



## Wisconsin Department of Transportation

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Division of Transportation  
Systems Development  
Bureau of Equity and Environmental Services  
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August 19, 2009

*An Equal Opportunity Employer*

Re: Programmatic Environmental Report  
For Traffic Operations Infrastructure Plan

Ms. Marie Treazise:

We have reviewed the Programmatic Environmental Report (PER) for the Traffic Operations Infrastructure Plan and determined that it meets the requirements of the Wisconsin Environmental Policy Act. We suggest that you include the Programmatic Environmental Report with any application to the Federal Highway Administration (FHWA) for American Recovery and Reinvestment Act (ARRA) funds.

Please be aware that should a proposal identified in this PER be included as an element in an individual project that requires an environmental document they should be assessed in that environmental documentation in relation to that project's unique characteristics and effects. The environmental requirements for a project that would include one of the identified proposals dictate that the cumulative effects of the proposal must include all reasonably foreseeable actions and effects.

If you have questions or need clarification regarding the environmental status of any of the proposals identified in this PER when they are included in a specific infrastructure improvement project, please contact BEES.

Sincerely,

A handwritten signature in cursive script, appearing to read "E. Johnson", written over a large, stylized circular flourish.

Eugene Johnson, Director

# Wisconsin Department of Transportation

Programmatic Environmental Report  
For  
Traffic Operations Infrastructure Plan

Funding Source: Federal and State will be used for these improvements	
Project Location:  Projects will be located throughout the State of Wisconsin at locations indicated on attached maps	Estimated Project Cost (Include R/W Acquisition) \$99.99 million for ITS capital improvements \$41.01 million for supporting communications, software, and integration
R/W to be Acquired <u>0</u> Total Acres <u>0</u> Fee Simple Acres <u>0</u> Easement Acres	IDENTIFY TYPE EASEMENT <input type="checkbox"/> Permanent <input type="checkbox"/> Temporary
Number of Buildings Acquired: <input checked="" type="checkbox"/> None <input type="checkbox"/> Vacant Buildings <input type="checkbox"/> Occupied buildings	
Name of Individual Filling out this form is Marie Treazise 8/18/09	

Based on current knowledge of the proposal, I certify that to the best of my knowledge, the conditions, concerns, and issues reported on this checklist accurately reflect those affecting and affected by the proposal.

Signature: Marie Treazise Date: 8/18/09

Title: Freeway Operations Engineer

Organization: WisDOT BHO

## 1. Description of Proposed Action (Attach project location map and other appropriate exhibits).

Proposed action includes installation of Intelligent Transportation System (ITS) equipment per recommended locations shown on Traffic Operations Infrastructure Plan Refinement maps. See attached maps for proposed ITS locations. The legend shows the specific ITS devices to be installed.

ITS device installation is routinely within existing right of way. Installation is most commonly within 6' – 12' from the edge of pavement for devices such as cameras and message signs. Communication, such as fiber optic, is usually installed within 5' of the right of way fence. Communication is either bored or plowed with minimal disruption. Construction activities minimally disturb surface and sub-surface conditions, consequently effects are minor.

The historical/cultural assessment is around 80% complete with no effects identified or anticipated. If, however, there are any resources discovered prior to construction, the ITS equipment will be moved or not installed to avoid conflict. If such resources are discovered during construction, activities will immediately cease until the resources are properly analyzed and protected.

#### **A. Right-of-Way Acquisition**

*Right-of-Way may be acquired by fee simple purchase, permanent or temporary easement, right of entry, gift or other device*

#### **Will additional right of way need to be acquired?**

☒ No R/W acquired. *Proceed to item B*

☐ Yes – R/W to be acquired. *It is strongly recommended that input be sought from real estate interests to identify issues (if any) and costs.*

Indicate type of improvement

☐ Major reconditioning    ☐ Minor reconditioning    ☐ Resurfacing

☐ Bridge rehabilitation    ☐ Minor bridge replacement

☒ Other – Describe – Installation of ITS devices at specified locations on existing facilities.  
(See attached Maps.)

A) For major reconditioning, minor reconditioning, or resurfacing projects (3R projects) and other projects. *Sites meeting the one-half acre test must have an archival and literature search conducted to confirm there are no archaeological sites or historic buildings or structures affected by the project. See FDM Procedure 26-5-1*

#### **Will the project acquire less than $\frac{1}{2}$ acre per mile?**

☒ Yes - meets criterion - This condition suggests that this proposal could be placed on the Screening List for the Historical Society. See item C below.

