



# RECORD OF DECISION

FHWA-MO-EIS-01-02-F  
INTERSTATE 70 CORRIDOR  
FIRST TIER EIS  
Kansas City to St. Louis, Missouri

Approving Official:

Division Administrator  
Federal Highway Administration

Date:

12-18-01

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## **A. Decision**

The Federal Highway Administration approves the selection of the Widen Existing I-70 Strategy for the I-70 Corridor. The I-70 Study Corridor is approximately ten (10) miles (16.1 km) wide, five (5) miles (8.0 km) either side of existing I-70, and is 199 miles (320.3 km) in length. The selected strategy is environmentally preferred and it involves the improvement and total reconstruction of the existing I-70 roadway. In the Columbia area and the area of Warrenton, Wright City, and Wentzville, bypass options are a part of the selected strategy. Future 2030 travel demands dictate that six lanes be provided in the rural areas and a minimum of eight lanes through Columbia and in the metropolitan areas of Kansas City and St. Louis. The minimum eight-lane section in metropolitan Kansas City would likely extend from Grain Valley to the I-470 interchange. Considerations will need to be given to the continuation of these lanes through the I-470 interchange to the west as part of the ongoing I-70 Major Investment Study, which is currently being conducted by MoDOT for I-70 in Jackson County. Similarly, in the St. Louis area, a minimum of eight lanes would need to be provided from Warrenton to the east, into the St. Louis metropolitan area.

## **B. Strategies Considered**

This First Tier I-70 Environmental Impact Statement process leading to the decision to select the Widen Existing I-70 Strategy involved the consideration of a variety of strategies, including a “no-build” strategy, a transportation system management strategy, a new parallel facility strategy, a new parallel toll road strategy, a high occupancy vehicle lanes strategy, and a high-speed rail strategy.

### **1. “NO-BUILD” STRATEGY**

This strategy would preserve the existing I-70 freeway by completing rehabilitation and performing ongoing maintenance without adding new lanes or capacity. The “No-Build” Strategy was carried forward as a comparison for other strategies.

### **2. TRANSPORTATION SYSTEM AND DEMAND MANAGEMENT STRATEGY (TSM/TDM)**

This strategy would attempt to manage the demand and volume of traffic on I-70 through such programs as park-and-ride lots, variable message signs and other traveler information tools and intelligent transportation systems.

### **3. WIDEN EXISTING I-70 STRATEGY (SELECTED STRATEGY)**

This strategy would improve existing I-70 by adding lanes and reconstructing the existing roadway to enhance safety and performance, including improved access management.

#### 4. NEW PARALLEL FACILITY STRATEGY

This strategy would construct a new parallel four-lane freeway or truckway close to and parallel with I-70, and improve access management at existing I-70 interchanges.

#### 5. NEW PARALLEL TOLL ROAD STRATEGY

This strategy would construct a new four-lane toll road close to and parallel with I-70, and improve access management at existing I-70 interchanges.

#### 6. HIGH-OCCUPANCY VEHICLE LANES STRATEGY

This strategy would improve the performance of I-70 through special new lanes reserved for high-occupancy or multi-person vehicles.

#### 7. HIGH-SPEED PASSENGER RAIL STRATEGY

This strategy would use high-speed passenger rail between Kansas City and St. Louis to alleviate some of the traffic pressure on I-70.

During the course of this First Tier 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 projects' purpose and need, and was evaluated in view of public and resource agency input.

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

- The "No-Build" Strategy was carried forward as a comparison for other strategies.
- TSM/TDM Strategy would adequately enhance operations only if combined with other improvements.
- High-speed passenger rail would provide benefits, due to the conversion of highway traffic to an alternative mode. Projections indicate that rail ridership levels would only cause minimal conversion from vehicle traffic modes. However, high-speed rail alone would not improve the daily congestion experienced in the corridor.
- High-occupancy vehicle lanes would not improve operations due to the highly dispersed nature of the origination and destination points for daily I-70 travel.

