

**Council Bluffs Interstate
System Improvements**
Rebuilding for the Future

RECORD OF DECISION

COUNCIL BLUFFS INTERSTATE SYSTEM (I-29, I-80 and I-480)
Improvements Project

TIER 1 Environmental Impact Statement
Council Bluffs, Iowa to Omaha, Nebraska

FHWA-IA- EIS-04-01F

Project Number: IM-029-3(62)54—13-78

Submitted Pursuant to 42 USC 4332(2)(c) and 49 USC 303

By the U.S. Department of Transportation
Federal Highway Administration

Record of Decision

FHWA-IA-EIS-04-01F Council Bluffs Interstate System Improvements Project TIER 1 Environmental Impact Statement Council Bluffs, Iowa to Omaha, Nebraska

A. Decision

The Federal Highway Administration (FHWA) approves the selection of the Reconstruction of All or Part of the Interstate (Construction Alternative) as the Preferred Alternative to provide improvements to the interstate system in the Omaha/Council Bluffs metropolitan area, extending across the Missouri River on Interstate 80 to east of the Interstate 480 interchange in Omaha, Nebraska. The study considered long-term, broad-based transportation improvements along Interstate I-29 (I-29), I-80, and I-480, including approximately 18 mainline miles of interstate and 14 interchanges (3 system, 11 service), that would add capacity and correct functional issues along the mainline and interchanges and upgrade the I-80 Missouri River Crossing.

FHWA also approves the decisions to provide full access between West Broadway and I-29, design the I-80/I-29 overlap section as a dual-divided freeway, and locating the new I-80 Missouri River Bridge north of the existing bridge. Improvements to the interstate system, once implemented, would bring the segments of I-80 and I-29 (see Figure 1) up to current engineering standards and accommodate future traffic needs. This Record of Decision (ROD) concludes Tier 1 of the Council Bluffs Interstate System (CBIS) Improvements Project. Tier 1 included an examination of the area's transportation needs, a study of alternatives to satisfy them, and broad consideration of potential environmental and social impacts. The Tier 1 evaluation consisted of a sufficient level of engineering and environmental detail to assist decision makers in selecting a preferred transportation strategy.

During Tier 1 a Draft EIS (FHWA-IA- EIS-04-01D) was developed which was approved by FHWA, Iowa DOT, and Nebraska Department of Roads (NDOR) in November 2004 with comments accepted through March 15, 2005. The Draft EIS summarized the alternatives that were considered to address the transportation needs around Council Bluffs; identified reconstruction of all or part of the interstate, the "Construction Alternative," as the Preferred Alternative; identified three system-level decisions that needed to be made at the Tier 1 level; and invited comment on the issues. The Final EIS (FHWA-IA- EIS-04-01F) further documented the Construction Alternative as the Preferred Alternative and identified the recommended decisions for the three system-level decisions that needed to be made in Tier 1. This ROD defines the Selected Alternative determined in the Tier 1 studies.

