Chapter 3. Document Structure

The CEQ regulations define a “standard format” that “should be followed [in an EIS] unless the agency determines that there is a compelling reason to do otherwise.” 40 CFR 1502.10. This format includes the following elements: Cover Sheet; Summary; Table of Contents; Purpose and Need; Alternatives; Affected Environment; Environmental Consequences; List of Preparers; and List of Agencies, Organizations, and Persons.

FHWA’s Technical Advisory on NEPA documents (T6640.8A, issued in 1987), recommends using the standard format outlined in the CEQ regulations. But in a memorandum issued on July 1, 2006, FHWA recognized that alternative approaches are encouraged if they convey information more effectively:

What is more important than the way an EIS document is organized is that it convey, in reasonable and understandable terms, the substance of project purpose and need, the alternatives considered, the affected environment and environmental consequences of the action. We encourage you to consider ways to improve the effectiveness of the NEPA documents prepared in your state, including the use of different formats or alternative approaches to making documents easier to read, while demonstrating compliance with NEPA and other applicable environmental laws that satisfy the needs and expectations of our partners and stakeholders.1

As recommended in the 2006 guidance, the state of the practice has evolved to include variations on the standard format. Some variations include:

- Combining the Affected Environment and Environmental Consequences chapters. Combining these chapters helps to reduce duplication and can be easier for readers to follow because information about a resource is consolidated in one place. Typically, the combined chapter addresses regulatory setting, existing conditions, impacts, and mitigation.

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• Placing the Affected Environment chapter before the Alternatives chapter. The logic of this approach is that the Affected Environment provides context for understanding the Alternatives, so the Affected Environment should be presented first. A variant of this approach condenses the Affected Environment and re-names it “Environmental Context.”

• Adding an “Comparison of Alternatives” chapter. This approach breaks the Alternatives chapter into two parts: “Alternatives Considered,” which describes the alternatives development and screening process, and “Comparison of Alternatives,” which evaluates the detailed-study alternatives. With this approach, the Comparison of Alternatives is placed after the Environmental Consequences chapter.

• Adding a Transportation Chapter. Many NEPA documents for highway and transit projects include a separate transportation chapter. This format provides an efficient way to present information that otherwise would be scattered - such as the data sources and methods used in traffic modeling; the description of the existing transportation system; the alternatives’ effects on the existing transportation system; and the alternatives’ ability to meet the purpose and need.

• Adding a Finance and Cost Chapter. Issues related to project financing and cost may play an important role in the NEPA process, especially for large-scale projects where the availability of funding is uncertain. Where these issues are important to the analysis of alternatives, a separate chapter can be included to present cost estimates; explain how cost estimates were developed; describe potential funding sources; and address any related issues, such as potential use of innovative financing.

• Adding a Phasing Chapter. For large projects, phased implementation is sometimes proposed as a way to accommodate funding constraints. In some cases, FHWA has included a separate chapter or section describing the project phases and distinct impacts associated with each phase.

When a non-standard format is used, it is important to make sure that all of the required information is included and can be easily found. To this end, it may be helpful to include a table that correlates the document’s chapters to the elements required in the CEQ regulations.

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Combine Affected Environment Chapter and Environmental Consequences Chapter

- CO: US 36 FEIS
- OH: Opportunity Corridor DEIS
- NC: Mid-Currituck FEIS
- UT: West Davis Corridor FEIS
- WA: Mukilteo FEIS
CHAPTER 4 – AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES

4.1 Introduction ................................................................................................................ 4.1-1

Packages Under Consideration ......................................................................................... 4.1-2
- Package 1: No Action ........................................................................................................ 4.1-2
- Package 2: Managed Lanes/Bus Rapid Transit ................................................................. 4.1-2
- Package 4: General-Purpose Lanes, High-Occupancy Vehicle, and Bus Rapid Transit ................................................................................................................... 4.1-2

3.5 Transportation Impacts and Mitigation ........................................................................ 3.5-1

3.5.1 Interchange and Transit Station Traffic Impacts ......................................................... 3.5-1

3.5.2 Impacts of Access Points to Special Lanes ................................................................. 3.5-4
- Location of Access Points to Bus Rapid Transit/High-occupancy Vehicle Lanes in Package 4 ........................................................................................................... 3.5-4
- Location of Access Points to Managed Lanes in the Combined Alternative Package (Preferred Alternative) ................................................................. 3.5-5

3.5.3 Location of Access Points for Package 2 .................................................................. 3.5-6
- Westminster Boulevard Drop-ramp .............................................................................. 3.5-6
- Midway Boulevard Drop-ramp ..................................................................................... 3.5-6
- Managed Lane Flyover Exit ......................................................................................... 3.5-7

3.5.4 Impacts of Drop-ramps on Local Street System ........................................................ 3.5-7
- Westminster Boulevard Drop-ramp Impacts: Traffic Operations on Local Streets ........ 3.5-7
- Midway Boulevard Drop-ramp Impacts: Traffic Operations on Local Streets .............. 3.5-11

3.5.5 Impacts to Local Circulation .................................................................................... 3.5-14
- Denver and Adams Segments ...................................................................................... 3.5-14
- Westminster and Broomfield Segments ...................................................................... 3.5-15
- Superior/Louisville and Boulder Segments .................................................................. 3.5-15

3.5.6 Impacts to Boulder Roadways and Intersections ..................................................... 3.5-16
- Traffic Volumes Entering Boulder .............................................................................. 3.5-16
- Impacts to Boulder Intersections .............................................................................. 3.5-19

3.5.7 Impacts of Bus Rapid Transit Operations in Downtown Denver and Central Boulder ......................................................................................................... 3.5-24
- Downtown Denver ....................................................................................................... 3.5-24
- Central Boulder .......................................................................................................... 3.5-25

