



US Department
Of Transportation
Federal Highway
Administration

Montana Division

Lyle Manley, Staff Attorney
Legal Services Unit
Montana Department of Transportation
2701 Prospect Avenue
Helena, MT 59620-1001

Subject: U.S. 93 – Hamilton to Lolo – EIS and ROD
NH 7-1(64)49, CN 2315

Dear Mr. Manley:

This is in response to your letter dated October 23, 2006, requesting clarification of the event which triggers the EIS's and ROD's provisions.

Based upon a FHWA Memorandum dated June 18, 1997, from the Associate Chief Counsel for Environmental, Planning and Property Law to our Regional Counsel, David Ortez, a project becomes 'federalized' when federal participation subsequent to the ROD's approval has been authorized (see attached).

To put a finer point on it, when the first project within a corridor EIS is authorized for right-of-way acquisition, the entire corridor then falls under the intent of the ROD.

That being said, it doesn't address the issue of changing conditions and growth along a corridor that may have numerous sub-projects and take many years to reconstruct.

The ROD and FEIS currently 'limit' new access in the 'restricted' areas and allows new access in the 'situational' areas on a 'case-by-case' basis. Changes in use for existing access in restricted areas could be allowed if the change was in harmony with county land use planning (formal or informal) and did not adversely affect the safety or operational characteristics of US 93. However, any new access requests in the restricted areas would require a re-evaluation of the final EIS to determine if the effects would be significant before they could be granted. Once the corridor reconstruction is completed under this ROD, subsequent corridor management activities would be executed under MDT's access management policy and procedure.

If this does not adequately address the questions in your letter please call me at (406) 449-5302, ext. 238.

Sincerely

Carl D. James
Transportation Specialist

File #: NH 7-1(64)49 cj/lw



585 Shepard Way
Helena, Montana 59601

November 2, 2006

In Reply Refer to:
HDA-MT

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MONTANA DEPARTMENT
OF TRANSPORTATION

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LEGAL SERVICES



RECORD OF DECISION

Project NH 7-1(64)49
U.S. Highway 93 - Hamilton to Lolo
Ravalli and Missoula Counties, Montana

Final Environmental Impact Statement
FHWA-MT-EIS-96-01-F

August, 1997



U.S. Department of Transportation
Federal Highway Administration

RECORD OF DECISION

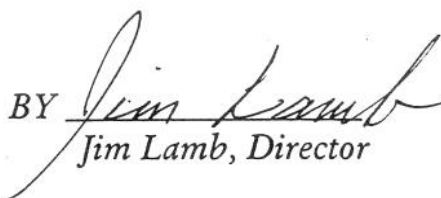
FOR

IMPROVEMENT OF US HIGHWAY 93
HAMILTON TO LOLO
RAVALLI AND MISSOULA COUNTIES, MONTANA
PROJECT NH 7-1(64)49

FINAL ENVIRONMENTAL IMPACT STATEMENT
FHWA-MT-EIS-96-01-F

FEDERAL HIGHWAY ADMINISTRATION

DATE 8/12/97

BY 
Jim Lamb, Director

OFFICE OF PLANNING AND PROGRAM DEVELOPMENT
FEDERAL HIGHWAY ADMINISTRATION, REGION 8
LAKEWOOD, COLORADO

Record of Decision
For
US Highway 93 - Hamilton to Lolo
Mileposts 49.0 to 83.2
Ravalli and Missoula Counties, Montana
Project NH 7-1(64)49

Final Environmental Impact Statement
FHWA-MT-EIS-96-01-F

BACKGROUND

An environmental impact statement was prepared for 34.2 miles of US 93 between Hamilton and Lolo, Montana. US 93 is one of the most heavily traveled National Highway System (NHS) routes in Montana, linking the aesthetically appealing and rapidly growing Bitterroot Valley with the metropolitan area of Missoula to the north as well as carrying an appreciable component of commercial and recreational traffic.

This Record of Decision (ROD) sets forth the decision made for improving transportation in the corridor based on the purpose and need, alternatives studied, analysis of alternatives and their impacts, and recommendations found in the final Environmental Impact Statement (EIS).