The remaining three strategies; Widen Existing I-70, New Parallel Facility, and New Parallel Toll Road, were evaluated in greater detail within the First Tier I-70 EIS in light of engineering, traffic, social, economic, and environmental factors. This evaluation can be found in the Summary Chapter of the First Tier I-70 Final EIS, and substantiates that the selected Widen Existing I-70 Strategy is the **environmentally preferred** strategy.

### C. Section 4(F)

Potential impacts to several parklands or other Section 4(f) properties have been identified. However, options exist to avoid these sites. Any Section 4(f) property impacts will be addressed in detail during the Second Tier I-70 Study Documents.

### 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 Widen Existing I-70 Strategy. There are a number of environmental issues that will need further investigation as part of second tier studies. These investigations will need to include considerations of avoidance, minimization of impacts, and appropriate mitigation.

As part of either the second tier studies or the subsequent design development, regulatory and construction permits will be required. Necessary regulatory permits include Section 404 of the Clean Water Act, administered by the U.S. Army Corps of Engineers, and Section 9 and Section 10 of the Rivers and Harbors Act, administered by the U.S. Coast Guard and the Corps, respectively. Construction will adhere to existing agreements between MoDOT and the Missouri Department of Natural Resources, which include a water pollution control program and established best management practices.

## **E. Monitoring and Enforcement**

By virtue of the tiering process, a number of issues, mostly due to the conceptual nature of the definition of the I-70 improvements, remain for consideration in the second tier studies. MoDOT is committed to performing the second tier studies in accordance with the recommendations contained within the Final First Tier EIS, (Summary Chapter, Selected Strategy, Unresolved Issues). As promised, these second tier studies will be conducted through a continued and ongoing program of public outreach and resource agency coordination. Through the second tier 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 second tier studies will assess and study more specifically the following items:

- Layouts and impacts of the interchange improvements throughout the Study Corridor utilizing context sensitive solutions with appropriate consideration of pedestrian and bicycle access.
- Configuration of the highway widening in the rural areas, whether to the north or south side of the existing I-70 right-of-way, based on the guidance provided in the Final First Tier EIS.
- Bypass alternatives within the Conceptual Corridors or improvements along existing I-70 in the Columbia Area and the Warrenton/Wright City/Wentzville Area.
- Corridor Enhancement Plan, as conceptualized within the Final First Tier EIS, to be developed and implemented corridor-wide in conjunction with the I-70 improvements.
- Rest area locations and further schematics of area layouts and features.
- Intelligent Transportation System plan for the whole corridor including further consideration of those ITS measures documented in the Final First Tier EIS.

Although the tiering process has laid the foundation for the continued study of the Corridor, there are several issues that remain unresolved that will need to be further clarified prior to or in conjunction with the initiation of the second tier studies. These unresolved issues include the following items:

- **Potentially-historic Interstate** – The question of whether the Interstate Highway System, including Interstate 70, is eligible for the National Register of Historic Places remains an issue and is currently being addressed at the national level. The Federal Highway Administration (FHWA) has created a national task force to address this very

issue and the possible ramifications if the Interstate Highway System is determined to be eligible. Presently, the status of the Missouri portion of I-70 is being considered by the Missouri Department of Transportation (MoDOT), the FHWA, and the Missouri Department of Natural Resources (MoDNR). These three agencies are in the process of crafting a Memorandum of Understanding (MOU), that addresses the “historic question” and that identifies measures that could be undertaken regardless whether or not I-70 is determined to be National Register eligible. This MOU will represent a cooperative agreement among the three agencies that in general will discuss the following: the 50-year old age of the interstate; a good faith effort in data gathering; adherence to the recommendations forthcoming from the national task force; and, making the public aware of the historic I-70 issue during the second tier project development processes.