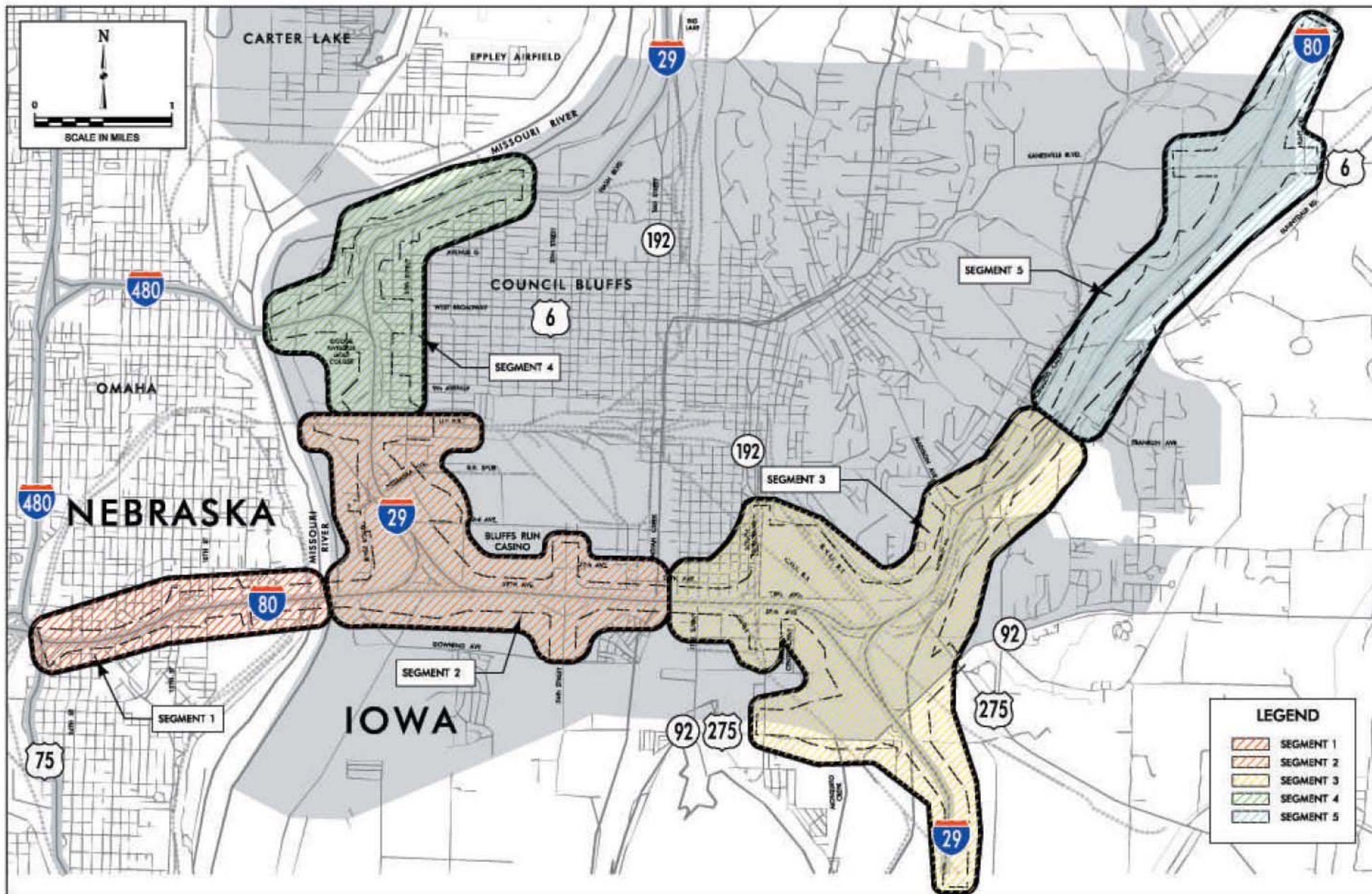


Figure 1
Proposed Segmentation

Funding strategies and an implementation strategy will be developed in Tier 2 to implement the decisions made in Tier 1. Selected Tier 2 National Environmental Policy Act (NEPA) studies will be initiated on individual segments of the CBIS. Under any implementation scenario, the Construction Alternative is a long-term improvement that will be implemented in segments over time at a level of detail sufficient to move elements of the plan toward construction. One or more detailed construction alternatives will be developed for each segment and presented to the public. A preferred alternative with defined roadway locations will be determined for each segment, appropriate environmental studies completed, and mitigation plans specified.

During Tier 2, many analyses and resulting conclusions that are not addressed in the EIS will be addressed in individual Tier 2 NEPA studies. For each project segment in Tier 2, additional field studies will be completed. Due to the level of engineering performed during Tier 1, and the long-range nature of the project, it was not feasible or necessary at that time to conduct detailed studies and determine specific impacts of many resources. Additionally, 40 Code of Federal Regulations (CFR) §1508.20 mandates mitigation of impacts, which may include avoiding an impact, minimizing an impact, correcting an impact, reducing or eliminating an impact over time, or compensating for an impact. While the Tier 1 Final EIS referenced conceptual mitigation measures identified in the Draft EIS, the final determination of the appropriate mitigation measures will be necessary in later project stages when impacts are better defined, and the appropriate public and resource agencies have been consulted. As part of the project development process, the Tier 2 NEPA studies will include the results of mitigation commitments for each project segment.

