site.*

**Site 33** (Tributary to Neuse River, Green Corridor) – The project team explained the proposed bridge could be shortened slightly, providing a cost savings, while only slightly increasing the wetland impact at the site. There was consensus that this would be a worthwhile modification.

**Site 43** (White Oak Creek, Red Corridor) – The project team also proposed shortening the recommended bridge slightly to provide a notable cost savings, with a small increase in wetland impact. There was consensus that this would be a worthwhile modification.

**Site 1** (Middle Creek, Orange Corridor) – This site, currently proposed to have a culvert, had been noted for further bridging consideration at the October 23 meeting with USACE and NCDWR. It was explained that there is substantial urban development in this area, with a culvert downstream of this location, and that a bridge would add roughly \$3.5 million to the construction cost. *A field review of this site was requested prior to making any final determinations about bridging at this site.*

**Site 3** (Rocky Branch, Orange Corridor) – USEPA asked why a culvert is proposed for this site instead of a bridge. It was explained that the interchange design in this location already minimizes the total project footprint in this area. To modify the design to include a bridge, the footprint would need to expand to accommodate the bridge ramps, which would increase impacts to wetlands and streams downstream of the site. The consensus at the meeting was that no bridging will be included at this site.

**Site 4** (Camp Branch, Orange Corridor) – This site, currently proposed to have a culvert, had been noted for further bridging consideration at the October 23 meeting with USACE and NCDWR. Mulkey explained that this stream channel is notably incised and has minimal connectivity to nearby wetlands, so the quality of the site was relatively low, suggesting that a bridge would not be necessary. The consensus at the meeting was that no bridging will be included at this site.

**Site 17** (Tributary to Guffy Branch, Orange Corridor) – This site is in the vicinity of a National Register historic site known as the Panther Branch School. HPO has requested that bridging not be incorporated in the vicinity of this site in order to minimize the project's visual impacts to the site. NCDWR suggested that alternative minimization techniques (other than bridging) could be considered at this site and expressed a willingness to work together with HPO to achieve impact minimization to both the historic site and the natural systems in this area. The consensus at the meeting was that no bridging will be included at this site.

**Site 76** (Guffy Branch, Blue Corridor) – This site, currently proposed to have two culverts, was noted for further discussion about bridging. Agency representatives noted that this site's location along a continuous wooded segment of Guffy Branch make habitat connectivity upstream and downstream of the site an important consideration. USFWS and NCWRC have reviewed all of the hydraulic sites with respect to habitat connectivity considerations and noted this site and Site 74 (discussed below) as the two sites where this is a particularly important consideration. Lochner explained that notable design modifications would be needed at this site to accommodate a bridge. These modifications would include raising the profile at this site to the extent that it would also affect profiles of grade separated highways east and west of this site. NCWRC indicated that it will be very important for the project team to document the design constraints that would make bridging this site difficult and to note that further strategies for minimizing habitat connectivity impacts at this site will be considered if the Preferred Alternative includes the Blue Corridor. Alternative conveyance structures, such as dry floodplain barrels, might be preferable because they could accommodate some upstream/downstream permeability to wildlife. The consensus at the meeting was that no bridging will be included at this site at this time.

**Site 74** (Little Creek, Blue Corridor) – This site, currently proposed to have a culvert, was noted for further discussion about bridging. As for Site 76, USFWS and NCWRC noted that this was one of the two sites noted where habitat connectivity considerations are an important factor. Mulkey indicated that the wetland at this site is isolated and the stream channel is somewhat incised. USFWS and NCWRC noted this site as a particularly good candidate for modification to provide a means for wildlife to cross the site. The agencies suggested that the project team investigate the possibility of a single span slab bridge at this site. The consensus at the meeting was that bridging will be included at this site.

**All Other Sites** – No issues of concern were raised at the meeting with the hydraulic conveyance suggestions for all other sites. Hydraulic conveyance for these sites will be as described in the meeting materials.

Meeting attendees also briefly discussed the timeframe for Section 7 consultation for the dwarf wedgemussel. NCDOT anticipates completing subsequent phases of the dwarf wedgemussel studies after the Draft EIS is prepared. It was noted that the Draft EIS will likely indicate that the Biological Opinion is unresolved, and then formal consultation with USFWS will begin once a Preferred Alternative is selected. USFWS noted that this sequence of events would not impede their ability to appropriately consider the Preferred Alternative or determine the LEDPA.

**Previous Action Items:**

- NCDOT will indicate in the final Alternatives Development Analysis and Report that the required archaeological studies will be completed and documented in the Draft Environmental Impact Statement. (*Completed*)

**New Action Items:**

- NCDOT will arrange a field review meeting on December 2, 2014. At this meeting, agency representatives will view Sites 1, 21, 24, and 34. Final determinations about bridging at these sites will be made during the field review meeting.
- Lochner will investigate possible minimization and modifications at Site 76 as noted above.

**Next Steps:**

- Complete technical study reports – January 2015
- Prepare Draft Environmental Impact Statement – Spring 2015



# Interagency Project Field Meeting

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## MEETING MINUTES FINAL

**Date:** December 2, 2014  
8:00 a.m. – 2:00 p.m.  
NCDOT Greenfield Parkway Offices

**Project:** STIP R-2721, R-2828, and R-2929 – Complete 540 - Triangle Expressway Southeast Extension (Raleigh Outer Loop)

**Attendees:**

Eric Alsmeyer, USACE  
Cynthia Van Der Wiele, USEPA  
Gary Jordan, USFWS  
Rob Ridings, NCDWR  
Travis Wilson, NCWRC  
Charles Smith, NCDOT – Hydraulics

Ray Lovinggood, NCDOT – Hydraulics  
Roy Bruce, Lochner  
Brian Eason, Lochner  
Wendee Smith, Mulkey  
Jonathan Scarce, Mulkey  
Brian Dustin, Mulkey

**Presentation Materials:**

- Field Handout of Maps and Table for the four sites to be visited.

**Purpose:**

This field review meeting is adjunct to the Interagency Meeting for the project held on November 13, 2014. During that meeting to review bridging suggestions to be used in evaluating Detailed Study Alternatives (DSAs), four hydraulic crossing locations were identified for field review prior to making final determinations about bridging at these sites.

**General Discussion:**

The following information was discussed during the field review:

- **Site 24 (Tributary to Swift Creek, Orange Corridor):** At the Interagency Meeting in November, USFWS and NCWRC indicated that Site 24 should be visited in the field in order to consider this site from the perspective of aquatic and terrestrial habitat connectivity. Depending on the size, stability and condition of this stream, placing the mainline and the ramps on the north side of the site on bridges could be a preferred modification. However, after visiting Site 24, all agreed to keep the bridging at this site as it was suggested at the Interagency Meeting in November. Should the Orange Corridor be the Preferred Alternative, floodplain culverts should be added under the mainline and the ramps on the north side of Site 24.
- **Site 21 (Tributary to Swift Creek, Orange Corridor):** Habitat connectivity was raised by NCWRC and NCDWR as a consideration for this site during the Interagency Meeting in November. There was discussion about ways to maintain habitat connectivity while possibly shortening the bridge to reduce costs. At this site, NCDWR indicated that maintaining stream integrity would have a higher priority than minimizing the total wetland impact. During the field visit, possible reductions in the suggested bridge lengths were discussed. It was agreed that the bridges should be shortened on both ends while maintaining the streams and associated buffers. On the west end, the bridge should be shortened to the extent practicable and still maintain streams and buffers. This will increase wetland impacts. On the east end, the bridge also should

be shortened to the extent possible and still maintain streams and buffers. There was discussion concerning possible alignment adjustments and shifts to improve the stream and wetland crossings at this site. The proximity of the NC 50 interchange, the Turner Farms subdivision, and hydraulic crossing Sites 20 and 21 make it difficult to adjust the alignment at Site 21.

- **Site 34 (Swift Creek, Red Corridor):** During the Interagency Meeting in November, the USFWS asked if it would be feasible to lengthen the suggested bridge further or to shift the service road proposed in this location in order to minimize the encroachment into the floodplain with the service road. The project team agreed to investigate possible minimization of the impact of the service road and agreed to estimate the property value of the adjacent undeveloped residential parcel. During the field visit, a revised plan for the service road was presented. The plan shifts the service road from one side of 540 to the other. This would require a bridge over 540 to access the undeveloped residential parcel. The estimated cost of the revised service road is approximately \$4.5 million. An estimate of the value of the land south of 540 that would be landlocked without the service road is around \$3.1 million. All agreed that the revised service road or buying the land was preferable to what was proposed previously for the service road. This concept will be presented to NCDOT Roadway Design and if they approve the design revision, the modified service road concept will be used. Next the group discussed the previously suggested bridge extension on the west end. All agreed during the field visit to drop the roughly 700 feet of bridge extension at this location. If the Red Corridor is the Preferred Alternative, floodplain culverts should be provided in the western area of the floodplain for equalization of flood flow.
- **Site 1 (Middle Creek, Orange Corridor):** This site, currently proposed to have a culvert, was identified as a site for field review, particularly the existing crossing of Middle Creek at Sunset Lake Road. During the field review meeting, there was a desire expressed to have the existing pipes under Sunset Lake Road be replaced with a bridge instead of the planned triple box culvert. There are several streams at the mainline crossing location. It was decided to provide a bridge at the mainline crossing of Middle Creek (main channel) with buffers. This can likely be accomplished with a roughly 90 foot long single span bridge. To minimize stream impacts, other streams in the area can be routed to the main channel. Additional design analysis will be needed to determine the bridge length that best accommodates the main stream and buffers. At the Sunset Lake Road crossing of Middle Creek, it was decided that a single-span cored-slab bridge should be provided instead of the triple box culverts suggested.

#### **Previous Action Items:**

- NCDOT will arrange a field review meeting on December 2, 2014. At this meeting, agency representatives will view Sites 1, 21, 24, and 34. Final determinations about bridging at these sites will be made during the field review meeting. (*Completed*)
- Lochner will investigate possible minimization and modifications at Site 76 as noted in the November Interagency Meeting notes. (*Completed*)

#### **New Action Items:**

- Lochner will coordinate with NCDOT Roadway Design on the planned changes to the functional design plans, particularly the service road shift at Site 34.
- Functional design plan revisions will be made at the above sites as indicated in the summary notes.
- Update the Hydraulics Study Report to include design analysis for Site 1A – Middle Creek at Sunset Lake Road.

#### **Next Steps:**

- Complete technical study reports – January 2015
- Prepare Draft Environmental Impact Statement – Spring 2015



**APPENDIX D**  
**Agency Comments on Draft Purpose and Need Statement**  
**and Draft Alternatives Development and Analysis Report**



North Carolina Department of Environment and Natural Resources

Division of Water Quality  
Coleen H. Sullins  
Director

Beverly Eaves Perdue  
Governor

Dee Freeman  
Secretary

September 7, 2010

**MEMORANDUM**

To: Christy Shumate, NCTA

From: Brian Wrenn, NCDWQ, Transportation Permitting Unit

Subject: Comments on proposed Purpose and Need Statement for the Triangle Expressway Southeast Extension in Wake and Johnston Counties, TIP Nos. R-2721, R-2828, R-2829.

NCDWQ has reviewed the Draft Purpose and Need Statement for the subject project. Below are our comments regarding the Draft Purpose and Need statement:

1. In Section 2.2 summary of Need for Proposed Action, Need #3, contains the following language in the last paragraph:

“This type of congestion is not consistent with the purpose of the State’s Strategic Highway Corridors Initiative, which is to provide a safe, reliable, and high-speed network of highways.”

Strategic Highway Corridor (SHC) initiatives are not appropriate problem statements for Purpose and Need statements. The problem is previously identified in Needs #1, #2, and earlier sections of Need #3. Any reference to SHC initiatives should be removed from the Purpose and Need Statement.

2. In Section 2.3 Purpose of Proposed Action, the opening paragraph details the purpose statement. It includes language regarding improving mobility in the study area. It was explained in the August 10, 2010 that the study area (for traffic analysis purposes) is bigger than the project study area (for alternatives analysis purposes). Use of such similar terminology is confusing. NCDWQ recommends that a clearer distinction be made between the traffic study area and the project study area.
3. In Section 2.3.2 Measures of Effectiveness for Meeting the Project Purpose, NCTA provides four measures for measuring the effectiveness of alternatives to meet the project purpose. NCDWQ is in agreement with these metrics. In Handout #2, NCTA provides criteria for alternatives screening. The screening criteria are different from the Measures of Effectiveness in Section 2.3.2, and include references to the SHC initiative and system linkage, neither of which is included in the project purpose. The screening criteria should not include language that references desired outcomes of the project. Desired outcome criteria should only be considered when analyzing detailed study alternatives at later stages of the selection process. The alternatives screening criteria should mirror the measures of effectiveness stated in the Draft Purpose and Need statement.

Thank you for requesting our input at this time. NCTA is reminded that issuance of a 401 Water Quality Certification requires that appropriate measures be instituted to ensure that water quality standards are met and designated uses are not degraded or lost. If you have any questions or require additional information, please contact me at 919-733-5715 or 336-771-4952.

cc: Eric Alsmeyer, US Army Corps of Engineers, Raleigh Field Office  
George Hoops, Federal Highway Administration  
Chris Militscher, Environmental Protection Agency (electronic copy only)  
Travis Wilson, NC Wildlife Resources Commission  
File Copy



## United States Department of the Interior

FISH AND WILDLIFE SERVICE

Raleigh Field Office

Post Office Box 33726

Raleigh, North Carolina 27636-3726

January 25, 2012

Jennifer Harris, PE  
North Carolina Turnpike Authority  
1578 Mail Service Center  
Raleigh, North Carolina 27699-1578

Dear Ms. Harris:

This letter is in response to your January 13, 2012 Draft Alternatives Development and Analysis Report for the Triangle Expressway Southeast Extension project in Wake and Johnston Counties, North Carolina (TIP Nos. R-2721, R-2828, R-2829). The U.S. Fish and Wildlife Service (Service) provides the following comments in accordance with provisions of the National Environmental Policy Act (42 U.S.C. 4332(2)(c)) and Section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531-1543).

### General Comments

As you know, the Service has been very involved in this project through the Turnpike Environmental Agency Coordination meetings. At these meetings, the Service has frequently stated its concern regarding the likely adverse effects of the project on the federally endangered dwarf wedgemussel (DWM, *Alasmidonta heterodon*) within the Swift Creek watershed (Neuse River basin). It is anticipated that the Federal Highway Administration (FHWA), as the lead federal action agency, will initiate formal Section 7 consultation by submitting to the Service an initiation package which includes a Biological Assessment (BA). In return, the Service will conduct an analysis to determine if the project will jeopardize the continued existence of the dwarf wedgemussel and issue a Biological Opinion (BO). Since there is a significant lack of information needed to develop the Environmental Baseline portions of the BA and BO, the NC Turnpike Authority (NCTA) has agreed to fund additional studies within the Swift Creek watershed to fill in the information gaps. We applaud the NCTA's decision to fund these studies, and we believe that the information obtained will expedite the Section 7 consultation and increase the probability of accurate conclusions.

In order to avoid a Jeopardy BO, the action agency must not "engage in an action that reasonably would be expected, directly or indirectly, to reduce appreciably the likelihood of both the survival and recovery of a listed species in the wild by reducing the reproduction, numbers, or distribution of that species." In order for the Service to ultimately recover the DWM, the 1993 Dwarf Wedgemussel Recovery Plan requires, among other criteria, that a viable population (i.e. a population containing a sufficient number of reproducing adults to maintain genetic variability,

and annual recruitment is adequate to maintain a stable population) occur in Swift Creek. Therefore, maintenance of such a population in the post-project Swift Creek watershed is vitally important. We cannot understate the significance of this issue.

Rapid development within the Swift Creek watershed below the Lake Benson Dam over the last 10-15 years has severely impacted the DWM. Mussel survey data from this timeframe implies a declining population. It is currently unknown if the DWM population in Swift Creek is viable, or whether the habitat conditions are sufficient to maintain a viable population. We are hopeful that the aforementioned studies will answer these questions. Also, as part of the Service's recovery efforts for the DWM in North Carolina, a workshop was recently held to initiate the evaluation of statewide conservation actions for the species. Workshop participants included species experts from the Service, the NC Wildlife Resources Commission, NC Natural Heritage Program, North Carolina State University and environmental consultants. The long-term vision of the workshop was to provide a foundation for strategic planning for conservation of DWM in North Carolina. The next step coming out of this workshop is to develop predictive models useful for comparing the effectiveness of proposed actions. The Service and our partners plan to test the models on Swift Creek (Neuse Basin). Therefore, Swift Creek weighs very heavily in our plans to recover the DWM.

The Draft Alternatives Development and Analysis Report states that the NCTA continues to recommend the elimination of the Red Corridor Alternative, thus leaving only one remaining corridor alternative (Orange) within Phase I. We acknowledge and understand the NCTA's rationale for arriving at this conclusion, especially noting the Red Corridor's significant and disproportionate impacts on the human environment. The Orange Corridor, being the protected corridor with right-of-way purchases made many years ago prior to any comprehensive environmental analysis, obviously greatly minimizes impacts on the human environment. However, the Orange Corridor has great potential to adversely affect the DWM since it crosses Swift Creek, tributaries to Swift Creek, and a significant portion of the watershed. The Orange Corridor connects to I-40 at a particularly unfavorable location for the DWM. This location puts the interchanges with I-40 and US 70 Bypass on top of several tributaries to Swift Creek and also is in close proximity to the Swift Creek main stem. The DWM is at risk from direct effects associated with construction of the project (e.g. erosion and siltation from construction) and from indirect effects associated with the degradation of water quality from secondary development induced by the new road. Increased impervious surface and storm water runoff from additional development would likely further degrade the water quality of Swift Creek and its tributaries. Also, other proposed projects within the same study area such as the proposed widening of I-40 (TIP No. I-5111) and at least two bridge replacements on Swift Creek could cumulatively contribute to a decline in habitat quality for the DWM. In summary, the Service finds the Orange Corridor very problematic.

In the event that the Service issues a "No Jeopardy" BO (which remains to be determined), the action agency will be required to implement Reasonable and Prudent Measures (RPM) in order to minimize the effects of take on the species. The information developed from the additional studies being conducted will assist in the Jeopardy Analysis and in developing the RPM and the Terms and Conditions for implementing them. Although there is a wide range of RPM of different forms and scope which may be developed, one possible RPM may involve captive

propagation and augmentation of DWM in the Swift Creek watershed. Though much of the technical and procedural knowledge for propagating DWM has previously been developed, the Service and our partners lack a dedicated facility and staff to conduct DWM propagation on a large scale. The ability or the lack thereof, to propagate DWM and augment the population in Swift Creek may factor significantly in our analysis to determine whether this project will jeopardize the continued existence of the species.

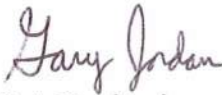
Specific Comments

Page 4-5 states “the dam on the southeast side of Lake Benson acts as a barrier between populations of the species upstream and downstream of this point, precluding genetic exchange between these two populations.” This statement would be true if there were DWM upstream of Lake Benson. To the best of our knowledge, the species has never been collected upstream of Lake Benson.

Page 5-16 states “Because the Orange Corridor Alternative would cross I-40 in this area, it has the potential to negatively impact habitat important for the survival of the Dwarf Wedgemussel in Wake County.” We would add Johnston County to this, as most DWM observations have been in Johnston County, and the Johnston County portion of the Swift Creek DWM population is exposed to water quality degradation from a larger amount of the overall watershed.

The Service appreciates the opportunity to review this document. We look forward to discussing it at the next Turnpike Environmental Agency Coordination meeting. If you have any questions regarding our response, please contact Mr. Gary Jordan at (919) 856-4520, ext. 32.

Sincerely,

  
for Pete Benjamin  
Field Supervisor

Electronic copy: Chris Militscher, USEPA, Raleigh, NC  
Travis Wilson, NCWRC, Creedmoor, NC  
Eric Alsmeyer, USACE, Raleigh, NC  
Scott McLendon, USACE, Wilmington, NC  
George Hoops, FHWA, Raleigh, NC  
Brian Wrenn, NCDWQ, Raleigh, NC

## Maseman, Kristin

---

**From:** Alsmeyer, Eric C SAW [<mailto:Eric.C.Alsmeyer@usace.army.mil>]

**Sent:** Tuesday, February 14, 2012 1:23 PM

**To:** Bass, Kiersten R

**Cc:** Roberts, Tracy; Wrenn, Brian; [Chris.Lukasina@campo-nc.us](mailto:Chris.Lukasina@campo-nc.us); [militscher.chris@epa.gov](mailto:militscher.chris@epa.gov); Midkiff, Eric; [gary\\_jordan@fws.gov](mailto:gary_jordan@fws.gov); [george.hoops@dot.gov](mailto:george.hoops@dot.gov); Harris, Jennifer; Gledhill-earley, Renee; Wilson, Travis W.; McLendon, Scott C SAW

**Subject:** RE: Southeast Extension Alternatives Development and Analysis Report/AID SAW-2009-02240 (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Kiersten: The Corps has the following comments on the Draft Alternatives Development and Analysis Report (DADAR) that was submitted on 1/9/2012.:

- 1) Please note that we have NOT reached a decision regarding your recommendation to eliminate the Orange to Red to Green alternative from further study in the draft EIS.
- 2) Figure 5-3, "Potential Impacts to Planned Parks and Recreational Facilities", should show a 300 foot optimized corridor (similar to Figure 5-4) to give a better depiction of how the facilities would likely be impacted by the corridor.
- 3) As we discussed at our meeting on December 20, 2011, Table 5-9 on page 5-36 should include a row for the Orange Corridor Alternative showing the values for "predicted" wetlands and streams, to allow a valid comparison between the Red and Orange Alternatives.
- 4) The results of the Prediction Methodology, in Table 1 of Appendix I, do not seem to demonstrate that the Prediction Methodology provided much, if any, more reliability at predicting wetland acreages than the NWI Wetlands. Statistical analysis to show the accuracy of the Prediction Methodology will be required before it can be used to compare the Red and Orange Alternatives.

Please reply or call if you have any questions or if I may serve you in any other way.

The Wilmington District is committed to providing the highest level of support to the public. To help us ensure we continue to do so, please complete the Customer Satisfaction Survey located at our website at <http://per2.nwp.usace.army.mil/survey.html> to complete the survey online (Paper copies available upon request).

Eric Alsmeyer  
Project Manager  
Raleigh Regulatory Field Office  
US Army Corps of Engineers, Wilmington District  
3331 Heritage Trade Drive, Suite 105, Wake Forest, NC 27587  
Tel: (919) 554-4884, x23  
Fax: (919) 562-0421  
Regulatory Homepage: <http://www.saw.usace.army.mil/WETLANDS>

Classification: UNCLASSIFIED

Caveats: NONE



REPLY TO  
ATTENTION OF:

**DEPARTMENT OF THE ARMY**  
WILMINGTON DISTRICT, CORPS OF ENGINEERS  
69 DARLINGTON AVENUE  
WILMINGTON, NORTH CAROLINA 28403-1343

February 17, 2012

Regulatory Division/1145b

SUBJECT: Action ID 2009-02240; STIP Nos. R-2721, R-2828, and R-2829

Steven D. DeWitt, P.E.  
Chief Engineer  
North Carolina Turnpike Authority  
1578 Mail Service Center  
Raleigh, NC 27699-1578

Dear Mr. DeWitt:

Reference the proposed North Carolina Turnpike Authority (NCTA) project known as the Triangle Expressway Southeast Extension toll facility (TIP Nos. R-2721, R-2828, and R-2829), from NC 540 currently under construction at NC 55 in Holly Springs, to existing I-540 north of Poole Road and Clayton, in southern Wake and northeastern Johnston Counties, North Carolina. Reference also my March 23, 2011 letter asking for additional information regarding alternatives; my meeting on December 20, 2011, with representatives of the North Carolina Department of Transportation, including the NCTA and its consultants, and of the Federal Highway Administration; and NCTA's submittal on January 9, 2012, of the revised Draft Alternatives Development and Analysis Report (DADAR), for the subject project.

We understand that Governor Perdue signed legislation (Senate Bill 165) on March 18, 2011, that restricted the study, planning, and development of the Triangle Expressway Southeast Extension from the area north of the protected corridor and west of Interstate 40 (the area of the Red and Pink Corridors). We believe that state law which restricts the consideration of reasonable and practicable alternatives does not preclude our requirement under the 404 (b)(1) Guidelines (40 CFR Part 230) to analyze and objectively compare alternatives for this or any project that requires a Clean Water Act permit. While we are sensitive to the potential impacts to communities, public recreation facilities, and an industrial park in the Town of Garner, associated with the Red Corridor, we believe that its elimination from further consideration compromises our ability to satisfy our statutory requirements under the Guidelines.

The DADAR recommends that the Orange to Red to Green Corridor not be included as a reasonable and practicable alternative for detailed study in the Draft Environmental Impact Statement (DEIS) because it has significant and disproportionate impacts on the human environment, has limited ability to meet traffic needs, and is not a feasible and prudent Alternative under Section 4(f) of the Department of Transportation Act of 1966.

Our permit program requires that we make a complete, thorough, and unbiased review of all factors associated with a proposed project within jurisdictional waters of the United States.



A major component of the review is the consideration of reasonable and practicable alternatives, required by both the National Environmental Policy Act (NEPA) and the Clean Water Act 404 (b)(1) Guidelines (40 CFR Part 230). The 404 (b)(1) Guidelines require that the Corps can permit a project only if the applicant demonstrates that other alternatives are not practicable, available or less environmentally damaging. Practicable relates to cost, logistics or technology. As is FHWA, we are required to satisfy the provisions of NEPA which include the requirement to develop an EIS to examine all reasonable alternatives to the proposal, with reasonable alternatives including those that are practical or feasible from the technical and economic standpoint, rather than simply desirable from the standpoint of the applicant. Table 5-2 in the DADAR, Preliminary Alternatives – Summary of Potential Impacts, describes impacts to 43.7 acres of wetlands, and 29,770 linear feet of stream, for a 300- foot right-of-way for the end-to-end Orange to Red to Green Alternative that includes the Red Corridor, based on map data including the National Wetlands Inventory. This compares to impacts to 88.1 acre of wetlands and 36,110 linear feet of stream for the end-to-end Orange to Green Alternative. Furthermore, the US Fish and Wildlife Service has indicated that construction within the Orange Corridor would result in an adverse impact to the federally endangered dwarf wedge mussel (*Alasmidonta heterodon*) and that formal consultation will be required. Based on this information, the Orange to Red to Green Alternative appears to be a less environmentally damaging alternative and should be included as an alternative to be studied the Draft Environmental Impact Statement (DEIS). Nothing in our administrative record for this project indicates that the Orange to Red to Green Alternative is not practicable under the 404 (b) (1) Guidelines.

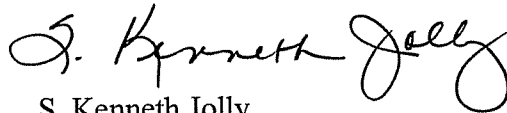
We are being asked to eliminate every alternative segment for a major portion of the corridor, with the exception of one, including the elimination of the least environmentally damaging alternative, prior to the release of a DEIS and before we, the agencies and the public have had an opportunity to conduct a side-by-side comparison of the one remaining segment alternative with the Red Corridor, with the usual level of data that is available after the DEIS, including detailed wetland delineation information, functional design, an analysis of the indirect and cumulative impacts, and additional data related to our twenty-one public interest review factors. Where we have previously elected to eliminate alternatives from further consideration prior to release of a DEIS, 1) the eliminated alternative clearly had unacceptable impacts to either the natural or human environment as compared to other alternatives under consideration, and 2) there was a sufficient number of remaining alternatives that encompassed a range of impacts to both the natural and human environment that the alternatives could be reasonably compared. Therefore, we believe it is premature to eliminate what we believe to be the environmentally preferable alternative from further consideration

We understand that FHWA has determined that several 4(f) properties may be impacted by the Red Corridor. Furthermore, we are also aware of the restriction that Section 4(f) of the Department of Transportation Act of 1966 places upon FHWA including a stipulation that FHWA cannot approve the use of land from publicly owned parks, recreational areas, wildlife and waterfowl refuges, or public and private historical sites unless there is no feasible and prudent alternative to the use of land, or the action includes all possible planning to minimize harm to the property resulting from use. While this may be a consideration utilized by FHWA in determining a preferred alternative, we do not concur that the Department of Transportation Act should be used to define a reasonable range of alternatives under NEPA, and believe that it

cannot be used to eliminate alternatives that should otherwise be considered under the Clean Water Act 404(b)(1) Guidelines. We continue to believe that in order for the EIS to satisfy our respective agencies' responsibilities, it should rigorously explore and objectively evaluate the Red corridor. For the reasons discussed above, if the NCTA elects to complete its NEPA analysis and release a DEIS without including the Orange to Red to Green Alternative as an alternative for detailed study, and the NCTA intends to pursue Department of the Army authorization for this project, we may find it necessary to terminate our cooperating agency status with the FHWA and supplement the FHWA EIS with our own document.

Should you have any questions, please call Mr. Alsmeyer at (919) 554-4884, extension 23.

Sincerely,



S. Kenneth Jolly  
Chief, Regulatory Division  
Wilmington District

Copies Furnished:

Mr. Mitch Vakerics  
Office of Congresswoman Renee Ellmers  
1533 Longworth HOB  
Washington, DC 20515

Mr. Clarence Coleman  
Federal Highway Administration  
310 New Bern Ave., Room 410  
Raleigh, North Carolina 27601-1442

Mr. Brian Wrenn  
Division of Water Quality  
North Carolina Department of  
Environment and Natural Resources  
1650 Mail Service Center  
Raleigh, NC 27699-1650

Mr. Chris Lukasina  
Capital Area Metropolitan Planning Organization (CAMPO)  
127 West Hargett Street, Ste. 800  
Raleigh NC 27601

Mr. Heinz Mueller  
Chief, NEPA Program Office  
Office of Policy and Management  
US Environmental Protection Agency  
61 Forsythe St., SW  
Atlanta, GA 30303

Mr. Gary Jordan  
US Fish and Wildlife Service  
PO Box 33726  
Raleigh, NC 27636

Mr. Travis Wilson  
NC Wildlife Resources Commission  
1142 I-85 Service Road  
Creedmoor, NC 27522

Mr. Peter Sandbeck  
NC State Historic Preservation Office  
4619 Mail Service Center  
Raleigh, NC 27699-4619



North Carolina Department of Environment and Natural Resources

Division of Water Quality  
Charles Wakild, P.E.  
Director

Beverly Eaves Perdue  
Governor

Dee Freeman  
Secretary

February 16, 2012

**MEMORANDUM**

To: Jennifer Harris, PE, Director of Planning and Environmental Services, Turnpike Authority

From: Brian Wrenn, Transportation Permitting Unit, Division of Water Quality *BW*

Subject: Comments on the Draft Alternatives Development and Analysis Report related to the proposed Triangle Expressway Southeast Extension, Wake and Johnston Counties, Federal Aid Project No. STP-0540(19), State Project Nos. 6.401078, 6.401079, and 6.401080, TIP Project Nos. R-2721, R-2828, and R-2829.

This office has reviewed the referenced document dated received January 18, 2012. The NC Division of Water Quality (NCDWQ) is responsible for the issuance of the Section 401 Water Quality Certification for activities that impact Waters of the U.S., including wetlands. It is our understanding that the project as presented will result in impacts to jurisdictional wetlands, streams, and other surface waters. NCDWQ offers the following comments based on review of the aforementioned document:

1. NCDWQ agrees with carrying forward the alternatives identified in section 5.8, page 5-38. However, NCDWQ feels that the Red Alternative should continue to be studied through the DEIS.
2. Any alternatives in this analysis and the DEIS should be compared using data gathered through the same methodologies. Table 5-9, page 5-36 states that the data for the Red Alternative was gathered using a predictive model while the Orange Alternative data was based on delineated streams and wetlands. This is not a fair comparison and should be corrected to provide consistency throughout the analysis.

NCDWQ appreciates the opportunity to provide comments on your project. Should you have any questions or require any additional information, please contact Brian Wrenn at 919-807-6365.

cc: Eric Alsmeyer, US Army Corps of Engineers, Raleigh Field Office (electronic copy only)  
George Hoops, Federal Highway Administration  
Chris Militscher, Environmental Protection Agency (electronic copy only)  
Gary Jordan, US Fish and Wildlife Service (electronic copy only)  
Travis Wilson, NC Wildlife Resources Commission  
File Copy

Transportation and Permitting Unit  
1650 Mail Service Center, Raleigh, North Carolina 27699-1617  
Location: 512 N. Salisbury St. Raleigh, North Carolina 27604  
Phone: 919-807-6300 \ FAX: 919-807-6492  
Internet: [www.ncwaterquality.org](http://www.ncwaterquality.org)

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**North Carolina Department of Cultural Resources**  
**State Historic Preservation Office**

Ramona M. Bartos, Administrator

Beverly Eaves Perdue, Governor  
Linda A. Carlisle, Secretary  
Jeffrey J. Crow, Deputy Secretary

Office of Archives and History  
Division of Historical Resources  
David Brook, Director

February 20, 2012

**MEMORANDUM**

**TO:** Jennifer Harris  
Planning and Environmental Studies  
NC Turnpike Authority

**FROM:** Ramona M. Bartos *RMB for Ramona M. Bartos*

**SUBJECT:** Triangle Expressway Southeast Extension Project, R-2721, R-2828 and R-2829,  
Wake and Johnston Counties, CH 98-0457

Thank you for your memorandum of January 13, 2012, transmitting the Draft Alternatives Development and Analysis Report for the above cited project. We have reviewed the document and offer the following comments.

The elimination of an alternative based on its potential to affect historic resources appears to be premature in that the only historic resources considered to this point are those that are already National Register-listed properties. The possibility that National Register-eligible properties may or may not be present in any of the alternatives has not been taken into consideration. Thus, alternatives that may have as yet unidentified Section 106 and 4(f) properties in them may become unusable.

We would also note that while National Register-listed or eligible properties are mentioned as being protected by Section 4(f), the lack of detail in the several figures and text give the impression that only public parks are being given full consideration under the regulation.

With regard to archaeological resources, we have no issues that involve alternative selection and concur with the decision to retain the five preliminary study alternatives outlined in the report. As the project develops further, we will continue to consult regarding the need for archaeological investigations once the preferred alternative is selected. We look forward to working with you and your staff on this project.

The above comments are made pursuant to Section 106 of the National Historic Preservation Act and the Advisory Council on Historic Preservation's Regulations for Compliance with Section 106 codified at 36 CFR Part 800.

Thank you for your cooperation and consideration. If you have questions concerning the above comment, please contact Renee Gledhill-Earley, environmental review coordinator, at 919/807-6579. In all future communication concerning this project, please cite the above referenced tracking number.

cc: Matt Wilkerson, NCDOT  
Mary Pope Furr, NCDOT



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

February 16, 2012

Ms. Jennifer Harris, P.E.  
Director of Planning and Environmental Studies  
North Carolina Turnpike Authority  
1578 Mail Service Center  
Raleigh, N.C. 27699-1578

SUBJECT: Draft Alternatives Development and Analysis Report; Triangle Expressway Southeast Extension (Raleigh Southern Outer Loop); Wake and Johnston Counties; TIP Nos.: R-2721/R-2828/R-2829

Dear Ms. Harris:

The North Carolina Turnpike Authority (NCTA) and the Federal Highway Administration (FHWA) have requested comments on the above subject report in consideration of the Turnpike Environmental Agency Coordination (TEAC) process. The U.S. Environmental Protection Agency (EPA) is providing preliminary technical assistance comments as requested and consistent with the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act (CAA).

EPA understands that the intent of this draft report is to document the alternatives development and screening process utilized by the NCTA and to present NCTA's findings of detailed study alternatives for the Draft Environmental Impact Statement (DEIS). The NCTA is also requesting that EPA provide any issues of concern that would result in the denial or significant delay in the issuance of any environmental permits for the proposed project. EPA has attached some NEPA technical assistance comments for the transportation agencies to consider as the NEPA process goes forward (See Attachment A).

EPA proposes to stay involved with the transportation, permitting and resource agencies under NEPA for the proposed project to help to ensure that a reasonable and appropriate range of alternatives under NEPA be evaluated. It is recommended that consideration of a non-toll combination or 'hybrid' alternative that will potentially meet some or part of the project purpose be carried forward for detailed study for comparative purposes under NEPA, such as Mass Transit, TSM and with specific roadways improvements. Additionally, the environmental benefits of Mass Transit "Hybrid" might also be evaluated in a comparative fashion to the new location DSAs (Orange to Green or Brown), including potentially air quality benefits, less impacts and disruption to neighborhoods, schools and places of worship, reduced natural resource impacts such as wetlands, streams, and endangered species habitat, etc. Under a Mass Transit 'Hybrid' option, the transportation agencies may also wish to consider evaluating

express bus services between major commuting and activity centers, public parking areas for commuters, etc. Please contact Mr. Christopher A. Militscher of my staff at 404-562-9512 or 919-856-4206 or by e-mail at [militscher.chris@epa.gov](mailto:militscher.chris@epa.gov) should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "H. Mueller", with a long horizontal flourish extending to the right.

Heinz J. Mueller, Chief  
NEPA Program Office

w/ATTACHMENT A

cc: H. Wicker, Acting Chief, USACE-Wilmington District  
E. Alsmeyer, USACE-Raleigh Field Office  
B. Wrenn, NCDWQ  
G. Hoops, FHWA

## ATTACHMENT A

### NEPA Technical Assistance Comments

#### Draft Alternatives Development and Analysis Report for

#### An Environmental Impact Statement

#### Triangle Expressway Southeast Extension (Raleigh Southern Outer Loop/I-540)

#### Wake and Johnston Counties, N.C.

TIP Nos.: R-2721, R-2828, and R-2929

### **Purpose and Need**

Section 1.2.1 of the report summarizes the need for the proposed project, including '*goal for region's overall transportation system is to provide a cost-effective system that, among other things maintains long-term mobility for people and the movement of goods*'. This section refers the reader to Section 3.4.1 of the report. Neither this stated goal nor the subsequent section identifies an actual need or existing problem with the current transportation system. The second need statement in Section 1.2.1 refers to '*limited transportation options to provide sufficient capacity for efficient, high-speed local and through travel between rapidly growing communities south and east of Raleigh and major employment and activity centers along the 540 Outer Loop and along highways connecting to the Outer Loop, such as I-40, NC 147 and US 1/64*'. This is statement of need is not supported by data. The rationale for a 'parallel', high-speed corridor to existing I-40 is not documented in the report. This section also refers to '*limited transit options in the area*' and refers the reader to Section 3.2. Section 3.2 discusses the project study area traffic conditions. There are no details or any analysis of current or future transit in this section of the report under Purpose and Need. The third need statement in Section 1.2.1 includes poor levels of service (LOS). The LOS need was established using 2008 traffic data along I-40 between NC 147 and Lake Wheeler Road, and most segments of I-40 between White Oak Road and NC 42, most of NC 42, and NC 50 between NC 42 and US 70. The transportation agency predictions are that substantial portions of the roadway network in and near the project study area will deteriorate to LOS E or F by 2035. Figure 1-4 includes many multi-lane facilities outside of the project study area depicted on Figure 3-1. Many of the roadway segments identified in Figure 1-4 appear to have little to do with traffic conditions in the project study area and would be influenced by other network deficiencies and traffic patterns.

Traffic congestion as expressed by current (2008) LOS is depicted on Figure 1-3 of the report. Most of the roadway segments in the project study area are LOS A-C and LOS D. The potential causes of the LOS E along NC 42 have not been fully detailed. NC 42 is primarily a 2-lane rural route with no control of access. There were previously planned NCDOT Transportation Improvement Program (TIP) projects that were one time being considered to addresses the current deficiencies along NC 42 between US 401 and I-40. Spot transportation improvements along NC 50 could also address the sections which have 2008 LOS E.



The primary need of the proposed Outer Loop project appears to be future congestion in the 2035. The details of the traffic models and forecasts are not specifically identified in the report but appear to be generally based upon past development and population growth. Since 2009, the project study area's growth rate has substantially decreased from the two previous decades. In the last 3 years, the growth in southern Wake County has been well below previous years and new development is reported to have stagnated. There is no current demographic information in the report that would identify this significant socio-economic change in the project study area or when the current trend in development might be reversed.

The purposes of the proposed project are identified in Section 1.2.2 of the report. The first purpose is to *improve mobility during the peak travel period* and the second purpose is to *reduce forecast congestion*. Another desirable outcome that is stated in Section 1.2.2 includes, *'improve system linkage'*. This section refers to the *'final link in the 540 Outer Loop envisioned more than 40 years ago'*. The same 'line on the map for the 540 Outer Loop' from 40 years ago appears to the location of the Orange Corridor. The report does not have any specific measures as to how mobility will be improved during the peak travel period. Removing a signalized intersection can potentially improve mobility. It is difficult to understand a purpose of reducing forecasted congestion when the traffic modeling, growth projections and other assumptions are not identified in the report.

The 'system linkage' issue as part of a purpose and need statement is recognized by FHWA as being very problematic. EPA recommends that the transportation agencies refer to the FHWA's *Purpose and Need Guidance for FHWA-funded Projects in North Carolina (Version 2, February 2009)*. EPA and other Merger Team representatives attended this very valuable training sponsored by FHWA. From this Guidance (Page 17): *"It will be a rare situation where system linkage will be the primary purpose. We don't typically decide to link something just because we can"*. From the statements in the report, however, it appears that system linkage is a primary purpose for the project. The report did not provide the supporting data required to identify any actual need concerning mobility (high-speed) or capacity issues along the existing roadways consistent with current guidance and policies.

For some additional information on Purpose and Need, please see the technical assistance information below and the website link:

### **Using Purpose and Need in Decision-making**

As noted above, the purpose and need define what can be considered reasonable, prudent, and practicable alternatives. The decision-making process should first consider those alternatives which meet the purpose and need for the project at an acceptable cost and level of environmental impact relative to the benefits which will be derived from the project.

At times, it is possible that no alternative meets all aspects of the project's purpose and need. In such a case, it must be determined if the alternatives are acceptable and worthwhile pursuing in light of the cost, environmental impact and less than optimal transportation solution. To properly assess this, it is important to determine the elements of the purpose and need which are critical to the project, as opposed to those which may be desirable or simply support it, the critical elements are those which if not met, at least to some minimal level, would lead to a "no-build" decision. Determining critical needs could include policy decisions as well as technical considerations.

Other times, the cost or level of environmental impact are not acceptable and an alternative that only partially meets the purpose and need or the no-build alternative must be considered. If the costs are justified in relation to the transportation benefits, then a less than full-build alternative may be acceptable. <http://www.environment.fhwa.dot.gov/projdev/tdmneed.asp>

In addition to the aforementioned general guidance, an equally important component of the NEPA decision-making and public disclosure processes includes the evaluation of reasonable alternatives not within the lead transportation agency's area of expertise, such as mass transit options. One very important socio-economic benefit from Mass Transit options is the creation of numerous permanent jobs without the disproportionate requirement for infrastructure maintenance. Most highway construction projects provide only temporary employment during construction and very minimal permanent employment opportunities. Another obvious benefit of transportation agencies studying Mass Transit options and performing a reasonable comparison (40 CFR Section 1502.14) is that there are potentially fewer and less substantial indirect and cumulative impacts associated with most Mass Transit options compared to new location, multi-lane toll road alternatives. According to the FHWA, the maintenance of the existing 46,726 plus mile Interstate system and other multi-lane roadways is of a National interest and concern. Transportation agencies and policy-makers have been searching for the means to fund all of these "Every Day Count" priorities including thousands of bridge replacement projects. Conventional highway funding sources such as Federal and State sales taxes on fuels, highway trust fund taxes on vehicle inspections and emissions testing, and general revenue tax sources are not believed to be adequate to meet the demand for all of the new location, multi-lane highways and Interstates.

### **First Tier Screening of Alternatives Concepts**

In Section 2 of the report, alternative concepts were considered as listed on Page 2-1, including TDM, TSM, Mass-Transit or Multi-modal Alternative Concepts and Build Alternatives. It is stated that "*those concepts that cannot be developed to meet the purpose of the project will be removed from further consideration*". The purposes of the project were narrowly defined in the previous section of the report. The highway 'threshold criteria' as further defined and as alluded to in the report to meet purpose and need were 'pre-disposed' to eliminate all but new location, multi-lane toll road alternatives. These potential issues were identified by resource and permitting agencies at previous TEAC meetings.

Section 2.2.1 discusses the ability to improve transportation mobility for trips within or traveling through the Southeast Extension project study area during the peak travel period. Two 'measures of effectiveness' (MOE) were identified in the report and used average speed and travel times. For average speed, the project study area does not include the main segment of I-40 (Figure 5-7). For travel times, the project study area does not include the main segment of I-40 (Figure 5-7). For average speed, "*Alternative concepts that that would result in the comparatively largest increase in average speed over current forecast conditions for 2035 would meet this MOE*". For travel times, "*The largest comparatively reduction in travel times for the typical user of the transportation system traveling through the project study area over current forecast conditions for 2035 would meet this condition*". Because mass-transit and multi-modal options in the project study area is either non-existent or severely limited to a few isolated locations within the project study area (Page 2-3), these MOE's are believed to be biased towards personal vehicle use and alternative concepts that promote new location, high-speed highways.

Section 2.2.2 discusses the ability to reduce forecast traffic congestion on the existing roadway network within the project study area. The poor LOS multi-lane sections of I-40 are not located in the defined project study area. Projected increases in traffic volumes are not quantified in this section. Three MOE's are identified in this section, including total vehicle hours traveled on average daily period, congested vehicle miles traveled on peak travel period, and congested vehicle hours traveled on peak travel period. These MOEs are for the major roadway network which includes congested areas outside of the defined project study area. Most of the MOEs relate to improving travel times and increasing vehicle speeds throughout the existing roadway network. The transportation agencies are promoting high-speed facilities in the project study area that is primarily rural and suburban between the two project termini. FHWA has conducted numerous safety studies concern high speed facilities: "*In 2008, there were 37,261 fatalities on our Nation's roadways. Of these; 11,674 (31 percent) were speeding-related!*". Source: <http://safety.fhwa.dot.gov/speedmgmt/>

Also included on this FHWA website is a 2007 chart depicting fatality rates per road type: Interstate facilities in rural areas had a rate almost double that of Interstates in urban areas. This FHWA report also includes the following potentially relevant information:

Speeding—traveling too fast for conditions or in excess of the posted speed limits—is a factor in almost one-third of all fatal crashes and costs America approximately **\$27.7 billion dollars** in economic costs each year. Speeding is a safety concern on all roads, regardless of their speed limits. Much of the public concern about speeding has been focused on high-speed Interstates.

Considering the extremely significant costs of fatalities associated with high-speed Interstate facilities, especially in rural areas, the proposed purpose of the project "*to provide sufficient (additional) capacity for efficient, high speed local and through travel*" (Page 1-2) the transportation agencies may wish to consider and evaluate this relevant safety issue in the DEIS.

Section 2.2.3 discusses the ability to improve system linkage in the roadway network in the project study area. The discussion includes the statement: "*the project would provide the key remaining link in the Outer Loop system*". None of the no-build alternative concepts can meet this narrowly defined criterion. Please refer to the following: "*Care should be taken that the purpose and need statement is not so narrowly drafted that it unreasonably points to a single solution*" (FHWA Administrator: 7/23/03 Memorandum on Guidance on "Purpose and Need"). <http://www.environment.fhwa.dot.gov/guidebook/Gjoint.asp>

The report notes that the traffic study area used for analysis of MOEs was different than the project study area (Page 2-9; "*to create the traffic study area*"). This two different study area approach is believed by EPA to be unprecedented in North Carolian. The rationale provided in this section of the report is potentially very biased towards new location highways. Under Section 2.1.4, there is future transit improvements cited that are substantially out of the project study area. Most of these future projects are included in 2025 and 2035 horizon years and do not specifically address any of the limited current congestion or future projected congestion in southern Wake County.

The report identifies several MOEs, including average speed, travel times, average daily VHT, congested VMT, and congested VHT. All of these measures and the undefined Triangle Regional Model (TRM) are biased towards eliminating TDM, TSM and Mass Transit/Multi-modal Alternative Concepts ("*Travel times could not be determined for TDM, TSM, and Mass*

*Transit/Multi-Modal Alternative Concepts using TRM*).. An example can be found in Table 2-1 where the average daily speeds in the 'traffic study area', PM Peak Period, shows a 3.5 percent change for Hybrid #3 and a 5.7% change for a New location highway. Hybrid #3 was also subsequently 'screened out' by the transportation agencies. As identified on Page 2-14, only 50 area buses enter the 'traffic study area'. There is no connecting mass transit to most of the project study area. Commuters in the project study area (and beyond) have little to no choice but to take privately owned vehicles (*"There would need to be a twelve-fold increase in the number of buses serving the area to achieve the required threshold"*, Page 2-15). Section 2.4.4 of the report provides the rationale for eliminating the Mass Transit/Multi-modal Alternative Concept, including the inability to improve mobility, reduce forecast traffic congestion, and improve system linkage. The report only identified buses as the potential means to accommodate commuters in the project study area. Light rail was not considered for the mobility analysis nor was a full comparative combination of alternatives, such as some TSM, some modest increases in express bus services from significant commuting areas and a light rail project connecting major commuting centers and destinations. The highway transportation agencies, including the North Carolina Turnpike Authority, might wish to further consult with other transportation officials (e.g., CATS and FTA) on the potential benefits of Mass Transit options for urban and suburban areas.

Forecasted congestion based upon out of date growth projections is not an existing transportation problem. A combination of light rail and some local roadway improvements would also potentially meet the purpose of improving 'system linkage' and potentially eliminate 'future congestion'. However, this concept was not fully evaluated in the report. Page 2-2 cites that *"The TSM Alternative will neither complete the Outer Loop system nor provide faster access to the I-40/I-540 network for residents in the project study area"*. TSM was eliminated in the previous section of the report (i.e., Section 2.4.3). Most of the east-west section of I-40 is outside of the project study area. Most of I-540 is not included in the project study area. The report concludes that, *"the Mass Transit/Multi-modal Alternative Concept would fail to meet the two primary elements of [the] project purpose: improving mobility and reducing congestion"*. As previously identified in the report, there is minimal existing congestion within the project study area and the purpose is based on future 'forecasted' congestion. There are other transportation alternatives that can improve mobility, including light rail

Table 2-7 of the report provides a summary of quartile rankings of MOEs for Build Alternative Concepts. As anticipated from the previous TRM analyses, the New Location Freeway ranks 4 out of 4 for the six (6) total MOEs. However, the TRM analysis was evaluated as 'Freeway'. The proposed project is being proposed as solely as a toll facility. According to FHWA and NCTA team representatives; there is no other means of potentially funding the I-540/Raleigh Southern Outer Loop without tolling.

The Hybrid Alternatives Concepts (Hybrids 1, 2 and 3) were also developed using improve existing and new location segments to meet future capacity that is not supported by current traffic numbers (i.e., AADT). For example, Hybrid 1 is proposed to be improving existing roadways to 10-lane, controlled access facilities. Hybrid 2 and 3 are proposed as 6-lane, controlled access facilities. Capacity issues within the project study area were not fully identified or evaluated in the report. The traffic study area does not correspond to the project study area and the rationale included in the report is not substantiated by either facts or precedent. Hybrid 3 was

retained for the next level of screening but was never seriously considered by the transportation agencies (See section below).

It is also noted that the transportation agencies have mixed regulatory terminology regarding the development of alternatives and the first tier screening of alternative concepts (Page 1-3). The Council on Environmental Quality (CEQ) regulations on NEPA refer to reasonable alternatives (40 CFR Section 1502.14(a) and (c)). A 'practicable' alternative is essentially a Clean Water Act Section 404(b)(1) Guideline term utilized under the U.S. Army Corps of Engineers' determination of the 'Least Environmentally Damaging Practicable Alternative' (LEDPA). The NCTA and FHWA are not utilizing the NEPA/Section 404 Merger process and the issue of practicability does not generally become a consideration until after the draft environmental document and the USACE's selection of the LEDPA. Without specific information on jurisdictional impacts, funding, etc., none of the current build Alternative Concepts in this report may truly be 'practicable'.

### **Development of Preliminary Corridor Segments**

FHWA and NCTA should consider the proposed project in light of the requirements at 40 CFR Section 1506.1(a)(2). Page 3-2 includes the statement that several alternative corridors were developed and analyzed in the mid-1990's and public hearings were held to present the corridor proposed for protection ('Hard-ship' purchases totaling 36 parcels). The report does not fully address the early acquisition needs or what environmental features were identified during this development of a protected corridor. The report does not include the specifics or the relevant documentation for these pre-Notice of Intent (NOI) public hearings. Approximately 464 acres of right of way representing 32% of the needed protected corridor has already been purchased. Most of the purchased properties were reported in previous TEAC meetings to include undeveloped land along the Phase I portion of the proposed project (The 'Orange' corridor). The Orange Corridor represents approximately 17 miles of the total project length of approximately 22 miles. However, other reports, including the NCDOT website indicate that the proposed I-540/Raleigh Southern Outer Loop (Triangle Expressway Southeast Extension) is approximately 33 miles. An accurate length of the different Phases (i.e., I and II) of the proposed project should be included in a Draft Environmental Impact Statement.

The statement on Page 3-3 is noted regarding NCDOT's compliance with 23 CFR 710.501(b). EPA suggests that the transportation agencies may wish to provide a copy of the concurrence letter concerning 23 CFR 710.501(c)(2) compliance in the Draft EIS.

On page 3-5 of the report, it is stated that: "*Agency representatives, local governments and the public have not proposed many potential corridor segments beyond those currently under consideration*". It is most likely the responsibility of the transportation agencies to develop new corridors and alignments and not the parties cited above as they would be unfamiliar with Interstate design requirements, innovate funding solutions, etc. The transportation agencies potentially screened out Hybrid 3 Alternative Concept Segment by the statements made in Section 3.5.3 on Tolling.

This section of the report again differentiates between the project study area and the traffic area conditions beyond the boundaries of the project study area. The rationale provided on Pages 3-1 and 3-2 is not a reasonable approach. Several agencies during TEAC meetings

requested that the transportation agencies consider the inclusion of the project study area to the north side of I-40 between I-440 in the east and to US 1/US 64 to the west. Using traffic data for these areas outside of the project study area is not consistent with other N.C. Outer Loop projects studied under NEPA. The transportation agencies declined this recommendation and maintained that the reasoning for the differences of a project study area and a traffic study area would be fully addressed in the DEIS.

It is very important to note that the Preliminary Study Corridors are 1,000 feet wide as is noted in the first sentence in Section 3 of the report. Some other key issues identified in this report are the local planning organization requests to construct a 6-lane, new location toll facility and the recommendations for interchanges at Holly Springs Road, Bells Lake Road, US 401, Old Stage Road, NC 50, I-40, White Oak Road, US 70, Old Baucom Road, Auburn Knightdale Road, and Poole Road. In addition, there are also interchanges proposed at the termini at NC 55/I-540 and I-540. In total, 13 interchanges are proposed. There is no actual traffic data or public surveys demonstrating why commuters would leave local free roadways where there is little to no congestion and utilize a 6-lane toll facility. The relevant studies on building multi-lane, toll facilities in rural/suburban areas that have very few existing traffic problems are not referenced in this report. The local planning organizational 'need' for a 6-lane facility is not supportable when portions of I-40 between the RDU airport exit and the Lake Wheeler Road exit had been 4-lanes for decades and only recently a widening project to 6-lanes was completed on the most significant east-west corridor in N.C. Much of the transportation planning relies on the TRM. The assumptions and specific parameters used in these types of models are not disclosed in this report. The NCDOT webpage indicates there is no funding for the proposed project. From the NCDOT website, it appears that some of the statements provided in the report may conflict with the information being provided to the resource agencies. Please see: <http://www.ncdot.gov/projects/southeastextension/>

Transportation demands, social and economic demands and mobility considerations are the basis for additional transportation infrastructure in southeastern Wake County. The proposed Southeast Extension would link the towns of Clayton, Garner, Fuquay Varina, Holly Springs, Apex, Cary and Raleigh. The project would increase the capacity of the existing roadway network and divert traffic from secondary roads in areas experiencing substantial growth.

The Southeast Extension project has been officially on hold following enactment of North Carolina Session Law 2011-7 (N.C. S.L. 2011-7) in March 2011. This law restricts the Turnpike Authority from considering alternatives for the Triangle Expressway Southeast Extension that are north of the protected "Orange" corridor. Since March 2011, our project work has been limited while we evaluate the implications of this law and how it impacts our ability to progress the project in accordance with the federal National Environmental Policy Act as well as the federal Clean Water Act.

Target dates for project milestones including publication of the Draft Environmental Impact Statement (EIS) will remain uncertain until ways can be identified to address agency concerns while meeting the requirements of N.C. S.L. 2011-7 and the National Environmental Policy Act. The

previously anticipated Draft EIS date of February 2012 is uncertain at this time due to the project having been delayed since March 2011.

The Southeast Extension study will consider various solutions for addressing area transportation needs. **These studies will consider several options, including improving existing roads and building a new roadway, along with non-roadway options such as mass transit.**

A protected corridor preserves the location of a new road from encroaching development. In the mid-1990s, the North Carolina Department of Transportation (NCDOT), under the Transportation Corridor Official Map Act, established a protected corridor for Phase I of the Southeast Extension between NC 55 in Apex and I-40 near the Johnston/Wake County line. The Turnpike Authority will evaluate the protected corridor, as well as other possible routes, as part of this study.

