

North Carolina Department of Transportation
PROJECT ENVIRONMENTAL CONSULTATION FORM
I. D. No. U-5526A

I. GENERAL INFORMATION

- a. Consultation Phase: Right of Way
- b. Project Description: US 74 (Independence Boulevard), from I-277 to East of Village Lake Drive, Charlotte, Mecklenburg County
- c. Federal Project: NHPP-0074(153)
WBS Element: 50081.1.2
- d. Document Type: Categorical Exclusion 8-21-15
Date

II. CONCLUSIONS

The above environmental document has been reevaluated as required by 23 CFR 771. It was determined that the current proposed action is essentially the same as the original proposed action. Proposed changes, if any, are noted below in Section III. It has been determined that anticipated social, economic, and environmental impacts were accurately described in the above referenced document(s) unless noted otherwise herein. Therefore, the original Administration Action remains valid. The proposed project limits are shown in Figure 1.

III. CHANGES IN PROPOSED ACTION AND ENVIRONMENTAL CONSEQUENCES

Proposed Design Changes:

- 1. Western Terminus: Proposed improvements to US 74 at the western project terminus (near I-277) have changed since the CE was approved. The project now calls for beginning all improvements to US 74 just east of Charlottetown Avenue rather than just east of the US 74/I-277 interchange, as was recommended in the CE. The formerly-proposed and currently-proposed limits of construction at this location are shown in Figure 2. The locations of the westbound exit from and the eastbound entrance to the proposed express lanes, near Hawthorne Lane, have not changed since the CE was approved.
- 2. Wallace Lane: Additional improvements are recommended on westbound US 74 within NCDOT right of way just east of Wallace Lane to enhance safety in the vicinity of the proposed entrance to the westbound express lane. These improvements include the addition of outside and median tapers to provide sufficient width for separation between the proposed express lane and the

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general purpose lanes east of Wallace Lane. These improvements also provide safer turning movements from westbound US 74 onto Wallace lane.

3. Eastern Terminus: Based upon coordination with the Charlotte Department of Transportation (CDOT), additional improvements are being considered for inclusion in this project on US 74 at the Village Lake Drive intersection to better accommodate pedestrian movements. These accommodations may include pavement milling, resurfacing and restriping, new pedestrian staging areas, new median islands, new crosswalk locations and wheelchair ramp locations, and re-timing of the traffic signals, all of which would be performed within existing NCDOT right of way. It is anticipated CDOT would perform additional related improvements at this location to further enhance pedestrian movements. The only improvement proposed at this location in the CE was the construction of right turn lanes at two locations on eastbound US 74 east and west of Village Lake Drive.

Transportation Conformity:

The project is located in Mecklenburg County, which is within the Charlotte maintenance area for the 2008 ozone (O₃) standard as defined by the EPA. This area was designated marginal nonattainment under the 2008 eight-hour ozone standard on July 20, 2012, and due to improved air quality in the region was re-designated as a maintenance area on August 27, 2015. Section 176(c) of the CAAA requires that transportation plans, programs, and projects conform to the intent of the state air quality implementation plan (SIP). The current SIP does not contain any transportation control measures for Mecklenburg County. The Charlotte Region Transportation Planning Organization 2040 Metropolitan Transportation Plan (MTP) and the 2016 - 2020 Transportation Improvement Program (TIP) conform to the intent of the SIP. The USDOT made a conformity determination on the MTP on April 20, 2016 and the TIP on April 20, 2016. The current conformity determination is consistent with the final conformity rule found in 40 CFR Parts 51 and 93. There are no significant changes in the project's design concept or scope, as used in the conformity analyses.

Traffic Noise:

The U-5526A project is a Type III project under NCDOT's Traffic Noise Abatement Policy (July 13, 2011). Type III projects do not require a noise analysis. This finding remains valid.

NCDOT adopted a revised Traffic Noise Policy on October 6, 2016. The revised policy applies to projects with a final environmental document approval date on or after October 6, 2016. Since the U-5526A project's CE was approved on August 21, 2015, the revised policy does not apply.

