



Chapter 4 - Agency and Public Involvement

What is in Chapter 4?

Chapter 4 explains how the study team works with the community and key stakeholders to solicit their opinions and advice concerning various community interests and concerns, as well as discussing the various pros and cons of the improvement alternatives developed.

It also has information on how the team works with local, state and federal government agencies that have an interest in the project – agencies such as the Environmental Protection Agency (EPA), the MDNR and SHPO.

What are the public involvement and agency processes?

The agency and public involvement processes were created to make sure that the community and the agencies that serve that community have input into the ideas, evaluations and recommendations that come out of the environmental decision-making process. The public involvement and agency coordination process utilized several different tools to involve as many people as possible in the process and to ensure that the community knew about and understood the project.

Agencies were involved through both in-person meetings and written correspondence with the study team. The study team met with all interested local, state and federal agencies three times during the study. The public is involved through the community advisory group, two public meetings, an on-line survey, web-based information, articles and information in the local paper and radio. The study team also made presentations to local elected officials, business associations and community groups.

What were the goals of the Public Involvement Plan?

The study team wrote a Public Involvement Plan to guide how technical experts like engineers and transportation planners would get and use information from the public. The Public Involvement Plan also outlines how information will be shared with the public.

The ultimate goal of the public involvement process is to get the community's help in developing a recommendation that meets their specific needs,

Public Involvement Goal

The study team's goal was to get the community's help in developing a recommendation that meets their specific needs, desires and concerns and to develop a coordination plan with the local, state and federal governmental agencies.

desires and concerns. It means that the final recommendation must include working out difficult trade-offs, and needs to be a recommendation that the community at-large understands and can support.

Goals of the Public Involvement Plan includes:

- Help the public understand the environmental decision-making process and goals, including the NEPA planning process that is a requirement for transportation projects that receive federal funding;
- Gather meaningful public input into (1) the development of the formal purpose and need and (2) identification of the reasonable alternatives; and,
- Create sustainable support for the recommendations and findings in the Final EIS.

SAFETEA-LU

The Federal transportation bill that was passed in 2005 provided additional requirements for streamlining the environmental decision-making process, including a formalized coordination plan with the local, state and federal governmental agencies.

Section 6002 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act – A Legacy for Users (SAFETEA-LU) requires that the lead agencies establish a plan for coordinating public and agency participation and comment during the environmental review process. In conjunction with the Public Involvement Plan, the study team established a special plan for coordinating with resource agencies. The Coordination Plan (included in **Appendix I**) identified how the study team would solicit and consider input from agencies and the public.

The study team structured the Coordination Plan to accomplish the following:

- Identify early coordination efforts;
- Identify resource agencies that would want to cooperate or participate during development of the EIS; and
- Establish the timing and form for agency involvement.

How does the team meet public involvement goals?

The Public Involvement Plan called for talking with property owners in the study area, key stakeholders, community organizations, elected officials and members of the public interested in the study. **Table 4-1** provides a summary of the tools the study used to implement the public involvement and agency coordination plans.

Table 4-1: Public Involvement and Agency Coordination Tools

| Public Involvement Goal | Public Involvement Tools |
|---|---|
| <p>Help the public understand the EIS process and goals, including the NEPA planning process</p> | <ul style="list-style-type: none"> • Media Relations – Media relations efforts included sending press releases about the project, public meetings, advisory group meetings and other activities to newspapers, TV and radio stations. The local media coverage included TV, newspaper and radio stories on the project and its progress. • Web Site – The study team made a variety of study and process materials available on MoDOT’s web site, including electronic versions of printed materials, meeting exhibits, presentations, notes, project maps, frequently asked questions and event announcements. (http://www.modot.org/central/major_projects/cole.htm) • Newspaper Inserts – Two weeks prior to each of the public meetings, the communications team placed a full-page, color advertisement in the Jefferson City Tribune. Additional copies were printed as hand-outs for public meetings and other community discussions and presentations. • Letters and Postcards – Used to notify the public of the public meeting related to the project alternatives. • Meetings – Information about the environmental decision-making process was presented as part of public meetings, advisory group meetings as well as at presentations about the project throughout Jefferson City and Cole County. |
| <p>Gather meaningful public input into the (1) development of the formal purpose and need and (2) reasonable alternatives</p> | <ul style="list-style-type: none"> • All of the above, plus: • Advisory Committee – The study team formed a community advisory group that met three times during the study development. Their input helped direct the project Purpose and Need and preliminary and reasonable alternatives. They met again in the fall of 2009 to discuss the draft recommended alternative. • Public Meetings – The team hosted two open-house style public meetings in order for the public to learn about the process and its decisions. The first meeting focused on the Purpose and Need and provided information on the environmental decision-making process, NEPA, existing conditions, historic properties, cultural resources and preliminary alternatives. The second meeting recapped information from the first meeting and focused on getting feedback on the reasonable alternatives. More than 150 people attended the public meetings. • On-Line Survey – During the development of the Purpose and Need, an on-line survey was posted to MoDOT’s web site requesting public input. More than 60 surveys were completed. |
| <p>Create sustainable support for the recommendations and findings in the Final EIS</p> | <ul style="list-style-type: none"> • All of the above, plus: • Public Hearing – As is appropriate and required in the environmental process, a public hearing on the Draft EIS document was held in the Winter of 2009. |
| Agency Coordination Goal | Agency Coordination Tools |
| <p>Identify early coordination efforts</p> | <ul style="list-style-type: none"> • Scoping meeting – The team hosted an initial scoping meeting to identify areas of mutual interest. |
| <p>Identify resource agencies that would want to cooperate or participate in agency coordination</p> | <ul style="list-style-type: none"> • Letters of interest – Letters were sent to a range of agencies and organizations to invite their participation in the environmental process. Responses were tracked and those interested were included in ongoing agency communication. |
| <p>Establish the timing and form for agency involvement in defining purpose and need, range of alternatives and methodologies</p> | <ul style="list-style-type: none"> • The study team agreed to collaborate with agencies following the purpose and need and upon completing a preliminary draft document. • The study team drafted a methodologies memo that identified the methods used in conducting the environmental analysis. • Scoping meetings – The team hosted three scoping meetings with agencies to discuss the project, concerns and opportunities. • Letters – Several agencies sent letters to the study team outlining support, questions or concerns. |

Who did the study team work with?

The community at large plays an important role in the development of the study, its recommendations, and outcomes. The study team identified several groups and organizations as key stakeholders due to their proximity, their role in the community or their history, including:

- Central Bank;
- Chamber of Commerce;
- Downtown Business Association;
- East End Neighborhood and Development Association;
- Jefferson City Housing Authority;
- Jefferson City School District;
- Lincoln University;
- Munichberg Neighborhood;
- Quinn Chapel AME;
- Southside Business Association; and
- Immaculate Conception Church.

Community Advisory Group

The study team met with the Community Advisory Group on four separate occasions during the course of the study. A synopsis of each meeting follows below, with complete meeting notes available in **Appendix H**.

