



# Finding of No Significant Impact for a FHWA Project

**Proposed Action:** US 77 Reconstruction

**Project Limits:** From South of FM 66 to North of McMillan Street

**City:** Waxahachie      **County:** Ellis      **State:** Texas

**TxDOT CSJ(s):** 0048-03-050 & 0048-03-055

In accordance with 23 CFR Section 771.119 and Section 771.121, the Texas Department of Transportation (TxDOT) has determined that the US 77 Reconstruction project will not have a significant impact on the human or natural environment.

This Finding of No Significant Impact (FONSI) for the Preferred Alternative is based on the final Environmental Assessment dated March 2017 and the entire project record. This decision documents the selection of the Build Alternative, presented in the final EA as the Preferred Alternative, which is described as:

The Build Alternative would include the addition of a new two-lane bridge on new alignment west of the existing viaduct, a new (replacement) two-lane bridge on the existing alignment, and the conversion of Elm Street and Monroe Street to a one-way couplet system.

The Build Alternative would add a new two-lane structure west of the existing viaduct for southbound traffic only. The existing viaduct would be replaced and utilized as a two-lane structure for northbound traffic only. Additionally, Elm Street and Monroe Street would be converted into a one-way couplet system. Each street would carry two lanes of traffic. Northbound traffic in downtown Waxahachie would use the existing Elm Street roadway, while southbound traffic would be diverted onto Monroe Street. Elm Street and Monroe Street would consist of two travel lanes, parking lanes on one side, and adjacent sidewalks.

This alternative is financially viable, is consistent with planned development, has support from residents, historical societies and the City of Waxahachie, and would enhance mobility. The preferred build alternative is expected to meet the purpose and need of the project because the bridge replacement and addition of two additional travel lanes on an additional bridge will increase the current capacity of the main arterial streets in downtown Waxahachie, which will alleviate congestion, improve the LOS inadequacies, and create a safer roadway for the traveling public.

A Notice of Availability of the draft EA was issued on December 26, 2016.

A public hearing for this project was held on January 26, 2017.

The draft EA was revised to include a summary of the public hearing, historical mitigation, a programmatic 4(f) for the US 77 viaduct, a 4(f) *de minimis* completed for the Waxahachie Hike and Bike Trail, a 4(f) Exception for the Vacuum Shop located at 400 Jefferson Street, and a 4(f) Exception for Archeology Site 41EL246.

Public Hearing Documentation has been prepared and is available for review on request.

The final EA, and reports contained in the file of record have been independently evaluated by TxDOT and determined to adequately and accurately discuss the need, purpose, alternatives, environmental issues, impacts of the proposed project, and appropriate mitigation measures. These documents provide sufficient evidence and analysis for determining that preparation of an Environmental Impact Statement is



**Finding of No Significant Impact for a FHWA Project**

not required. These documents are incorporated by reference into this decisional document.

Based upon TxDOT's review and consideration of the analysis and evaluation contained in the EA for this project, and after careful consideration of all social, economic, and environmental factors, including input from the public involvement process, TxDOT hereby issues this Finding of No Significant Impact for the US 77 Reconstruction project from South of FM 66 to North of McMillan Street.

TxDOT will ensure adherence and completion of all project commitments described in the final EA March 2017, Section 8, TxDOT will ensure that any and all local, state, or federal permit requirements and conditions are met and otherwise complied with.

The environmental review, consultation, and other actions required by applicable Federal environmental laws for this project are being, or have been, carried-out by TxDOT pursuant to 23 U.S.C. 327 and the Memorandum of Understanding dated December 16, 2014, and executed by FHWA and TxDOT.