- **Type of Environmental Study for SIU #2 and SIU #5** – In response to the U.S. Army Corps of Engineers’ (USACE) concerns that the rural Sections of Independent Utility (SIU’s), should require environmental assessment evaluations rather than the categorical exclusion classifications as recommended in the First Tier EIS, an additional stream and wetland field review and report was completed in December, 2001. This report has been furnished to the USACE and it has been concluded that SIU #2 will be processed with an environmental assessment and that SIU #5 will be processed with a categorical exclusion. As with all seven SIUs during the second tier studies, an ongoing program of public outreach and agency coordination will continue in the collaborative decision-making process.
- **Future Transportation Corridor** – With the construction of the Selected Strategy, an extra wide median will be created. This extra wide median is a product of the construction sequencing plan for the Selected Strategy that maintains four lanes of traffic during construction. The extra-wide median is necessary for the construction of the Selected Strategy. It was not conceived for the purpose of future construction of a high-speed rail system, but MoDOT has determined it prudent to allocate this space for a future, yet to be defined purpose. In the event that this 40-foot median space is never used in the future, its existence does enhance the safety of the Corridor and is necessary for the staged construction of the improvements. MoDOT is committed to the further consideration of this space by a future high-speed rail system, but is currently uncommitted regarding the reservation of this space for the specific purpose of high-speed rail. This issue will be studied during the second tier studies.
- **Implementation Schedule for I-70 Improvements** – MoDOT is committed to implementing the I-70 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 state. The completion of this First Tier EIS does not imply any prioritization by MoDOT regarding the importance of this Corridor relative to other construction commitments and needs within the state.
- **Relationship of I-70 Improvements with I-70 MIS in Jackson County** – The need and justification of the Selected Strategy is based on whole-corridor travel characteristics and systematic problems. Although these improvements need to be coordinated with the Metropolitan Planning Organizations whose jurisdiction overlaps the Study Corridor, the improvements are needed due to issues physically outside of the MPO boundaries and their purview. Given the holistic nature of the Corridor, it is not conceivable that improvements or alternative transportation measures within the MPO boundaries can

systematically address the need for improvements in the rural I-70 areas. MoDOT is committed to continuing the coordination of the I-70 improvements with the MPO's in the appropriate second tier studies.

- **Kingdom City Interchange Options** – Through the review of the Draft First Tier EIS, and after the public hearing, concerns have been expressed regarding the impacts of the I-70 improvements on the existing businesses in Kingdom City and their economic viability. MoDOT personnel have met several times recently with a Kingdom City citizen coalition group. The access management concept has been presented to the group and their concerns have been listened to. MoDOT is committed to conduct more detailed study of this area as part of the environmental assessment for SIU #6. This EA will include numerous opportunities for public input and discussion.

## F. Comments on Final EIS

The Final First Tier EIS was approved for circulation on October 29, 2001. It was furnished to the agencies and to individuals who made substantive comments on the First Tier Draft EIS. The notice of availability of the First Tier Final EIS was published in the Federal Register on November 9, 2001, and comments were requested by December 10, 2001. Comments were received from the following entities and written responses follow. Copies of the letters received are attached as an Appendix to this Record of Decision.

### 1. UNITED STATES DEPARTMENT OF INTERIOR (DOI)

The DOI supports the tiered approach for the I-70 corridor evaluation and finds the preferred strategy to be environmentally preferable. The DOI recommends for consideration that the Federal Highway Administration (FHWA) commits in the Record of Decision (ROD) to the preparation of environmental assessments for the two Sections of Independent Utility, numbers 2 and 5.

After an additional stream and wetland field review and after further consultation between the FHWA and MoDOT, it has been concluded that SIU #2 will be processed with an environmental assessment and that SIU #5 will be processed as a categorical exclusion. Studies conducted during the First Tier EIS process indicated a lack of significant social, economic or environmental issues within SIU #5. Both SIU's will include a public and agency coordination process during the second tier studies.