Specific actions completed to date as well as actions or studies that will be completed during Tier 2 are summarized in Table 1-1 of the *Tier 1 Final EIS*.

B. Alternatives Considered

The process leading to the decision to select the Construction Alternative as the Preferred Alternative for the CBIS Improvements Project involved the consideration of a variety of alternatives (strategies that can satisfy the needs of the CBIS). Other alternatives included: a No-Build Alternative, improvements to alternate modes of transportation (enhance transit accommodations/expand bicycle and pedestrian trails), transportation management strategies (Travel Demand Management [TDM] and Transportation System Management [TSM]), improvements to other metro-area roadways, and construction of a new cross-town roadway.

1. No-Build Alternative

This alternative represents the base conditions for the Study Area and includes committed capacity and access improvements in the study corridor (i.e., the interstate system) and all planned off-system improvements per the Metropolitan Area Planning Agency's (MAPA) 2025 Long Range Transportation Plan (LRTP), as described in the Tier 1 Draft EIS, Subsection 2.3.2, within the Alternatives Section.

2. Reconstruction of All or Part of the Interstate (Construction Alternative) -SELECTED ALTERNATIVE

This alternative improves the existing CBIS by adding lanes and reconstructing the existing roadway to enhance safety and performance, including improved access management.

3. Improvements to Alternate Modes of Transportation

To address the capacity, condition, development, and safety issues of the CBIS, this alternative considers both transit enhancements (improved bus service and implementation of rail transit) and improvements to bicycle/pedestrian accommodations (new facilities or improvements to existing facilities).

4. Transportation Management Strategies

This alternative attempts to manage the demand and volume of traffic on the CBIS through such programs as park-and-ride lots, variable message signs, and other traveler information tools and intelligent transportation systems.

5. Improvements to Other Metro-Area Roadways

This alternative consists of various arterial improvements in lieu of the freeway improvements. They are beyond the off-system improvements included in MAPA's 2025 LRTP. Together with the LRTP improvements, this alternative provides improved arterial facilities parallel to the interstate to serve shorter local trips off the interstate system.

6. Construction of a New Cross-Town Roadway

This alternative provides a new four-lane major arterial roadway connecting I-29 north of the Study Area to I-80 at its eastern edge.

During the course of the Tier 1 EIS, an initial screening was conducted to identify those strategies that could be reasonably applied to the corridor. This process involved evaluating the ability of each strategy to meet the project's purpose and need.

Of the initial six strategies, five of them would clearly not be able to solve the problems of the study corridor as stand-alone improvements:

- The No-Build Alternative failed to meet the project's purpose and need, but was retained as a baseline for comparison to the Preferred Alternative as directed by NEPA.

- MAPA's 2025 LRTP notes that it is unlikely that alternative modes of transportation (e.g., rail) will replace the bus-based system in the foreseeable future unless conditions change. Based on the low percentage of bus ridership and the cost and infeasibility of rail, a public transit alternative is not a reasonable standalone alternative. Improved transit does not meet purpose and need because it does not accommodate current and projected traffic volumes, restore the roadway's deteriorating condition, improve safety, correct functional design issues, or accommodate planned development through compatibility with adjacent land uses. Because an alternative to increase bicycling and walking is incapable of substantially reducing existing and future traffic volumes on the CBIS, it also does not meet purpose and need.
- TSM/TDM Alternative would adequately enhance operations only if combined with other improvements. These strategies alone cannot completely meet the project's purpose and need of improving capacity. The single-digit percentage decrease to traffic that could be attributed to TSM and TDM strategies could not offset the 17- to 111-percent projected increase in traffic within the corridor. Additionally, the design issues in the corridor cannot be repaired with the spot geometric improvements associated with TSM/TDM strategies.
- With traffic estimated to increase from 17 to 111 percent along the CBIS by 2030, improvements to other metro-area roadways cannot divert a sufficient amount of traffic away from the CBIS to preclude the need for interstate capacity improvements. In the Council Bluffs area, improvements to other metro-area roadways alone cannot meet the proposed project's purpose and need.
- Construction of a new cross-town corridor cannot divert enough traffic away from the CBIS to preclude the need for additional capacity on interstate in the Study Area. In addition, the cross-town roadway would likely face opposition from environmental resource agencies and the public because of impacts to the Loess Hills, the high numbers of displacements, access restrictions, potential noise impacts, and other environmental impacts.