TxDOT Environmental Affairs Division Director

3/27/17

Date



# Environmental Document Certification Form

Project Name: US 77

Control Section Job Number (CSJ): 0048-03-050 & 0048-03-055

Document Type:  EA  EIS  FONSI  ROD

Document Stage:  Draft  Final

*This checklist shall be used to certify that an environmental document is ready for public review (draft documents) or approval (final documents).*

*When all required items are satisfactorily completed, the District and ENV representatives will sign this form indicating the environmental document is certified and may proceed to public review or is ready for final approval.*

**This project meets all the following requirements:**

- A. A project scope has been completed for the project.
- B. The document has been determined to be administratively complete.
- C. The document meets the requirements of technical review (43 TAC §2.49) as required to date.
- D. The required public participation has been completed as required to date.
- E. All consultation and coordination required for the environmental decision is complete and appropriately documented (for final environmental documents).
- F. Legal Review or Legal Sufficiency Review has been completed, as required.
- G. Current funding has been reviewed, and is as follows:
  - Mix of Federal/State/Local funding
  - State-only funding

Date Verified: 03/15/17

**Comments:**

Signed: Jim Dobbins  
District Core Team Member  
 Print Name: Jim Dobbins

Date: 3/27/17

Signed: Michelle Lueck  
ENV Core Team Member  
 Print Name: Michelle Lueck

Date: 3-27-17

**Approved for Circulation (EAs only):**

Signed: \_\_\_\_\_  
Project Delivery Director  
 Print Name: \_\_\_\_\_

Date: \_\_\_\_\_

DISCLAIMER:

The use of this standard is governed by the "Texas Engineering Practice Act". No warranty of any kind is made by TxDOT for any purpose whatsoever. TxDOT assumes no responsibility for the conversion of this standard to other formats or for incorrect results or damage resulting from its use.

- 1. Do not alter Sheet Design or Font style, size or weight - match text attributes.
2. If additional space is needed for a numbered section, fence and adjust sections up or down as needed for proportioning and readability but do not relocate from its relative position.
3. All areas should be addressed thoroughly and verify the necessary pay items are set up to support actions needed.

Filled Out: XX/XX/XXXX
Prepared by: Name/Section

I. STORMWATER POLLUTION PREVENTION PLAN-CLEAN WATER ACT SECTION 402

TPDES TXR 150000: Stormwater Discharge Permit or Construction General Permit required for projects with 1 or more acres disturbed soil. Projects with any disturbed soil must protect for erosion and sedimentation in accordance with Item 506.

1. City of Woxahatchie, MS4, Phase II-Jeff Chambers, Public Works Director

No Action Required [ ] Required Action [X]

Action Number:

- 1. Prevent stormwater pollution by controlling erosion and sedimentation in accordance with TPDES Permit TXR 150000.
2. Comply with the SW3P and revise when necessary to control pollution or required by the Engineer.
3. Post Construction Site Notice (CSN) with SW3P information on or near the site, accessible to the public and TCEQ, EPA or other inspectors.
4. When Contractor project specific locations (PSL's) increase disturbed soil area to 5 acres or more, submit NOI to TCEQ and the Engineer.

II. WORK IN OR NEAR STREAMS, WATERBODIES AND WETLANDS CLEAN WATER ACT SECTIONS 401 AND 404

USACE Permit required for filling, dredging, excavating or other work in any water bodies, rivers, creeks, streams, wetlands or wet areas. No equipment is allowed in any stream channel below the ordinary High Water Mark except on approved temporary stream crossings or drill pads.

The Contractor must adhere to all of the terms and conditions associated with the following permit(s):

- No Permit Required [ ]
Nationwide Permit 14 - PCN not Required (less than 1/10th acre waters or wetlands affected) [X]
Nationwide Permit 14 - PCN Required (1/10 to <1/2 acre, 1/3 in tidal waters) [ ]
Individual 404 Permit Required [ ]
Other Nationwide Permit Required: NMP# [ ]

Required Actions: List Waters of the US Permit applies to, location in project and check Best Management Practices planned to control erosion, sedimentation and post-project TSS.

1. Woxahatchie Creek

The elevation of the ordinary high water marks of any areas requiring work permit to be performed in the waters of the US requiring the use of a nationwide permit can be found on the Bridge Layouts.

Best Management Practices for applicable 401 General Conditions: (Note: If CORP Permit not required, do not check boxes.)