The report does not identify the social and economic demands for the proposed Raleigh Southern Outer Loop. The report does not demonstrate how a multi-lane toll facility will divert traffic from (free) secondary roads. The report does not address the Project Financial Feasibility Study for tolling. The NCDOT webpage information is potentially not consistent with the report as mass transit and other options were screened out by the FHWA and NCTA in the first tier because it did not meet the primary purposes of the project (e.g., “*Complete the I-540/Outer Loop as was envisioned 40 years ago*”). The statement concerning the consideration of other options being studied appears to be somewhat confusing based upon the narrow statements of the project’s purposes and the very strict screening criteria to eliminate all other alternative concepts that are not a new location, multi-lane, toll road. FHWA and NCDOT officials have previously expressed their concerns at other project meetings with maintaining North Carolina’s current 1,014.78 mile Interstate system<sup>1</sup>. The DEIS may also wish to include the NCDOT TIP No. I-5111, I-40 Widening and Improvements in Wake and Johnston County, that is meant to add additional capacity to I-40 within the project study area.

### **Second Tier Screening of Preliminary Corridor Segments**

As with several other turnpike projects, the transportation agencies presented a matrix of ‘impacts’ for over 40 different new location segments based upon 1,000-foot corridor information. None of the actual impacts from the 300-350 feet of needed right of way was studied or ‘ground-truthed’. Some of the segments were as short as 0.35 miles (#35) while other segments were more than 11 miles (#26). For the Phase I area, there were realistically 5 corridors studied in the second tier, including Orange, Red, Blue, Pink and Purple as a ‘cross-over’ (Figure 4-3). The transportation agencies requested that all of the segments comprising Blue, Purple, Red and Pink be eliminated. The permit and resource agencies agreed to eliminate the Blue and the Purple. Some of the permitting and resource agencies requested that Red and Pink be retained with Orange as Detailed Study Alternatives for comparative purposes under NEPA, 40 CFR Section 1502.14(a).

Beyond the potential screening of some very ‘unreasonable’ alternatives under the Second Tier Screening process utilized by the transportation agencies, there is a very real

concern expressed by certain resource agencies at past TEAC meetings that reasonable alternatives are being eliminated at this pre-DEIS stage based upon unverified GIS level maps and data using 1,000-foot corridor impact information. Table 4-3 of the report presents the segment composition of the new location Preliminary Study Corridors. The transportation agencies eliminated 12 corridor segments at the Second Tier evaluation. Preliminary Study Alternatives are identified in Table 4-4 with information on the Orange to Red to Green segments left blank in the table (“The Red Alignment”).

### **Third Tier Screening of Preliminary Corridor Alternatives**

Table 5-1 represents screening criteria using both potential right of way impacts for certain resources (e.g., Residential and business relocations) and 1,000-foot corridors for other resources (e.g., Section 4(f) applicable resources). The transportation agencies efforts in this Third Tier screening exercise were identified as being problematic by several agencies. Impacts and estimates are being based upon ‘potential’ right of way locations within a 1,000-foot corridor. From a statistically analysis perspective, a ‘typical 300-foot right of way’ within 1,000 feet creates enormous potential errors in the impact data. Efforts to shift potential right of way alignments for various resources were potentially made for some Preliminary Corridor Alternatives and not for others.

A primary case to this point is identified on Page 5-6 of the report concerning the Critical Water Supply Area to Swift Creek. This section of the report stresses the impact (Calculated to 10.6 acres) to this environmental feature and impacts to 303(d) listed streams. For an objective analysis, the transportation agencies should evaluate other TIP projects with similar resource impact issues (e.g., TIP No.: U-3109; Critical Water Supply Area impacted; TIP No.: U-3321; several miles of 303(d) listed streams potentially impacted).

EPA notes the comments in the report concerning third tier screening results, impact comparison, public and agency input, third tier screening conclusions, justifications for eliminating the Pink and Red alternatives based upon various criteria, petitions received from different stakeholder groups, etc. EPA notes the DSAs identified in Figure 5-7 which shows the primary DSAs (Orange – Phase I; and Green or Brown – Phase II, with the minor corridor adjustments for using Mint Green, Teal and Tan Alternatives). The transportation agencies should also provide an explanation of the control of access differences between a ‘freeway’ type design and an ‘expressway’ design in the DEIS.

### **An Additional Reference:**

<sup>1</sup> North Carolina Projects: One of the first Interstate 40 relocation projects was the construction of a southern bypass for Interstate 40 around Winston-Salem. Built and opened to traffic in 1993, Interstate 40 now bypasses downtown Winston-Salem. The former freeway alignment is now part of Business Loop I-40. A future Winston-Salem Northern Beltway is planned for construction starting in 2010 or later; this belt route would be designated as Interstate 74 and Interstate 274 once it opens to traffic. The Greensboro Urban Loop, which is partially constructed, currently carries Interstate 40 around downtown Greensboro. The portion of the loop that carries Interstate 40 was constructed south of downtown through the early to mid-2000s. The southeastern section opened on February 21, 2004, and the southwestern portion opened on February 21, 2008. With the opening of this bypass, Interstate 40 was relocated onto the bypass, and the old freeway alignment was re-designated as Business Loop I-40. Portions of the Greensboro Urban Loop are designated as part of Interstate 73, and the future northern half of the loop is tentatively designated Future Interstate 840. In North Carolina, a recent widening between the Durham



Freeway (Exit 279) and Interstate 540 (Exit 283) brings Interstate 40 up to seven lanes. This stretch receives 147,000 vehicles per day, so the widening is generally a welcomed sight. Expansion to eight lanes, which entails adding a fourth westbound lane, was completed on October 1, 2003. The \$12 million project began in 2001. Even with these additional lanes other sections of Interstate 40 are planned for improvements as the area continues to gain population. Source: <http://www.interstate-guide.com/i-040.html>

## Maseman, Kristin

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**From:** Riffey, Deanna  
**Sent:** Thursday, February 09, 2012 11:06 AM  
**To:** Bass, Kiersten R  
**Subject:** RE: Southeast Extension Alternatives Development and Analysis Report

Hello Kiersten.

I only have a couple of comments on the report:

- 1) Section 5.2.2.4 on page 5-17 - In the first paragraph, first sentence one important advantage is mentioned, but yet none are listed in this paragraph. If you skip on down to the 3<sup>rd</sup> paragraph then two advantages are mentioned and explained. A little confusing.
- 2) On figures I was looking for Bass Lake. It seems that Bass Lake was not colored blue like the other water bodies. The shape is there just not color.
- 3) Also on Figure 4-2, according to Table 4-1, I believe that segment 39 is not supposed to be shown on this figure like the other eliminated segments.

Deanna

**From:** Bass, Kiersten R  
**Sent:** Thursday, February 02, 2012 9:57 AM  
**To:** Roberts, Tracy; [agamber@ncdot.gov](mailto:agamber@ncdot.gov); Johnson, Benjetta L; Wrenn, Brian; Ellis, Bruce O; Dagnino, Carla S; [Chris.Lukasina@campo-nc.us](mailto:Chris.Lukasina@campo-nc.us); [militscher.chris@epa.gov](mailto:militscher.chris@epa.gov); Shumate, Christy; Chang, David S; Riffey, Deanna; Sykes, Dewayne L; Hall, Dolores; Keener, Donna; [Ed.Johnson@ci.raleigh.nc.us](mailto:Ed.Johnson@ci.raleigh.nc.us); Lusk, Elizabeth L; Simes, Amy; [eric.c.alsmeyer@usace.army.mil](mailto:eric.c.alsmeyer@usace.army.mil); Midkiff, Eric; [gary\\_jordan@fws.gov](mailto:gary_jordan@fws.gov); [george.hoops@dot.gov](mailto:george.hoops@dot.gov); [hwatkins@garnernc.gov](mailto:hwatkins@garnernc.gov); Harris, Jennifer; [joe@letsgetmoving.org](mailto:joe@letsgetmoving.org); [samuel.k.jolly@usace.army.mil](mailto:samuel.k.jolly@usace.army.mil); [kmarkham@esinc.cc](mailto:kmarkham@esinc.cc); Kristin Maseman; Brooks, Lonnie I; Clawson, Marshall W; Pair, Missy; Beauregard, Rachelle; Gledhill-earley, Renee; Roach, Renee B; Ridings, Rob; Roy Bruce; [scott.c.mclendon@usace.army.mil](mailto:scott.c.mclendon@usace.army.mil); Franklin, Spencer T; Gurganus, Stephen J (Steve) - HEU; Dewitt, Steve; [tsavidge@thecatenagroup.com](mailto:tsavidge@thecatenagroup.com); Wilson, Travis W.; Ford, Tris B; Bowman, John W; [wsmith@mulkeyinc.com](mailto:wsmith@mulkeyinc.com); Barrett, William A; Lipscomb, Sharon M  
**Subject:** RE: Southeast Extension Alternatives Development and Analysis Report

All, to date the NC Turnpike Authority has received one comment letter on the Draft Alternatives Development and Analysis Report for the Triangle Expressway Southeast Extension project. Comments received are from the US Fish and Wildlife Service and are attached for your use.

We look forward to receiving your comments over the next two weeks (comment deadline is February 16<sup>th</sup>). If you have questions or concerns, please do not hesitate to contact me.

Thank you,

**Kiersten R. Bass**  
**Senior Transportation Planner**  
**NCTA General Engineering Consultant**  
1 South Wilmington St, Raleigh, NC 27601  
1578 MS Center, Raleigh, NC 27699-1578  
**919.707.2725**

**From:** Bass, Kiersten R  
**Sent:** Friday, January 13, 2012 2:54 PM  
**To:** Roberts, Tracy; Emptage, Aketa A; [amy.simes@ncmail.net](mailto:amy.simes@ncmail.net); [agamber@ncdot.gov](mailto:agamber@ncdot.gov); Johnson, Benjetta L; Wrenn, Brian;

Ellis, Bruce O; Dagnino, Carla S; [Chris.Lukasina@campo-nc.us](mailto:Chris.Lukasina@campo-nc.us); [militscher.chris@epa.gov](mailto:militscher.chris@epa.gov); Shumate, Christy; Chang, David S; Riffey, Deanna; Sykes, Dewayne L; Hall, Dolores; Keener, Donna; [Ed.Johnson@ci.raleigh.nc.us](mailto:Ed.Johnson@ci.raleigh.nc.us); Lusk, Elizabeth L; [eric.c.alsmeyer@usace.army.mil](mailto:eric.c.alsmeyer@usace.army.mil); Midkiff, Eric; [gary\\_jordan@fws.gov](mailto:gary_jordan@fws.gov); [george.hoops@dot.gov](mailto:george.hoops@dot.gov); [hwatkins@garnernc.gov](mailto:hwatkins@garnernc.gov); Harris, Jennifer; [joe@letsgetmoving.org](mailto:joe@letsgetmoving.org); [samuel.k.jolly@usace.army.mil](mailto:samuel.k.jolly@usace.army.mil); [kmarkham@esinc.cc](mailto:kmarkham@esinc.cc); Kristin Maseman; Brooks, Lonnie I; Clawson, Marshall W; Pair, Missy; Beauregard, Rachelle; Gledhill-earley, Renee; Roach, Renee B; Ridings, Rob; Roy Bruce; [scott.c.mclendon@usace.army.mil](mailto:scott.c.mclendon@usace.army.mil); Franklin, Spencer T; Gurganus, Stephen J (Steve) - HEU; Dewitt, Steve; [tsavidge@thecatenagroup.com](mailto:tsavidge@thecatenagroup.com); Wilson, Travis W.; Ford, Tris B; Bowman, John W; [wsmith@mulkeyinc.com](mailto:wsmith@mulkeyinc.com); Barrett, William A

**Cc:** Johnson, Kristen M

**Subject:** RE: Southeast Extension Alternatives Development and Analysis Report

All, due to the file size of the Draft Alternatives Development and Analysis Report for the Southeast Extension project (recently sent on my behalf by Tracy Roberts) you will need to log on to Constructware to download the report: <http://secure.constructware.com/>

For those of you not familiar with how to locate the document in Constructware, please see the attachment for instructions or feel free to contact me for assistance. Similarly if you need assistance with logging into Constructware (username and/or password) please contact Kristen Johnson ([kmjohnson4@ncdot.gov](mailto:kmjohnson4@ncdot.gov)).

Thank you,

**Kiersten R. Bass**

**Senior Transportation Planner**

**NCTA General Engineering Consultant**

1 South Wilmington St, Raleigh, NC 27601

1578 MS Center, Raleigh, NC 27699-1578

**919.707.2725**

-----Original Message-----

From: Tracy Roberts [<mailto:system@constructware.com>]

Sent: Friday, January 13, 2012 2:43 PM

To: Emptage, Aketa A; [amy.simes@ncmail.net](mailto:amy.simes@ncmail.net); [agamber@ncdot.gov](mailto:agamber@ncdot.gov); Johnson, Benjetta L; Wrenn, Brian; Ellis, Bruce O; Dagnino, Carla S; [Chris.Lukasina@campo-nc.us](mailto:Chris.Lukasina@campo-nc.us); [militscher.chris@epa.gov](mailto:militscher.chris@epa.gov); Shumate, Christy; Chang, David S; Riffey, Deanna; Sykes, Dewayne L; Hall, Dolores; Keener, Donna; [Ed.Johnson@ci.raleigh.nc.us](mailto:Ed.Johnson@ci.raleigh.nc.us); Lusk, Elizabeth L; [eric.c.alsmeyer@usace.army.mil](mailto:eric.c.alsmeyer@usace.army.mil); Midkiff, Eric; [gary\\_jordan@fws.gov](mailto:gary_jordan@fws.gov); [george.hoops@dot.gov](mailto:george.hoops@dot.gov); [hwatkins@garnernc.gov](mailto:hwatkins@garnernc.gov); Harris, Jennifer; [joe@letsgetmoving.org](mailto:joe@letsgetmoving.org); [samuel.k.jolly@usace.army.mil](mailto:samuel.k.jolly@usace.army.mil); [kmarkham@esinc.cc](mailto:kmarkham@esinc.cc); Bass, Kiersten R; Kristin Maseman; Brooks, Lonnie I; Clawson, Marshall W; Pair, Missy; Beauregard, Rachelle; Gledhill-earley, Renee; Roach, Renee B; Ridings, Rob; Roy Bruce; [scott.c.mclendon@usace.army.mil](mailto:scott.c.mclendon@usace.army.mil); Franklin, Spencer T; Gurganus, Stephen J (Steve) - HEU; Dewitt, Steve; [tsavidge@thecatenagroup.com](mailto:tsavidge@thecatenagroup.com); Wilson, Travis W.; Ford, Tris B; Bowman, John W; [wsmith@mulkeyinc.com](mailto:wsmith@mulkeyinc.com); Barrett, William A

Subject: Southeast Extension Alternatives Development and Analysis Report

The North Carolina Turnpike Authority (NCTA) has prepared a Draft Alternatives Development and Analysis Report for the Triangle Expressway Southeast Extension project. This report documents the alternatives development and screening process and presents NCTA's recommendations for detailed study alternatives. Environmental and resource and regulatory agency coordination regarding project alternatives has included Turnpike Environmental Agency Coordination (TEAC) meetings held in August, September, November 2010, and January 20, 2011. At the January meeting we discussed recommended alternatives to be studied in detail in the project's Draft Environmental Impact Statement.

A copy of the Draft Alternatives Development and Analysis Report is available for download for your review and comment. NCTA requests written comments from your agency on the report and specifically on the recommendations for detailed study alternatives as presented in the report. In addition, please specify, as applicable, any comments your

agency considers to be issues of concern that would result in the denial or significant delay in the issuance of any environmental permits.

NCTA plans to discuss this project on March 21, 2012. In order to maintain our project schedule, please provide comments on the draft report by February 16, 2012 so that we can assess your comments, make any necessary revisions to the draft report and distribute it prior to the March meeting.

Thank you for your continued participation in the study for this project. If you have any questions or comments, please do not hesitate to contact me at [jhharris1@ncdot.gov](mailto:jhharris1@ncdot.gov) or 919.707.2704 or Kiersten Bass at [krbass@ncdot.gov](mailto:krbass@ncdot.gov) or 919.707.2725.

## Maseman, Kristin

---

**From:** Bass, Kiersten R <krbass@ncdot.gov>  
**Sent:** Wednesday, February 08, 2012 11:31 AM  
**To:** Maseman, Kristin  
**Cc:** Bruce, Roy  
**Subject:** FW: Project: R-2721, R-2828, R-2829: (Triangle Expressway Southeast Ext. Project, Wake and Johnston Counties)

-----Original message-----

**From:** "Memory, John R" <[rmemory@ncdot.gov](mailto:rmemory@ncdot.gov)>  
**To:** "Harris, Jennifer" <[jhharris1@ncdot.gov](mailto:jhharris1@ncdot.gov)>  
**Sent:** Wed, Feb 8, 2012 16:20:45 GMT+00:00  
**Subject:** Project: R-2721, R-2828, R-2829: (Triangle Expressway Southeast Ext. Project, Wake and Johnston Counties)

Ms. Harris,

I have reviewed the Draft Alternatives Development and Analysis Report for the above subject project. At this time, I have no comments due to information within the report reflects no information on potential utility conflicts. However, a major utility relocation is subject to impact areas outside the future project limits.

R. Memory

**J. Robert Memory, CPM**

*State Utility Agent*

[NCDOT - Utilities Unit](#)

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## Maseman, Kristin

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**From:** Bass, Kiersten R <krbass@ncdot.gov>  
**Sent:** Friday, February 17, 2012 4:18 PM  
**To:** Maseman, Kristin  
**Subject:** Fw: SE Ext. Alts Development and Analysis Report  
**Attachments:** SE Ext Draft Alternatives Report\_with HES-PICS comments\_02-17-12.docx

*Connected by DROID on Verizon Wireless*

-----Original message-----

**From:** "Ford, Tris B" <[tbford@ncdot.gov](mailto:tbford@ncdot.gov)>  
**To:** "Bass, Kiersten R" <[krbass@ncdot.gov](mailto:krbass@ncdot.gov)>  
**Cc:** "Harris, Jennifer" <[jhharris1@ncdot.gov](mailto:jhharris1@ncdot.gov)>, "Roberts, Tracy" <[teroberts1@ncdot.gov](mailto:teroberts1@ncdot.gov)>  
**Sent:** Fri, Feb 17, 2012 21:02:55 GMT+00:00  
**Subject:** SE Ext. Alts Development and Analysis Report

Kiersten,

Please see attached HES-PICS' comments on the SE Extension Alternatives Analysis Report in track changes format. We apologize for missing the deadline by one day in delivering these comments and hope that they will be able to be incorporated as you all are inclined. Thanks for the opportunity to provide comment. If you have any questions feel free to contact me.

Hope things are going well for you and the family.

Thanks,

Tris

Tristram Burke Ford  
Community Planner III  
Public Involvement and Community Studies

NCDOT-Human Environment Section

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phone- (919) 707-6066  
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1598 Mail Service Center (mailing address)  
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-----  
NCDOT Century Center Bldg. B (physical address)  
1020 Birch Ridge Drive  
Raleigh, NC 27610

Views expressed are my own and may not reflect any official policies of the North Carolina Department of Transportation.



February 15, 2012

Ms. Jennifer Harris, PE  
Director of Planning & Environmental Studies  
North Carolina Turnpike Authority  
5400 Glenwood Avenue  
Raleigh, NC 27612

Re: Triangle Expressway Southeast Extension Project, Wake and Johnston Counties (TIP Projects R-2721, R-2828, R-2829) Draft Alternatives Development and Analysis Report

Dear Ms Harris,

In reference to the draft Alternatives Development and Analysis Report released on January 13, 2012, this letter is to inform the North Carolina Turnpike Authority (NCTA) that the Capital Area Metropolitan Planning Organization (MPO) is supportive of the report's findings. The report includes recommendations to advance five alternatives for detailed study in the draft EIS. The MPO supports four of the five alternatives identified in Section 5.8 (p. 5-38).

At this time the MPO cannot support advancing the "Orange to Brown to Tan to Green" alternative for detailed study in the draft EIS. The MPO has previously submitted resolutions regarding the removal of the "Red" and "Tan" alternatives from further study. The draft Alternatives Development and Analysis Report prepared by NCTA further documents the adverse impacts to the cultural and human environment anticipated by these alternatives.

We feel it is critical that the North Carolina Department of Transportation continues to use the original protected corridor alignment illustrated on North Carolina Turnpike Authority maps adopted in 1996 and 1997 as the preferred choice for development and construction of the proposed NC 540 Turnpike in southern and southeastern Wake County.

We strongly urge the North Carolina Department of Transportation to construct the entire remaining portion of the outer loop as one project, rather than two. Wake County is the first and only County in the state of North Carolina to have parts of its urban loop constructed as a toll road because the aforementioned segments are region's urgently needed top priority projects that should not be delayed.

Planning and design of this major transportation facility should be in harmony with the adopted regional Long Range Transportation Plan as well as the natural and cultural environments. This new facility should minimize negative impacts to the Swift Creek Watershed and water supply area. To accomplish this, the ultimate facility design should include a toolbox of sustainable design elements such as use of BMPs throughout the project and consideration of onsite storm water treatment such as sustainable landscaping elements that are compatible with local soil type and drainage capability that are native to the region.

The MPO would also ask that the report be updated with copies of the previously submitted resolutions (attached).

The staff at the MPO looks forward to working with NCTA to develop this vital transportation facility for the future. If you need any further assistance or have questions please contact my office at (919) 996-4400.

Sincerely,

A handwritten signature in black ink, appearing to read "Edison H. Johnson, Jr.", written in a cursive style.

Edison H. Johnson, Jr., PE, FITE  
Executive Director, N.C. Capital Area MPO

cc: George Hoops, P.E. – Federal Highway Administration



**RESOLUTION expressing THE NC CAPITAL AREA MPO'S POSITION REGARDING THE  
ALIGNMENT OF THE FUTURE NC 540 TURNPIKE**

On motion made by **Mayor Sears** and seconded by **Mayor Byrne** , and having been put to a vote, was duly adopted, the following resolution;

**WHEREAS**, the proposed southern and southeastern segments of the NC 540 Turnpike are an adopted element of the Capital Area Metropolitan Planning Organization's (CAMPO) 2035 Long Range Transportation Plan; and

**WHEREAS**, official corridor maps show a specific alignment, adopted by the North Carolina Board of Transportation, to block new development in the preferred path of the southern segment from N.C. 55 in Holly Springs to US 401 south of Garner on August 2, 1996 and the southern segment from US 401 south of Garner to Interstate 40 south of Garner on March 7, 1997; and

**WHEREAS**, the proposed freeway alignment has been a fundamental transportation facility underpinning for more than 20 years of local land use and transportation decisions for the towns of Fuquay-Varina, Garner, and Holly Springs; and

**WHEREAS**, Wake County is the first and only County in North Carolina to have its urban loop constructed as a toll road; and

**WHEREAS**, the southeastern segment is likely to be much more expensive on a per mile basis than the southern segment and as such will need the revenue coming from the southern segment to help pay for it; and

**WHEREAS**, the southeastern segment is the Capital Area MPO's urgently needed top regional priority and therefore should not be delayed until the northern segment of the loop is converted to a turnpike to help pay for it's construction

**WHEREAS**, the North Carolina Turnpike Authority is looking at new alternatives (defined as "red", "blue", and "purple")that would possibly have an adverse impact upon these towns, causing disruptions to existing homes and businesses; and

**WHEREAS**, the alternatives may be shorter and possibly cut construction cost; at the possible expense of environmentally sensitive areas as well as mar residential and commercial activities vital to the economic well being of the towns being impacted;

**NOW, THEREFORE BE IT RESOLVED**, the Capital Area MPO Transportation Advisory Committee supports the use of the original protected corridor alignment illustrated on North Carolina Turnpike Authority maps adopted in 1996 and 1997 as the preferred choice for the development and construction of the proposed NC 540 Turnpike in southern and southeastern Wake County; and

**BE IT FURTHER RESOLVED**, that the Capital Area MPO Transportation Advisory Committee requests that the North Carolina Turnpike Authority include the Capital Area MPO as an active stakeholder in the alternatives analysis process; and

**BE IT FURTHER RESOLVED**, that the Capital Area MPO Transportation Advisory Committee strongly urges the North Carolina Department of Transportation to construct the entire remaining portion of the outer loop as a turnpike in one phase rather than as two separate phases.

Adopted on this the 20<sup>th</sup> day of October, 2010

  
\_\_\_\_\_  
Joe Bryan, Chair  
Director  
Transportation Advisory Committee

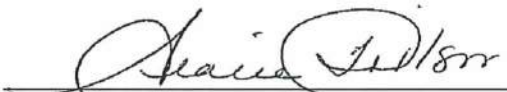
  
\_\_\_\_\_  
Ed Johnson, Capital Area MPO  
Transportation Advisory Committee Clerk

County of Wake  
State of North Carolina

I, Diane Wilson, a Notary Public for said County and State, do hereby certify that on this, the 20<sup>th</sup> day of October, 2010, personally appeared before me, Joe Bryan, known to me by his presence, and acknowledged the due execution of the foregoing RESOLUTION STATING THE CAPITAL AREA MPO'S POSITION REGARDING THE ALIGNMENT OF THE FUTURE NC 540 TURNPIKE.

Witness my hand and official seal, this the 20<sup>th</sup> day of October, 2010.



  
\_\_\_\_\_  
Diane Wilson, Notary Public

My commission expires January 26, 2011

## **Comment from Regional Transportation Alliance**

### **Summary**

The Regional Transportation Alliance (RTA) supports the set of recommended Detailed Study Alternatives (DSAs) for the Triangle Expressway Southeast Extension as listed on Page 5-38 and shown on Figure 5-7 of the Draft Alternatives Development and Analysis Report. A primary reason for our support of the set of new location alternatives is that each of the recommended DSAs provide a direct interchange with Interstate 40 at the US 70/Clayton Bypass. Providing a direct interchange at that location is essential since:

- The US 70 Clayton Bypass is one of only two statewide tier freeways in the path of the proposed turnpike, the other being Interstate 40
- The design and ramp configurations for the existing I-40 / US 70 interchange specifically allow for a direct interchange with 540 at that location
- The provision of a direct interchange with three freeways (i.e., I-40, future NC 540, US 70) at a single point maximizes system connectivity by definition
- The provision of a direct interchange between three freeways minimizes the travel on existing roadways that would otherwise be required – primarily on I-40 – which enhances the fulfillment of the purpose and need for 540 to reduce congestion on the existing roadway network
- The inclusion of a direct interchange with I-40 and the US 70 Clayton Bypass will serve to maximize the independent utility of the Southern and Eastern Wake freeway segments, since either one, if built by itself, would result in a fourth freeway leg of the currently three-leg interchange

To highlight the importance of the direct interchange of the proposed turnpike with I-40 at the existing US 70/Clayton Bypass junction, the RTA requests that all future maps that show proposed or potential elements of the proposed Triangle Expressway Southeast Extension include the completed US 70/Clayton Bypass freeway.

### **Note:**

Additional detail on the rationale for our comments and support can be found on the following pages.

### **Note:**

Please note that we do not take a position of preference among the various combinations of potential Phase II, Eastern Wake Freeway section alignments east of I-40. Each of the remaining alternatives or combinations thereof east of I-40 will connect directly with the US 70 Clayton Bypass and continue to an interchange with I-540 and the US 64/264 Knightdale Bypass, so each of them provide comparable system connectivity.

## **Rationale for comments follows**

### **Overview**

The Triangle Expressway Southeast Extension is a proposed turnpike freeway in the Research Triangle region of North Carolina. The freeway will serve the areas south and east of the state capital city of Raleigh. The roadway would commence at the interchange (opening in December 2012) of Toll 540 at NC 55/Holly Springs bypass in southwestern Wake County. The freeway would continue in an easterly then northerly direction, terminating at the existing interchange of I-540 at the US 64-264/Knightdale Bypass in eastern Wake County.

### **System context**

There are only two freeways in the [statewide tier](#) (the highest class of facilities along the entire North Carolina state highway system, see **Exhibit 1**) in the path of the proposed Southeast Extension: Interstate 40 – the most traveled freeway in the region and the only primary Interstate serving Wake County – and the US 70/Clayton Bypass. The freeways meet today at the western terminus of the US 70/Clayton Bypass near the Wake-Johnston county line at a completed interchange that opened in 2008. See **Exhibit 2**.

Both I-40 and the US 70/Clayton Bypass are posted at 70 MPH at that location. The I-40 interchange with the US 70/Clayton Bypass specifically assumed a direct connection with the future 540 freeway, and the designs, traffic forecasts, and ramp locations of that completed interchange specifically allow for such a connection. See **Exhibits 3 and 4**.

### **Existing corridor protection**

The “Southeast Extension” is a convenience term used by the NC Turnpike Authority to describe the proposed Southern Wake and Eastern Wake freeways. The Southern Wake freeway currently has corridor protection between NC 55 in southwestern Wake County and the now-existing interchange between I-40 and the US 70/Clayton bypass near the Wake/Johnston County line. The Eastern Wake freeway currently has limited corridor protection for about one mile north of the interchange of I-40 and the US 70/Clayton bypass. The corridor protection approved in 1997 for the eastern terminus of the Southern Wake freeway, and the corridor protection for the southern terminus area of the Eastern Wake freeway (resulting from the Southern Wake freeway 1997 corridor protection), specifically assumes and allows for a direct interchange between 540 and I-40 at the then-proposed US 70/Clayton bypass. See **Exhibit 5**.

### **System connectivity and relief to existing roadways**

Our understanding is that the purpose and need of 540 is to improve transportation mobility in the project area and to reduce congestion on the existing roadway network. Having future 540 converge at the same location with I-40 and the US 70/Clayton Bypass via free-flow ramps would clearly be superior from a system connectivity standpoint since it enables a direct interchange. As an example, westbound travelers from US 70/Clayton Bypass would be able to continue west on 540 without ever entering I-40 – thus allowing a direct connection between two statewide tier freeways without requiring travel on a third statewide tier freeway. The direct connection will reduce volumes and delays on I-40 and relieve the merging and weaving maneuvers that would otherwise ensue without such a robust linkage.

The corollary is that any new location corridor alternative that did not include a direct interchange with I-40 at the US 70/Clayton Bypass would necessarily create a scenario that would require the use of an intervening freeway (I-40) to connect from an existing statewide tier freeway (US 70/Clayton bypass) to a proposed one (the future 540 “Southeast Extension” freeway). Our understanding is that not providing a direct connection between 540 with I-40 at US 70/Clayton Bypass would have a substantial adverse impact on the roadway network, with volumes on portions of I-40 south of I-440 more than 25% higher than would occur with a direct interchange – again contrary to the purpose and need of 540 of reducing congestion on the existing roadway network.

### **Interdependent but distinct segments, with independent utility and a common convergence point**

While the Southern Wake and Eastern Wake freeways are currently being studied as a single corridor by the NC Turnpike Authority, the “Southeast Extension” is a convenience term for two interdependent but distinct freeway segments, as noted above. The Southern Wake and Eastern Wake freeways could have been studied separately from each other, perhaps in sequence instead of concurrently – just as the Northern Wake and Western Wake freeways were analyzed and then constructed under separate timetables.

If the Southern Wake freeway – the section with corridor protection – would have been proposed to have been studied first, it is instructive to consider what the easternmost terminus point (project alternatives convergence point) would have been. Under that scenario, our expectation is that all proposed study corridors would have logically been required to converge at the existing I-40 interchange with the US 70/Clayton bypass. This is the location where the only two freeways on the statewide tier in the entire proposed 540 freeway path already converge – and this convergence point would be congruent with the existing configuration of the I-40/Clayton Bypass interchange that already allows for a future connection with 540 at that location, as noted above and as shown in Exhibits 3 and 4.

Further, if the Southern Wake freeway were then approved for construction and subsequently opened to traffic, with the Eastern Wake freeway delayed for a period of time, the Southern Wake freeway would clearly have independent utility. It would provide (in concert with the new Toll 540 and Toll 147 to the north and west) a direct freeway bypass of the I-40 exits serving Raleigh, Cary, and RTP. In addition, it would provide a direct, free-flow connection with the US 70/Clayton Bypass freeway. That independent utility would clearly be maximized with a direct connection with I-40 at the US 70/Clayton Bypass.

*(Note: The above comment is not advocating that the Southern Wake and Eastern Wake freeways should have been studied or should be constructed separately, only that that they could have been considered separately, just like the Northern and Western Wake freeways were, in order to highlight the importance of convergence at I-40 and the US 70/Clayton Bypass.)*

*(Note: The above comment is not advocating that 100% of the ultimate Southern Wake freeway alignment must remain within the corridor protection envelope, only that the eastern terminus point of the Southern Wake freeway, if studied as an independent project, would likely have been the I-40 interchange at the US 70/Clayton bypass which is the eastern end of corridor protection.)*

### **Summary**

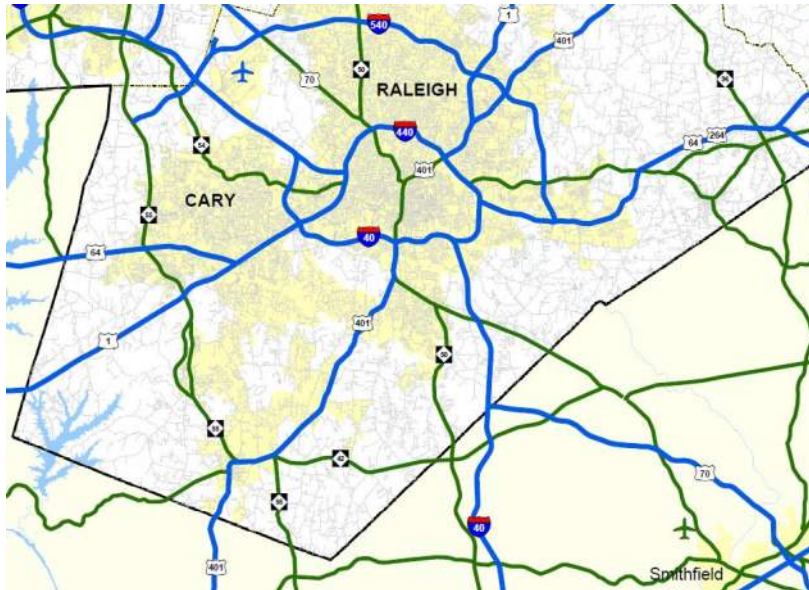
The Regional Transportation Alliance (RTA) supports the set of recommended Detailed Study Alternatives (DSAs) for the Triangle Expressway Southeast Extension as listed on Page 5-38 and shown on Figure 5-7 of the Draft Alternatives Development and Analysis Report. A primary reason for our support of the set of new location alternatives is that each of the recommended DSAs provide a direct interchange with Interstate 40 at the US 70/Clayton Bypass. Providing a direct interchange at that location is essential since:

- The US 70 Clayton Bypass is one of only two statewide tier freeways in the path of the proposed turnpike, the other being Interstate 40
- The design and ramp configurations for the existing I-40 / US 70 interchange specifically allow for a direct interchange with 540 at that location
- The provision of a direct interchange with three freeways (i.e., I-40, future NC 540, US 70) at a single point maximizes system connectivity by definition
- The provision of a direct interchange between three freeways minimizes the travel on existing roadways that would otherwise be required – primarily on I-40 – which enhances the fulfillment of the purpose and need for 540 to reduce congestion on the existing roadway network
- The inclusion of a direct interchange with I-40 and the US 70 Clayton Bypass will serve to maximize the independent utility of the Southern and Eastern Wake freeway segments, since either one, if built by itself, would result in a fourth freeway leg of the currently three-leg interchange

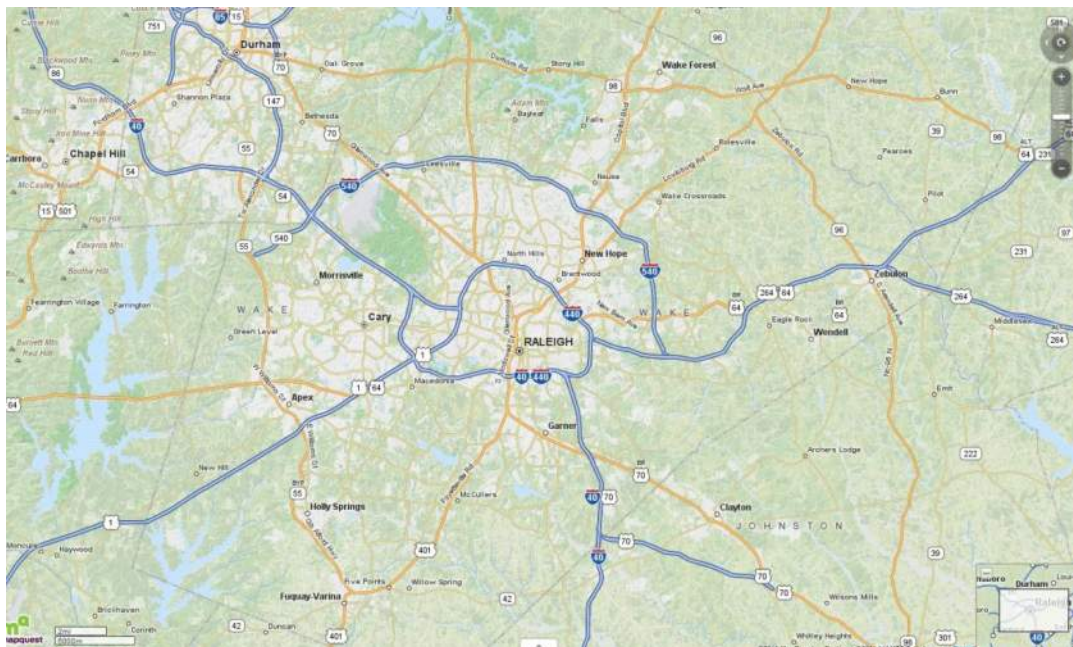
**Request to include existing US 70/Clayton Bypass freeway on all future project maps**

An opportunity to further clarify the essential linkage of US 70/Clayton Bypass exists. See **Exhibit 6** for the current 540/Southeast Extension project map, dated March 2010, and still the current map available [via the NC Turnpike Authority web site](#) for the Southeast Extension project. Note that the map does not include the US 70/Clayton Bypass as either an existing or proposed freeway, even though the freeway was open to traffic in June 2008, prior to the commencement of the 540/Triangle Expressway Southeast Extension study work in 2010. Exhibit 2, described previously, shows a regional vicinity map showing the US 70/Clayton Bypass and other area freeways. It would greatly simplify the ability to emphasize the direct linkage between 540 and I-40 at the US 70/Clayton Bypass that each of the recommended Detailed Study Alternatives provide if the existing US 70/Clayton Bypass were shown on Southeast Extension project maps. Therefore, to highlight the importance of the direct interchange of the proposed turnpike with I-40 at the existing US 70/Clayton Bypass junction, the RTA requests that all future Southeast Extension project maps also include the completed US 70/Clayton Bypass freeway.

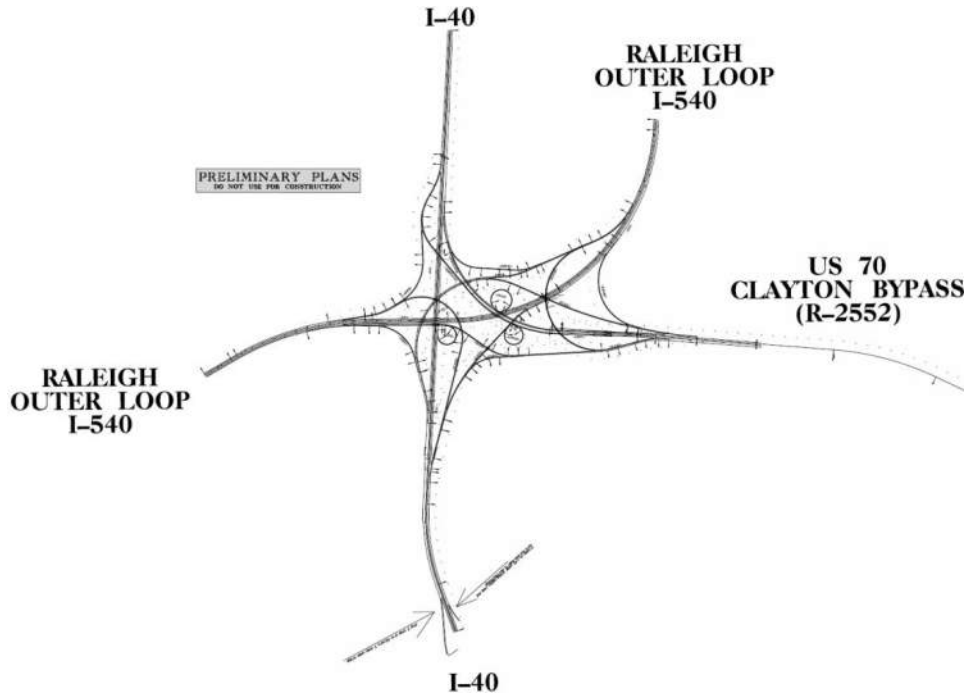
**Exhibit 1 – Statewide Tier facilities in vicinity of proposed Southeast Extension; blue portions of US 70 southeast of Raleigh are existing freeway**



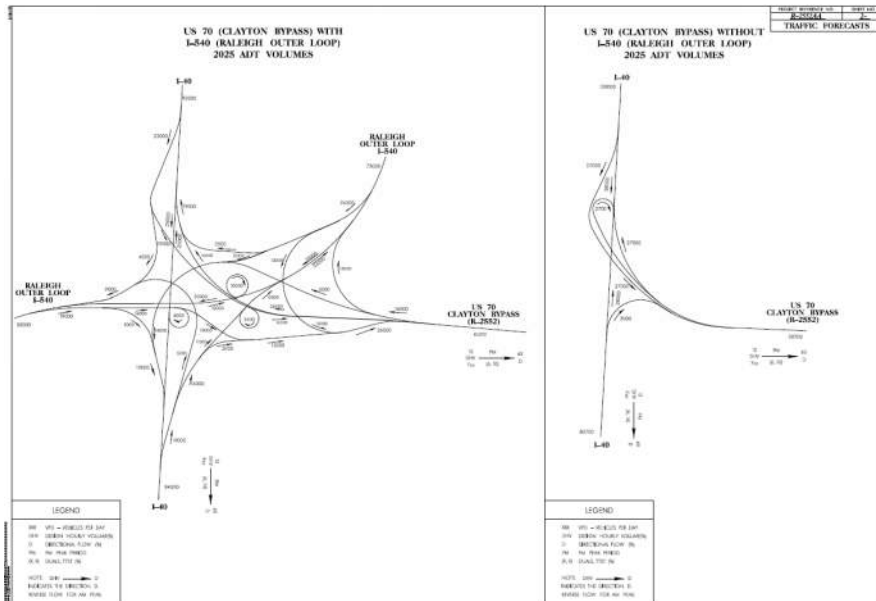
**Exhibit 2 – Southeast Extension vicinity map, showing US 70/Clayton Bypass (courtesy Mapquest.com)**



**Exhibit 3 – Ultimate design of US 70/Clayton Bypass interchange with I-40 and future 540 freeway**

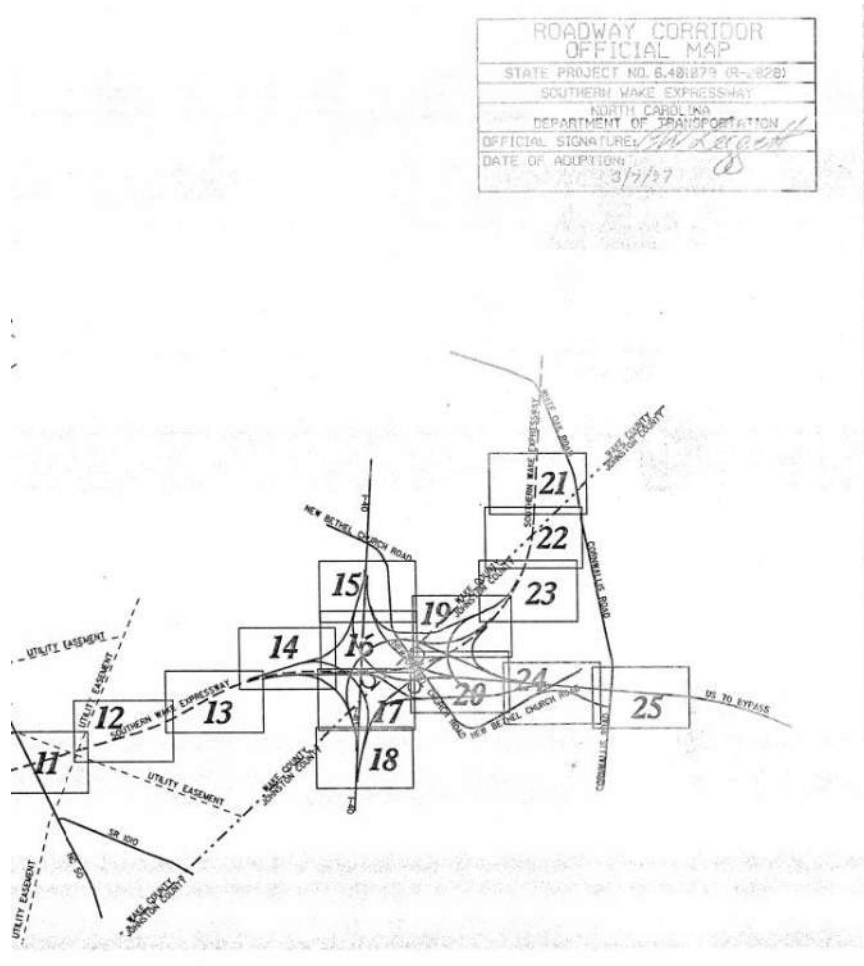


**Exhibit 4 – Traffic volume projections used for design of US 70/Clayton Bypass interchange at I-40, showing connection with future 540 freeway as well as initial construction prior to 540 connection**



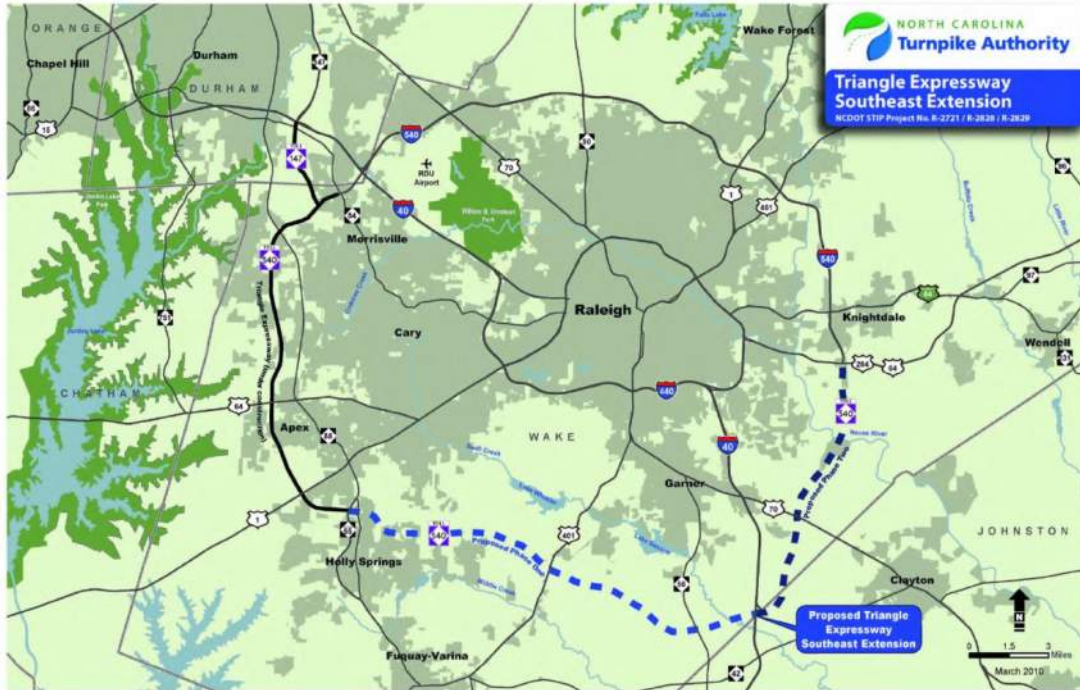


**Exhibit 5 – Current 540 corridor protection envelope, showing area in vicinity of existing I-40 interchange with US 70/Clayton Bypass**



**Exhibit 6 – Southeast Extension project map, dated March 2010**

***(Note: US 70/Clayton Bypass, opened to traffic in June 2008, is not shown on map. The existing US 70/Clayton Bypass freeway is located in the area currently occupied by the “Proposed Triangle Expressway Southeast Extension” bubble. See Exhibit 2 for more specific location information of US 70/Clayton Bypass).***



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February 24, 2012

Ms. Jennifer Harris  
NC Turnpike Authority  
1 South Wilmington Street  
Raleigh, NC 27601  
[jhharris1@ncdot.gov](mailto:jhharris1@ncdot.gov)

Re: Southeast Extension - Alternatives Development and Analysis Report

Dear Ms. Harris:

This letter concerns the Draft Alternatives Development Report (the "Report") prepared for the Triangle Expressway, Southeast Extension project, presented to state and federal resource agencies on January 17, 2012. The letter follows our previous correspondence regarding this project of April 6, 2011, attached to this letter for your convenience. While the Report was only recently made available to us, making it impossible to comment as requested February 16, 2012, we are providing these comments as promptly as feasible.

As explained below, the Report does not serve to advance compliance with environmental study or permitting requirements, either procedurally or substantively. The North Carolina Turnpike Authority ("NCTA") remains constrained by the law enacted last session prohibiting the study of a reasonable range of alternatives, which has rendered progress on compliance with key federal requirements impossible. N.C. Gen Stat. 136-89.183(a)(2). We urge NCTA not to continue to expend taxpayer funds to plan for or study, the Southeast Extension, unless and until the legislation artificially constraining the study of alternatives is repealed.

As noted in our previous comments, both the National Environmental Policy Act ("NEPA") and the Clean Water Act ("CWA") require agencies to consider a reasonable range of alternatives to any proposed major federal action. Under NEPA, agencies are required to prepare an Environmental Impact Statement ("EIS") that rigorously explores and objectively evaluate *all* reasonable alternatives. 40 C.F.R. § 1502.14(a). Until FHWA has issued a Record of Decision ("ROD"), no action can be taken on the project that would "[l]imit the choice of reasonable alternatives." 40 C.F.R. § 1506.1(a)(2). Similarly, consideration of a reasonable range of alternatives is a fundamental prerequisite to obtaining either a 401 state water quality certification, or a 404 federal CWA permit. 15A N.C. Admin. Code 02H .0506(b)(1); 40 C.F.R. § 230.12(a)(3).

In the recently distributed Report, NCTA attempts to overcome the requirements imposed by NEPA and the CWA by eliminating the routes that the North Carolina legislature has

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forbidden from being studied, namely the “Red” and “Pink” routes, at a very early stage in the environmental review process. This is impermissible under federal law. First, the environmental analysis completed to date does nothing to substantiate the finding that the preferred “Orange” alternative is the Least Environmentally Damaging Practicable Alternative (“LEDPA”) as required by the CWA. Second, the limited analysis of the “Red” and “Pink” alternatives presented in the Report is insufficient under NEPA and fails to adequately document the environmental impacts associated with those alternatives. Further, the attempt to eliminate alternatives is made too early in the environmental review process to allow for public notice and comment, violating both NEPA and the CWA.

### *Selecting the LEDPA*

As explained in our previous correspondence, we are concerned about the proposed elimination of all alternatives north of the “Orange” route because those alternatives would have substantially fewer environmental impacts. Rather than demonstrate a reasonable basis for eliminating these alternatives, however, the Report serves to illustrate why they should be kept for further study. For example, while the “Red” route would impact 43.7 acres of wetlands and 29,770 feet of streams, impacts from the “Orange” route will be far higher—88.1 acres of wetlands and 36,120 feet of streams. In addition, as the Report acknowledges, the “Red” route “appears to be the best option for avoiding impacts to important Dwarf wedgemussel habitat . . . and therefore has the most potential to avoid impacts to this [federally endangered] species.” Report at 5-22.

Further, by eliminating alternatives closer to the existing urbanized area, there is a greater potential for the highway to induce sprawling growth and increased traffic, leading to a range of added water quality, air quality and other environmental concerns. In the same vein, it is essential that any future study should not only analyze these less damaging new location highway routes, but also include robust consideration of functional alternatives involving upgrades to the existing highway network in the study area. The consideration of upgrade alternatives presented in the Report is insufficient to satisfy NEPA.

In response to concerns from the U.S. Army Corps of Engineers (the “Corps”) regarding its ultimate permitting responsibilities, NCTA has engaged in limited additional analysis of the “Red” and “Pink” routes. However, this additional analysis does nothing to temper the Corps’ concerns regarding the premature elimination of the less damaging alternatives. Indeed, the new, albeit limited, GIS analysis performed indicates that the preferred “Orange” route would impact almost twice as many “above average” quality wetlands than the “Red” route. Report at 5-36.

By contrast, NCTA has presented very little to support the elimination of the less damaging “Red” alternative and has certainly failed to establish that the “Orange” route is the LEDPA. The Report gives a number of justifications as to why the “Red” route should be eliminated. Some of these reasons, such as the state law mandate not to study the alternative, are irrelevant to the environmental review process. Others, such as the ability of the “Red” route to satisfy the transportation needs in the study area and the complex interplay between 4f, the CWA and the Endangered Species Act, raise issues which must be fully presented for detailed public and agency scrutiny, as envisaged by the NEPA and the CWA.

### ***Insufficient Analysis***

The additional analysis presented in the Report performed at the behest of the Corps is insufficient to satisfy NEPA and the CWA. For example, the Report illustrates that NCTA performed a GIS analysis of the *predicted* wetlands that the “Red” route would potentially impact. The analysis did not include any on-the-ground verification and has only 75-85% accuracy. Report at 5-36. This limited study is not sufficient for the purposes of NEPA and the CWA, which require a much more rigorous and accurate study of the affected environment and the potential environmental impacts of alternatives. 40 C.F.R. §§ 1502.15-16; 40 C.F.R. § 230.10.

NEPA provides that the analysis of the affected environment “shall be commensurate with the importance of the impact.” 40 C.F.R. § 1502.15. The proposed Southeast Extension is expected to impact a very large acreage of wetlands, many thousands of feet of streams, and the habitat of federally endangered species. These impacts are extremely significant, as demonstrated by the numerous concerns raised by resource agencies including the Corps and the U.S. Fish and Wildlife Service. Such significant impacts must be carefully studied with on-the-ground analysis; short-cut predictions based on GIS models with limited accuracy will not suffice, particularly when they do not even predict a lower level of impact for NCTA’s proposed LEDPA.

### ***Public Review and Comment***

A core purpose of NEPA is to provide resource agencies and the public with high quality, accurate information so they may be fully informed and engaged in the decisionmaking process. 40 C.F.R. § 1501. As part of this process, an agency pursuing a major federal action is required to fully document the impacts from a reasonable range of alternatives in a Draft EIS. 40 C.F.R. § 1502.14. These alternatives can then be reviewed and commented upon by resource agencies and the public. 40 C.F.R. § 1503.1. The lead agency is then required to consider these comments when crafting a Final EIS and when ultimately settling on a selected alternative in the final ROD. 40 C.F.R. § 1503.4. Similarly, the CWA requires that individual permit decisions be made “after notice and opportunity for public hearings.” 33 U.S.C. § 1344 (a).

In the Report, which thus far has only been made available to resource agencies and not the public, NCTA attempts to eliminate a number of alternatives before a DEIS has been published. Such early elimination renders any later public review and comment meaningless. Whatever resource agencies and the public have to say about the various alternatives will have no meaning if NCTA has already predetermined which alternative it will select. Comments concerning the “Red” and “Pink” alternatives are rendered irrelevant while NCTA is prohibited by state law from studying them further.

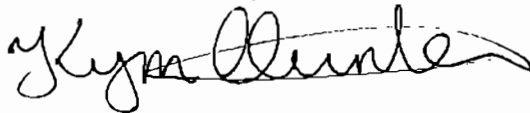
In sum, NCTA’s attempt to eliminate alternatives prior to comprehensive study via the Report is inconsistent with the requirements of both NEPA and the CWA. Rather than demonstrate why these alternatives should be eliminated, the Report underscores why, in fact, the less environmentally damaging alternatives must be kept for further study. Moreover, the Report contains insufficient analysis to make any decision regarding elimination at this early stage. Further, the attempt to eliminate alternatives at this stage hampers the public’s ability to

engage in scrutiny of the agency's process and conclusions. Until NCTA can provide the federally required analysis, it should refrain from expending any further resources to study this project as required under federal law, which has been rendered legally impossible by the legislation adopted last session.