The remaining alternative; the Construction Alternative, was carried forward for detailed evaluation within the CBIS Improvements Project Tier 1 Draft EIS and Final EIS. This evaluation substantiates that the selected Construction Alternative best meets the purpose and need objective established for the improvements while minimizing impacts.

C. Section 4(F)

Potential impacts to several parklands or other potential Section 4(f) properties have been identified. However, options may exist to avoid these sites. Coordination will be performed with agencies with jurisdiction over the lands in the process of applicability determination. The Section 4(f)/6(f) evaluations will determine for significant resources whether a potential use can be avoided. If use cannot be avoided, impact minimization and mitigation commitments will be developed. The evaluations will be documented and summarized in the Tier 2 CBIS Improvements Project NEPA analyses conducted for segments identified in the Tier 1 FEIS.

D. Measures to Minimize Harm

Through a comprehensive review of the potentially affected environment and environmental consequences, no known issues were identified that would necessarily preclude or prevent the implementation of the Construction Alternative or advancement of the proposed action into the Tier 2 phase of development.

The Construction Alternative seeks to avoid and minimize impacts to the socioeconomic and natural environment while providing the benefits of the proposed action. Substantial population and employment growth, as well as substantial development in the Council Bluffs and Omaha area is expected to continue, regardless of whether major transportation improvements are implemented. Existing right-of-way (ROW) would be used throughout much of the corridor because the proposed improvements would be made to an existing transportation facility. Where ROW would be acquired in areas of mainline widening and interchange reconstruction, the transportation use would be consistent with the land use plans for the area. As the project consists almost entirely of improvements to the existing roadway, much of the access and continuity would remain virtually unchanged or be improved by the project. However, the dual-divided section between the West and East System Interchanges would change access and some interchange access points would also change. For these reasons, very few businesses should face hardship due to proximity impacts. Many businesses would benefit from the addition of full access interchanges and improved conditions along the mainline of the corridor through increased traffic capacity and improved traffic flow and safety. Impacts to natural resources may occur; however, the most substantial environmental impacts are urban in nature: noise impacts and regulated material impacts. Traffic noise above criteria levels could occur for structures located near the roadway. However, most of those structures are already experiencing similar noise levels under current conditions. A traffic noise analysis will be conducted as part of the Tier 2 studies for each roadway segment.

There are a number of environmental issues that will need further investigation as part of Tier 2 studies. These investigations will include considerations of avoidance, minimization of impacts, and appropriate mitigation.

As appropriate during the Tier 2 studies and subsequent design development, regulatory and construction permits will be required. Necessary regulatory permits include, but are not limited to, Section 404 of the Clean Water Act, administered by the U.S. Army Corps of Engineers (USCOE), and Section 9 and Section 10 of the Rivers and Harbors Act, administered by the U.S. Coast Guard and the USCOE, respectively. Tables S-6 and S-7 in the *Draft EIS* provide a more comprehensive list of necessary Federal and State permits. Construction will adhere to existing agreements between Iowa DOT and Iowa Department of Natural Resources and Nebraska DOR and Nebraska Department of Environmental Quality, which include a water pollution control program and established best management practices.

E. Monitoring and Enforcement Program

By virtue of the tiering process, a number of issues (mostly due to the conceptual nature of the definition of the CBIS improvements) remain for consideration in the Tier 2 studies. Iowa DOT and NDOR are committed to performing the Tier 2 studies in accordance with the recommendations contained within the Tier 1 Final EIS, (Table 1-1, Tier 2 NEPA Activities and Subsequent Environmental Activities). These Tier 2 studies will be conducted through an ongoing program of public outreach and resource agency coordination. Through the Tier 2 studies, more specific definitions and details of the improvements and their potential impacts will be developed for consideration by the general public and the various resource agencies.