DECISION

The decision is to select the preferred alternative of the EIS for implementation. This alternative provides for improved safety and increased capacity for the period of design and beyond, as well as meeting the purpose and need for the action. The selected alternative provides for:

- Reconstruction of the highway to a 4-lane undivided section in rural areas with left turn and auxiliary lanes where appropriate, and to a 5-lane section (4-lanes with a center turning lane) in developed areas. Areas where each is to be used are shown in Table 2-7 of the EIS.
- Construction of park-and-ride lots in or near the major population centers (Hamilton, Woodside, Victor, Stevensville, Florence, and Lolo) to facilitate and encourage car pooling and use of public transportation.
- Use of access control policies to encourage development where it already exists and discourage growth in undeveloped areas (reduce urban sprawl). Purchase of access rights will be mandatory for all areas where restrictive or situational access control are to be used. (See Table 2-7 and definitions on page 2-14 of the EIS.)
- Realignment for a new crossing of the Bitterroot River at the Silver Bridge just north of Hamilton.

- Realignment and improvement of the roadway grade at Bass Creek Hill.
- Construction of turning lanes at major intersections; 2.4 m (8 ft) shoulders; traffic signals at Woodside and Florence; and separate bike paths from Hamilton to Woodside, in the Florence area, from Delarka Drive north to Lolo, and other areas to be given consideration during final design.
- Use of curb, gutter, and sidewalk in urban areas to improve drainage, define accesses, and provide for pedestrian movement.
- Continuing support for the Missoula-Ravalli Transportation Management Association which is providing public education and promoting local efforts to reduce traffic on the highway. Support includes construction of park and ride facilities, providing signing for ride sharing programs and park and ride systems, providing access to Montana Department of Transportation (MDT) staff, and continuing some financial support during the start-up period.

Further description of the elements of the preferred alternative along with mapping showing alignments and proposed limits of construction and right-of-way are given in Section 2.7 and Appendix A of the EIS.

ALTERNATIVES CONSIDERED

Specific alternatives considered and evaluated for this project in the EIS include:

- "no action"
- commuter bus service
- passenger rail service
- park-and-ride system (car and van-pooling)
- modified 2-lane highway
- 4-lane undivided highway
- 4-lane divided highway with a 12.5 m (40-foot) median
- 5-lane highway with a center turning lane
- Silver Bridge crossing of Bitterroot River
- Bass Creek Hill realignment

Alternatives are more thoroughly described and discussed in Chapter 2.0 - *Alternatives* of the EIS along with information on the analysis and evaluation of alternatives. Specifically, Table 2-11 evaluates the ability of alternatives to meet each purpose and need and Table 2-12 evaluates the environmental impacts associated with each alternative. Table 4-16 of the EIS is a relative comparison of impacts for each alternative, which helps in ranking alternatives with respect to each other.

Alternatives were evaluated for their ability to meet the stated purposes and needs as presented in Chapter 1.0 of the EIS. Evaluation factors included capacity, level of service, safety, cost, degree of environmental impact, secondary impacts, system linkage, and intermodal relationship. These factors were given consideration in response to the emphasis placed on them in the purpose and needs statement of the EIS, and from the public and regulatory agencies during the public scoping and agency coordination processes.

Land use is also an important consideration which is addressed to some degree for any alternative through the use of access control measures (restrictive in undeveloped areas and permissive in developed areas).

The "preferred alternative" has been selected for implementation because:

- it is the most economical alternative meeting all the stated purposes and needs
- it substantially improves capacity
- it will significantly reduce accidents and improve safety, and
- it has the least impact on the natural environment by using the narrowest section that meets the stated purpose and need.

Accordingly, the "preferred alternative" is also the environmentally preferred alternative.

The other alternatives evaluated have positive merits and benefits, but fail in one or more ways to meet the stated purposes and needs as effectively as the recommended action. The following paragraphs briefly illustrate the balancing of values used in making the decision.

The "no action" alternative would not relieve congestion and it has the highest expected accident rate of all the alternatives. There would be no improvements to the substandard conditions and physical deficiencies of the existing highway other than ongoing maintenance activities. The "no action" alternative was not selected.