Sincerely,



David Farren  
Senior Attorney



Kym Hunter  
Associate Attorney

Cc: (via e-mail and US Mail)

Eugene Conti, NCDOT  
David Joyner, NCTA  
Clarence Coleman, FHWA  
John Sullivan, FHWA  
S. Kenneth Jolly, USACE  
Scott McLendon, USACE  
Eric Alsmeyer, USACE  
Brian Wrenn, NCDWQ  
Gary Jordan, USFWS  
Heinz Muller, USEPA  
Chris Millitscher, USEPA  
Jennifer Derby, USEPA  
Travis Wilson, NCWRC  
Delores Hall, OSA  
Renee Gledhill-Early, HPO  
Ed Johnson, CAMPO  
Chris Lukasina, CAMPO

Enclosure

# SOUTHERN ENVIRONMENTAL LAW CENTER

Telephone 919-967-1450

601 WEST ROSEMARY STREET, SUITE 220  
CHAPEL HILL, NC 27516-2356

Facsimile 919-929-9421

April 6, 2011

*Via Email and U.S. Mail*

Mr. Eugene Conti,  
North Carolina Secretary of Transportation  
1550 Mail Service Center  
Raleigh, NC 27699-1550

Re: Southeast Extension- Elimination of the Red Route

Dear Secretary Conti:

This letter concerns the recently passed Senate Bill S165 which was signed into law on March 18, 2011. The bill amends N.C. Gen Stat. 136-89.183(a)(2), to include language to prohibit any alternatives to the proposed Southeast Extension Toll road that lie to the North of the designated "Orange" route, including the previously considered "Red" and "Pink" routes. In light of the passage of this bill, the North Carolina Turnpike Authority ("NCTA") no longer has the ability to complete the legally required review of feasible alternatives for the project under the National Environmental Policy Act ("NEPA"), for submission to, and approval by, the Federal Highway Administration, as compliant with federal law. We urge, therefore, that NCTA cease to plan for, and expend funds to study the Southeast Extension, unless and until the legislation is repealed.

Under federal law, a reasonable range of alternatives must be considered with reference to the fundamental project purpose. NEPA requires agencies to specify the "underlying purpose and need to which the agency is responding in proposing the alternatives including the proposed action." 40 C.F.R. § 1502.13. Agencies are required to prepare Environmental Impact Statements ("EIS") that rigorously explore and objectively evaluate *all* reasonable alternatives that could achieve the underlying project purpose and need. 40 C.F.R. § 1502.14(a). A recent articulation of the project purpose and need for the Southeast Extension states that the project is to:

improve transportation mobility both within the project study area and on the surrounding roadway network. The project would also enhance connectivity between rapidly growing communities south and east of Raleigh and major employment centers within the Triangle Region in order to provide additional high-speed, safe and efficient regional transportation infrastructure for both local commuter trips and regional interstate and intrastate travel. Other desirable outcomes of the project include providing system linkage by completing a controlled-access, high-speed circumferential facility around the

outskirts of Raleigh and decreasing commute times for project study area residents, enhancing the livability and sustainability of the Triangle Region.<sup>1</sup>

It is clear that the alternatives under consideration by NCTA prior to the passage of the legislation constitute reasonable means of meeting this project purpose, and, thus, cannot legally be eliminated from study under NEPA. 40 C.F.R. § 1502.14(a). Indeed, until FHWA has issued a Record of Decision, no action can be taken on the project that would “[l]imit the choice of reasonable alternatives.” 40 C.F.R. § 1506.1(a)(2). The recent attempt under state law to eliminate study alternatives does nothing to alleviate FHWA’s responsibilities under federal law, the supreme law of the land. U.S. Const. art. VI, cl. 2.

These concerns are not limited solely to the NEPA process. In a letter dated January 26, 2011, the US Army Corps of Engineers (“Corps”), in accordance with SAFETEA-LU Section 6002, identified an “Issue of Concern” regarding the proposal to eliminate the “Red” and “Pink” routes as reasonable alternatives for further study. Among other concerns, the Corps noted that the Clean Water Act requires that individual permit decisions be made “after notice and opportunity for public hearings.” 33 U.S.C. § 1344 (a). Indeed, without considering a reasonable range of alternatives, it will be impossible for the NCTA to obtain either a 401 state water quality certification, or a 404 federal Clean Water Act permit. 15A N.C. Admin. Code 02H .0506(b)(1); 40 C.F.R. § 230.12(a)(3).

Our concerns about the elimination of all alternatives north of the “Orange” route are further heightened because those alternatives would have had substantially fewer environmental impacts. For example, while the “Red” route would impact 43.7 acres of wetlands and 29,770 feet of streams, impacts from the “Orange” route will be far higher—88.1 acres of wetlands and 36,120 feet of streams. Moreover, where the “Red” route would have greatly minimized, if not eliminated entirely, impacts to the federally endangered dwarf wedgemussel (*Alasmidonta heterodon*), the “Orange” route will have substantial impacts on that species. Furthermore, by eliminating alternatives closer to the existing urbanized area, there is a greater potential for the highway to induce sprawling growth and increased traffic, leading to a range of added water quality concerns, and potentially adversely impacting the region’s ability achieve compliance with federal air quality standards.

In fiscal terms, the eliminated routes would have greatly minimized the heavy costs of mitigation for the wetlands and stream impacts. Elimination of the shorter routes under consideration also will increase the construction and maintenance costs of the project. Indeed, it is essential that any future project study include robust consideration of functional alternatives to a new toll highway involving the existing highway network in the study area. Such alternatives would likely cost less far less than construction of a new location alternative.

Finally, we note a recent statement by a NCDOT spokesperson in the Garner News on March 29, 2011, copy attached, stating “We were never going to build the red route. It was only for study.” This characterization of the NEPA process as a study to justify foreordained decisions violates the core purpose of that statute. NEPA regulations require that an EIS be implemented to assure that it “will not be used to rationalize or justify decisions already made.” 40 C.F.R. § 1502.5. Moreover, regulations demand that EIS’s be prepared early enough to ensure that they “can serve practically as an important contribution to the decision making process.” *Id.* The clear inference of the statement to the Garner News, however, is that the agency is engaged in closed-door decision making prior to

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<sup>1</sup> Draft Preliminary Purpose and Need for the Southeast Extension, October 2010.

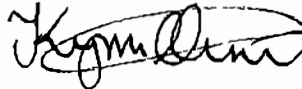


the analysis of environmental and other impacts of different alternatives, similar to concerns we have raised in comment letters and litigation regarding other NCTA projects.

Sincerely,



David Farren  
Senior Attorney



Kym Hunter  
Associate Attorney

Cc: (via e-mail and US Mail)

David Joyner, NCTA  
Clarence Coleman, FHWA  
John Sullivan, FHWA  
S. Kenneth Jolly, US Army Corps of Engineers  
Brian Wrenn, NC Department of Natural Resources, Division of Water Quality  
Pete Benjamin, US Fish and Wildlife Service  
Heinz Muller, USEPA, Region, IV  
Chris Millitscher, USEPA, Raleigh, NC  
Travis Wilson, NCWRC  
Ed Johnson, Capital Area Metropolitan Planning Organization (CAMPO)  
Chris Lukasina, Capital Area Metropolitan Planning Organization (CAMPO)  
Senator Dan Blue  
Senator Richard Stevens  
Representative Deborah K. Ross  
Representative Darren G. Jackson  
Representative Rosa Gill  
Representative Jennifer Weiss



## Town of Garner

900 7th Avenue · Garner, North Carolina 27529  
Phone (919) 772-4688 · Fax (919) 662-8874 · [www.GarnerNC.gov](http://www.GarnerNC.gov)

March 7, 2012

Mr. Steve DeWitt, P.E., Chief Engineer  
North Carolina Turnpike Authority  
1578 Mail Service Center  
Raleigh, NC 27699-1578

Re: Triangle Expressway Southeast Extension Alternatives Development & Analysis Report

Dear Mr. DeWitt:

This letter is to advise you of the Town of Garner's position regarding the Triangle Expressway Southeast Extension Alternatives Development & Analysis Report dated January 13, 2012.

The Town of Garner would like to reiterate the statements and concerns noted in: a) our letter dated October 20, 2010 addressing our initial concerns with the devastating human impacts of the red route; b) our Resolution (2010) 2072 dated October 4, 2010 supporting use of the original protected corridor design illustrated as orange on NCTA maps; and c) our letter dated January 9, 2012 detailing the significant negative impacts on numerous public parks in the Town of Garner.

As you know, the Garner community cannot withstand the negative consequences of construction and/or study of the red route. It is destructive to our community and the prospect of study brought our growth and economic development progress to a standstill during 2010.

While a devastating transportation option such as the red route is being actively and publicly studied, no home buyer is interested in buying a house (new or resale) in the road's path and no industry, bank, or developer is willing to invest in any project in or near the route's study area.

Since the NC General Assembly passed legislation on March 18, 2011 disallowing the NCTA to study any route north of the orange corridor, the following positive economic impacts have occurred in the Town of Garner:

### Residential

- Sales resumed at the Village of Aversboro, one of the hottest residential projects in Wake County.
- This community has seen 15 house closings since March 18, 2011. Value of these residential sales totals \$4,424,000.
- 7 additional home sales are currently pending (waiting to close or under construction).
- An additional 17 lots have been sold to builders by the developer for the next round of construction. This totals \$1,190,000 in value.

### Commercial/Industrial

- Strategic Behavioral Health, LLC of Memphis, Tennessee announced they would build a brand new facility in Garner.
- Their investment will total approximately \$8 million. This project is currently under construction with a late 2012 opening date. The venture capital fund backing this project refused to allow the project to continue until the red route was removed.
- This new facility will employ 200 employees with an average wage of \$50,000.
- Penske Truck Leasing Service Center had broken ground just prior to announcement of the red route as a study alternative going through their brand new site. Their corporate management in Pennsylvania was devastated to learn of the possible destruction of their brand new investment in NC.
- Their facility investment totals \$3 million and 12 jobs.

### Totals

The discontinuation of the study of the red route has resulted in **\$16,614,000** in **new investment** in Garner and adds tremendously to our tax base. **212 permanent jobs** and numerous short-term construction jobs are created for the Research Triangle region.

All persons that have engaged in conversation about the red route agree that the red route is horribly detrimental to the Town of Garner and is not worthwhile for construction. Therefore, it seems to be extremely foolish to continue studying it. It is a waste of public dollars and creates irreparable harm to the entire Garner community; current residents, active residential developers, and industrial tenants (current and future) are severely harmed.

It is notable that CAMPO, the Capital Area Metropolitan Planning Organization, representing 18 area municipalities and 5 counties, completely agrees with and supports the Town's position and beliefs on this matter.

The Town is pleased with the Triangle Expressway Southeast Extension Alternatives Development & Analysis Report and commends the NCTA for taking the Garner community concerns to heart in its recent work.

The notable remarks about the **red route that were pleasing to the Town include the following:**

From page 5-22: "Despite these advantages (mentioned in preceding paragraph) of the red corridor alternative, it is the opinion of NCTA that the numerous disadvantages of the Red Corridor Alternative are so extensive and significant that they outweigh this advantage."

6.5 pages of text follow outlining why the red corridor alternative is a bad idea. The headings are as follows: a) does not serve traffic needs; b) disproportionate community impacts; c) impacts to Swift Creek watershed area; d) impacts to Section 4-F applicable resources (town parks); e) negative impacts to local economic base; and f) opposed by local governments and local community.

The report also discusses the 6 alternate routes proposed by Town of Garner and the one route suggested by Joe Milazzo of Regional Transportation Alliance (RTA) that follows existing I-40 & US 64.

From the Town's perspective, the bottom line is on page 5-38. The NCTA report identifies five alternatives for additional detailed study in the next phase – Draft Environmental Impact Statement (EIS). These are the options that NCTA plans to move forward with:

1. Orange to Green
2. Orange to Green to Mint Green to Green
3. Orange to Brown to Tan to Green
4. Orange to Brown to Green
5. Orange to Green to Teal to Brown to Green

The Town is extremely pleased that none of these alternatives say red or pink.

We are hopeful that our colleagues at the various state and federal resource agencies will see this matter the same way the citizens of Garner do. The human impacts are too severe to continue with any further study of the red route.

The Town understands that the federal regulatory officials continue to be concerned about wetland impacts. Of course the red route has less wetland impacts – it traverses and obliterates 13 residential neighborhoods, 4 Town parks, and our primary industrial park – Greenfield South. By definition, residential communities, active parks, and industrial areas are located on high ground outside of low-lying, swampy areas. A route through Downtown Raleigh would produce lower wetland impacts, but that is also an unwise option. It is doubtful that the original intent of NEPA was for all new highway routes to go through densely developed suburban or urban areas. If the amount of wetlands is the driving force for route selection decisions, then very few new routes will be built in less populated areas.

For the good of the Research Triangle Region, a vital and important economic engine for the State of North Carolina and the Southeastern United States, Highway 540, Raleigh's Southern Loop, needs to be constructed. Our region does not need to replicate the gridlock, traffic congestion, and associated problems of our neighbors in Atlanta and Washington, DC. Continuing to delay progress on Highway 540's designated route (orange protected corridor) from 15+ years ago is unwise and detrimental.

Thank you for your time and effort involved in preparing the recent Triangle Expressway Southeast Extension Alternatives Development & Analysis Report. Please contact me at 919-773-4407 if you have any questions or need additional information.

Sincerely,



Hardin Watkins  
Town Manager

## Maseman, Kristin

---

**From:** Maseman, Kristin  
**Sent:** Thursday, January 09, 2014 1:03 PM  
**To:** Maseman, Kristin  
**Subject:** FW: Complete 540 - Draft Alternatives Report Comments

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**From:** Ridings, Rob [<mailto:rob.ridings@ncdenr.gov>]  
**Sent:** Monday, October 21, 2013 1:34 PM  
**To:** Kiersten Bass  
**Subject:** RE: Complete 540 - Draft Alternatives Report Comments

Kiersten,

I have no comments on the Draft Report. I think when we narrow down the number of alternatives and do thorough reviews of the potential impacts of each, and then move to pick a LEDPA, DWR will have a good deal to say. But everything I saw on the Draft Alternatives Report looked pretty good to me so far.

Thanks,  
Rob Ridings  
DWR

*e this communication, please delete this message and any attachments. Thank you.*

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*This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. If you are NOT the intended recipient and receive this communication, please delete this message and any attachments. Thank you.*



North Carolina Department of Cultural Resources  
State Historic Preservation Office

Ramona M. Bartos, Administrator

Governor Pat McCrory  
Secretary Susan Kluttz

Office of Archives and History  
Deputy Secretary Kevin Cherry

October 10, 2013

Kristin Maseman  
H. W. Lochner, Inc.  
2840 Plaza Place, Suite 202  
Raleigh, NC 27612

Re: Revised Draft Alternatives Development and Analysis Report, Triangle Expressway Southeast Extension, R-2721, R-2728, R-2729, Wake and Johnston Counties, CH 98-0457

Dear Ms. Maseman:

Thank you for your letter of September 5, 2013, transmitting the Revised Draft Alternatives Development and Analysis Report for the above cited project. We have reviewed the document and offer the following comments.

Page 5-3, under the section entitled "Historic Resources Criteria" discusses only historic architectural resources and states that an architectural survey will be conducted after selection of the Detailed Study Alternatives. This section should also include a discussion of archaeological resources and a commitment for an archaeological survey after selection of the project corridor.

Overall, the document is well-written and comprehensive. We concur with your selected alternatives for further study.

The above comments are made pursuant to Section 106 of the National Historic Preservation Act and the Advisory Council on Historic Preservation's Regulations for Compliance with Section 106 codified at 36 CFR Part 800.

Thank you for your cooperation and consideration. If you have questions concerning the above comment, contact Renee Gledhill-Earley, environmental review coordinator, at 919-807-6579 or [renee.gledhill-earley@ncdcr.gov](mailto:renee.gledhill-earley@ncdcr.gov). In all future communication concerning this project, please cite the above referenced tracking number.

Sincerely,

*Renee Gledhill-Earley*

for Ramona M. Bartos

## Maseman, Kristin

---


**From:** Alsmeyer, Eric C SAW <Eric.C.Alsmeyer@usace.army.mil>  
**Sent:** Monday, November 04, 2013 4:01 PM  
**To:** Kiersten Bass; 'militscher.chris@epamail.epa.gov'; Wicker, Henry M JR SAW; 'gary\_jordan@fws.gov'; 'rob.ridings@ncdenr.gov'; 'travis.wilson@ncwildlife.org'; 'amy.simes@ncdenr.gov'; 'Gledhill-earley, Renee (renee.gledhill-earley@ncdcr.gov)'; 'ed.johnson@campo-nc.us'; 'thouser@ncdot.gov'; 'wbowman@ncdot.gov'; 'tbford@ncdot.gov'; 'driffey@ncdot.gov'; 'mfurr@ncdot.gov'; 'Mckee, James S (smckee@ncdot.gov)'; 'dproper@ncdot.gov'; 'gasmith@ncdot.gov'; 'Reams, Edwin D (ereams@ncdot.gov)'; 'Pleasant, Kyle A (kpleasant@ncdot.gov)'; 'Memory, John R (rmemory@ncdot.gov)'; 'joe@letsgetmoving.org' (joe@letsgetmoving.org)'; 'Johnson, Benjetta L (benjettajohnson@ncdot.gov)'; 'Lineberger, Nicholas C (nclineberger@ncdot.gov)'; 'Desai, Rupal P (rpdesai@ncdot.gov)'; 'Snipes, Adam J (ajsnipes@ncdot.gov)'; 'alyudmi@ncdot.gov'; 'ancozzarelli@ncdot.gov'; 'Staley, Mark K (mstaley@ncdot.gov)'  
**Cc:** 'Clarence Coleman'; 'George Hoops'; 'Jennifer Harris'; 'emidkiff@ncdot.gov'; Bruce, Roy; Maseman, Kristin; Eason, Brian; Schlotter, Jeff; 'jstudt@dawsonassociates.com'; 'fskaer@dawsonassociates.com'  
**Subject:** RE: Complete 540 - Draft Alternatives Report Comments (UNCLASSIFIED)

Classification: UNCLASSIFIED  
Caveats: NONE

Kiersten: The Corps has no comments on the latest Draft Alternatives Report at this time, and is satisfied that the alternatives proposed for further study meet the Corps' requirements under Section 404 and NEPA.

Please reply or call if you have any questions or if I may serve you in any other way.

The Wilmington District is committed to providing the highest level of support to the public. To help us ensure we continue to do so, please complete the Customer Satisfaction Survey located at our website at <http://per2.nwp.usace.army.mil/survey.html> to complete the survey online (Paper copies available upon request).



Eric Alsmeyer  
Project Manager  
Raleigh Regulatory Field Office  
US Army Corps of Engineers, Wilmington District  
3331 Heritage Trade Drive, Suite 105, Wake Forest, NC 27587  
Tel: (919) 554-4884, x23  
Fax: (919) 562-0421  
Regulatory Homepage: <http://www.saw.usace.army.mil/Missions/RegulatoryPermitProgram.aspx>  
(If you need information that is not yet available on our new website, please let me know)

---

**From:** Kiersten Bass [mailto:kbass@hntb.com]  
**Sent:** Monday, November 04, 2013 1:31 PM  
**To:** 'militscher.chris@epamail.epa.gov'; Alsmeyer, Eric C SAW; Wicker, Henry M JR SAW; 'gary\_jordan@fws.gov'; 'rob.ridings@ncdenr.gov'; 'travis.wilson@ncwildlife.org'; 'amy.simes@ncdenr.gov'; 'Gledhill-earley, Renee (renee.gledhill-

# **APPENDIX E**

## **Newsletters**





Triangle Expressway  
**SOUTHEAST  
EXTENSION**



PLANNING STUDY *and* ENVIRONMENTAL IMPACT STATEMENT

MARCH 2010

**SOUTHEAST EXTENSION: FINDING A SOLUTION** ■

The North Carolina Turnpike Authority has embarked on a study to explore options for addressing transportation needs with the proposed Triangle Expressway Southeast Extension project. Rapid population growth in Wake and Johnston counties is forecast to increase strain on existing roads. As part of this study, the Turnpike Authority will investigate potential solutions for meeting current and future transportation needs in this area.

The Triangle Expressway, from Interstate 40 at NC 147 in Durham County south to NC 55 Bypass near Apex, is currently under construction and is scheduled to open to traffic in late 2012. The Southeast Extension would

extend the Triangle Expressway and complete the 540 Outer Loop. It will be studied as a toll facility and likely would be constructed in phases. Phase I is between NC 55 in Apex and Interstate 40 near the Johnston/Wake County line. Phase II continues the project at Interstate 40, ending at US 64/US 264 Bypass in Knightdale. The entire project is nearly 30 miles long.

The Southeast Extension study will consider various solutions for addressing area transportation needs. These studies will consider several options, including improving existing roads and building a new roadway, along with non-roadway options such as mass transit. With extensive community participation, the Turnpike Authority expects to identify and finalize a route for the Southeast Extension and begin construction of Phase I in 2014.

## What is an EIS?

The National Environmental Policy Act (NEPA) requires federal agencies to prepare an Environmental Impact Statement (EIS) for major federal actions that are expected to significantly impact the environment.

(For more information go to <http://environment.fhwa.dot.gov/index.asp>.)

An EIS is a detailed report that defines the transportation problem, discusses the range of possible solutions considered, discloses the impacts possible solutions would have on the human and natural environments, summarizes involvement with the public and other stakeholders, and aids in making decisions about the project.

The EIS process includes the following four major milestones:

- 1 Notice of Intent (NOI):** The NOI is published in the Federal Register, signaling the initiation of the EIS process (Nov. 2009 for this project).
- 2 Draft EIS:** After publication of the Draft EIS, there are public hearings and a formal comment period.
- 3 Final EIS:** The Final EIS addresses comments received on the Draft EIS and identifies the preferred route for the project.
- 4 Record of Decision (ROD):** The ROD identifies the selected route for the project, explains why it was chosen, and provides information on ways to minimize and compensate for project impacts.



### COMMUNITY PARTICIPATION: THE KEY TO A SUCCESSFUL OUTCOME ■

Community participation is a core element of the transportation planning process. A successful Southeast Extension study will depend on engaging community members and stakeholders to identify area transportation needs, quality of life concerns, community values and potential project solutions.

We encourage you to participate actively in the Southeast Extension study. There are several different ways you can participate and stay informed:

- **Participate in public workshops and events.** The Turnpike Authority will hold public workshops and events throughout the study process to provide information and receive your input about the project. We plan to hold the first series of workshops this summer.
- **Request a small group meeting.** The Turnpike Authority is available to meet with interested community organizations, neighborhood associations and others throughout the project's development. Please contact the Turnpike Authority to arrange a small group meeting.
- **Contact us with questions and comments.** You can contact the Turnpike Authority by phone, e-mail or traditional mail. You are also welcome to discuss the project with us via our project blog. *(Please see back page for contact information.)*

### WHERE IS THE PROJECT STUDY AREA? ■

The map (below/above) shows the study area for the Southeast Extension project. The Turnpike Authority will consider a range of project routes within this study area. The complete study area includes parts of southern and eastern Wake County and northern Johnston County, as well as parts of eight municipalities—Apex, Holly Springs, Cary, Fuquay-Varina, Garner, Raleigh, Knightdale and Clayton—along with several rural communities, such as Willow Spring and McCullers Crossroads.

The route shown for Phase I is the protected corridor for this part of the project. Phase II does not have a protected corridor; the route shown for Phase II is one potential route and is shown for reference.

### PROTECTED CORRIDOR: ONE OF SEVERAL POSSIBLE ROUTES ■

A protected corridor preserves the location of a new road from encroaching development. In the mid-1990s, the North Carolina Department of Transportation (NCDOT), under the Transportation Corridor Official Map Act, established a protected corridor for Phase I of the Southeast Extension between NC 55 in Apex and Interstate 40 near the Johnston/Wake County line. The Turnpike Authority will evaluate the protected corridor, as well as other possible routes, as part of this study. The study area map on the opposite page shows the location of the protected corridor for Phase I.

**WHAT'S NEXT? ■**

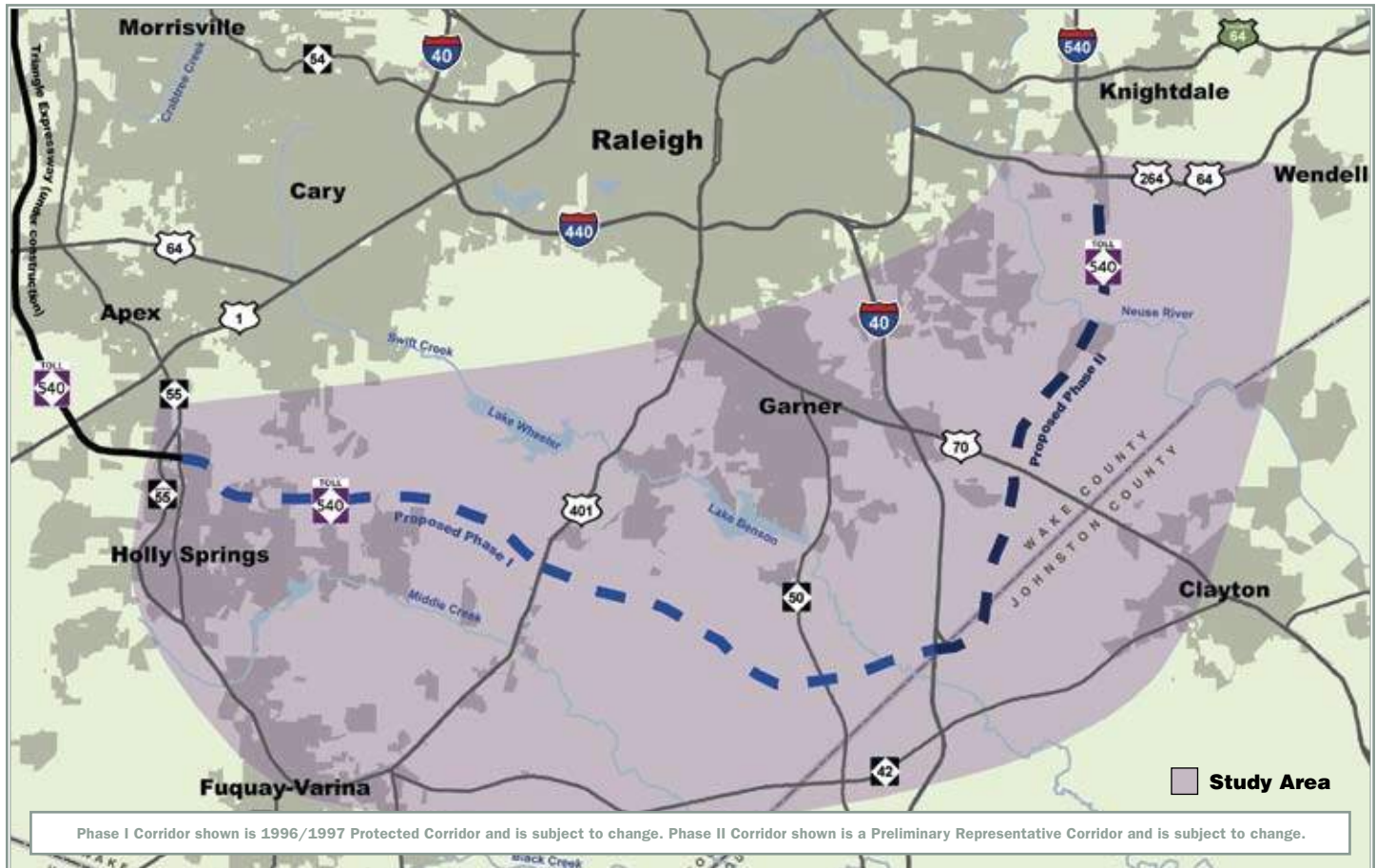
The Turnpike Authority is currently collecting project area data, identifying local needs and beginning to develop concepts shaping the project's purpose. The study team will soon begin identifying possible routes, conducting environmental field studies and documenting community characteristics. The Turnpike Authority will hold public input events throughout this study and plans to hold the first series of public workshops this summer.

The Turnpike Authority expects to identify the most reasonable routes for the project later this year and will document the potential impacts of these routes in a Draft Environmental Impact Statement (EIS). The publication of the Draft EIS and the remaining project milestones are tentatively scheduled as follows:

• Draft Environmental Impact Statement	2012
• Final Environmental Impact Statement	2013
• Final Approval of Project Route (Record of Decision)	2013
• Phase I Construction Begins*	2014
• Phase II Corridor Protection	2014
• Phase I of Southeast Extension Open to Traffic	2019

\* Contingent upon availability of funding.

**Study Area Map**





PRSRT STD  
U.S. POSTAGE  
**PAID**  
RALEIGH, NC  
PERMIT# 537

**Triangle Expressway Southeast Extension**

P. O. Box 30923  
Raleigh, NC 27622



***Let Us Know What You Think!***

Your thoughts and questions are important to us. We encourage your input and there are many ways you can reach us:

**Web** | Visit our website at [www.ncturnpike.org/projects/southeast/](http://www.ncturnpike.org/projects/southeast/) and our project blog at [southeastextension.blogspot.com](http://southeastextension.blogspot.com).

**E-mail** | Send us a comment via e-mail to [southeast@ncturnpike.org](mailto:southeast@ncturnpike.org).

**Telephone** | Call our toll-free hotline at **1-800-554-7849**.

**Letter** | Send your letter to: **Ms. Jennifer Harris, P.E.**  
North Carolina Turnpike Authority  
1578 Mail Service Center  
Raleigh, NC 27699-1578



## JOIN US FOR INFORMATIONAL MEETINGS ON THE SOUTHEAST EXTENSION! *N.C. Turnpike Authority schedules three meetings to update residents*

**IN JANUARY, the N.C. Turnpike Authority (NCTA) began studying the possibility of a new toll road called the “Southeast Extension” that would connect to the Triangle Expressway, another toll road currently under construction in Wake and Durham counties. This new road would span nearly 30 miles through southeastern Wake County and connect the NC 55 Bypass near Apex to the US 64/264 Bypass in Knightdale.**

NCTA engineers and other representatives would like to update you on this proposed new road, answer your questions, and hear what you think. Please plan to attend one of the meetings.

These meetings will be in an open-house format, so you can arrive at your convenience. The same information will be presented at each of the three workshops, which are being held in different parts of the project study area.

**Tuesday, Sept. 21, 2010, 4pm–7pm**  
**Wake Technical Community College**  
*Student Services Building, Rooms 213/214*  
*Raleigh, NC 27603*

**Wednesday, Sept. 22, 2010, 6pm–9pm**  
**Holly Springs High School**  
*5329 Cass Holt Road*  
*Holly Springs, NC 27540*

**Thursday, Sept. 23, 2010, 4:30pm–7:30pm**  
**Barwell Road Community Center**  
*3935 Barwell Road*  
*Raleigh, NC 27610*

### **Project Schedule**

• Draft Environmental Impact Statement	<b>2012</b>
• Final Environmental Impact Statement	<b>2013</b>
• Final Approval of Project Route (Record of Decision)	<b>2013</b>
• Phase I Construction Begins	<b>Contingent on funding</b>
• Phase II Corridor Protection	<b>Contingent on funding</b>
• Phase I of Southeast Extension Open to Traffic	<b>To be determined</b>

*In compliance with the Americans with Disabilities Act (ADA), NCTA will provide auxiliary aids and services for disabled persons who wish to participate in these workshops. To receive special services, please contact the project team by phone (800) 554-7849 or email southeast@ncturnpike.org. Please provide adequate notice prior to the date of the meeting so that arrangements can be made.*



## WHAT IS BEING STUDIED? ■

Three different plans that involve building or expanding roads to address growing traffic in southern Wake County are under consideration by NCTA at this time. There is also the fourth option of not building a new road or expanding existing roads, which is under consideration as well.

## OPTIONS

### 1 Build a New Roadway

Construct a new roadway between NC 55 near Apex to the US 64/US 264 Bypass in Knightdale. Several possible routes are under consideration as new location build alternatives (see map, opposite page).

### 2 Improve Existing Roadways

Widen Interstate 40 from west of Raleigh to the Clayton area, Interstate 440 from Interstate 40 to the US 64/US 264 Bypass, and the US 64/US 264 Bypass from Interstate 440 to the eastern study area boundary.

### 3 New Road Construction/Improve Existing Road Option

Construct a new roadway between NC 55 near Apex to Interstate 40 near the Wake/Johnston County line; and widen Interstate 40 from Interstate 440 to the Clayton area, Interstate 440 from Interstate 40 to the US 64/US 264 Bypass, and the US 64/US 264 Bypass from Interstate 440 to the eastern study area boundary.

## NEXT STEPS ■

Each of these options is being studied. Some of the study criteria include:

- *What is the potential impact to existing homes, businesses, parks and other places people live, work, learn or play?*
- *How will building or expanding roads impact the natural environment?*
- *Will these options help reduce traffic congestion?*
- *What do residents, elected officials, government agencies and others think?*

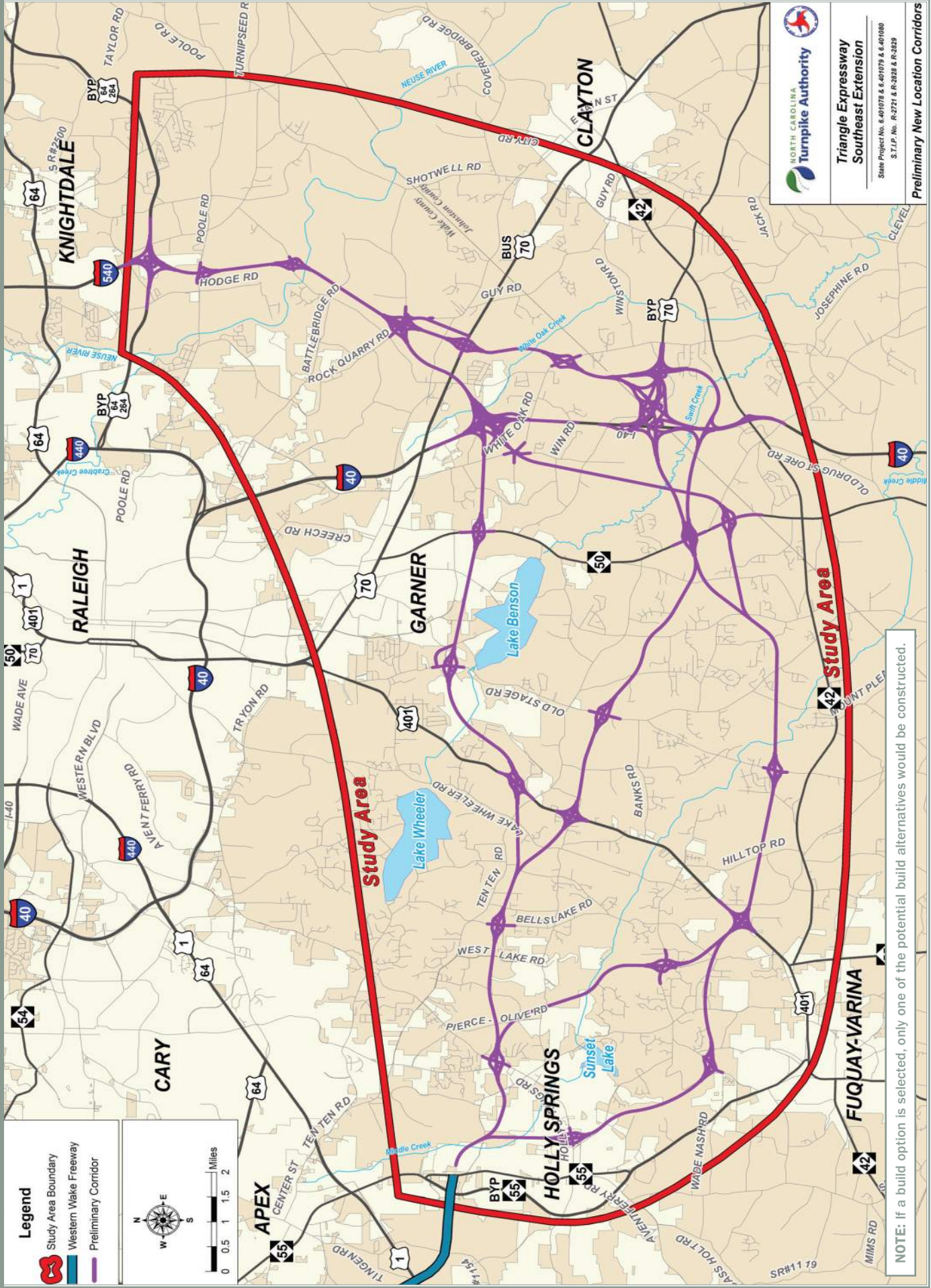
**Your input is important in this step!**  
**Join us for the informational meetings to offer your thoughts and opinions.**

After this initial study, a smaller number of options will be studied in greater depth. More information about which options were selected, and the reasons why they were selected, will be available after November 1 on the NCTA website [www.ncturnpike.org/projects/southeast/documents.asp](http://www.ncturnpike.org/projects/southeast/documents.asp).

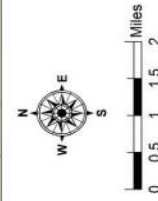
In-depth studies of each option will begin in early 2011. Once all the research is done, a recommendation of which option best meets the needs of the community will be made. This information will be described in the Draft Environmental Impact Statement (EIS), which should be released in 2012. During this process, and even after the Draft EIS is released, public input will be accepted.

# Potential New Location Build Alternatives

(As of September 2010)



- Legend**
- Study Area Boundary
  - Western Wake Freeway
  - Preliminary Corridor



**NORTH CAROLINA Turnpike Authority**

**Triangle Expressway Southeast Extension**

State Project No. 6-401078 & 6-401079 & 6-401080  
 S.T.I.P. No. R-2771 & R-2828 & R-2829

**Preliminary New Location Corridors**

NOTE: If a build option is selected, only one of the potential build alternatives would be constructed.



**Triangle Expressway Southeast Extension**

P. O. Box 30923  
Raleigh, NC 27622



***Let Us Know What You Think!***

Your thoughts and questions are important to us. We encourage your input and there are many ways you can reach us:

**Web** | Visit our website at [www.ncturnpike.org/projects/southeast/](http://www.ncturnpike.org/projects/southeast/)  
and our project blog at [southeastextension.blogspot.com](http://southeastextension.blogspot.com).

**E-mail** | Send us a comment via e-mail to [southeast@ncturnpike.org](mailto:southeast@ncturnpike.org).

**Telephone** | Call our toll-free hotline at **1-800-554-7849**.

**Letter** | Send your letter to: **Ms. Jennifer Harris, P.E.**  
North Carolina Turnpike Authority  
1578 Mail Service Center  
Raleigh, NC 27699-1578





## Complete 540

Triangle Expressway Southeast Extension  
PO Box 30923  
Raleigh, NC 27622



PLANNING STUDY *and* ENVIRONMENTAL IMPACT STATEMENT

ISSUE 3 ■ SEPTEMBER 2013

# STUDY RESUMES TO COMPLETE 540

The Complete 540 study for the Southeast Extension of the Triangle Expressway has resumed following a delay of more than two years.

The N.C. General Assembly recently enacted new legislation (NCSL 2013-94 and 2013-183) that reversed NCSL 2011-7, which placed the study on hold, limiting the ability of the North Carolina Department of Transportation (NCDOT) to comply with certain federal requirements.

The Complete 540 project would provide a more direct route and quicker access to Research Triangle Park, the Raleigh-Durham International Airport, and major employment and activity centers along 540 for rapidly growing communities south and east of Raleigh.

In early August, the NCDOT study team resumed work

on the project to collect information about how the various route locations proposed for completing 540 would affect the area environment. Information about future traffic volumes, development patterns, community features, natural resources, possible noise impacts, and other features is being collected and studied. NCDOT will also collect information from area residents and other local stakeholders to get local perspectives on the project.

The overall goal of the study is to understand how the project would benefit the region, and how the various routes proposed for it would impact the area and those who live and work there. With this information at hand, the best possible route location for completing 540 can be determined.



### Let Us Know What You Think!

Your thoughts and questions are important to us. We encourage your input and there are many ways you can reach us:

**Web** | Visit our website at [www.ncdot.gov/complete540](http://www.ncdot.gov/complete540)

and our project blog at [complete540.blogspot.com](http://complete540.blogspot.com)

**E-mail** | Send us a comment via e-mail to [complete540@ncdot.gov](mailto:complete540@ncdot.gov)

**Telephone** | Call our toll-free hotline at **1-800-554-7849**

**Letter** | Send your letter to: **Mr. Eric Midkiff, P.E.**  
North Carolina Department of Transportation  
1548 Mail Service Center  
Raleigh, NC 27699-1548

### Fall 2013 Public Meetings

**Mon., Oct. 14, 2013, 4:00 pm–7:00 pm**  
Wake Tech Community College  
9101 Fayetteville Road  
Raleigh, NC 27603

**Tues., Oct. 15, 2013, 4:00 pm–7:00 pm**  
Barwell Road Community Center  
3935 Barwell Road  
Raleigh, NC 27610

**Wed., Oct. 16, 2013, 6:00 pm–9:00 pm**  
Holly Springs High School  
5329 Cass Holt Road  
Holly Springs, NC 27540

## Share Your Thoughts!

Three separate public meetings are being held in the project study area. The purpose of these meetings is to provide the latest information about the Complete 540 study. NCDOT staff and consultants will be there to receive your comments and answer your questions. These meetings will be in an open-house format, meaning you may attend at any time during the posted hours. Formal presentations will not be made at the meetings. The same information will be available at each of the three meetings, which are being held in different parts of the project study area for the convenience of all who would like to attend.

*In compliance with the Americans with Disabilities Act (ADA), NCDOT will provide auxiliary aids and services for disabled persons who wish to participate in these meetings. To receive special services, please contact the study team by phone 1-800-554-7849 or email [complete540@ncdot.gov](mailto:complete540@ncdot.gov). Please provide adequate notice prior to the date of the meeting so that arrangements can be made.*

Si desea recibir una copia de este boletín en Español, por favor llame al número de teléfono 1-800-481-6494, o envíe un correo electrónico a [complete540@ncdot.gov](mailto:complete540@ncdot.gov). Servicios de intérprete estarán disponibles en la junta para las personas que hablan Español y no hablan Inglés o si tienen una capacidad limitada para leer, hablar o entender el Inglés. Para obtener más información sobre estos servicios, por favor llame al número de teléfono 1-800-481-6494.



## ROUTE ALTERNATIVES CURRENTLY UNDER CONSIDERATION

At public meetings held in September and December of 2010, several color-coded route location alternatives were presented for review and comment. Following those meetings, some of those alternatives were dropped from further consideration. Since that time, four new alternatives have been developed, and a portion of two that were dropped in 2010 have been reintroduced.

The map on the facing page shows the route alternatives that are currently recommended by NCDOT for further study. The paragraphs below explain the new routes that have been added since 2010. They also explain why the two previous routes needed to be reintroduced.

**Lilac Corridor** — NCDOT worked with the Capital Area Metropolitan Planning Organization and other local and agency stakeholders to see if they could identify any other route locations that could minimize wetland impacts similar to the Red Corridor. A new corridor—designated as the Lilac Corridor—showed the potential to accomplish this.

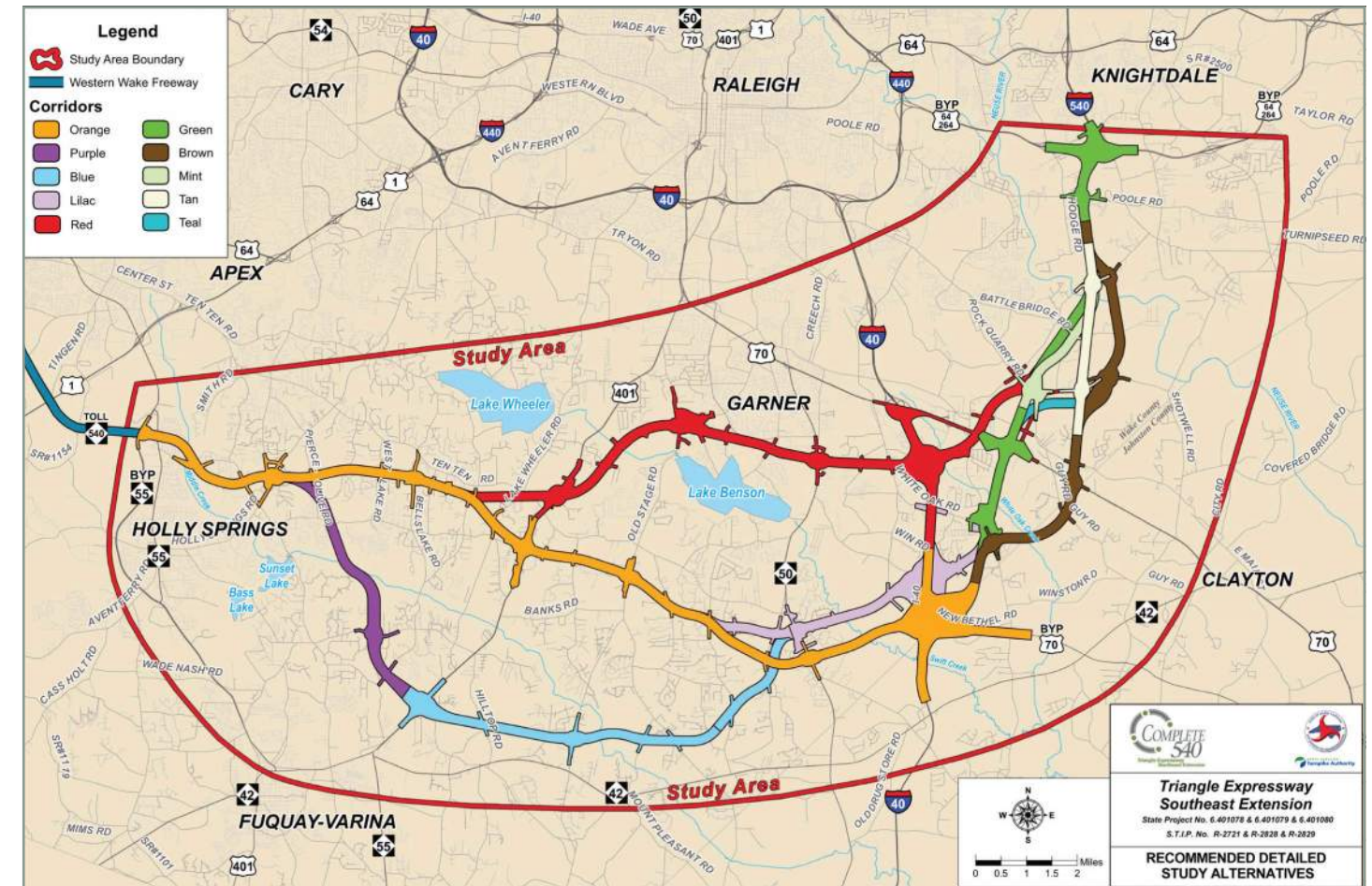
**Mint Green Corridor** — Compared to the Green Corridor, this option reduces impacts to a proposed development known as Randleigh Farm and would displace fewer homes and businesses than the nearby Tan Corridor.

**Brown Corridor** — This option completely avoids the Randleigh Farm property, but would impact a public wastewater treatment facility and a police training center.

**Teal Corridor** — This is a short connector between the Green corridor and the Brown corridor, creating another route for 540 between I-40 and US 64/US 264 Bypass.

**Purple-Blue-Lilac Corridor** — The Blue and Purple Corridors were removed from consideration in November 2010 because the original connection did not provide enough benefit over other options under consideration at that time. With the development of the Lilac Corridor, however, it was found that connecting the Purple Corridor to the Blue Corridor, and then to the new Lilac Corridor, created an option that minimizes wetland impacts similar to the Red Corridor. For this reason, the combination known as the Purple-Blue-Lilac Corridor is under consideration.

**Red Corridor** — After NCSL 2011-7 was enacted, preventing full evaluation of the Red Corridor, NCDOT worked extensively with environmental agencies and local stakeholders to find a way to move the study forward without the Red Corridor. Despite that effort, the US Army Corps of Engineers determined that the federal laws they administer require the Red Corridor be studied at the same level of detail as the other route locations, and that the State law enacted in 2011 does not supersede federal law.



NOTE: If the project is approved for construction, only one of the potential routes would be built.

## WHAT HAPPENS NEXT?

After consideration of all public and agency comments received on these recommended alternatives, NCDOT and the Federal Highway Administration will decide on the final set of “Detailed Study Alternatives.” Once this decision is made, the study team will proceed with the required in-depth evaluations and comparisons. The results of these studies will be documented in the project’s Draft Environmental Impact Statement, along with a possible recommendation of which alternative best meets the project purpose. The current schedule calls for this document to be published in the spring of 2015.

Once this document is published, public hearings will be scheduled at several locations in the project study area. Following the public hearings, NCDOT will again review all public and agency comments and then make a final decision about the best route, or “Preferred Alternative” for the project.

## Anticipated Project Time Frame

Hold Public Meetings on Alternatives .....	Fall 2013
Finalize Detailed Study Alternatives .....	Winter 2013
Complete Required Technical Studies .....	Fall 2014
Receive Approval of the Draft EIS* .....	Spring 2015
Draft EIS Review Period and Public Hearings ..	Summer 2015
Selection of the Preferred Alternative .....	Fall 2015
Approval of the Final EIS* .....	Spring 2016
Publication of the Record of Decision .....	Summer 2016
Complete Environmental Study Process .....	Fall 2016

\*Environmental Impact Statement

If the Study results in project approval, the following is expected, subject to availability of funding:

Complete Financial Feasibility.....	Spring 2017
Begin Right-of-Way Acquisition .....	Summer 2017
Begin Construction .....	Spring 2018
Open to Traffic .....	Spring 2022

**APPENDIX F**  
**Summaries of CAMPO Working Group Meetings**



# Complete 540 – Triangle Expressway Southeast Extension

Wake and Johnston Counties  
STIP Nos. R-2721, R-2828, R-2829

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## MEETING SUMMARY

**Date:** September 5, 2013

**Time:** 2:00 p.m.

**Place:** Walnut Creek Wetland Center

**Purpose:** CAMPO Working Group Meeting

**Attendees:**

Name	Organization	Email Address
Ed Johnson	CAMPO	<a href="mailto:ed.johnson@campo-nc.us">ed.johnson@campo-nc.us</a>
Chris Lukasina	CAMPO	<a href="mailto:chris.lukasina@campo-nc.us">chris.lukasina@campo-nc.us</a>
Shelby Powell	CAMPO	<a href="mailto:shelby.powell@campo-nc.us">shelby.powell@campo-nc.us</a>
Alex Rickard	CAMPO	<a href="mailto:alex.rickard@campo-nc.us">alex.rickard@campo-nc.us</a>
Diane Wilson	CAMPO	<a href="mailto:diane.wilson@campo-nc.us">diane.wilson@campo-nc.us</a>
John Byrne	Fuquay-Varina	<a href="mailto:jbyrne@fuquay-varina.org">jbyrne@fuquay-varina.org</a>
Mike Sorensen	Fuquay-Varina	<a href="mailto:msorensen@fuquay-varina.org">msorensen@fuquay-varina.org</a>
Dick Sears	Holly Springs	<a href="mailto:dick.sears@hollyspringsnc.us">dick.sears@hollyspringsnc.us</a>
Stephanie Sudano	Holly Springs	<a href="mailto:stephanie.sudano@hollyspringsnc.us">stephanie.sudano@hollyspringsnc.us</a>
Ronnie Williams	Town of Garner	<a href="mailto:rwilliams@garnernc.gov">rwilliams@garnernc.gov</a>
Hardin Watkins	Town of Garner	<a href="mailto:hwatkins@garnernc.gov">hwatkins@garnernc.gov</a>
Brad Bass	Town of Garner	<a href="mailto:bbass@garnernc.gov">bbass@garnernc.gov</a>
Nancy McFarlane	City of Raleigh	<a href="mailto:nancy.mcfarlane@raleighnc.gov">nancy.mcfarlane@raleighnc.gov</a>
Reed Huegerich	Town of Apex	<a href="mailto:reed.huegerich@apexnc.org">reed.huegerich@apexnc.org</a>
Jeff Triezenberg	Town of Knightdale	<a href="mailto:jeff.triezenberg@knightdalenc.gov">jeff.triezenberg@knightdalenc.gov</a>
Tim Gardiner	Wake County	<a href="mailto:tim.gardiner@wakegov.com">tim.gardiner@wakegov.com</a>
R. H. Ellington	Town of Angier	<a href="mailto:cprice@angier.com">cprice@angier.com</a>
Durwood Stephenson	U.S. 70 Corridor Commission	<a href="mailto:durwood@sgcdesignbuild.com">durwood@sgcdesignbuild.com</a>
Joe Milazzo	Regional Transportation Alliance	<a href="mailto:joe@letsgetmoving.org">joe@letsgetmoving.org</a>
John Studt *	Dawson & Associates	<a href="mailto:jstudt@dawsonassociates.com">jstudt@dawsonassociates.com</a>
Fred Skaer*	Dawson & Associates	<a href="mailto:fskaer@dawsonassociates.com">fskaer@dawsonassociates.com</a>
Cris Mulder	NCDOT Communications	<a href="mailto:cgmulder@ncdot.gov">cgmulder@ncdot.gov</a>
Hollie Allen	NCDOT Communications	<a href="mailto:hgallen@ncdot.gov">hgallen@ncdot.gov</a>
Steve Abbott	NCDOT Communications	<a href="mailto:swabbott@ncdot.gov">swabbott@ncdot.gov</a>
Wally Bowman	NCDOT Division 5	<a href="mailto:wbowman@ncdot.gov">wbowman@ncdot.gov</a>

Name	Organization	Email Address
Eric Midkiff	NCDOT-PDEA	<a href="mailto:emidkiff@ncdot.gov">emidkiff@ncdot.gov</a>
Mike Fendrick	Parsons Brinckerhoff	<a href="mailto:fendrick@pbworld.com">fendrick@pbworld.com</a>
Kiersten Bass	HNTB	<a href="mailto:kbass@hntb.com">kbass@hntb.com</a>
Roy Bruce	H.W. Lochner, Inc.	<a href="mailto:rbruce@hwlochner.com">rbruce@hwlochner.com</a>
Kristin Maseman	H.W. Lochner, Inc.	<a href="mailto:kmaseman@hwlochner.com">kmaseman@hwlochner.com</a>

\* - participated by telephone conference call

## Summary

The purpose of this meeting was to convene the CAMPO 540 Working Group to discuss the status of the project, present the project schedule, and present the recommended Detailed Study Alternatives. Meeting discussions were led by Chris Lukasina, Eric Midkiff, and Roy Bruce. All meeting participants were provided a handout of project related materials prior to the meeting and at the meeting. The following summarizes the meeting.

- NCDOT has restarted the project and is developing recommendations for the Detailed Study Alternatives (DSAs). The recommended DSAs will be presented to the resource and regulatory agencies at a meeting on September 19, 2013 and to the public at workshops in October 2013. NCDOT will then use agency and public comments to finalize the recommended DSAs by the end of this year.
- The recommended DSAs include the following color-coded corridors: Orange, Red, Lilac (east of Sauls Road only), Purple-Blue-Lilac, Green, Mint Green, Brown, Tan and Teal.
- The Lilac Corridor arose during attempts to find other routes that could minimize wetland impacts similar to the Red Corridor.
- The Purple-Blue-Lilac Corridor includes portions of the previously-eliminated Purple and Blue Corridors. With the development of the Lilac Corridor, it was found that connecting the Purple Corridor to the Blue Corridor, and then to the new Lilac Corridor, created an option that minimizes wetland impacts similar to the Red Corridor. For this reason, these portions of the Purple and Blue Corridors were reintroduced into consideration.
- The next Working Group meeting is tentatively scheduled for October 3. The next meeting after that will likely be in January 2014, to discuss the outcomes of the public meetings and agency meetings and the finalization of the DSAs. After that, the Working Group meetings will be held on an as-needed basis.

The following are questions asked and comments made by meeting attendees, followed by the project team's responses.

- Did the concept for the Plum Corridor include elevation over the wetlands surrounding Swift Creek?  
*Response: The evaluation of the Plum Corridor was done in the same manner as all other preliminary corridor concepts. Bridging of streams and wetlands was not considered in detail at this stage of evaluation of corridor concepts. This will be considered in more detail during development of functional designs for the DSAs.*
- Are the various types of impacts weighted when evaluating alternatives?  
*Response: No weights are assigned to particular impact categories. Various types of impacts are considered on a project by project basis.*

- If the Red Modified Corridor is not part of the DSAs, does that mean there will be no Section 4(f) avoidance alternatives?

*Response: Other corridors under consideration that would not impact Section 4(f) properties would be avoidance alternatives compared to the Red Corridor.*

- Will the impact numbers change for the project alternatives during the study?

*Response: As more detailed and more accurate data are gathered, the impact numbers will also be refined.*

- Fuquay-Varina still does not support the Purple and Blue Corridors due to their impacts on the community.

*Response: Comment noted.*

- Holly Spring remains in strong support of the Orange Corridor and would like to see the project built there.

*Response: Comment noted.*

- Why isn't a connection between Purple/Blue and Orange part of the DSAs?

*Response: The rationale behind reconsidering Purple/Blue was that, by connecting to the Lilac Corridor, they create an alignment that minimizes wetland impacts similar to the Red Corridor. The alignment connecting Purple/Blue to Orange does not provide this advantage and therefore still doesn't provide any relative advantages over other options under consideration. The rationale used to eliminate the Purple to Blue to Orange Corridors remains valid.*

- Is it possible that the agencies will want to add new alternatives into consideration?

*Response: While possible, this is very unlikely.*

- The project FAQ will be helpful in explaining to each community's residents the rationale behind the new and reintroduced corridors.

*Response: NCDOT has provided this information to the local governments and is also preparing project videos that could also help respond to residents' questions.*

- The local governments would like to have electronic files for each of the mapped recommended DSAs (shapefiles).