The suitable NEPA document (Categorical Exclusion, Environmental Assessment, or Environmental Impact Statement) for each of the five segments will be determined by project impacts. FHWA recommended that a NEPA document be prepared to address borrow needs for the project. The document prepared for the borrow process will address the impacts associated with excavating, transporting, and stockpiling the material. Depending on the findings of the initial NEPA documents, additional NEPA documents could be required. During the Tier 2 studies for all five project segments and the borrow area, an ongoing program of public outreach and agency coordination will continue in the collaborative decision-making process.

Although the tiering process has laid the foundation for the continued study of the CBIS, the schedule for implementing the CBIS improvements is currently undetermined. Iowa DOT and NDOR are committed to implementing the CBIS improvements in a prudent and responsible sequence. Construction will be conducted in a manner consistent with the Purpose and Need as the existing and projected problems within the Corridor continue to worsen and materialize. The timing of the construction will depend on the availability of funding, the respective priorities within the Corridor, and other commitments and needs within the states. The completion of the Tier 1 Final EIS does not imply any prioritization by Iowa DOT or NDOR regarding the importance of this Corridor relative to other construction commitments and needs within either state.

F. Comments on the Final EIS

The Tier 1 Final EIS was approved for circulation on August 30, 2005. It was furnished to the agencies and to individuals who made substantive comments on the Tier 1 Draft EIS. The notice of availability of the Tier 1 Final EIS was published in the Federal Register on September 9, 2005, and comments were requested by October 10, 2005. Comments were received from the following entities and written responses follow. Copies of the letters received are attached as an Appendix A to this Record of Decision.

1. United States Department of Health & Human Services (HHS), U.S. Public Health Service

The HHS stated that the FEIS addressed the issues raised in their March 2, 2005 comment letter (see Appendix A of FEIS). The HHS stated that the planned mitigation measures described in the FEIS should minimize any potential impacts to human populations.

Mitigation will be implemented to the degree necessary once final impacts are known.

2. United States Coast Guard (USCG)

The USCG letter was in response to an Iowa DOT letter sent June 24, 2005 concerning potential pier placement locations for the new I-80 Missouri River Bridge. The USCG letter indicates that a companion bridge at the proposed location must have the piers aligned with the existing I-80 bridge and provide the same horizontal and vertical clearance. The piers will be designed and constructed as required by the USCG.

Although this correspondence was not a comment on the FEIS, it is included in the ROD based on its relevance to the CBIS Improvements Project.

3. State of Nebraska Department of Environmental Quality (NDEQ)

Due to possible impacts on waters of the U.S., NDEQ recommends that the USCOE be consulted concerning the possible need for a Section 404 permit. NDEQ also suggests that permits may be required prior to beginning construction, including a Construction Storm Water/Industrial Storm Water permit. NDEQ encourages project sponsors to make contact with NDEQ to facilitate the permitting process.

Section 404 permits would be obtained from USCOE in future project stages subsequent to the Tier 2 NEPA analyses. A National Pollutant Discharge Elimination System (NPDES) construction permit application will be submitted to address stormwater impacts in each segment. In addition to the coordination that has been ongoing with NDEQ to date regarding the CBIS Improvements Project, further contact will be made in future project stages to facilitate the permitting process.

4. United States Environmental Protection Agency (EPA)

The EPA sent a letter requesting that the Iowa DOT provide them the results of any lead sampling completed within the Iowa portion of the project. The Iowa DOT agrees to send the information to them.

G. Conclusion

The selection of the Construction Alternative is made following a collaborative decision-making process that included a thorough consideration of all social, economic, and environmental factors with an extensive outreach of resource agency coordination and public involvement. The Construction Alternative and the environmental consequences associated with its selection are accurately presented in the Tier 1 Final EIS.