### 2. UNIVERSITY OF MISSOURI – COLUMBIA

The University of Missouri wants MoDOT to be aware of the location and significance of the Tucker Prairie. Also, future studies should include coordination with Dr. John Faaborg of the Division of Biological Sciences.

MoDOT is very aware of the location and importance of the Tucker Prairie as a Missouri Natural Area and a National Natural Landmark. The area was recognized, discussed, and depicted on the mapping within the First Tier EIS study. The proposed widening of this portion of the I-70 corridor is shown to the north and would avoid impacting the prairie. Dr. Faaborg will be coordinated with during the second tier studies.

### 3. U.S. ARMY CORPS OF ENGINEERS

The U.S. Army Corps of Engineers (USACE) believes that none of the second tier actions are minor actions which qualify for categorical exclusion from further NEPA analysis. Of particular concern are Sections of Independent Utility (SIU's) numbers 2 and 5.

After an additional stream and wetland field review and after further consultation between the FHWA and MoDOT, it has been concluded that SIU # 2 will be processed with an environmental assessment and that SIU # 5 will be processed as a categorical exclusion. Studies conducted during the First Tier EIS process indicated a lack of significant social, economic or environmental issues within SIU # 5. Both SIU's will include a public and agency coordination process during the second tier studies.

The USACE believes that the Far North Conceptual Corridor option for Columbia, Missouri, should be considered further in the second tier study.

The Far North Conceptual Corridor will be one of the options considered and studied in the environmental impact statement for this section of the I-70 Corridor.

The USACE is concerned about the timing and sequencing of the second tier studies. The concern is about all seven studies being submitted to the USACE at the same time for staff review. The concern is about staffing demand.

It is true that the seven studies will be initiated at approximately the same time. However, due to the difference of the types of environmental documents that will be prepared (environmental studies for categorical exclusions; environmental assessments; and environmental impact statements), these documents will not all be sent to the USACE for review and comment at the same time. These environmental documents will be stand-alone documents, and if applicable, will represent the merged environmental analysis for needed Department of Army permits.

#### **4. ST. LOUIS COUNTY MUNICIPAL LEAGUE**

A presentation was made to the St. Louis County Municipal League about this I-70 Corridor First Tier EIS. Their concerns and responses thereto are given below.

*Accuracy of 2030 Forecasts* – The veracity of the 2030 traffic forecasts has no bearing on the need for the improvements to I-70. Today, based on existing traffic volumes on I-70, a significant portion of the corridor operates under unacceptable conditions. Furthermore, well in advance of 2030, the entire corridor will be operating unacceptably. A horizon of 2030 was utilized for the analysis to provide a long-term basis for the consideration of all types of improvement strategies. Traffic considerations were only one of the six components of the project's purpose and need, including safety, design features, preservation, goods movement, and access.

*US 50 and US 36* – Both US 50 and US 36 were considered as surrogate improvements to I-70, both independently and in tandem. It was determined and documented in the MoDOT I-70 Feasibility Study, and confirmed by this FTEIS, that improvements to these two parallel routes would divert some traffic away from I-70, but that the problems along the I-70 Corridor would still exist. Even though neither US 36 nor US 50 are committed projects, four-lane improvements to both of these parallel corridors were included in the baseline conditions for this FTEIS.

*Freight Alternatives* – The analysis of freight movements along the I-70 Corridor has suggested that the distance between Kansas City and St. Louis is too short to substantiate and absorb the additional time and cost burden of modal transfers. As a general rule, distances of 500 miles are necessary to support freight transfers. Existing freight rail lines between Kansas City and St. Louis have available capacity, but neither congestion, reliability, nor costs have caused the marketplace to shift freight movement from trucks to rail. Furthermore, a large percentage of over-the-road carriers are independent contractors without centralized operations.

