



Montana Department of Transportation

2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

Jim Lynch, Director
Brian Schweitzer, Governor

County STATEWIDE

March 22, 2005

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LEGISLATIVE ENVIRONMENTAL
POLICY OFFICE

To Whom It May Concern:

Subject: Cooperating Agency Environmental Documentation

As a Cooperating Agency under the provisions of 23 CFR 771.111 the Montana Department of Transportation (MDT) is providing you a copy of this project's environmental documentation.

This environmental documentation complies with the provisions of 23 CFR 771.117(a) and (d) for categorically excluding this proposed project from further National Environmental Policy Act (NEPA) (42 U.S.C. 4321, et seq.) documentation requirements. The attached also complies with the provisions of 75-1-103 and 75-1-201, MCA (see ARM 18.2.237 and 18.2.261, MEPA "Actions that qualify for a Categorical Exclusion" as applicable to the MDT).

If you have any questions concerning the attached environmental documentation please call the MDT Environmental Services Division at (406) 444-7228.

Sincerely,

Jean A. Riley, P.E.
Engineering Bureau Chief
Environmental Services Division

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Attachment



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MAR 22 2005

Montana Department of Transportation

2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

Jim Lynch, Director
Brian Schweitzer, Governor

ENVIRONMENTAL

February 28, 2005

Janice W. Brown, Division Administrator
Federal Highway Administration (FHWA)
2880 Skyway Drive
Helena, MT 59602



Subject: **Statewide Transportation Improvement - Railroad Crossing Projects
Fiscal Years 2004 – 2006 (amendment for STIP 2004 – 2006)
Types of Projects: Railroad Signal Installations, Circuitry Upgrades,
Closures, and Improved Crossing Surfaces**

This is to request approval of these types of proposed projects as a Categorical Exclusion (CE) under the provisions of 23 CFR 771-117(d), and the Programmatic Agreement as signed by the Montana Department of Transportation (MDT) and FHWA on April 12, 2001. A copy of the scope of work for these types of projects is attached (Memorandum: Highway-Rail Grade Crossings Projects, Amendments for STIP 2004-2006, from Duane Williams, dated January 13, 2005). Project location maps for the specific projects will be supplied with information indicating if the specific project is covered under this CE. This proposed action also qualifies as a CE under ARM 18.2.261 (Sections **75-1-103** and **75-1-201, MCA**).

The following form provides the documentation required to demonstrate that all of the conditions are satisfied to qualify for a Programmatic Categorical Exclusion Approval (PCE) as initially agreed by the (former) Montana Department of Highways (MDOH) and the FHWA on December 6, 1989. (Note: An "X" in the "N/A" column is "Not Applicable" to, while one in the "UNK" column is "Unknown" at the present time for this CE. An "#" this item will be completed as part of the ENVIRONMENTAL CHECKLIST FOR RAILROAD CROSSING PROJECTS.)

NOTE: A response in a box will require additional documentation for a Categorical Exclusion request in accordance with 23 CFR 771.117(d).

	<u>YES</u>	<u>NO</u>	<u>N/A</u>	<u>UNK</u>
1. This proposed project would have (a) significant environmental impact(s) as-defined under <u>23 CFR 771.117(a)</u> .	<input type="checkbox"/>	<u>X</u>		
2. This proposed project involves (an) unusual circumstance(s) as described under <u>23 CFR 771.117(b)</u> .	<input type="checkbox"/>	<u>X</u>		
3. This proposed project involves one (or more) of the following situations where:				
A. Right-of-Way, easements, and/or construction permits would be required.		<u>X</u>		
1. The context or degree of the Right-of-Way action would have (a) substantial social, economic, or environmental effect(s).	<input type="checkbox"/>	<u>X</u>		

Environmental Services
Phone: (406) 444-7228
Fax: (406) 444-7245

Web Page: www.mdt.state.mt.us
Road Report: (800) 226-7623
TTY: (800) 335-7592

YES NO N/A UNK

2. There is a high rate of residential growth in this proposed project's area.

___ ___ X ___

3. There is a high rate of commercial growth in this proposed project's area.

___ ___ X ___

4. Work would be on and/or within approximately 1.6 kilometers (1± mile) of an Indian Reservation.

___ ___ ___ X#

5. There are parks, recreational, or other properties acquired/improved under *Section 6(f)* of the 1965 *National Land & Water Conservation Fund Act (16 U.S.C. 460L, et seq.)* on or adjacent to proposed the project area.

___ X ___

The use of such *Section 6(f)* sites would be documented and compensated with the appropriate agencies. (e.g.: MDFW&P, local entities, etc.).

___ X

6. Are there any sites either on, or eligible for the National Register of Historic Places with concurrence in determination of eligibility or effect under *Section 106* of the *National Historic Preservation Act (16 U.S.C. 470, et seq.)* by the State Historic Preservation Office (SHPO), which would be affected by this proposed project.