- July 31, 2007 at MoDOT District 5 – At the first meeting, the study team provided an introduction to the study process and the role of the Advisory Group. The main focus of the meeting was to discuss the purpose and need, identify issues important to Advisory Group members and discuss possible constraints and impediments to making improvements on Whitton Expressway.
- October 16, 2007 at Lincoln University – The focus of the meeting was to develop consensus on the key screening criteria and to discuss initial concepts. An updated Purpose and Need was provided to the Advisory Group that included a discussion of key screening criteria that would be used to evaluate the various alternative improvements. The Advisory Group began asking questions about roadway widths and impacts to homes, yards, sidewalks and on-street parking, a particular concern for Quinn Chapel, who has no off-street parking. As the conversation continued, the study team suggested that the group look at maps and discuss potential alternatives and solutions.
- January 22, 2008 at Page Library, Lincoln University – The team provided an overview of the project progress so far, noting that since the last meeting, the study team had developed a range of initial concepts and conducted a preliminary screening of the concepts. The screening

Who participated in the Community Advisory Group?

The following persons contributed their valuable time to offer advice and counsel to the study team:

Cathy Bordner
 Jim Crabtree
 Stan Fast
 Dr. Bert Kimble
 Dr. Carolyn Mahoney
 Mark Mehmert
 Rev. Margaret Redmond
 Allen Pollock
 Charlie Brzuchalski
 John Pelzer
 Dave Trizner
 Randy Allen

was based on each concept's ability to meet the project's formal Purpose and Need and the key screening criteria identified at the previous Advisory Group meeting. As part of the discussion, the study team provided the Advisory Group with the reasonable alternatives that the team would develop in further detail. The group expressed concern about the effect some concepts had on Quinn Chapel, several neighborhoods, and the local street system.

- January 26, 2010 at Page Library, Lincoln University – The team provided an update regarding activities related to the publication of the Draft EIS and the identification of a Preferred Alternative. The presentation of the Preferred Alternative focused on the environmental investigations, screening of reasonable alternatives and potential impacts associated with the Preferred Alternative. Following the presentation, the discussion focused on the Madison Overpass, Section 106 process, access issues related to Lafayette and Clark and the effect the Preferred Alternative would have on Quinn Chapel.

Resource Agency Group

The study team met with representatives from local, state and federal resource agencies on two occasions. Participating agencies included the USACE, MDNR, SHPO, and the Capitol Area MPO. At each meeting the study team presented information and findings to date and discussed issues with agency representatives.

- August 12, 2007 at the Immaculate Conception School – The first agency group meeting served as the project's formal Scoping meeting. The study team provided an overview of the anticipated study process as well as issues identified in the preceding Problem Definition Study. Agency representatives shared their issues and concerns regarding potential alternatives. Many of their concerns focused on impacts to historic sites and districts, community resources such as Central Dairy and the Performing Arts Center, and natural resources such as Wears Creek.
- January 22, 2008 at Lincoln University – The study team led a discussion of the initial improvement concepts and the screening process utilized to select reasonable alternatives. The Madison Overpass and Clark Realignment concepts generated the most discussion by the group. The group discussed potential impacts associated with retaining walls needed for the Madison Overpass. The concern with the Clark Realignment focused on some homes in the anticipated corridor. A representative from the City of Jefferson noted that the Central East Side Neighborhood Plan identified many of these properties for redevelopment.

What opportunities for public input were provided?

Public Open House Meetings

Two rounds of public meetings were held during the study process.

The first public meeting took place on August 14, 2007. The meeting was held at Kertz Hall at Immaculate Conception Church from 4:00 to 7:00 p.m. A total of 56 persons and several members of the local media attended. The study team hosted an open house public meeting and on-line survey to collect public input on the draft Purpose and Need. Participants were asked to provide information on locations of concern and interest in terms of impacts and possible improvements, as well as cultural resources within the project area. To facilitate that discussion, the open house included informational exhibits, stations with maps for hands-on activities and a comment station. The team collected both verbal and written comments for consideration in the screening process. A total of 41 comments (31 from the web-based survey) were received. Additionally, team members documented verbal comments made during the open house; all comments received are included in this summary.

There was significant participation in the public meeting by members of Quinn Chapel AME. As a group, they expressed concerns over the project's affect to their church. Several congregation members shared their experiences with the initial construction of Whitton Expressway, which had a negative impact to the African-American community in Jefferson City, and in particular, impacts to what was formerly known as the "Foot" neighborhood adjacent to Lincoln University. Several meeting participants expressed concerns over the prior treatment of that largely minority neighborhood and the need to preserve as much of what remained as possible.

The other predominant theme heard in the public meeting was related to preservation of the neighborhoods between Whitton Expressway and the prison redevelopment site, especially related to historic homes in the area. Neighborhood representatives also expressed concerns about increased traffic on residential streets.

The second meeting occurred on January 29, 2008 from 4:30 to 7:00 p.m., at the Immaculate Conception Church's Kertz Hall. A total of 96 persons attended the meeting. Meeting participants were greeted, asked to sign in and invited to view the boards and ask questions of any member of the team. Additionally, each participant was given a packet of information, including copies of the proposed reasonable alternatives, the full-page advertisement, comment form, and study team contact information. The study team received 22 comments from the public. Study team members documented verbal comments made during the open house and any written comments received. Participants were asked to comment on the recommended set of

reasonable alternatives, to identify any other alternatives that should be considered, and to comment on the proposed evaluation criteria.

Public Hearing

In order to maximize public participation and seek feedback on the Draft EIS, the study team hosted a public hearing to gather public feedback. The traditional, open-house public hearing was held on February 2, 2010, from 4:30 to 7:30 p.m., at the Immaculate Conception Church's Kertz Hall. Approximately 150 attended the open-house hearings.

In addition, the team hosted an online public hearing. The online hearing information was posted on the MoDOT district web site. Recurring themes, questions and concerns included:

- Concerns about impacts caused by the Madison overpass to adjacent businesses, in particular to the Miller Performing Arts Center and Central Bank;
- Concerns about specific property impacts;
- Questions about construction phasing;
- General support for improvements at Lafayette and Clark;
- City Council support for the parkway concept in lieu of the identified preferred alternative;
- Suggestions for a bypass in lieu of local improvements;
- Concerns about further impacts to the historic area known as "The Foot" and to Lincoln University property;
- Concerns about neighborhood impacts near Lafayette and Clark; and
- Concerns about segmentation of the study area; particularly the area near Lafayette and Clark.

Verbatim comments received via the public hearings, email and responses to media coverage of the project are included in Appendix H.

On-Line Survey

Concurrent with the first public meeting, the study team conducted an online survey. The survey's questions mirrored the questions from the first public meeting's comment form. A total of 31 comments from the web-based survey were received. Meeting and on-line survey participants were asked to rank the draft project goals as Very Important, Important or Not Important. Following is a breakdown of feedback regarding the draft project goals:

- Provide roadway capacity and improve traffic operations;
Very important – 29 / Important – 8 / Not important – 4
- Improve traffic safety;
Very important – 29 / Important – 10 / Not important – 0

- Address road and bridge needs;
Very important – 25 / Important – 13 / Not important – 1
- Improve access to major activity centers and encourage development.
Very important – 18 / Important – 18 / Not important – 4

Survey participants were also asked to indicate what they would change or add to the Purpose and Need, as well as the project's goals and objectives. The third question asked participants to identify any cultural resources they were concerned that the project might affect.