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Historic Resources:

The boundaries of all National Register-eligible and listed properties will be shown on the project plans. If the project design changes in such a manner that the Section 106 “no effect” determination for those properties could be affected, additional consultation with the State Historic Preservation Office (SHPO) will be performed.

Natural Environment (also refer to attached 2-22-17 memorandum):

1. Water Resources: The water resource classifications for the streams identified in the CE remain accurate.
2. Protected Species: The list of protected species remains unchanged since the CE was approved. The biological conclusions remain unchanged since the CE was approved, with the exception of the conclusion for the northern long-eared bat (*Myotis septentrionalis*), which is stated below:

NCDOT has determined that the proposed action does not require separate consultation on the grounds that the proposed action is consistent with the final Section 4(d) rule, codified at 50 C.F.R. § 17.40(o) and effective February 16, 2016. NCDOT may presume its determination is informed by best available information and consider Section 7 responsibilities fulfilled for NLEB.

Public Involvement:

NCDOT will schedule a second public meeting for the proposed project prior to the initiation of project construction. Comments received from that meeting will be addressed in the construction consultation. Presently, it is anticipated that no additional right of way or easements will be required and no homes or businesses will be displaced by the project.

IV. LIST OF ENVIRONMENTAL COMMITMENTS

Please refer to the attached Project Commitments for a listing of and update to the environmental commitments developed during the planning and design phases of this project

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V. COORDINATION

PDEA personnel have coordinated with others with respect to the proposed improvements, as noted below.

Roadway Design:	<u>Bryan Key</u>	<u>3-14-17</u> Date
NES Project Management:	<u>Michael Turchy</u>	<u>3-10-17</u> Date
Traffic Noise and Air Quality:	<u>Tracy Roberts</u>	<u>3-13-17</u> Date

VI. NCDOT CONCURRENCE

<u>J. W. Stroud</u>	<u>3-14-17</u>
J. Wilson Stroud, Project Development Engineer Project Development and Environmental Analysis Unit	Date
<u>Beverly G. Robinson</u>	<u>3/14/17</u>
Beverly G. Robinson, Group Leader Project Development and Environmental Analysis Unit	Date

VII. FHWA CONCURRENCE

<u>Loretta Barren</u>	<u>3/15/17</u>
Loretta Barren Federal Highway Administration For Division Administrator	Date

Project Commitments
US 74 (Independence Boulevard), from I-277 to East of Village Lake Drive
Charlotte, Mecklenburg County
Federal Project NHPP-0074(153)
WBS Element 50081.1.2
STIP Project U-5526A

Current status, changes, or additions to the project commitments as shown in the environmental documents are shown below *in bold italics*.

1. NCDOT Roadway Design Unit and NCDOT Division 10 Construction, Resident Engineer's Office

The Division Construction Engineer and Roadway Design Engineer will coordinate with Charlotte Area Transit System (CATS) during the final design and construction phases with regards to required improvements to the Hawthorne Lane Bridge (Bridge No. 808) over U.S. 74 for the proposed CATS CityLYNX Gold Line Phase 2 streetcar project.

Action: Additional coordination with CATS has been performed since approval of the CE. As part of the CATS streetcar project, the Hawthorne Lane bridge over US 74 will be reconstructed at its current location. That reconstruction will include relocating the center pier in the median of US 74 to accommodate one express lane in each direction to match the proposed design for U-5526A. Construction of the streetcar project is anticipated to begin in early- to mid-2017 and will take about one year to complete.

2. NCDOT Division 10 Construction, Resident Engineers Office

The Charlotte Transportation Department (704-336-4119) and the Mecklenburg EMS Agency (MEDIC) (704-943-6000) will be contacted at least one month prior to lane closures or traffic shifts.

Action: This commitment will be fulfilled prior to project construction.

3. NCDOT PDEA-Human Environment Section, Division 10 Office, and NCDOT Work Zone Traffic Control Unit

Based upon the presence of predominately Spanish-speaking Limited English Proficiency (LEP) populations in the project area, the Project Development and Environmental Analysis Unit and the NCDOT Division 10 office will develop a plan for outreach to those populations. This outreach will be performed prior to and during project construction.