Erosion

- Temporary Vegetation [X] Slit Fence [X]
Blankets/Matting [ ] Rock Berm [ ]
Mulch [ ] Triangular Filter Dike [ ]
Sodding [ ] Sand Bag Berm [ ]
Interceptor Swale [ ] Straw Bale Dike [ ]
Diversion Dike [ ] Brush Berms [ ]
Erosion Control Compost [ ] Erosion Control Compost [ ]
Mulch Filter Berm and Socks [ ] Mulch Filter Berm and Socks [ ]
Compost Filter Berm and Socks [ ] Compost Filter Berm and Socks [ ]
Stone Outlet Sediment Traps [ ] Sediment Basins [ ]
Sediment Basins [ ] Grassy Swales [ ]

Sedimentation

Post-Construction TSS

- Vegetative Filter Strips [X]
Retention/Irrigation Systems [ ]
Extended Detention Basin [ ]
Constructed Wetlands [ ]
Wet Basin [ ]
Erosion Control Compost [ ]
Mulch Filter Berm and Socks [ ]
Compost Filter Berm and Socks [ ]
Vegetation Lined Ditches [ ]
Sand Filter Systems [ ]
Grassy Swales [ ]

III. CULTURAL RESOURCES

Refer to TxDOT Standard Specifications in the event historical issues or archaeological artifacts are found during construction. Upon discovery of work in the immediate area and contact the Engineer immediately.

No Action Required [ ] Required Action [X]

Action Number:

- 1. In the unlikely event that significant cultural resources are discovered during construction, TxDOT will immediately initiate cultural resources discovery procedures. All work in the vicinity will immediately cease until a specialist from TxDOT and/or the Texas Historical Commission can assess the discovery's significance and the need for additional investigation, if necessary.
2. TxDOT will construct a mitigation exhibit (under separate contract) on South College Street across from the Missouri-Kansas-Texas Railroad depot in downtown Woxahatchie. The mitigation exhibit will include interpretive materials that present the history of the original US 77 viaduct.
3. TxDOT will conduct data recovery excavations for archaeological resources after right of way acquisition, but prior to the start of construction.

IV. VEGETATION RESOURCES

Preserve native vegetation to the extent practical.

Contractor must adhere to Construction Specification Requirements Specs 162, 164, 192, 193, 506, 730, 751 & 752 in order to comply with requirements for invasive species, beneficial landscaping and tree/brush removal commitments.

No Action Required [ ] Required Action [X]

Action Number:

- 1. Plains Spotted Skunk-may be present on site--avoid impacts to dens
2. Louisiana Pigtoe freshwater mussel-may be present on site
3. Texas Heelsplitter freshwater mussel-may be present on site
4. Texas Garter Snake-may be present on site
5. Timber/Conebrake Rattlesnake-may be present on site
6. Southern Brown Frog-may be present on site--avoid unnecessary impacts to snail burrows
7. Freshwater mussel surveys are required within 6 months prior to the start of construction of Woxahatchie Creek

V. FEDERAL LISTED, PROPOSED THREATENED, ENDANGERED SPECIES, CRITICAL HABITAT, STATE LISTED SPECIES, CANDIDATE SPECIES AND MIGRATORY BIRDS TREATY ACT.

No Action Required [ ] Required Action [X]

- 1. Plains Spotted Skunk-may be present on site--avoid impacts to dens
2. Louisiana Pigtoe freshwater mussel-may be present on site
3. Texas Heelsplitter freshwater mussel-may be present on site
4. Texas Garter Snake-may be present on site
5. Timber/Conebrake Rattlesnake-may be present on site
6. Southern Brown Frog-may be present on site--avoid unnecessary impacts to snail burrows
7. Freshwater mussel surveys are required within 6 months prior to the start of construction of Woxahatchie Creek

If any of the listed species are observed, cease work in the immediate area, do not disturb species or habitat and contact the Engineer immediately. The work may not remove active nests from bridges and other structures during nesting season of the birds associated with the nests. If coves or sinkholes are discovered, cease work in the immediate area, and contact the Engineer immediately.