What other meetings were held?

The study team met with a number of individuals and organizations during the course of the study. At the meetings the study team generally discussed a broad range of issues, but in some cases the meetings were focused on a specific issue. The study team met with the following organizations:

- December 4, 2007 – Quinn Chapel AME;
- February 7, 2008 – Capital Area Metropolitan Planning Organization Technical Committee;
- February 20, 2008 – Capital Area Metropolitan Planning Organization Board of Directors;
- February 27, 2008 – Missouri State Penitentiary Redevelopment Commission;
- March 6, 2008 – Eastside Neighborhood Development Association;
- April 4, 2008 – Eastside Business Association;
- April 24, 2008 – City of Jefferson City Council
- July 22, 2008 – Quinn Chapel AME;
- July 23, 2008 – Central Dairy;
- July 24, 2008 – Jefferson City Public Works Planning Committee;
- August 12, 2008 – Jefferson City Parks & Recreation Commission hearing on Park Place impacts;
- October 29, 2008 – Quinn Chapel AME;
- May 20, 2009 – Jefferson City Chamber of Commerce;
- May 27, 2009 – Missouri State Penitentiary (MSP) Redevelopment Commission;
- October 14, 2009 – Quinn Chapel AME;
- January 11, 2010 – Jefferson City Council and Cole County Commission;
- February 23, 2010 – Quinn Chapel AME;
- February 24, 2010 – MSP Redevelopment Commission;
- March 24, 2010 – City of Jefferson;
- April 12, 2010 – City of Jefferson City Council;

- April 15, 2010 – Central Bank, Jefferson City School District and Southside area businesses; and
- June 16, 2010 – Capitol Area MPO Board of Directors.

What are public and agency questions and concerns?

What were the general issues raised during the study?

Understandably, many comments and concerns related to the effect transportation improvements would have on neighborhoods, specific homes, and other properties. Public comments often questioned how the project would affect Jefferson City neighborhoods, institutions, and infrastructure.

Questions and concerns generally fall into the following categories:

- Historic properties – How the project would affect Jefferson City’s historic districts, sites and landmarks;
- Neighborhood Cohesion – Wanted to avoid creating additional barriers between neighborhoods—especially in Old Munichberg, the Southside and the Central East Side neighborhoods;
- Pedestrian access – Improving pedestrian access across the Whitton Expressway;
- Economic access – Maintain accessibility to businesses on the south side of Whitton Expressway and improve accessibility to the prison redevelopment site, Lincoln University and Jefferson City High School; and
- Social – Minimize impacts to community cohesion relating to the African-American community near Lincoln University, including Quinn Chapel.

What issues were raised during the Public Comment period?

On January 8, 2010, the FHWA and MoDOT issued the Draft EIS for the Whitton Expressway. In accordance with NEPA, substantive comments offered by public agencies, the general public, or other interested parties need to be adequately addressed in the Final EIS. The 45-day comment period for the Draft EIS ended on February 22, 2010. All comment received up until publication of the Final EIS were responded to, and no cutoff date was used to exclude comments.

What were the public comments?

The following section presents the agency and organization review comments received for the Draft EIS. **Table 4-2** provides a summary of topics received via general public input. That is followed by responses to each topic.

Table 4-2: Summary of Public Input Topics

| General Public Input | Count |
|--|-------|
| 1. Madison Overpass impacts access to local businesses including Central Bank, the Performing Arts Center, Central Dairy and Busch's Florist | 8 |
| 2. The Madison Overpass is a good idea | 3 |
| 3. The Madison Street overpass is not needed | 4 |
| 4. There is no need for a Lafayette interchange | 4 |
| 5. The Lafayette interchange should be built last | 3 |
| 6. The Lafayette interchange and Lafayette street into the MSP site should be a 'grand entrance'. | 2 |
| 7. The Lafayette interchange is important | 4 |
| 8. There should be equal focus on the Clark Realignment and Lafayette as access to the prison | 1 |
| 9. The Clark Extension is a better option to access the prison site than Lafayette | 3 |
| 10. The Clark Roundabouts are needed, these should be built first | 11 |
| 11. The Clark roundabouts are unwarranted | 1 |
| 12. Concerned that City will move forward with local streets like Clark and there will be no funding for relocations | 1 |
| 13. Consider an extension of Rt 179 as a bypass | 4 |
| 14. A bypass option should be considered | 1 |
| 15. There is a need to eliminate the stoplights along Hwy 50 | 3 |
| 16. Build an elevated/grade-separated section over city streets on the Hwy 50 alignment | 4 |
| 17. A 3 rd lane should be provided on Whitton | 1 |
| 18. The additional lanes on Hwy 50 are a good improvement | 1 |
| 19. Not allowing all turning movements at Jefferson, Madison and Monroe will create confusion | 1 |
| 20. Would like to see traffic use city streets rather than Whitton to bolster downtown business | 1 |
| 21. Need improvements to Missouri Blvd and the Tri-level | 3 |
| 22. The Preferred Alternative is a good choice | 2 |
| 23. Need to make improvements to Broadway to improve access for a potential convention center. | 1 |
| 24. There is too much highway traffic near the tennis and baseball/softball fields | 1 |
| 25. The project should provide for bicycle and pedestrian access | 2 |
| 26. Keep flexibility for funding | 1 |
| 27. The proposed improvements are too costly | 1 |
| 28. The prison redevelopment should pay for the cost of improvements to access the site | 1 |
| 29. EIS needs to identify all historic districts in the study area and identify them the same as individually eligible properties | 1 |
| 30. The EIS needs to discuss what is happening along Lafayette at McCarty and beyond to the MSP site especially as it relates to city improvements that are in the works | 1 |

1. Madison Overpass impacts access to local businesses including Central Bank, the Performing Arts Center, Central Dairy and Busch's Florist –

Response: The access from Central Bank and the Performing Arts Center on to Madison would be affected by the overpass and retaining walls. More detailed design will take place prior to construction and every effort to minimize impacts will be made at that time. The existing access to Central Dairy and Busch's Florist will be maintained.

The Preferred Alternative shown is the alternative that was found to minimize social, economic and environmental impacts while achieving the goals of the project. The Madison Overpass option best balances the need for operation improvements with constructability. The improvements associated with the Madison Overpass would be simpler and less disruptive to construct than the other Mainline Alternatives.

2. The Madison Overpass is a good idea –

Response: The Madison Overpass alternative was able to achieve the purpose and need of the project while minimizing social, economic and environmental impacts. However, MoDOT will implement all reasonable traffic management alternatives before construction the Madison Overpass so that it is not constructed until traffic issues warrant it.

3. The Madison Street overpass is not needed –

Response: The Madison Overpass alternative helps to address the issues of capacity and traffic operations. This alternative allowed for an additional thru-lane along Whitton Expressway at Madison, Jefferson and Monroe. The overpass also makes it possible to eliminate one of the three at-grade intersections in this area and provides better north-south connectivity across Whitton.

The Madison Overpass option best balances the need for operation improvements with constructability. The improvements associated with the Madison Overpass would be simpler and less disruptive to construct than the other Mainline Alternatives. However, MoDOT will implement all reasonable traffic management alternatives before construction the Madison Overpass so that it is not constructed until traffic issues warrant it.