3.5.8 Impacts of Transit Patron Parking ........................................................................... 3.5-26
- Transit Station Parking ................................................................................................ 3.5-26
- On-street Parking Impacts and Mitigation at Transit Stations ..................................... 3.5-27
- Off-street Parking Impacts and Mitigation at Transit Stations ..................................... 3.5-27

3.5.9 Impacts to Truck Freight Operations ....................................................................... 3.5-28

3.6 Summary of Transportation Impacts and Mitigation .................................................. 3.6-1
4.2 Land Use ..........................................................................................................................................4.2-1

Summary.............................................................................................................................................4.2-1

Affected Environment .................................................................4.2-2
Summary of Land Uses ................................................................4.2-2
Summary of Relevant Comprehensive and Land Use Plans ..............4.2-9
Summary of Transportation Policies in Local Transportation and Land Use Plans ..................................4.2-12

Impact Evaluation ..........................................................................................4.2-14
Methodology ........................................................................4.2-14
Summary of Impacts ........................................................................4.2-14
Package 1: No Action ........................................................................4.2-18
Package 2: Managed Lanes/Bus Rapid Transit ........................................4.2-18
Package 4: General-Purpose Lanes, High-Occupancy Vehicle, and Bus Rapid Transit ......4.2-21
Combined Alternative Package (Preferred Alternative): Managed Lanes, Auxiliary Lanes, and Bus Rapid Transit ......................................................................................................................4.2-22

Mitigation ........................................................................................4.2-22

4.3 Economic Considerations .........................................................................................4.3-1

Summary...............................................................................................4.3-1

Affected Environment ........................................................................4.3-1
All Segments .................................................................................4.3-3

Impact Evaluation ................................................................................4.3-9
Methodology ...................................................................................4.3-9
Package 1: No Action ........................................................................4.3-10
Package 2: Managed Lanes/Bus Rapid Transit ........................................4.3-11
Package 4: General-Purpose Lanes, High-Occupancy Vehicle, and Bus Rapid Transit ......4.3-16
Combined Alternative Package (Preferred Alternative): Managed Lanes, Auxiliary Lanes, and Bus Rapid Transit ......................................................................................................................4.3-18

Mitigation ........................................................................................4.3-21
Avoidance and Minimization .................................................................4.3-21

4.4 Right-of-Way and Relocations ........................................................................4.4-1

Summary...............................................................................................4.4-1

Affected Environment ........................................................................4.4-2

Impact Evaluation ................................................................................4.4-3
Methodology ...................................................................................4.4-3
Package 1: No Action ........................................................................4.4-3
Package 2: Managed Lanes/Bus Rapid Transit ........................................4.4-3
Package 4: General-Purpose Lanes, High-Occupancy Vehicle, and Bus Rapid Transit ......4.4-6
Combined Alternative Package (Preferred Alternative): Managed Lanes, Auxiliary Lanes, and Bus Rapid Transit ......................................................................................................................4.4-6

Mitigation ........................................................................................4.4-7
**CHAPTER 1: INTRODUCTION** ....................................................... 1-1
What is the Cleveland Opportunity Corridor project? .................................................................1-1
Who is developing the project? .................................................................................................1-2
What is the history of the project? .............................................................................................1-5
What is an Environmental Impact Statement? .............................................................................1-6
What’s next? ................................................................................................................................1-8
How can I comment on the DEIS? .............................................................................................1-8

**CHAPTER 2: PURPOSE and NEED** ................................................... 2-1
What are purpose and need? ....................................................................................................2-1
What is the purpose of the Cleveland Opportunity Corridor project? ........................................2-2
What basic transportation needs must the project meet? ..........................................................2-2
How do “goals and objectives” fit into purpose and need? .........................................................2-6
Where will the project begin and end? .......................................................................................2-6

**CHAPTER 3: ALTERNATIVES** .......................................................... 3-1
What is the purpose of this chapter? ........................................................................................3-1
How were the alternatives developed? .......................................................................................3-1
How have the public and stakeholders been involved during the alternatives study? ..................3-2
How has public and stakeholder feedback changed the study? .....................................................3-3
What is the No-Build Alternative? .............................................................................................3-4
What other alternatives were studied but are no longer being considered? ..............................3-4
What is the preferred alternative? .............................................................................................3-7
How will the preferred alternative meet the project purpose and need? .......................................3-9
How will the preferred alternative meet the project goals and objectives? .................................3-9
Will the preferred alternative change? .......................................................................................3-9
How would the project be built? ................................................................................................3-9
When would the project be built? ................................................................................................3-9
How much would it cost to build the preferred alternative? .........................................................3-10
How would the project be funded? .............................................................................................3-10

**CHAPTER 4: ENVIRONMENTAL RESOURCES and IMPACTS** .......... 4-1
What is the purpose of this chapter? ..........................................................................................4-1
What topics are discussed in detail in this chapter? ..................................................................4-1
What does the study area look like? ..........................................................................................4-2
Would the project be consistent with planned developments and local land use plans? ..........4-5
How much land would be needed to build the project? ................................................................. 4-6
Would any homes, businesses or churches be relocated? ............................................................ 4-6
How would study area neighborhoods be affected? .................................................................... 4-18
How would bicycles and pedestrians be affected? ....................................................................... 4-19
How would existing roads and access points be changed? ........................................................... 4-22
How would the existing roadway network be affected? ............................................................... 4-22
How would public transportation be affected? ............................................................................... 4-23
Would community or public services be affected? ....................................................................... 4-23
How would traffic noise levels change? .......................................................................................... 4-23
Would air quality be affected? ...................................................................................................... 4-25
How would the project visually affect neighborhoods? ................................................................. 4-26
Would low-income and minority populations be affected? .......................................................... 4-27
How would parks and recreational opportunities be affected? ...................................................... 4-31
How would cultural resources be affected? .................................................................................. 4-32
What resources are not present within the study area? ................................................................. 4-35
How would water quality be affected? .......................................................................................... 4-35
How would land from industrial properties be addressed? ............................................................ 4-36
How would construction activities affect the surrounding community? ......................................... 4-37
What would be done to keep traffic and people moving during construction? ............................... 4-40
How could the Cleveland Opportunity Corridor project influence the future of the area? .............. 4-41