*Response: The project team will provide this.*

- Garner remains steadfast in their opposition to the Red Corridor due to impacts on the community.

*Response: Comment noted.*

- Will comments provided by the public earlier in the study continue to be considered, or do residents need to resubmit their comments?

*Response: All comments provided since the beginning of the project study in 2009 will be considered and are part of the project record.*

### **Action Items**

- Project team to provide shapefiles of recommended DSAs to CAMPO for providing to local governments.
- Next Working Group meeting tentatively scheduled for October 3, 2013 at 2:00 PM.



# Complete 540 – Triangle Expressway Southeast Extension

## Wake and Johnston Counties

### STIP Nos. R-2721, R-2828, R-2829

---

#### MEETING SUMMARY

**Date:** October 3, 2013

**Time:** 2:00 p.m.

**Place:** Capital Area Transit Operations Facility

**Purpose:** CAMPO Working Group Meeting

**Attendees:**

Name	Organization	Email Address
Ed Johnson	CAMPO	<a href="mailto:ed.johnson@campo-nc.us">ed.johnson@campo-nc.us</a>
Chris Lukasina	CAMPO	<a href="mailto:chris.lukasina@campo-nc.us">chris.lukasina@campo-nc.us</a>
Shelby Powell	CAMPO	<a href="mailto:shelby.powell@campo-nc.us">shelby.powell@campo-nc.us</a>
Kenneth Withrow	CAMPO	<a href="mailto:kenneth.withrow@campo-nc.us">kenneth.withrow@campo-nc.us</a>
Alex Rickard	CAMPO	<a href="mailto:alex.rickard@campo-nc.us">alex.rickard@campo-nc.us</a>
Diane Wilson	CAMPO	<a href="mailto:diane.wilson@campo-nc.us">diane.wilson@campo-nc.us</a>
Darren Jackson	NC House of Representatives	<a href="mailto:darren.jackson@ncleg.net">darren.jackson@ncleg.net</a>
John Byrne	Fuquay-Varina	<a href="mailto:jbyrne@fuquay-varina.org">jbyrne@fuquay-varina.org</a>
Mike Sorensen	Fuquay-Varina	<a href="mailto:msorensen@fuquay-varina.org">msorensen@fuquay-varina.org</a>
Dick Sears	Holly Springs	<a href="mailto:dick.sears@hollyspringsnc.us">dick.sears@hollyspringsnc.us</a>
Stephanie Sudano	Holly Springs	<a href="mailto:stephanie.sudano@hollyspringsnc.us">stephanie.sudano@hollyspringsnc.us</a>
Ronnie Williams	Town of Garner	<a href="mailto:rwilliams@garnernc.gov">rwilliams@garnernc.gov</a>
Hardin Watkins	Town of Garner	<a href="mailto:hwatkins@garnernc.gov">hwatkins@garnernc.gov</a>
Brad Bass	Town of Garner	<a href="mailto:bbass@garnernc.gov">bbass@garnernc.gov</a>
Eric Lamb	City of Raleigh	<a href="mailto:eric.lamb@raleighnc.gov">eric.lamb@raleighnc.gov</a>
Gerald Daniel	City of Raleigh	<a href="mailto:gerald.daniel@raleighnc.gov">gerald.daniel@raleighnc.gov</a>
Jason Myers	City of Raleigh	<a href="mailto:jason.myers@raleighnc.gov">jason.myers@raleighnc.gov</a>
Reed Huegerich	Town of Apex	<a href="mailto:reed.huegerich@apexnc.org">reed.huegerich@apexnc.org</a>
Tim Bailey	Town of Cary	<a href="mailto:tim.bailey@townofcary.org">tim.bailey@townofcary.org</a>
Russ Killen	Town of Knightdale	<a href="mailto:russellkillen@parkerpoe.com">russellkillen@parkerpoe.com</a>
Jeff Triezenberg	Town of Knightdale	<a href="mailto:jeff.triezenberg@knightdalenc.gov">jeff.triezenberg@knightdalenc.gov</a>
Tim Gardiner	Wake County	<a href="mailto:tim.gardiner@wakegov.com">tim.gardiner@wakegov.com</a>
R. H. Ellington	Town of Angier	<a href="mailto:cprice@angier.com">cprice@angier.com</a>

Name	Organization	Email Address
Joe Milazzo	Regional Transportation Alliance	<a href="mailto:joe@letsgetmoving.org">joe@letsgetmoving.org</a>
Fred Skaer*	Dawson & Associates	<a href="mailto:fskaer@dawsonassociates.com">fskaer@dawsonassociates.com</a>
Rupal Desai	NCDOT	<a href="mailto:rpdesai@ncdot.gov">rpdesai@ncdot.gov</a>
Andie Cozzarelli	NCDOT	<a href="mailto:acozzarelli@ncdot.gov">acozzarelli@ncdot.gov</a>
Steve Abbott	NCDOT Communications	<a href="mailto:swabbott@ncdot.gov">swabbott@ncdot.gov</a>
Wally Bowman	NCDOT Division 5	<a href="mailto:wbowman@ncdot.gov">wbowman@ncdot.gov</a>
Jennifer Harris	NCDOT-PDEA	<a href="mailto:jhharris1@ncdot.gov">jhharris1@ncdot.gov</a>
Mike Fendrick	Parsons Brinckerhoff	<a href="mailto:fendrick@pbworld.com">fendrick@pbworld.com</a>
Roy Bruce	H.W. Lochner, Inc.	<a href="mailto:rbruce@hwlochner.com">rbruce@hwlochner.com</a>
Kristin Maseman	H.W. Lochner, Inc.	<a href="mailto:kmaseman@hwlochner.com">kmaseman@hwlochner.com</a>

\* - participated by telephone conference call

## Summary

The purpose of this meeting was to convene the CAMPO 540 Working Group to discuss the status of the project, review the September 2013 Interagency Meeting, and discuss the upcoming public meetings. All meeting participants were provided a handout of project related materials prior to the meeting and at the meeting. The following summarizes the meeting:

- The recommended Detailed Study Alternatives (DSAs) were presented to the resource and regulatory agencies at an Interagency Meeting held on September 19, 2013. Agency representatives made few comments at the meeting. The agencies have been asked to submit written comments on the Draft Alternatives Development and Analysis Report by October 21.
- Following the distribution of the September 2013 project newsletter to property owners in the study area, numerous residents have registered comments via hotline telephone calls and emails. Most of the comments express concern about the introduction of the Lilac Corridor and the reintroduction of the Purple/Blue Corridor. In response to a question, Ms. Maseman stated that the distribution of the comments thus far was approximately 50% against the Purple Corridor and 50% in opposition to the Red Corridor. *Post meeting clarification - 57% oppose Purple/Blue, 22% oppose Lilac, 13% oppose Red, and the remaining 8% oppose other aspects of the project.*
- The public meetings will be held on October 14, 15, and 16 at three locations in the project area. They will use an open house format, with no formal presentation or public hearing testimony.
- The project team showed a draft video presentation that explains the current status of the project and the recommended DSAs. The final version of the video will be shown at the public meetings.
- After the public meetings and after the agencies submit written comments on the recommended DSAs, the project team will review and summarize the comments. The project team will present a summary of this information at an Interagency Meeting to be held later this year. Following this meeting, the DSAs should be finalized. The project team can then conduct the required technical studies and then prepare the Draft Environmental Impact Statement.
- The next CAMPO Working Group meeting likely will be scheduled for January 2014, after the DSAs have been finalized.

The following are questions asked and comments made by meeting attendees, followed by the project team's responses.



### *Video Presentation*

- Consider replacing the current footage of traffic congestion on US 64 with footage of traffic congestion on a roadway segment closer to the recommended DSAs, such as Ten Ten Road east of US 1.

*Response: The project team will try to shoot additional footage and incorporate it into the video prior to the public meetings.*

- Consider taking out the word “recommended” when discussing recommended DSAs.

*Response: In each case, the video narration says that the particular corridor is recommended to be studied in detail. This reflects the most accurate status of these corridors. In addition, this description has been used consistently throughout all project materials (newsletter, FAQ, website, press releases, meeting handout, etc.). For consistency, this description will remain in the video.*

- Omit specific references to Randleigh Farm. Consider mentioning that there are two school sites there.

*Response: The project team will replace the specific references with “planned public development.” The video does not discuss potential impacts of other corridors, so specific references to the school sites will not be added.*

- More transition information between what happened in late 2010 and now might be helpful.

*Response: The project was on hold from March 2011 until August 2013. Project representatives will be available at the public meetings to discuss project efforts during the time the project was paused.*

- More information about the project schedule between recommending DSAs and selection of the Preferred Alternative might be helpful.

*Response: More information about the schedule is provided in the meeting handout.*

- Correct the project email address and make sure the Western Wake Freeway is noted as NC 540 rather than I-540.

*Response: These corrections will be made.*

### *General*

- Does NCDOT also want comments from the project area municipalities before November 15?

*Response: NCDOT encourages municipalities to submit comments by November 15 but previous comments/resolutions remain part of the project record and additional comments can be submitted at any time. If the municipalities would like additional time to submit comments before NCDOT holds the next agency meeting, they can let NCDOT know. Given the current recommended DSAs, some municipalities may wish to send in revised or new resolutions and comments.*

- Why isn't a connection between Purple/Blue and Orange part of the recommended DSAs?

*Response: The rationale behind reconsidering Purple/Blue was that, by connecting to the Lilac Corridor, they create an alignment that minimizes wetland impacts similar to the Red Corridor. The alignment connecting Purple/Blue to Orange does not provide this advantage and therefore still doesn't provide any relative advantages over other options under consideration—it requires many more relocations than the alignment following the entire Orange Corridor. The rationale used to previously eliminate the Purple to Blue to Orange Corridors remains valid.*

- Will the current federal government shutdown affect the project schedule by delaying jurisdictional field review meetings with USACE?

*Response: This work is not currently on the project's critical path, so it is unlikely to affect the schedule right now.*

- Once a decision about the preferred alternative is final, what happens if there is no funding for right of way acquisition and construction?

*Response: The Record of Decision (ROD), which concludes the environmental study and finalizes selection of the Preferred Alternative, is valid for three years after it is signed. If subsequent phases have not yet started after those three years have passed, NCDOT would need to complete a reevaluation of the Environmental Impact Statement to determine if a Supplemental Environmental Impact Statement is needed before proceeding with acquisition and construction. Current FHWA policy discourages approval of RODs if there is no funding designated for subsequent phases.*

### **Action Items**

- Project team to edit video presentation according to comments described above.



# Interagency Project Meeting

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## MEETING MINUTES FINAL

**Date:** December 12, 2013  
11:45 a.m. – 12:45 p.m.  
NCDOT Century Center – Structure Design Conference Room C

**Project:** STIP R-2721, R-2828, and R-2829 – Complete 540, Triangle Expressway Southeast Extension

### Attendees:

George Hoops, FHWA  
Clarence Coleman, FHWA  
Christopher Militscher, USEPA (via telephone)  
Eric Alsmeyer, USACE  
Jean Gibby, USACE  
Thomas Brown, USACE  
Gary Jordan, USFWS  
Rob Ridings, NCDWR  
Travis Wilson, NCWRC  
Amy Simes, NCDENR  
Renee Gledhill-Early, SHPO (via telephone)  
Dolores Hall, NCOSA (via telephone)  
Ed Johnson, CAMPO (via telephone)  
Eric Midkiff, NCDOT – PDEA  
Jennifer Harris, NCDOT – PDEA  
Richard Hancock, NCDOT - PDEA  
Tony Houser, NCDOT – Roadway Design Unit  
Tim Little, NCDOT – Division 4

Wally Bowman, NCDOT – Division 5  
Nick Lineberger, NCDOT – TMSD  
Tris Ford, NCDOT – HES  
Deanna Riffey, NCDOT – NES  
Matt Lauffer, NCDOT - Hydraulics  
Kyle Pleasant, NCDOT – Utilities  
Donald Proper, NCDOT – Utilities  
Mark Staley, NCDOT – REU  
Kiersten Bass, HNTB  
Fred Skaer, Dawson & Associates (via telephone)  
John Studt, Dawson & Associates (via telephone)  
Roy Bruce, Lochner  
Kristin Maseman, Lochner  
Jeff Schlotter, Lochner  
Michael Wood, Catena Group  
Tim Savidge, Catena Group  
Nancy Scott, Catena Group

### Presentation Materials:

- Agenda
- Final Interagency Project Meeting Minutes – September 19, 2013
- Handout 16 – Public Meetings - Summary and Comment Analysis
- Handout 17 – Revised Draft Alternatives Development and Analysis Report
- Handout 18 – Detailed Study Alternatives
- Handout 19 – Section 6002 Coordination Plan Update
- Presentation

### Purpose:

Present project status update and summary of public comments; discuss revised Draft Alternatives Development and Analysis Report; discuss recommended Detailed Study Alternatives.

### General Discussion:

The following information was discussed at the meeting:

- **Project Status Update:** Lochner provided an update on project activities that have occurred since the Interagency Meeting in September 2013, when the revised Draft Alternatives Development Analysis and Report and the recommended Detailed Study Alternatives (DSAs) for

the project were discussed. Agencies were then asked to submit comments about the revised report and the recommended DSAs. The CAMPO Working Group met on October 3 to discuss the recommended DSAs. Three public meetings were held on October 14, 15, and 16 to present the recommended DSAs and to solicit public comments. To the extent possible, work including some field investigations and preliminary design, has continued on the project during this period in order to expedite the overall project schedule.

- **Public Meetings – Summary and Comment Analysis (Handout 16):** The three public meetings in October were very well attended and there has been extensive public comment about the recommended DSAs. The input from these meetings was combined with input received from the public in late 2010 and early 2011 on preliminary alternatives. To date, public comments about project alternatives reveal strong support for the project and the Orange Corridor, and strong opposition to the Red, Purple, Blue, and Lilac Corridors. Several local governments have also passed resolutions supporting the Orange Corridor and opposing others.
- **Revised Draft Alternatives Development and Analysis Report (Handout 17):** Four agencies responded to NCDOT's request for comments on the revised Draft Alternatives Development and Analysis Report; three agencies did not submit responses. The agency comments either explicitly or implicitly support proceeding with the recommended DSAs. None of the comments request eliminating, adding, or modifying any alternatives.
- **Detailed Study Alternatives (Handout 18):** Lochner reviewed the ten color-coded corridors that are the building blocks for the DSAs. These ten color-coded corridors can be combined to form 17 unique end-to-end routes that make up the DSAs. Based on the preliminary data available for the project, the previously recommended DSAs remain as viable feasible alternatives that appear to have sufficient merit to warrant further evaluation and study as part of the Draft Environmental Impact Statement. Therefore, all 17 of the previously recommended DSAs will be carried forward in the environmental study. Should additional project information become available as studies are completed that substantially alters the merits of any alternative, this decision could be reevaluated at that time.
- **Section 6002 Coordination Plan Update (Handout 19):** Lochner reviewed changes that have been made to the Section 6002 Coordination Plan for this project since its previous January 2011 version. Changes include an update to the project schedule and primary agency contacts.
- **Update on Dwarf Wedgemussel Studies:** The Catena Group reviewed the work that has been completed to date on the Dwarf Wedgemussel (DWM) studies requested by USFWS. This work is being documented in a technical report that will be submitted to NCDOT in February or March of 2014. The studies have included a review of existing conservation measures established for DWM as part of other projects in the Swift Creek watershed, characterization of the Swift Creek watershed with respect to DWM habitat, and an assessment of historical trends and current viability of the species in Swift Creek.
- **Discussion:**  
HPO reminded the group that their response letter to the revised Draft Alternatives Development and Analysis Report stated that the report did not include any mention of archaeological studies for the DSAs. NCDOT will indicate in the final report that the required archaeological studies will be completed and documented in the Draft Environmental Impact Statement.

USEPA asked for clarification on why the “bulbouts” at different interchanges on the map of DSAs are different sizes. NCDOT explained that the bulbout areas correspond to the wider study corridor around the interchange areas and vary depending on the roadway geometry, existing facilities, and other constraints at each interchange area. The bulbout areas do reflect the relative magnitude of each interchange area. In particular, the size of the interchange areas at 540, I-40, and the US 70 Bypass were questioned since they are substantially larger than other

interchanges. The geometry of ramp movements in a freeway to freeway high speed interchange require more land area than a typical interchange. At 540, I-40, and US 70 Bypass there are three freeways converging at a single interchange.

NCDOT Utilities inquired about the basis of the preliminary wetland impacts along the Purple and Blue Corridors. These impacts are based on National Wetlands Inventory mapping data and the 300 foot preliminary right of way within the larger study corridor.

The NCDOT suggested that the agencies would not require any additional time (as described in Section 8.5 of the Section 6002 Coordination Plan) to review the Draft Alternatives Development and Analysis Report and the recommended DSAs in light of the public and local government comments made since the October public meetings. The reason provided by NCDOT included that the public comments remain consistent with those previously provided and therefore would not cause the need to make additional adjustments to the DADAR. USACE noted agreement that no additional review would be necessary based on the information presented during this meeting and no other agencies objected.

No agencies raised any objections to proceeding with the 17 end-to-end alternatives as DSAs, and no agencies asked for any additional alternatives to be considered.

Based on today's discussion, past Issues of Concern (per the Section 6002 Coordination Plan) have been resolved and that there are no outstanding issues regarding the project purpose and need, range of alternatives, alternatives screening, or DSAs. Additionally, no Issues of Concern relative to these four areas of the study were raised at the meeting.

USEPA informed the group that there is a new Executive Order (EO) pertaining to the impact of federal projects on children's health, and suggested that NCDOT seek guidance from FHWA regarding the need to address the EO in the Draft Environmental Impact Statement (EIS).

**Previous Action Items:**

- Agency review comments on the September 2013 Draft Alternatives Development and Analysis Report due to NCDOT by October 21, 2013 (revised to November 4, 2013). (*Completed*)
- NCDOT will provide a status update on mussel surveys at a future interagency meeting. (*Completed*)
- Impact tables to be adjusted to reflect no historic resource impacts and note that Section 4(f) impacts that are listed are for parks/recreational areas. (*Completed*)
- Add impacts to ORW and HQW to tables, if appropriate. There are none of these resources in the study area. (*Completed*)

**New Action Items:**

- NCDOT will indicate in the final Alternatives Development Analysis and Report that the required archaeological studies will be completed and documented in the Draft Environmental Impact Statement.
- Lochner will investigate the requirements of the new EO pertaining to the impact of federal projects on children's health and work with NCDOT and FHWA regarding the appropriate method for addressing it.

**Next Steps:**

- Public announcement of Detailed Study Alternatives
- CAMPO Working Group meeting – January 9, 2014
- Complete technical base studies on DSAs
- Prepare Draft Environmental Impact Statement



# Complete 540 – Triangle Expressway Southeast Extension

## Wake and Johnston Counties

### STIP Nos. R-2721, R-2828, R-2829

### MEETING SUMMARY FINAL

**Date:** November 19, 2014

**Time:** 2:00 p.m.

**Place:** CAMPO Office (One Bank of America Plaza)

**Purpose:** CAMPO Complete 540 Working Group Meeting

**Attendees:**

Name	Organization	Email Address
Chris Lukasina	CAMPO	<a href="mailto:chris.lukasina@campo-nc.us">chris.lukasina@campo-nc.us</a>
Shelby Powell	CAMPO	<a href="mailto:shelby.powell@campo-nc.us">shelby.powell@campo-nc.us</a>
Kenneth Withrow	CAMPO	<a href="mailto:kenneth.withrow@campo-nc.us">kenneth.withrow@campo-nc.us</a>
Alex Rickard	CAMPO	<a href="mailto:alex.rickard@campo-nc.us">alex.rickard@campo-nc.us</a>
Ronnie Williams	Town of Garner	<a href="mailto:rwilliams@garnernc.gov">rwilliams@garnernc.gov</a>
Hardin Watkins	Town of Garner	<a href="mailto:hwatkins@garnernc.gov">hwatkins@garnernc.gov</a>
Reed Huegerich	Town of Apex	<a href="mailto:reed.huegerich@apexnc.org">reed.huegerich@apexnc.org</a>
Chris Hills	Town of Knightdale	<a href="mailto:chris.hills@knightdalenc.gov">chris.hills@knightdalenc.gov</a>
John Byrne	Town of Fuquay-Varina	<a href="mailto:jbyrne@fuquay-varina.org">jbyrne@fuquay-varina.org</a>
Adam Mitchell	Town of Fuquay-Varina	<a href="mailto:amitchell@fuquay-varina.org">amitchell@fuquay-varina.org</a>
Danny Johnson	Town of Fuquay-Varina	<a href="mailto:djohnson@fuquay-varina.org">djohnson@fuquay-varina.org</a>
Todd Delk	City of Raleigh	<a href="mailto:todd.delk@raleighnc.gov">todd.delk@raleighnc.gov</a>
Tim Gardiner	Wake County	<a href="mailto:tim.gardiner@wakegov.com">tim.gardiner@wakegov.com</a>
Joe Milazzo	Regional Transportation Alliance	<a href="mailto:joe@letsgetmoving.org">joe@letsgetmoving.org</a>
Donnie Brew	FHWA	<a href="mailto:donnie.brew@dot.gov">donnie.brew@dot.gov</a>
Clarence Coleman	FHWA	<a href="mailto:clarence.coleman@dot.gov">clarence.coleman@dot.gov</a>
Jennifer Harris	NCDOT-PDEA	<a href="mailto:jhharris1@ncdot.gov">jhharris1@ncdot.gov</a>
Eric Midkiff	NCDOT-PDEA	<a href="mailto:emidkiff@ncdot.gov">emidkiff@ncdot.gov</a>
Steve Abbott*	NCDOT Communications	<a href="mailto:swabbott@ncdot.gov">swabbott@ncdot.gov</a>
Rupal Desai	NCDOT - TPB	<a href="mailto:rpdesai@ncdot.gov">rpdesai@ncdot.gov</a>
Fred Skaer*	Dawson & Associates	<a href="mailto:fskaer@dawsonassociates.com">fskaer@dawsonassociates.com</a>
John Studt*	Dawson & Associates	<a href="mailto:jstudt@dawsonassociates.com">jstudt@dawsonassociates.com</a>
Roy Bruce	H.W. Lochner, Inc.	<a href="mailto:rbruce@hwlochner.com">rbruce@hwlochner.com</a>
Kristin Maseman	H.W. Lochner, Inc.	<a href="mailto:kmaseman@hwlochner.com">kmaseman@hwlochner.com</a>
Kiersten Bass	HNTB	<a href="mailto:kbass@hntb.com">kbass@hntb.com</a>

\*participated by telephone conference call

## Summary

The purpose of this meeting was to convene the CAMPO Complete 540 Working Group to discuss the status of the project, review draft results of the project's completed technical studies, and to discuss the project schedule. Each meeting participant was provided a handout of project-related materials. The following summarizes the meeting:

- The last CAMPO Complete 540 Working Group meeting was held on January 9, 2014. At that meeting, the study team presented the project's Detailed Study Alternatives (DSAs).
- Since then, the study team has completed preliminary functional designs for the project's DSAs and has completed several technical studies and accompanying summary reports. The remaining technical studies are nearing completion. NCDOT anticipates having a published Draft Environmental Impact Statement (EIS) in the spring of 2015, holding the public hearings in the summer of 2015, with the Final EIS in the spring 2016, and the Record of Decision in the summer of 2016.
- Completion of the project's jurisdictional verification for natural resources has allowed the study team to prepare draft updated impact numbers for wetlands and streams. These numbers will change, however, after completion of the avoidance and minimization strategies that are being incorporated into the preliminary functional designs as a result of current interagency coordination on bridging decisions.
- The study team met with the environmental resource and regulatory agencies on November 13, 2014, to discuss NCDOT's suggestions about bridging of hydraulic sites along the DSAs. The agency team came to an agreement on the hydraulic conveyance to be used at most of the sites. This is being followed by a field review meeting scheduled for December 2<sup>nd</sup> to come to an agreement on the remaining four sites.
- After an iterative review process with NCDOT, the Draft EIS will be reviewed by FHWA, both at the local level, for technical review, and at the regional level, for legal review. FHWA has agreed to review the document in sections to help expedite the document review process.
- If the results of the project's technical studies support a DSA that provides a clear option for reducing the project's overall impacts, NCDOT may be able to recommend a Preferred Alternative in the Draft EIS. However, the Preferred Alternative will not be finalized until after the Draft EIS is published, NCDOT holds Public Hearings, the study team reviews all public and agency comments, and the agency team meets to consider all the impact data and comments.
- The next CAMPO Complete 540 Working Group meeting likely will be scheduled for the spring of 2015, after completed impact data are available for all technical studies and before publication of the Draft EIS.

## Action Items

- There were no action items from this meeting.

**APPENDIX G**  
**Local Resolutions and State Legislation**



**RESOLUTION TO SUPPORT A STUDY OF TOLL FUNDING TO ACCELERATE  
THE CONSTRUCTION OF I-540 IN SOUTHWESTERN WAKE COUNTY**

WHEREAS the growth in western and southern Wake County and surrounding areas has already overwhelmed the existing highway system in the southern Triangle; and

WHEREAS the proposed western and southern sections of the I-540 Wake freeway loop will provide a high speed, signal-free travel option that will save time, money, and lives throughout the region and preserve economic competitiveness in western and southern Wake County; and

WHEREAS increasing demands on scarce transportation funds is an unfortunate reality that has delayed the western section of I-540 by years and the southern section of I-540 indefinitely; and

WHEREAS the North Carolina General Assembly created the NC Turnpike Authority in October 2002 in order to speed the implementation of needed transportation improvements and to help meet more transportation needs than NCDOT could otherwise afford; and

WHEREAS the potential may exist to accelerate the opening of the entire western Wake freeway – to the US 1 freeway and the Holly Springs bypass – by several years, even with the additional \$8 million devoted to the project in the recent federal highway legislation; and

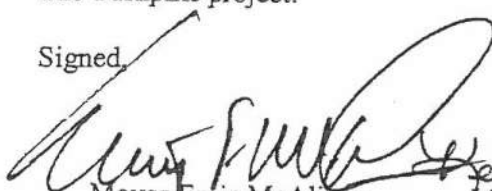
WHEREAS the potential may also exist to accelerate the opening of the southern Wake freeway – to I-40 and the Clayton freeway bypass – by 15 or more years, perhaps a generation faster; and


WHEREAS there needs to be consideration and study of the potential for toll user fees to leverage our existing Highway Trust Fund loop funding authorizations to gain more control over our mobility future by reducing uncertainties in funding timetables for I-540;

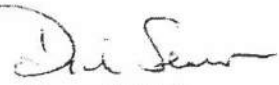
BE IT THEREFORE RESOLVED that the undersigned members of the elected and business community request that the NC Turnpike Authority conduct a detailed feasibility study to determine the true viability of, and expected timesavings associated with, accelerating the construction of both the western and southern portions of the I-540 Wake freeway loop as two phases of a single potential Turnpike project in southwestern Wake County.

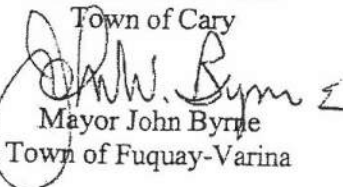
BE IT FURTHER RESOLVED that the undersigned members of the elected and business community will require assurances that this feasibility study include the following considerations: that the provisions of General Statute § 136-89.196 – which require the removal of tolls upon fulfillment of the Turnpike's revenue bonds – are adhered to, and that toll revenue generated by this toll road be used exclusively for pay down of the Turnpike's revenue bonds associated with this Turnpike project.

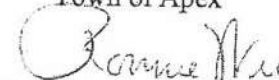
Signed,


  
Mayor Ernie McAlister  
Town of Cary

  
Mayor Keith Weatherly  
Town of Apex

  
Mayor Dick Sears  
Town of Holly Springs

  
Mayor John Byrne  
Town of Fuquay-Varina

  
Mayor Ronnie Williams  
Town of Garner

  
Joe Freddoso, 2005-06 Chair  
Regional Transportation Alliance



TOWN OF

# Holly Springs

**Resolution No.:** 10-27

**Date Adopted:** Sept. 21, 2010

## RESOLUTION STATING THE TOWN OF HOLLY SPRINGS TOWN COUNCIL'S POSITION REGARDING THE ALIGNMENT OF THE SOUTHERN PHASE OF I-540

**WHEREAS**, on May 6, 2008, the Holly Springs Town Council adopted Resolution 08-26 expressing its fervent support for the construction of the I-540 Western Wake Expressway; and

**WHEREAS**, the proposed I-540 Western Wake Expressway has been a fundamental transportation facility underpinning for more than 20 years of local land use and transportation decisions of the Town of Holly Springs and other local governments of southwestern Wake County; and

**WHEREAS**, the Town of Holly Springs historically has utilized the protected I-540 corridor proposed in earlier designs to plan for both existing and future development in Town; and

**WHEREAS**, the change to relocate the corridor south to connect to Bass Lake Road would have an adverse impact on our community, due to access issues and the cost of relocating both residential and commercial properties from said corridor; and

**WHEREAS**, additional traffic generated on Holly Springs Road would negatively impact the area around a proposed interchange and Holly Springs Road would not be adequate to handle the increased traffic volume; and

**WHEREAS**, the delay of the construction of the I-540 Western Wake Expressway is particularly injurious to the Town of Holly Springs when weighed against the much-needed NC 55 improvements that have not been constructed in anticipation of a 2008 start of I-540 Western Wake Expressway construction;

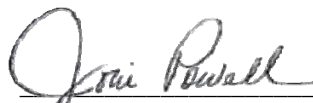
**NOW THEREFORE BE IT RESOLVED** that the Town Council of the Town of Holly Springs hereby expresses its adamant opposition to any option for the construction of the I-540 Southern Wake Expressway that utilizes Bass Lake Road as a potential alternative for the southern phase of I-540; and

**BE IT FURTHER RESOLVED** that the Town Council supports use of the original protected corridor design as illustrated in orange on N.C. Transit Authority maps as the preferred choice for the development and construction of the I-540 Southern Wake Expressway.

**Adopted this, the 21st day of September, 2010.**

ATTEST:

  
Dick Sears, Mayor

  
[X] Joni Powell, CMC, Town Clerk  
[ ] Linda R. Harper, CMC Deputy Town Clerk

Office of the Mayor

RESOLUTION NO. (2010) 2072

**A RESOLUTION STATING THE TOWN OF GARNER TOWN COUNCIL'S POSITION  
REGARDING THE ALIGNMENT OF THE SOUTHERN PHASE OF I-540**

**WHEREAS**, the proposed I-540 Expressway has been a fundamental transportation facility underpinning for more than 20 years of local land use and transportation decisions of the Town of Garner and other local governments of Wake County;

**WHEREAS**, the Town of Garner historically has utilized the protected I-540 corridor proposed in earlier designs to make key planning decisions for both existing and future development in Garner; and

**WHEREAS**, the proposed change in plans to relocate the corridor away from its previously designated route will have an adverse impact on the Garner communities; and

**WHEREAS**, the "red" route shown on Turnpike Authority maps with a course north of Lake Benson is a very poor land use decision that will cause tremendous disruption to existing homes and businesses; and

**WHEREAS**, numerous Garner homeowners and landowners have relied upon the protected corridor route (orange) for many years as they have made investment decisions. A change to the planned route will be burdensome, chaotic, and unfair; and


**NOW THEREFORE, BE IT RESOLVED**, the Town of Garner would like to see the Southeast Extension of Triangle Expressway constructed, however, the Town cannot support a route north of Lake Benson; and

**BE IT FURTHER RESOLVED** that the Town Council supports use of the original protected corridor design as illustrated in orange on the N.C. Transit Authority maps as the preferred choice for the development and construction of the I-540 Triangle Expressway Southeast Extension.

Adopted this 4<sup>th</sup> day of October 2010.



Mayor

ATTEST:   
Town Clerk

**A RESOLUTION BY THE COUNTY OF WAKE REGARDING THE TRIANGLE EXPRESSWAY SOUTHEAST EXTENSION**

WHEREAS, the proposed Triangle Expressway Southeast Extension has been a fundamental transportation facility underpinning for more than 20 years of local land use and transportation decisions for Wake County and other local governments of Wake County;

WHEREAS, Wake County historically has utilized the protected corridor proposed in earlier designs to make key planning decisions for both existing and future development in Wake County; and

WHEREAS, the proposed alternative alignments to relocate the corridor away from its previously designated and protected route will have an adverse impact on communities in Wake County; and

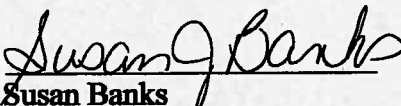
WHEREAS, the proposed alternative alignments illustrated as "blue", "purple", and "red" on N.C. Turnpike Authority maps will have a greater impact on Wake County's designated priority stream corridors and proposed Southeast Wake County Park than the previously designated and protected route; and

WHEREAS, numerous Wake County homeowners and landowners have relied upon the protected corridor route (orange) for many years as they have made investment decisions.

NOW THEREFORE, BE IT RESOLVED that Wake County supports use of the original protected corridor design as illustrated in "orange" on the N.C. Turnpike Authority maps as the preferred choice for the development and construction of the Triangle Expressway Southeast Extension.

Adopted this 18<sup>th</sup> day of October 2010.

  
\_\_\_\_\_  
Tony Gurley, Chairman  
Wake County Board of Commissioners

ATTEST:   
Susan Banks  
Clerk to the Board





**TOWN OF FUQUAY-VARINA**  
401 Old Honeycutt Road  
Fuquay-Varina, North Carolina 27526

**A RESOLUTION BY THE TOWN OF FUQUAY-VARINA REGARDING  
THE TRIANGLE EXPRESSWAY SOUTHEAST EXTENSION (I-540)**

**WHEREAS**, the proposed Triangle Expressway Southeast Extension has been a fundamental transportation facility underpinning for more than 20 years of local land use and transportation decisions for Town of Fuquay-Varina, Wake County and other local governments of Wake County; and,

**WHEREAS**, the alternates routes have been only recently proposed and would have a much more significant negative impact on residents of Fuquay-Varina who purchased homes and businesses based on the original proposed route; and,

**WHEREAS**, the Town of Fuquay-Varina historically has utilized the protected corridor proposed in earlier designs to make key planning decisions for both existing and future development in the Town of Fuquay-Varina; and,

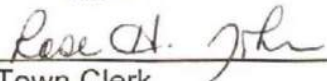
**WHEREAS**, the proposed alternative alignments to relocate the corridor away from its previously designated and protected route will have an adverse impact on the Town of Fuquay-Varina; and

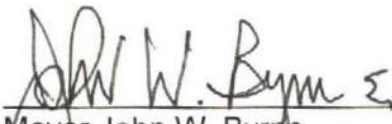
**NOW THEREFORE, BE IT RESOLVED** that the Town of Fuquay-Varina supports use of the original protected corridor design as illustrated in "orange" on the North Carolina Turnpike Authority maps as the preferred choice for the development and construction of the Triangle Expressway Southeast Extension (I-540).

Adopted this 19<sup>th</sup> day of October 2010.



ATTEST:

  
\_\_\_\_\_  
Town Clerk

  
\_\_\_\_\_  
Mayor John W. Byrne  
Town of Fuquay-Varina

STAFF REPORT  
Town of Knightdale

To:	Mayor and Town Council	Budget Amendment - #BA
From:	Chris Hills, Planning Director	Planning Director Signature - SL
Subject:	NC Turnpike Authority Resolution of Support for Preferred I-540 Alignment RES# 10-10-20-001	Town Manager Signature -
Date:	October 20, 2010	

**REPORT**

The North Carolina Turnpike Authority is currently proceeding through its Environmental Impact Statement (EIS) process which includes an Alternatives Analysis to determine the best possible route for the I-540/Triangle Expressway Southeast Extension. Part of this process is to solicit input from citizens and public officials on the preferred route. The project is envisioned in two phases, with phase I being between Apex and I-40 in Clayton and phase II being between I-40 in Clayton and US 64/264 Bypass in Knightdale.

The three potential options under consideration are briefly described below:

1. Build a new roadway between NC 55 near Apex and the US 64/264 Bypass in Knightdale.
2. Improve existing roadways by widening I-40 from west of Raleigh to the Clayton area, I-440 from I-40 to the US 64/264 Bypass, and US 64/264 Bypass from I-440 to the eastern study area boundary.
3. Hybrid new roadway construction/improve existing roadway option. This option consists of a new roadway option for Phase I and improving I-40, I-440 and US 64/264 in the Phase II area.

The Planning and Engineering Committee discussed this item at its October 11 meeting. At that meeting, the Committee unanimously recommended that the Town Council support Option 1 above for a new build roadway for both phases of the Southeast Extension project.

Attached to this staff report and proposed resolution is the most recent newsletter from the Turnpike Authority detailing the EIS process, the study area, and potential routes under consideration. A brief video will be shown at the Council meeting to elaborate on the proposed alternatives, after which the Council will be asked to pass a Resolution of Support for its preferred option.

**REPORT RECOMMENDED ACTION**

Motion to adopt RES # 10-10-20-001



**TOWN OF KNIGHTDALE**  
PLANNING DEPARTMENT

[www.ci.knightdale.nc.us](http://www.ci.knightdale.nc.us)

950 Steeple Square Court  
Knightdale, NC 27545  
(v) 919.217.2245  
(f) 919.217.2249

**RESOLUTION # 10-10-20-001**

**RESOLUTION OF THE KNIGHTDALE TOWN COUNCIL SUPPORTING THE NEW ROADWAY OPTION FOR BOTH PHASES OF THE TRIANGLE EXPRESSWAY SOUTHEAST EXTENSION**

**WHEREAS**, the study area defined by the Environmental Impact Statement (EIS) study includes parcels within the Knightdale City Limits and ETJ boundaries; and

**WHEREAS**, the Town of Knightdale has demonstrated a commitment to comprehensive planning through its participation in with the Capital Area Metropolitan Planning Organization (CAMPO); and

**WHEREAS**, current and future development within this area will be at urban and suburban densities and is anticipated to generate significant transportation impacts that will require the completion of the outer loop referred to as the Triangle Expressway Southeast Extension; and

**WHEREAS**, the Town of Knightdale staff and Town Council has studied the proposed options presented by the North Carolina Turnpike Authority and determined that a new build roadway will be critical in mitigating the impacts of the future growth of eastern and southern Wake County and western Johnston County;

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Knightdale, North Carolina:

**Section 1.** That the Knightdale Town Council hereby requests that the North Carolina Turnpike Authority choose Option 1, being a new-build roadway for both phases, as the preferred alternative for the construction of the Triangle Expressway Southeast Extension.

Adopted this, the 20<sup>th</sup> day of October, 2010.

James M. Chalk, Mayor Pro-Tem

ATTEST & SEAL:

Suzanne M. Yeatts, Town Clerk



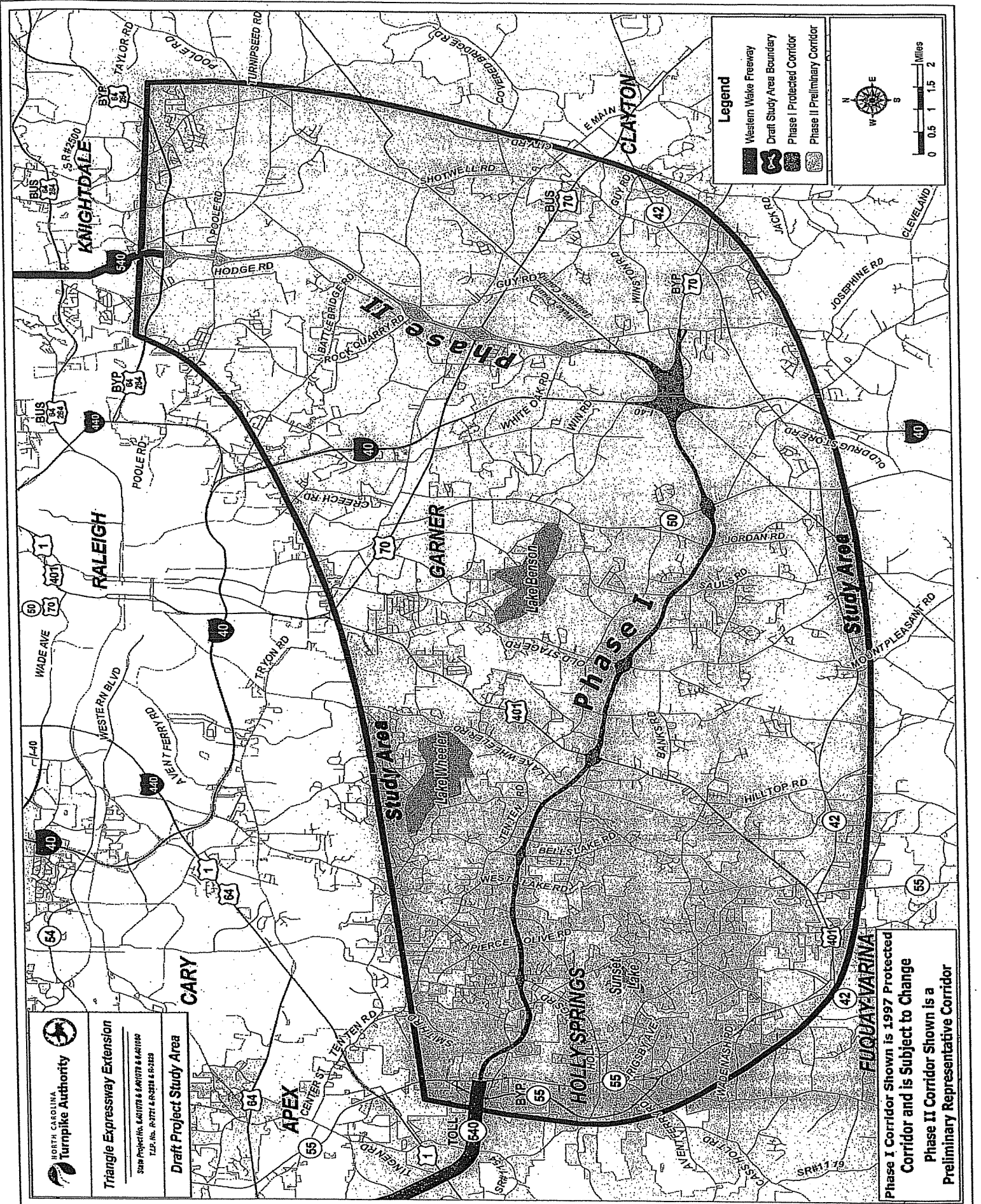
Triangle Expressway Extension

State Project No. 44-1076 & 44-1078 & 44-1080  
TDP No. R-3771 & R-3772 & R-3773

Draft Project Study Area

Legend

- Western Wake Freeway
- Draft Study Area Boundary
- Phase I Protected Corridor
- Phase II Preliminary Corridor



Phase I Corridor Shown is 1997 Protected Corridor and is Subject to Change  
Phase II Corridor Shown is a Preliminary Representative Corridor



**RESOLUTION EXPRESSING THE NC CAPITAL AREA MPO'S POSITION REGARDING THE  
ALIGNMENT OF THE FUTURE NC 540 TURNPIKE**

On motion made by Mayor Sears and seconded by Mayor Byrne , and having been put to a vote, was duly adopted, the following resolution;

**WHEREAS**, the proposed southern and southeastern segments of the NC 540 Turnpike are an adopted element of the Capital Area Metropolitan Planning Organization's (CAMPO) 2035 Long Range Transportation Plan; and

**WHEREAS**, official corridor maps show a specific alignment, adopted by the North Carolina Board of Transportation, to block new development in the preferred path of the southern segment from N.C. 55 in Holly Springs to US 401 south of Garner on August 2, 1996 and the southern segment from US 401 south of Garner to Interstate 40 south of Garner on March 7, 1997; and

**WHEREAS**, the proposed freeway alignment has been a fundamental transportation facility underpinning for more than 20 years of local land use and transportation decisions for the towns of Fuquay-Varina, Garner, and Holly Springs; and

**WHEREAS**, Wake County is the first and only County in North Carolina to have its urban loop constructed as a toll road; and

**WHEREAS**, the southeastern segment is likely to be much more expensive on a per mile basis than the southern segment and as such will need the revenue coming from the southern segment to help pay for it; and

**WHEREAS**, the southeastern segment is the Capital Area MPO's urgently needed top regional priority and therefore should not be delayed until the northern segment of the loop is converted to a turnpike to help pay for it's construction

**WHEREAS**, the North Carolina Turnpike Authority is looking at new alternatives (defined as "red", "blue", and "purple") that would possibly have an adverse impact upon these towns, causing disruptions to existing homes and businesses; and

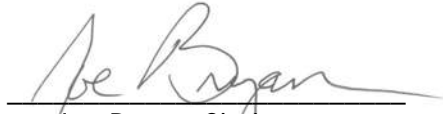
**WHEREAS**, the alternatives may be shorter and possibly cut construction cost; at the possible expense of environmentally sensitive areas as well as mar residential and commercial activities vital to the economic well being of the towns being impacted;

**NOW, THEREFORE BE IT RESOLVED**, the Capital Area MPO Transportation Advisory Committee supports the use of the original protected corridor alignment illustrated on North Carolina Turnpike Authority maps adopted in 1996 and 1997 as the preferred choice for the development and construction of the proposed NC 540 Turnpike in southern and southeastern Wake County; and

**BE IT FURTHER RESOLVED**, that the Capital Area MPO Transportation Advisory Committee requests that the North Carolina Turnpike Authority include the Capital Area MPO as an active stakeholder in the alternatives analysis process; and

**BE IT FURTHER RESOLVED**, that the Capital Area MPO Transportation Advisory Committee strongly urges the North Carolina Department of Transportation to construct the entire remaining portion of the outer loop as a turnpike in one phase rather than as two separate phases.

Adopted on this the 20<sup>th</sup> day of October, 2010

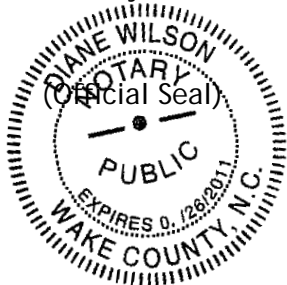
  
\_\_\_\_\_  
Joe Bryan, Chair  
Director  
Transportation Advisory Committee


  
\_\_\_\_\_  
Ed Johnson, Capital Area MPO  
Transportation Advisory Committee Clerk

County of Wake  
State of North Carolina

I, Diane Wilson, a Notary Public for said County and State, do hereby certify that on this, the 20<sup>th</sup> day of October, 2010, personally appeared before me, Joe Bryan, known to me by his presence, and acknowledged the due execution of the foregoing RESOLUTION STATING THE CAPITAL AREA MPO'S POSITION REGARDING THE ALIGNMENT OF THE FUTURE NC 540 TURNPIKE.

Witness my hand and official seal, this the 20<sup>th</sup> day of October, 2010.



  
\_\_\_\_\_  
Diane Wilson, Notary Public

My commission expires January 26, 2011

**RESOLUTION  
REGARDING THE TAN AND RED CORRIDORS AS  
ALTERNATIVE ALIGNMENTS FOR  
THE TRIANGLE EXPRESSWAY SOUTHEAST EXTENSION**

On motion made by Commissioner Bryan and seconded by Mayor Sears and having being duly put to a vote of the N.C. Capital Area Metropolitan Planning Organization's Transportation Advisory Committee was adopted the following resolution;

WHEREAS, the proposed Southeast Extension of the Triangle Expressway will extend the eastern leg of the Triangle Expressway toll road from Interstate 40 near Garner north to the eastern tip of the 540 Outer Loop on U.S. 64 / 264 in Knightdale; and

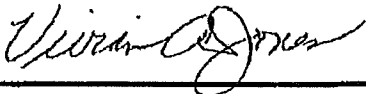
WHEREAS, the North Carolina Turnpike Authority has been examining various alternate routes for the Southeast Extension of the Triangle Expressway in accordance with federal highway and environmental laws and as of March 2010 announced the introduction of new alternate corridors (aka the Red and Tan Corridors) on the eastern side of the Triangle Expressway Southeast Extension as "equivalent" alternates to the 20 year old prospected "Green" and "Orange" corridors and,

WHEREAS, Wake County has indicated a lack of support for the recent addition of the "Tan" corridor and has requested that the North Carolina Turnpike Authority remove the corridor from consideration, as well as request that the selection of the final corridor be expedited as soon as possible; and,

WHEREAS, while the Raleigh City Council voted unanimously to oppose the Tan Corridor as it is currently proposed, has requested that staff continue to work with the North Carolina Turnpike Authority project team to develop viable alternatives for consideration in the Environmental Impact Statement (EIS), and states that while the EIS process is technical in nature, the North Carolina Turnpike Authority is urged to continue to take the concerns of area residents into account as they proceed with the study.

NOW THEREFORE, be it resolved that the N.C. Capital Area Metropolitan Planning Organization opposes the Red and Tan Corridors in their currently proposed alignment and supports the original alignment shown on the adopted 2035 Long-Range Transportation Plan, and will continue to be receptive to new and better information regarding alternative alignments as they become available during the EIS process. The organization also encourages the North Carolina Turnpike Authority to work with local government staff from Garner, Raleigh, Johnston County, and Wake County on the technical data for the EIS process.

Adopted this the 16th day of March, 2011



Vivian Jones, Chair  
Transportation Advisory Committee



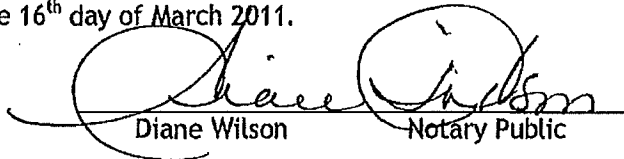
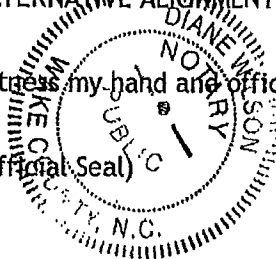
Ed Johnson, Capital Area MPO Director  
Transportation Advisory Committee Clerk

County of Wake  
State of North Carolina

I, Diane Wilson, a Notary Public for said County and State, do hereby certify that Vivian Jones personally known to me by her presence appeared before me this day and acknowledged the due execution of the foregoing RESOLUTION REGARDING THE TAN CORRIDOR AS AN ALTERNATIVE ALIGNMENT FOR THE TRIANGLE EXPRESSWAY SOUTHEAST EXTENSION

Witness my hand and official seal, the 16<sup>th</sup> day of March 2011.

(Official Seal)



Diane Wilson  
Notary Public

My commission expires January 26, 2016.

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011**

**SESSION LAW 2011-7  
SENATE BILL 165**

AN ACT TO RESTRICT THE NORTH CAROLINA TURNPIKE AUTHORITY'S  
SELECTION OF TRANSPORTATION CORRIDORS TO EXISTING PROTECTED  
CORRIDORS OR CORRIDORS SOUTH OF AN EXISTING PROTECTED CORRIDOR  
EXCEPT IN THE AREA OF INTERSTATE 40 EAST.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 136-89.183(a)(2) reads as rewritten:

"(2) To study, plan, develop, and undertake preliminary design work on up to nine Turnpike Projects. At the conclusion of these activities, the Turnpike Authority is authorized to design, establish, purchase, construct, operate, and maintain the following projects:

- a. Triangle Expressway, including segments also known as N.C. 540, Triangle Parkway, and Western Wake Freeway in Wake and Durham ~~Counties.~~ Counties, except that segment known as the Triangle Expressway Southeast Extension which shall not be located north of an existing protected corridor established by the Department of Transportation circa 1995, except in the area of Interstate 40 East.
- b. Gaston East-West Connector, also known as the Garden Parkway.
- c. Monroe Connector/Bypass.
- d. Cape Fear Skyway.
- e. A bridge of more than two miles in length going from the mainland to a peninsula bordering the State of Virginia, pursuant to G.S. 136-89.183A.
- f. Repealed by Session Laws 2008-225, s. 4, effective August 17, 2008. Any other project proposed by the Authority in addition to the projects listed in this subdivision must be approved by the General Assembly prior to construction.

A Turnpike Project selected for construction by the Turnpike Authority shall be included in any applicable locally adopted comprehensive transportation plans and shall be shown in the current State Transportation Improvement Plan prior to the letting of a contract for the Turnpike Project."



**SECTION 2.** This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 17<sup>th</sup> day of March,  
2011.

s/ Philip E. Berger  
President Pro Tempore of the Senate

s/ Thom Tillis  
Speaker of the House of Representatives

s/ Beverly E. Perdue  
Governor

Approved 3:09 p.m. this 18<sup>th</sup> day of March, 2011

**RESOLUTION  
EXPRESSING THE NC CAPITAL AREA MPO'S  
UNWAVERING SUPPORT  
FOR THE CONSTRUCTION OF THE WAKE OUTER LOOP**

On motion made by Mayor Sears and seconded by Mayor Williams, and having been put to a vote, was duly adopted, the following resolution;

WHEREAS, the Wake Outer Loop has been an adopted element of the Capital Area Metropolitan Planning Organization's (MPO) Comprehensive and Long Range Transportation Plans of 2025, 2030, and 2035; and

WHEREAS, the Wake Outer Loop will continue to be an essential highway corridor for the MPO's 2040 Long Range Transportation Plan; and

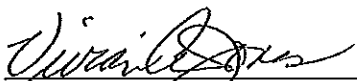
WHEREAS, the Wake Outer Loop has historically been one of the highest priority projects in both the MPO's Transportation Improvement Plan and the State Transportation Improvement Program, and has received numerous resolutions and letters of support over many years; and

WHEREAS, completion of the Wake Outer Loop is vital to continued high-quality mobility, and thus the economic health and well-being of the Triangle region and the state of North Carolina;

NOW THEREFORE BE IT RESOLVED, that the Capital Area MPO expresses its unwavering support for construction of the Wake Outer Loop, as quickly as possible, in a location that meets the needs of area citizens and requirements of federal law; and

BE IT FURTHER RESOLVED, that the Capital Area MPO requests that the North Carolina Turnpike Authority, in cooperation with state and federal agencies work to fulfill all essential requirements to satisfy legal review and obtain financial support for the Wake Outer Loop; and to ensure that the construction and completion of the Wake Outer Loop remain a high priority.

Adopted on this the 16<sup>th</sup> day of May, 2012



Vivian Jones, Chair  
Transportation Advisory Committee

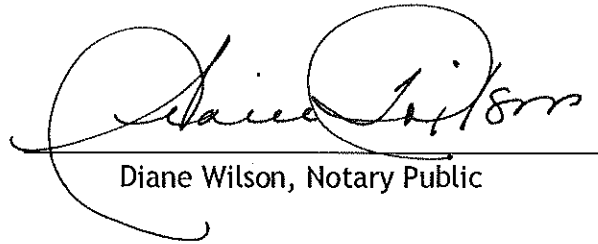
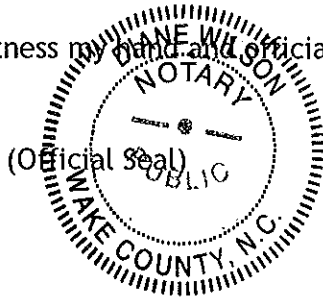


Edison H. Johnson, Jr.  
Director, Capital Area MPO

County of Wake  
State of North Carolina

I, Diane Wilson, a Notary Public for said County and State, do hereby certify that on this, the 16<sup>th</sup> day of May, 2012, personally appeared before me, Vivian Jones, known to me by her presence, and acknowledged the due execution of the foregoing RESOLUTION EXPRESSING THE NC CAPITAL AREA MPO'S UNWAVERING SUPPORT FOR THE CONSTRUCTION OF THE WAKE OUTER LOOP.

Witness my hand and official seal, this the 16<sup>th</sup> day of May, 2012.



Diane Wilson, Notary Public

My commission expires January 26, 2016



**NC CAPITAL AREA METROPOLITAN PLANNING ORGANIZATION  
REQUEST TO REPEAL NORTH CAROLINA SESSION LAW 2011-7**

On a motion made by Mayor Dick Sears and seconded by Mayor John Byrne, and having been put to a vote, was duly adopted, the following resolution;

WHEREAS, the Wake County Outer Loop (also known as the Triangle Expressway) has been an adopted element of the Capital Area Metropolitan Planning Organization's (MPO) Long Range Transportation Plans (LRTPs) adopted for 2025, 2030, and 2035; and

WHEREAS, the Wake Outer Loop will continue to be an essential highway corridor for the MPO's 2040 Comprehensive Metropolitan Transportation Plan(CMTP); and

WHEREAS, the Wake Outer Loop has historically been one of the highest priority projects in both the MPO's Transportation Improvement Plan and the State Transportation Improvement Program, and has received numerous resolutions and letters of support over many years; and

WHEREAS, completion of the Wake Outer Loop is vital to continued high-quality mobility, and thus the economic health and well-being of the Triangle region and the state of North Carolina; and

WHEREAS, NC Session Law 2011-7 prohibits the construction of the Southeast Extension of the Wake Outer Loop on any location north of the existing protected corridor established by the North Carolina Department of Transportation in 1995 (now referred to as the Orange route in the currently ongoing environmental study; and

WHEREAS, the National Environmental Policy Act (NEPA) and other Federal laws require study of alternative corridors some of which have been proposed for study north of the protected corridor; and

WHEREAS, the Army Corps of Engineers and the Federal Highway Administration have expressed concern that the ability to analyze and objectively compare alternatives for this project as required by the Clean Water Act will be hampered; and

WHEREAS, the Army Corps of Engineers and the Federal Highway Administration, by letter (Appendix A attached hereto) indicate it is their belief that this project can no longer move forward with the Project Advancement Plan and satisfy all Federal environmental requirements;

**NOW THEREFORE BE IT RESOLVED**, that the Capital Area Metropolitan Planning Organization respectfully requests that North Carolina Session Law 2011-7 be repealed to allow study of alternative routes for the Southeast Extension of the Wake Outer Loop in accordance with the National Environmental Policy Act and other Federal laws and allow construction of the Wake Outer Loop, as quickly as possible, in a location that meets the needs of area citizens and requirements of federal law.