4. There is no need for a Lafayette interchange –

Response: This alternative satisfies the purpose and need of this project by providing the most direct access to the MSP site, as well as improving access to Lincoln University and Jefferson City High School (JCHS). The Identified Preferred Alternative is most compatible with local planning efforts such as the Central East Side and MSP Redevelopment's Framework Plan. The Lafayette Interchange is supportive of the new infrastructure identified in the Central East Side Plan. It also supports the neighborhood plan's recommendation for addressing the traffic capacity and opera-

tional concerns of Whitton Expressway as they relate to traffic operations throughout the neighborhood.

5. The Lafayette interchange should be built last –

Response: For the reasons stated in the previous comment response, the Lafayette Interchange is important in addressing the traffic that is expected to be generated by the MSP site redevelopment. The Prison Redevelopment Authority also considers Lafayette Street to be the site's front entrance.

6. The Lafayette interchange and Lafayette street into the MSP site should be a 'grand entrance' –

Response: The Prison Redevelopment Authority considers Lafayette Street to be the site's front entrance. Additional aesthetic treatments or other amenities beyond the construction of the Lafayette Interchange and the improvements that would then be needed to Lafayette Street up to McCarty Street would be at the expense of the City of Jefferson and/or part of specific building projects within the MSP.

7. The Lafayette interchange is important –

Response: See response to comment 4.

8. There should be equal focus on the Clark Realignment and Lafayette as access to the prison –

Response: Both the Clark Realignment and the Lafayette Interchange were considered equally as part of the Identified Preferred Alternative. The impacts were considered for all areas of the Identified Preferred. The Clark Realignment will be important as traffic to the MSP site continues to grow and is a necessary component to the Identified Preferred Alternative. However, comments received previously on this project have continued to identify Lafayette as the priority, for all of the reasons discussed above, if construction phasing were to be required due to funding.

9. The Clark Realignment is a better option to access the prison site than Lafayette –

Response: The Clark Realignment is an important piece of the Identified Preferred Alternative. The Clark Realignment was examined as a stand-alone alternative and was dismissed because it did not meet the purpose and need for the project. The Clark Realignment on its own would not improve access to Lincoln University or JCHS and would provide a less desirable entrance into the MSP site. There would also be additional impacts with this alternative because Clark would be required to be a four-lane roadway in order to handle the additional traffic.

10. The Clark Roundabouts are needed, these should be built first –

Response: If construction phasing were needed due to funding issues, the Clark Roundabouts would be in the second phase of the project.

11. The Clark roundabouts are unwarranted –

Response: There are a number of movements in close proximity at the Clark Avenue interchange which make a many of the turning movements difficult. In order to properly handle the traffic at Clark, roundabouts are needed at this location.

12. Concerned that City will move forward with local streets like Clark and there will be no funding for relocations –

Response: The Clark Realignment is part of the Identified Preferred Alternative for the Whitton Expressway project. Any construction that takes place in relation to this alternative as a part of this project will be subject to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601). The Uniform Act, as well as Missouri state laws, requires that just compensation be paid to the owner of private property taken for public use. For more information see **Chapter 3**.

13. Consider an extension of Highway 179 as a bypass –

Response: Two bypass options were considered early on in the EIS process. Both the north and south, which utilized Highway 179, were eliminated from consideration because neither met the purpose and need for the project. While some through trips were diverted away from Whitton, the total number of diversions were not sufficient to improve the overall operations of the expressway. In addition, these concepts did not provide improved accessibility to the MSP site, Lincoln University or JCHS. These alternatives may have merit as the community continues to grow but were not sufficient to satisfy the specific needs of this project. For more information see Chapter 2.

14. A bypass option should be considered –

Response: See response to Comment 13.

15. There is a need to eliminate the stoplights along Hwy 50 –

Response: Removing all of the traffic signals from Whitton Expressway would create a barrier to traffic trying to cross Whitton in order to get Downtown or to the Southeast side. The Preferred Alternative includes an overpass at Madison Street when traffic warrants. This overpass would eliminate the traffic signal at Madison Street.

16. Build an elevated/grade-separated section over city streets on the Highway 50 alignment –

Response: Both the Viaduct and Parkway Alternatives include elevated sections along Whitton from just east of Broadway to near Jackson. These alternatives were not identified as the preferred alternative due to cost, constructability issues, increased impacts to Wears Creek and the visual impacts of an elevated structure. See Chapters 2 and 3.

17. A 3rd lane should be provided on Whitton–

Response: The Identified Preferred Alternative would consist of three lanes of traffic in each direction and two center turn lanes in the western section which would tie into the new Lafayette interchange. An auxiliary lane will be added between the Clark Avenue and Lafayette Street interchanges.

18. The additional lanes on Hwy 50 are a good improvement –

Response: Thank you for your comment.

19. Not allowing all turning movements at Jefferson, Madison and Monroe will create confusion –

Response: Modifications to Whitton Expressway will occur as funding becomes available and traffic warrants. There are a number of communication methods for helping drivers get to where they are going. These include lane markings, signals and signage as well as communications to the businesses and residences in the area to assist in preparation for any changes.

20. Would like to see traffic use city streets rather than Whitton to bolster downtown business –

Response: If no improvements are made to Whitton and traffic continues to grow, congestion and safety issues will make it more difficult to get to businesses downtown. Increased traffic, leading to congestion and a decrease in safety and mobility could hinder growth in the area. The project could be phased to be developed so that it accommodates growth as it occurs.

21. Need improvements to Missouri Blvd and the Tri-level –

Response: The Identified Preferred Alternative includes minor improvements at Missouri Boulevard. Major changes to this intersection are not included with this project as any improvements here impact the Tri-level interchange.

22. The Preferred Alternative is a good choice –

Response: Thank you for your comment.

23. Need to make improvements to Broadway to improve access for a potential convention center -

Response: If and when, a convention center is sited within the corridor prior to the completion of the Whitton Expressway project, any access, traffic, etc. associated with this type of facility will be taken into consideration.

24. There is too much highway traffic near the tennis and baseball/softball fields –

Response: The highway itself is grade separated at Lafayette Street and traffic is not expected to get any closer to these facilities. Lafayette Street will see some modifications due to the interchange but these will

continue south only as far as Elm Street. These facilities won't be directly impacted by the Whitton Expressway project.

25. The project should provide for bicycle and pedestrian access –

Response: Plans for suitable pedestrian and bicycle access upon streets crossing the Whitton Expressway will be considered during the design of interchanges and bridges where warranted by land use. Any accommodations for bicycle / pedestrian access that are a part of this project will comply with the requirements of the American Disabilities Act of 1990.

26. Keep flexibility for funding –

Response: The Identified Preferred Alternative offers flexibility on when to construct the improvements. The construction can be phased based on availability of funding and traffic growth. See Chapter 5 and Appendix K for more information.

27. The proposed improvements are too costly –

Response: The identified Preferred Alternative is one of the least costly options. The costs of the project are taken into consideration along with the safety and capacity needs and weighed against the impacts to the social and natural environment.