CHAPTER 5: PUBLIC and AGENCY COORDINATION .......... 5-1
What is the purpose of this chapter? ............................................................................................. 5-1
What is the project steering committee? ....................................................................................... 5-1
What are context sensitive solutions, and how do they apply to the Cleveland Opportunity Corridor project? ........................... 5-1
How were businesses involved in the project? ............................................................................. 5-2
How did project team reach out to neighborhoods? ..................................................................... 5-4
How was the general public involved? .......................................................................................... 5-5
What other tools were used to communicate about the project? ................................................... 5-7
What agencies have been involved in the project? ......................................................................... 5-8
What about the project has changed because of agency and public involvement? ..................... 5-8
Are there more opportunities for agency and public comment? .................................................. 5-8

CHAPTER 6: ENVIRONMENTAL COMMITMENTS and MITIGATION 6-1
What will be done to reduce or mitigate the impacts of the Cleveland Opportunity Corridor project? .... 6-1
### Table of Contents (continued)

2.1.7.1 Stormwater Management for Uplands on the Mainland and Outer Banks ........................................ 2-30
2.1.7.2 Stormwater Management for Maple Swamp and Currituck Sound ........................................... 2-31
2.1.7.3 Capturing the First 1.5 Inches of Runoff from Bridges .... 2-33
2.1.8 Where would additional right-of-way be required to widen existing roads? ........................................ 2-35
2.1.9 How would bridges be designed to minimize impacts to wetlands on the mainland and Outer Banks? ................................ 2-36
2.1.10 Why are hurricane evacuation improvements needed on US 158, and how would they work? ...................... 2-36

2.4.1 Road and Interchange Construction ................................ 2-50
2.4.2 Mid-Currituck Bridge Construction ................................ 2-50
2.4.3 Maple Swamp Bridge Construction .............................. 2-51
2.4.4 Access and Construction Staging for Construction Materials and Equipment ..................................... 2-51

2.5 Describe the other alternatives that were considered and explain why they are no longer under consideration ........ 2-52
2.6 For what reasons did you choose the Preferred Alternative? .............................. 2-54

3.0  **AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES** ........................................ 3-1
3.1  **Community Characteristics and Impacts** ......................................................... 3-1
    3.1.1 What is the general land use, and what community features are in the project area? ................................. 3-2
## Table of Contents (continued)

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.1.2</td>
<td>How would neighborhood or community cohesion be affected?</td>
<td>3-7</td>
</tr>
<tr>
<td>3.1.2.1</td>
<td>Third Emergency Outbound Lane</td>
<td>3-8</td>
</tr>
<tr>
<td>3.1.2.2</td>
<td>US 158 Improvement on the Outer Banks</td>
<td>3-8</td>
</tr>
<tr>
<td>3.1.2.3</td>
<td>NC 12 Improvements in Southern Shores and Duck</td>
<td>3-8</td>
</tr>
<tr>
<td>3.1.2.4</td>
<td>Mid-Currituck Bridge in Aydlett</td>
<td>3-9</td>
</tr>
<tr>
<td>3.1.2.5</td>
<td>Bridge across Currituck Sound</td>
<td>3-9</td>
</tr>
<tr>
<td>3.1.2.6</td>
<td>Mid-Currituck Bridge Corridor C1 on the Outer Banks</td>
<td>3-10</td>
</tr>
<tr>
<td>3.1.2.7</td>
<td>Mid-Currituck Bridge Corridor C2 on the Outer Banks</td>
<td>3-11</td>
</tr>
<tr>
<td>3.1.2.8</td>
<td>No-Build Alternative</td>
<td>3-11</td>
</tr>
<tr>
<td>3.1.3</td>
<td>How would quality of life be affected?</td>
<td>3-11</td>
</tr>
<tr>
<td>3.1.4</td>
<td>Would any homes, businesses, outdoor advertising signs, or gravesites be relocated?</td>
<td>3-11</td>
</tr>
<tr>
<td>3.1.4.1</td>
<td>Relocations</td>
<td>3-11</td>
</tr>
<tr>
<td>3.1.4.2</td>
<td>Relocation Assistance for Homes and Businesses</td>
<td>3-13</td>
</tr>
<tr>
<td>3.1.4.3</td>
<td>Outdoor Advertising Sign Relocation</td>
<td>3-15</td>
</tr>
<tr>
<td>3.1.4.4</td>
<td>Gravesite Relocation</td>
<td>3-15</td>
</tr>
<tr>
<td>3.1.5</td>
<td>Would concentrations of low income, minority populations, or limited English proficiency populations suffer disproportionately adverse human health or environmental effects?</td>
<td>3-15</td>
</tr>
<tr>
<td>3.1.6</td>
<td>Would the project be compatible with local land use plans?</td>
<td>3-15</td>
</tr>
<tr>
<td>3.1.7</td>
<td>How would the existing business community be affected?</td>
<td>3-17</td>
</tr>
<tr>
<td>3.1.8</td>
<td>How would access to neighborhoods and communities be changed?</td>
<td>3-19</td>
</tr>
<tr>
<td>3.1.9</td>
<td>How would parks, recreation opportunities, and other community services and facilities be affected?</td>
<td>3-19</td>
</tr>
<tr>
<td>3.1.10</td>
<td>How would pedestrian and bicycle provisions change?</td>
<td>3-20</td>
</tr>
<tr>
<td>3.1.11</td>
<td>Could crime rates increase?</td>
<td>3-22</td>
</tr>
<tr>
<td>3.1.12</td>
<td>How would farmlands be affected?</td>
<td>3-23</td>
</tr>
<tr>
<td>3.2</td>
<td>Cultural Resources Characteristics and Impacts</td>
<td>3-24</td>
</tr>
<tr>
<td>3.2.1</td>
<td>Would historic resources be affected?</td>
<td>3-24</td>
</tr>
<tr>
<td>3.2.2</td>
<td>Would archaeological resources be affected?</td>
<td>3-27</td>
</tr>
<tr>
<td>3.2.3</td>
<td>Would resources that are protected by the requirements of Section 4(f) of the Department of Transportation Act of 1966 be used?</td>
<td>3-28</td>
</tr>
<tr>
<td>3.2.3.1</td>
<td>Three Properties Affected by a Temporary Construction Easement</td>
<td>3-28</td>
</tr>
<tr>
<td>3.2.3.2</td>
<td>Samuel McHorney House</td>
<td>3-29</td>
</tr>
<tr>
<td>3.2.3.3</td>
<td>Dexter W. Snow House</td>
<td>3-30</td>
</tr>
</tbody>
</table>
Chapter 4: Farmland