Action: This commitment will be fulfilled prior to project construction.

4. NCDOT Division 10 Office and NC Turnpike Authority

NCDOT will coordinate with local government stakeholders, Charlotte Department of Transportation (CDOT), Charlotte Area Transit (CATS), NC State Highway Patrol, and first responders to define roles and responsibilities related to the proposed Express Lanes.

Action: This commitment will be fulfilled prior to project construction.

5. NCDOT Roadway Design Unit, NCDOT Structures Management Unit, and NCDOT Rail Division

If modifications to Bridge No. 175 over CSX Railroad are required, consultation with CSX Railroad will be required.

Action: No impacts to CSX Railroad are anticipated. If it is determined the railroad may be impacted, this commitment will be fulfilled prior to project construction.

6. NCDOT PDEA Natural Environment Section

The PDEA Natural Environment Section will conduct surveys for the Northern long-eared bat before construction authorization is requested.

Action: NCDOT has determined that the proposed action does not require separate consultation on the grounds that the proposed action is consistent with the final Section 4(d) rule, codified at 50 C.F.R. § 17.40(o) and effective February 16, 2016. NCDOT may presume its determination is informed by best available information and consider Section 7 responsibilities fulfilled for NLEB.

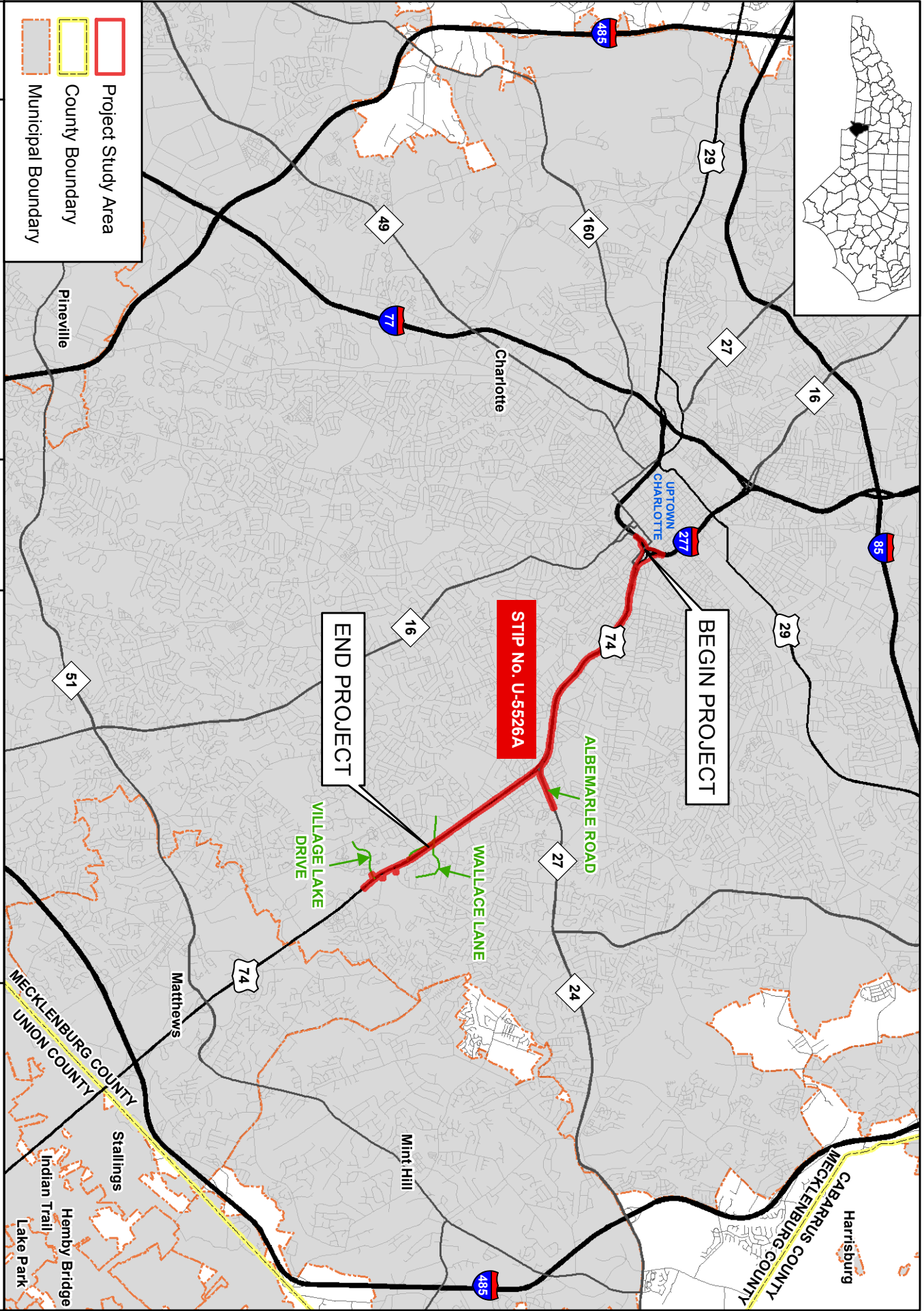
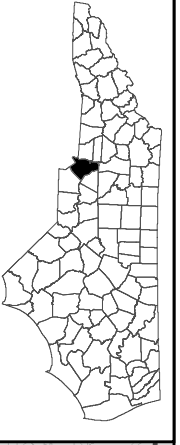
7. NCDOT Roadway Design Unit and NCDOT Human Environment Section (Historic Architecture Group)