28. The prison redevelopment should pay for the cost of improvements to access the site –

Response: There is no one single developer of the MSP site. The projects that are occurring there are part of city, state and federal projects and have not included private development to this juncture. The City of Jefferson is currently working on a project at Lafayette Street that will enable that street to carry the additional traffic and provide a gateway into the MSP site, through pavement and utility work, accommodation of on-street parking and curb, sidewalk and stair work.

29. EIS needs to identify all historic districts in the study area and identify them the same as individually eligible properties –

Response: The Final EIS has been modified to provide clarity related to historic districts and eligible properties on the exhibits and in the text.

30. The EIS needs to discuss what is happening along Lafayette at McCarty and beyond to the MSP site especially as it relates to city improvements that are in the works –

Response: The City of Jefferson is in the process of making improvements along Lafayette Street from McCarty to the MSP entrance. The current project will enable Lafayette Street to carry the additional traffic and provide a gateway into the MSP site, through pavement and utility work, accommodation of on-street parking and curb, sidewalk and stair work. These improvements are being made in anticipation of additional traffic on Lafayette resulting from the construction of the new federal courthouse and other MSP development.

What comments did agencies have about the project?

The following letters were received by agencies regarding the Draft EIS:

- Missouri Federal Assistance Clearinghouse – January 19, 2010;
- U.S. Army Corps of Engineers – January 19, 2010;
- Jefferson City Public Schools – January 27, 2010;
- Lincoln University, Office of the President – February 9, 2010;
- City of Jefferson Department of Parks, Recreation and Forestry – February 11, 2010;
- U.S. Environmental Protection Agency – February 19, 2010;
- Missouri Department of Natural Resources – February 25, 2010; and
- U.S. Department of the Interior – March 1, 2010.

Comment codes are used in this section to reference the specific agency letters to which the responses correspond. All comments were noted as offered by each agency except as discussed below regarding the Missouri Department of Natural Resources' (MDNR) comments.

MDNR Comment Code: 1A

Response: Creating a “natural design channel” is a very involved process and is not under consideration as part of the Preferred Alternative due to the urban nature of the existing channel and to the right of way needs to meander the channel.

MDNR Comment Code: 1B

Response: Please note that the limits of construction for this project ends on Lafayette Street at McCarty. The Preferred Alternative has no impact on the Capitol Avenue Historic District, nor does it impact any of the individual historic resources located within the district. Exhibit 5-1 was modified to include the segment of Lafayette Street from McCarty to Capitol. Table 3-11 was also modified to show the individual resources.

MDNR Comment Code: 1C

Response: The two surveys in question were not included in the archival review. They were referenced in the architectural and historical survey, although the recommendations and State Historic Preservation Office response to those recommendations were not addressed in the report. MoDOT historic preservation specialists prepared a memo for the project file on July 21, 2010 that addressed the two surveys in question. The Preferred Alternative had no impact to the any of the recommended districts or properties and in some cases, the districts in question are no longer considered NRHP eligible historic districts.

MDNR Comment Code: 1D

Central Dairy was added as a cultural resource identified in **Table 3-11**. Please note that the Preferred Alternative has no impact on Central Dairy, so no mitigation has been identified in the EIS.

Exhibit 4-1: Agency and Public Correspondence



Jeremiah W. (Jay) Nixon
Governor

State of Missouri
OFFICE OF ADMINISTRATION
Post Office Box 809
Jefferson City, Missouri 65102
Phone: (573) 751-1851
Fax: (573) 751-1212

Kelvin L. Simmons
Commissioner

January 19, 2010

Jen Johnson
HNTB
715 Kirk Drive
Kansas City, MO 64105-1310
816-472-4060

Dear Ms. Johnson:

Subject: **1007006**
 Assistance

The Missouri Federal Assistance Clearinghouse, in cooperation with state and local agencies interested or possibly affected, has completed the review on the above project application.

None of the agencies involved in the review had comments or recommendations to offer at this time. This concludes the Clearinghouse's review.

A copy of this letter is to be attached to the application as evidence of compliance with the State Clearinghouse requirements.

Please be advised that I am the contact for the Federal Funding Clearinghouse. You can send future requests to the following address: Sara VanderFeltz, Federal Funding Clearinghouse, 201 West Capitol, Room 125, and Jefferson City, Missouri 65101.

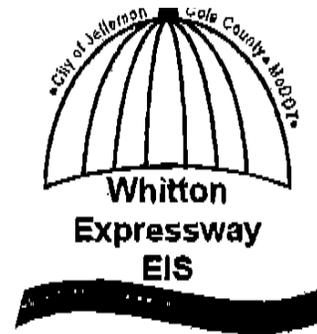
Sincerely,

A handwritten signature in cursive script that reads "Sara VanderFeltz".

Sara VanderFeltz
Administrative Assistant

cc:

December 31, 2009



Ms. Sara Vanderfeltz
Missouri Federal Assistance Clearinghouse
Office of Administration
Room 760, Truman Building
P.O. Box 809
Jefferson City, Missouri 65102

Dear Ms. Vanderfeltz:

This letter is to make a correction from the previous letter attached to the set of CDs of the Draft EIS you should have received. The Draft EIS that you received is for the **Whitton Expressway EIS**. The 45-day comment period will end on **February 22, 2010**, as indicated on the cover page of the Draft EIS. Please provide any comments that you might have to the individuals listed on the cover page during this timeframe.

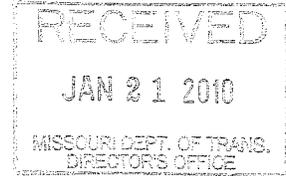
Sincerely yours,

Jen Johnson
Whitton Expressway EIS Deputy Project Manager
HNTB Corporation
816-472-1201



DEPARTMENT OF THE ARMY
KANSAS CITY DISTRICT, CORPS OF ENGINEERS
STATE REGULATORY PROGRAM OFFICE - MISSOURI
221 BOLIVAR STREET, SUITE 103
JEFFERSON CITY, MISSOURI 65101

January 19, 2010



REPLY TO
ATTENTION OF:

Missouri State Regulatory Office
(2007-01635)

Ms. Peggy Casey, Environmental Engineer
Federal Highway Administration
3220 W. Edgewood, Ste. H
Jefferson City, Missouri 65109

And

Mr. Kevin Keith, Chief Engineer
Missouri Department of Transportation
P.O. Box 270
Jefferson City, Missouri 65102

Dear Ms. Casey and Mr. Keith:

This letter is in response as a cooperating agency concerning the "Draft" Environmental Impact Statement (EIS) submitted for proposed modification of the Rex Whitton Expressway in Jefferson City, Missouri. We initially commented on March 10, 2008, to Mr. Michael Dusenberg, Missouri Department of Transportation (MODOT), concerning the purpose and need statement for this EIS.

Based on our review of the EIS document we agree with the assessment that adequate consideration of practicable alternatives has been addressed in the document. The selected project alternatives meet the requirements set-forth by 404 (b)(1) guidelines, which is that no discharge will be permitted if there is a practicable alternative to the discharge which would have less adverse impact to the aquatic ecosystem. The EIS meets Corps' NEPA regulations that only reasonable alternatives need to be considered in detail.

In summary, we are in agreement with the contents of the "Draft" EIS. Thank you for allowing us to participate in the review of your document. If you have any questions or need further assistance you may contact me at (573) 634-2248.