4.1 Introduction ............................................................................................................. 4-2

4.2 Regulatory Setting ................................................................................................... 4-2
  4.2.1 Farmland Protection Policy Act ................................................................... 4-2
  4.2.2 Utah Farmland Assessment Act ................................................................... 4-4
  4.2.3 Agriculture Protection Areas ........................................................................ 4-5
  4.2.4 Century Farms .............................................................................................. 4-6

4.3 Affected Environment ............................................................................................. 4-7
  4.3.1 Overview of Local Farmland Conditions ..................................................... 4-7
  4.3.2 Involvement of the Utah Department of Agriculture and Food, Local Farmers, and Other Agriculture Experts in the WDC Project ........................................... 4-8
  4.3.3 Resource Identification Methods .................................................................. 4-9
  4.3.4 Cropland ..................................................................................................... 4-11
  4.3.5 FPPA-Regulated Farmland ........................................................................ 4-13
  4.3.6 Agriculture Protection Areas ...................................................................... 4-14
  4.3.7 Century Farms ............................................................................................ 4-15

4.4 Environmental Consequences .............................................................................. 4-18
  4.4.1 Methodology .............................................................................................. 4-18
  4.4.2 No-Action Alternative ................................................................................ 4-22
  4.4.3 Alternatives A1–A4 .................................................................................... 4-23
  4.4.4 Alternatives B1–B4 .................................................................................... 4-32
  4.4.5 Mitigation Measures ................................................................................... 4-39
  4.4.6 Cumulative Impacts .................................................................................. 4-41
  4.4.7 Summary of Impacts .................................................................................. 4-42

4.5 References .............................................................................................................. 4-43
4 ENVIRONMENTAL IMPACTS AND MITIGATION ....................................................................................4-1

4.1 Introduction ..............................................................................................................4-1

4.2 Land Use and Economics .................................................................................4-1
  4.2.1 Overview of Analysis and Regulatory Context .............................................. 4-1
  4.2.2 Affected Environment ................................................................................. 4-2
  4.2.3 Long-Term Environmental Impacts ............................................................ 4-10
  4.2.4 Construction Impacts ................................................................................ 4-17
  4.2.5 Indirect and Secondary Impacts ............................................................... 4-18
  4.2.6 Cumulative Impacts ................................................................................. 4-19
  4.2.7 Mitigation Measures ................................................................................. 4-22

4.3 Noise and Vibration ................................................................................................4-24
  4.3.1 Overview of Analysis and Regulatory Context .............................................. 4-25
  4.3.2 Affected Environment ................................................................................. 4-27
  4.3.3 Long-Term Environmental Impacts ............................................................ 4-28
  4.3.4 Construction Impacts ................................................................................ 4-29
  4.3.5 Indirect and Secondary Impacts ............................................................... 4-30
  4.3.6 Cumulative Impacts ................................................................................. 4-31
  4.3.7 Mitigation Measures ................................................................................. 4-31

4.4 Visual Quality, Aesthetics, and Light and Glare ......................................................4-33
  4.4.1 Overview of Analysis ................................................................................ 4-33
  4.4.2 Affected Environment ................................................................................. 4-34
  4.4.3 Long-Term Environmental Impacts ............................................................ 4-39
  4.4.4 Construction Impacts ................................................................................ 4-43
  4.4.5 Indirect and Secondary Impacts ............................................................... 4-43
  4.4.6 Cumulative Impacts ................................................................................. 4-44
  4.4.7 Mitigation Measures ................................................................................. 4-46
  4.4.8 Visual Simulations .................................................................................... 4-46

4.5 Social Environment and Environmental Justice ......................................................4-65
  4.5.1 Overview of Analysis and Regulatory Context .............................................. 4-65
  4.5.2 Affected Environment ................................................................................. 4-67
  4.5.3 Long-Term Environmental Impacts ............................................................ 4-75
  4.5.4 Construction Impacts ................................................................................ 4-81
  4.5.5 Indirect and Secondary Impacts ............................................................... 4-83
  4.5.6 Cumulative Impacts ................................................................................. 4-84
  4.5.7 Mitigation Measures ................................................................................. 4-85
  4.5.8 Environmental Justice Final Determination ............................................... 4-87

4.6 Cultural Resources .................................................................................................4-88
(This page is intentionally left blank.)
Separate Chapters
(Not in standard EIS template)

Transportation Impacts
- CO: US 36 FEIS
- WA: Mukilteo FEIS

Financial Analysis
- CO: I-70 PEIS
- CO: US 36 FEIS

Phased Implementation
- CO: US 36 FEIS

Construction Impacts
- MD: Purple Line FEIS
1.5.1 WSDOT Ferries Division Final Long-Range Plan ..................................... 1-11
1.5.2 Other Related Planning Studies ............................................................... 1-11
1.5.3 Terminal Area Planning Studies ............................................................... 1-12