___ X ___

7. There are parks, recreation sites, school grounds, wildlife refuges, historic sites, historic bridges, or irrigation that might be considered under *Section 4(f)* of the 1966 *U.S. DEPARTMENT OF TRANSPORTATION Act (49 U.S.C. 303)* on or adjacent to the project area.

___ X ___

a. "Nationwide" Programmatic *Section 4(f)* Evaluation forms for these sites are attached.

___ X

b. This proposed project requires a full (i.e.: DRAFT & FINAL) *Section 4(f)* Evaluation.

 ___ X

B. The activity would involve work in a streambed, wetland, and/or other waterbody(ies) considered as "waters of the United States" or similar (e.g.: "state waters").

___ ___ X#

1. Conditions set forth in *Section 10* of the *Rivers and Harbors Act (33 U.S.C. 403)* and/or *Section 404* under 33 CFR Parts 320-330 of the *Clean Water Act (33 U.S.C. 1251-1376)* would be met.

X ___

YES NO N/A UNK

2. Impacts in wetlands, including but not limited to those referenced under Executive Order (E.O.) #11990, and their proposed mitigation would be coordinated with the Montana Inter-Agency Wetland Group.

X _____

3. A 124SPA Stream Protection permit would be obtained from the MDFW&P?

_____ _____ _____ X#

4. There is a delineated floodplain in the proposed project area under FEMA's Floodplain Management criteria.

_____ X

The water surface at the 100-year flood limit elevation would exceed floodplain management criteria due to an encroachment by the proposed project.

 _____ X

5. Tribal Water Permit would be required.

_____ _____ _____ X#

6. Work would be required in, across, and/or adjacent to a river which is a component of, or proposed for inclusion in Montana's Wild and/or Scenic Rivers system as published by the U.S. Department of Agriculture, or the U.S. Department of the Interior.

_____ _____ _____ X#

The designated National Wild & Scenic River systems in Montana are:

- a. Middle Fork of the Flathead River (headwaters to South Fork confluence). _____
- b. North Fork of the Flathead River (Canadian Border to Middle Fork confluence). _____
- c. South Fork of the Flathead River (headwaters to Hungry Horse Reservoir). _____
- d. Missouri River (Fort Benton to Charles M. Russell National Wildlife Refuge). _____

In accordance with *Section 7 of the Wild and Scenic Rivers Act (16 U.S.C. 1271 – 1287)*, this work would be coordinated and documented with either the Flathead National Forest (Flathead River), or U.S. Bureau of Land Management (Missouri River).

X _____

C. This is a "Type I" action as defined under 23 CFR 772.5(h), which typically consists of highway construction on a new location or the physical alteration of an existing route which substantially changes its horizontal or vertical alignments or increases the number of through-traffic lanes.

_____ X

1. If yes, are there potential noise impacts?

_____ _____ X

YES NO N/A UNK

H. Permanent desirable vegetation with an approved seeding mixture would be established on exposed areas.

 X

I. Documentation of an “invasive species” review to comply with both E.O.#13112 and the *County Noxious Weed Control Act (7-22-21, M.C.A.)*, including directions as specified by the county(ies) wherein its intended work would be done.

 X

J. There are “Prime” or “Prime if Irrigated” Farmlands designated by the Natural Resources Conservation Service on or adjacent to the proposed project area.

 X

If the proposed work would affect Important Farmlands, then an AD-1006 Farmland Conversion Impact Rating form would be completed in accordance with the *Farmland Protection Policy Act (7 U.S.C. 4201, et seq.)*.

 X

K. Features for the *Americans with Disabilities Act (P.L. 101-336)* compliance would be included.

 X

L. A written Public Involvement Plan, would be completed in accordance with MDT’s Public Involvement Handbook.

 X

4. This proposed project complies with the *Clean Air Act’s Section 176(c) (42 U.S.C. 7521(a)*, as amended) under the provisions of 40 CFR 81.327 as it’s either in a Montana air quality:

A. “Unclassifiable”/attainment area. This proposed project is not covered under the EPA’s September 15, 1997 Final Rule on air quality conformity.

 X

and/or

B. “Nonattainment” area. However, this type of proposed project is either exempted from the conformity determination requirements (under EPA’s September 15, 1997 Final Rule), or a conformity determination would be documented in coordination with the responsible agencies: (Metropolitan Planning Organizations, MDEQ’s Air Quality Division, etc.).

 X

C. Is this proposed project in a “Class I Air Shed” (Indian Reservations) under 40 CFR 52.1382(c)(3)?

 X#

YES NO N/A UNK

5. Federally listed Threatened or Endangered (T/E) Species:

A. There are recorded occurrences, and/or critical habitat in this proposed project's vicinity.

___ ___ X#

B. Would this proposed project result in a "jeopardy" opinion (under 50 CFR 402) from the Fish & Wildlife Service on any Federally listed T/E Species?