Sincerely,

A handwritten signature in cursive script that reads "James A. Ptacek".

James A. Ptacek
Regulatory Project Manager
Missouri State Regulatory Office

JEFFERSON CITY PUBLIC SCHOOLS

ESTABLISHED IN 1838
315 EAST DUNKLIN STREET
JEFFERSON CITY, MISSOURI 65101

OFFICE OF THE
SUPERINTENDENT OF SCHOOLS

BRIAN C. MITCHELL, Ed.D.

January 27, 2010

Mr. Mike Dusenberg
District 5
MODOT
P.O. Box 718
Jefferson City, MO 65102



Re: Whitten Expressway EIS

Dear Mr. Dusenberg:

Thank you for the opportunity to participate on the Whitten Expressway Advisory Committee. I appreciated having an opportunity to learn more about the project. The Jefferson City Public School District is excited about the proposed plan regarding the access at Lafayette and we look forward to hearing more related to the timelines involved in the completion of that project.

The District is, however, very opposed to the proposed changes for the overpass at Madison and Highway 50. We believe this proposal will create tremendous ingress/egress issues for the Miller Performing Arts Center and will make access for the community, parents, and staff very difficult when trying to enjoy more and more productions at the Center. We are also very concerned about the impact the proposed changes will have on the aesthetics of that facility as an overpass will certainly impair not only the visibility of the Performing Arts Center, but also will certainly provide a less than desirable view when looking out from the atrium of the facility.

Please do not hesitate to contact me should you wish to discuss these projects further. You can reach me at 573-659-3012. Thank you, once again, for the opportunity to participate in this study.

Sincerely,

Brian C. Mitchell, Ed.D.
Superintendent

BCM/cb



LINCOLN UNIVERSITY

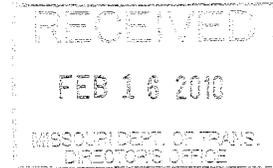
820 Chestnut St.
Jefferson City, MO 65102-0029

Office of the President

Phone: (573) 681-5042
FAX: (573) 681-6074

February 9, 2010

Ms. Peggy Casey
Environmental Projects Engineer
Federal Highway Administration
3220 W. Edgewood, Ste. H
Jefferson City, MO 65109



Mr. Kevin Keith
Chief Engineer
Missouri Department of Transportation
P.O. Box 270
Jefferson City, MO 65102

**RE: REX WHITTON EXPRESSWAY
DRAFT ENVIRONMENTAL IMPACT STATEMENT**

Dear Ms. Casey and Mr. Keith:

Thank you for the opportunity to review the Whitton Expressway DRAFT Environmental Impact Statement (EIS).

As a participating agency of the Advisory Group, Lincoln University appreciates the opportunity to examine potential impacts to the alternatives considered and provide comments on the preferred alternative; thereby having input into the decision making process.

After reviewing the draft EIS, we continue to support the Identified Preferred Alternative relative to a full diamond interchange at Whitton Expressway and Lafayette Street. This direct access will greatly enhance vehicle traffic to Lincoln University, Jefferson City High School, and the prison redevelopment site.

As noted in Chapter 3 under the Effects of Alternatives and Chapter 6 – Section 4(f) Evaluation, the Lincoln University President’s House, which is listed on the National Register of Historic Places, will be impacted by the widening of lanes and/or construction of the interchange. It is our understanding from the EIS that in the event the well house and stone wall are impacted due to construction, the well house and remaining stone wall adjacent to it **will be reconstructed**. It is also our understanding this means the cost to reconstruct the well house and stone wall will be included as part of the project and will be paid for by MODOT funding. This is a commitment made by MODOT as noted on page 8 of the Executive Summary. We support this solution.

Page 2
February 9, 2010

We also understand various properties once part of “The Foot” neighborhood, a traditionally African-American neighborhood centered near Lincoln University will also be affected by the Whitton/Lafayette interchange. MODOT is also committing to conduct additional research and providing context on the homes and businesses that will be affected, documenting all of the research and providing a final report to Lincoln University and other entities in order to preserve and share the history of the area. MODOT will also take reasonable and necessary steps to ensure Quinn Chapel is relocated within this community, as it desires.

Thank you again for allowing us the opportunity to respond to the DRAFT EIS. Should you wish to discuss our comments further, please do not hesitate to give me a call at 573-681-5042.

Sincerely,



Carolyn R. Mahoney, Ph. D.
President

cc: Mr. Curtis E. Creagh
Ms. Sheila Gassner

City of Jefferson

Department of Parks, Recreation and Forestry
427 Monroe Street
Jefferson City, Missouri 65101



John Landwehr
Mayor

William M. Lockwood, CPRP; Director
Phone: (573) 634-6482
Fax: (573) 634-6489

February 10, 2010



Mr. Michael Dusenberg, P.E.
District Planning Manager
MoDOT Central District
P.O. Box 718
Jefferson City, MO 65102

Dear Mr. Dusenberg:

This is to advise you that the City of Jefferson Parks and Recreation Commission meeting in official session on Tuesday, February 09, 2010, voted to support the preferred alternative identified in the Highway 50 Environmental Impact Study as it relates to the three park properties located in the study area. Those properties are the greenway at Wear's Creek and East Miller Street, the East Miller Street Neighborhood Park and the Park Place Neighborhood Park. The project as proposed will have either beneficial impacts or no impacts upon park facilities except for potential short term disruptions of greenway usage during the construction process. The Commission requests that MoDOT take reasonable measures to keep the East Branch Greenway in public use as much as possible during construction while giving consideration to the safety of trail users.

The Parks and Recreation Commission has neither the responsibility nor authority to offer its support to the entire Highway 50 EIS which is the responsibility of the City Council and thus has confined remarks to park facilities under the jurisdiction of the Commission.

If I may provide additional information, please do not hesitate to contact me.

Sincerely,

William M. Lockwood
Director of Parks, Recreation & Forestry

WML:als



"We've Always Got It Going On!"



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

FEB 19 2010

FHWA
MO DIV
RECEIVED

FEB 25 2010

Routing slip table with columns for various departments: DA, ADA, Planning, ROW, Env Review, Env Pro, Fin Mgr, Fin Spec, Fin Tech, Bridge, Civil Rights, Safety, Operations, TE1, TE2, TE3, TE4.

Ms. Peggy Casey, Environmental Projects Engineer
FHWA Division Office
3220 W Edgewood, Ste H
Jefferson City, MO 65109

Mr. Kevin Keith, Chief Engineer
Missouri Department of Transportation
PO Box 270
Jefferson City, MO 65102

Dear Ms. Casey and Mr. Keith:

RE: Review of Draft Environmental Impact Statement (DEIS) for Rex Whitton Expressway Project in Cole County, MO

The U.S. Environmental Protection Agency (EPA) Region 7 has reviewed the Draft Environmental Impact Statement (DEIS) for this project. Our review is provided pursuant to the National Environmental Policy Act 42 U.S.C. 4231, Council on Environmental Quality (CEQ) regulations 40 C.F.R. Parts 1500-1508, and Section 309 of the Clean Air Act. The DEIS was assigned the CEQ number 20090452.