2 ALTERNATIVES ................................................................................................................2-1
2.1 Proposed Alternatives ..............................................................................................2-1
2.1.1 No-Build Alternative ................................................................................... 2-1
2.1.2 Preferred Alternative (Elliot Point 2) ........................................................... 2-4
2.1.3 Existing Site Improvements Alternative ...................................................... 2-9
2.1.4 Elliot Point 1 Alternative ........................................................................... 2-11
2.2 Construction Approach and Activities ............................................................... 2-14
2.3 Alternatives Development Process .........................................................................2-16
2.4 Other Activities in the Area .....................................................................................2-18
2.5 Next Steps .............................................................................................................2-20

3 TRANSPORTATION ..........................................................................................................3-1
3.1 Overview of Analysis and Regulatory Context ........................................................ 3-1
3.2 Affected Environment .......................................................................................... 3-1
3.2.1 Mukilteo Ferry Terminal Facility ................................................................. 3-2
3.2.2 Traffic Operations ....................................................................................... 3-6
3.2.3 Non-Motorized Conditions ........................................................................... 3-8
3.2.4 Public Transportation Facilities ................................................................... 3-9
3.2.5 Parking........................................................................................................... 3-9
3.2.6 Freight............................................................................................................ 3-11
3.3 Transportation Effects .......................................................................................... 3-11
3.3.1 Mukilteo Ferry Terminal ............................................................................. 3-11
3.3.2 Traffic Operations ....................................................................................... 3-16
3.3.3 Non-Motorized Transportation .................................................................... 3-18
3.3.4 Public Transportation ................................................................................. 3-22
3.3.5 Parking........................................................................................................... 3-24
3.3.6 Freight............................................................................................................ 3-28
3.4 Construction Impacts .......................................................................................... 3-28
3.4.1 General Considerations for all Alternatives ............................................... 3-28
3.4.2 No-Build Alternative .................................................................................... 3-30
3.4.3 Preferred Alternative ................................................................................... 3-31
3.4.4 Existing Site Improvements Alternative ...................................................... 3-31
3.4.5 Elliot Point 1 Alternative ........................................................................... 3-32
3.5 Indirect and Secondary Impacts ........................................................................... 3-32
3.6 Cumulative Impacts ............................................................................................ 3-32
3.6.1 Sound Transit Mukilteo Station .................................................................... 3-33
3.6.2 NOAA Fisheries Service Mukilteo Research Station Expansion ............... 3-33
3.6.3 Port of Everett Mount Baker Terminal ....................................................... 3-33
3.6.4 Mukilteo Tank Farm Land Transfer and Mount Baker Crossing ............... 3-33
3.6.5 SR 525 Bridge............................................................................................... 3-34

Techniques to note:
- chapter on "Transportation" covers existing conditions and effects, separate from environmental impacts chapter
3.7 Mitigation Measures ............................................................................................... 3-34
   3.7.1 Intersections Projected to Exceed Level of Service Standards ................. 3-34
   3.7.2 Ferry Crossing Level of Service ............................................................... 3-36
   3.7.3 Transit ...................................................................................................... 3-36
   3.7.4 Parking ..................................................................................................... 3-37
   3.7.5 Construction Mitigation ............................................................................. 3-37

4 ENVIRONMENTAL IMPACTS AND MITIGATION ....................................................... 4-1
4.1 Introduction .............................................................................................................. 4-1
4.2 Land Use and Economics ........................................................................................ 4-1
   4.2.1 Overview of Analysis and Regulatory Context ............................................ 4-1
   4.2.2 Affected Environment ................................................................................. 4-2
   4.2.3 Long-Term Environmental Impacts ........................................................... 4-10
   4.2.4 Construction Impacts ................................................................................ 4-17
   4.2.5 Indirect and Secondary Impacts ............................................................... 4-18
   4.2.6 Cumulative Impacts .................................................................................. 4-19
   4.2.7 Mitigation Measures ................................................................................. 4-22
4.3 Noise and Vibration ................................................................................................ 4-24
   4.3.1 Overview of Analysis and Regulatory Context .......................................... 4-25
   4.3.2 Affected Environment ............................................................................... 4-27
   4.3.3 Long-Term Environmental Impacts ........................................................... 4-28
   4.3.4 Construction Impacts ................................................................................ 4-29
   4.3.5 Indirect and Secondary Impacts ............................................................... 4-30
   4.3.6 Cumulative Impacts .................................................................................. 4-31
   4.3.7 Mitigation Measures ................................................................................. 4-31
4.4 Visual Quality, Aesthetics, and Light and Glare ...................................................... 4-33
   4.4.1 Overview of Analysis ................................................................................ 4-33
   4.4.2 Affected Environment ............................................................................... 4-34
   4.4.3 Long-Term Environmental Impacts ........................................................... 4-39
   4.4.4 Construction Impacts ................................................................................ 4-43
   4.4.5 Indirect and Secondary Impacts ............................................................... 4-43
   4.4.6 Cumulative Impacts .................................................................................. 4-44
   4.4.7 Mitigation Measures ................................................................................. 4-46
   4.4.8 Visual Simulations .................................................................................... 4-46
4.5 Social Environment and Environmental Justice ...................................................... 4-65
   4.5.1 Overview of Analysis and Regulatory Context .......................................... 4-65
   4.5.2 Affected Environment ............................................................................... 4-67
   4.5.3 Long-Term Environmental Impacts ........................................................... 4-75
   4.5.4 Construction Impacts ................................................................................ 4-81
   4.5.5 Indirect and Secondary Impacts ............................................................... 4-83
   4.5.6 Cumulative Impacts .................................................................................. 4-84
   4.5.7 Mitigation Measures ................................................................................. 4-85
   4.5.8 Environmental Justice Final Determination ............................................... 4-87
4.6 Cultural Resources ................................................................................................. 4-88
CHAPTER 3 – TRANSPORTATION IMPACTS AND MITIGATION