☐ No - criterion not met - The Screening list cannot be used for this proposal

#### **B. Displacement/Relocation**

*A displacement is the removal of persons ,businesses or industries from a residence, commercial building, or industrial building as a direct result of a project.*

**Does the proposal require the displacement of individuals or businesses?**

☐ Yes – criterion not met - See FDM Procedure 25-5-30

**X No – Meets criterion** - NOTE: Vacant buildings that are not significant cultural resources may be acquired (See Item C.)

**C. Significant Cultural Resource**

*Cultural Resources are considered significant if they are on or eligible for the National Register of Historic Places. Properties on the National Register of Historic Places may be prehistoric or historic buildings, structures, or sites. Local sites must be evaluated to determine whether they are eligible for the National Register. See Chapter 26 of the FDM.*

Determine whether the proposal affects a significant resource. See Chapter 26 of the FDM for additional guidance and direction.

**Will the project be eligible for the “Screening List”**

**X Exempt under FDM Procedure 26-5-1; Meets criterion** - See procedure 26-5-1 for type list categories

☐ **On Screening List–** Date (m/d/yyyy) on Screening List – **Meets criterion**

Sites meeting the one-half acre test must have an archival and literature search conducted to confirm there are no archaeological sites or historic buildings or structures affected by the project.

☐ Not on Screening List - Complete Section 106 Review Form and indicate which of the below boxes in Part IX have been checked.

☐ **No eligible properties in APE – Meets criterion**

☐ **No effect on historic buildings and/or archaeological sites eligible for NRHP – Meets criterion**

☐ **Eligible properties may be affected by project – Criterion not met**

**D. Protected Lands**

*Public lands (i.e., parks; fishing access areas; and wildlife management areas) purchased or improved using the following federal funding sources are protected: Land and Water Conservation Act of 1965 (LAWCON or LWFC); Dingle/Johnson funds (Federal Aid in Fish Restoration Act); or Pittman/Robertson funds (Federal Aid in Wildlife Restoration Act) The Department of Natural Resources should be contacted to determine whether a property utilized these funds. See procedure 21-25-5 in the FDM.*

**Will the project acquire any lands purchased or improved with LWCF (LAWCON), Dingle/Johnson, or Pittman/Robertson funds**

☐ Yes – Begin coordination with DNR – criterion not met

**X No – Meets criterion - Proceed to item E.**

**E. Wetlands, Streams, lakes and other water bodies**

*Fill placed into a wetland, stream, lake or other "waters of the United States" (below the Ordinary High Water Mark - OHWM) requires a permit from the US Army Corps of Engineers under section 404 of the Clean Water Act. If the fill meets certain conditions (i.e., it does not create a significant adverse effect), the Corps may issue a Nationwide or General Section 404 Permit for a fill into a wetland, stream, lake, or other water of the United States. See FDM Procedure 21-30-1.*

**Will there be any fill into waters of the United States, including fill below the Ordinary High Water Mark (OHWM)?**

**X No - Meets criterion - Go to item F**

☐ Yes – Begin DNR and U.S. Army Corps of Engineers (USACE) coordination

If yes, will it be covered by a General Section 404 Permit? See FDM Procedure 21-30-1

☐ Yes

☐ No - Individual permit required.

If any 404 permit is required, indicate the status of 401 Water Quality Certification to be issued by the Wisconsin DNR?

☐ Waived

☐ 401 Action pending final plan and/or erosion control plan

☐ Denied

☐ Granted

☐ Granted with Conditions- Identify Conditions

Date of DNR letter with 401 action (m/d/yyyy)

**F. Agricultural**

*State law (s. 32.035, Wis. Stats.) provides that an Agricultural Impact Statement must be prepared for all acquisitions from economic units called farm operations. The WisDOT/DATCP Cooperative Agreement defines non-significant acquisitions. See FDM Procedure 20-30-1 for a copy of the Agreement and 21-25-30 for details on who and how to inform DATCP*

**All acquisitions from farm operations are non-significant (less than one acre and not affecting any important buildings or features)?**

- ☐ Yes – Meets criterion - Notify DATCP of non-significant acquisitions
- ☐ No – Send Ag Impact Notice to DATCP if any acquisition exceeds one acre from a farm operation
- ☒ Does not apply - No acquisitions from farm operations

### **G. Air Quality**

**Is an air quality Indirect Source Construction Permit for Carbon Monoxide (CO) required for this project?**

- ☐ Yes – See FDM Chapter 22
- X No – Proceed to G-1 and G-2 air quality questions below.**