The DEIS outlines the environmental impacts of several alternatives considered to improve traffic safety and operations, provide sufficient roadway capacity, address road and bridge deficiencies, and to improve access to the redevelopment site near the former Missouri State Penitentiary. The DEIS does an exemplary job of conveying essential project information in a "reader-friendly" format.

Based on our overall review and the level of our comments, the EPA has rated the DEIS for this project Lack of Objections. EPA's only recommendation would be for the FHWA and MoDOT to consider presenting a project "critical path" chart and best-guess construction timeline in the Final EIS for the preferred alternative.

Thank you for the opportunity to provide our comments regarding this project. If you have any questions, please contact me at 913-551-7148 or via email at cothern.joe@epa.gov .

Sincerely,

Handwritten signature of Joseph E. Cothorn
Joseph E. Cothorn
NEPA Team Leader
Environmental Services Division



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

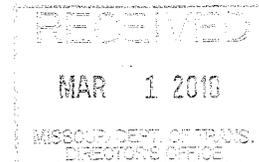


FEB 22 2010

9043.1
PEP/NRM

ER 10/16

Mr. Kevin Ward
Division Administrator
Federal Highway Administration
3220 West Edgewood, Suite H
Jefferson City, Missouri 65109



Dear Mr. Ward:

The Department of the Interior (Department) has reviewed the draft environmental impact statement (EIS) and section 4(f) evaluation for the **Rex Whitton Expressway (U.S. 50/63), Jefferson City, Cole County, Missouri**. The Federal Highway Administration (FHWA) and the Missouri Department of Transportation (MoDOT) prepared this EIS. The Department offers the following comments and recommendations for your consideration:

Section 4(f) Comments

The project proposes to address issues associated with the Rex Whitton Expressway (Expressway) that carries U.S. 50 and U.S. 63 through the center of Jefferson City, Missouri. Those issues were problems with capacity and traffic congestion, safety, structural problems, and access problems. The evaluation considers historic and other properties that may be eligible under Section 4(f) of the Department of Transportation Act of 1966 (48 U.S.C. 1653(f)). The historic properties affected are the Lincoln University President's House on Jackson Street and the Craftsman/Monastery Historic District on Lafayette Street. Recreational resources include Park Place, a city park offering a wide variety of recreational activities, and a portion of the East Branch – Greenway Trail, a pedestrian/bicycle trail that follows a portion of Wears Creek.

The project as proposed will affect each of these properties. The Lincoln University President's House will have a contributing element of the property directly affected by the work of reconstructing the Expressway. The Craftsman/Monastery District would be displaced by a ramp of a new interchange. A small portion of Park Place will be used by the realignment of Clark Avenue required by the project. Finally, the project would require a temporary closure of the Greenway Trail. The FHWA has determined that the avoidance alternatives would not meet the purpose and need for the project, or they

Mr. Kevin Ward

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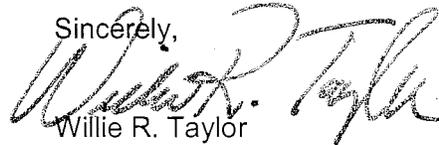
would cause additional impacts or community disruption to point that they would not be prudent or feasible. The Department concurs with the FHWA and MoDOT that there are no feasible or prudent alternatives to the proposed alternative that results in impacts to the section 4(f) properties.

Mitigation has been proposed to offset the impacts to these properties. For Park Place, the small portion of the property lost to use by the project will be replaced with additional land. The Greenway Trail will be detoured during the construction phase of the project, providing continued access by pedestrians and bicyclists. The impacts to the historic properties have been reviewed with the Missouri State Historic Preservation Officer (SHPO) and other interested parties. The SHPO, the FHWA, and MoDOT have agreed upon mitigation to the impacts to the Lincoln University President's House and the Craftsman/Monastery Historic District in the form of a signed memorandum of agreement (MOA). Therefore, the Department concurs that all possible planning needed to minimize harm to this resource has been employed.

The Department has a continuing interest in working with the FHWA and the MoDOT to ensure that impacts to resources of concern to the Department are adequately addressed. For matters related to section 4(f) resources, please contact Regional Environmental Coordinator Nick Chevance, National Park Service, Midwest Regional Office, 601 Riverfront Drive, Omaha, Nebraska 68102, telephone 402-661-1844.

We appreciate the opportunity to provide these comments.

Sincerely,

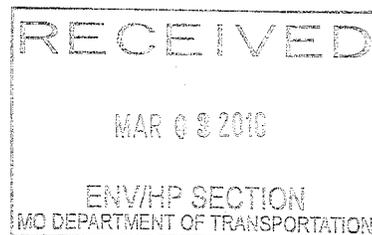


Willie R. Taylor
Director, Office of Environmental
Policy and Compliance

cc:

Ms. Peggy Casey
Environmental Projects Engineer
Federal Highway Administration
1220 West Edgewood, Suite H
Jefferson City, Missouri 65109

✓ Mr. Kevin Keith
Chief Engineer
Missouri Department of Transportation
P.O. Box 270
Jefferson City, Missouri 65102





LINCOLN UNIVERSITY

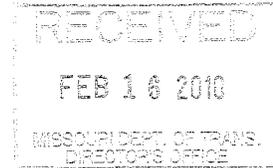
820 Chestnut St.
Jefferson City, MO 65102-0029

Office of the President

February 9, 2010

Phone: (573) 681-5042
FAX: (573) 681-6074

Ms. Peggy Casey
Environmental Projects Engineer
Federal Highway Administration
3220 W. Edgewood, Ste. H
Jefferson City, MO 65109



Mr. Kevin Keith
Chief Engineer
Missouri Department of Transportation
P.O. Box 270
Jefferson City, MO 65102

**RE: REX WHITTON EXPRESSWAY
DRAFT ENVIRONMENTAL IMPACT STATEMENT**

Dear Ms. Casey and Mr. Keith:

Thank you for the opportunity to review the Whitton Expressway DRAFT Environmental Impact Statement (EIS).

As a participating agency of the Advisory Group, Lincoln University appreciates the opportunity to examine potential impacts to the alternatives considered and provide comments on the preferred alternative; thereby having input into the decision making process.

After reviewing the draft EIS, we continue to support the Identified Preferred Alternative relative to a full diamond interchange at Whitton Expressway and Lafayette Street. This direct access will greatly enhance vehicle traffic to Lincoln University, Jefferson City High School, and the prison redevelopment site.

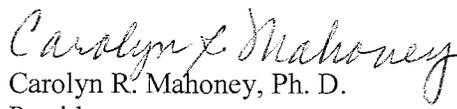
As noted in Chapter 3 under the Effects of Alternatives and Chapter 6 – Section 4(f) Evaluation, the Lincoln University President’s House, which is listed on the National Register of Historic Places, will be impacted by the widening of lanes and/or construction of the interchange. It is our understanding from the EIS that in the event the well house and stone wall are impacted due to construction, the well house and remaining stone wall adjacent to it **will be reconstructed**. It is also our understanding this means the cost to reconstruct the well house and stone wall will be included as part of the project and will be paid for by MODOT funding. This is a commitment made by MODOT as noted on page 8 of the Executive Summary. We support this solution.