The commuter bus, passenger rail, or park and ride systems would not, individually or collectively, reduce traffic sufficiently (5% predicted, 15% maximum under ideal conditions) to increase capacity of the highway and obtain an acceptable level of service. Similarly, implementation of any or all of these alternatives would have negligible effect on improving highway safety. Implementing a minimal passenger rail service would cost about 42 percent more than the recommended action, and the cost per user for this alternative would be about 5 times greater than the cost per user for other alternatives studied. This alternative was not selected. However, construction of park-and-ride lots in or near the major population centers of the corridor and continuing support for the Missoula-Ravalli Transportation Management Association is an element of the selected alternative.

The modified 2-lane configuration would not consistently increase capacity or improve the level of service throughout the corridor. Adding wider shoulders throughout the corridor and implementing traffic reduction measures such as commuter bus, passenger rail, or park and ride

systems would not provide sufficient capacity to bring the level of service within an acceptable range now or in the future. There are also safety concerns with the operation of a 2-lane modified facility at the end of the passing lanes where a forced merge from two lanes back into a single lane would occur. The modified 2-lane configuration does not meet purpose and need and was not selected.

The undivided 4-lane would provide improved safety and an adequate level of service, particularly in undeveloped rural areas or when used in conjunction with restrictive access control. Therefore, the undivided 4-lane is selected for use in undeveloped rural areas in conjunction with restrictive access control.

The 5-lane would provide improved safety and adequate level of service. It is particularly well suited for use in developed areas where high access demand and associated turning movements are present. The 5-lane alternative is selected for use in developed urban areas in conjunction with permissive access control.

The 4-lane divided facility would meet the purpose and need for facility improvement. However, it would be more costly than the selected alternative. It would also have a greater degree of impacts to the natural environment due to its wider cross section than other alternatives meeting purpose and need. The 4-lane divided facility was not selected.

Positive benefits and values of the selected alternative include the following:

- improving roadway deficiencies and substandard conditions through reconstruction
- increasing capacity and providing an adequate level of service by adding an additional travel lane in each direction
- significantly reducing accidents by using the 4-lane undivided and 5-lane configurations with wide shoulders
- having the least physical impacts of any alternative that provides for both capacity and safety
- providing the least cost among the alternatives that provide for increased capacity, improved safety, and safe access in developed areas
- reducing transportation demand to some degree through support of the Transportation Management Association and construction of park and ride lots
- protection of rural undeveloped areas and encouraging development where it already exists through use of supportive lane configurations along with restrictive and permissive access control
- reducing river erosion impacts and improving operational characteristics by realigning and reducing the steepness of the roadway grade at Bass Creek Hill

- improving river crossing hydraulics, eliminating substandard curvature, and facilitating construction by realigning the Silver Bridge crossing of the Bitterroot River just north of Hamilton

MEASURES TO MINIMIZE HARM

All practicable measures to minimize environmental harm have been incorporated in the decision. Section 4.27 and Table 4-17 of the EIS summarize mitigation measures to eliminate or reduce the adverse environmental impacts. Specific measures include:

- develop and implement an erosion control plan and use best construction management practices to reduce impacts to water quality
- design to perpetuate and avoid disturbance to surface and groundwaters including their flow patterns and hydrology
- provide specifications to contractors for use in minimizing impacts during construction
- follow the 404 permit requirements and continue to monitor the wetlands mitigation that has been implemented at the Lee Metcalf Refuge and the Tucker Crossing Ranch to assure successful restoration of wetland areas.
- follow the recommendations of the EIS for the use of bridges in place of culverts at Bear Creek, Bass Creek, and Sweeney Creek to enhance wildlife crossing and fish passage opportunities
- continue support for the recently established transportation management association by providing some funding during the startup period, signing for rideshare programs and park and ride locations, and access to MDT staff and information
- consult with county planners on access requests and subdivision reviews and provide MDT staff time, GIS data access, and transportation planning assistance to local governments to help develop and administrate land use policies
- maintain a Citizen's Advisory Committee during the remainder of project development to provide a voice for public concerns about implementation of the project

MONITORING PROGRAM

To insure compliance with wetlands policy and increase the opportunities for successful mitigation efforts, continued monitoring of wetland mitigation already in place will be conducted as detailed in Section 4.9 of the EIS. These inspections will continue for several seasons to assure the establishment of the wetland area and successful replacement of functions and values lost through implementation of the project.

Implementation of the proposed action and associated impacts will also be field reviewed during design and construction by various agencies including FHWA, MDT, US Army Corps of Engineers, Montana Department of Environmental Quality, Montana Department of Fish, Wildlife and Parks, etc.