 X ___

6. The ENVIRONMENTAL CHECKLIST FOR RAILROAD PROJECTS will be completed for Railroad crossing projects.

X ___

The proposed projects would not induce significant land use changes, nor promote unplanned growth. There would be no significant effects on access to adjacent property, nor to present traffic patterns.

This proposed projects would not create disproportionately high and/or adverse impacts on the health or environment of minority and/or low-income populations (E.O.#12898). It also complies with the provisions of *Title VI* of the *Civil Rights Act* of 1964 (**42 U.S.C. 2000d**) under the FHWA's regulations (23 CFR 200).

In accordance with the provisions of 23 CFR 771.117(a), this pending action would not cause any significant individual, secondary, or cumulative environmental impacts. Therefore, the FHWA's concurrence is requested that this proposed project is properly classified as a Categorical Exclusion.



Thomas L. Hansen, P.E.
Engineering Section Supervisor
Environmental Services Bureau

Concur Dwight H. Bue, Date: 3-09-05
Federal Highway Administration

S:\- STATEWIDE\RAILROAD PROJECTS 2004-2006.PCE.DOC

Attachments

**"ALTERNATIVE ACCESSIBLE FORMATS OF
THIS DOCUMENT WILL BE PROVIDED ON
REQUEST."**

cc: Loren Frazier, P.E., Engineering Division
Dwane Kailey, P.E. – District Engineer – Missoula
Jeff Ebert, P.E. – District Engineer – Butte
Michael Johnson – District Administrator – Great Falls
Ray Mengel – District Administrator – Glendive
Bruce Barrett – District Administrator – Billings
Kent Barnes, P.E. – Bridge Engineer
Paul Ferry, P.E. - Preconstruction Engineer
John Horton – Right-of-Way
Suzy Althof – Contract Plans
David Jensen, Supervisor - Fiscal Programming
Jean Riley, P.E. – Environmental Services
Tom Hansen, P.E. – Environmental Services
File

DAWN STRATTON, FISCAL
WALT SCOTT, ROW



Montana Department of Transportation

PO Box 201001
Helena, MT 59620-1001

MASTER FILE
COPY

Memorandum

JAN 18 2005

To: ~~James A. Riley~~, P.E., Chief
Environmental Services Bureau

ENVIRONMENTAL

From: Duane E. Williams, P.E.
Traffic and Safety Engineer

Date: January 13, 2005

Subject: Request for Environmental Document
Highway-Rail Grade Crossing Projects, Amendments for STIP 2004- 2006

Please provide the appropriate environmental document for highway-rail grade crossing projects for amendments of the 2004-2006 STIP. An environmental checklist for each project will be completed. The scope of work for the different types of projects are as follows:

Signal Installations

The Department of Transportation will pay for the installation of railroad signals; a Diagnostic Review Team determines the need for railroad signals. Signal installation may involve installation of post mounted flashing lights, post mounted flashing lights and gates, cantilevers (mast structure or bridge type structure over roadway) with flashing lights and possibly gates. All circuitry wiring under the roadway will be placed in conduit pushed under the roadway. Installation of power service to these locations may be required for signals. Signals are located within roadway right of way. The signal hut, usually a 6'x6' aluminum hut, that house the electronics for the signals, is install a minimum distance of 30 feet from roadway edge and is placed on an elevated platform.

Circuitry Upgrades

The Department of Transportation will pay to replace obsolete railroad signal equipment with newer electronics and equipment. This may involve the replacement of post mounted signals, flashing lights, cantilevers, gates, side lights, storage batteries and circuitry as needed. It may also involve the relocation of the signal(s) and/or signal hut to meet MUTCD standards. There may be a new electrical meter pole to provide service for the railroad signal. All circuitry wiring under the roadway will be placed in a conduit pushed under the roadway. All salvaged materials, if any, will be disposed of by the railroad according to their disposal methods.

Closures

The Department of Transportation will pay for closures of public at-grade railroad. State and Federal funds along with funds from the railroads is paid for the closure of public at-grade railroad crossings. The road authority must follow the proper procedure for closure and must obliterate, sign, and barricade access to the crossing, in accordance to the MUTCD. Railroad will remove crossbuck signs and crossing surface. The railroad and/or county according to their disposal methods will dispose of all salvaged material, if any.

Improved Crossing Surfaces

The Department of Transportation will pay to replace existing crossing surfaces with an improved at-grade railroad crossing surface material (concrete, rubber, etc). The road authority, (state, county, or city) will provide a detour route and traffic control during installation. The at-grade railroad crossing will be closed for three to five days during installation. The railroad will install the surface material, replace ties, rail and rail roadbed as needed to last the life of the crossing surface. Railroad will dispose of salvaged materials, if any, will be disposed of by the railroad according to their disposal methods.

If you have any questions or concerns please give John Althof a call at 7247 or e-mail jalthof@state.mt.us.