**G-1) For all projects, the proposed action must be consistent with the State Implementation Plan (SIP) for air quality and included in the State Transportation Improvement Program (STIP).**

**Is the project consistent with the SIP and the STIP?**

**X Yes – Meets criterion - Proceed to G-2**

- ☐ No – Project cannot proceed until it is made consistent with SIP and STIP

**G-2) For projects in counties designated non-attainment or maintenance for ozone, one of the following criteria must also apply.** Ozone non-attainment counties include Milwaukee, Waukesha, Kenosha, Ozaukee, Racine, Washington, Manitowoc, and Door. Maintenance for ozone includes Walworth, Sheboygan, and Kewaunee counties.

Check as appropriate.

☐ **Meets criterion** when the project is included in the approved regional Transportation Plan and Transportation Improvement Program (TIP) which has received a positive conformity determination from the Federal Highway Administration and the Federal Transit Administration.

Provide: TIP name

Project number

☐ **Meets criterion** when the project is located outside of a Metropolitan Planning Organization's boundaries and has received a positive conformity determination per the rural conformity section of the WisDOT/WDNR Memorandum of Agreement regarding determination of conformity.

**X Meets criterion** when the project is exempt per 40 CFR Part 93 Determining Conformity of Federal Actions to State or Federal Implementation Plans, Section 134.

☐ None of the above – Criterion not met - See FDM Chapter 22

#### **H. Noise**

*Noise is defined as unwanted sound. When noise receptors are located in the project area, a noise analysis is required if the project meets any of the following criteria; a) the project is on a new location, b) the horizontal or vertical alignment is shifted substantially, c) there will be a substantial diversion of traffic to a new route, or, d) the number of through lanes is increased. Wisconsin Administrative Code - Chapter TRANS 405 defines a noise impact as occurring when the design year sound levels create a 15 decibel or greater increase over existing levels or design year sound levels approach or exceed the Noise Abatement Criteria (NAC). WisDOT has defined "approach" to mean 1 decibel less than the NAC. Construction noise may also be an issue and may be controlled through the use of Standard Specifications.*

**The project will generate a noise impact:**

☐ Yes – Criterion not met

**X No – Meets criterion** - Check all conditions that apply

- X** Project is not on a new location
- X** Horizontal or vertical alignment is not shifted substantially
- X** There will not be a substantial diversion of traffic to a new route
- X** Number of through lanes is not increased

☐ The Project may generate a noise impact

☐ A noise analysis has been completed and the Method of Determination used was:

- ☐ STAMINA
- ☐ FHWA Traffic Noise Model (TNM)
- ☐ Nomograph
- ☐ Other – Identify

Based on the Method of Determination shown above:

☐ **Meets criterion** when the Project does not approach or exceed the NAC in the design year.

☐ **Meets criterion** when the Project will not increase sound levels (at design year) 15 dB or more over existing levels.

NOTE: Both of the above must be checked to indicate there is no noise impact.

Construction noise may require Special Provisions, see Sections 107.8 (6) and 108.7.1 of the WisDOT Standard Specifications for Highway and Structure Construction for those that routinely apply.

Will any Special Provisions be required for mitigating construction noise impacts?

☒ **Yes – Identify appropriate special provisions** To reduce the potential impact of construction noise, the special provisions for this project will require that motorized equipment shall be operated in compliance with all applicable local, state and federal laws and regulations relating to noise levels permissible within and adjacent to the project construction site. As a minimum, the special provisions will require that motorized construction equipment shall not be operated between 10:00 PM and 6:00AM without the prior written approval of the engineer. All motorized construction equipment will be required to have mufflers constructed in accordance with the equipment manufacturer's specifications or a system of equivalent noise reducing capacity. It will also be required that mufflers and exhaust systems be maintained in good operating condition, free from leaks and holes.

☐ **No – Proceed to next question**

## **I. Contaminated Sites**

*Sites contaminated with hazardous materials or wastes acquired for this project become the responsibility of the acquiring agency.*

**I-1) Will properties with hazardous materials or wastes be acquired for this project?**

☐ **Yes – Approval from WisDOT Contaminated Site Exception Committee is required for the acquisition of properties known to be contaminated. See the WisDOT Real Estate Manual - Contamination Guide.**

☒ **No – Meets criterion** -Evaluation of site information indicates no contamination of properties acquired.