Adopted on this the 12<sup>th</sup> day of December 2012



\_\_\_\_\_  
Vivian Jones, Chair  
Transportation Advisory Committee



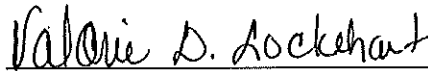
\_\_\_\_\_  
Edison H. Johnson, Jr.  
Director, Capital Area MPO

County of Wake  
State of North Carolina

I, Valorie D. Lockhart, a Notary Public for said County and State, do hereby certify that on this, the 12<sup>th</sup> day of December, personally appeared before me, Vivian Jones and Edison Johnson, known to me by their presence, and acknowledged the due execution of the foregoing NC CAPITAL AREA METROPOLITAN PLANNING ORGANIZATION, REQUEST TO REPEAL NORTH CAROLINA SESSION LAW 2011-7

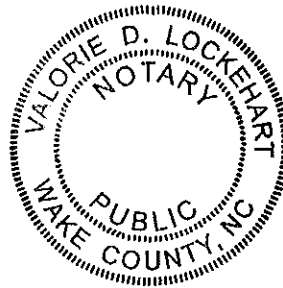
Witness my hand and official seal, this the 12<sup>th</sup> day of December 2012.

(Official Seal)



\_\_\_\_\_  
Valorie D. Lockhart, Notary Public

My commission expires January 31 2016





December 20, 2012

Members of the North Carolina General Assembly

Subject: NC Session Law 2011-7

Dear Sirs/Madams:

Transmitted with this letter is a Resolution from the North Carolina Capital Area Metropolitan Planning Organization's Executive Policy Board, approved at its meeting on December 12, 2012, requesting the repeal of NC Session Law 2011-7 pertaining to the construction of the Southeast Extension of the Wake County Outer Loop (also known as the Triangle Expressway).

The Wake Outer Loop has been an adopted element of the Capital Area Metropolitan Planning Organization's (MPO) Long-Range Transportation Plans for 2025, 2030, and 2035 and is an essential highway corridor included in the MPO's 2040 Comprehensive Metropolitan Transportation Plan (CMTP). This project has historically been one of the highest priority projects in both the MPO's Transportation Improvement Plan and the State Transportation Improvement Program.

NC Session Law 2011-7 prohibits construction of the Southeast Extension of the Loop on location north of an existing protected corridor established by the North Carolina Department of Transportation in 1995 (known as the Orange route in the currently ongoing environmental study). Although well intentioned, this prohibition is contrary to the National Environmental Policy Act (NEPA) and other Federal laws that require study of alternative corridors, which would include those north of the protected corridor. The Army Corps of Engineers and the Federal Highway Administration have expressed concern that the ability to analyze and objectively compare alternatives for this project as required by the Clean Water Act will be hampered. They further indicate that it is their belief that this project can no longer move forward with the Project Advancement Plan and satisfy all Federal environmental requirements.

The Capital Area Metropolitan Planning Organization is therefore requesting that North Carolina Session Law 2011-7 be repealed as soon as practicable to allow study of a full range of alternative routes for the Southeast Extension of the Wake Outer Loop in accordance with the National Environmental Policy Act and other Federal laws to allow the preferred route to be approved and constructed for the completion of the Wake Outer Loop.

Sincerely,

---

Vivian Jones, Chair  
Transportation Advisory Committee  
Capital Area MPO

cc: Representative Thom Tillis, North Carolina House Speaker  
Senator Phil Berger, North Carolina Senate President Pro Tem  
Wake County Legislative Delegation  
TAC Members



## Town of Garner

900 7th Avenue · Garner, North Carolina 27529  
Phone (919) 772-4688 · Fax (919) 662-8874 · [www.GarnerNC.gov](http://www.GarnerNC.gov)

January 23, 2013

North Carolina General Assembly  
Wake County Representation  
16 West Jones Street  
Raleigh, NC 27601

Dear Honorable Member:

North Carolina Session Law 2011-7 (NCSL 2011-7) was approved by the North Carolina General Assembly in and signed into law by Governor Bev Perdue in March 2011. This law restricts the NC Turnpike Authority's selection of future Triangle Expressway Southeast (540) corridors to existing protected corridors, except in the area of I-40 East.

The Town of Garner and the Metropolitan Raleigh Region agree that 540 is vital to our region's future and we all support the construction of 540 to connect the outer loop. Over the past two years, the Town of Garner has utilized herculean efforts to find solutions and alternatives to this horribly bothersome problem, including hiring nationally recognized consultants, engaging in cooperative conversations with Southern Wake County Mayors, NC Department of Transportation (NCDOT) Capital Area Metropolitan Planning Organization (CAMPO) and the Regional Transportation Alliance.

In spite of these efforts, the Federal Highway Administration (FHWA) and US Army Corps of Engineers (Corps) have indicated via letter to NCDOT officials that NCSL 2011-7 is contrary to the National Environmental Policy Act (NEPA) and the Clean Water Act, thereby hampering their ability to analyze and objectively compare alternatives as required by these and other federal laws. These agencies have indicated that they believe the 540 project can no longer move forward in a manner satisfactory to all federal environmental requirements unless NCSL 2011-7 is repealed.

Subsequently, CAMPO adopted a Resolution on December 12, 2012 requesting that the NC General Assembly repeal Session Law 2011-7 to allow study of alternative routes for the Triangle Expressway Southeast as quickly as possible. That action is leading us to where we are today.

Positive economic impacts can be documented in the Town of Garner since Session Law 2011-7 was adopted on March 18, 2011. The most notable was the construction of the \$12.5 million Strategic Behavioral Center in Greenfield South Business Park and dozens of new houses in the Village of Aversboro. As a reminder, the red route tramples 13 neighborhoods, 4 town parks, and our primary industrial park. The Town is completely opposed to the red route and insists that it not be studied or advanced in any way.

**The Town of Garner is opposed to the repeal of Session Law 2011-7.**


If NCSL 2011-7 is repealed or amended, then the Town requests that the General Assembly also mandate the following:

- A. Ensure that NCDOT, CAMPO, and all involved federal agencies, especially FHWA and Corps, expedite all steps of the refinement and development of the necessary Environmental Impact Statement process for the Triangle Expressway Southeast, and to include the Town of Garner and the Garner Chamber of Commerce as key stakeholders in the EIS development process.
- B. Ensure that NCDOT fully considers all reasonable alternatives, other than red, as suggested via adopted motion by the CAMPO Board of Directors at their December 12, 2012 meeting. This includes orange, blue, purple, lilac, and plum.
- C. Assign a General Assembly Oversight Committee to monitor this issue on behalf of the citizens of Garner and Southern Wake County to ensure that all involved agencies move this process along as fast as possible.


This is a very important issue to the Garner community and has tremendous economic development implications. Thank you for your consideration of our request.


Sincerely,

  
Ronnie S. Williams  
Mayor

  
Jackie Johns  
Mayor Pro Tem

Kathy Behringer  
Council Member

  
Buck Kennedy  
Council Member

  
Ken Marshburn  
Council Member

  
Gra Singleton  
Council Member



- c:
- Thom Tillis, Speaker, North Carolina House of Representatives
  - Phil Berger, President Pro Tempore, North Carolina Senate
  - Rep. William Brawler, Chairman, House Transportation Committee
  - Rep. Frank Iler, Chairman, House Transportation Committee
  - Sen. Warren Daniel, Co-Chairman, Senate Transportation Committee
  - Sen. Kathy Harrington, Co-Chairman, Senate Transportation Committee

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013**

**SESSION LAW 2013-94  
HOUSE BILL 10**

AN ACT TO REMOVE THE RESTRICTION ON THE TURNPIKE AUTHORITY'S  
SELECTION OF A CORRIDOR LOCATION FOR THE SOUTHEAST EXTENSION  
PROJECT OF N.C. 540.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 136-89.183(a)(2)a. reads as rewritten:

"(2) To study, plan, develop, and undertake preliminary design work on up to eight Turnpike Projects. At the conclusion of these activities, the Turnpike Authority is authorized to design, establish, purchase, construct, operate, and maintain the following projects:

- a. Triangle Expressway, including segments also known as N.C. 540, Triangle Parkway, and the Western Wake Freeway in Wake and Durham Counties, and Southeast Extension in Wake and Johnston Counties, except that no portion of the Southeast Extension shall be located north of an existing protected corridor established by the Department of Transportation circa 1995, except in the area of Interstate 40 East. Counties. The described segments constitute three projects."

**SECTION 2.** The Department of Transportation shall strive to expedite the federal environmental impact statement process to define the route for the Southeast Extension of the Triangle Expressway Turnpike Project by promptly garnering input from local officials and other stakeholders, accelerating any required State studies, promptly submitting permit applications to the federal government, working closely with the federal government during the permitting process, and taking any other appropriate actions to accelerate the environmental permitting process.

**SECTION 3.** As part of its oversight of the Department of Transportation, the Joint Legislative Transportation Oversight Committee shall closely monitor the progress of the Southeast Extension of the Triangle Expressway Turnpike Project.

**SECTION 3.1.** This act is effective only if House Bill 817, 2013 Regular Session, becomes law.



**SECTION 4.** This act is effective when it becomes law.  
In the General Assembly read three times and ratified this the 4<sup>th</sup> day of June, 2013.

s/ Daniel J. Forest  
President of the Senate

s/ Thom Tillis  
Speaker of the House of Representatives

s/ Pat McCrory  
Governor

Approved 4:29 p.m. this 12<sup>th</sup> day of June, 2013

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013

SESSION LAW 2013-183  
HOUSE BILL 817

AN ACT TO STRENGTHEN THE ECONOMY THROUGH STRATEGIC  
TRANSPORTATION INVESTMENTS.

The General Assembly of North Carolina enacts:

**STRATEGIC TRANSPORTATION INVESTMENTS**

**SECTION 1.1.(a)** Chapter 136 of the General Statutes is amended by adding a new Article to read:

"Article 14B.

"Strategic Prioritization Funding Plan for Transportation Investments.

**"§ 136-189.10. Definitions.**

The following definitions apply in this Article:

- (1) Statewide strategic mobility projects. – Includes only the following:
  - a. Interstate highways and future interstate highways approved by the federal government.
  - b. Routes on the National Highway System as of July 1, 2012, excluding intermodal connectors.
  - c. Highway routes on the United States Department of Defense Strategic Highway Network (STRAHNET).
  - d. Highway toll routes designated by State law or by the Department of Transportation, pursuant to its authority under State law.
  - e. Highway projects listed in G.S. 136-179, as it existed on July 1, 2012, that are not authorized for construction as of July 1, 2015.
  - f. Appalachian Development Highway System.
  - g. Commercial service airports included in the Federal Aviation Administration's National Plan of Integrated Airport Systems (NPIAS) that provide international passenger service or 375,000 or more enplanements annually, provided that the State's annual financial participation in any single airport project included in this subdivision may not exceed five hundred thousand dollars (\$500,000).
  - h. Freight capacity and safety improvements to Class I freight rail corridors.
- (2) Regional impact projects. – Includes only the following:
  - a. Projects listed in subdivision (1) of this section, subject to the limitations noted in that subdivision.
  - b. U.S. highway routes not included in subdivision (1) of this section.
  - c. N.C. highway routes not included in subdivision (1) of this section.
  - d. Commercial service airports included in the NPIAS that are not included in subdivision (1) of this section, provided that the State's annual financial participation in any single airport project included in this subdivision may not exceed three hundred thousand dollars (\$300,000).
  - e. The State-maintained ferry system, excluding passenger vessel replacement.
  - f. Rail lines that span two or more counties not included in subdivision (1) of this section.





- g. Public transportation service that spans two or more counties and that serves more than one municipality. Expenditures pursuant to this sub-subdivision shall not exceed ten percent (10%) of any distribution region allocation.
- (3) Division needs projects. – Includes only the following:
- a. Projects listed in subdivision (1) or (2) of this section, subject to the limitations noted in those subsections.
  - b. State highway routes not included in subdivision (1) or (2) of this section.
  - c. Airports included in the NPIAS that are not included in subdivision (1) or (2) of this section, provided that the State's total annual financial participation under this sub-subdivision shall not exceed eighteen million five hundred thousand dollars (\$18,500,000).
  - d. Rail lines not included in subdivision (1) or (2) of this section.
  - e. Public transportation service not included in subdivision (1) or (2) of this section.
  - f. Multimodal terminals and stations serving passenger transit systems.
  - g. Federally funded independent bicycle and pedestrian improvements.
  - h. Replacement of State-maintained ferry vessels.
  - i. Federally funded municipal road projects.
- (4) Distribution Regions. – The following Distribution Regions apply to this Article:
- a. Distribution Region A consists of the following counties: Bertie, Camden, Chowan, Currituck, Dare, Edgecombe, Gates, Halifax, Hertford, Hyde, Johnston, Martin, Nash, Northampton, Pasquotank, Perquimans, Tyrrell, Washington, Wayne, and Wilson.
  - b. Distribution Region B consists of the following counties: Beaufort, Brunswick, Carteret, Craven, Duplin, Greene, Jones, Lenoir, New Hanover, Onslow, Pamlico, Pender, Pitt, and Sampson.
  - c. Distribution Region C consists of the following counties: Bladen, Columbus, Cumberland, Durham, Franklin, Granville, Harnett, Person, Robeson, Vance, Wake, and Warren.
  - d. Distribution Region D consists of the following counties: Alamance, Caswell, Davidson, Davie, Forsyth, Guilford, Orange, Rockingham, Rowan, and Stokes.
  - e. Distribution Region E consists of the following counties: Anson, Cabarrus, Chatham, Hoke, Lee, Mecklenburg, Montgomery, Moore, Randolph, Richmond, Scotland, Stanly, and Union.
  - f. Distribution Region F consists of the following counties: Alexander, Alleghany, Ashe, Avery, Caldwell, Catawba, Cleveland, Gaston, Iredell, Lincoln, Surry, Watauga, Wilkes, and Yadkin.
  - g. Distribution Region G consists of the following counties: Buncombe, Burke, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, Macon, Madison, McDowell, Mitchell, Polk, Rutherford, Swain, Transylvania, and Yancey.

**"§ 136-189.11. Transportation Investment Strategy Formula.**

(a) Funds Subject to Formula. – The following sources of funds are subject to this section:

- (1) Highway Trust Fund funds, in accordance with G.S. 136-176.
- (2) Federal aid funds.

(b) Funds Excluded From Formula. – The following funds are not subject to this section:

- (1) Federal congestion mitigation and air quality improvement program funds appropriated to the State by the United States pursuant to 23 U.S.C. § 104(b)(2) and 23 U.S.C. § 149.
- (2) Funds received through competitive awards or discretionary grants through federal appropriations either for local governments, transportation authorities, transit authorities, or the Department.

- (3) Funds received from the federal government that under federal law may only be used for Appalachian Development Highway System projects.
- (4) Funds used in repayment of "GARVEE" bonds related to Phase I of the Yadkin River Veterans Memorial Bridge project.
- (5) Funds committed to gap funding for toll roads funded with bonds issued pursuant to G.S. 136-176.
- (6) Funds obligated for projects in the State Transportation Improvement Program that are scheduled for construction as of April 1, 2013, in State fiscal year 2012-2013, 2013-2014, or 2014-2015.
- (7) Toll collections from a turnpike project under Article 6H of this Chapter and other revenue from the sale of the Authority's bonds or notes or project loans, in accordance with G.S. 136-89.192.
- (8) Toll collections from the State-maintained ferry system collected under the authority of G.S. 136-82.
- (9) Federal State Planning and Research Program funds.
- (b1) Funds Excluded From Regional Impact Project Category. – Federal Surface Transportation Program-Direct Attributable funds expended on eligible projects in the Regional Impact Project category are excluded from that category.
- (c) Funds With Alternate Criteria. – The following federal program activities shall be included in the applicable category of the Transportation Investment Strategy Formula set forth in subsection (d) of this section but shall not be subject to the prioritization criteria set forth in that subsection:
  - (1) Bridge replacement.
  - (2) Interstate maintenance.
  - (3) Highway safety improvement.
- (d) Transportation Investment Strategy Formula. – Funds subject to the Formula shall be distributed as follows:
  - (1) Statewide Strategic Mobility Projects. – Forty percent (40%) of the funds subject to this section shall be used for Statewide Strategic Mobility Projects.
    - a. Criteria. – Transportation-related quantitative criteria shall be used by the Department to rank highway projects that address cost-effective Statewide Strategic Mobility needs and promote economic and employment growth. The criteria for selection of Statewide Strategic Mobility Projects shall utilize a numeric scale of 100 points, based on consideration of the following quantitative criteria:
      - 1. Benefit cost.
      - 2. Congestion.
      - 3. Safety.
      - 4. Economic competitiveness.
      - 5. Freight.
      - 6. Multimodal.
      - 7. Pavement condition.
      - 8. Lane width.
      - 9. Shoulder width.
    - b. Project cap. – No more than ten percent (10%) of the funds projected to be allocated to the Statewide Strategic Mobility category over any five-year period may be assigned to any contiguous project or group of projects in the same corridor within a Highway Division or within adjoining Highway Divisions.
  - (2) Regional Impact Projects. – Thirty percent (30%) of the funds subject to this section shall be used for Regional Impact Projects and allocated by population of Distribution Regions based on the most recent estimates certified by the Office of State Budget and Management.
    - a. Criteria. – A combination of transportation-related quantitative criteria, qualitative criteria, and local input shall be used to rank Regional Impact Projects involving highways that address cost-effective needs from a region-wide perspective and promote

economic growth. Local input is defined as the rankings identified by the Department's Transportation Division Engineers, Metropolitan Planning Organizations, and Rural Transportation Planning Organizations. The criteria utilized for selection of Regional Impact Projects shall be based thirty percent (30%) on local input and seventy percent (70%) on consideration of a numeric scale of 100 points based on the following quantitative criteria:

1. Benefit cost.
2. Congestion.
3. Safety.
4. Freight.
5. Multimodal.
6. Pavement condition.
7. Lane width.
8. Shoulder width.
9. Accessibility and connectivity to employment centers, tourist destinations, or military installations.

(3) Division Need Projects. – Thirty percent (30%) of the funds subject to this section shall be allocated in equal share to each of the Department divisions, as defined in G.S. 136-14.1, and used for Division Need Projects.

a. Criteria. – A combination of transportation-related quantitative criteria, qualitative criteria, and local input shall be used to rank Division Need Projects involving highways that address cost-effective needs from a Division-wide perspective, provide access, and address safety-related needs of local communities. Local input is defined as the rankings identified by the Department's Transportation Division Engineers, Metropolitan Planning Organizations, and Rural Transportation Planning Organizations. The criteria utilized for selection of Division Need Projects shall be based fifty percent (50%) on local input and fifty percent (50%) on consideration of a numeric scale of 100 points based on the following quantitative criteria, except as provided in sub-subdivision b. of this subdivision:

1. Benefit cost.
2. Congestion.
3. Safety.
4. Freight.
5. Multimodal.
6. Pavement condition.
7. Lane width.
8. Shoulder width.
9. Accessibility and connectivity to employment centers, tourist destinations, or military installations.

b. Alternate criteria. – Funding from the following programs shall be included in the computation of each of the Department division equal shares but shall be subject to alternate quantitative criteria:

1. Federal Surface Transportation Program-Direct Attributable funds expended on eligible projects in the Division Need Projects category.
2. Federal Transportation Alternatives funds appropriated to the State.
3. Federal Railway-Highway Crossings Program funds appropriated to the State.
4. Projects requested from the Department in support of a time-critical job creation opportunity, when the opportunity would be classified as transformational under the Job Development Investment Grant program established pursuant to G.S. 143B-437.52, provided that the total State investment in each fiscal year for all projects funded under this

sub-subdivision shall not exceed ten million dollars (\$10,000,000) in the aggregate or two million dollars (\$2,000,000) per project.

5. Federal funds for municipal road projects.

c. Bicycle and pedestrian limitation. – The Department shall not provide financial support for independent bicycle and pedestrian improvement projects, except for federal funds administered by the Department for that purpose. This sub-subdivision shall not apply to funds allocated to a municipality pursuant to G.S. 136-41.1 that are committed by the municipality as matching funds for federal funds administered by the Department and used for bicycle and pedestrian improvement projects. This limitation shall not apply to funds authorized for projects in the State Transportation Improvement Program that are scheduled for construction as of October 1, 2013, in State fiscal year 2012-2013, 2013-2014, or 2014-2015.

(4) Criteria for nonhighway projects. – Nonhighway projects subject to this subsection shall be evaluated through a separate prioritization process established by the Department that complies with all of the following:

a. The criteria used for selection of projects for a particular transportation mode shall be based on a minimum of four quantitative criteria.

b. Local input shall include rankings of projects identified by the Department's Transportation Division Engineers, Metropolitan Planning Organizations, and Rural Transportation Planning Organizations.

c. The criteria shall be based on a scale not to exceed 100 points that includes no bonus points or other alterations favoring any particular mode of transportation.

(e) Authorized Formula Variance. – The Department may vary from the Formula set forth in this section if it complies with the following:

(1) Limitation on variance. – The Department, in obligating funds in accordance with this section, shall ensure that the percentage amount obligated to Statewide Strategic Mobility Projects, Regional Impact Projects, and Division Need Projects does not vary by more than five percent (5%) over any five-year period from the percentage required to be allocated to each of those categories by this section. Funds obligated among distribution regions or divisions pursuant to this section may vary up to ten percent (10%) over any five-year period.

(2) Calculation of variance. – Each year the Secretary shall calculate the amount of Regional Impact and Division Need funds allocated in that year to each division and region, the amount of funds obligated, and the amount the obligations exceeded or were below the allocation. In the first variance calculation under this subdivision following the end of fiscal year 2015-2016, the target amounts obtained according to the Formula set forth in this section shall be adjusted to account for any differences between allocations and obligations reported for the previous year. In the first variance calculation under this subdivision following the end of fiscal year 2016-2017, the target amounts obtained according to the Formula set forth in this section shall be adjusted to account for any differences between allocations and obligations reported for the previous two fiscal years. In the first variance calculation under this subdivision following the end of fiscal year 2017-2018, the target amounts obtained according to the Formula set forth in this section shall be adjusted to account for any differences between allocations and obligations reported for the previous three fiscal years. In the first variance calculation under this subdivision following the end of fiscal year 2018-2019, the target amounts obtained according to the Formula set forth in this section shall be adjusted to account for any differences between allocations and obligations reported for the previous four fiscal years. The new target amounts shall be used to fulfill the requirements of subdivision

(1) of this subsection for the next update of the Transportation Improvement Program. The adjustment to the target amount shall be allocated by Distribution Region or Division, as applicable.

(f) Incentives for Local Funding and Highway Tolling. – The Department may revise highway project selection ratings based on local government funding initiatives and capital construction funding directly attributable to highway toll revenue. Projects authorized for construction after November 1, 2013, and contained in the 10-year Department of Transportation work program are eligible for a bonus allocation under this subsection.

- (1) Definitions. – The following definitions apply in this subsection:
  - a. Bonus allocation. – The allocation obtained as a result of local government funding participation or highway tolling.
  - b. Local funding participation. – Non-State or nonfederal funds committed by local officials to leverage the commitment of State or federal transportation funds towards construction.
- (2) Funds obtained from local government funding participation. – Upon authorization to construct a project with funds obtained by local government funding participation, the Department shall make available for allocation as set forth in subdivision (4) of this section an amount equal to one-half of the local funding commitment for other eligible highway projects that serve the local entity or entities that provided the local funding.
- (3) Funds obtained through highway tolling. – Upon authorization to construct a project with funding from toll revenue, the Department shall make available for allocation an amount equal to one-half of the project construction cost derived from toll revenue bonds. The amount made available for allocation to other eligible highway projects shall not exceed two hundred million dollars (\$200,000,000) of the capital construction funding directly attributable to the highway toll revenues committed in the Investment Grade Traffic and Revenue Study, for a project for which funds have been committed on or before July 1, 2015. The amount made available for allocation to other eligible highway projects shall not exceed one hundred million dollars (\$100,000,000) of the capital construction funding directly attributable to the highway toll revenues committed in the Investment Grade Traffic and Revenue Study, for a project for which funds are committed after July 1, 2015. If the toll project is located in one or more Metropolitan Planning Organization or Rural Transportation Planning Organization boundaries, based on the boundaries in existence at the time of letting of the project construction contract, the bonus allocation shall be distributed proportionately to lane miles of new capacity within the Organization's boundaries. The Organization shall apply the bonus allocation only within those counties in which the toll project is located.
- (4) Use of bonus allocation. – The Metropolitan Planning Organization, Rural Transportation Planning Organization, or the local government may choose to apply its bonus allocation in one of the three categories or in a combination of the three categories as provided in this subdivision.
  - a. Statewide Strategic Mobility Projects category. – The bonus allocation shall apply over the five-year period in the State Transportation Improvement Program in the cycle following the contractual obligation.
  - b. Regional Impact Projects category. – The bonus allocation is capped at ten percent (10%) of the regional allocation, or allocation to multiple regions, made over a five-year period and shall be applied over the five-year period in the State Transportation Improvement Program in the cycle following the contractual obligation.
  - c. Division Needs Projects category. – The bonus allocation is capped at ten percent (10%) of the division allocation, or allocation to multiple divisions, made over a five-year period and shall be applied over the five-year period in the State Transportation Improvement Program in the cycle following the contractual obligation.

(g) Reporting. – The Department shall publish on its Web site, in a link to the "Strategic Transportation Investments" Web site linked directly from the Department's home page, the following information in an accessible format as promptly as possible:

- (1) The quantitative criteria used in each highway and nonhighway project scoring, including the methodology used to define each criteria, the criteria presented to the Board of Transportation for approval, and any adjustments made to finalize the criteria.
- (2) The quantitative and qualitative criteria in each highway or nonhighway project scoring that is used in each region or division to finalize the local input score and shall include distinctions between Metropolitan Planning Organization and Rural Transportation Planning Organization scoring and methodologies.
- (3) Notification of changes to the methodologies used to calculate quantitative criteria.
- (4) The final quantitative formulas, including the number of points assigned to each criteria, used in each highway and nonhighway project scoring used to obtain project rankings in the Statewide, Regional, and Division categories. If the Department approves different formulas or point assignments regionally or by division, the final scoring for each area shall be noted.
- (5) The project scorings associated with the release of the draft and final State Transportation Improvement Program."

**SECTION 1.1.(b)** Effective July 1, 2019, G.S. 136-189.11(e)(2), as enacted by subsection (a) of this section, reads as rewritten:

"(e) Authorized Formula Variance. – The Department may vary from the Formula set forth in this section if it complies with the following:

- ...
- (2) Calculation of Variance. – Each year, the Secretary shall calculate the amount of Regional Impact and Division Need funds allocated in that year to each ~~division, division and region,~~ the amount of funds obligated, and the amount the obligations exceeded or were below the allocation. ~~In the first variance calculation under this subdivision following the end of fiscal year 2015-16, the target amounts obtained according to the Formula set forth in this section shall be adjusted to account for any differences between allocations and obligations reported for the previous year. In the first variance calculation under this subdivision following the end of fiscal year 2016-17, the target amounts obtained according to the Formula set forth in this section shall be adjusted to account for any differences between allocations and obligations reported for the previous two fiscal years. In the first variance calculation under this subdivision following the end of fiscal year 2017-18, the target amounts obtained according to the Formula set forth in this section shall be adjusted to account for any differences between allocations and obligations reported for the previous three fiscal years. In the first variance calculation under this subdivision following the end of fiscal year 2018-19, the~~ The target amounts obtained according to the Formula set forth in this section shall be adjusted to account for any differences between allocations and obligations reported for the previous ~~four~~ five fiscal years. The new target amounts shall be used to fulfill the requirements of subdivision (1) of this subsection for the next update of the Transportation Improvement Program. The adjustment to the target amount shall be allocated by Distribution Region or Division, as applicable."

**SECTION 1.2.** Strategic Prioritization Process Reporting. – The Department shall issue a draft revision to the State Transportation Improvement Program required by G.S. 143B-350(f)(4) no later than January 1, 2015. The Board of Transportation shall approve the revised State Transportation Improvement Program no later than July 1, 2015.

## **SECONDARY ROADS CHANGES**

**SECTION 2.1.** G.S. 20-85 reads as rewritten:  
"§ 20-85. **Schedule of fees.**

...

(a1) One dollar (\$1.00) of the fee imposed for any transaction assessed a fee under subdivision (a)(1), (a)(2), (a)(3), (a)(7), (a)(8), or (a)(9) of this section shall be credited to the North Carolina Highway Fund. The Division shall use the fees derived from transactions with the Division for technology improvements. The Division shall use the fees derived from transactions with commission contract agents for the payment of compensation to commission contract agents. An additional fifty cents (50¢) of the fee imposed for any transaction assessed a fee under subdivision (a)(1) of this section shall be credited to the Mercury Switch Removal Account in the Department of Environment and Natural Resources. ~~An additional fifty cents (50¢) of the fee imposed for any transaction assessed a fee under subdivision (a)(1) of this section shall be credited as follows:~~

- ~~(1) The first four hundred thousand dollars (\$400,000) collected shall be credited to the Reserve for Visitor Centers in the Highway Fund.~~
- ~~(2) Any additional funds collected shall be credited to the Highway Trust Fund and, notwithstanding G.S. 136-176(b), shall be allocated and used for urban loop projects.~~

(a2) From the fees collected under subdivisions (a)(1) through (a)(9) of this section, the Department shall annually credit the sum of four hundred thousand dollars (\$400,000) to the Reserve for Visitor Centers in the Highway Fund.

(b) Except as otherwise provided in ~~subsection (a1)~~subsections (a1) and (a2) of this section, the fees collected under subdivisions (a)(1) through (a)(9) of this section shall be credited to the North Carolina Highway Trust Fund. The fees collected under subdivision (a)(10) of this section shall be credited to the Highway Fund. ~~Fifteen dollars (\$15.00) of each title fee credited to the Trust Fund under subdivision (a)(1) shall be added to the amount allocated for secondary roads under G.S. 136-176 and used in accordance with G.S. 136-44.5.~~

...."

**SECTION 2.2.(a)** G.S. 136-44.2 reads as rewritten:

**"§ 136-44.2. Budget and appropriations.**

(a) The Director of the Budget shall include in the "Current Operations Appropriations Act" an enumeration of the purposes or objects of the proposed expenditures for each of the ~~construction and maintenance~~construction, maintenance, and improvement programs for that budget period for the State primary, secondary, State parks road systems, and other transportation systems. The State primary system shall include all portions of the State highway system located both inside and outside municipal corporate limits that are designated by N.C., U.S. or Interstate numbers. The State secondary system shall include all of the State highway system located both inside and outside municipal corporate limits that is not a part of the State primary system. The State parks system shall include all State parks roads and parking lots that are not also part of the State highway system. The transportation systems shall also include State-maintained, nonhighway modes of ~~transportation as well as transportation.~~

(b) All ~~construction and maintenance~~construction, maintenance, and improvement programs for which appropriations are requested shall be enumerated separately in the budget. Programs that are entirely State funded shall be listed separately from those programs involving the use of federal-aid funds. Proposed appropriations of State matching funds for each of the federal-aid construction programs shall be enumerated separately as well as the federal-aid funds anticipated for each program in order that the total construction requirements for each program may be provided for in the budget. Also, proposed State matching funds for the highway planning and research program shall be included separately along with the anticipated federal-aid funds for that purpose.

(c) Other program categories for which appropriations are requested, such as, but not limited to, maintenance, channelization and traffic control, bridge maintenance, public service and access road construction, transportation projects and systems, and ferry operations shall be enumerated in the budget.

(d) The Department of Transportation shall have all powers necessary to comply fully with provisions of present and future federal-aid acts. For purposes of this section, "federally eligible construction project" means any construction project except secondary road projects developed pursuant to G.S. 136-44.7 and 136-44.8 eligible for federal funds under any federal-aid act, whether or not federal funds are actually available.

(e) The "Current Operations Appropriations Act" shall also contain the proposed appropriations of State funds for use in each county for ~~maintenance and construction~~construction, maintenance, and improvement of secondary roads, to be allocated in

accordance with G.S. 136-44.5 and 136-44.6. State funds appropriated for secondary roads shall not be transferred nor used except for the ~~construction and maintenance~~construction, maintenance, and improvement of secondary roads in the county for which they are allocated pursuant to G.S. 136-44.5 and 136-44.6.

...."

**SECTION 2.2.(b)** Effective July 1, 2014, G.S. 136-44.2, as rewritten by subsection

(a) of this section, reads as rewritten:

**"§ 136-44.2. Budget and appropriations.**

(a) The Director of the Budget shall include in the "Current Operations Appropriations Act" an enumeration of the purposes or objects of the proposed expenditures for each of the ~~construction, maintenance, maintenance~~ and improvement programs for that budget period for the State primary, secondary, State parks road systems, and other transportation systems. The State primary system shall include all portions of the State highway system located both inside and outside municipal corporate limits that are designated by N.C., U.S. or Interstate numbers. The State secondary system shall include all of the State highway system located both inside and outside municipal corporate limits that is not a part of the State primary system. The State parks system shall include all State parks roads and parking lots that are not also part of the State highway system. The transportation systems shall also include State-maintained, nonhighway modes of transportation.

(b) All ~~construction, maintenance, maintenance~~ and improvement programs for which appropriations are requested shall be enumerated separately in the budget. Programs that are entirely State funded shall be listed separately from those programs involving the use of federal-aid funds. ~~Proposed appropriations of State matching funds for each of the federal aid construction programs shall be enumerated separately as well as the federal aid funds anticipated for each program in order that the total construction requirements for each program may be provided for in the budget. Also, proposed~~ Proposed State matching funds for the highway planning and research program shall be included separately along with the anticipated federal-aid funds for that purpose.

(c) Other program categories for which appropriations are requested, such as, but not limited to, maintenance, channelization and traffic control, bridge maintenance, public service and access road construction, transportation projects and systems, and ferry operations shall be enumerated in the budget.

(d) The Department of Transportation shall have all powers necessary to comply fully with provisions of present and future federal-aid acts. For purposes of this section, "federally eligible construction project" means any construction project except secondary road projects developed pursuant to ~~G.S. 136-44.7 and 136-44.8~~G.S. 136-44.8 eligible for federal funds under any federal-aid act, whether or not federal funds are actually available.

(e) The "Current Operations Appropriations Act" shall also contain the proposed appropriations of State funds for use in each county for ~~construction, maintenance, maintenance~~ and improvement of secondary roads, to be allocated in accordance with ~~G.S. 136-44.5 and 136-44.6~~G.S. 136-44.6. State funds appropriated for secondary roads shall not be transferred nor used except for the ~~construction, maintenance, maintenance~~ and improvement of secondary roads in the county for which they are allocated pursuant to ~~G.S. 136-44.5 and 136-44.6~~G.S. 136-44.6.

...

(g) The Department of Transportation may provide for costs incurred or accrued for traffic control measures to be taken by the Department at major events which involve a high degree of traffic concentration on State highways, and which cannot be funded from regular budgeted items. This authorization applies only to events which are expected to generate 30,000 vehicles or more per day. The Department of Transportation shall provide for this funding by allocating and reserving up to one hundred thousand dollars (\$100,000) before any other allocations from the appropriations for State maintenance for ~~primary, secondary, and urban~~primary and secondary road systems are made, based upon the same proportion as is appropriated to each system."

**SECTION 2.3.(a)** G.S. 136-44.2A reads as rewritten:

**"§ 136-44.2A. Secondary road ~~improvement~~improvement construction program.**

There shall be annually allocated from the Highway Fund to the Department of Transportation for secondary road ~~improvement construction~~ programs developed pursuant to ~~G.S. 136-44.7 and 136-44.8~~, a sum provided by law. ~~equal to that allocation made from the~~



~~Highway Fund under G.S. 136-41.1(a). In addition, as provided in G.S. 136-176(b)(4) and G.S. 20-85(b), revenue is annually allocated from the Highway Trust Fund for secondary road construction. Of the funds allocated from the Highway Fund, the sum of sixty-eight million six hundred seventy thousand dollars (\$68,670,000) shall be allocated among the counties in accordance with G.S. 136-44.5(b). All funds allocated from the Highway Fund for secondary road improvements in excess of that amount shall be allocated among the counties in accordance with G.S. 136-44.5(c). All funds allocated from the Highway Trust Fund for secondary road improvement programs shall be allocated in accordance with G.S. 136-182."~~

~~SECTION 2.3.(b) Effective July 1, 2014, G.S. 136-44.2A is repealed.~~

~~SECTION 2.4. G.S. 136-44.2C is repealed.~~

~~SECTION 2.5. Article 2A of Chapter 136 is amended by adding a new section to~~

~~read:~~

~~"§ 136-44.2D. Secondary unpaved road paving program.~~

~~(a) The Department of Transportation shall expend funds allocated to the paving of unpaved secondary roads for the paving of unpaved secondary roads based on a statewide prioritization. The Department shall pave the eligible unpaved secondary roads that receive the highest priority ranking within this statewide prioritization. Nothing in this subsection shall be interpreted to require the Department to pave any unpaved secondary roads that do not meet secondary road system addition standards as set forth in G.S. 136-44.10 and G.S. 136-102.6. The Highway Trust Fund shall not be used to fund the paving of unpaved secondary roads."~~

~~SECTION 2.6.(a) G.S. 136-44.5 reads as rewritten:~~

~~"§ 136-44.5. Secondary roads; mileage study; allocation of funds.~~

~~(a) Before July 1, in each calendar year, the Department of Transportation shall make a study of all State-maintained unpaved and paved secondary roads in the State. The study shall determine:~~

- ~~(1) The number of miles of unpaved State-maintained roads in each county eligible for paving and the total number of miles that are ineligible;~~
- ~~(2) The total number of miles of unpaved State-maintained roads in the State eligible for paving and the total number of miles that are ineligible; and~~
- ~~(3) The total number of paved State-maintained roads in each county, and the total number of miles of paved State-maintained roads in the State.~~

~~In this subsection, (i) ineligible unpaved mileage is defined as the number of miles of unpaved roads that have unavailable rights-of-way or for which environmental permits cannot be approved to allow for paving, and (ii) eligible unpaved mileage is defined as the number of miles of unpaved roads that have not been previously approved for paving by any funding source or has the potential to be programmed for paving when rights-of-way or environmental permits are secured. Except for federal-aid programs, the Department shall allocate all secondary road improvement funds on the basis of a formula using the study figures.~~

~~(b) The first sixty-eight million six hundred seventy thousand dollars (\$68,670,000) shall be allocated as follows: Each county shall receive a percentage of these funds, the percentage to be determined as a factor of the number of miles of paved and unpaved State-maintained secondary roads in the county divided by the total number of miles of paved and unpaved State-maintained secondary roads in the State, excluding those unpaved secondary roads that have been determined to be eligible for paving as defined in subsection (a) of this section. Beginning in fiscal year 2010-2011, allocations pursuant to this subsection shall be The amounts appropriated by law for secondary road construction, excluding unpaved secondary road funds, shall be allocated among counties based on the total number of secondary miles in a county in proportion to the total State-maintained secondary road mileage.~~

~~(c) Funds allocated for secondary road construction in excess of sixty-eight million six hundred seventy thousand dollars (\$68,670,000) shall be allocated to each county based on the percentage proportion that the number of miles in the county of State-maintained unpaved secondary roads bears to the total number of miles in the State of State-maintained unpaved secondary roads. In a county that has roads with eligible miles, these funds shall only be used for paving unpaved secondary road miles in that county. In a county where there are no roads eligible to be paved as defined in subsection (a) of this section, the funds may be used for improvements on the paved and unpaved secondary roads in that county. Beginning in fiscal year 2010-2011, allocations pursuant to this subsection shall be based on the total number of secondary miles in a county in proportion to the total State-maintained secondary road mileage.~~

~~(d) Copies of the Department study of unpaved and paved State-maintained secondary roads and copies of the individual county allocations shall be made available to newspapers having general circulation in each county."~~

~~SECTION 2.6.(b) Effective July 1, 2014, G.S. 136-44.5 is repealed.~~

~~SECTION 2.6.(c) G.S. 136-44.6 reads as rewritten:~~

~~"§ 136-44.6. **Uniformly applicable formula for the allocation of secondary roads maintenance and improvement funds.**~~

~~The Department of Transportation shall develop a uniformly applicable formula for the allocation of secondary roads maintenance and improvement funds for use in each county. The formula shall take into consideration the number of paved and unpaved miles of state-maintained secondary roads in each county and such other factors as experience may dictate. This section shall not apply to projects to pave unpaved roads under G.S. 136-44.2D."~~

~~SECTION 2.6.(d) Secondary Road Funding. – The sum of fifteen million dollars (\$15,000,000) in nonrecurring funds for the 2013-2014 fiscal year is allocated from the Highway Fund for the secondary road construction program under G.S. 136-44.2A, as enacted by Section 2.3 of this act, and the sum of twelve million dollars (\$12,000,000) in recurring funds for the 2013-2014 fiscal year is allocated from the Highway Fund for the paving of unpaved roads pursuant to G.S. 136-44.2D, as enacted by Section 2.5 of this act.~~

~~SECTION 2.7. G.S. 136-44.7 reads as rewritten:~~

~~"§ 136-44.7. **Secondary roads; annual work program; right-of-way acquisition.**~~

~~(a) The Department of Transportation shall be responsible for developing criteria for improvements and maintenance of secondary roads. The criteria shall be adopted by the Board of Transportation before it shall become effective. The Department of Transportation shall be responsible for developing annual work programs for both construction and maintenance of secondary roads in each county in accordance with criteria developed. It shall reflect the long-range and immediate goals of the Department of Transportation. Projects on the annual construction program for each county shall be rated according to their priority based upon the secondary road criteria and standards which shall be uniform throughout the State. Tentative construction projects and estimated funding shall also be listed in accordance to priority. The annual construction program shall be adopted by the Board of Transportation before it shall become effective.~~

~~(b) When a secondary road in a county is listed in the first 10 secondary roads to be paved during a year on a priority list issued by the Department of Transportation under this section, the secondary road cannot be removed from the top 10 of that list or any subsequent list until it is paved. All secondary roads in a county shall be paved, insofar as possible, in the priority order of the list. When a secondary road in the top 10 of that list is removed from the list because it has been paved, the next secondary road on the priority list shall be moved up to the top 10 of that list and shall remain there until it is paved.~~

~~(c) When it is necessary for the Department of Transportation to acquire a right-of-way in accordance with (a) and (b) of this section in order to pave a secondary road or undertake a maintenance project, the Department shall negotiate the acquisition of the right-of-way for a period of up to six months. At the end of that period, if one or more property owners have not dedicated the necessary right-of-way and at least seventy-five percent (75%) of the property owners adjacent to the project and the owners of the majority of the road frontage adjacent to the project have dedicated the necessary property for the right-of-way and have provided funds required by Department rule to the Department to cover the costs of condemning the remaining property, the Department shall initiate condemnation proceedings pursuant to Article 9 of this Chapter to acquire the remaining property necessary for the project.~~

~~(d) The Division Engineer is authorized to reduce the width of a right-of-way to less than 60 feet to pave an unpaved secondary road with the allocated funds, provided that in all circumstances the safety of the public is not compromised and the minimum accepted design practice is satisfied."~~

~~SECTION 2.8.(a) G.S. 136-44.8 reads as rewritten:~~

~~"§ 136-44.8. **Submission of secondary roads construction and unpaved roads paving programs to the Boards of County Commissioners.**~~

~~(a) The Department of Transportation shall post in the county courthouse a county map showing tentative secondary road paving projects rated according to the priority of each project in accordance with the criteria and standards adopted by the Board of Transportation. The map shall be posted at least two weeks prior to the public meeting of the county commissioners at~~

~~which the Department of Transportation representatives are to meet and discuss the proposed secondary road construction program for the county as provided in subsection (c).~~

~~(a1) Representatives of the Department of Transportation shall provide to the board of county commissioners in each county the proposed secondary road construction program and, if applicable to that county, a list of roads proposed for the annual paving program approved by the Board of Transportation. If a paving priority list is presented, it shall include the priority rating of each secondary road paving project included in the proposed paving program according to the criteria and standards adopted by the Board of Transportation.~~

~~(b) The Department of Transportation shall provide a notice to the public of the public meeting of the board of county commissioners at which the annual secondary road construction program for the county proposed by the Department is to be presented to the board and other citizens of the county as provided in subsection (c). The notice shall be published in a newspaper published in the county or having a general circulation in the county once a week for two succeeding weeks prior to the meeting. The notice shall also advise that a county map is posted in the courthouse showing tentative secondary road paving projects rated according to the priority of each project.~~

~~(c) Representatives of the Department of Transportation shall meet with the board of county commissioners at a regular or special public meeting of the board of county commissioners for each county and present to and discuss with the board of county commissioners and other citizens present, the proposed secondary road construction program for the county. The presentation and discussion shall specifically include the priority rating of each tentative secondary road paving project included in the proposed construction program, according to the criteria and standards adopted by the Board of Transportation.~~

~~At the same meeting after the presentation and discussion of the annual secondary road construction program for the county or at a later meeting, the board of county commissioners may (i) concur in the construction program as proposed, or (ii) take no action, or (iii) make recommendations for deviations in the proposed construction program, except as to paving projects and the priority of paving projects for which the board in order to make recommendations for deviations, must vote to consider the matter at a later public meeting as provided in subsection (d).~~

~~(d) The board of county commissioners may recommend deviations in the paving projects and the priority of paving projects included in the proposed secondary road construction program only at a public meeting after notice to the public that the board will consider making recommendations for deviations in paving projects and the priority of paving projects included in the proposed annual secondary road construction program. Notice of the public meeting shall be published by the board of county commissioners in a newspaper published in the county or having a general circulation in the county. After discussion by the members of the board of county commissioners and comments and information presented by other citizens of the county, the board of county commissioners may recommend deviations in the paving projects and in the paving priority of secondary road projects included in the proposed secondary road construction program. Any recommendation made by the board of county commissioners for a deviation in the paving projects or in the priority for paving projects in the proposed secondary road construction program shall state the specific reason for each such deviation recommended.~~

~~(e) The Board of Transportation shall adopt the annual secondary construction program for each county after having given the board of county commissioners of each county an opportunity to review the proposed construction program and to make recommendations as provided in this section. The Board of Transportation shall consider such recommendations insofar as they are compatible with its general plans, standards, criteria and available funds, but having due regard to development plans of the county and to the maintenance and improvement needs of all existing roads in the county. However, no consideration shall be given to any recommendation by the board of county commissioners for a deviation in the paving projects or in the priority for paving secondary road projects in the proposed construction program that is not made in accordance with subsection (d).~~

~~(f) The secondary road construction program and unpaved roads paving programs adopted by the Board of Transportation shall be followed by the Department of Transportation unless changes are approved by the Board of Transportation and notice of any changes is given to the board of county commissioners. The Department of Transportation shall post a copy of the adopted program, including a map showing the secondary road paving projects rated~~

according to the approved priority of each project, at the courthouse, within 10 days of its adoption by the Board of Transportation. The board of county commissioners may petition the Board of Transportation for review of any changes to which it does not consent and the determination of the Board of Transportation shall be final. Upon request, the most recent secondary road construction and unpaved roads paving programs adopted shall be submitted to any member of the General Assembly. The Department of Transportation shall make the annual construction program for each county available to the newspapers having a general circulation in the county."

**SECTION 2.8.(b)** Effective July 1, 2014, G.S. 136-44.8, as rewritten by subsection (a) of this section, reads as rewritten:

"§ 136-44.8. **Submission of unpaved secondary roads construction and unpaved roads paving programs to the Boards of County Commissioners.**

(a) ~~Representatives~~ In each county having unpaved roads programmed for paving, representatives of the Department of Transportation shall annually provide to the board of county commissioners in each county those counties the proposed secondary road construction program and, if applicable to that county, a list of roads proposed for the annual paving program approved by the Board of Transportation. If a ~~The paving priority list is presented, it shall include the priority rating of each secondary road paving project included in the proposed paving program according to the criteria and standards adopted by the Board of Transportation.~~

...  
(e) ~~The Board of Transportation shall adopt the annual secondary construction program for each county after having given the board of county commissioners of each county an opportunity to review the proposed construction program and to make recommendations as provided in this section. The Board of Transportation shall consider such recommendations insofar as they are compatible with its general plans, standards, criteria and available funds, but having due regard to development plans of the county and to the maintenance and improvement needs of all existing roads in the county.~~

(f) ~~The secondary road construction and unpaved secondary roads paving programs adopted by the Board of Transportation shall be followed by the Department of Transportation unless changes are approved by the Board of Transportation and notice of any changes is given to the board of county commissioners. Upon request, the most recent unpaved secondary road construction and unpaved roads paving programs adopted shall be submitted to any member of the General Assembly. The Department of Transportation shall make the annual construction program for each affected county available to the newspapers having a general circulation in the county."~~

**SECTION 2.9.** G.S. 136-182 is repealed.

## STATE AID TO MUNICIPALITIES/POWELL BILL CHANGES

**SECTION 3.1.** G.S. 136-41.1 reads as rewritten:

"§ 136-41.1. **Appropriation to municipalities; allocation of funds generally; allocation to Butner.**

(a) There is annually appropriated out of the State Highway Fund a sum equal to ten and four-tenths percent (10.4%) of the net amount after refunds that was produced during the fiscal year by a one and three-fourths cents (1 3/4¢) tax on each gallon of motor fuel taxed the tax imposed under Article 36C of Chapter 105 of the General Statutes and on the equivalent amount of alternative fuel taxed under Article 36D of that Chapter. One-half of the amount appropriated shall be allocated in cash on or before October 1 of each year to the cities and towns of the State in accordance with this section. The second one-half of the amount appropriated shall be allocated in cash on or before January 1 of each year to the cities and towns of the State in accordance with this section. ~~In addition, as provided in G.S. 136-176(b)(3), revenue is allocated and appropriated from the Highway Trust Fund to the cities and towns of this State to be used for the same purposes and distributed in the same manner as the revenue appropriated to them under this section from the Highway Fund. Like the appropriation from the Highway Fund, the appropriation from the Highway Trust Fund shall be based on revenue collected during the fiscal year preceding the date the distribution is made.~~

Seventy-five percent (75%) of the funds appropriated for cities and towns shall be distributed among the several eligible municipalities of the State in the percentage proportion that the population of each eligible municipality bears to the total population of all eligible

municipalities according to the most recent annual estimates of population as certified to the Secretary of Revenue by the State Budget Officer. This annual estimation of population shall include increases in the population within the municipalities caused by annexations accomplished through July 1 of the calendar year in which these funds are distributed. Twenty-five percent (25%) of said fund shall be distributed among the several eligible municipalities of the State in the percentage proportion that the mileage of public streets in each eligible municipality which does not form a part of the State highway system bears to the total mileage of the public streets in all eligible municipalities which do not constitute a part of the State highway system.

It shall be the duty of the mayor of each municipality to report to the Department of Transportation such information as it may request for its guidance in determining the eligibility of each municipality to receive funds under this section and in determining the amount of allocation to which each is entitled. Upon failure of any municipality to make such report within the time prescribed by the Department of Transportation, the Department of Transportation may disregard such defaulting unit in making said allotment.

The funds to be allocated under this section shall be paid in cash to the various eligible municipalities on or before October 1 and January 1 of each ~~year~~ as provided in this section. Provided that eligible municipalities are authorized within the discretion of their governing bodies to enter into contracts for the purpose of maintenance, repair, construction, reconstruction, widening, or improving streets of such municipalities at any time after January 1 of any calendar year in total amounts not to exceed ninety percent (90%) of the amount received by such municipality during the preceding fiscal year, in anticipation of the receipt of funds under this section during the next fiscal year, to be paid for out of such funds when received.

The Department of Transportation may withhold each year an amount not to exceed one percent (1%) of the total amount appropriated for distribution under this section for the purpose of correcting errors in allocations: Provided, that the amount so withheld and not used for correcting errors will be carried over and added to the amount to be allocated for the following year.

The word "street" as used in this section is hereby defined as any public road maintained by a municipality and open to use by the general public, and having an average width of not less than 16 feet. In order to obtain the necessary information to distribute the funds herein allocated, the Department of Transportation may require that each municipality eligible to receive funds under this section submit to it a statement, certified by a registered engineer or surveyor of the total number of miles of streets in such municipality. The Department of Transportation may in its discretion require the certification of mileage on a biennial basis.

...."

**SECTION 3.2.** G.S. 136-181 is repealed.

**SECTION 3.3.** G.S. 136-41.3 reads as rewritten:

**"§ 136-41.3. Use of funds; records and annual statement; excess accumulation of funds; contracts for maintenance, etc., of streets.**

(a) Uses of Funds. – The funds allocated to cities and towns under the provisions of G.S. 136-41.2 shall be expended by said cities and towns only for the purpose of maintaining, repairing, constructing, reconstructing or widening of any street or public thoroughfare including bridges, drainage, curb and gutter, and other necessary appurtenances within the corporate limits of the municipality or for meeting the municipality's proportionate share of assessments levied for such purposes, or for the planning, construction and maintenance of ~~bikeways located within the rights-of-way of public streets and highways, bikeways, greenways,~~ or for the planning, construction, and maintenance of ~~sidewalks along public streets and highways, sidewalks.~~

(b) Records and Annual Statement. – Each municipality receiving funds by virtue of G.S. 136-41.1 and 136-41.2 shall maintain a separate record of accounts indicating in detail all receipts and expenditures of such funds. It shall be unlawful for any municipal employee or member of any governing body to authorize, direct, or permit the expenditure of any funds accruing to any municipality by virtue of G.S. 136-41.1 and 136-41.2 for any purpose not herein authorized. Any member of any governing body or municipal employee shall be personally liable for any unauthorized expenditures. On or before the first day of August each year, the treasurer, auditor, or other responsible official of each municipality receiving funds by virtue of G.S. 136-41.1 and 136-41.2 shall file a statement under oath with the Secretary of

Transportation showing in detail the expenditure of funds received by virtue of G.S. 136-41.1 and 136-41.2 during the preceding year and the balance on hand.

(c) Excess Accumulation of Funds Prohibited. – No funds allocated to municipalities pursuant to G.S. 136-41.1 and 136-41.2 shall be permitted to accumulate for a period greater than permitted by this section. Interest on accumulated funds shall be used only for the purposes permitted by the provisions of G.S. 136-41.3. Except as otherwise provided in this section, any municipality having accumulated an amount greater than the sum of the past 10 allocations made, shall have an amount equal to such excess deducted from the next allocation after receipt of the report required by this section. Such deductions shall be carried over and added to the amount to be allocated to municipalities for the following year. Notwithstanding the other provisions of this section, the Department shall adopt a policy to allow small municipalities to apply to the Department to be allowed to accumulate up to the sum of the past 20 allocations if a municipality's allocations are so small that the sum of the past 10 allocations would not be sufficient to accomplish the purposes of this section.

(d) Contracts for Maintenance and Construction. – In the discretion of the local governing body of each municipality receiving funds by virtue of G.S. 136-41.1 and 136-41.2 it may contract with the Department of Transportation to do the work of maintenance, repair, construction, reconstruction, widening or improving the streets in such municipality; or it may let contracts in the usual manner as prescribed by the General Statutes to private contractors for the performance of said street work; or may undertake the work by force account. The Department of Transportation within its discretion is hereby authorized to enter into contracts with municipalities for the purpose of maintenance, repair, construction, reconstruction, widening or improving streets of municipalities. And the Department of Transportation in its discretion may contract with any city or town which it deems qualified and equipped so to do that the city or town shall do the work of maintaining, repairing, improving, constructing, reconstructing, or widening such of its streets as form a part of the State highway system.

In the case of each eligible municipality, as defined in G.S. 136-41.2, having a population of less than 5,000, the Department of Transportation shall upon the request of such municipality made by official action of its governing body, on or prior to June 1, 1953, or June 1 in any year thereafter, for the fiscal year beginning July 1, 1953, and for the years thereafter do such street construction, maintenance, or improvement on nonsystem streets as the municipality may request within the limits of the current or accrued payments made to the municipality under the provisions of G.S. 136-41.1.

In computing the costs, the Department of Transportation may use the same rates for equipment, rental, labor, materials, supervision, engineering and other items, which the Department of Transportation uses in making charges to one of its own department or against its own department, or the Department of Transportation may employ a contractor to do the work, in which case the charges will be the contract cost plus engineering and inspection. The municipality is to specify the location, extent, and type of the work to be done, and shall provide the necessary rights-of-way, authorization for the removal of such items as poles, trees, water and sewer lines as may be necessary, holding the Department of Transportation free from any claim by virtue of such items of cost and from such damage or claims as may arise therefrom except from negligence on the part of the Department of Transportation, its agents, or employees.