*Opportunity for Cost-Effective Higher Speed Rail* – MoDOT recognizes the available opportunities to expand and improve existing intercity rail transit service within the state and has been an active participant in the Midwest Regional Rail Initiative. Expansion of rail transit service between Kansas City and St. Louis would not solve the problems along I-70 but is a worthy improvement to be pursued by MoDOT in combination with the Preferred Strategy for I-70.

*Recommendations* – The recommended configuration of the Preferred Strategy is based on MoDOT's overall goal of limiting the impacts of the construction activities on the traveling public. With this plan, four lanes of traffic will be maintained throughout the construction period. This strategy reduces construction-related travel delays and accidents, and improves the construction efficiencies, saving both time and money. Varying the roadway section, including shoulder widths, at the interchanges would not meet well-established design standards, would be unsafe, and would not provide a long-term solution for the Corridor. Systematic widening within the median would not provide sufficient shoulder width and would be unacceptable from a corridor-wide perspective. The existing I-70 pavement and bridges need to be replaced. The Preferred Strategy will rebuild the interstate with minimal impacts during construction, it balances the impacts to adjacencies with improved service, and provides a long-term solution that can expand in the future and serve the residents of Missouri beyond 2030.

#### **5. MISSOURI COALITION FOR THE ENVIRONMENT (MCE) AND THE OZARK CHAPTER OF THE SIERRA CLUB (SIERRA CLUB)**

In a letter dated December 10, 2001, MCE and the Sierra Club jointly submitted comments stating that the Final First Tier EIS did not respond to their comments on the Draft First Tier EIS. The letter expressed concern that none of the 298 comments received on the draft document from citizens and non-governmental organizations were made available for review by the public. Copies of the December 10th letter and previous comments submitted by MCE, Sierra Club, the Mid-America Regional Council and the East-West Gateway Coordinating Committee are included in this record of decision.

While the above referenced comments were handled appropriately in the draft and final first tier documents, they are addressed and included in this ROD in the interest of open dialogue and in recognition of the important role these organizations play in the transportation decision-making process.

The following issues were raised and presented with a degree of specificity that allows for an adequate response.

- *MoDOT should provide access to citizen and non-governmental organization comments.* Comments submitted during the DFTEIS review period were reviewed and categorized based on whether they were technically substantive from a NEPA perspective. Technically substantive comments were those that provided specific information or raised specific questions regarding the physical or man-made environment that were not included in the draft document or that presented specific criticisms and alternatives to study methodology. Nine comments were considered substantive and are documented and responded to in Chapter V(C)(4)(b), which begins on page V-15 of the Final FTEIS. Most remaining comments were incorporated into the draft and final documents in a summary of general public comments in Chapter V(C)(4)(a) on page V-11. This section summarizes and responds to comments in 11 categories. All comments received during the review period are catalogued and available for public review in the official transcript.