**I-2) Will a utility or other infrastructure construction be installed in or adjacent to a contaminated property?**

☐ **Yes - Review site information to determine conflicts with project construction**

☒ **No – Meets criterion**

Identify special provisions needed to address contamination that may be encountered within the right of way during construction? (For example, contaminated soil disposal, installation of contaminant migration barriers, or management of contaminated groundwater during construction de-watering.)



Projects or sites which do not require new right of way and which have no significant roadway or utility excavation generally do not present much risk of involvement with contaminated sites. Therefore, hazardous materials investigations normally will not be required for them. Projects or those portions of projects limited to the following types of work within existing right of way would generally fall into this category.

**Installation or modification of traffic control systems and devices including addition of new elements, such as signs, signals, controllers, etc.**

**I-3) Will the project include rehabilitation, reconstruction or replacement of an existing bridge structure?**

☐ **Yes**

Is Asbestos present?

☐ **Yes** - include special provisions as outlined in FDM 21-35-45.

☐ **No – Meets criterion** - Proceed to item J below

**X No – Meets criterion** - Proceed to item J below

**J. Endangered Species**

*Endangered species and their critical habitat are protected by both state and federal laws. The Wisconsin DNR has lists of species protected by both state and federal laws and can provide information on endangered species. Provide the date of the DNR final concurrence letter.*

**Will any endangered species or their habitat be affected by this project?**

☐ **Yes – Criterion not met**

**X No – Meets Criterion**

Provide the date of the DNR final concurrence letter whenever only a state-listed species is affected

For species on the federal list provide the results of coordination with the F&WS

**K. Access Control**

*Access controls are used to control the number of access points along a length of highway to maintain the traffic flow conditions. Minor access adjustments for individual parcels are acceptable, e.g., access moved off the road to be improved to a side road.*

**Will existing access be maintained (with the exception of minor adjustments) along the length of the project?**

**X Yes – Meets criterion** - Project would maintain existing access

☐ **No – Changes to existing access may affect land use or generate controversy.**

**L. Consistency with existing plans**

*Endorsed transportation, air quality, and land use plans reflect the goals and objectives of the area and a proposed action must be consistent with them.*

**Is the proposed action consistent with the locally endorsed transportation, air quality, and land use plans of the area?**

**X Yes – Meets criterion** - In non-MPO counties, proceed to item M.

**X Yes – Meets criterion** - In MPO counties, indicate the year the TIP was approved

☐ **No – Projects must be compatible with locally endorsed (approved) plans.**  
Indicate the year the locally endorsed plan was approved

#### **M. Coastal Zone**

*The Coastal Zone Management Plan guides development in the counties of Wisconsin that have coastline on either Lake Michigan or Lake Superior.*

**Is the proposed action is consistent with the goals of the Coastal Zone Management Program?**

☐ **Yes – Meets criterion** - Proceed to next question

☐ **No – Coordination with Wisconsin Coastal Zone Management will be required**

☒ **Criterion Does Not Apply** - project not in coastal zone

**NOTE:** Consistency with Coastal Zone Management is considered to be achieved when a project is coordinated with DNR and no objections have been expressed.

#### **N. Flood Plains**

*No significant encroachment into a flood plain. See FDM 21-25-25. See also item #3 below under the federal criteria.*

**Will the project have a significant encroachment into a flood plain?**

☐ **Yes – Coordination with upstream riparian property owners is required pursuant to NR 116**

**X No – Meets criterion** - Proceed to next question

#### **O. Indirect Effects**

*Reasonably foreseeable indirect (or secondary) effects should be identified. Substantive indirect effects may require further study and documentation.*

**Will the project generate substantive indirect effects?**

☐ Yes – These effects need to be evaluated to determine whether they are significant, e.g., an EA or EIS, may have to be developed.

**X No – Meets Criterion** – The potential for significant indirect effects is minimal.

**P. Cumulative Effects**

*The additive effect of other public and private activities, actions, developments, etc.*

**Do the cumulative effects of the project and other actions amount to a significant impact?**

☐ Yes – Additional or more intensive environmental documentation, e.g., an EA or EIS, may have to be developed.

**X No – Meets Criterion** – Significant cumulative effects are not likely.

**Federal Aid Criteria**

**In addition to those criteria shown above, federal-aid projects also have the following criteria shown below.**

**1. Federal Aid**

**Is federal-aid being used to develop this project?**

**X Yes** - Proceed to federal-aid related criteria below.

☐ **No** – Process is completed upon obtaining appropriate signatures. See first page for signature block.