3.1 Introduction ........................................................................................................................................3.1-1

3.1.1 Introduction and Overview of Transportation Impact Assessment ..............................................3.1-2

3.1.2 Summary of Findings ....................................................................................................................3.1-4

3.2 Compatibility with Transportation Plans ..........................................................................................3.2-1

3.2.1 2035 Metro Vision Regional Transportation Plan, as Amended ................................................3.2-1

3.2.2 Compatibility of the Packages with the Regional Transportation Plan ......................................3.2-1

3.2.3 Compatibility of the Packages with Local Transportation Plans .............................................3.2-2

3.3 Transportation Analysis Methodology .............................................................................................3.3-1

3.3.1 Levels of Analysis .........................................................................................................................3.3-1

3.3.2 Regional ..................................................................................................................................3.3-1

3.3.3 Project Area ...............................................................................................................................3.3-1

3.3.4 US 36 Corridor ..........................................................................................................................3.3-1

3.3.5 Checkpoints ...............................................................................................................................3.3-1

3.4 Comparison of How the Packages Meet the Transportation Needs of the Corridor ................3.4-1

3.4.1 Transportation Need #1: Increase Trip Capacity ......................................................................3.4-1

3.4.2 Capacity Available at Checkpoints .............................................................................................3.4-1

3.4.3 US 36 Traffic Volumes ................................................................................................................3.4-3

3.4.4 Transportation Need #2: Expand Access ..................................................................................3.4-7

3.4.5 US 36 Interchange Improvements .............................................................................................3.4-7

3.4.6 Delay at Corridor Interchanges ..................................................................................................3.4-8

3.4.7 US 36 Access Locations ............................................................................................................3.4-10

3.4.8 Special Lane Access to Activity Centers ....................................................................................3.4-10

3.4.9 Transportation Need #3: Provide Congestion Relief .................................................................3.4-11

3.4.10 Vehicle Miles Traveled, Vehicle Hours Traveled, and Average Speed ...................................3.4-11

3.4.11 Highway Travel Times ............................................................................................................3.4-12

3.4.12 Level of Service .......................................................................................................................3.4-15

3.4.13 Transportation Need #4: Expand Mode of Travel Options ......................................................3.4-20

3.4.14 Travel Time Reliability .............................................................................................................3.4-20

3.4.15 Travel Time Reliability for Transit Vehicles .............................................................................3.4-21

3.4.16 Transit Ridership .......................................................................................................................3.4-21

3.4.17 Transit Station Boardings ........................................................................................................3.4-22

3.4.18 US 36 Bicycle/Pedestrian Facility ...........................................................................................3.4-23

3.4.19 Transportation Need #5: Efficient Transit Service .................................................................3.4-23

3.4.20 Automobile versus Transit Travel Times ..................................................................................3.4-24

3.4.21 Bus Boardings per Mile and Bus Boardings per Hour ..............................................................3.4-24

3.4.22 Mode Share ..............................................................................................................................3.4-27

3.5 Summary of Transportation Impacts of Each Package .................................................................3.1-6

3.6 Summary of Performance of Each Package ......................................................................................3.1-4

Checkpoints .........................................................................................................................................3.3-1

US 36 Corridor .....................................................................................................................................3.3-1

Project Area ..........................................................................................................................................3.3-1

Regional ..............................................................................................................................................3.3-1

Table of Contents

Post World War II Residential Development .......... 2.7-2
"Woodlands" Parkways/Table Mesa Drive ............. 2.7-2
Other Federal Actions Required .................................................. 2.7-6
Other Actions Required .............................................................. 2.7-6
3.4.6 Transportation Need #6: Update Outdated Highway Facilities ............................................. 3.4-27
   Updates to Outdated Transportation Facilities .......................................................................... 3.4-27
   Safety Improvements .............................................................................................................. 3.4-27

Summary of How the Packages Meet the Transportation Needs of the Corridor .............................. 3.4-28

3.5 Transportation Impacts and Mitigation ...................................................................................... 3.5-1

3.5.1 Interchange and Transit Station Traffic Impacts ...................................................................... 3.5-1

3.5.2 Impacts of Access Points to Special Lanes ............................................................................. 3.5-4
   Location of Access Points to Bus Rapid Transit/High-occupancy Vehicle Lanes in
   Package 4 ................................................................................................................................... 3.5-4
   Location of Access Points to Managed Lanes in the Combined Alternative Package
   (Preferred Alternative) ............................................................................................................. 3.5-5

3.5.3 Location of Access Points for Package 2 ................................................................................ 3.5-6
   Westminster Boulevard Drop-ramp ............................................................................................. 3.5-6
   Midway Boulevard Drop-ramp .................................................................................................... 3.5-6
   Managed Lane Flyover Exit ........................................................................................................ 3.5-7

3.5.4 Impacts of Drop-ramps on Local Street System .................................................................... 3.5-7
   Westminster Boulevard Drop-ramp Impacts: Traffic Operations on Local Streets ................. 3.5-7
   Midway Boulevard Drop-ramp Impacts: Traffic Operations on Local Streets ....................... 3.5-11

3.5.5 Impacts to Local Circulation .................................................................................................. 3.5-14
   Denver and Adams Segments .................................................................................................... 3.5-14
   Westminster and Broomfield Segments ................................................................................. 3.5-15
   Superior/Louisville and Boulder Segments ............................................................................. 3.5-15

3.5.6 Impacts to Boulder Roadways and Intersections .................................................................. 3.5-16
   Traffic Volumes Entering Boulder .......................................................................................... 3.5-16
   Impacts to Boulder Intersections ............................................................................................ 3.5-19

3.5.7 Impacts of Bus Rapid Transit Operations in Downtown Denver and Central Boulder ......... 3.5-24
   Downtown Denver .................................................................................................................... 3.5-24
   Central Boulder ....................................................................................................................... 3.5-25