Special Note: The Migratory Bird Act of 1918 states that it is unlawful to kill, capture, collect, possess, sell, trade or transport any migratory bird, nest, egg, or egg in shell, without a Federal permit issued in accordance with the Act's provisions and regulations. The contractor should remove all bird eggs and nests from any structures where they would be found from October 1 to February 15. In addition, the contractor should be aware that the Migratory Bird Act prohibits the construction of structures that would destroy or damage bird nests, active nests, eggs and/or young birds.

LIST OF ABBREVIATIONS

- Best Management Practice
Construction General Permit
Texas Department of State Health Services
Federal Highway Administration
Memorandum of Understanding
Municipal Separate Stormwater Sewer System
Migratory Bird Treaty Act
Notice of Termination
Notice of Intent
Soils
Storm Water Pollution Prevention Plan
Pre-Construction Notification
Project Specific Location
Texas Commission on Environmental Quality
Texas Pollution Discharge Elimination System
Texas Parks and Wildlife Department
Texas Department of Transportation
Threatened and Endangered Species
U.S. Army Corp of Engineers
U.S. Fish and Wildlife Service

VI. HAZARDOUS MATERIALS OR CONTAMINATION ISSUES

General (applies to all projects):

Comply with the Hazard Communication Act (the Act) for personnel who will be working with hazardous materials by conducting safety meetings prior to beginning construction and making workers aware of potential hazards in the workplace. Ensure that all workers are provided with personal protective equipment appropriate for any hazardous materials used.

Obtain and keep on-site Material Safety Data Sheets (MSDS) for all hazardous products used on the project, which may include, but are not limited to the following categories: Paints, acids, solvents, asphalt products, chemical additives, fuels and concrete curing compounds or additives. Provide maintenance storage, off bare ground and covered, for products which may be hazardous. Maintain product labeling as required by the Act. Maintain an adequate supply of on-site spill response materials, as indicated in the MSDS.

In the event of a spill, take actions to mitigate the spill as indicated in the MSDS, in accordance with safe work practices, and contact the District Spill Coordinator immediately. The Contractor shall be responsible for the proper containment and cleanup of all product spills.

Contact the Engineer if any of the following are detected:

- Dead or distressed vegetation (not identified as normal)
Trash piles, drums, containers, barrels, etc.
Undesirable smells or odors
Evidence of leaching or seepage of substances

Does the project involve any bridge class structure rehabilitation(s) or replacement(s) (bridge class structures not including box culverts)?

Yes [X] No [ ]

If "No", then no further action is required.

If "Yes", then TxDOT is responsible for completing asbestos assessment/inspection.

Are the results of the asbestos inspection positive (is asbestos present)?

Yes [ ] No [X]

If "Yes", then TxDOT must retain a DSHS licensed asbestos consultant to assist with the notification, develop abatement/mitigation procedures, and perform management activities as necessary. The notification form to DSHS must be postmarked at least 15 working days prior to scheduled demolition.

If "No", then TxDOT is still required to notify DSHS 15 working days prior to any scheduled demolition.

In either case, the Contractor is responsible for providing the details for abatement activities and/or demolition with careful coordination between the Engineer and asbestos consultant in order to minimize construction delays and subsequent claims.

Any other evidence indicating possible hazardous materials or contamination discovered on site. Hazardous Materials or Contamination Issues Specific to this Project:

No Action Required [ ] Required Action [X]

Action Number:

- 1. Lead-based paint identified at 14,400ppm in green paint on cop support plates. Lead-based paint will require abatement prior to construction.
2. A total of 6 building structures will be demolished. The buildings will require asbestos testing and potentially abatement prior to demolition. Asbestos testing and subsequent abatement will be performed in the ROW process.

VII. OTHER ENVIRONMENTAL ISSUES

(includes regional issues such as Edwards Aquifer District, etc.)

No Action Required [ ] Required Action [X]

Action Number:

- 1.
2.
3.