If a municipality elects to bring itself under the provisions of the two preceding paragraphs, it shall enter into a two-year contract with the Department of Transportation and if it desires to dissolve the contract at the end of any two-year period it shall notify the Department of Transportation of its desire to terminate said contract on or before April 1 of the year in which such contract shall expire; otherwise, said contract shall continue for an additional two-year period, and if the municipality elects to bring itself under the provisions of the two preceding paragraphs and thereafter fails to pay its account to the Department of Transportation for the fiscal year ending June 30, by August 1 following the fiscal year, then the Department of Transportation shall apply the said municipality's allocation under G.S. 136-41.1 to this account until said account is paid and the Department of Transportation shall not be obligated to do any further work provided for in the two preceding paragraphs until such account is paid.

Section 143-129 of the General Statutes relating to the procedure for letting of public contracts shall not be applicable to contracts undertaken by any municipality with the Department of Transportation in accordance with the provisions of the three preceding paragraphs.

(e) Permitted Offsets to Funding. – The Department of Transportation is authorized to apply a municipality's share of funds allocated to a municipality under the provisions of G.S. 136-41.1 to any of the following accounts of the municipality with the said Department of Transportation, which the municipality fails to pay:

- (1) Cost sharing agreements for right-of-way entered into pursuant to G.S. 136-66.3, but not to exceed ten percent (10%) of any one year's allocation until the debt is repaid,
- (2) The cost of relocating municipally owned waterlines and other municipally owned utilities on a State highway project which is the responsibility of the municipality,
- (3) For any other work performed for the municipality by the Department of Transportation or its contractor by agreement between the Department of Transportation and the municipality, and
- (4) For any other work performed that was made necessary by the construction, reconstruction or paving of a highway on the State highway system for which the municipality is legally responsible."

**SECTION 3.4.** G.S. 136-41.4 reads as rewritten:

"§ 136-41.4. **Municipal use of allocated funds; election.**

(a) A municipality that qualifies for an allocation of funds pursuant to G.S. 136-41.1 shall have the ~~option~~ following options:

- (1) ~~to accept~~ Accept all or a portion of funds allocated to the municipality, under that section, for the repair, maintenance, construction, reconstruction, widening, or improving of the municipality's streets, municipality for use as authorized by G.S. 136-41.3(a).
- (2) Use some or all of its allocation to match federal funds administered by the Department for independent bicycle and pedestrian improvement projects within the municipality's limits, or within the area of any metropolitan planning organization or rural transportation planning organization.
- (3) ~~or the municipality may elect~~ Elect to have some or all of the allocation reprogrammed for any Transportation Improvement Project currently on the approved project list within the municipality's limits or within the area of any metropolitan planning organization or rural transportation planning organization.

(b) If a municipality chooses to have its allocation reprogrammed, the ~~minimum~~ amount that may be reprogrammed is an amount equal to that amount necessary to complete one full phase of the project selected by the municipality or an amount that, when added to the amount already programmed for the Transportation Improvement Project selected, would permit the completion of at least one full phase of the project. The restriction set forth in this subsection shall not apply to any bicycle or pedestrian projects."

**SECTION 3.5.** DOT Municipal Lane Mile Study. – The Department of Transportation shall collect lane mile data from each municipality eligible to receive funds under this section no later than December 1, 2013. The Department shall report to the Joint Legislative Transportation Oversight Committee no later than March 1, 2014, on at least three options to shift the distribution formula to include lane mile data. The report shall include advantages and disadvantages, fiscal impacts to each municipality, and any other technical considerations in making such a change. The Joint Legislative Transportation Oversight Committee and the Fiscal Research Division shall include in its recommendations to the 2014 Session of the 2013 General Assembly a new distribution formula, if the Committee finds that a new formula is beneficial and practical.

## CONFORMING CHANGES

**SECTION 4.1.** G.S. 105-187.9 reads as rewritten:

"§ 105-187.9. **Disposition of tax proceeds.**

...  
(b) ~~(Repealed effective July 1, 2013) General Fund Transfer.~~ – In each fiscal year, the State Treasurer shall transfer the amounts provided below from the taxes deposited in the Trust Fund to the General Fund. The transfer of funds authorized by this section may be made by transferring one fourth of the amount at the end of each quarter in the fiscal year or by

transferring the full amount annually on July 1 of each fiscal year, subject to the availability of revenue.

- (1) ~~The sum of twenty six million dollars (\$26,000,000).~~
- (2) ~~In addition to the amount transferred under subdivision (1) of this subsection, the sum of one million seven hundred thousand dollars (\$1,700,000) shall be transferred in the 2001-2002 fiscal year. The amount distributed under this subdivision shall increase in the 2002-2003 fiscal year to the sum of two million four hundred thousand dollars (\$2,400,000). In each fiscal year thereafter, the sum transferred under this subdivision shall be the amount distributed in the previous fiscal year plus or minus a percentage of this sum equal to the percentage by which tax collections under this Article increased or decreased for the most recent 12-month period for which data are available.~~

(e) ~~(Effective July 1, 2013) Mobility Fund Transfer. In each fiscal year, the State Treasurer shall transfer fifty eight million dollars (\$58,000,000) from the taxes deposited in the Trust Fund to the Mobility Fund. The transfer of funds authorized by this section may be made by transferring one fourth of the amount at the end of each quarter in the fiscal year or by transferring the full amount annually on July 1 of each fiscal year, subject to the availability of revenue.~~"

**SECTION 4.2.** G.S. 136-18 reads as rewritten:

**"§ 136-18. Powers of Department of Transportation.**

The said Department of Transportation is vested with the following powers:

- ...
- (12a) The Department of Transportation shall have such powers as are necessary to establish, administer, and receive federal funds for a transportation infrastructure banking program as authorized by the Intermodal Surface Transportation Efficiency Act of 1991, Pub. L. 102-240, as amended, and the National Highway System Designation Act of 1995, Pub. L. 104-59, as amended. The Department of Transportation is authorized to apply for, receive, administer, and comply with all conditions and requirements related to federal financial assistance necessary to fund the infrastructure banking program. The infrastructure banking program established by the Department of Transportation may utilize federal and available State funds for the purpose of providing loans or other financial assistance to governmental units, including toll authorities, to finance the costs of transportation projects authorized by the above federal aid acts. Such loans or other financial assistance shall be subject to repayment and conditioned upon the establishment of such security and the payment of such fees and interest rates as the Department of Transportation may deem necessary. The Department of Transportation is authorized to apply a municipality's share of funds allocated under G.S. 136-41.1 or G.S. 136-44.20 as necessary to ensure repayment of funds advanced under the infrastructure banking program. The Department of Transportation shall establish jointly, with the State Treasurer, a separate infrastructure banking account with necessary fiscal controls and accounting procedures. Funds credited to this account shall not revert, and interest and other investment income shall accrue to the account and may be used to provide loans and other financial assistance as provided under this subdivision. The Department of Transportation may establish such rules and policies as are necessary to establish and administer the infrastructure banking program. The infrastructure banking program authorized under this subdivision shall not modify the regional distribution formula for the distribution of funds established by ~~G.S. 136-17.2A, G.S. 136-189.11.~~ Governmental units may apply for loans and execute debt instruments payable to the State in order to obtain loans or other financial assistance provided for in this subdivision. The Department of Transportation shall require that applicants shall pledge as security for such obligations revenues derived from operation of the benefited facilities or systems, other sources of revenue, or their faith and credit, or any combination thereof. The faith and credit of such governmental units shall



not be pledged or be deemed to have been pledged unless the requirements of Article 4, Chapter 159 of the General Statutes have been met. The State Treasurer, with the assistance of the Local Government Commission, shall develop and adopt appropriate debt instruments for use under this subdivision. The Local Government Commission shall develop and adopt appropriate procedures for the delivery of debt instruments to the State without any public bidding therefor. The Local Government Commission shall review and approve proposed loans to applicants pursuant to this subdivision under the provisions of Articles 4 and 5, Chapter 159 of the General Statutes, as if the issuance of bonds was proposed, so far as those provisions are applicable. Loans authorized by this subdivision shall be outstanding debt for the purpose of Article 10, Chapter 159 of the General Statutes.

...."

**SECTION 4.3.** G.S. 136-17.2A is repealed.

**SECTION 4.4.** G.S. 136-44.50(a) reads as rewritten:

"(a) A transportation corridor official map may be adopted or amended by any of the following:

- (1) The governing board of any local government for any thoroughfare included as part of a comprehensive plan for streets and highways adopted pursuant to G.S. 136-66.2 or for any proposed public transportation corridor included in the adopted long-range transportation plan.
- (2) The Board of Transportation, or the governing board of any county, for any portion of the existing or proposed State highway system or for any public transportation corridor, to include rail, that is in the Transportation Improvement Program.
- (3) Regional public transportation authorities created pursuant to Article 26 of Chapter 160A of the General Statutes or regional transportation authorities created pursuant to Article 27 of Chapter 160A of the General Statutes for any portion of the existing or proposed State highway system, or for any proposed public transportation corridor, or adjacent station or parking lot, included in the adopted long-range transportation plan.
- (4) The North Carolina Turnpike Authority for any project being studied pursuant to G.S. 136-89.183.
- (5) The Wilmington Urban Area Metropolitan Planning Organization for ~~any project that is within its urbanized boundary and identified in G.S. 136-179.~~ Department projects R-3300 and U-4751.

Before a city adopts a transportation corridor official map that extends beyond the extraterritorial jurisdiction of its building permit issuance and subdivision control ordinances, or adopts an amendment to a transportation corridor official map outside the extraterritorial jurisdiction of its building permit issuance and subdivision control ordinances, the city shall obtain approval from the Board of County Commissioners."

**SECTION 4.5.** G.S. 136-66.3 reads as rewritten:

**"§ 136-66.3. Local government participation in improvements to the State transportation system.**

...  
(c1) ~~No TIP Disadvantage for Participation.~~ — If a county or municipality participates in a State transportation system improvement project, as authorized by this section, or by G.S. 136-51 and G.S. 136-98, the Department shall ensure that the local government's participation does not cause any disadvantage to any other project in the Transportation Improvement Program under G.S. 143B-350(f)(4).

(c2) ~~Distribution of State Funds Made Available by County or Municipal Participation.~~ — Any State or federal funds allocated to a project that are made available by county or municipal participation in a project contained in the Transportation Improvement Program under G.S. 143B-350(f)(4) shall ~~remain in the same funding region that the funding was allocated to under the distribution formula contained in G.S. 136-17.2A.~~ be subject to G.S. 136-189.11.

(c3) ~~Limitation on Agreements.~~ — The Department shall not enter into any agreement with a county or municipality to provide additional total funding for highway construction in

~~the county or municipality in exchange for county or municipal participation in any project contained in the Transportation Improvement Program under G.S. 143B-350(f)(4).~~

...  
(e1) Reimbursement Procedure. – Upon request of the county or municipality, the Department of Transportation shall allow the local government a period of not less than three years from the date construction of ~~the projects~~ a project undertaken under subsection (e) of this section is initiated to reimburse the Department their agreed upon share of the costs necessary for the project. The Department of Transportation shall not charge a local government any interest during the initial three years.  
...."

**SECTION 4.6.** G.S. 136-89.192 reads as rewritten:

**"§ 136-89.192. ~~Equity distribution~~ Applicability of formula.**

Only those funds applied to a Turnpike Project from the State Highway Fund, State Highway Trust Fund, or federal-aid funds that might otherwise be used for other roadway projects within the State, and are otherwise already subject to the ~~distribution~~ formula under ~~G.S. 136-17.2A, G.S. 136-189.11~~ shall be included in the ~~distribution~~ formula.

Other revenue from the sale of the Authority's bonds or notes, project loans, or toll collections shall not be included in the ~~distribution~~ formula."

**SECTION 4.7.** G.S. 136-175 reads as rewritten:

**"§ 136-175. Definitions.**

The following definitions apply in this Article:

- (1) ~~Intrastate System. The network of major, multilane arterial highways composed of those routes, segments, or corridors listed in G.S. 136-178, and any other route added by the Department of Transportation under G.S. 136-178.~~
- (2) Transportation Improvement Program. The schedule of major transportation improvement projects required by G.S. 143B-350(f)(4).
- (3) Trust Fund. The North Carolina Highway Trust Fund."

**SECTION 4.8.** G.S. 136-176 reads as rewritten:

**"§ 136-176. Creation, revenue sources, and purpose of North Carolina Highway Trust Fund.**

(a) A special account, designated the North Carolina Highway Trust Fund, is created within the State treasury. The Trust Fund consists of the following revenue:

- (1) Motor fuel, alternative fuel, and road tax revenue deposited in the Fund under G.S. 105-449.125, 105-449.134, and 105-449.43, respectively.
- (2) Motor vehicle use tax deposited in the Fund under G.S. 105-187.9.
- (3) Revenue from the certificate of title fee and other fees payable under G.S. 20-85.
- (4) Repealed by Session Laws 2001-424, s. 27.1.
- (5) Interest and income earned by the Fund.

(a1) ~~The Department shall use two hundred twenty million dollars (\$220,000,000) in fiscal year 2001-2002, two hundred twelve million dollars (\$212,000,000) in fiscal year 2002-2003, and two hundred fifty five million dollars (\$255,000,000) in fiscal year 2003-2004 of the cash balance of the Highway Trust Fund for the following purposes:~~

- (1) ~~For primary route pavement preservation. One hundred seventy million dollars (\$170,000,000) in fiscal year 2001-2002, and one hundred fifty million dollars (\$150,000,000) in each of the fiscal years 2002-2003 and 2003-2004. Up to ten percent (10%) of the amount for each of the fiscal years 2001-2002, 2002-2003, and 2003-2004 is available in that fiscal year, at the discretion of the Secretary of Transportation, for:~~
  - a. ~~Highway improvement projects that further economic growth and development in small urban and rural areas, that are in the Transportation Improvement Program, and that are individually approved by the Board of Transportation; or~~
  - b. ~~Highway improvements that further economic development in the State and that are individually approved by the Board of Transportation.~~
- (2) ~~For preliminary engineering costs not included in the current year Transportation Improvement Program. Fifteen million dollars~~

~~(\$15,000,000) in each of the fiscal years 2001-2002, 2002-2003, and 2003-2004. If any funds allocated by this subdivision, in the cash balance of the Highway Trust Fund, remain unspent on June 30, 2008, the Department may transfer within the Department up to twenty nine million dollars (\$29,000,000) of available funds to contract for freight transportation system improvements for the Global TransPark.~~

- ~~(3) For computerized traffic signal systems and signal optimization projects.— Fifteen million dollars (\$15,000,000) in each of the fiscal years 2001-2002, 2002-2003, and 2003-2004.~~
- ~~(4) For public transportation twenty million dollars (\$20,000,000) in fiscal year 2001-2002, twenty five million dollars (\$25,000,000) in fiscal year 2002-2003, and seventy five million dollars (\$75,000,000) in fiscal year 2003-2004.~~
- ~~(5) For small urban construction projects.— Seven million dollars (\$7,000,000) in fiscal year 2002-2003.~~

~~Funds authorized for use by the Department pursuant to this subsection shall remain available to the Department until expended.~~

~~(a2) Repealed by Session Laws 2002-126, s. 26.4(b), effective July 1, 2002.~~

~~(a3) The Department may obligate three hundred million dollars (\$300,000,000) in fiscal year 2003-2004 and four hundred million dollars (\$400,000,000) in fiscal year 2004-2005 of the cash balance of the Highway Trust Fund for the following purposes:~~

- ~~(1) Six hundred thirty million dollars (\$630,000,000) for highway system preservation, modernization, and maintenance, including projects to enhance safety, reduce congestion, improve traffic flow, reduce accidents, upgrade pavement widths and shoulders, extend pavement life, improve pavement smoothness, and rehabilitate or replace deficient bridges; and for economic development transportation projects recommended by local officials and approved by the Board of Transportation.~~
- ~~(2) Seventy million dollars (\$70,000,000) for regional public transit systems, rural and urban public transportation system facilities, regional transportation and air quality initiatives, rail system track improvements and equipment, and other ferry, bicycle, and pedestrian improvements. For any project or program listed in this subdivision for which the Department receives federal funds, use of funds pursuant to this subdivision shall be limited to matching those funds.~~

~~Funds authorized for obligation and use by the Department pursuant to this subsection shall remain available to the Department until expended.~~

~~(a4) Project selection pursuant to subsection (a3) of this section shall be based on identified and documented need. Funds expended pursuant to subdivision (1) of subsection (a3) of this section shall be distributed in accordance with the distribution formula in G.S. 136-17.2A. No funds shall be expended pursuant to subsection (a3)(1) of this section on any project that does not meet Department of Transportation standards for road design, materials, construction, and traffic flow.~~

~~(a5) The Department shall report to the Joint Legislative Transportation Oversight Committee, on or before September 1, 2003, on its intended use of funds pursuant to subsection (a3) of this section. The Department shall report to the Joint Transportation Appropriations Subcommittee, on or before May 1, 2004, on its actual current and intended future use of funds pursuant to subsection (a3) of this section. The Department shall certify to the Joint Legislative Transportation Oversight Committee each year, on or before November 1, that use of the Highway Trust Fund cash balances for the purposes listed in subsection (a3) of this section will not adversely affect the delivery schedule of any Highway Trust Fund projects. If the Department cannot certify that the full amounts authorized in subsection (a3) of this section are available, then the Department may determine the amount that can be used without adversely affecting the delivery schedule and may proportionately apply that amount to the purposes set forth in subsection (a3) of this section.~~

~~(b) Funds in the Trust Fund are annually appropriated to the Department of Transportation to be allocated and used as provided in this subsection. A sum, not to exceed four and eight tenths percent (4.8%) of the amount of revenue deposited in the Trust Fund under subdivisions (a)(1), (2), and (3) of this section sum, in the amount appropriated by law,~~

may be used each fiscal year by the Department for expenses to administer the Trust Fund. Operation and project development costs of the North Carolina Turnpike Authority are eligible administrative expenses under this subsection. Any funds allocated to the Authority pursuant to this subsection shall be repaid by the Authority from its toll revenue as soon as possible, subject to any restrictions included in the agreements entered into by the Authority in connection with the issuance of the Authority's revenue bonds. Beginning one year after the Authority begins collecting tolls on a completed Turnpike Project, interest shall accrue on any unpaid balance owed to the Highway Trust Fund at a rate equal to the State Treasurer's average annual yield on its investment of Highway Trust Fund funds pursuant to G.S. 147-6.1. Interest earned on the unpaid balance shall be deposited in the Highway Trust Fund upon repayment. The sum up to the amount anticipated to be necessary to meet the State matching funds requirements to receive federal-aid highway trust funds for the next fiscal year may be set aside for that purpose. The rest of the funds in the Trust Fund shall be allocated and used as follows:specified in G.S. 136-189.11.

- ~~(1) Sixty one and ninety five hundredths percent (61.95%) to plan, design, and construct projects on segments or corridors of the Intrastate System as described in G.S. 136-178 and to pay debt service on highway bonds and notes that are issued under the State Highway Bond Act of 1996 and whose proceeds are applied to these projects.~~
- ~~(2) Twenty five and five hundredths percent (25.05%) to plan, design, and construct the urban loops described in G.S. 136-180 and to pay debt service on highway bonds and notes that are issued under the State Highway Bond Act of 1996 and whose proceeds are applied to these urban loops.~~
- ~~(3) Six and one half percent (6.5%) to supplement the appropriation to cities for city streets under G.S. 136-181.~~
- ~~(4) Six and one half percent (6.5%) for secondary road construction as provided in G.S. 136-182 and to pay debt service on highway bonds and notes that are issued under the State Highway Bond Act of 1996 and whose proceeds are applied to secondary road construction.~~

The Department must administer funds allocated under ~~subdivisions (1), (2), and (4) of this subsection~~this section in a manner that ensures that sufficient funds are available to make the debt service payments on bonds issued under the State Highway Bond Act of 1996 as they become due.

~~(b1) The Secretary may authorize the transfer of funds allocated under subdivisions (1) through (4) of subsection (b) of this section to other projects that are ready to be let and were to be funded from allocations to those subdivisions. The Secretary shall ensure that any funds transferred pursuant to this subsection are repaid promptly and in any event in no more than four years. The Secretary shall certify, prior to making any transfer pursuant to this subsection, that the transfer will not affect the delivery schedule of Highway Trust Fund projects in the current Transportation Improvement Program. No transfers shall be allowed that do not conform to the applicable provisions of the equity formula for distribution of funds, G.S. 136-17.2A. If the Secretary authorizes a transfer pursuant to this subsection, the Secretary shall report that decision to the next regularly scheduled meetings of the Joint Legislative Commission on Governmental Operations, the Joint Legislative Transportation Oversight Committee, and to the Fiscal Research Division.~~

~~(b2) (Effective July 1, 2013) There is annually appropriated to the North Carolina Turnpike Authority from the Highway Trust Fund the sum of one hundred twelve million dollars (\$112,000,000).~~forty-nine million dollars (\$49,000,000). Of the amount allocated by this subsection, twenty-five million dollars (\$25,000,000) shall be used to pay debt service or related financing costs and expenses on revenue bonds or notes issued for the construction of the Triangle Expressway, and twenty-four million dollars (\$24,000,000) shall be used to pay debt service or related financing expenses on revenue bonds or notes issued for the construction of the Monroe Connector/Bypass, ~~twenty eight million dollars (\$28,000,000) shall be used to pay debt service or related financing expenses on revenue bonds or notes issued for the construction of the Mid Currituck Bridge, and thirty five million dollars (\$35,000,000) shall be used to pay debt service or related financing expenses on revenue bonds or notes issued for the construction of the Garden Parkway.~~Monroe Connector/Bypass. The amounts appropriated to the Authority pursuant to this subsection shall be used by the Authority to pay debt service or related financing costs and expenses on revenue bonds or notes issued by the Authority to

finance the costs of one or more Turnpike Projects, to refund such bonds or notes, or to fund debt service reserves, operating reserves, and similar reserves in connection therewith. The appropriations established by this subsection constitute an agreement by the State to pay the funds appropriated hereby to the Authority within the meaning of G.S. 159-81(4). Notwithstanding the foregoing, it is the intention of the General Assembly that the enactment of this provision and the issuance of bonds or notes by the Authority in reliance thereon shall not in any manner constitute a pledge of the faith and credit and taxing power of the State, and nothing contained herein shall prohibit the General Assembly from amending the appropriations made in this subsection at any time to decrease or eliminate the amount annually appropriated to the Authority. Funds transferred from the Highway Trust Fund to the Authority pursuant to this subsection are not subject to the ~~equity~~—formula in ~~G.S. 136-17.2A~~. G.S. 136-189.11.

~~(c) If funds are received under 23 U.S.C. Chapter 1, Federal Aid Highways, for a project for which funds in the Trust Fund may be used, the amount of federal funds received plus the amount of any funds from the Highway Fund that were used to match the federal funds may be transferred by the Secretary of Transportation from the Trust Fund to the Highway Fund and used for projects in the Transportation Improvement Program.~~

(d) A contract may be let for projects funded from the Trust Fund in anticipation of revenues pursuant to the cash-flow provisions of G.S. 143C-6-11 only for the two bienniums following the year in which the contract is let.

(e) **(Effective July 1, 2013)** ~~Subject to G.S. 136-17.2A and other funding distribution formulas, funds allocated under subdivisions (1), (3), and (4) of subsection (b) of this section may also G.S. 136-189.11, funds may~~ be used for fixed guideway projects, including providing matching funds for federal grants for fixed guideway projects."

**SECTION 4.9.** The following statutes are repealed:

- (1) G.S. 136-177.
- (2) G.S. 136-177.1.
- (3) G.S. 136-178.
- (4) G.S. 136-179.
- (5) G.S. 136-180.
- (6) G.S. 136-184.
- (7) G.S. 136-185.
- (8) G.S. 136-187.
- (9) G.S. 136-188.
- (10) G.S. 136-189.

## **TURNPIKE AUTHORITY CHANGES**

**SECTION 5.1.** G.S. 136-89.183(a)(2) reads as rewritten:

### **"§ 136-89.183. Powers of the Authority.**

(a) The Authority shall have all of the powers necessary to execute the provisions of this Article, including the following:

- ...
- (2) To study, plan, develop, and undertake preliminary design work on up to ~~eight~~ nine Turnpike Projects. At the conclusion of these activities, the Turnpike Authority is authorized to design, establish, purchase, construct, operate, and maintain the following projects:
    - a. ~~Triangle Expressway, including segments also known as N.C. 540, Triangle Parkway, and the Western Wake Freeway in Wake and Durham Counties, and Southeast Extension in Wake and Johnston Counties, except that no portion of the Southeast Extension shall be located north of an existing protected corridor established by the Department of Transportation circa 1995, except in the area of Interstate 40 East.~~ Counties. The described segments constitute three projects.
    - b. ~~Gaston East West Connector, also known as the Garden Parkway.~~
    - c. ~~Monroe Connector/Bypass.~~
    - d. ~~Cape Fear Skyway.~~

- e. ~~A bridge of more than two miles in length going from the mainland to a peninsula bordering the State of Virginia, pursuant to G.S. 136-89.183A.~~

~~Any other project proposed by the Authority in addition to the projects listed in this subdivision must be approved by the General Assembly prior to construction. This subdivision requires prior consultation with the Joint Legislative Commission on Governmental Operations pursuant to G.S. 120-76.1 no less than 180 days prior to initiating the process required by Article 7 of Chapter 159 of the General Statutes.~~

~~A- With the exception of the four projects set forth in sub-subdivisions a. and c. of this subdivision, the Turnpike Project projects selected for construction by the Turnpike Authority, prior to the letting of a contract for the project, shall meet the following conditions: (i) two of the projects must be ranked in the top 35 based on total score on the Department-produced list entitled "Mobility Fund Project Scores" dated June 6, 2012, and, in addition, may be subject to G.S. 136-18(39a); (ii) of the projects not ranked as provided in (i), one may be subject to G.S. 136-18(39a); (iii) the projects shall be included in any applicable locally adopted comprehensive transportation plans and plans; (iv) the projects shall be shown in the current State Transportation Improvement Plan prior to the letting of a contract for the Turnpike Project Program; and (v) toll projects must be approved by all affected Metropolitan Planning Organizations and Rural Transportation Planning Organizations for tolling."~~

**SECTION 5.2.** G.S. 136-18 reads as rewritten:

**"§ 136-18. Powers of Department of Transportation.**

The said Department of Transportation is vested with the following powers:

- ...  
(39a) a. ~~The Department of Transportation or Turnpike Authority, as applicable, may enter into a partnership agreement up to three agreements with a private entity as provided under subdivision (39) of this section for which the provisions of this section apply. The pilot project allowed under this subdivision must be one that is a candidate for funding under the Mobility Fund, that is planned for construction through a public private partnership, and for which a Request for Qualifications has been issued by the Department no later than June 30, 2012.~~
- b. A private entity or its contractors must provide performance and payment security in the form and in the amount determined by the Department of Transportation. The form of the performance and payment security may consist of bonds, letters of credit, parent guaranties, or other instruments acceptable to the Department of Transportation.
- c. Notwithstanding the provisions of G.S. 143B-426.40A, an agreement entered into under this subdivision may allow the private entity to assign, transfer, sell, hypothecate, and otherwise convey some or all of its right, title, and interest in and to such agreement, and any rights and remedies thereunder, to a lender, bondholder, or any other party. However, in no event shall any such assignment create additional debt or debt-like obligations of the State of North Carolina, the Department, or any other agency, authority, commission, or similar subdivision of the State to any lender, bondholder, entity purchasing a participation in the right to receive the payment, trustee, trust, or any other party providing financing or funding of projects described in this section. The foregoing shall not preclude the Department from making any payments due and owing pursuant to an agreement entered into under this section.
- d. ~~The Department of Transportation may fix, revise, charge, and collect tolls and fees to the same extent allowed under Article 6H of Chapter 136 of the General Statutes. Statutes shall apply to the~~

Department of Transportation and to projects undertaken by the Department of Transportation under subdivision (39) of this section. The Department may assign its authority under that Article to fix, revise, charge, retain, enforce, and collect tolls and fees to the private entity.

e. Any contract under this subdivision or under Article 6H of this Chapter for the development, construction, maintenance, or operation of a project shall provide for revenue sharing, if applicable, between the private party and the Department, and revenues derived from such project may be used as set forth in G.S. 136-89.188(a), notwithstanding the provisions of G.S. 136-89.188(d). Excess toll revenues from a Turnpike project shall be used for the funding or financing of transportation projects within the corridor where the Turnpike Project is located. For purposes of this subdivision, the term "excess toll revenues" means those toll revenues derived from a Turnpike Project that are not otherwise used or allocated to the Authority or a private entity pursuant to this subdivision, notwithstanding the provisions of G.S. 136-89.188(d). For purposes of this subdivision, the term "corridor" means (i) the right-of-way limits of the Turnpike Project and any facilities related to the Turnpike Project or any facility or improvement necessary for the use, design, construction, operation, maintenance, repair, rehabilitation, reconstruction, or financing of a Turnpike Project; (ii) the right-of-way limits of any subsequent improvements, additions, or extension to the Turnpike Project and facilities related to the Turnpike projects, including any improvements necessary for the use, design, construction, operation, maintenance, repair, rehabilitation, reconstruction, or financing of those subsequent improvements, additions, or extensions to the Turnpike Project; and (iii) roads used for ingress or egress to the toll facility or roads that intersect with the toll facility, whether by ramps or separated grade facility, and located within one mile in any direction.

f. Agreements entered into under this subdivision shall comply with the following additional provisions:

1. The Department shall solicit proposals for agreements.
2. Agreement shall be limited to no more than 50 years from the date of the beginning of operations on the toll facility.
3. Notwithstanding the provisions of G.S. 136-89.183(a)(5), all initial tolls or fees to be charged by a private entity shall be reviewed by the Turnpike Authority Board. Prior to setting toll rates, either a set rate or a minimum and maximum rate set by the private entity, the private entity shall hold a public hearing on the toll rates, including an explanation of the toll setting methodology, in accordance with guidelines for the hearing developed by the Department. After tolls go into effect, the private entity shall report to the Turnpike Authority Board 30 days prior to any increase in toll rates or change in the toll setting methodology by the private entity from the previous toll rates or toll setting methodology last reported to the Turnpike Authority Board.
4. Financial advisors and attorneys retained by the Department on contract to work on projects pursuant to this subsection shall be subject to State law governing conflicts of interest.
5. 60 days prior to the signing of a concession agreement subject to this subdivision, the Department shall report to the Joint Legislative Transportation Oversight Committee on the following for the presumptive concessionaire:
  - I. Project description.
  - II. Number of years that tolls will be in place.

- III. Name and location of firms and parent companies, if applicable, including firm responsibility and stake, and assessment of audited financial statements.
- IV. Analysis of firm selection criteria.
- V. Name of any firm or individual under contract to provide counsel or financial analysis to the Department or Authority. The Department shall disclose payments to these contractors related to completing the agreement under this subdivision.
- VI. Demonstrated ability of the project team to deliver the project, by evidence of the project team's prior experience in delivering a project on schedule and budget, and disclosure of any unfavorable outcomes on prior projects.
- VII. Detailed description of method of finance, including sources of funds, State contribution amounts, including schedule of availability payments and terms of debt payments.
- VIII. Information on assignment of risk shared or assigned to State and private partner.
- IX. Information on the feasibility of finance as obtained in traffic and revenue studies.
- 6. The Turnpike Authority annual report under G.S. 136-89.193 shall include reporting on all revenue collections associated with projects subject to this subdivision under the Turnpike Authority.
- 7. The Department shall develop standards for entering into comprehensive agreements with private entities under the authority of this subdivision and report those standards to the Joint Legislative Transportation Oversight Committee on or before October 1, 2013.

...  
 (43) For the purposes of financing an agreement under subdivision (39a) of this section, the Department of Transportation may act as a conduit issuer for private activity bonds to the extent the bonds do not constitute a debt obligation of the State. The issuance of private activity bonds under this subdivision and any related actions shall be governed by The State and Local Government Revenue Bond Act, Article 5 of Chapter 159 of the General Statutes, with G.S. 159-88 satisfied by adherence to the requirements of ~~subdivisions (39) and subdivision (39a)~~ of this section."

SECTION 5.3. G.S. 136-89.183(a)(5) reads as rewritten:

**"§ 136-89.183. Powers of the Authority.**

(a) The Authority shall have all of the powers necessary to execute the provisions of this Article, including the following:

- ...  
 (5) To fix, revise, charge, retain, enforce, and collect tolls and fees for the use of the Turnpike Projects. Prior to the effective date of any toll or fee for use of a Turnpike Facility, the Authority shall submit a description of the proposed toll or fee to the Board of Transportation, the Joint Legislative Transportation Oversight Committee and the Joint Legislative Commission on Governmental Operations for review.

...  
 SECTION 5.4. G.S. 136-89.188 reads as rewritten:

**"§ 136-89.188. Use of revenues.**

(a) Revenues derived from Turnpike Projects authorized under this Article shall be used only for the following:

- (1) Authority administration ~~costs~~; costs.



- (2) Turnpike Project development, right-of-way acquisition, design, construction, operation, and maintenance; maintenance, reconstruction, rehabilitation, and replacement.
- (3) ~~debt~~ Debt service on the Authority's revenue bonds or related purposes such as the establishment of debt service reserve ~~funds~~ funds.
- (4) Debt service, debt service reserve funds, and other financing costs related to any of the following:
  - a. A financing undertaken by a private entity under a partnership agreement with the entity for a Turnpike Project.
  - b. Private activity bonds issued under law related to a Turnpike Project.
  - c. Any federal or State loan, line of credit, or loan guarantee relating to a Turnpike Project.
- (5) A return on investment of any private entity under a partnership agreement with the entity for a Turnpike Project.
- (6) Any other uses granted to a private entity under a partnership agreement with the entity for a Turnpike Project.

(b) The Authority may use up to one hundred percent (100%) of the revenue derived from a Turnpike Project for debt service on the Authority's revenue bonds or for a combination of debt service and operation and maintenance expenses of the Turnpike Projects.

(c) The Authority shall use not more than five percent (5%) of total revenue derived from all Turnpike Projects for Authority administration costs.

(d) Notwithstanding the provisions of subsections (a) and (b) of this section, toll revenues generated from a converted segment of the State highway system previously planned for operation as a nontoll facility shall only be used for the funding or financing of the right of way acquisition, construction, expansion, operations, maintenance, and Authority administration costs associated with the converted segment or a contiguous toll facility."

**SECTION 5.5.** Part 1 of Article 6H of Chapter 136 of the General Statutes is amended by adding a new section to read:

**"§ 136-89.199. Designation of high-occupancy toll and managed lanes.**

Notwithstanding any other provision of this Article, the Authority may designate one or more lanes of any highway, or portion thereof, within the State, including lanes that may previously have been designated as HOV lanes under G.S. 20-146.2, as high-occupancy toll (HOT) or other type of managed lanes; provided, however, that such designation shall not reduce the number of existing general purpose lanes. In making such designations, the Authority shall specify the high-occupancy requirement or other conditions for use of such lanes, which may include restricting vehicle types, access controls, or the payment of tolls for vehicles that do not meet the high-occupancy requirements or conditions for use."

**SECTION 5.6.** Part 2 of Article 6H of Chapter 136 of the General Statutes reads as rewritten:

"Part 2. Collection of Tolls on Turnpike Projects.

...  
**"§ 136-89.212. Payment of toll required for use of Turnpike project.**

(a) A motor vehicle that is driven on a Turnpike project is subject to a toll imposed by the Authority for the use of the project. If the toll is an open road toll, the person who is the registered owner of the motor vehicle is liable for payment of the toll unless the registered owner establishes that the motor vehicle was in the care, custody, and control of another person when it was driven on the Turnpike project.

(b) A person establishes that a motor vehicle was in the care, custody, and control of another person when it was driven on a Turnpike project by submitting to the Authority a sworn affidavit stating one of the following:

- (1) The name and address of the person who had the care, custody, and control of the motor vehicle when it was driven. If the motor vehicle was leased or rented under a long-term lease or rental, as defined in G.S. 105-187.1, the affidavit must be supported by a copy of the lease or rental agreement or other written evidence of the agreement.
- (2) The motor vehicle was stolen. The affidavit must be supported by an insurance or police report concerning the theft or other written evidence of the theft.

- (3) The person transferred the motor vehicle to another person by sale or otherwise before it was driven on the Turnpike project. The affidavit must be supported by insurance information, a copy of the certificate of title, or other evidence of the transfer.

(c) If a person establishes that a motor vehicle was in the care, custody, and control of another person under subsection (b) of this section, the other person shall be liable for the payment of the toll, and the Authority may send a bill to collect and enforce the toll in accordance with this Article; provided, however, that such other person may contest such toll in accordance with this Article.

**"§ 136-89.213. Administration of tolls and requirements for open road tolls.**

(a) Administration. – The Authority is responsible for collecting tolls on Turnpike projects. In exercising its authority under G.S. 136-89.183 to perform or procure services required by the Authority, the Authority may contract with one or more providers to perform part or all of the collection functions and may enter into agreements to exchange information, including confidential information under subsection (a1) of this section, that identifies motor vehicles and their owners with one or more of the following entities: the Division of Motor Vehicles of the Department of Transportation, another state, another toll operator, ~~or a toll collection-related organization-organization,~~ or a private entity that has entered into a partnership agreement with the Authority pursuant to G.S. 136-89.183(a)(17). Further, the Authority may assign its authority to fix, revise, charge, retain, enforce, and collect tolls and fees under this Article to a private entity that has entered into a partnership agreement with the Authority pursuant to G.S. 136-89.183(a)(17).

...  
(b) Open Road Tolls. – If a Turnpike project uses an open road tolling system, the Authority must operate a facility that is in the immediate vicinity of the Turnpike project ~~and that accepts or provide an alternate means to accept~~ cash payment of the toll and must place signs on the Turnpike project that give drivers the following information:

- (1) Notice that the driver is approaching a highway for which a toll is required. Signs providing this information must be placed before the toll is incurred.
- (2) The methods by which the toll may be paid.
- (3) ~~Directions~~ If applicable, directions to the nearby facility that accepts cash payment of the toll.

**"§ 136-89.214. Bill for unpaid open road toll.**

(a) Bill. – If a motor vehicle travels on a Turnpike project that uses an open road tolling system and a toll for traveling on the project is not paid prior to travel or at the time of travel, the Authority must send a bill by first-class mail to the registered owner of the motor vehicle or the person who had care, custody, and control of the vehicle as established under G.S. 136-89.212(b) for the amount of the unpaid toll. The Authority must send the bill within 90 days after the travel occurs-occurs, or within 90 days of receipt of a sworn affidavit submitted under G.S. 136-89.212(b) identifying the person who had care, custody, and control of the motor vehicle. If a bill is not sent within the required time, the Authority waives collection of the toll. The Authority must establish a billing period for unpaid open road tolls that is no shorter than 15 days. A bill for a billing period must include all unpaid tolls incurred by the same person during the billing period.

(b) Information on Bill. – A bill sent under this section must include all of the following information:

- (1) The name and address of the registered owner of the motor vehicle that traveled on the Turnpike ~~project-project~~ or of the person identified under G.S. 136-89.212(b).
- (2) The date the travel occurred, the approximate time the travel occurred, and each segment of the Turnpike project on which the travel occurred.
- (3) An image of the registration plate of the motor vehicle, if the Authority captured an electronic image of the motor vehicle when it traveled on the Turnpike project.
- (4) The amount of the toll due and an explanation of how payment may be made.
- (5) The date by which the toll must be paid to avoid the imposition of a processing fee under G.S. 136-89.215 and the amount of the processing fee.

- (6) A statement that a vehicle owner who has unpaid tolls is subject to a civil penalty and may not renew the vehicle's registration until the tolls and civil penalties are paid.
- (7) A clear and concise explanation of how to contest liability for the toll.
- (8) If applicable, a copy of the affidavit submitted under G.S. 136-89.212(b) identifying the person with care, custody, and control of the motor vehicle.

**"§ 136-89.215. Required action upon receiving bill for open road toll and processing fee for unpaid toll.**

(a) Action Required. – A person who receives a bill from the Authority for an unpaid open road toll must take one of the following actions within 30 days of the date of the bill:

- (1) Pay the bill.
- (2) Send a written request to the Authority for a review of the toll.

(b) Fee. – If a person does not take one of the actions required under subsection (a) of this section within the required time, the Authority may add a processing fee to the amount the person owes. The processing fee may not exceed six dollars (\$6.00). A person may not be charged more than forty-eight dollars (\$48.00) in processing fees in a 12-month period.

~~The Authority must set the processing fee at an amount that does not exceed the costs of collecting the unpaid toll, identifying the owner of a motor vehicle that is subject to an unpaid toll and billing the owner for the unpaid toll. The fee is a receipt of the Authority and must be applied to these costs.~~

...."

**SECTION 5.7.** DOT/Southeast Extension-Triangle Expressway. – The Department of Transportation shall strive to expedite the federal environmental impact statement process to define the route for the Southeast Extension of the Triangle Expressway Turnpike Project by promptly garnering input from local officials and other stakeholders, accelerating any required State studies, promptly submitting permit applications to the federal government, working closely with the federal government during the permitting process, and taking any other appropriate actions to accelerate the environmental permitting process.

**SECTION 5.8.** Monitoring. – As part of its oversight of the Department of Transportation, the Joint Legislative Transportation Oversight Committee shall closely monitor the progress of the Southeast Extension of the Triangle Expressway Turnpike Project.

**TRANSITION STUDY AND REPORTING REQUIREMENTS**

**SECTION 6.1.** Formula Implementation Report. – The Department of Transportation shall report to the Joint Legislative Transportation Oversight Committee and the Fiscal Research Division no later than August 15, 2013, on the Department's recommended formulas that will be used in the prioritization process to rank highway and nonhighway projects. The Department of Transportation's Prioritization Office shall develop the prioritization processes and formulas for all modes of transportation. The report will include a statement on the process used by the Department to develop the formulas, include a listing of external partners consulted during this process, and include feedback from its 3.0 workgroup partners on the Department's proposed recommendations. The Department shall not finalize the formula without consulting with the Joint Legislative Transportation Oversight Committee. The Joint Legislative Transportation Oversight Committee has 30 days after the report is received to meet and consult on the Department's recommendations. If no meeting occurs within 30 days after the report is received, the consultation requirement will be met. If consultation occurs and a majority of members serving on the Committee request changes to the Department's recommended formulas for highway and nonhighway modes, the Department shall review the requests and provide to the Committee its response to the requested changes no later than October 1, 2013. A final report on the highway and intermodal formulas shall be submitted to the Joint Legislative Transportation Oversight Committee by January 1, 2014.

**SECTION 6.2.** State Transportation Improvement Program Transition Report. – The Department of Transportation shall submit transition reports to members of the Joint Legislative Transportation Oversight Committee, House of Representatives Appropriations Subcommittee on Transportation and the Senate Appropriations Committee on Department of Transportation, and the Fiscal Research Division on March 1, 2014, and November 1, 2014. The reports shall include information on the Department's transition to Strategic Prioritization, overview changes to the State Transportation Improvement Program (STIP) and other internal and external processes that feed into the STIP, and offer statutory and policy recommendations

or items for consideration to the General Assembly that will enhance the prioritization process. The March 1, 2014, report shall also include an analysis of the distribution of tax and fee revenues between the Highway Fund and Highway Trust Fund and an analysis to determine if maintenance, construction, operations, administration, and capital expenditures are properly budgeted within the two funds and existing revenues are most effectively distributed between the two funds.

**EFFECTIVE DATE**

**SECTION 7.1.(a)** Except as provided herein, this act becomes effective July 1, 2013.

**SECTION 7.1.(b)** This act is effective only if the General Assembly appropriates funds in the Current Operations and Capital Improvements Appropriations Act of 2013 to implement this act.

In the General Assembly read three times and ratified this the 19<sup>th</sup> day of June, 2013.

s/ Philip E. Berger  
President Pro Tempore of the Senate

s/ Thom Tillis  
Speaker of the House of Representatives

s/ Pat McCrory  
Governor

Approved 11:20 a.m. this 26<sup>th</sup> day of June, 2013



TOWN OF

# Holly Springs

Resolution No.: 13-42

Date Adopted: Oct. 1, 2013

## RESOLUTION STATING THE TOWN OF HOLLY SPRINGS TOWN COUNCIL'S SUPPORT REGARDING THE ALIGNMENT OF THE SOUTH EAST EXTENSION OF I-540

**WHEREAS**, the Holly Springs Town Council is expressing its fervent support for the construction of the I-540 Triangle Expressway Southeast Extension; and

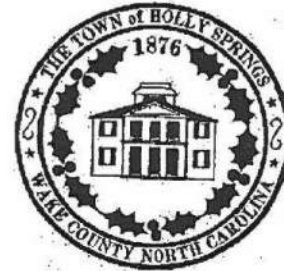
**WHEREAS**, the proposed I-540 Triangle Expressway Southeast Extension has been a fundamental transportation facility underpinning for more than 20 years of local land use and transportation decisions of the Town of Holly Springs and other local governments of southwestern Wake County; and

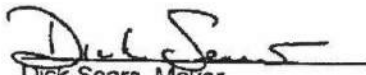
**WHEREAS**, the Town of Holly Springs historically has utilized the protected I-540 corridor proposed in earlier designs to plan for both existing and future development in Town; and


**NOW THEREFORE BE IT RESOLVED** that the Town Council of the Town of Holly Springs hereby expresses its support of the original protected corridor design as illustrated in orange on N.C. Transit Authority maps for the construction of the I-540 Triangle Expressway Southeast Extension; and

Adopted this, the 1<sup>st</sup> day of October, 2013.

ATTEST:



  
Dick Sears, Mayor

  
 Joni Powell, MMC, NCCMC Town Clerk  
 Linda R. Harper, MMC, NCCMC Deputy Town Clerk

Office of the Mayor

128 S. Main Street • P.O. Box 8 • Holly Springs, NC 27540 • (919) 557-3901 • (919) 552-0654 fax  
dick.sears@hollyspringsnc.us • www.hollyspringsnc.us



**TOWN OF FUQUAY-VARINA**  
401 Old Honeycutt Road  
Fuquay-Varina, North Carolina 27049

**A RESOLUTION BY THE TOWN OF FUQUAY-VARINA REGARDING  
THE TRIANGLE EXPRESSWAY SOUTHEAST EXTENSION (I-540)**

**WHEREAS**, the proposed Triangle Expressway Southeast Extension has been a fundamental transportation facility underpinning for more than 20 years of local land use and transportation decisions for Town of Fuquay-Varina, Wake County and other local governments of Wake County; and,

**WHEREAS**, the alternate routes have been only recently proposed and would have a much more significant negative impact on residents of Fuquay-Varina who purchased homes and businesses based on the original proposed route; and,

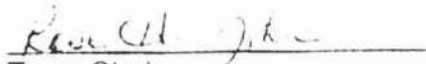
**WHEREAS**, the Town of Fuquay-Varina historically has utilized the protected corridor proposed in earlier designs to make key planning decisions for both existing and future development in the Town of Fuquay-Varina, and,

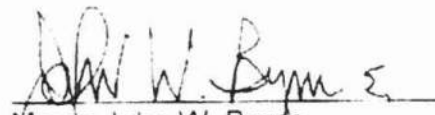
**WHEREAS**, the proposed alternative alignments to relocate the corridor away from its previously designated and protected route will have an adverse impact on the Town of Fuquay-Varina; and

**NOW THEREFORE, BE IT RESOLVED** that the Town of Fuquay-Varina supports use of the original protected corridor design as illustrated in "orange" on the North Carolina Turnpike Authority maps as the preferred choice for the development and construction of the Triangle Expressway Southeast Extension (I-540).

Adopted this 19<sup>th</sup> day of October 2010.



  
Town Clerk

  
Mayor John W. Byrrie  
Town of Fuquay-Varina

**A RESOLUTION BY THE COUNTY OF WAKE REGARDING THE  
TRIANGLE EXPRESSWAY SOUTHEAST EXTENSION**

WHEREAS, the proposed Triangle Expressway Southeast Extension from NC 55 in Apex to US 64 in Knightdale has been a fundamental transportation facility underpinning, for more than 20 years, local land use and transportation decisions for Wake County and other local governments of Wake County;

WHEREAS, Wake County historically has utilized the protected corridor west of Interstate 40 developed in earlier efforts (orange) to make key planning decisions for both existing and future development in Wake County; and

WHEREAS, Wake County historically has utilized the planned corridor east of Interstate 40 developed in earlier efforts (green) to make key planning decisions for both existing and future development in Wake County; and

WHEREAS, numerous Wake County homeowners and landowners have relied upon the protected corridor route (orange) and the planned corridor route (green) for many years as they have made investment decisions; and

WHEREAS, the proposed alternative alignments that would relocate the roadway away from the protected route and planned route will have an adverse impact on communities in Wake County; and

WHEREAS, the proposed alternative alignments illustrated as "blue", "purple", and "red" on North Carolina Department of Transportation maps will have a greater impact on Wake County's designated priority stream corridors and proposed Southeast Wake County Park than the previously protected route.

NOW THEREFORE, BE IT RESOLVED that Wake County supports use of the protected corridor as illustrated in "orange" on the North Carolina Department of Transportation maps and supports use of the planned corridor as illustrated in "green" on the North Carolina Department of Transportation maps as the preferred choice for the development and construction of the Triangle Expressway Southeast Extension.

Adopted this 21st day of October 2013.

ATTEST:

*Susan Banks*  
Susan Banks  
Clerk to the Board



*John Bryan*  
John Bryan, Chairman  
Board of Commissioners

## RESOLUTION (2013) 2171

RESOLUTION STATING THE TOWN OF GARNER'S TOWN COUNCIL'S SUPPORT  
REGARDING ALIGNMENT OF THE SOUTHEAST EXTENSION OF I-540

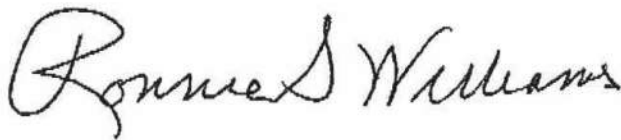
**WHEREAS**, the Garner Town Council is expressing its avid support for the construction of the I-540 Triangle Expressway Southeast Extension; and

**WHEREAS**, the proposed I-540 Triangle Expressway Southeast Extension has been a fundamental transportation facility foundation for more than 20 years of local land use and transportation decisions of the Town of Garner and other local governments of southeastern Wake County; and

**WHEREAS**, the Town of Garner has historically utilized the protected I-540 corridor proposed in earlier designs to plan for both existing and future development in the Town; and

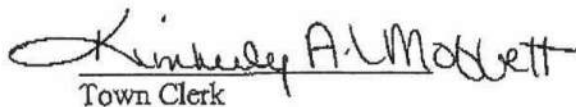
**NOW THEREFORE BE IT RESOLVED** that the Town Council of the Town of Garner hereby expresses its support of the original protected corridor design as illustrated in orange on the N.C. Transit Authority maps for the construction of the I-540 Triangle Expressway Southeast Extension.

Adopted this, the 22<sup>nd</sup> day of October, 2013.



Ronnie S. Williams, Mayor

ATTEST:



Kimberly A. McBeth  
Town Clerk



**RESOLUTION expressing THE NC CAPITAL AREA MPO'S POSITION REGARDING THE  
ALIGNMENT OF THE FUTURE NC 540 TURNPIKE**

On motion made by Mayor Sears and seconded by Mayor Eagles, and having been put to a vote, was duly adopted by unanimous vote, the following resolution;

**WHEREAS**, the proposed southern and southeastern segments of the NC 540 Turnpike are an adopted element of the Capital Area Metropolitan Planning Organization's (CAMPO) 2040 Metropolitan Transportation Plan; and

**WHEREAS**, official corridor maps show a specific alignment, adopted by the North Carolina Board of Transportation, to block new development in the preferred path of the southern segment from N.C. 55 in Holly Springs to US 401 south of Garner on August 2, 1996 and the southern segment from US 401 south of Garner to Interstate 40 south of Garner on March 7, 1997; and

**WHEREAS**, the proposed freeway alignment has been a fundamental transportation facility underpinning for more than 20 years of local land use and transportation decisions for the towns of Fuquay-Varina, Garner, and Holly Springs; and

**WHEREAS**, Wake County is the first and only County in North Carolina to have its urban loop constructed as a toll road; and

**WHEREAS**, the southeastern segment is likely to be much more expensive on a per mile basis than the southern segment and as such will need the revenue coming from the southern segment to help pay for it; and

**WHEREAS**, the southeastern segment is the Capital Area MPO's urgently needed top regional priority and therefore should not be delayed until the northern segment of the loop is converted to a turnpike to help pay for it's construction

**WHEREAS**, the North Carolina Turnpike Authority is looking at other alternatives that would possibly have an adverse impact upon these towns, causing disruptions to existing homes and businesses; and

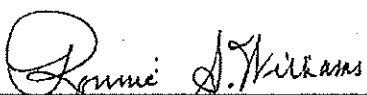
**WHEREAS**, other alternatives may be shorter and possibly cut construction costs; at the possible expense of environmentally sensitive areas, residential and commercial activities vital to the economic well being of the towns being impacted;

**NOW, THEREFORE BE IT RESOLVED**, based on the currently available information, the Capital Area MPO Transportation Advisory Committee supports the use of the original protected corridor alignment illustrated on North Carolina Turnpike Authority maps adopted in 1996 and 1997 as the locally preferred choice for the development and construction of the proposed NC 540 Turnpike in southern and southeastern Wake County; and

**BE IT FURTHER RESOLVED**, that the Capital Area MPO Transportation Advisory Committee requests that the North Carolina Turnpike Authority continue to include the Capital Area MPO as an active stakeholder in the alternatives analysis process; and

BE IT FURTHER RESOLVED, that the Capital Area MPO Transportation Advisory Committee strongly urges the North Carolina Department of Transportation to construct the entire remaining portion of the outer loop as a turnpike in one phase rather than as two separate phases.

Adopted on this the 20<sup>th</sup> day of November, 2013



Ronnie Williams, Chair  
Transportation Advisory Committee

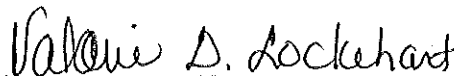


Ed Johnson, Capital Area MPO  
Transportation Advisory Committee Clerk

County of Wake  
State of North Carolina

I, Valorie D. Lockhart, a Notary Public for said County and State, do hereby certify that on this, the 20<sup>th</sup> day of November, 2013, personally appeared before me, Ronnie Williams, known to me by his presence, and acknowledged the due execution of the foregoing RESOLUTION STATING THE CAPITAL AREA MPO'S POSITION REGARDING THE LOCALLY PREFERRED ALTERNATIVE ALIGNMENT OF THE FUTURE NC 540 TURNPIKE.

Witness my hand and official seal, this the 20<sup>th</sup> day of November, 2013.



Valorie D. Lockhart, Notary Public

My commission expires: January 31, 2016

**APPENDIX H**  
**Local Government and Interest Group Letters**



## **Parks, Recreation & Open Space**

TEL 919 664 7967  
FAX 919 856 6181

Wake County Office Building 10<sup>th</sup> Floor  
337 S. Salisbury Street  
PO Box 550, Suite 1000  
Raleigh, NC 27602  
<http://www.wakegov.com/county/parks/default.htm>

October 6, 2010

Christy Shumate  
North Carolina Turnpike Authority  
1578 Mail Service Center  
Raleigh, North Carolina 27699-1578

Dear Mrs. Shumate:

I am writing on behalf of the Wake County Open Space and Parks Advisory Committee to provide input on the proposed routes for the Triangle Expressway's Southeast Extension, specifically to support the original protected corridor (Orange route) and oppose the Purple, Blue and Red alternative routes.

On September 27, 2010 our Committee met to review the proposed routes under consideration for the Southeast Extension of the Triangle Expressway. We understand and appreciate the fact that all of these routes have an impact on the communities that they pass through. However our focus is on the environmental and programmatic impact that the alternatives would have on our long term need to protect our environment.

In 2003, the Wake County Board of Commissioners formally identified priority stream corridors to protect valuable water resources. In 2008, the Board of Commissioners revisited this issue and at that time reaffirmed the County's intent to protect 11 priority stream corridors. Two of these corridors would be negatively impacted by the Purple, Blue and Red alternatives.

- Middle Creek would be impacted twice if a route is selected using a combination of the Purple and Blue alternatives.
- Middle Creek would be impacted once if a route is selected using only the Blue alternative.
- The priority stream corridor section of Swift Creek (between Lake Wheeler and Lake Benson) would be impacted by the Red alternative.
- The currently protected corridor (Orange route) does not cross Swift Creek in an area identified by Wake County as priority stream corridor, nor does the Orange route impact Middle Creek.

Wake County Government and the citizens of Wake County have consistently demonstrated their concern for the protection of these priority stream corridors through the preservation of land through the passage of three bond referendums since 2000 totaling \$91,000,000. Each of these referendums has received more than 70% voter approval.

An additional significant concern that the Open Space and Parks Advisory Committee would like to express is the impact the Blue alternative will have on the County's Southeast Wake County Park. The County has been working to develop this park for the past decade and it is one of the three planned parks (in combination with the six existing parks) that the County is creating to meet the long term needs of the community.

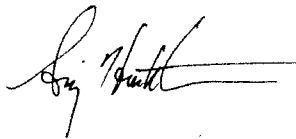
Within the Southeast County Park lie the Middle Creek Aquatic Habitat and the scenic bluffs along Middle Creek that rise 90 feet above the creek, a Natural Heritage site of local significance. The County has already acquired 258 acres for this park and has spent over \$2,000,000 in land acquisition costs. In addition the County has also placed Clean Water Management Trust Fund easements over portions of this land. The proposed Blue alternative would impact the proposed park site and possibly result in the County abandoning its plans to develop this park.