3.5.8 Impacts of Transit Patron Parking ....................................................................................... 3.5-26
   Transit Station Parking ............................................................................................................ 3.5-26
   On-street Parking Impacts and Mitigation at Transit Stations .................................................. 3.5-27
   Off-street Parking Impacts and Mitigation at Transit Stations ................................................ 3.5-27

3.5.9 Impacts to Truck Freight Operations .................................................................................... 3.5-28

3.6 Summary of Transportation Impacts and Mitigation .................................................................. 3.6-1

CHAPTER 4 – AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES

4.1 Introduction ............................................................................................................................... 4.1-1

Project Area Segments .................................................................................................................. 4.1-1

Packages Under Consideration ..................................................................................................... 4.1-2
   Package 1: No Action .................................................................................................................. 4.1-2
   Package 2: Managed Lanes/Bus Rapid Transit .......................................................................... 4.1-2
   Package 4: General-Purpose Lanes, High-Occupancy Vehicle, and Bus Rapid Transit .......... 4.1-2
   Combined Alternative Package (Preferred Alternative): Managed Lanes, Auxiliary Lanes,
   and Bus Rapid Transit ............................................................................................................... 4.1-3
Techniques to note:
- chapter on Financial Considerations (addresses issues related to ability to pay for the project)

### Table of Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.19 Mitigation Summary</td>
<td></td>
</tr>
<tr>
<td><strong>CHAPTER 4. CUMULATIVE IMPACTS ANALYSIS</strong></td>
<td></td>
</tr>
<tr>
<td>4.1 What is Chapter 4?</td>
<td>4-1</td>
</tr>
<tr>
<td>4.2 What are cumulative impacts and why are they important?</td>
<td>4-1</td>
</tr>
<tr>
<td>4.3 What resources are examined as part of the cumulative effect analysis?</td>
<td>4-1</td>
</tr>
<tr>
<td>4.4 What is the geographic scope for cumulative impact analysis?</td>
<td>4-3</td>
</tr>
<tr>
<td>4.5 What is the time frame for cumulative impact analysis?</td>
<td>4-3</td>
</tr>
<tr>
<td>4.6 What methods were used to estimate cumulative impacts?</td>
<td>4-6</td>
</tr>
<tr>
<td>4.7 What past, present, and reasonably foreseeable future actions were considered?</td>
<td>4-10</td>
</tr>
<tr>
<td>4.8 What are the anticipated cumulative impacts?</td>
<td>4-11</td>
</tr>
<tr>
<td>4.9 What are the cumulative benefits?</td>
<td>4-27</td>
</tr>
<tr>
<td>4.10 What measures will be taken to address issues related to cumulative impacts?</td>
<td>4-28</td>
</tr>
<tr>
<td>4.11 What conclusions can be made?</td>
<td>4-28</td>
</tr>
<tr>
<td>4.12 What’s next and how will analysis differ from Tier 1 to Tier 2?</td>
<td>4-29</td>
</tr>
<tr>
<td><strong>CHAPTER 5. FINANCIAL CONSIDERATIONS</strong></td>
<td></td>
</tr>
<tr>
<td>5.1 What’s in Chapter 5?</td>
<td>5-1</td>
</tr>
<tr>
<td>5.2 How were cost estimates determined?</td>
<td>5-1</td>
</tr>
<tr>
<td>5.3 What is the cost of the Preferred Alternative?</td>
<td>5-2</td>
</tr>
<tr>
<td>5.4 How much funding is currently allocated to the I-70 Mountain Corridor?</td>
<td>5-3</td>
</tr>
<tr>
<td>5.5 What are the sources for current funding and their limitations?</td>
<td>5-3</td>
</tr>
<tr>
<td>5.6 Is there enough funding to implement the Preferred Alternative?</td>
<td>5-5</td>
</tr>
<tr>
<td>5.7 What are potential funding sources and their limitations?</td>
<td>5-5</td>
</tr>
<tr>
<td>5.8 What innovative funding sources might be available?</td>
<td>5-5</td>
</tr>
<tr>
<td><strong>CHAPTER 6. PUBLIC AND AGENCY INVOLVEMENT</strong></td>
<td></td>
</tr>
<tr>
<td>6.1 What’s in Chapter 6?</td>
<td>6-1</td>
</tr>
<tr>
<td>6.2 What are the objectives of the public and agency information and involvement program?</td>
<td>6-1</td>
</tr>
<tr>
<td>6.3 How did public and agency comments on the 2004 Draft PEIS shape this process?</td>
<td>6-1</td>
</tr>
<tr>
<td>6.4 What is the role of Context Sensitive Solutions in the Corridor?</td>
<td>6-2</td>
</tr>
<tr>
<td>6.5 Who participated in the public and agency information and involvement program?</td>
<td>6-3</td>
</tr>
<tr>
<td>6.6 What methods did the lead agencies use to provide information and conduct outreach to stakeholders?</td>
<td>6-6</td>
</tr>
<tr>
<td>6.7 How did the lead agencies involve minority and low-income populations?</td>
<td>6-7</td>
</tr>
<tr>
<td>6.8 What public and agency input was received on the Revised Draft PEIS?</td>
<td>6-8</td>
</tr>
<tr>
<td>6.9 What future public and agency involvement opportunities will be provided?</td>
<td>6-10</td>
</tr>
<tr>
<td><strong>CHAPTER 7. LIST OF PREPARERS AND CONTRIBUTORS</strong></td>
<td></td>
</tr>
<tr>
<td><strong>CHAPTER 8. DISTRIBUTION LIST</strong></td>
<td></td>
</tr>
<tr>
<td><strong>CHAPTER 9. REFERENCES</strong></td>
<td></td>
</tr>
<tr>
<td><strong>INDEX</strong></td>
<td></td>
</tr>
<tr>
<td><strong>GLOSSARY OF TERMS</strong></td>
<td></td>
</tr>
</tbody>
</table>
### Chapter 5 - Financial Analysis