- *Insufficient consideration was given to alternative modes of transportation, including bus transit, high-speed rail, combined high-speed freight/passenger rail, ITS, and TSM/TDM.* Comments concerning alternative modes of transportation and ITS are addressed on page V-14 of the Final FTEIS. The potential of alternative modes of transportation, ITS and TSM/TDM to meet the purpose and need of this project were analyzed to a level appropriate and necessary to identify reasonable strategies. This evaluation was based in part on MoDOT's study titled *Evaluation of Passenger Rail Service: St. Louis to Kansas City*.
- *If Strategy No. 3 (widening existing I-70) is selected, it should be implemented in combination with TSM/TDM strategies and improved transit, including bus and high-speed rail services.* While TSM/TDM, HOV lanes and high-speed rail strategies were eliminated from further consideration based on their inability to meet the purpose and need, the study acknowledged that they could be incorporated into other improvement strategies to further improve the safety and efficiency of travel in the corridor.
- *MoDOT should consider making I-70 a toll road.* The issue of tolling as a financing mechanism is addressed on page V-14 of the Final FTEIS. The concept of using tolls or highway pricing as a demand management strategy was not considered in the first tier study. The primary types of travel (rural, intra- and interstate) on I-70 generally does not respond to highway pricing and other demand management mechanisms to a degree that justifies implementation based on the purpose and need of this study. Given this deficiency, combined with the lack of statutory authority to implement tolls, MoDOT made a policy decision not to evaluate tolling of an existing facility.
- *MoDOT should consider more significant investments in the state's secondary road system in lieu of significant I-70 improvements.* While the secondary road system may merit increased investment in its own right, this system does not provide an adequate alternative to the significant portion of travelers on I-70 (inter- and intrastate).
- *The traffic model assumes all intrastate travel originates just beyond Kansas City or St. Louis, rather than destinations that may allow for alternative route selection.* This is incorrect. The traffic model considers a number of origins that would allow alternative route selection. The traffic model is discussed on pages I-8 and II-43 of the Draft FTEIS.
- *MoDOT should provide more rest stops.* The first tier study does not preclude MoDOT from providing additional amenities such as rest stops and service stations located in the median.
- *Concern for impact of interchanges built to access management standards.* This concern is addressed on page V-14 of the Final FTEIS.
- *Current observation indicates that there is no need for capacity expansion.* The I-70 First Tier EIS is being conducted to allow MoDOT to respond to future needs rather than react to current circumstances. The operational analysis discussion in the Draft FTEIS, which begins on page II-47, describes the anticipated level of service on the interstate. Different portions of I-70 currently exceed capacity and others will at different points in the future. By looking at sections of I-70, it allows MoDOT to stage expansion over a number of years according to need.
- *Segmentation and tiering are not sanctioned by NEPA.* The Council on Environmental Quality not only recognizes but encourages the use of tiering as a means of avoiding

duplication of work through the incorporation by reference of discussions and findings from an EIS of broader scope into one of lesser scope (CEQ Section 1502.20). Sections of independent utility (SIU) allow for the completion of “narrower statements or environmental analyses (such as regional or basin-wide program statements or ultimately site-specific statements)” (CEQ Section 1508.28).

- *The discussion of environmental impacts is insufficient. Specifically:*
  - *The DFTEIS ignores or inadequately discusses the “no-build” scenario and does not properly account for secondary and cumulative impacts:* The “no-build” scenario is discussed in the DFTEIS and provides the baseline against which all environmental impacts are discussed. The DFTEIS considers secondary and cumulative impacts to a level of detail appropriate for a tiered document. Consideration of the secondary or cumulative impacts of improvements to the statewide system, which would include highways 50 and 36, would have been well beyond the scope of this study and are not necessary to satisfy the environmental review requirements.
  - *The DFTEIS does not identify how many Section 4(f) properties are in the study area and asserts that state conservation lands are not subject to Section 4(f):* Section 4(f) properties are identified and discussed in Chapter III(B)(3). These properties will be examined and discussed in greater detail in the second tier environmental documents. Regarding state conservation lands, the study states that there may be some areas of state conservation lands that are not subject to Section 4(f) based on established criteria. The standing of these lands, if affected, will be discussed in greater detail in the second tier documents.

## 6. MISSOURI DEPARTMENT OF CONSERVATION (MDC)

This letter is dated April 4, 2001, and suggests that the second tier studies look for ways that the entire project corridor can be managed to improve both natural resource and scenic values. The letter lists possible enhancements to the I-70 corridor that could be explored during the second tier studies.

A MoDOT response letter, dated April 25, 2001, is a positive response to the MDC and includes specific responses to possible enhancements to the I-70 corridor. It indicates the goal of achieving joint objectives and the striking of partnerships for future projects. A consortium of resource agencies will be formed during the second tier studies with a goal of agreeing to joint development activities and enhancements, where possible, throughout the length of the I-70 corridor.

## G. Conclusion

The selection of the Widen Existing I-70 Strategy 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 Widen Existing I-70 Strategy and the environmental consequences associated with its selection are accurately presented in the Final First Tier EIS.