GENERAL NOTE:

Any change orders and/or deviations from the final design must be reported to the Engineer prior to commencement of construction activities, as additional environmental clearance may be required.



ENVIRONMENTAL PERMITS, ISSUES AND COMMITMENTS (EPIC)

Table with columns: FED. NO., STATE, DISTRICT, COUNTY, JOB, SHEET NO. Values include: 6, TEXAS, DALLAS, ELLIS, 0048, 03, 050, etc., US 77



Logged in as Michelle Lueck

Log Out

Project Management

Reports

Support

Project Management > Area List > STIPs (M-DALLAS-FORT WORTH) > Revisions ( ) > TIP Instances (Unassigned) > Highway Projects (Unassigned) > Project Details

Color Key:  - Business rule violation  - Value changed in current session  - Different from DCIS or latest approved copy

Print

Statewide

TIP Revision None

Phase Construction

Engineering

Total Project Cost Information

District DALLAS

County ELLIS

Environmental

Prelim Engineering \$700,000

MPO DALLAS-FORT WOF

Highway US 77

Engineering

ROW Purchase \$2,450,000

CSJ 0048 - 03 - 055

TIP FY 2018

Right-of-Way

Construction Cost \$13,137,250

Acquisition

Const Engineering \$260,191

Utilities

Contingencies \$375,831

Transfer

Indirect Costs \$282,740

Revision Date 07/2016

NOX ( Kg /D): 0.0000

Bond Financing \$0

Project Sponsor TXDOT-DALLAS

VOC ( Kg /D): 0.0000

Potential Chg Ord \$0

Total Project Cost \$17,206,012

MPO Proj Number 51220

PM10 ( Kg /D): 0.0000

YOE Cost

MTP Reference RSA1-1 580 310

PM2.5 ( Kg /D): 0.0000

Toll

City WAXAHACHIE

CO ( Lbs /D):

TCM

Limits From SOUTH OF FM 66

Limits To NORTH OF MCMILLAN STREET

Project Description RECONSTRUCT AND CONVERT 2 LANE UNDIVIDED TO 4 LANE DIVIDED ONE-WAY COUPLER

P7 Remarks CAT 1 FUNDS ARE PROP 1 FUNDS

Project History

Authorized Funding by Category/Share

Category	Federal	State	Regional	Local	Local Contributions	Total
1	\$0	\$3,137,250	\$0	\$0	\$0	\$3,137,250
6	\$8,000,000	\$2,000,000	\$0	\$0	\$0	\$10,000,000
<b>Total</b>	<b>\$8,000,000</b>	<b>\$5,137,250</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$13,137,250</b>

DISTRICT	MPO	COUNTY	CSJ	HWY	PHASE	CITY	YOE COST		
DALLAS	DALLAS-FORT WORTH	ELLIS	0048-03-055	US 77	C	WAXAHACHIE	\$ 13,137,250		
LIMITS FROM: SOUTH OF FM 66						PROJECT SPONSOR: TXDOT-DALLAS			
LIMITS TO: NORTH OF MCMILLAN STREET						REVISION DATE: 07/2016			
PROJECT RECONSTRUCT AND CONVERT 2 LANE UNDIVIDED TO 4 LANE DIVIDED ONE-WAY COUPLER						MPO PROJ NUM: 51220			
DESCR:						FUNDING CAT(S):			
REMARKS P7: CAT 1 FUNDS ARE PROP 1 FUNDS						PROJECT HISTORY:			
TOTAL PROJECT COST INFORMATION			AUTHORIZED FUNDING BY CATEGORY/SHARE						
PRELIM ENG: \$	700,000	COST OF APPROVED PHASES	CATEGORY	FEDERAL	STATE	REGIONAL	LOCAL	LC	TOTAL
ROW PURCH: \$	2,450,000		6	\$ 8,000,000	\$ 2,000,000	\$ 0	\$ 0	\$ 0	\$ 10,000,000
CONST COST: \$	13,137,250	1	\$ 0	\$ 3,137,250	\$ 0	\$ 0	\$ 0	\$ 3,137,250	
CONST ENG: \$	260,191	TOTAL	\$ 8,000,000	\$ 5,137,250	\$ 0	\$ 0	\$ 0	\$ 13,137,250	
CONTING: \$	375,831								
INDIRECT: \$	282,740								
BOND FIN: \$	0								
POT CHG ORD: \$	0								
TOTAL COST: \$	17,206,012								