5.1 Introduction

Purpose and Scope

5.2 Capital Cost Estimates

Estimated Costs of Packages

Cost Estimate Review

5.3 Available or Planned Funding

5.4 Estimated Funding Shortfall

5.5 Estimated Operations and Maintenance Costs

Annual Highway Operations and Maintenance Costs

Highway Operations and Maintenance Costs Over 50-Year Lifespan

Toll Equipment and Managed Lane Operations and Maintenance Costs

Managed Lane Revenue

Bus Operating Costs

Projected Transit Revenue

### Chapter 6 - Public Involvement Program

6.1 Purpose and Goals of Public Involvement

6.2 The Decision-Making Process

Advisory Committees

The US 36 Preferred Alternative Committee and the Combined Alternative Package (Preferred Alternative)

Analysis and Findings

6.3 Issues Tracking and Reporting

6.4 Public Meetings and Hearings

Scoping Process

Key-Person Interviews

Scoping Meetings

Summary of Issues

Scoping Report

General and Conceptual Alternatives Definition and Evaluation (February 2004 Public Workshops)

Summary of Issues

Development and Detailed Evaluation of Packages (May 2004 Public Workshops)

Summary of Issues

Development of the Draft Environmental Impact Statement (October 2004 Public Workshops)

Summary of Issues

Release of DEIS and Public Comment Period

DEIS Public Comment Summary

Preferred Alternative Development and Combined Alternative Package (Preferred Alternative)

Results Public Meetings - April 2009

Summary of Issues
# Table of Contents

- **Corridor-Wide Avoidance Alternatives** ........................................................................ 7.4-2  
  - General Alternatives ........................................................................................................ 7.4-2  
  - Conceptual Alternatives .................................................................................................... 7.4-3  
  - Initial Package Evaluation ................................................................................................. 7.4-4

- **Use of Parks and Recreation Resources** .................................................................... 7.4-4

- **Uses of Historic Resources** .......................................................................................... 7.4-22

- **Uses of Wildlife and Waterfowl Refuges** .................................................................... 7.4-29

- **De Minimis Impacts** ....................................................................................................... 7.4-37  
  - De Minimis Impacts for Parks and Recreational Resources ............................................ 7.4-37  
  - De Minimis Impacts of Historic Resources ...................................................................... 7.4-42

- **Historical Resources** ...................................................................................................... 7.4-43

7.5 Least Harm Analysis ....................................................................................................... 7.5-1  

- **Parks and Recreation Resources** .................................................................................. 7.5-2  
- **Historic Resources** ......................................................................................................... 7.5-4

- **Wildlife and Waterfowl Refuge** .................................................................................... 7.5-6

- **Comparison of Design Options** .................................................................................... 7.5-7  
  - West-end Design Options .................................................................................................. 7.5-7

  - **US 36 Bikeway Alternatives** ........................................................................................ 7.5-8

- **Summary** ....................................................................................................................... 7.5-9

7.6 Figures ............................................................................................................................. 7.6-1

7.7 Photographs .................................................................................................................... 7.7-1

---

# CHAPTER 8 - PHASED PROJECT IMPLEMENTATION

- **8.1 General Description of Phases** ............................................................................... 8.1-1

- **8.2 Prioritization of Construction Staging** .................................................................... 8.2-1  
  - Phasing Development ...................................................................................................... 8.2-1  
    - Phase 1 .............................................................................................................................. 8.2-2  
    - Phase 2 .............................................................................................................................. 8.2-20  
    - Phase 3 .............................................................................................................................. 8.2-22

- **8.3 Implementation of Future Project Phases** ................................................................. 8.3-1

- **8.4 Mitigation** ................................................................................................................ 8.4-1
Chapter 5.0 Overview of Construction Activities .............................................. 5-1

5.1 Construction Schedule ........................................................................... 5-1

5.2 Summary of Activities by Construction Area .......................................... 5-2

5.2.1 Construction Area 1: Bethesda Metro Station to East of Jones Mill Road .... 5-6

5.2.2 Construction Area 2: East of Jones Mill Road to East of Lyttonsville Place .... 5-6

5.2.3 Construction Area 3: East of Lyttonsville Place to West of Georgia Avenue .......... 5-6

5.2.4 Construction Area 4: West of Georgia Avenue to University Boulevard—Route 193/Piney Branch Road—Route 320 .......................... 5-8

5.2.5 Construction Area 5: University Boulevard to West of West Campus Drive Station ................................................ 5-9

5.2.6 Construction Area 6: West of West Campus Dr. Station to Rossborough Lane ................................................................................ 5-10

5.2.7 Construction Area 7: Rossborough Lane to East of Haig Drive .............. 5-11

5.2.8 Construction Area 8: East of Haig Drive to Veterans Parkway .............. 5-12

5.2.9 Construction Area 9: Veterans Parkway to New Carrollton Station ........ 5-13

5.2.10 Construction Area 10: Lyttonsville Yard .............................................. 5-13

5.2.11 Construction Area 11: Glenridge Maintenance Facility ....................... 5-13

5.3 Transportation Management Plan .......................................................... 5-14

5.4 Environmental Compliance Plan ............................................................. 5-15

Chapter 6.0 Draft Section 4(f) Evaluation ....................................................... 6-1

6.1 Methodology .............................................................................................. 6-2

6.1.1 Definition of Section 4(f) Uses ............................................................... 6-3

6.1.2 Individual Section 4(f) Evaluation ........................................................ 6-3

6.1.3 Temporary Occupancy Exception ......................................................... 6-4

6.1.4 De minimis Use ..................................................................................... 6-4

6.1.5 Constructive Use .................................................................................. 6-5
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