

FEDERAL HIGHWAY ADMINISTRATION

FINDING OF NO SIGNIFICANT IMPACT

FOR

NH 57-3(34)79

Lewistown – West Overpass
(CN A066)

in

FERGUS COUNTY, MONTANA

THE FEDERAL HIGHWAY ADMINISTRATION HAS DETERMINED THAT MDT'S "PREFERRED" ALTERNATIVE FOR THIS PROPOSED PROJECT WILL HAVE NO SIGNIFICANT IMPACT ON THE HUMAN ENVIRONMENT. THIS FINDING OF NO SIGNIFICANT IMPACT IS BASED ON THE ATTACHED ENVIRONMENTAL ASSESSMENT WHICH HAS BEEN INDEPENDENTLY EVALUATED BY THE FEDERAL HIGHWAY ADMINISTRATION AND DETERMINED TO ADEQUATELY AND ACCURATELY DISCUSS THE NEED, ENVIRONMENTAL ISSUES, AND IMPACTS OF THE PROPOSED PROJECT AND APPROPRIATE MITIGATION MEASURES. IT PROVIDES SUFFICIENT EVIDENCE AND ANALYSIS FOR DETERMINING THAT AN ENVIRONMENTAL IMPACT STATEMENT IS NOT REQUIRED. THE FEDERAL HIGHWAY ADMINISTRATION TAKES FULL RESPONSIBILITY FOR THE ACCURACY, SCOPE, AND CONTENT OF THE ATTACHED ENVIRONMENTAL ASSESSMENT.



Dale Paulson
Federal Highway Administration

, Date: 6-9-2009

Exhibit A:
Clarification to the attached Environmental Assessment/Section 4(f) Evaluation:

When the project was nominated for reconstruction, a certain amount of funding was identified for reconstruction of the roadway and the railroad overpass structure. Since that time, BNSF announced its intention to terminate service to the Lewistown area. FHWA and MDT were not involved in this rail service decision, and that decision-making process (which will ultimately include the Surface Transportation Board) is completely separate from any past or ongoing studies being conducted by MDT. However, that decision directly affects the scope of the roadway improvement project currently under consideration. If BNSF terminates rail service to Lewistown, and no qualified local operator can be identified, there is no need to reconstruct the overpass structure; thus saving approximately \$2 million in anticipated construction funding for the project.

Based on our understanding of the ongoing discussions between the City, County, BNSF, CMR, and the Lewistown Port Authority, rail service will in fact be terminated somewhere west of the airport. While FHWA and MDT recognized that the railroad overpass would no longer be necessary, and that a substantial amount of money could be saved by not having to reconstruct the overpass, it was also recognized that reconstructing the roadway at-grade would preclude resuming rail service further east into Lewistown any time in the foreseeable future. FHWA and MDT discussed whether the anticipated funding level should be adjusted downward, or if the funding should be simply reallocated to provide other transportation enhancements and/or mitigation for the long term implication of the highway option which would limit future rail service to the western limits of Lewistown.

Ultimately it was determined that up to \$2 million could be saved, but that the funding should be maintained for use in the Lewistown area so long as the proposed expenditures were directly related to the proposed action, and they supported the modal relationships between the highway, rail service, and local transportation needs.

Once it became apparent that this funding would remain available, MDT began to explore several options with City and County representatives. These concepts included:

- Renovation of the Spring Creek trestle
- Construction of a wye track near the airport for a future industrial park
- Reclamation of the existing rail crossings in town
- Removal and stockpile of the rail materials for use or sale by the City or County
- Purchase of a track of land with rail service to compensate for the loss of commercial rail frontage property in Lewistown

City and County officials made the decision, and entered into an agreement with MDT, to seek out the purchase of a 322 acre parcel of land west of the airport. The formal agreement (contained in Appendix C of this EA) is contingent upon BNSF reaching a final agreement with the City/County regarding future rail service in the Lewistown area. There are also stipulations on MDT's purchase of the property on behalf of the City/County, and the public use and/or revenue from the future sale of said property.

This mitigation concept and the signed Agreement were included in the EA document circulated for public review in September/October 2003.

During the Public Hearing and comment period on the EA, several new requests emerged regarding the expenditure of the available highway funding. Written comments are included as Exhibit B attached to this FoNSI. In summary, some of the requests go beyond what may be considered appropriate as "mitigation" for the project impacts. It is important to remember that the money saved and reallocated was intended to compensate for the fact that the highway construction project would preclude any near-term resumption of rail service to Lewistown. It is not intended, nor is it anticipated to compensate the Lewistown area for the loss of rail service itself, which was a decision made by BNSF separate from the highway improvement project.

After considering the ideas and concerns expressed, the following enhancements, and mitigation measures are now included in the proposed project:

- In response to the conceptual design report for the "Brewery Flats Trail Addition and Lewistown Trail System" provided at the Public Hearing, the project will include pedestrian underpasses at the truck bypass link road, the existing overpass location, and the new Airport Road intersection. A trail along the airport fenceline (behind the businesses along the south side of US 87) will be constructed to connect from the underpass at Airport Road to the underpass at the current rail crossing location at the truck bypass. Stipulations on the construction of these pedestrian facilities include:
 - There may be no negative impacts on area homes or businesses,
 - No properties may be obtained through condemnation, and
 - The City and/or County must accept maintenance responsibility for the trail upon completion.

While not directly related to any specified purpose and need, or impact related to the highway project, these facilities can be included due to their immediate proximity to the project and relative relation to local transportation needs. This is considered an enhancement aspect of the project as part of the funding originally allocated to the project. Preliminary estimates for these improvements total \$365,000.

- In response to concerns about pedestrian and bicycle safety on the shoulders of the highway in the increasingly urban section of US 87 from the bypass to the airport, and the request for right-turn lanes at business approaches, the shoulder width will be increased from the previously proposed eight feet to a wider ten foot shoulder to accommodate both uses. Eight foot shoulders meet federal guidelines for bike/pedestrian facilities, and a wider shoulder would not be considered necessary if not for the added desire to provide additional refuge for right-turning vehicles. This is an enhancement, and not part of the original funding. Preliminary estimates for this additional shoulder width total \$130,000.
- Based on the continued support of the community for an industrial park, this proposed project includes the Memorandum of Agreement regarding the purchase of the defined

property on behalf of the City/County. The estimated cost of the property and well is approximately \$1 million. Requests for extension of municipal water and sewer to this site were found to be cost prohibitive within the constraints of the identified funding and will not be included in this project. The purchase of the property and installation of the well are considered mitigation for the loss of property with rail frontage in Lewistown, and those costs are part of the original funding.

Finally, it is important to note that all mitigation that will be required with this project is outlined in the EA, and all funding for this project expires upon completion of the highway reconstruction project. No other mitigation or enhancements can be considered under this project once the project is let for construction, as the prime contractor hired for this project will be responsible for completion of all aspects, including construction of the proposed trail segment described above. Any additional mitigation or project enhancements not identified in this EA, or identified after the contract is let for construction would require additional environmental compliance procedures and involve a change order for the contractor.

Public Hearing

A Public Hearing to obtain comments on the Environmental Assessment was held at the Yogo Inn, in Lewistown, in November 2003. Approximately 20 people attended the Hearing, and nine written comments were received. Those comments and the FHWA/MDT responses are included as Exhibit B of this document.