It is our sincere desire that the Triangle Expressway Southeast Extension remain in the protected corridor (Orange route.) It is what the community has planned for over the past 15 years and unlike the Purple, Blue and Red alternatives it does not impact priority stream corridors or the Southeast Wake County Park.

If you would like to have additional information or if you have any questions about our position, please feel free to contact Chris Snow, Director Wake County Parks, Recreation and Open Space at 856-6677.

Thank you.

Sincerely,



Sig Hutchison  
Chairman, Wake County Open Space and Parks Advisory Committee

cc: Eugene A. Conti Jr., Chairman, North Carolina Turnpike Authority  
Perry R. Safran, Vice-Chairman, North Carolina Turnpike Authority  
Robert D. Teer Jr., North Carolina Turnpike Authority  
Robert C. Clay, North Carolina Turnpike Authority  
John Collett, North Carolina Turnpike Authority  
James H. Ferebee, Jr., North Carolina Turnpike Authority  
Anthony Fox, North Carolina Turnpike Authority  
E. David Redwine, North Carolina Turnpike Authority  
Alan F. Swanstrom, North Carolina Turnpike Authority  
Tony Gurley, Chairman, Wake County Board of Commissioners  
David Cooke, County Manager, Wake County



October 21, 2010

Jennifer Harris, PE  
North Carolina Turnpike Authority  
1578 Mail Service Center  
Raleigh, NC 27699-1578

Re: Triangle Expressway Southeast Extension (I540)  
Town of Holly Springs Comments

Dear Jennifer,

Thank you for meeting with us on October 4<sup>th</sup> about this project. We have attached a spreadsheet of Holly Springs' comments for the alternative alignments that are presently out for public comment. These comments support the position that we expressed in our meeting with you – that Holly Springs supports the orange (originally protected) corridor.

At our meeting you also indicated that we could meet with you in a separate forum – along with our transportation consultants and yours – to discuss the orange alignments' proposed intersection with both Kildaire Farm Road and Holly Springs Road (one intersection). We would like to go ahead and set that meeting up at your earliest convenience. Thank you.

Sincerely,

Stephanie L. Sudano, PE  
Director of Engineering

SLS/dra

cc: Mayor Sears  
Carl G. Dean, Town Manager  
Chuck Simmons, Assistant Town Manager  
Gina Clapp, AICP, Director of Planning & Zoning  
Correspondence 13394

P.O. Box 8  
128 S. Main Street  
Holly Springs, N.C. 27540  
www.hollyspringsnc.us

(919) 552-6221

Fax: (919) 552-5569

Mayor's Office Fax:  
(919) 552-0654



TOWN OF

# Holly Springs

**Resolution No.:** 10-27

**Date Adopted:** Sept. 21, 2010

## RESOLUTION STATING THE TOWN OF HOLLY SPRINGS TOWN COUNCIL'S POSITION REGARDING THE ALIGNMENT OF THE SOUTHERN PHASE OF I-540

**WHEREAS**, on May 6, 2008, the Holly Springs Town Council adopted Resolution 08-26 expressing its fervent support for the construction of the I-540 Western Wake Expressway; and

**WHEREAS**, the proposed I-540 Western Wake Expressway has been a fundamental transportation facility underpinning for more than 20 years of local land use and transportation decisions of the Town of Holly Springs and other local governments of southwestern Wake County; and

**WHEREAS**, the Town of Holly Springs historically has utilized the protected I-540 corridor proposed in earlier designs to plan for both existing and future development in Town; and

**WHEREAS**, the change to relocate the corridor south to connect to Bass Lake Road would have an adverse impact on our community, due to access issues and the cost of relocating both residential and commercial properties from said corridor; and

**WHEREAS**, additional traffic generated on Holly Springs Road would negatively impact the area around a proposed interchange and Holly Springs Road would not be adequate to handle the increased traffic volume; and


**WHEREAS**, the delay of the construction of the I-540 Western Wake Expressway is particularly injurious to the Town of Holly Springs when weighed against the much-needed NC 55 improvements that have not been constructed in anticipation of a 2008 start of I-540 Western Wake Expressway construction;


**NOW THEREFORE BE IT RESOLVED** that the Town Council of the Town of Holly Springs hereby expresses its adamant opposition to any option for the construction of the I-540 Southern Wake Expressway that utilizes Bass Lake Road as a potential alternative for the southern phase of I-540; and

**BE IT FURTHER RESOLVED** that the Town Council supports use of the original protected corridor design as illustrated in orange on N.C. Transit Authority maps as the preferred choice for the development and construction of the I-540 Southern Wake Expressway.

**Adopted this, the 21st day of September, 2010.**

ATTEST:

  
Dick Sears, Mayor

  
Joni Powell, CMC, Town Clerk  
Linda R. Harper, CMC Deputy Town Clerk

Office of the Mayor

128 S. Main Street • P.O. Box 8 • Holly Springs, NC 27540 • (919) 557-3901 • (919) 552-0654 fax  
dick.scars@hollyspringsnc.us • www.hollyspringsnc.us

# 1540 Comments

Comment	
<b>BLUE CORRIDOR</b>	
<b>1.</b>	Conflicts with all of the Town's long range plans developed over the past 15 years (since corridor protection began), including: Comprehensive Plan Vision 2010, Long Range Water Master Plan, Long Range Sewer Master Plan, Long Range Reclaimed Master Plan, Holly Springs Pedestrian Transportation Plan, Long Range Greenway Plan, Long Range Bicycle Plan
<b>2.</b>	The Town has significant existing (and proposed too) investment in this corridor in major water, sewer, and reclaimed utility lines that will have to be relocated and replaced with great expense - both initial capital expense and perpetual operating expenses (as relocation and replacement would require new pumping stations)
<b>3.</b>	Town's Fire Department and Wake County EMS Headquarters would have to be relocated
<b>4.</b>	This alignment would severely impact both vehicular (including bus) and pedestrian transportation to 3 of the town's 6 public schools (Holly Ridge Elementary, Holly Ridge Middle, Holly Springs Elementary); this doesn't even include preschools and/or daycares. There are at least two of these directly in the alignment that would have to be relocated. (Note: the maps prepared by NCTA only indicate 2 of these public schools: there are 2 schools located to the east of the proposed interchange (Holly Ridge Elementary and Holly Ridge Middle) and 1 school to the west (Holly Springs Elementary). Holly Springs Road is a vital auto and pedestrian access route for all of these schools. Locating the interchange at this location would be very dangerous to students, parents, and caregivers accessing the schools daily.
<b>5.</b>	There are 2 minority churches significantly impacted (to extent of relocation probably) - one at Earp and Bass Lake Road intersection and one further south off of Bass Lake Road; there is also another future church site (Moravian Church) that would be impacted/eliminated near the Fire Department and EMS headquarters.
<b>6.</b>	Corridor passes through one of the very few remaining minority areas in the town and would completely divide and likely eliminate the population/area; The proposed corridor would bisect this long established neighborhood. In addition, the Town of Holly Springs has provided CDBG Scattered Site Single-Family Rehab assistance to many homes located along Bass Lake Road within the proposed corridor. This is an expenditure of federal and state funds to assist residents with housing. There has also been the expenditure of federal Farmers Home funding for utilities to serve the homes.
<b>7.</b>	Town's only funeral home would be eliminated
<b>8.</b>	Wipes out a 50 acre tract of land at the headwaters of Bass Lake; this land was set aside for preservation 2009 by Triangle Land and Conservation easements located within this area (Jeff Suggs)
<b>9.</b>	Passes over the headwaters of Bass Lake, a historical landmark and a valued park. The dam for this lake was rebuilt within the past 10 years by the Town with a Cleanwater Management Trust Fund grant; portions are subject to a Nature Conservancy easement; the Town has put into place special 100' buffers for all land tributary to this lake; this is a very valuable environmental resource for the region.
<b>10</b>	Town has worked hard to created connectivity between neighborhoods - vehicular, bicycle, and pedestrian - through planning and infrastructure construction; this corridor creates a division through this area negates those efforts
<b>11</b>	Parallels Middle Creek which is a very important protected stream/water feature with a large watershed; paralleling streams has very negative environmental consequences and may be impossible to permit.



# 1540 Comments

	Comment
<b>BLUE CORRIDOR</b>	
12	This corridor would require relocation/elimination of many homes and the division of many neighborhoods; some are Sunset Oaks North, Sunset Oaks South, Brackenridge various phases; Sunset Ridge North, Sunset Forest, Holly Park, Remington, Westview, Brook Manor, Sunset Ridge South, Spring Meadow, Dogwood, and Old Mills Lake. All but two of these have developed over the past 18 years, so are relatively new. In addition, many of the older "non-subdivision" homes that comprised the original Holly Springs minority population will be relocated/eliminated as well.
14	There is a Montessori school on HS Road near its intersection with Bass Lake Road that is not shown, but will be impacted and possibly eliminated.
15	In addition to the above referenced impact to Bass Lake, the greenway system around Bass Lake would also be impacted. Town recently received federal funding to complete one section of the greenway loop.
16	The long range transportation plans - developed carefully and collaboratively by the Town, the county, the MPO, NCDOT, and other municipalities over the past 15 years - have guided development and road dedication of roads to support the orange corridor - not at all this corridor
17	This corridor is not under corridor protection and development approvals and building permits continue to be processed, increasing the undesirability of this corridor as well as the resulting impact of construction in this corridor
19	This corridor, while on the books, delays development of properties (this is problematic especially in this economic climate) AND the ability of individuals who happen to own homes in the corridor and need to sell their homes; we would like to encourage quick and expeditious elimination of alternatives in order to alleviate these two scenarios.
20	Corridor would introduce a second major physical barrier/division in our small Town. The 55 Bypass currently divides the western part of town from center and east portions. It is a hurdle that is difficult and expensive to cross with utilities. It has proven impossible because of expense to cross for pedestrians and bicycles, which is of extreme detriment to the Town's efforts at encouraging a healthy, multi-modal community.
21	There are 2 private daycare centers that are located within the actual corridor/interchange boundaries at Holly Springs Road that would have been relocated.
22	The Town has planned pedestrian, bicycle and auto connectivity between neighborhoods since development began in the early 90s. The proposed corridor impacts an existing greenway along Middle Creek that connects Windcrest and Bridgewater and provided connection to the northeast side of Middle Creek for future development. The corridor would impact the construction of a major roadway connection between Sunset Ridge North and Woodcreek over Middle Creek. The corridor also impacts land that has been dedicated to the Town on the north side of Middle Creek for a park and community center.
23	The maps prepared by the NCTA do not show the new Wake County Public School- Herbert Akins Elementary School located at the corner of Herbert Akins Road and James Slaughter Road. The proposed corridor impacts the school campus.
24	Maple Ridge Apartments (federally subsidized housing project) and also Timber Springs Apartments (same) would be impacted/eliminated by this corridor.
25	The corridor alignment impacts/eliminates a large portion of the Westview Neighborhood. This neighborhood was developed in partnership with the Town of Holly Springs who received a \$250,000 CDBG Infrastructure Grant to construct roads and utilities for the neighborhood. Many homeowners in Westview have received a portion of a \$150,000 down payment assistance grant from the NCHFA.

# 1540 Comments

	Comment
<b>BLUE CORRIDOR</b>	
26	Concern that the proposed blue corridor and interchange at Holly Springs Road would have a tremendous impact to the quality of life of residents by bisecting the Town and directing a tremendous volume of traffic onto Holly Springs Road at a location that has not been planned for this level of volume. This location is very near to the center Village Town District, which the Town has been working for years to develop as the heart of our town.
27	This corridor, while on the books, delays development of properties (this is problematic especially in this economic climate) AND the ability of individuals who happen to own homes in the corridor and need to sell their homes; we would like to encourage quick and expeditious elimination of alternatives in order to alleviate these two scenarios.

## Comment

### ORANGE CORRIDOR

<b>1.</b>	Minority church at Lockley Road does not look like it is impacted; this is a good thing.
<b>2.</b>	Corridor has been preserved by the Town since 1997 NCDOT request for Corridor Protection...the corridor protection guidelines have been carefully and stringently followed by the Town to make expense and impact of acquisition and construction less expensive.
<b>3.</b>	Some of the ROW has already been acquired, and we believe this is of great benefit.
<b>4.</b>	This corridor is consistent with all of the Town's long range plans developed over the past 15 years (since corridor protection began), including: Comprehensive Plan Vision 2010, Long Range Water Master Plan, Long Range Sewer Master Plan, Long Range Reclaimed Master Plan, Holly Springs Pedestrian Transportation Plan, Long Range Greenway Plan, Long Range Bicycle Plan
<b>5.</b>	Town wants to insure that Kildaire Farm Road, which is a major access road, ties into interchange or nearby to preserve full access northward
<b>6.</b>	Town has carefully planned and minimized the needed greenway/pedestrian/bike and vehicular connections through this corridor by carefully guiding development of adjacent lands. All of the infrastructure (transportation and other) that has been planned and installed to support these minimal number of crossings would no longer function as designed and infill of the preserved corridor would likely be awkward to develop. This careful planning will reduce construction costs and environmental impacts along this corridor.
<b>7.</b>	This corridor and the proposed interchange at Kildaire Farm Road is consistent with the Town's long range planning efforts and locations for activity nodes, development densities, roadway design, and infrastructure to meet the demands of a highway interchange and location. Because Holly Springs is a relatively small town with limited growth potential due to the limiting feature of Progress Energy Lands to the west, the impact of the other corridors on the Town as a whole is proportionally very great. The impact of the orange corridor has been well planned to complement the Town as a whole.
<b>8.</b>	Development of the roadway in this corridor complements the past planning and investment (and proposed too) by the Town in this area of water , sewer, and transportation infrastructures
<b>9.</b>	The Town believes this corridor alignment has the least environmental impact, based upon our knowledge of the Town; the crossing of Middle Creek is essentially perpendicular which is desired as this is a major stream with a very large drainage basin.
<b>10.</b>	This corridor would not impact or require the removal and/or displacement of many homes (maybe none) in Holly Springs
<b>11.</b>	Town plans have long centered around this corridor, and the Town has directed development in a manner to make the construction of this through Town minimally invasive to our community. This has been achieved by planning transportation connections to complement I540 at this location and to link property on both sides with connections.
<b>12.</b>	This corridor essential runs between Apex and Holly Springs - almost along the municipal boundaries - we see this as a plus as it does not divide a community like at least one of the other proposed corridors.
<b>13.</b>	The long range transportation plans - developed carefully and collaboratively by the Town, the county, the MPO, NCDOT, and other municipalities over the past 15 years - have guided development and row dedication of roads to support the orange corridor.
<b>14.</b>	This corridor is under corridor protection and development approvals and building permit requests continue to be handled under the corridor protection act, increasing the desirability of this corridor as it is protected

## Comment

### PURPLE CORRIDOR

<b>1</b>	Will impact/eliminate Town parkland south of Sunset Oaks south and planned walking trails and other passive recreation along Middle Creek - a major water feature and environmental treasure in south Wake County.
<b>2</b>	The long range transportation plans for the municipality and the county have guided development and row dedication of roads to support the current orange alignment - not needed intersection improvements for this route.
<b>3</b>	Conflicts with all of the Town's long range plans developed over the past 15 years (since corridor protection began), including: Comprehensive Plan Vision 2010, Long Range Water Master Plan, Long Range Sewer Master Plan, Long Range Reclaimed Master Plan, Holly Springs Pedestrian Transportation Plan, Long Range Greenway Plan, Long Range Bicycle Plan
<b>4</b>	This corridor would require relocation/elimination of many homes and the possible division of many neighborhoods; some in Holly Springs' jurisdiction only are Sunset Oaks North, Sunset Oaks South, Brackenridge various phases; In addition, there are many other homes not in subdivisions that would be impacted
<b>5</b>	The long range transportation plans - developed carefully and collaboratively by the Town, the county, the MPO, NCDOT, and other municipalities over the past 15 years - have guided development and row dedication of roads to support the orange corridor - not at all this corridor
<b>6</b>	This corridor, while on the books, delays development of properties (this is problematic especially in this economic climate) AND the ability of individuals who happen to own homes in the corridor and need to sell their homes; we would like to encourage quick and expeditious elimination of alternatives in order to alleviate these two scenarios.
<b>7</b>	This alignment would severely impact both vehicular (including bus) and pedestrian transportation to 3 public schools that some Holly Springs children attend in south Cary. The main transportation route to these schools is down Optimist Farm Road which is being bisected by this route.
<b>6</b>	Town has worked hard to created connectivity between neighborhoods - vehicular, bicycle, and pedestrian - through planning and infrastructure construction; this corridor negatively impacts one of the significant neighborhoods (only 8 years old) that has been planned and developed carefully to create the neighborhood atmosphere that is the Town's goal.
<b>9</b>	Parallels Middle Creek which is a very important protected stream/water feature with a large watershed; paralleling streams has very negative environmental consequences and may be impossible to permit.
<b>10</b>	This corridor would require relocation/elimination of many homes and the division of several neighborhoods such as Sunset Oaks North, Sunset Oaks South, Brackenridge, Talicud Trail within Holly Springs' jurisdiction only. This is a very negative consequence of this alignment especially when both corridors (and buffers on adjacent developments) have been protected for the orange alignment. This alignment is brand new and there has been no preservation or buffer protection for the neighborhoods that have been developed in the area of the corridor.
<b>11</b>	This corridor is not under corridor protection and development approvals and building permits continue to be processed, increasing the undesirability of this corridor as well as the resulting impact of construction in this corridor

	Comment
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<b>PURPLE CORRIDOR</b>	
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<b>12</b>	Plan as shown does not provide transportation connectivity along Optimist Farm Road which is a major transportation route in an area of SW Wake county that is limited in its primary route connectivity.
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	Comment
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<b>OTHER GENERAL COMMENTS</b>	
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1	All communities impacted by this project have carefully and diligently planned for the orange protected corridor, and protected the corridor. There would be tremendous negative impact to each of them in many areas such as utility infrastructure, socio-economic, community, transportation, development, quality of life, and environment. We believe that the detrimental effect of switching from this corridor is great.
2	We support the orange corridor as a more direct east/west route that complements the east/west transportation system of those individuals travelling across the state.
3	Towns likes (from west to east) want to find the most direct route; like the least circuitous\ route from Asheville to Wilmington
4	Thank you for meeting with us and opportunity to submit comments on the corridors.



October 19, 2010

Ms. Jennifer Harris, PE  
North Carolina Turnpike Authority  
1578 Mail Service Center  
Raleigh, NC 27699-1578

Dear Ms. Harris:

I am writing on behalf of the Board of Directors of the Garner Chamber of Commerce to express our concerns about the proposed plan to change the location of the southern phase of I-540. We encourage you to remove the alternate route that runs north of Lake Benson.

The "red" route shown on Turnpike Authority maps with the corridor north of Lake Benson will disrupt our business community as well as our residents. The newly proposed route will displace residents of several subdivisions and totally destroy one subdivision. It will run through and displace a portion of a prime commercial property.

For more than twenty years our landowners and developers have made investment decisions based on the protected corridor route. To change that plan now will be unfair.

The Board of Directors of the Garner Chamber of Commerce request that you remove the proposed "red" route as an option for the southern phase of I-540 and continue with the original plan.

Sincerely,

A handwritten signature in black ink, appearing to read "JK SJA", is written over a horizontal line.

Jay Strickland  
Board Chair, Garner Chamber of Commerce



# Town of Garner

Post Office Box 446 • Garner, North Carolina 27529  
Phone 919-772-4688 • FAX 919-662-8874

October 20, 2010

Ms. Jennifer Harris, P.E.  
North Carolina Turnpike Authority  
1578 Mail Center  
Raleigh, NC 27699-1578

Re: Triangle Expressway Southeast Extension Study  
Town of Garner Comments

Ms. Harris:

This letter presents an official list of the Town of Garner concerns regarding the above referenced matter. The following points are major reasons why the Town of Garner believes NCTA should remove the red and pink corridors that go through Garner from further study. For your convenience, I have attached a map to illustrate the various impacts associated with each of the corridors discussed in this letter.

**1. The red corridor is extremely detrimental to current and future parks and recreation facilities in the Town of Garner.**

The red corridor impedes on the northern edge of the recently opened **White Deer Nature Park**, the Town's first LEED Gold certified facility. This is a passive park facility with an environmental education center, trails, picnic shelters, and playgrounds.

The red route obliterates and eliminates **George W. Bryan Nature Park**. Bryan Nature Park is a 20-acre nature park facility located east of Highway 50 near the South Creek neighborhood.

The red corridor will also obstruct and wipe out a portion of the **South Garner Greenway** leading from Timber Drive to **White Deer Park**. This fully designed and funded greenway (slated for construction in 2011) will connect 4.2 miles of a neighborhood loop sidewalk in central Garner with a 2.8 mile greenway trail through **White Deer and Lake Benson Parks**.



The red corridor will also impede and negatively impact the Town's 35-acre **Timber Drive Park property**, designated as a future site of an aquatics facility and/or community center.

The **Triangle Area YMCA** also owns a tract of property on Aversboro Road that has been seriously considered as the location of a future Garner YMCA facility. The red corridor will prevent this property's availability for use as a community recreation facility such as a YMCA.

**2. The red corridor will disrupt long-range and orderly growth in areas designated for future development by the Town's Comprehensive Growth Plan.**

The Town's major future growth area is generally referred to as the White Oak area. It lies south of US 70, west of I-40, east of Highway 50, and north of Clifford Road. Significant infrastructure investment and planning decisions have been made to promote future growth and development in this area. Capital investments of over 3 million dollars have been made in roads, major water lines, and sewer trunk lines in this portion of the community to support future development. Tremendous uncertainty exists if the red corridor effectively bisects this future growth district.

The Town's Comprehensive Growth Plan and the recently adopted 2010 Garner Transportation Plan both recommend a new interchange at I-40 and White Oak Road to serve an emerging Regional White Oak Mixed Use Center. The red corridor would likely prevent this future interchange from ever occurring while creating some challenges for future growth in this important section of Town that will require additional study if the red corridor is selected.

**3. The red corridor severely damages Town's primary industrial recruitment area.**

The red corridor obliterates **Greenfield South Business Park**, one of Garner's premiere locations for jobs and industry. As a result, the red corridor will create a loss of significant tax base and the community will witness the demise of an area that has been programmed for non-residential growth that is vital to the Town.

There are 26 commercial/industrial lots (developed & vacant) impacted by the red corridor with a total Wake County tax value of over 30 million dollars.

#### 4. The red corridor splits and disconnects the Town of Garner again.

US Highway 70 split the Town of Garner and literally divided the town into two sections in the 1950's. The community has been striving to recover from this poor planning decision since that time. Garner cannot afford to be divided again by a road as large as the Triangle Expressway. If the orange protected corridor is selected as the preferred route, the Town can naturally grow towards the new expressway in a managed fashion over the next 25-35 years. Deference should be given to wise long-range planning as exemplified in the protected orange corridor route.

#### 5. The red corridor will have negative water quality impacts to Lake Benson.

The red corridor crosses into portions of the critical areas of **Lake Benson** and **Swift Creek**. The corridor is located immediately upstream of Lake Benson and crosses the majority of the tributaries feeding the lake. This location and proximity would increase the likelihood of potential drinking water contamination. Any spill from a roadway disaster would drain directly into Lake Benson. With the recent completion of the \$90 million **Dempsey Benton Water Treatment Plant**, this lake serves as a substantial potable water supply for the Metro Raleigh area.

Correspondingly, the road construction impact on **Lake Benson** is an area of concern with the red corridor. The aforementioned proximity and drainage flow direction could lead to lake contamination and/or potential reduction in the safe yield of the lake due to potential sedimentation as a result of the construction process.

In addition to the lake itself the red corridor will negatively impact the existing water transmission and distribution infrastructure associated with the new water treatment plant. This is also a concern for the existing wastewater collection infrastructure located in the red corridor.

#### 6. The red corridor fails to provide adequate access to the Clayton Bypass facility.

The red corridor fails to provide efficient and effective transportation by not directly servicing traffic generation from the Clayton, Smithfield, Selma and the eastern Johnston County region.

Pushing traffic via a more northern route as depicted by the red corridor does not accomplish needed goals of accommodating travelers from areas south of Garner that need to travel westward towards Holly Springs, Morrisville and Research Triangle Park.

The red corridor also puts an interchange that would be just over one mile from the existing I-40/US 70 interchange. This would appear to create difficulty for proper traffic circulation and flow for the traveling public.

**7. The red corridor will have significant and direct impacts on thirteen (13) Garner neighborhoods.**

The following neighborhoods are directly impacted by the red corridor: Lakewood; Heather Hills; Breezeway; Vandora Pines; Camelot; Breezeway West; Breezeway East; Summer's Walk; Van Story Hills; Heather Ridge; Heather Woods, Forest Landing; and the Village at Aversboro.

We estimate approximately 510 residential lots in Garner could be impacted by the red corridor representing a tax value of over \$106,500,000. This represents a significant cost to the Garner community in terms displacement and relocation of numerous families but also a significant impact to our tax base.

**8. The following points summarize the Town's concerns regarding the pink corridor, especially the portions nearest the Garner Town Limits:**

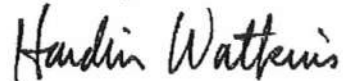
- It would remove significant portions of the Town's industrial tax base;
- It traverses directly through a City of Raleigh Wastewater Biosolids facility located just south of the Garner Town Limits;
- It eliminates a future high school site (H-8) that was purchased by Wake County Public Schools after much community outcry and discussion about other unacceptable locations. This location has been agreed upon by residents and community leaders;
- It changes land use for a large segment of our Town's future growth area and;
- It fails to connect directly with the Clayton Bypass.

The Town of Garner is fundamentally opposed to both the red and pink corridors illustrated on N.C. Turnpike Authority's maps. Therefore, we request that both corridors be removed from further study at this time. The Town of Garner strongly supports the original protected corridor as illustrated by the Orange Corridor on the N.C. Turnpike

Authority's maps as the preferred choice for the development and construction of the I-540 Triangle Expressway Southeast Extension. The community expected growth along this protected corridor and has planned for it appropriately.

Many land use decisions have been made based upon citizens and community leaders assumptions about the protected corridor and its future use. We respectfully request the NC Turnpike Authority's formal and serious consideration of our concerns regarding this matter.

Sincerely,

A handwritten signature in black ink that reads "Hardin Watkins". The signature is written in a cursive, flowing style.

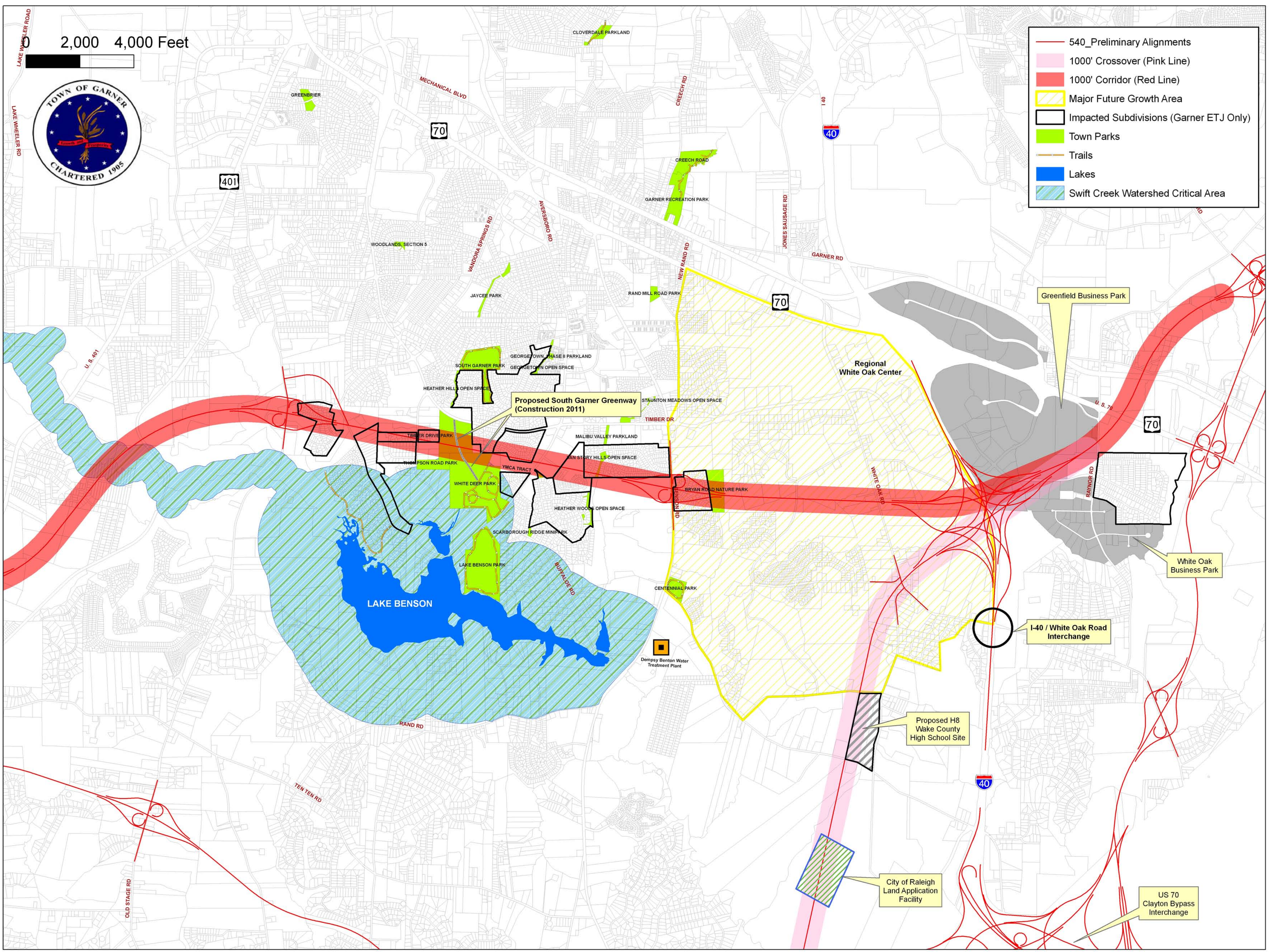
Hardin Watkins,  
Town Manager

c: Mayor and Town Council  
Steve DeWitt, P.E., Chief Engineer, NCTA  
Brad Bass, AICP, Garner Planning Director  
Frank Powell, P.E., Garner Town Engineer

0 2,000 4,000 Feet



- 540\_Preliminary Alignments
- 1000' Crossover (Pink Line)
- 1000' Corridor (Red Line)
- Major Future Growth Area
- Impacted Subdivisions (Garner ETJ Only)
- Town Parks
- Trails
- Lakes
- Swift Creek Watershed Critical Area



Proposed South Garner Greenway (Construction 2011)

Regional White Oak Center

Greenfield Business Park

White Oak Business Park

I-40 / White Oak Road Interchange

Proposed H8 Wake County High School Site

City of Raleigh Land Application Facility

US 70 Clayton Bypass Interchange

LAKE BENSON

Proposed South Garner Greenway (Construction 2011)

Dempsy Benton Water Treatment Plant

*Todd Delk*



OFFICE OF THE MAYOR

October 20, 2010

Ms. Jennifer Harris, P.E.  
North Carolina Turnpike Authority  
1578 Mail Service Center  
Raleigh, NC 27699

Subject: Comments on the Study of the NC 540 Triangle Expressway Southeast Extension,  
Purpose & Need Statement and Preliminary Alternatives

Dear Ms. Harris:

On behalf of the Cary Town Council, I respectfully submit the following comments in response to your September 2010 request for comments on the environmental impact study (EIS) process for the NC 540 Triangle Expressway Southeast Extension from NC 55 in Apex to the US 64/264 Bypass in Knightdale. The comments are listed below in respect to the Purpose & Need Statement and Preliminary Alternatives presented at your second round of public workshops held September 21-23, 2010.

- The NCTA should develop a more concise and specific Purpose & Need Statement outlining the specific elements that the alternatives will be designed to meet.
- The alternatives and new location corridors presented at the workshops seem reasonable and feasible for additional study and refinement.

The Town of Cary also reiterates our previous comment, submitted as part of the US 64 Study that we support NC 540 being designated as a bypass for the US 64 Corridor from Apex to Knightdale.

The Town would appreciate a response from the Turnpike Authority to both these comments and those submitted in my previous letter addressed March 17, 2010 as verification of your receipt and consideration of the presented issues.

The Town appreciates your consideration of our comments on this important matter. We would appreciate advance notification of any opportunities for additional public input on the EIS, including public workshops and hearings so that we may alert our citizens.

Please feel free to contact Todd B. Delk in our Engineering Department at (919) 462-3834 or via email at [todd.delk@townofcary.org](mailto:todd.delk@townofcary.org) should you have any further questions relating to this issue. The Town of Cary looks forward to working with the Turnpike Authority on this important study process.

Best regards,

*Harold Weinbrecht, Jr.*  
Harold Weinbrecht, Jr.  
Mayor

TOWN of CARY

October 22, 2010

Dear North Carolina Turnpike Authority,

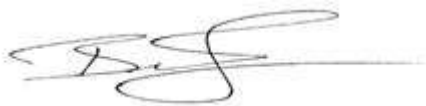
Please consider this letter a formal request on behalf of the YMCA of Garner and the YMCA of the Triangle for the state to follow the originally planned route for the final stretch of Interstate 540.

For years the Garner community has supported plans for the YMCA of the Triangle to build a full facility YMCA on property on Aversboro Road in Garner. Historically, YMCAs are community hubs for adults, families and children. For more than 150 years, the YMCA of the Triangle has strengthened the foundations of community through youth development, healthy living and social responsibility.

In addition, YMCAs make a positive economic impact the communities they serve. Changes to the original route would result in a negative impact on the future plans of the YMCA in Garner and the community at large.

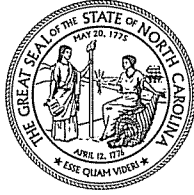
The new proposed route would divide family properties and ultimately damage our business community. We hope that you take our concerns into consideration as you make your decision.

Sincerely,



Brent Gore  
Advisory Board Chair  
YMCA of Garner





**NORTH CAROLINA GENERAL ASSEMBLY  
STATE LEGISLATIVE BUILDING  
RALEIGH, NORTH CAROLINA 27603**

November 30, 2010

Mr. Steve DeWitt, PE  
Chief Engineer, NC Turnpike Authority  
1578 Mail Service Center  
Raleigh, NC 27699-1578

Dear Mr. DeWitt:

As members of the North Carolina General Assembly who represent the Town of Garner, we write to express our concern over the proposals known as the "Red and Pink Routes" as possible extensions to N. C. 540 Southeast to connect and complete the Triangle Expressway.

The "Orange Route" had been the preferred and most logical route in the 1990s. Relying on the Orange Route's location, the Town of Garner has invested over \$3 million in infrastructure to support future growth based on its Comprehensive Growth Plan, last updated and adopted in 2006. Businesses, investors, and homeowners have also spent millions of dollars based on that growth plan. The Red corridor will disrupt that long-range and orderly growth.

In Greenfield South Business Park alone, the Town's primary industrial recruitment area, 26 commercial/industrial lots would be obliterated by the Red Route. Those lots have a total Wake County tax value of over \$30 million, and the demise of the park would have serious consequences for non-residential growth that is vital to the Town of Garner.

We have been told that the Orange Route path could threaten the habitat of a few endangered mussels; however, the Red Route would be extremely detrimental to current and future parks and recreation facilities and designated open space in the Town of



Mr. Steve DeWitt, PE  
November 30, 2010  
Page Two

Garner. It would completely obliterate and eliminate the 20-acre George W. Bryan Nature Park, and it would impede on the northern edge of the recently opened White Deer Nature Park, Garner's first LEED Gold certified facility. In addition, the Red Corridor would obstruct and wipe out a portion of the South Garner Greenway leading from Timber Drive to White Deer Park.

The Red Route would have negative water quality impacts to Lake Benson with the likelihood of contaminating its drinking water supply. With the recent completion of the \$90 million Dempsey Benton Water treatment Plant, this lake serves as a substantial potable water supply for the Metro Raleigh area.

The "Red Corridor" fails to provide adequate access to the Clayton Bypass facility and would, therefore, not accomplish needed goals of accommodating travelers from areas south of Garner that need to travel westward toward Holly Springs, Morrisville, and the Research Triangle Park.

The Red Route would have significant and direct impacts on 13 Garner neighborhoods affecting approximately 510 residential lots with a value over \$106.5 million. This represents a significant cost to the Garner community in terms of displacement and relocation of families as well as a significant impact to Garner's tax base.

In the 1950's the Town of Garner was split by the construction of Highway 70. They are still striving to recover from that unfortunate planning decision, and they cannot afford to be divided again by a road as large as the Triangle Expressway. If the protected Orange Corridor is selected as the preferred route, Garner can naturally grow towards the new expressway in a managed fashion over the next 25-35 years.

The Town of Garner has concerns about the Pink Corridor as well. The Pink Route would remove significant portions of the Town's industrial tax base, and it would traverse directly through a City of Raleigh Wastewater Biosolids facility located just south of the Garner town limits. It would eliminate a future high school site that was purchased by Wake County Public Schools after much outcry and discussion about other unacceptable locations. The Pink Route would change land use for a large segment of the Town's future growth area, and it would also fail to connect directly with the Clayton Bypass.

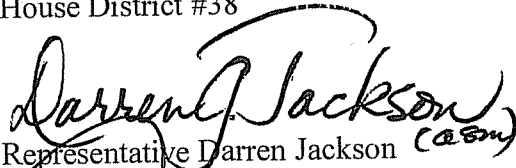
Over one thousand concerned Garner residents turned out for a meeting on November 17, 2010, in protest of the Red Route. We respectfully join with our constituents in asking that you eliminate both the Red and Pink Routes from your alternatives and select the Orange Route for the Triangle Expressway.

Mr. Steve DeWitt, PE  
November 30, 2010  
Page Three

Very truly yours,



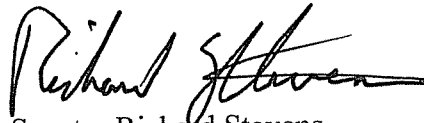
Representative Deborah Ross  
House District #38



Representative Darren Jackson (a son)  
House District #39



Senator Dan Blue  
Senate District #14



Senator Richard Stevens  
Senate District #17

cc: Mr. John Sullivan, PE  
Federal Highway Administration

Mr. Gary Jordan  
US Fish and Wildlife Service

Mr. Pete Benjamin  
US Fish and Wildlife Service

Mr. Eric Alsmeyer  
US Army Corps of Engineers

Mr. Scott McLendon  
US Army Corps of Engineers

Mr. Chris Militscher  
US Environmental Protection Agency

Mr. Brian Wrenn  
NC Department of Environment and Natural Resources Div. of Water Quality

Mr. Travis Wilson  
NC Wildlife Resources Commission

November 30, 2010

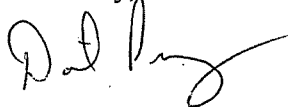
North Carolina Turnpike Authority  
Christy Shumate, AICP  
1578 Mail Service Center  
Raleigh, NC 27699-1578

Dear NC Turnpike Authority,

I am writing you in regards to the new proposed Tan Corridor for the Southeast Extension of I-540. I am opposed to this new corridor as it would affect my neighborhood. My family bought a new home during the summer, June. Before we purchased this home, we researched the area to make sure that it would not be directly affected by the I-540 project. At the time it would be further along White Oak Rd, and would not directly affect our home.

The new Tan Corridor, from the maps available on-line, will either take out my home entirely or I will be able to throw a rock onto the highway. The originally proposed corridor has been planned for years, with limits on development to minimize future impact on housing. I find it ironic that Wake County and the City of Raleigh want to now change the original plan, to minimize the impact on the planned Randleigh Farm Property. It is like they wrote the rules, and now want to change them to suit their own needs. What about the people that followed the rules from the beginning?

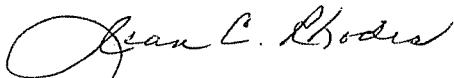
Sincerely,



Daniel Penny  
110 Galloway Dr  
Garner, NC 27529  
[dbpenny@sbcglobal.net](mailto:dbpenny@sbcglobal.net)  
919-585-2687

As a concerned and distressed citizen of Garner, N.C., about the proposed route of the Triangle Expressway, I feel that I must take a stand. The Red route will directly impact the lives of so many people, many of them elderly, like myself. I am not an ecological nut, but I do care about any wildlife on the endangered species list. However, I must ask this question, Are we, as citizens of Garner, and Wake County, so demoralized by the ecological battle that we place the lives of mud mussels ( *Alasmidonta heterodon* ) before the comforts of our elderly citizens? Many, lives will not withstand another disruption such as a move, just when we have found the place of our dreams in Aversboro Retirement Village. There are several other communities that will be adversely affected if the road proceeds as planned. Landmarks listed in our local paper include Vandora Pines, Breezeway, Timber Drive Park, White Deer Park, Heather Ridge, Van Story Hills, Forest Landing, Bryan Nature Park, and Greenfield Business Park. I have not yet mentioned the deer that will be left homeless without the protection of our woods. Much of which will be destroyed by an expressway passing through it. We have deer that feed in our back yard. My next question for the planning boards consideration: Why not place a bridge over the Little River and Swift Creek, and any other tributaries in question? It seems to me that this is a more humane gesture than destroying the homes and perhaps lives of so many people. I am just one voice in many that oppose this, and I, as a citizen will be heard. I thank you for listening to an elderly lady....wisdom comes with years. I remain,

Respectively Yours,



Jean C, Rhodes  
275 Shady Hollow Lane  
Garner, N.C. 27529

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011**

**SESSION LAW 2011-7  
SENATE BILL 165**

AN ACT TO RESTRICT THE NORTH CAROLINA TURNPIKE AUTHORITY'S  
SELECTION OF TRANSPORTATION CORRIDORS TO EXISTING PROTECTED  
CORRIDORS OR CORRIDORS SOUTH OF AN EXISTING PROTECTED CORRIDOR  
EXCEPT IN THE AREA OF INTERSTATE 40 EAST.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 136-89.183(a)(2) reads as rewritten:

"(2) To study, plan, develop, and undertake preliminary design work on up to nine Turnpike Projects. At the conclusion of these activities, the Turnpike Authority is authorized to design, establish, purchase, construct, operate, and maintain the following projects:

- a. Triangle Expressway, including segments also known as N.C. 540, Triangle Parkway, and Western Wake Freeway in Wake and Durham ~~Counties.~~ Counties, except that segment known as the Triangle Expressway Southeast Extension which shall not be located north of an existing protected corridor established by the Department of Transportation circa 1995, except in the area of Interstate 40 East.
- b. Gaston East-West Connector, also known as the Garden Parkway.
- c. Monroe Connector/Bypass.
- d. Cape Fear Skyway.
- e. A bridge of more than two miles in length going from the mainland to a peninsula bordering the State of Virginia, pursuant to G.S. 136-89.183A.
- f. Repealed by Session Laws 2008-225, s. 4, effective August 17, 2008. Any other project proposed by the Authority in addition to the projects listed in this subdivision must be approved by the General Assembly prior to construction.

A Turnpike Project selected for construction by the Turnpike Authority shall be included in any applicable locally adopted comprehensive transportation plans and shall be shown in the current State Transportation Improvement Plan prior to the letting of a contract for the Turnpike Project."



**SECTION 2.** This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 17<sup>th</sup> day of March,  
2011.

s/ Philip E. Berger  
President Pro Tempore of the Senate

s/ Thom Tillis  
Speaker of the House of Representatives

s/ Beverly E. Perdue  
Governor

Approved 3:09 p.m. this 18<sup>th</sup> day of March, 2011



**Board of Commissioners**  
P.O. Box 550 • Raleigh, NC 27602

TEL 919 856 6160  
FAX 919 856 5699

PAUL COBLE, CHAIRMAN  
PHIL MATTHEWS, VICE-CHAIR  
JOE BRYAN  
TONY GURLEY  
STAN NORWALK  
BETTY LOU WARD  
JAMES WEST

December 8, 2010

David W. Joyner, Executive Director  
North Carolina Turnpike Authority  
1578 Mail Service Center  
Raleigh, North Carolina 27699-1578

RE: Triangle Expressway Southeast Extension – Tan Corridor

Dear Mr. Joyner,

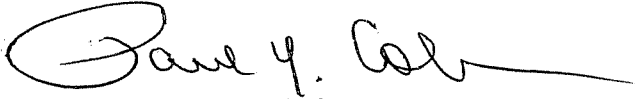
On November 4, 2010, the North Carolina Turnpike Authority (NCTA) announced the introduction of a new alternate corridor (Tan) on the eastern side of the Triangle Expressway Southeast Extension. Our understanding is that the Tan corridor was added as an alternative to the corridor shown at previous meetings (Green) in order to minimize impact on the planned development at Randleigh Farm. Wake County and the City of Raleigh jointly purchased the Randleigh Farm property for the development of various public facilities. However, the property has not been developed and the general alignment of the Triangle Expressway Southeast Extension corridor (Green) was known when the property was purchased. Wake County, therefore, does not support the recent addition of the new alternate corridor (Tan) and requests that it be removed from consideration.

Wake County supports the position that the Tan corridor's potential impact on established neighborhoods and residents is clearly more important than ensuring that the preliminary development plan of the Randleigh Farm property remain viable. Residents in the area have relied upon the general alignment corridor (Green) for many years when making investment decisions regarding their homes. As a result, residents have expressed their concern about the Tan corridor.

In addition to removing the Tan corridor from consideration, the County requests that the selection of the final corridor be expedited as much as possible. As long as alternatives remain under consideration, residents, business, and property owners must deal with the uncertainty that can create a financial burden and psychological stress.

If you need additional information or have any questions about the County's position, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Y. Coble", with a long horizontal flourish extending to the right.

Paul Coble, Chairman  
Wake County Board of Commissioners

cc: Eugene A. Conti Jr., Chairman, North Carolina Turnpike Authority  
Perry R. Safran, Vice-Chairman, North Carolina Turnpike Authority  
Robert D. Teer Jr., North Carolina Turnpike Authority  
Robert C. Clay, North Carolina Turnpike Authority  
John Collett, North Carolina Turnpike Authority  
James H. Ferebee, Jr., North Carolina Turnpike Authority  
Anthony Fox, North Carolina Turnpike Authority  
E. David Redwine, North Carolina Turnpike Authority  
Alan F. Swanstrom, North Carolina Turnpike Authority  
David Cooke, County Manager, Wake County





*City Of Raleigh*  
*North Carolina*

Charles Meeker  
Mayor

January 11, 2011

David W. Joyner, Executive Director  
NC Turnpike Authority  
1578 Mail Service Center  
Raleigh, NC 27699-1578

SUBJECT: Comments on TIP Project R-2829, Eastern Wake Expressway

Dear Mr. Joyner:

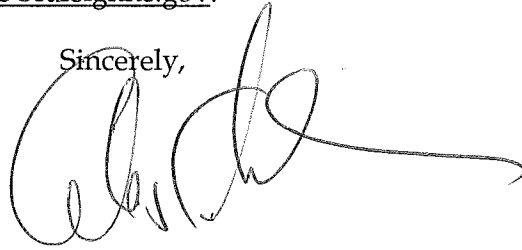
At our January 4, 2011 meeting, the Raleigh City Council received comments from the general public regarding alternatives under consideration for the Southeast Extension of the Triangle Expressway. The portion of your project within the City's jurisdiction falls under TIP Project R-2829 (Eastern Wake Expressway). These residents spoke out specifically in opposition to the Tan Corridor that has been developed by the NC Turnpike Authority for this segment of the project.

I understand that your project team has met with City staff from multiple departments on several occasions to discuss alignment issues along the Eastern Wake Expressway. Working out the details on a final alignment for this corridor has been a priority for the City for many years, especially with regards to getting out ahead of growth in this area and providing County residents with improved predictability.

The City Council voted unanimously to oppose the Tan Corridor as it is currently proposed, and we have requested that City staff continue to work with your project team to develop viable alternatives for consideration in your Environmental Impact Statement (EIS). We understand that the EIS process is technical in nature, but we urge you continue to take the concerns of area residents into account as you proceed with your study. The completion of the Eastern Wake Expressway as part of the larger Raleigh Outer Loop is important to the continued growth of the City and its neighboring communities. We appreciate the efforts of the Turnpike Authority to move this project forward.

If you have additional questions about our comments, please contact Eric Lamb  
at (919) 516-2161 or by email at [eric.lamb@raleighnc.gov](mailto:eric.lamb@raleighnc.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'C. Meeker', with a long horizontal flourish extending to the right.

Charles C. Meeker  
Mayor

CCM/ejl

Cc: City Councilors  
J. Russell Allen - Raleigh City Manager  
David Cooke - Wake County Manager  
Mitchell Silver, AICP - Raleigh Planning Director  
Carl R. Dawson, Jr., PE - Raleigh Public Works Director  
Brad Bass, AICP - Garner Planning Director



REPLY TO  
ATTENTION OF:

**DEPARTMENT OF THE ARMY**  
WILMINGTON DISTRICT, CORPS OF ENGINEERS  
69 DARLINGTON AVENUE  
WILMINGTON, NORTH CAROLINA 28403-1343

JAN 27 2011

January 26, 2011

Regulatory Division/1145b

SUBJECT: Action ID 2009-02240; STIP Nos. R-2721, R-2828, and R-2829

Steven D. DeWitt, P.E.  
Chief Engineer  
North Carolina Turnpike Authority  
1578 Mail Service Center  
Raleigh, NC 27699-1578

Dear Mr. DeWitt:

Reference the proposed North Carolina Turnpike Authority project known as the Triangle Expressway Southeast Extension toll facility (STIP Nos. R-2721, R-2828, and R-2829), from NC 540 currently under construction at NC 55 in Holly Springs, to existing I-540 north of Poole Road and Clayton, in southern Wake and northeastern Johnston counties, North Carolina. Reference also the January 20, 2011 Turnpike Environmental Agency Coordination (TEAC) meeting for this project, at which Mr. Eric Alsmeyer of our staff informed you that the Corps of Engineers has identified an Issue of Concern regarding your proposal to eliminate the Red and Pink corridors as reasonable and feasible alternatives for further study. In accordance with Section 6002 of SAFETEA-LU Issues of Concern are those that "could result in denial of a permit or substantial delay in issuing a permit"

Our concern is based primarily on the Summary of Potential Impacts in Table 2 of Handout #8 for the January 20, 2011 TEAC meeting, which shows that the Orange Alternative, which, if the Red and Pink corridors were eliminated, would be the only remaining alternative for study in the eastern portion of the project study area, has substantially more wetland impacts (88.1 acres) than the Red and Pink Alternatives (43.7 acres and 57.4 acres, respectively), and has substantially more stream impacts (36,120 linear feet) than the Red Alternative (29,770 linear feet).

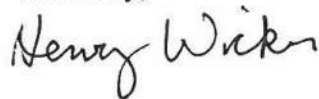
As you are aware, our permit program requires that we make a complete, thorough, and unbiased review of all factors associated with a proposed project within jurisdictional waters of the United States. A major component of the review is the consideration of reasonable and practicable alternatives, required by both the National Environmental Policy Act and the Clean Water Act 404 b (1) Guidelines (33 U.S.C. Section 1344 (b); 40 CFR Part 230). The Clean Water Act requires that individual permit decisions be made "after notice and opportunity for public hearings" (33 U.S.C. Section 1344(a)). Based on these requirements and the information we have available to us at this time, we believe it would be premature for the Wilmington District to agree to your proposal to eliminate from further consideration the "Red" and "Pink"

alternatives, as you have requested. It is our understanding that the impacts to both the natural and human environment that you have provided to us are based on 1,000 foot-wide corridors. It has been our experience that once a preliminary or functional design has been developed that these impacts may change substantially. Given the level of potential adverse impacts associated with all the corridors currently under consideration and our substantial requirements under the 404 (b) 1 Guidelines, we believe that a decision to eliminate one or more of these corridors should be based on impacts more closely associated with a typical 4-lane median divided facility that has been placed within each of the corridors in such a way as to avoid impacts to the maximum extent practicable.

If you elect to eliminate these alternatives from further consideration at this point, we may elect to prepare our own supplement to your EIS describing these alternatives, or prepare an entirely separate NEPA document that thoroughly describes alternatives to the proposed action. We note that this is specifically contrary to your draft "Section 6002 Coordination Plan for the Triangle Expressway Southeast Connector Project STIP Projects R-2721, R-2828, & R-2829" which states, in Section 1.2, Integration of NEPA and Section 404 Requirements, "(t)he process established in this plan is intended to ensure that ... the US Army Corps of Engineers (USACE) can issue a Section 404 permit for the project promptly following the end of the NEPA process, without the need for supplemental NEPA studies...."

Should you have any questions, please call Mr. Alsmeyer at (919) 554-4884, extension 23.

Sincerely,



for

S. Kenneth Jolly  
Chief, Regulatory Division  
Wilmington District

Copies Furnished:

Mr. Brian Wrenn  
Division of Water Quality  
North Carolina Department of  
Environment and Natural Resources  
1650 Mail Service Center  
Raleigh, NC 27699-1650

Mr. Clarence Coleman  
Federal Highway Administration  
310 New Bern Ave., Rm 410  
Raleigh, North Carolina 27601-1442

Mr. Chris Lukasina  
Capital Area Metropolitan Planning Organization (CAMPO)  
127 West Hargett Street, Ste. 800  
Raleigh NC 27601

Mr. Heinz Mueller  
Chief, NEPA Program Office  
Office of Policy and Management  
US Environmental Protection Agency  
61 Forsythe St., SW  
Atlanta, GA 30303

Mr. Gary Jordan  
US Fish and Wildlife Service  
PO Box 33726  
Raleigh, NC 27636

Mr. Travis Wilson  
NC Wildlife Resources Commission  
1142 I-85 Service Road  
Creedmoor, NC 27522

Mr. Peter Sandbeck  
NC State Historic Preservation Office  
4619 Mail Service Center  
Raleigh, NC 27699-4619

Office of  
County Commissioners  
(919) 989-5100  
FAX (919) 989-5179

Paula G. Woodard, Clerk

*Johnston County*  
POST OFFICE BOX 1049  
SMITHFIELD, N.C. 27577

Allen L. Mims, Jr., Chairman  
Jeffrey P. Carver, Vice Chairman  
Cookie Pope  
W. Ray Woodall  
DeVan Barbour  
Tony Braswell  
Wade M. Stewart

February 8, 2011

Mr. David W. Joyner  
Executive Director  
N.C. Turnpike Authority  
1578 Mail Service Center  
Raleigh, N.C. 27699-1578


Re: Triangle Expressway Southeast Extension – Tan Corridor

Dear Mr. Joyner:

The Johnston County Board of Commissioners opposes the Tan Corridor option for the Triangle Expressway Southeast Extension. It was our understanding that there has been a selected corridor reserved for this project for several years. As you can imagine, recent discussions regarding alternate options (such as the Tan Corridor) have been upsetting for Johnston County landowners in the vicinity.

Johnston County appreciates the opportunity to voice our concerns, and we hope that the Tan Corridor option will be eliminated from consideration. If you need further information, please feel free to contact me.

Sincerely,



Allen L. Mims, Jr., Chairman  
Johnston County Board of Commissioners

Cc: Johnston County Board of Commissioners  
Mr. David Rouzer, North Carolina Senate  
Mr. James H. Langdon, Jr., North Carolina House of Representatives  
Mr. N. Leo Daughtry, North Carolina House of Representatives

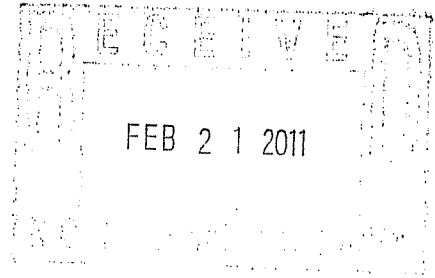


## United States Department of the Interior

FISH AND WILDLIFE SERVICE

Raleigh Field Office  
Post Office Box 33726  
Raleigh, North Carolina 27636-3726

February 17, 2011



Steven D. Dewitt, P.E.  
North Carolina Turnpike Authority  
1578 Mail Service Center  
Raleigh, North Carolina 27699-1578

Dear Mr. Dewitt:

This letter is in regard to the Southern and Eastern Wake Expressway (TIP Nos. R-2721, R-2828, and R-2829). As you know, the U.S. Fish and Wildlife Service (Service) has been very involved in this project through the Turnpike Environmental Agency Coordination meetings. At these meetings, the Service has stated its concern regarding the likely adverse effects of the project on the federally endangered dwarf wedgemussel (*Alasmodonta heterodon*) within the Swift Creek watershed (Neuse River basin). Section 7(a)(2) of the Endangered Species Act (ESA) requires that all federal action agencies (or their designated non-federal representatives), in consultation with the Service, insure that any action federally authorized, funded, or carried out by such agencies is not likely to jeopardize the continued existence of any federally threatened or endangered species. We anticipate that a formal Section 7 consultation will be required. The Federal Highway Administration (FHWA), as the lead federal action agency, must initiate formal Section 7 consultation by submitting to the Service an initiation package which includes a Biological Assessment (BA). In return, the Service will conduct an analysis to determine if the project will jeopardize the continued existence of the dwarf wedgemussel and issue a Biological Opinion (BO). Given the fact that the 1993 Dwarf Wedgemussel Recovery Plan requires a viable population in Swift Creek in order to recover the species, maintenance of a sustainable dwarf wedgemussel population in the post-project Swift Creek watershed is vitally important. We cannot understate the significance of this issue.