The boundary of all National Register-eligible and listed properties will be shown on the project plans. If the project design changes in such a manner that the Section 106 “no effect” determinations for those properties could be affected, additional consultation with the State Historic Preservation Office (SHPO) will be performed.

Action: These boundaries have been added to the project plans. Additional consultation with SHPO will be performed, if needed.

8. Project Development and Environmental Analysis Unit (Western Project Development Group)

A Construction Consultation will be prepared prior to project construction in order to address comments received at the public meeting that will be scheduled for this project.



- Project Study Area
- County Boundary
- Municipal Boundary

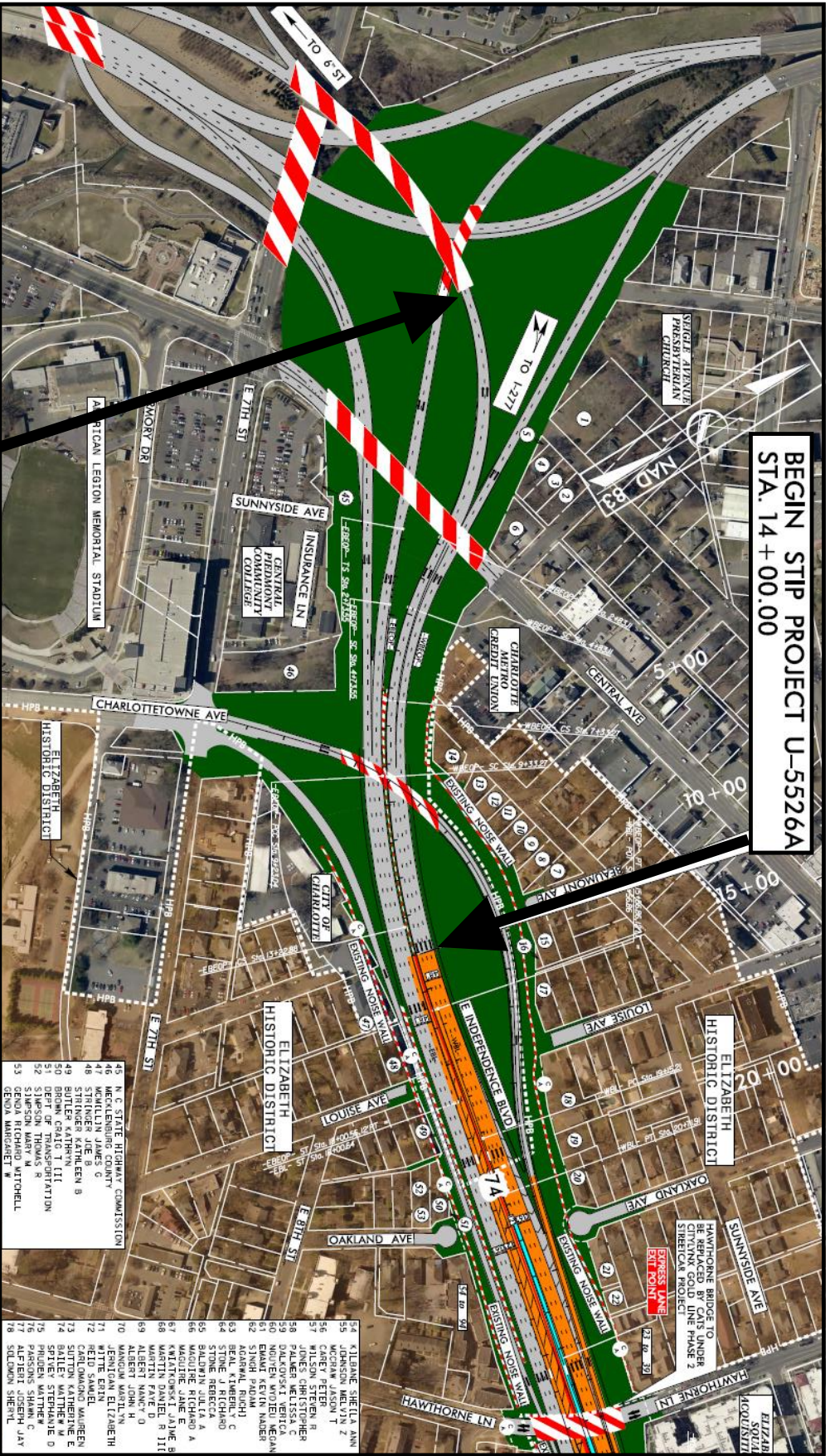


U.S. 74 (Independence Boulevard)
from I-277 to Wallace Lane
Charlotte, Mecklenburg County
STIP Project No. U-5526A

PROJECT VICINITY MAP
Figure 1



STIP Project U-5526A ROW Consultation
 US 74, Charlotte, Mecklenburg County
 Revised Western Project Terminus



Previous Western Terminus

Figure 2
 March 2017



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

ROY COOPER
GOVERNOR

JAMES H. TROGDON, III
SECRETARY

February 22, 2017

MEMORANDUM TO: Wilson Stroud, Project Planning Engineer

FROM: Michael Turchy, Environmental Coordinator

SUBJECT: Water resources and protected species update for a Federal Highway Administration (FHWA) Right of Way Consultation for the proposed conversion of median bus lane to reversible managed lane on US 74 (Independence Boulevard) from I-277 to Wallace Lane, Mecklenburg County, **TIP U-5526 A**.

REFERENCE: Categorical Exclusion, dated August 21, 2015

Water Resources

The water resource classifications for the streams identified in the Categorical Exclusion remain accurate.

Protected Species

The list of protected species remain unchanged since the Categorical Exclusion was completed.

The biological conclusions remain unchanged since the Categorical Exclusion was completed, with the exception of the northern long-eared bat (*Myotis septentrionalis*).

NCDOT has determined that the proposed action does not require separate consultation on the grounds that the proposed action is consistent with the final Section 4(d) rule, codified at 50 C.F.R. § 17.40(o) and effective February 16, 2016. NCDOT may presume its determination is informed by best available information and consider Section 7 responsibilities fulfilled for NLEB.*

Project Commitments (Greensheet)

The project commitment of:

“The PDEA Natural Environment Section will conduct surveys for the Northern long-eared bat before construction authorization is requested.”

Should now be marked as completed. The text proceeding the “*” above may be inserted into the greensheet, if preferred.