COMMENTS ON FINAL EIS

The final EIS was placed in information depositories and was sent to approximately 130 interested individuals. It was also sent to all appropriate federal and state and review agencies.

A substantial amount of public comment was received on the EIS from concerned citizens and citizens' groups. The majority of the input received was supportive of implementing the preferred alternative. Some citizens' groups and some of the individual input called for greater consideration of their own "Super-Two" alternative and questioned several of the EIS analyses and conclusions. A group called Friends of the Bitterroot presented a book containing their own analysis of EIS data for consideration.

The only agency to respond was EPA. They stated that they did not object to the preferred alternative but noted concerns that the proposed action "may induce and hasten changes in the pattern of land use, population density or growth rate of the Bitterroot Valley, and these changes may result in adverse effects to wetlands, riparian areas, wildlife habitat, and other natural systems, including ecosystems."

They also noted that "potential adverse indirect effects have been disclosed in the EIS." The letter recommends several other considerations including using access control to promote compact development and protect environmentally sensitive areas, using bridges in place of culverts, trying to avoid stream re-routing, and using proven stream stabilization techniques where rechannelization is unavoidable.

Local governments raised concerns about potential impacts of the preferred alternative on the services they provide.

All input received was reviewed to determine if substantive issues were being raised. Some additional analysis was conducted to verify conclusions in the EIS. Following are responses to major issues.

Potential Impacts on Ravalli County: Ravalli County voiced concern that the preferred alternative would encourage the rate and distribution of residential growth in the north end of the county. Residential development requires more services than it contributes in tax base, and therefore the county could be faced with a shortfall of tax revenues if residential development should become disproportional to commercial development.

MDT has offered to help mitigate this concern by providing the county with access to information, staff time, GIS databases, and transportation planning assistance related to developing and administering land use policies. MDT has also agreed to consult with county planners regarding

access requests and reviews of proposed subdivisions that would access the highway. MDT's management of proposed access control (restrictive in undeveloped areas and permissive in developed areas) will also help in implementing and supporting county land use policies and goals.

Potential Impacts on City of Missoula: The City expressed concerns that the preferred alternative will create more traffic coming into Missoula which in turn may negatively impact local budgets for operation and maintenance, safety, neighborhood isolation, air quality, strip development, and growth management.

The EIS points out growth is the result of many factors in the area and transportation is one of the factors. It discloses the vast majority of traffic on U.S. 93 in the project corridor is already commuting to/from the City of Missoula which is well-established as the regional economic center. It also notes that the Bitterroot Valley has experienced the highest growth rate in the State for the past several years and should continue to do so into the foreseeable future regardless of whether the proposed action is implemented.

Safety of 4-lane Undivided Versus "Super-Two": A "Super-Two" alternative consisting of a combination of occasional passing lanes, slow vehicle turnouts, 3-lane roadway (single lane each direction separated by center turning lane not used for passing), public transit, and vehicle reduction programs has been suggested by a local citizen groups. The group's analysis indicates that the "Super-Two" alternative is the safest alternative and the undivided 4-lane element of the preferred alternative is the least safe.

A separate safety analysis using information from Section 4.17 - *Transportation* in the final EIS and updated accident data for 1995-96 was conducted to verify the conclusions in the EIS. Using the average of the accident rate ranges presented in the EIS, this analysis predicts the preferred alternative would reduce accidents by about 31% whereas the two-lane modified and "Super-Two" package would reduce accidents by about 13% and 24%, respectively.

All lane configuration alternatives in the EIS provide for some accident reduction. However, the "Super-Two" package, including its three-lane and two-lane modified components, does not provide adequate capacity or meet level of service requirements. Areas where passing lanes and slow vehicle turnouts are used would have the same disadvantages as the 2-lane modified alternative. Although it would improve safety, the 3-lane configuration would not sufficiently improve capacity or provide an adequate level of service and thus congestion would remain on these segments.

As earlier described, the vehicle reduction measures would not reduce traffic volume enough to achieve adequate capacity and level of service either by themselves or in combination with the lane configurations.

Two of the key elements in making the decision for the action are to provide *both* level of service (capacity) *and* a significant reduction in accidents (safety). On this basis, the preferred alternative emerges as the most cost effective choice.

-- END OF RECORD OF DECISION --