In addition to the normal information needs in developing the BA and BO (e.g. fully describing and analyzing the direct, indirect and cumulative effects to the species), the Service must determine the Environmental Baseline of the species. This section of the BO is an analysis of the effects of past and ongoing human and natural factors leading to the current status of the species, its habitat, and ecosystem within the action area. The Service believes there is a significant lack of information for this critical component of the BO, which will likely hamper our analysis.

The ESA requires that the action agency provide the best scientific and commercial data available concerning the impact of the proposed project on the listed species. Although significant mussel survey data exists, the Service believes that more holistic data regarding historical trends and ongoing alterations of habitat, water quality, hydrograph, watershed, and

land use are either lacking or not readily available to the Service. We believe that if additional data and information were developed and/or acquired, the Section 7 consultation will be expedited, and the probability of arriving at sound and accurate conclusions increases. In lieu of filling these data gaps, the Service will develop the BO with available information, but giving the benefit of any doubts to the species.

In order to ensure that issues related to data gathering and information availability and analysis do not impede the consultation process, the Service is requesting that the North Carolina Turnpike Authority (NCTA) and/or the FHWA fund an additional study within the Swift Creek watershed. This additional information would greatly assist in the development of the environmental baseline, effects analysis, jeopardy analysis, incidental take statement (if a no jeopardy opinion) and reasonable and prudent measures (if a no jeopardy opinion). We envision a three part study which focuses on the Swift Creek watershed from the Lake Benson dam downstream to its confluence with the Neuse River, but may include relevant data from upstream of the Lake Benson dam if needed (e.g. to fully evaluate stressors).

The study components include:

1. Provide an accounting (compliance/success) of existing conservation measures in the lower Swift Creek watershed. This would primarily be a “desktop” evaluation which documents conservation/mitigation measures adopted for past projects and following up to see if the measures were implemented and enforced. It would also document all other environmental protections emplaced through legislation and local ordinances.
2. Evaluate the effectiveness of existing conservation measures and environmental protections, with regard to the dwarf wedgemussel and other rare aquatic species. This portion of the study could incorporate a modified version of an existing local watershed planning process developed by the North Carolina Ecosystem Enhancement Program. It includes the following phases:
  - a. Watershed characterization
    - i. Review existing watershed data
    - ii. Identify data gaps
    - iii. Identify preliminary stressors
  - b. Detailed assessment and modeling
    - i. Conduct water quality monitoring and field assessments based upon identified data gaps
    - ii. GIS data development
    - iii. Stakeholder outreach
  - c. Watershed management plan and project atlas
    - i. Develop watershed recommendations to address identified stressors (projects, planning and zoning recommendations, etc.)
    - ii. Develop project atlas that prioritizes projects based upon degree of functional improvement and project feasibility
3. Determine mussel population and habitat viability. This would determine if the dwarf wedgemussel population contains a sufficient number of reproducing adults to maintain genetic variability and annual recruitment adequate to maintain a stable population. This would also determine if aquatic habitat [both physical (e.g. substrate, hydrograph) and



chemical] is currently sufficient to support dwarf wedgemussels. It would determine whether the conditions are stable, declining, or improving by assessing historic habitat trends and projecting into the future what the habitat quality is likely to be (given future development pressures in the watershed).

The proposed study will require both qualitative and quantitative data collection, be part field-based and part academic in nature, involve multiple professional disciplines, and should lead to logically defensible conclusions. Although best professional judgment may be a component, emphasis should be placed on acquiring and analyzing empirical data. The information derived from this study can be used to enhance the quality of the BA and will be a critical component of the BO.

If the Service issues a "No Jeopardy" opinion, the action agency will be required to implement Reasonable and Prudent Measures (RPM) in order to minimize the level of take of the species. The information developed from the proposed study will help develop the RPM and the Terms and Conditions for implementing them. Depending upon the information and conclusions obtained, one possible RPM may involve captive propagation and augmentation/reintroduction of the species within the Swift Creek watershed. We will further address this issue if the study conclusions support it.

In addition to the aforementioned proposed study, the Service recommends that the NCTA and FHWA begin planning for the development of the BA, with special emphasis on the indirect and cumulative effects of the project. Please note that indirect effects and cumulative effects are defined differently in the ESA than from the National Environmental Policy Act. Under the ESA, indirect effects are defined as "those effects that are caused by or will result from the proposed action and are later in time, but are still reasonably certain to occur." Though indirect effects can take many forms, of greatest concern are road-induced secondary development and infrastructure with the accompanying degradation of water quality and increased sedimentation. Under the ESA, cumulative effects are defined as "those effects of future State or private activities, not involving Federal activities, that are reasonably certain to occur within the action area of the Federal action subject to consultation." Cumulative effects may be difficult to distinguish from indirect effects.

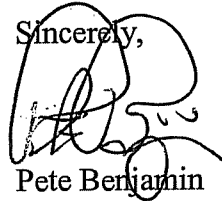
One additional consideration is that the Service has recently been petitioned to list several other aquatic species which occur within the Swift Creek watershed as threatened or endangered. Although the Service has not yet completed the process to determine whether the species warrant federal protection, it is a real possibility that one or more of these species could be listed prior to the construction of this project. If so, Section 7 consultation would be required for any newly listed species. This should be monitored closely and considered during the planning of this project.

Again, the Service is requesting that the NCTA and/or FHWA fund the aforementioned study. We understand that it is the action agency's prerogative to either provide for the additional study or not; however, the Service believes it is in the best interest of all parties to conduct the study and to initiate it as soon as possible in order to ensure timely completion of the consultation process. We believe that developing the BO without the additional information would be very

difficult and require us to give the benefit of a doubt to the conservation of the species. We would likely have to make several assumptions, which may not be favorable to the NCTA and FHWA.

We look forward to the scheduled March 14 meeting to discuss these issues. If you have any questions regarding this letter, please contact Mr. Gary Jordan at (919) 856-4520 (Ext. 32).

Sincerely,

A handwritten signature in black ink, appearing to read "Pete Benjamin". The signature is stylized and somewhat cursive, with a large loop at the end.

Pete Benjamin  
Field Supervisor

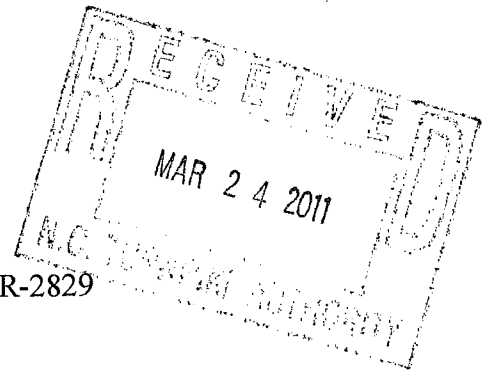
cc: George Hoops, FHWA, Raleigh, NC  
Eric Alsmeyer, USACE, Wake Forest, NC  
Brian Wrenn, NCDWQ, Raleigh, NC  
Travis Wilson, NCWRC, Creedmoor, NC  
Rob Nichols, NCWRC, Garner, NC  
Chris Militscher, USEPA, Raleigh, NC  
Judy Ratcliffe, NCNHP, Raleigh, NC



REPLY TO  
ATTENTION OF:

DEPARTMENT OF THE ARMY  
WILMINGTON DISTRICT, CORPS OF ENGINEERS  
69 DARLINGTON AVENUE  
WILMINGTON, NORTH CAROLINA 28403-1343

March 23, 2011



Regulatory Division/1145b

SUBJECT: Action ID 2009-02240; STIP Nos. R-2721, R-2828, and R-2829

Steven D. DeWitt, P.E.  
Chief Engineer  
North Carolina Turnpike Authority  
1578 Mail Service Center  
Raleigh, NC 27699-1578

Dear Mr. DeWitt:

Reference the proposed North Carolina Turnpike Authority project known as the Triangle Expressway Southeast Extension toll facility (STIP Nos. R-2721, R-2828, and R-2829), from NC 540 currently under construction at NC 55 in Holly Springs, to existing I-540 north of Poole Road and Clayton, in southern Wake and northeastern Johnston counties, North Carolina. Reference also my January 26, 2011 letter identifying an Issue of Concern regarding your proposal to eliminate the Red and Pink corridors as reasonable and feasible alternatives for further study. The Red and Pink Alternatives appear at this time to have significantly less impacts to the aquatic environment and to endangered species than the Orange Alternative; therefore, we believe eliminating these alternatives at this point, well before a draft NEPA document has been prepared, is premature and not warranted by the information we presently have.

After further review of the available information related to these alternatives, we have the following questions:

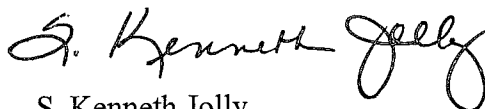
- 1) What is the relative quality of the wetlands and streams that may be impacted by the Red, Pink and Orange Alternatives? We do not believe it is necessary to provide a detailed functional analysis of each potential impact site but believe it is important to determine, on a qualitative basis, the relative difference, if any, that exists between the referenced alternatives.
- 2) What is the comparison between the wetland occurrences on the 1,000-foot Orange Alternative corridor, as predicted by the National Wetland Inventory (used in the current impact tables), and the delineated wetland occurrences on the same corridor that have been field-verified by the Corps of Engineers, to date?

- 3) Provide additional detail regarding the level of design that is associated with the "conceptual alternative alignment".
- 4) How was the "conceptual alternative alignment" for the 300-foot wide preliminary new location alternative corridors placed within the 1,000-foot study corridors (Reference the August 10, 2010 Turnpike Environmental Agency Coordination Meeting Handout #3, "Alternative Screening, Quantitative Second Tier Screening of Alternative Concepts", page 4, Section 2., SCREENING CRITERIA)? It is not clear to us whether the conceptual alternative alignment was placed in the center of the 1,000-foot corridor or if it was placed in such a manner that it avoided and/or minimized impacts to the human and natural environment.
- 5) What methodology did the NC TA employ to quantify the "Structures Relocated", as shown in the Summary of Potential Impacts in Table 2 of Handout #8 for the January 20, 2011 TEAC meeting (e.g., dates of aerial photography used, tax maps, windshield surveys, and assumptions made)?
- 6) We were recently made aware that an Alternatives Screening Report has been prepared but has not been provided to us for our review. We would appreciate receiving a copy of this report as soon as it is finalized as this may contain information we are not currently aware of.

We continue to support the development of the draft EIS for this project to allow for a fair and unbiased comparison of alternatives leading to a determination of the Least Environmentally Damaging Practicable Alternative for this project.

Should you have any questions, please call Mr. Alsmeyer at (919) 554-4884, extension 23.

Sincerely,



S. Kenneth Jolly  
Chief, Regulatory Division

Copies Furnished:

Mr. Brian Wrenn  
Division of Water Quality  
North Carolina Department of  
Environment and Natural Resources  
1650 Mail Service Center  
Raleigh, NC 27699-1650

Mr. Clarence Coleman  
Federal Highway Administration  
310 New Bern Ave., Rm 410  
Raleigh, North Carolina 27601-1442

Mr. Chris Lukasina  
Capital Area Metropolitan Planning Organization (CAMPO)  
127 West Hargett Street, Ste. 800  
Raleigh NC 27601

Mr. Heinz Mueller  
Chief, NEPA Program Office  
Office of Policy and Management  
US Environmental Protection Agency  
61 Forsythe St., SW  
Atlanta, GA 30303

Mr. Gary Jordan  
US Fish and Wildlife Service  
PO Box 33726  
Raleigh, NC 27636

Mr. Travis Wilson  
NC Wildlife Resources Commission  
1142 I-85 Service Road  
Creedmoor, NC 27522

Mr. Peter Sandbeck  
NC State Historic Preservation Office  
4619 Mail Service Center  
Raleigh, NC 27699-4619



## Town of Garner

Post Office Box 446 · Garner, North Carolina 27529  
Phone (919) 772-4688 · Fax (919) 662-8874 · [www.GarnerNC.gov](http://www.GarnerNC.gov)

Ronnie S. Williams  
MAYOR

October 6, 2011

Mr. David Joyner  
Executive Director  
North Carolina Turnpike Authority  
1578 Mail Service Center  
Raleigh, NC 27699-1578

Dear David,

Thank you for the opportunity to discuss the proposed new 540/Triangle Expressway Southeast Extension turnpike with you and officials from CAMPO and NCDOT here at Garner Town Hall on August 31, 2011. It was an informative meeting.

As discussed in the meeting, the Town of Garner is not interested in the "red route" alignment of the proposed 540 roadway being studied, considered, or built. This is a well-documented position and viewpoint of the Town and we enjoy the support of the NC General Assembly in this viewpoint.

The Town believes that no further action on the part of NCDOT, NCTA, or CAMPO should be undertaken on the continuation of 540 in southern Wake County until an official response is received from the federal and state resource agencies that have jurisdiction in this matter. The Town believes that the alternatives report (with a summary of the work, research, and documentation completed so far) should be forwarded to the resource agencies and urges NCTA/NCDOT to complete that task if it has not yet been completed. We spoke briefly about this report via telephone call to NCTA Chief Engineer Steve DeWitt during the August 31, 2011 meeting and he indicated that the alternatives summary report was nearing completion.

The Town would also urge NCTA to formally reply to the six questions asked by Kenneth Jolly, Chief, Regulatory Division, US Army Corps of Engineers – Wilmington District in his letter dated March 23, 2011, if that has not already occurred. If it has occurred, we would be pleased to receive a copy of that reply and any response received from the USACE.

As you know, the Town is a proponent of the completion of the entire 540/Triangle Expressway for the good of the region and looks forward to the highway being constructed within the alignment of the orange route (i.e., the "protected corridor") in the near future. Indeed, the Town has been planning for the completion of 540 in the location of the protected corridor for more than a decade, and the zoning and land uses outlined in our approved land use plan are predicated on that location which was established in the 1990s. We cannot support or endorse any activity that involves study or construction of the "red route." That will destroy our community.

The Town will continue to monitor activities related to the proposed 540/Triangle Expressway Southeast Extension and we look forward to its successful advancement and completion within the protected corridor. Please send us a summary of recently-completed and expected activities related to the progress of the proposed 540 in southern Wake County at your earliest convenience, and please forward copies of the alternatives summary report and transmittal letter when they are completed and sent to the resource agencies. The Town would also be pleased to receive copies of response letters including those from FHWA, Corps of Engineers, EPA, and US Fish & Wildlife.

Thank you for your continued leadership of the NC Turnpike Authority and your ongoing willingness to hear the Town of Garner's views and concerns. I look forward to talking with you soon, and I offer you continued best wishes on the successful opening of the first segments of the Triangle Expressway Turnpike later this year and in 2012 in western Wake County.

Sincerely,

A handwritten signature in cursive script that reads "Ronnie S. Williams".

Ronnie S. Williams  
Mayor

cc: Terry Gibson, NCDOT  
Ed Johnson, CAMPO  
Steve DeWitt, NCTA  
Joe Milazzo, RTA  
Hardin Watkins, Town Manager  
Brad Bass, Planning Director



DEPARTMENT OF THE ARMY  
WILMINGTON DISTRICT, CORPS OF ENGINEERS  
69 DARLINGTON AVENUE  
WILMINGTON, NORTH CAROLINA 28403-1343

REPLY TO  
ATTENTION OF:

February 17, 2012

Regulatory Division/1145b

SUBJECT: Action ID 2009-02240; STIP Nos. R-2721, R-2828, and R-2829

Steven D. DeWitt, P.E.  
Chief Engineer  
North Carolina Turnpike Authority  
1578 Mail Service Center  
Raleigh, NC 27699-1578

Dear Mr. DeWitt:

Reference the proposed North Carolina Turnpike Authority (NCTA) project known as the Triangle Expressway Southeast Extension toll facility (TIP Nos. R-2721, R-2828, and R-2829), from NC 540 currently under construction at NC 55 in Holly Springs, to existing I-540 north of Poole Road and Clayton, in southern Wake and northeastern Johnston Counties, North Carolina. Reference also my March 23, 2011 letter asking for additional information regarding alternatives; my meeting on December 20, 2011, with representatives of the North Carolina Department of Transportation, including the NCTA and its consultants, and of the Federal Highway Administration; and NCTA's submittal on January 9, 2012, of the revised Draft Alternatives Development and Analysis Report (DADAR), for the subject project.

We understand that Governor Perdue signed legislation (Senate Bill 165) on March 18, 2011, that restricted the study, planning, and development of the Triangle Expressway Southeast Extension from the area north of the protected corridor and west of Interstate 40 (the area of the Red and Pink Corridors). We believe that state law which restricts the consideration of reasonable and practicable alternatives does not preclude our requirement under the 404 (b)(1) Guidelines (40 CFR Part 230) to analyze and objectively compare alternatives for this or any project that requires a Clean Water Act permit. While we are sensitive to the potential impacts to communities, public recreation facilities, and an industrial park in the Town of Garner, associated with the Red Corridor, we believe that its elimination from further consideration compromises our ability to satisfy our statutory requirements under the Guidelines.

The DADAR recommends that the Orange to Red to Green Corridor not be included as a reasonable and practicable alternative for detailed study in the Draft Environmental Impact Statement (DEIS) because it has significant and disproportionate impacts on the human environment, has limited ability to meet traffic needs, and is not a feasible and prudent Alternative under Section 4(f) of the Department of Transportation Act of 1966.

Our permit program requires that we make a complete, thorough, and unbiased review of all factors associated with a proposed project within jurisdictional waters of the United States.

NESAUC-RG/McLendon



A major component of the review is the consideration of reasonable and practicable alternatives, required by both the National Environmental Policy Act (NEPA) and the Clean Water Act 404 (b)(1) Guidelines (40 CFR Part 230). The 404 (b)(1) Guidelines require that the Corps can permit a project only if the applicant demonstrates that other alternatives are not practicable, available or less environmentally damaging. Practicable relates to cost, logistics or technology. As is FHWA, we are required to satisfy the provisions of NEPA which include the requirement to develop an EIS to examine all reasonable alternatives to the proposal, with reasonable alternatives including those that are practical or feasible from the technical and economic standpoint, rather than simply desirable from the standpoint of the applicant. Table 5-2 in the DADAR, Preliminary Alternatives – Summary of Potential Impacts, describes impacts to 43.7 acres of wetlands, and 29,770 linear feet of stream, for a 300- foot right-of-way for the end-to-end Orange to Red to Green Alternative that includes the Red Corridor, based on map data including the National Wetlands Inventory. This compares to impacts to 88.1 acre of wetlands and 36,110 linear feet of stream for the end-to-end Orange to Green Alternative. Furthermore, the US Fish and Wildlife Service has indicated that construction within the Orange Corridor would result in an adverse impact to the federally endangered dwarf wedge mussel (*Alasmidonta heterodon*) and that formal consultation will be required. Based on this information, the Orange to Red to Green Alternative appears to be a less environmentally damaging alternative and should be included as an alternative to be studied the Draft Environmental Impact Statement (DEIS). Nothing in our administrative record for this project indicates that the Orange to Red to Green Alternative is not practicable under the 404 (b) (1) Guidelines.

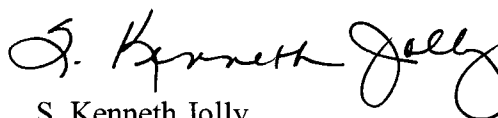
We are being asked to eliminate every alternative segment for a major portion of the corridor, with the exception of one, including the elimination of the least environmentally damaging alternative, prior to the release of a DEIS and before we, the agencies and the public have had an opportunity to conduct a side-by-side comparison of the one remaining segment alternative with the Red Corridor, with the usual level of data that is available after the DEIS, including detailed wetland delineation information, functional design, an analysis of the indirect and cumulative impacts, and additional data related to our twenty-one public interest review factors. Where we have previously elected to eliminate alternatives from further consideration prior to release of a DEIS, 1) the eliminated alternative clearly had unacceptable impacts to either the natural or human environment as compared to other alternatives under consideration, *and* 2) there was a sufficient number of remaining alternatives that encompassed a range of impacts to both the natural and human environment that the alternatives could be reasonably compared. Therefore, we believe it is premature to eliminate what we believe to be the environmentally preferable alternative from further consideration

We understand that FHWA has determined that several 4(f) properties may be impacted by the Red Corridor. Furthermore, we are also aware of the restriction that Section 4(f) of the Department of Transportation Act of 1966 places upon FHWA including a stipulation that FHWA cannot approve the use of land from publicly owned parks, recreational areas, wildlife and waterfowl refuges, or public and private historical sites unless there is no feasible and prudent alternative to the use of land, or the action includes all possible planning to minimize harm to the property resulting from use. While this may be a consideration utilized by FHWA in determining a preferred alternative, we do not concur that the Department of Transportation Act should be used to define a reasonable range of alternatives under NEPA, and believe that it

cannot be used to eliminate alternatives that should otherwise be considered under the Clean Water Act 404(b)(1) Guidelines. We continue to believe that in order for the EIS to satisfy our respective agencies' responsibilities, it should rigorously explore and objectively evaluate the Red corridor. For the reasons discussed above, if the NCTA elects to complete its NEPA analysis and release a DEIS without including the Orange to Red to Green Alternative as an alternative for detailed study, and the NCTA intends to pursue Department of the Army authorization for this project, we may find it necessary to terminate our cooperating agency status with the FHWA and supplement the FHWA EIS with our own document.

Should you have any questions, please call Mr. Alsmeyer at (919) 554-4884, extension 23.

Sincerely,



S. Kenneth Jolly  
Chief, Regulatory Division  
Wilmington District

Copies Furnished:

Mr. Mitch Vakerics  
Office of Congresswoman Renee Ellmers  
1533 Longworth HOB  
Washington, DC 20515

Mr. Clarence Coleman  
Federal Highway Administration  
310 New Bern Ave., Room 410  
Raleigh, North Carolina 27601-1442

Mr. Brian Wrenn  
Division of Water Quality  
North Carolina Department of  
Environment and Natural Resources  
1650 Mail Service Center  
Raleigh, NC 27699-1650

Mr. Chris Lukasina  
Capital Area Metropolitan Planning Organization (CAMPO)  
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Chief, NEPA Program Office  
Office of Policy and Management  
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US Fish and Wildlife Service  
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NC Wildlife Resources Commission  
1142 I-85 Service Road  
Creedmoor, NC 27522

Mr. Peter Sandbeck  
NC State Historic Preservation Office  
4619 Mail Service Center  
Raleigh, NC 27699-4619



## Town of Garner

900 7th Avenue · Garner, North Carolina 27529  
Phone (919) 772-4688 · Fax (919) 662-8874 · www.GarnerNC.gov

March 7, 2012

Mr. Steve DeWitt, P.E., Chief Engineer  
North Carolina Turnpike Authority  
1578 Mail Service Center  
Raleigh, NC 27699-1578

Re: Triangle Expressway Southeast Extension Alternatives Development & Analysis Report

Dear Mr. DeWitt:

This letter is to advise you of the Town of Garner's position regarding the Triangle Expressway Southeast Extension Alternatives Development & Analysis Report dated January 13, 2012.

The Town of Garner would like to reiterate the statements and concerns noted in: a) our letter dated October 20, 2010 addressing our initial concerns with the devastating human impacts of the red route; b) our Resolution (2010) 2072 dated October 4, 2010 supporting use of the original protected corridor design illustrated as orange on NCTA maps; and c) our letter dated January 9, 2012 detailing the significant negative impacts on numerous public parks in the Town of Garner.

As you know, the Garner community cannot withstand the negative consequences of construction and/or study of the red route. It is destructive to our community and the prospect of study brought our growth and economic development progress to a standstill during 2010.

While a devastating transportation option such as the red route is being actively and publicly studied, no home buyer is interested in buying a house (new or resale) in the road's path and no industry, bank, or developer is willing to invest in any project in or near the route's study area.

Since the NC General Assembly passed legislation on March 18, 2011 disallowing the NCTA to study any route north of the orange corridor, the following positive economic impacts have occurred in the Town of Garner:

### Residential

- Sales resumed at the Village of Aversboro, one of the hottest residential projects in Wake County.
- This community has seen 15 house closings since March 18, 2011. Value of these residential sales totals \$4,424,000.
- 7 additional home sales are currently pending (waiting to close or under construction).
- An additional 17 lots have been sold to builders by the developer for the next round of construction. This totals \$1,190,000 in value.

### Commercial/Industrial

- Strategic Behavioral Health, LLC of Memphis, Tennessee announced they would build a brand new facility in Garner.
- Their investment will total approximately \$8 million. This project is currently under construction with a late 2012 opening date. The venture capital fund backing this project refused to allow the project to continue until the red route was removed.
- This new facility will employ 200 employees with an average wage of \$50,000.
- Penske Truck Leasing Service Center had broken ground just prior to announcement of the red route as a study alternative going through their brand new site. Their corporate management in Pennsylvania was devastated to learn of the possible destruction of their brand new investment in NC.
- Their facility investment totals \$3 million and 12 jobs.

### Totals

The discontinuation of the study of the red route has resulted in **\$16,614,000** in **new investment** in Garner and adds tremendously to our tax base. **212 permanent jobs** and numerous short-term construction jobs are created for the Research Triangle region.

All persons that have engaged in conversation about the red route agree that the red route is horribly detrimental to the Town of Garner and is not worthwhile for construction. Therefore, it seems to be extremely foolish to continue studying it. It is a waste of public dollars and creates irreparable harm to the entire Garner community; current residents, active residential developers, and industrial tenants (current and future) are severely harmed.

It is notable that CAMPO, the Capital Area Metropolitan Planning Organization, representing 18 area municipalities and 5 counties, completely agrees with and supports the Town's position and beliefs on this matter.

The Town is pleased with the Triangle Expressway Southeast Extension Alternatives Development & Analysis Report and commends the NCTA for taking the Garner community concerns to heart in its recent work.

The notable remarks about the **red route that were pleasing to the Town include the following:**

From page 5-22: "Despite these advantages (mentioned in preceding paragraph) of the red corridor alternative, it is the opinion of NCTA that the numerous disadvantages of the Red Corridor Alternative are so extensive and significant that they outweigh this advantage."

6.5 pages of text follow outlining why the red corridor alternative is a bad idea. The headings are as follows: a) does not serve traffic needs; b) disproportionate community impacts; c) impacts to Swift Creek watershed area; d) impacts to Section 4-F applicable resources (town parks); e) negative impacts to local economic base; and f) opposed by local governments and local community.

The report also discusses the 6 alternate routes proposed by Town of Garner and the one route suggested by Joe Milazzo of Regional Transportation Alliance (RTA) that follows existing I-40 & US 64.

From the Town's perspective, the bottom line is on page 5-38. The NCTA report identifies five alternatives for additional detailed study in the next phase – Draft Environmental Impact Statement (EIS). These are the options that NCTA plans to move forward with:

1. Orange to Green
2. Orange to Green to Mint Green to Green
3. Orange to Brown to Tan to Green
4. Orange to Brown to Green
5. Orange to Green to Teal to Brown to Green

The Town is extremely pleased that none of these alternatives say red or pink.

We are hopeful that our colleagues at the various state and federal resource agencies will see this matter the same way the citizens of Garner do. The human impacts are too severe to continue with any further study of the red route.

The Town understands that the federal regulatory officials continue to be concerned about wetland impacts. Of course the red route has less wetland impacts – it traverses and obliterates 13 residential neighborhoods, 4 Town parks, and our primary industrial park – Greenfield South. By definition, residential communities, active parks, and industrial areas are located on high ground outside of low-lying, swampy areas. A route through Downtown Raleigh would produce lower wetland impacts, but that is also an unwise option. It is doubtful that the original intent of NEPA was for all new highway routes to go through densely developed suburban or urban areas. If the amount of wetlands is the driving force for route selection decisions, then very few new routes will be built in less populated areas.

For the good of the Research Triangle Region, a vital and important economic engine for the State of North Carolina and the Southeastern United States, Highway 540, Raleigh's Southern Loop, needs to be constructed. Our region does not need to replicate the gridlock, traffic congestion, and associated problems of our neighbors in Atlanta and Washington, DC. Continuing to delay progress on Highway 540's designated route (orange protected corridor) from 15+ years ago is unwise and detrimental.

Thank you for your time and effort involved in preparing the recent Triangle Expressway Southeast Extension Alternatives Development & Analysis Report. Please contact me at 919-773-4407 if you have any questions or need additional information.

Sincerely,



Hardin Watkins  
Town Manager



## Board of Commissioners

P.O. Box 550 • Raleigh, NC 27602

TEL 919 856 6160  
FAX 919 856 5699

PAUL Y. COBLE, CHAIRMAN  
PHIL MATTHEWS, VICE-CHAIR  
JOE BRYAN  
TONY GURLEY  
ERVIN PORTMAN  
BETTY LOU WARD  
JAMES WEST

August 29, 2012

David W. Joyner, Executive Director  
North Carolina Turnpike Authority  
1578 Mail Service Center  
Raleigh, North Carolina 27699-1578

RE: Triangle Expressway Southeast Extension

Dear Mr. Joyner,

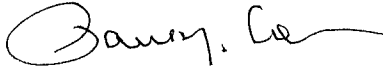
The Wake County Board of Commissioners received an update on the planning activities for the proposed Triangle Expressway Southeast Extension at their Board meeting on Monday August 20, 2012. This letter is to reaffirm the County's position on this project.

1. The County supports the original "orange" corridor in the area south of Garner as stated in the Board's resolution adopted on October 18, 2010.
2. The County supports the "green" corridor on the eastern side of the Triangle Expressway Southeast Extension as indicated in a letter from the Board of Commissioners to the Turnpike Authority on December 8, 2010.
3. The County requests that the selection of the final corridor be expedited as much as possible. As long as alternatives remain under consideration, residents, businesses, and property owners must deal with the uncertainty that can create a financial burden and psychological stress.
4. The County requests that all public input from past planning activities on this project, including comments, letters, petitions, emails or other, be entered into the record as the Turnpike Authority embarks on additional public workshops later this year.

If you need additional information or have any questions about the County's position, please feel free to contact me.

NCTA  
August 29, 2012  
Page 2

Sincerely,



Paul Y. Coble, Chairman  
Wake County Board of Commissioners

cc: Richard Burr, United States Senator, North Carolina  
Kay Hagan, United States Senator, North Carolina  
Eugene A. Conti Jr., Chairman, North Carolina Turnpike Authority  
Perry R. Safran, Vice-Chairman, North Carolina Turnpike Authority  
Robert D. Teer Jr., North Carolina Turnpike Authority  
Robert C. Clay, North Carolina Turnpike Authority  
John Collett, North Carolina Turnpike Authority  
James H. Ferebee, Jr., North Carolina Turnpike Authority  
✓ Anthony Fox, North Carolina Turnpike Authority  
Thomas A. Stith III, North Carolina Turnpike Authority  
Alan F. Swanstrom, North Carolina Turnpike Authority  
David Cooke, County Manager, Wake County





U.S. Department  
of Transportation

**Federal Highway  
Administration**

**FEDERAL HIGHWAY ADMINISTRATION**

North Carolina Division  
310 New Bern Avenue, Suite 410  
Raleigh, NC 27601  
HDA-NC



**DEPARTMENT OF THE ARMY**

Wilmington District, Corps of Engineers  
69 Darlington Avenue  
Wilmington, NC 28403-1343  
Regulatory Division/1145b

December 7, 2012

Mr. Terry R. Gibson, P.E.  
Chief Engineer  
North Carolina Department of Transportation (NCDOT)  
1536 Mail Service Center  
Raleigh, NC 27699-1536

SUBJECT: Action ID 2009-02240; STIP Nos. R-2721, R-2828, and R-2829

Dear Mr. Gibson:

This letter is in regards to the North Carolina Session Law 2011-7 (N.C.S.L. 2011-7) and its impact on the Triangle Expressway Southeast Extension project proposed by the North Carolina Turnpike Authority (NCTA). The law, which was passed on March 18, 2011, states that the Triangle Expressway Southeast Extension project shall not be located north of an existing protected corridor established by the North Carolina Department of Transportation (NCDOT) in 1995, except in the area of Interstate 40 East. Consequently, the law restricts the location of alternative corridors prior to the engineering and environmental analysis required by the National Environmental Policy Act (NEPA) and other Federal laws. Based on this restriction, Federal Highway Administration (FHWA) found it imperative that the process to advance the project be fully supported and concurred with by all Federal agencies. In an effort to do this, a series of meetings and discussions were held with multiple stakeholders to resolve issues and advance the project. Through these meetings, the following concerns have been identified by the Army Corps of Engineers (Corps) and FHWA regarding the approach and its ability to successfully advance the project under the requirements of NEPA and Section 404 (b)(1) Guidelines (40 CFR Part 230).

The NCDOT and NCTA, in consultation with Dawson and Associates, developed a Project Advancement Plan which included a proposal to evaluate refinements to the project purpose to reflect input from public involvement [possibly including local plan support and financial viability as elements of the NEPA project purpose] and an evaluation of additional potential alternatives. Both the Corps and FHWA have concerns that, for this project, including local plan support as a primary NEPA project purpose may inappropriately limit the study of a full range of Detailed Study Alternatives. The Corps believes that it would not support their requirement

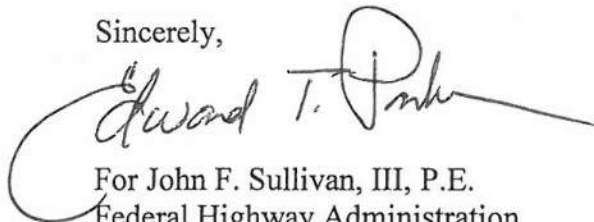
under the 404 (b)(1) Guidelines (40 CFR Part 230) to analyze and objectively compare alternatives for this project that requires a Clean Water Act permit.

In the evaluation of alternatives, the Corps continues to believe that in regards to streams and wetlands, the Orange to Red to Green Alternative appears to be a less environmentally damaging alternative and should be included as an alternative to be analyzed in the Draft Environmental Impact Statement (DEIS). Please note that, at this time, the Corps is not able to make a decision on the practicability of any of the alternatives. That decision will not be made until after the Corps has issued a public notice (following publication of the DEIS) seeking comments from the public, Federal, State and local agencies, including any consolidated state viewpoint or written position of the Governor, on the Detailed Study Alternatives and the factors that the Corps considers in our public interest decision. The decision will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest, and will reflect the national concern for both protection and utilization of important resources. Factors, including the cumulative effects thereof, which may be relevant to the proposal that will be considered include, but are not necessarily limited to community cohesion, relocations, impacts to existing and proposed business centers, recreation, including parks, historic properties (Section 4(f) issues), water supply and conservation, ecological conservation, economics, aesthetics, general environmental concerns, wetlands, fish and wildlife values, flood hazards, flood plain values (in accordance with Executive Order 11988), land use, navigation, shoreline erosion and accretion, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. The Corps evaluation process for this project is consistent with the review for all other transportation projects in North Carolina, and with Section 404 of the Clean Water Act, including the 404 (b)(1) Guidelines (40 CFR Part 230).

Therefore, in consideration of the concerns above, the Corps and the FHWA believe the project can no longer move forward with the Project Advancement Plan and satisfy all Federal environmental requirements in a concurrent manner. As a result, the FHWA will withdraw the Notice of Intent (NOI), meaning we will no longer continue to develop the environmental impact statement and federally fund the project. Our withdrawal does not prevent the project from being reinitiated in the future. NCDOT or other applicant/sponsors may restart the project at any time by requesting a new NOI with sufficient support that all constraints have been relieved to allow compliance with NEPA.

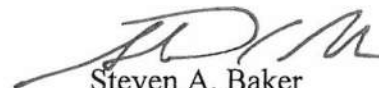
Should you have any questions, please call George Hoops of the FHWA at (919) 747-7001 or Eric Alsmeyer of the Corps at (919) 554-4884, extension 23.

Sincerely,



For John F. Sullivan, III, P.E.  
Federal Highway Administration  
Division Administrator

Sincerely,



Steven A. Baker  
Colonel, U. S. Army  
District Commander

Copies Furnished:

Mr. David Joyner  
Executive Director  
North Carolina Turnpike Authority  
1578 Mail Service Center  
Raleigh, NC 27699-1578

Mr. Eric Midkiff  
North Carolina Department of Transportation  
Project Development and Environmental Analysis  
1548 Mail Service Center  
Raleigh, NC 27699-1548

Mr. Mitch Vakerics  
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Mr. Rob Ridings  
Division of Water Quality  
Transportation Permitting Unit  
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Capital Area Metropolitan Planning  
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Mr. Heinz Mueller  
Chief, NEPA Program Office  
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Mr. Gary Jordan  
US Fish and Wildlife Service  
PO Box 33726  
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Mr. Travis W. Wilson  
Eastern Region Highway Project Coordinator  
Habitat Conservation Program  
NC Wildlife Resources Commission  
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Mr. Peter Sandbeck  
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North Carolina General Assembly  
House of Representatives

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SPEAKER PRO TEMPORE  
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DISTRICT: SOUTHERN WAKE COUNTY (37)

COMMITTEES:

APPROPRIATIONS, SUB. EDUCATION  
EDUCATION  
ELECTION LAW  
FINANCE  
JUDICIARY, SUB. B  
REGULATORY REFORM  
RULES

October 23, 2013

Secretary Anthony Tata  
NC Department of Transportation  
1501 Mail Service Center  
Raleigh, NC 27699-1501

Re: Southeast Extension/540/Orange Route/Purple Route

Dear Mr. Secretary:

This is to provide comments for the official record of the Southeast Extension project for the completion of the 540 Outer Loop. I understand there are seventeen alternative route alignments being considered to determine the appropriate corridor for the 540 segment between Holly Springs and Knightdale.

A number of these alternative routes continue to cause significant stress to residents and business owners who may be impacted. I realize that the study of some alternatives is required by federal law and that commitments to fund the completion of the Outer Loop will be withdrawn without a thorough environmental assessment of identified potential routes.

Based on my study of all of the potential routes it is my considered opinion that the only feasible corridor would be the "orange corridor". This route has been protected from development since the mid-1990s and would result in the fewest number of dislocations of residents and businesses with significantly lower cost.

In order for this process to have the least negative impact on the affected property owners, it is my strong request that the study of the purple route be completed immediately. Property owners are in limbo until a final corridor is selected and they are entitled to relief from this uncertainty as quickly as possible. I would appreciate your full attention to the need for this study to be completed rapidly.

Thank you for your attention to my concerns. Please include this in your public comments.

Sincerely,

  
Rep. Paul Stam





North Carolina General Assembly  
House of Representatives  
State Legislative Building  
Raleigh 27601-1096

November 12, 2013

Mr. Eric Midkiff, P.E.  
NC Department of Transportation  
1548 Mail Service Center  
Raleigh, NC 27699-1548

**Re: Complete 540 Project**

Mr. Midkiff,

Please accept this letter as my official response in regards to the comment form due November 15, 2013 in regards to the proposed routes for the complete 540 project. Currently serving my third term in a district that includes parts of Garner and eastern Wake County, it is not an exaggeration to say that this project has been the single biggest source of constituent contact I have had in five years. I have literally received hundreds, if not a thousand emails and phone contacts in regard to this proposal. To the best of my recollection, not one person has been in favor of the Red Route proposal.

I have also been able to attend public meetings, both back in 2009, and again in October of this year. I thought the staff of DOT did an excellent job with the presentations and answering questions. At those meetings, I attempted to speak with citizens to find out which proposals they supported or opposed. It is clear to me that the full orange route (dropping purple, blue, and red) is the way most of the people that have contacted me have felt. On the eastern portion, I have gotten little feedback on the green vs. brown vs. tan alternatives. I also live near this area and want to be sure not to base my comments based only on my opinion. It appears to me that DOT should weigh the impact of the routes on the Sheriff's training center and the wastewater treatment much higher than the route that would impact the development planned by the County and City. After all, this route was on the map before the City and County purchased the site.

Finally, it is my understanding that the Red Route was originally proposed due to the potential environmental impact of the Orange Route. As I am sure you are aware, a similar environmental issue was present during the design and construction of the Clayton bypass. Since completion, I believe the environmental mitigation of that project has been deemed successful. It is my sincere hope, that similar mitigations will allow construction of the original Orange Route, so not to greatly impact the residents of this district. I hope the department will expend whatever resources are necessary in an expedited manner, so that we can get this dreaded Red Route removed from consideration once and for all.

With kindest personal regards, I am

Very truly yours,

A handwritten signature in black ink, appearing to read "Darren G. Jackson".

Representative Darren G. Jackson,  
North Carolina House of Representatives, 39th District  
Wake County Legislative Delegation

DGJ: asm



53091



RECEIVED

NOV 15 2013

N.C. DEPT. OF TRANSPORTATION  
OFFICE OF THE SECRETARY

North Carolina General Assembly  
House of Representatives

REPRESENTATIVE NELSON DOLLAR  
36TH DISTRICT

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COMMITTEES:

- APPROPRIATIONS, SENIOR CHAIR
- FINANCE, VICE-CHAIR
- HEALTH AND HUMAN SERVICES, VICE-CHAIR
- COMMERCE AND JOB DEVELOPMENT
- INSURANCE
- TRANSPORTATION
- PUBLIC UTILITIES
- REGULATORY REFORM
- UNC BOARD OF GOVERNORS NOMINATING COMMITTEE

November 12, 2013

Secretary Anthony Tata  
NC Department of Transportation  
1501 Mail Service Center  
Raleigh, NC 27699-1501

Dear Secretary Tata:

As you know, NC 540 is the largest transportation project ever attempted by the State of North Carolina, with a price tag in excess of \$2 billion. Approximately half of the project has been completed as a toll road between the Research Triangle Park and Holly Springs; however, the other half of the project remains to be built linking I-40 east of Garner to the current terminus at NC 55. We support the "Orange route" as the only suitable corridor for completion of this project.

The corridor for the "southern expressway" has been protected for over twenty years with land owners and municipalities planning and building in coordination with the designated "Orange route." As a result, numerous subdivisions, schools, shopping areas, and parks have been built with the protected 540 corridor in mind. Our constituents in Southern Wake County are practically unanimous in their strong opposition to the construction of any route other than the Orange route.

Alternative routes including the Red, Blue, Purple and Lilac would each dramatically impact the lives of hundreds of families and homeowners. Many local businesses would be harmed or placed out of business, jobs would be lost, as well as, the loss of prime business development property. Some routes would also adversely affect parks and properties of historic significance. The tax bases of the Towns of Garner, Holly Spring and Fuquay Varina would be negatively impacted. In short, the human impacts would be considerable, long lasting, and for far too many of our residents, simply devastating.



Secretary Anthony Tata  
Page 2

We believe any potential environmental concerns along the orange route can be mitigated as they have on similar projects across the State.

We appreciate the many events NCDOT has hosted to take in public input; having attended several events, we know your staff has heard loud and clear the voice of the people on this issue. It is our hope that this process can be concluded as rapidly as possible, given the significant impacts being experienced by home and business owners in the study area.

We thank you in advance for including these comments in the public record.

Sincerely,



Rep. Nelson Dollar



Sen. Tamara Barringer







November 12, 2013



Eric Midkiff, PE  
North Carolina Turnpike Authority  
1578 Mail Service Center  
Raleigh, NC 27699-1578

Re: Complete I540 Southeast Extension  
Town of Holly Springs Comments

Dear Eric,

Thank you for meeting with us several times and for providing information that we have requested on this project. We have attached a spreadsheet of the Town of Holly Springs' comments for the alternative alignments that are presently out for public comment. These comments support the position that we have previously expressed in our meetings and conversations with you, and in our Town Council's recent resolution as well – that Holly Springs supports the orange (originally protected) corridor.

Regards,

Stephanie L. Sudano, PE  
Director of Engineering

SLS/dra

cc: Mayor Sears  
Chuck Simmons, Town Manager  
Gina Clapp, AICP, Director of Planning & Zoning  
Correspondence 13660

P.O. Box 8  
128 S. Main Street  
Holly Springs, N.C. 27540  
[www.hollyspringsnc.us](http://www.hollyspringsnc.us)

(919) 552-6221



TOWN OF

# Holly Springs

Resolution No.: 13-42

Date Adopted: Oct. 1, 2013

## RESOLUTION STATING THE TOWN OF HOLLY SPRINGS TOWN COUNCIL'S SUPPORT REGARDING THE ALIGNMENT OF THE SOUTH EAST EXTENSION OF I-540

**WHEREAS**, the Holly Springs Town Council is expressing its fervent support for the construction of the I-540 Triangle Expressway Southeast Extension; and


**WHEREAS**, the proposed I-540 Triangle Expressway Southeast Extension has been a fundamental transportation facility underpinning for more than 20 years of local land use and transportation decisions of the Town of Holly Springs and other local governments of southwestern Wake County; and

**WHEREAS**, the Town of Holly Springs historically has utilized the protected I-540 corridor proposed in earlier designs to plan for both existing and future development in Town; and

**NOW THEREFORE BE IT RESOLVED** that the Town Council of the Town of Holly Springs hereby expresses its support of the original protected corridor design as illustrated in orange on N.C. Transit Authority maps for the construction of the I-540 Triangle Expressway Southeast Extension; and

Adopted this, the 1<sup>st</sup> day of October, 2013.

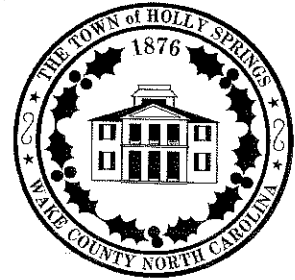
ATTEST:

  
Dick Sears, Mayor



Joni Powell, MMC, NCCMC Town Clerk

Linda R. Harper, MMC, NCCMC Deputy Town Clerk



Office of the Mayor

128 S. Main Street • P.O. Box 8 • Holly Springs, NC 27540 • (919) 557-3901 • (919) 552-0654 fax  
dick.sears@hollyspringsnc.us • www.hollyspringsnc.us

<b>Comment</b>	
<b>ORANGE CORRIDOR</b>	
<b>1</b>	Orange corridor is a much more direct routh for commuters travelling across Wake County from west to east or visa versa.
<b>2.</b>	Corridor has been preserved by the Town since 1997 NCDOT request for Corridor Protection...the corridor protection guidelines have been carefully and stringently followed by the Town to make expense and impact of acquisition and construction less expensive.
<b>3.</b>	Some of the ROW for the facility has already been acquired, and we believe this is of great benefit.
<b>4.</b>	This corridor is consistent with all of the Town's long range plans developed over the past 15 years (since corridor protection began), including: Comprehensive Plan Vision 2010, Long Range Water Master Plan, Long Range Sewer Master Plan, Long Range Reclaimed Master Plan, Holly Springs Pedestrian Transportation Plan, Long Range Greenway Plan, Long Range Bicycle Plan
<b>5.</b>	Town wants to insure that Kildaire Farm Road, which is a major access road, ties into interchange or nearby to preserve full access northward
<b>6</b>	Town has carefully planned and minimized the needed greenway/pedestrian/bike and vehicular connections through this corridor by carefully guiding development of adjacent lands. All of the infrastructure (transportation and other) that has been planned and installed to support these minimal number of crossings would no longer function as designed and infill of the preserved corridor would likely be awkward to develop. This careful planning will reduce construction costs and environmental impacts along this corridor.
<b>7</b>	This corridor and the proposed interchange at Kildaire Farm Road is consistent with the Town's long range planning efforts and locations for activity nodes, development densities, roadway design, and infrastructure to meet the demands of a highway interchange and location. Because Holly Springs is a relatively small town with limited growth potential due to the limiting feature of Progress Energy Lands to the west, the impact of the other corridors on the Town as a whole is proportionally very great. The impact of the orange corridor has been well planned to complement the Town as a whole.
<b>8</b>	Development of the roadway in this corridor complements the past planning and investment (and proposed too) by the Town in this area of water , sewer, and transportation infrastructures
<b>9</b>	The Town believes this corridor alignment has the least environmental impact, based upon our knowledge of the Town; the crossing of Middle Creek is essentially perpendicular which is desired as this is a major stream with a very large drainage basin.
<b>10</b>	This corridor would not impact or require the removal and/or displacement of many homes (maybe none) in Holly Springs
<b>11</b>	Town plans have long centered around this corridor, and the Town has directed development in a manner to make the construction of this through Town minimally invasive to our community. This has been achieved by planning transportation connections to complement I540 at this location and to link property on both sides with connections.
<b>12</b>	This corridor essential runs between Apex and Holly Springs - almost along the municipal boundaries - we see this as a plus as it does not divide a community like at least one of the other proposed corridors.
<b>13</b>	The long range transportation plans - developed carefully and collaboratively by the Town, the county, the MPO, NCDOT, and other municipalities over the past 15 years - have guided development and row dedication of roads to support the orange corridor.
<b>14</b>	This corridor is under corridor protection and development approvals and building permit requests continue to be handled under the corridor protection act, increasing the desirability of this corridor as it is protected
<b>15</b>	This corridor has greater ridership projections

	Comment
<b>ORANGE CORRIDOR</b>	
<b>16</b>	This corridor does not bisect any parks
<b>17</b>	The orange corridor is more direct of a route for people traversing through Wake County from west to east.
<b>18</b>	The orange corridor provides for a much better and more direct interchange further east at I40.
<b>18</b>	Construction cost for this corridor is less than the purple corridor, as it is shorter.

	Comment
<b>PURPLE CORRIDOR</b>	
1	Will impact/eliminate Town parkland south of Sunset Oaks Subdivision, plus planned walking trails and other passive recreation along Middle Creek which is a major water feature and environmental treasure in south Wake County. The park will be eligible for partf funding/classification. The park and trails are covered in numerous Town master plans over the past 10 to 15 years.
2	The long range transportation plans for both the municipality and the county have guided development and row dedication of roads and at intersections to support the current orange alignment - NOT needed intersection road improvements for the orange route.
3	Conflicts with ALL of the Town's long range plans developed over the past 15 years (since corridor protection began), including: Comprehensive Plan Vision 2010, Long Range Water Master Plan, Long Range Sewer Master Plan, Long Range Reclaimed Master Plan, Holly Springs Pedestrian Transportation Plan, Long Range Greenway Plan, Long Range Bicycle Plan, Long Range Park Plans.
4	This corridor would require relocation/elimination of many homes and the possible division of many neighborhoods; in Holly Springs' jurisdiction only is Sunset Oaks ; In addition, there are many other homes not in subdivisions that would be impacted. This is a very negative consequence of this alignment especially when the orange corridor has been protected from development and impacts less homes.
5	The long range transportation plans and land use plans - developed carefully and collaboratively by the Town, the county, the MPO, NCDOT, and other municipalities over the past 15 years - have guided development that would be supported by orange corridor - not the purple corridor
6	This corridor, while on the books, both delays development of properties (this is problematic especially in the recent and continuing unsteady economic climate) AND delays the ability of individuals who happen to own homes in the corridor and need to sell their homes; we would like to encourage quick and expeditious elimination of alternatives in order to alleviate these two scenarios.
7	This alignment would severely impact both vehicular (including bus) and pedestrian transportation to 3 public schools that some Holly Springs children attend in south Cary. The main transportation route to these schools is down Optimist Farm Road which is being bisected by this route.
6	Town has worked hard to created connectivity between neighborhoods - vehicular, bicycle, and pedestrian - through planning and infrastructure construction; this corridor negatively impacts one of the significant neighborhoods that has been planned and developed carefully to create the neighborhood atmosphere that is the Town's goal.
9	Parallels Middle Creek closely, and crosses Middle Creek a total of 3 times. This is a very important protected stream/water feature with a large watershed; paralleling streams has very negative environmental consequences and may be impossible to get a permit.
10	This corridor is not under corridor protection and development approvals and building permits continue to be processed, increasing the undesirability of this corridor as well as the resulting impact of construction in this corridor
11	Plan as shown does not provide transportation connectivity along Optimist Farm Road which is a major transportation route in an area of SW Wake county that is limited in its primary route connectivity.
12	Divides the town and makes provision of trash, police, fire, medical, and other services more difficult and expensive.

	Comment
<b>PURPLE CORRIDOR</b>	
<b>14</b>	Purple Corridor has less ridership projected.
<b>15</b>	This alignment is brand new and there has been no preservation or buffer protection for the neighborhoods that have been developed in the area of the corridor. Neighborhoods nearby the orange corridor have been required to preserve buffers outside the corridor.

53094



**Planning, Development  
& Inspections**

TEL (PLANNING) 919 856 6310  
TEL (INSPECTIONS) 919 856 6222

A Division of Community Services  
P.O. Box 550 • Raleigh, NC 27602  
www.wakegov.com

November 12, 2013

Mr. Tony Tata, Secretary  
NC Department of Transportation  
1501 Mail Service Center  
Raleigh, NC 27699-1501

**RECEIVED**

NOV 18 2013

N.C. DEPT. OF TRANSPORTATION  
OFFICE OF THE SECRETARY

RE: I-540 Triangle Expressway Southeast Extension

Dear Secretary Tata,


On behalf of the Wake County Planning, Development and Inspections Division, I want to take this opportunity to express our position on the corridors being considered for the I-540 Triangle Expressway Southeast Extension. Our position mirrors the action taken by the Wake County Board of Commissioners in their October 21, 2013 Resolution whereby support is expressed for the protected "orange" corridor west of I-40 and the "green" corridor east of I-40.

For many years now, Wake County Planning, in collaboration with our municipal partners, has established short and long range urban service areas around the protected 'orange' corridor. These urban service areas are captured in the Wake County Land Use Plan that guides growth as it relates to residential and non-residential development. To be specific, the protected "orange" corridor has played a key role in identifying areas for non-residential development in what are called Activity Centers. These Activity Centers have been designated in key locations along the protected 'orange' corridor and in some instances are already developing according to plan.

The "green" corridor east of I-40, although not protected but on planning maps for some time now, has also been used by the County to make key planning decisions for both existing and future development.

Please take this information into consideration when evaluating the corridors for the new expressway. Should you have any questions, please don't hesitate to contact me. I can be reached at 919-856-6678 or [tmaloney@wakegov.com](mailto:tmaloney@wakegov.com).

Sincerely,



Timothy W. Maloney, RLA, ASLA  
Director

cc: Richard W. Hancock, NCDOT Project Development & Environmental Analysis



**Parks, Recreation &  
Open Space**

TEL 919 664 7967  
FAX 919 856 6181

Wake County Office Building 10<sup>th</sup> Floor  
337 S. Salisbury Street  
PO Box 550, Suite 1000  
Raleigh, NC 27602  
<http://www.wakegov.com/county/parks/default.htm>

November 12, 2013

**RECEIVED**

NOV 19 2013

N.C. DEPT. OF TRANSPORTATION  
OFFICE OF THE SECRETARY

Mr. Tony Tata  
North Carolina Department of Transportation  
1501 Mail Service Center  
Raleigh, North Carolina 27699-1501

Dear Secretary Tata;

On behalf of the Wake County Division of Parks, Recreation and Open Space, I'd like to take this opportunity to provide input on the proposed routes for the Triangle Expressway's Southeast Extension, specifically to support the protected "orange" corridor west of I-40 and the "green" corridor east of I-40.

Since 2000, the citizens of Wake County have approved \$91 million on bond referenda that has gone to purchase property that is devoted to the 1. preservation of natural resources and habitat; 2. managed production of resources (forest and farm land); 3. outdoor recreation; 4. preservation of historic and cultural property; 5. protection of scenic landscapes; and 6. protection of public health, safety and welfare, including the protection of water quality.

In 2003, the Wake County Board of Commissioners formally identified priority stream corridors to protect valuable water resources. In 2008, the Board of Commissioners revisited this issue and at the time reaffirmed the County's intent to protect 11 priority stream corridors. More recently, on October 21, 2013, the Board of Commissioners unanimously passed a resolution endorsing the protected corridor (Orange route) and the planned corridor (Green route) as the preferred choice for the development and construction of the Triangle Expressway Southeast Extension.

Of Wake County's 11 priority stream corridors, two corridors would be negatively impacted by the Purple, Blue and Red alternative routes.

- Middle Creek would be impacted twice if a route is selected using a combination of the Purple and Blue alternatives.
- Middle Creek would be impacted once if a route is selected using only the Blue alternative.



- The priority stream corridor section of Swift Creek (between Lake Wheeler and Lake Benson) would be impacted by the Red alternative.
- The currently protected corridor (Orange route) does not cross Swift Creek in an area identified by Wake County as a priority stream corridor, nor does the Orange route impact Middle Creek.

An additional significant concern that Wake County would like to address is the impact the Blue alternative will have on the County's Southeast Wake County Park. The County has been working to develop this park for the past decade and it is one of three planned parks (in combination with the eight existing parks) that the County is creating to meet the long term needs of the community.

Within the Southeast County Park lie the Middle Creek Aquatic Habitat and the scenic bluffs along Middle Creek that rise 90 feet above the creek, a Natural Heritage site of local significance. Wake County has already invested over \$2 million to acquire 258 acres of land to support this park plan. Additionally, Wake County has also placed Clean Water Management Trust Fund easements over portions of this land. The proposed Blue alternative would impact the proposed park site and possibly result in Wake County abandoning its plans to develop this park.

It is our sincere desire that the Triangle Expressway Southeast Extension remain in the protected corridor (Orange route).

If you would like to receive additional information or if you have any questions, please feel free to contact me via telephone at (919) 856-6677 or via email at [csnow@wakegov.com](mailto:csnow@wakegov.com).

Many thanks for your consideration.

Sincerely,



Christopher Snow  
Director,  
Wake County Parks, Recreation, and Open Space

cc: Richard W. Hancock, NCDOT Project Development & Environmental Analysis