TIP History

07/2016 STIP		07/2016 Revision: Approved 12/19/2016							
DISTRICT	MPO	COUNTY	CSJ	HWY	PHASE	CITY	YOY COST		
DALLAS	DALLAS FORT WORTH	ELLIS	0048 03 055	US 77	C	WAXAHACHIE	\$ 13 137 250		
LIMITS FROM: SOUTH OF FM 66		PROJECT SPONSOR: TXDOT-DALLAS					REVISION DATE: 07/2016		
LIMITS TO: NORTH OF MCMILLAN STREET		MPO PROJ NUM: 51220					FUNDING CAT(S):		
PROJECT RECONSTRUCT AND CONVERT 2 LANE UNDIVIDED TO 4 LANE DIVIDED ONE-WAY COUPLET									
DESCR:							PROJECT HISTORY:		
REMARKS P7: CAT 1 FUNDS ARE PROP 1 FUNDS									
TOTAL PROJECT COST INFORMATION				AUTHORIZED FUNDING BY CATEGORY/SHARE					
PRELIM ENG: \$	700 000	COST OF APPROVED PHASES \$ 13 137 250	CATEGORY	FEDERAL	STATE	REGIONAL	LOCAL	LC	TOTAL
ROW PURCH: \$	2 450 000		1	\$ 0	\$ 3 137 250	\$ 0	\$ 0	\$ 0	\$ 3 137 250
CONST COST: \$	13 137 250		2	\$ 8 000 000	\$ 2 000 000	\$ 0	\$ 0	\$ 0	\$ 10 000 000
CONST ENG: \$	260 191		TOTAL	\$ 8 000 000	\$ 5 137 250	\$ 0	\$ 0	\$ 0	\$ 13 137 250
CONTING: \$	375 831								
INDIRECT: \$	282 740								
BOND FIN: \$	0								
POT CHG ORD: \$	0								
TOTAL COST: \$	17 206 012								

Comment History

Time	User	Comment	Related Approval
2016/09/26 13 36 25	Barbara Maley	Approved Based on 9/28 COG/BFlood confirmation that TIP limits are w/in MTP limits (RSA-1 580 310).	07/2016: Approved

DCS2B010-NO CHANGES MADE; PLEASE CONTINUE.

STIP UPDATE SCREEN - DISTRICT TIP INFORMATION

DCIS.315

CTL-SEC-JOB 0048-03-050 HIGHWAY NO US 77 DISTRICT 18 DALLAS  
LOCATION FROM: OVERPASS OF FM 1446 CNTY 071 ELLIS  
TO : IN WAXAHACHIE  
LAYMANS DESC : REPLACE BRIDGE AND APPROACHES

PROJECT HIST :

MPO PROJ ID \_\_\_\_\_ GROUPED PROJ CSJ: 50000953  
IMPLEMENTING AGENCY TXDOT \_\_\_\_\_ MPO CODE 1106  
PHASE C X PE X ROW X TR \_ CITY CODE 00000  
TIP YEAR 2017  
REVISION DATE 05 2015 (MM YYYY)  
REMARKS: SEE GROUPED CSJ; WITH DISTRICT DISCRETIONARY CSJ 0048-03-055  
COMMENTS: \_\_\_\_\_

..continued 'PRESS ENTER TO OBTAIN STIP VIEW ONLY SCREEN'  
Enter-PF1---PF2---PF3---PF4---PF5---PF6---PF7---PF8---PF9---PF10--PF11--PF12---  
ID FIN EVAL EST SUM UTP STIP COST COR TPC PE MENU