Completion of the Tier 1 FEIS and Record of Decision for the CBIS Improvements Project denotes completion of the Tier 1 phase of project development. Tier 2 analyses with preliminary design of selected alternative alignments, final design, right-of-way acquisition, and construction phases will follow. As the development of the project continues, FHWA will monitor changes during the final design process so that appropriate follow-up evaluations are completed and NEPA compliance is maintained.

Federal Highway Administration

Date of Approval

APPENDIX A
Agency Comment Letters



DEPARTMENT OF HEALTH & HUMAN SERVICES

RECEIVED

SEP 1 2005

Public Health Service

OFFICE OF LOCATION & ENVIRONMENT

Centers for Disease Control
and Prevention (CDC)
Atlanta GA 30341-3724

August 26, 2005

Mr. James P. Rost, Director
Office of Location and Environment
Iowa Department of Transportation
800 Lincoln Way
Ames, Iowa 50010

Dear Mr. Rost:

We appreciate the opportunity to review the Final Environmental Impact Statement (FEIS) for Council Bluffs Improvements Project. We are responding on behalf of the U.S. Public Health Service, Department of Health and Human Services (DHHS).

We believe this FEIS has addressed our potential concerns which we raised earlier in our March 2, 2005 comments and we have no further comments to offer at this time. We believe the planned mitigation measures should minimize any potential impacts to human populations if adequately implemented as described in this FEIS.

Thank you for the opportunity to review and comment on this document. Please send us a copy of any future EAs or EISs which may indicate potential public health impacts and are developed under the National Environmental Policy Act (NEPA).

Sincerely yours,

Paul Joe, DO, MPH
Medical Officer
National Center for Environmental Health (F16)
Centers for Disease Control & Prevention

SEP -8 2005

U.S. Department of
Homeland Security

United States
Coast Guard



Commander
Eighth Coast Guard District

1222 Spruce Street
St. Louis, MO 63103-2832
Staff Symbol: obr
Phone: (314)539-3900, x2379
Fax: (314)539-3755
Email:

16591.1/613.9 MOR
September 6, 2005

Mr. Norman L. McDonald, Bridge Engineer
Office of Bridges and Structures
Iowa Department of Transportation
800 Lincoln Way
Ames, IA 50010

SUBJ: I-80 COMPANION BRIDGE, MILE 613.9, MISSOURI RIVER

Dear Mr. McDonald:

Please refer to your letter dated June 24, 2005 concerning potential pier placement locations for the subject bridge. A companion bridge at the proposed location must have the piers aligned with the existing I-80 bridge and provide the same horizontal and vertical clearance.

If there are any questions, please contact Mr. Eric Washburn at the above extension.

Sincerely,

A handwritten signature in black ink, appearing to read "R. K. Wiebusch".

ROGER K. WIEBUSCH
Bridge Administrator
By direction of the District Commander



Dave Heineman
Governor

STATE OF NEBRASKA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Michael J. Linder

Director

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1200 'N' Street

P.O. Box 98922

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Phone (402) 471-2186

FAX (402) 471-2909

website: www.deq.state.ne.us

RECEIVED

SEP 15 2005

OFFICE OF LOCATION & ENVIRONMENT

September 7, 2005

James Rost
Office of Location and Environment
Iowa Department of Transportation
800 Lincoln Way
Ames, IA 50010

RE: Council Bluffs Improvement Project, Tier 1 Final Environmental Impact Statement

Dear Mr. Rost:

The Nebraska Department of Environmental Quality (NDEQ) has been asked to review the above referenced project. Due to a possible impact on waters of the U.S., we would recommend you check with the Corps of Engineers concerning the possible need for a 404 permit. Call Mike Rabbe at (402) 896-0896.

As with any industrial facility, permits may be required prior to beginning construction or operation. At minimum, you should be aware of the possible requirement for a Construction Storm Water/Industrial Storm Water permit. Information regarding this type of permit can be received from Ron Asch at (402) 471-2188.

Until further along in the planning process, it is unknown whether there may be additional regulatory requirements. We strongly urge the project sponsors to make contact with the Department. It has been our experience that early and open communication helps facilitate the permitting process.

Should you have any questions, feel free to contact me at (402) 471-8697.

Sincerely,

Hugh Stirts, PhD
NEPA Coordinator