**2. Section 4(f)**

*Federal highway law provides protection to Section 4(f) lands, i.e., recreation areas, parks, significant historic sites, wildlife and waterfowl refuges. No use of lands or other properties under the purview of Section 4(f) is allowed unless a programmatic 4(f) determination has already been approved by FHWA showing there is no feasible and prudent alternative and all possible planning to minimize harm has been done.*

**Does the project use any publicly owned lands or other properties (recreation areas, parks, significant historic sites, wildlife and waterfowl refuges) under the purview of Section 4(f).**

**X No – Meets criterion** - Section 4(f) does not apply. Note that the most common use of Section 4(f) lands involves R/W acquisition. A proposal that

would result in a significant "constructive use" may also be covered by Section 4(f). See FDM Procedure 21-25-1

☐ Yes – Indicate which action below is appropriate for the project under consideration.

- ☐ Programmatic 4(f) determination in preparation
- ☐ Programmatic 4(f) determination approved by FHWA  
Provide the date of the approval (m/d/yyyy)
- ☐ De minimus 4(f) evaluation
- ☐ Full Section 4(f) will be required

### 3. FHWA Statewide Wetland Finding

*The FHWA Statewide Wetland Finding (FDM 21-25-20) applies to either bridge replacement or highway reconstruction projects which meet the following standards:*

- i) On existing location (i.e. within 0.5 km or 0.3 mi of the existing)*
- ii) Affect a total of less than 3 hectares (7.4 acres ) of wetlands*
- iii) Have been coordinated with WDNR and WDNR has expressed no significant concerns over the proposed use of the wetlands.*

**Does the project meet the standards (a, b, and c above) for the FHWA Statewide Wetland Finding?**

- ☐ Yes – Meets criterion - Proceed to next question
- ☐ No – The FHWA will need to make an individual wetland Finding
- ☒ Does Not Apply - no wetlands impacted.

### 4. Farmland

*The U.S. Farmland Protection Policy Act requires coordination with the U.S. Soil Conservation Service whenever a project receives a score 60 or more points in Part VI of form AD-1006, Farmland Conversion Impact Rating. See FDM Procedure 21-25-35.*

**Is the farmland acquired rated below 60 points in Part VI of the Farmland Conversion Impact Rating, USDA form AD-1006?**

- ☐ **Yes – Meets criterion** - A copy of the Farmland Conversion Impact Rating with parts I, III, and VI completed should be retained and sent to the U.S. Natural Resource Conservation Service upon their request.
- ☐ **No** - A copy of the Farmland Conversion Impact Rating with only parts I, and III completed, plus suitable exhibits should be sent to the U.S. Natural Resource Conservation Service.

**X Does Not Apply - no farmland acquisition**

### **5. Wild and Scenic Rivers**

*Lands and waters of rivers designated as Wild/Scenic Rivers by the U.S. Government are protected. See FDM Procedure 20-5-10.*

**Does the project use any lands or waters of rivers designated as Wild/Scenic Rivers by the U.S. Government?**

☐ Yes – Coordination with the agencies having jurisdiction over the Wild and Scenic River must be consulted. Note: Section 4(f) may also apply

**X No – Meets criterion - Proceed to next question**

### **6. U.S. Coast Guard Permits**

*The United States Coast Guard requires that "Section 9" permits be obtained for bridge projects over navigable waters which are generally tributary to the Great Lakes or the Mississippi River. See FDM Procedure 21-30-1 for a list of waters covered by Section 9.*

**Will the project require a permit from the United States Coast Guard (USCG)?**

☐ Yes – Begin seeking USCG permit

**X No – Meets criterion - Proceed to next item**

### **7. Environmental Justice**

*The President's Executive Order 12898 on Environmental Justice required each Federal agency, to the greatest extent practicable and permitted by law, to achieve environmental justice as part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects or economic effects, of its programs, policies, and activities on minority populations and low-income populations.*

**Will a low-income population or a minority population be affected by this proposal?**

☐ Yes – Indicates a low-income population or minority population may be affected by the proposal, before the proposal may proceed you must provide :

- A description of the minority populations or low-income populations;
- The environmental justice implication and degree of the impacts of each alternative under consideration, including a discussion of each of the impacts as applicable to a given alternative;
- The short-term, long-term, and cumulative effects of the proposal on minority populations and low-income populations.

- An indication of how disproportionately high and adverse socioeconomic, physical, and natural environmental impacts, if any, are to be avoided, minimized, or mitigated;

**X No – Meets criterion** - Indicates that there is neither a minority population nor low-income population affected by the proposal.