Page 2
February 9, 2010

We also understand various properties once part of “The Foot” neighborhood, a traditionally African-American neighborhood centered near Lincoln University will also be affected by the Whitton/Lafayette interchange. MODOT is also committing to conduct additional research and providing context on the homes and businesses that will be affected, documenting all of the research and providing a final report to Lincoln University and other entities in order to preserve and share the history of the area. MODOT will also take reasonable and necessary steps to ensure Quinn Chapel is relocated within this community, as it desires.

Thank you again for allowing us the opportunity to respond to the DRAFT EIS. Should you wish to discuss our comments further, please do not hesitate to give me a call at 573-681-5042.

Sincerely,


Carolyn R. Mahoney, Ph. D.
President

cc: Mr. Curtis E. Creagh
Ms. Sheila Gassner



Jeremiah W. (Jay) Nixon, Governor • Mark N. Templeton, Director

DEPARTMENT OF NATURAL RESOURCES

www.dnr.mo.gov

February 25, 2010

Ms. Peggy Casey
Environmental Projects Engineer
Federal Highway Administration
3220 W. Edgewood, Ste. H
Jefferson City, MO 65109

Mr. Kevin Keith
Chief Engineer
Missouri Department of Transportation
P.O. Box 270
Jefferson City, MO 65102

Re: Rex Whitton Expressway Draft Environmental Impact Statement

Dear Ms. Casey and Mr. Keith:

The Missouri Department of Natural Resources (Department) appreciates the opportunity to provide comments for the Rex Whitton Expressway Draft Environmental Impact Statement (DEIS), in Jefferson City, Missouri. The Department offers the following comments for consideration.

Water Resources

1A The Department encourages planners with projects affecting streams to maintain, enhance or create conditions that mimic natural stream processes as much as possible. The Department requests more information regarding the relocation of Wears Creek west of Washington Street. Such information should include whether the design for the new channel will use more natural channel features instead of a straight channel. Utilizing natural designs help the stream to dissipate energy that might otherwise compromise stream banks and threaten infrastructure. Additional information should also state whether the gradient of the stream will match the gradient of the new channel (to prevent potential headcuts). This information should be provided and reviewed prior to completion of the Final EIS.

The department requires best management practices through its National Pollution Discharge Elimination System (NPDES) land disturbance permit, such as vegetated swales and detention/retention basins (MoDOT suggested on page 3-27), for control and treatment of stormwater runoff. However, once innovative practices, such as rain gardens, use of native plants, treatment wetlands, and planter boxes, are now considered standard best management practices and can be used in series with dispersed micro storm water collection / treatments to increase stormwater retention time and water quality treatment. Native plants help reduce maintenance and are more adaptive to local climate in addition to providing more water infiltration and groundwater recharge. MoDOT and the City of Jefferson both hold a general metropolitan separate storm sewer (MS4) permit along with a stormwater management plan (SWMP) which requires activities and/or best management practices to be included in the long



Ms. Peggy Casey
Mr. Kevin Keith
February 25, 2010
Page 2

term operation and maintenance of the roadway, and not solely for control of stormwater during construction. Project planners should coordinate with the City of Jefferson to ensure that requirements of both MoDOT's and the City's MS4 permits are met and are consistent. Project planners should be sure that current NPDES requirements are included in the Final EIS, as they may have changed since initial development of the document, and may change again prior to actual construction.

Assuming that the pilot project in Eastern Jackson County on Missouri 10 has positive results, the Department encourages the use of heated bridges or other best management practices to help reduce the pollution potential of roadways near the state's waters. On Missouri 10, MoDOT contracted the installation of a solar-powered heated pavement on two bridges near Excelsior Springs, MO, which is thought to increase safety in times of ice and snow, reduce deicing chemicals applied to the road, and provide energy to nearby grids when not in use.

Another possible BMP would be monitoring Wears Creek and the tributary to Wears Creek that will be impacted by this project, to assess pre- and post-construction conditions so as to gage the actual impact, if any, to the long term health of the streams.

Phased construction, as noted on page 5-2, may minimize the extent of environmental impact of the project at any given time, even though the impacts may occur over a longer period. In other words, the environmental impacts will be concentrated in smaller areas allowing resources, like water quality and fish, to rebound more quickly or to more easily move to areas with no impacts.

The U.S. Environmental Protection Agency approved the Department's 2008 CWA Section 303(d) Impaired Waters list as of December 16, 2009. This is for information only. There are no listed waters in the proposed project area on this new list.

Cultural Resources

1B The Department requests additional information in order to fully evaluate the impact of the proposed project on cultural resources. For example, the Capitol Avenue Historic District should be included on page 3-25, Table 3-11, as a National Register listed district within the study area. Individual resources within this district that may be impacted by construction should also be identified in Table 3-11. The DEIS does not describe anticipated construction impacts throughout the full study area, specifically along Lafayette Street. The construction limit markings on the aerial maps in Exhibit 5-1 do not extend the full length of the study area as shown on Exhibit 3-1. A northern extension of Exhibit 6-1, page 1, would be helpful in understanding the full impact of the proposed project along Lafayette Street. For example, 700 E. High Street is described in Attachment G as a historic resource that "would be impacted by the Build Alternatives," but no description of the extent of the impact is available in the text of the DEIS, and the construction limit markings on the aerial maps do not extend to this building. (Although vacant at the time this section of the document was written, the building at 700 E. High Street is currently occupied.)

Ms. Peggy Cascy
Mr. Kevin Keith
February 25, 2010
Page 3

The exact nature of the project, particularly along Lafayette Street, is not described consistently throughout the DEIS, preventing full evaluation of cultural resource impacts. In Appendix F, pages 13-14, impacts to residential properties are described in general terms, without indicating exact street addresses. In the section of Lafayette Street where construction limits are illustrated on Exhibit 5-1, Plate 6, the street appears as a three-lane roadway with parking to one side. The construction limits provided in this graphic indicate that the front yards of all properties may be impacted, or at least properties on one side of the street. Appendix C depicts Lafayette Street as a four-lane roadway, which would require acquisition of most of the front yards along the route. This option would also eliminate the stone wall on the west side of the Marmaduke House, 700 Capitol Avenue, and a portion of the Lester S. Parker property on the opposite corner (both listed on the National Register). The illustration provided on MoDOT's website, Preferred Alternative, Section 2, and Exhibit 6-1, page 1 in the DEIS appear to depict a two-lane roadway with parking on either side. The text in the DEIS does not clarify which approach will be used as the Preferred Alternative. The Department requests additional information, clearly stating the anticipated roadway width and the anticipated impacts to historic resources along Lafayette Street, in order to fully evaluate the impact of the proposed project on cultural resources. This information should be provided and reviewed prior to completion of the Final EIS.

There is no distinction in federal regulation regarding historic resources – all structures listed on the National Register, individually or as part of a district, or considered eligible for listing, should receive the same consideration during planning for federal undertakings. The DEIS appears to differentiate between individually listed or eligible properties and those listed or eligible as part of a historic district. Resources listed as part of the Capitol Avenue Historic District are not included in Table 3-11: Effects of Build Alternatives on Historic Properties in the Study Area. Also, the maps in Chapter 5 indicate individually listed historic resources with clearly visible brown cross-hatch markings. The Capitol Avenue Historic District is marked only by a thin border, making it difficult on close-up maps to identify properties listed as part of the district.

The DEIS does not reference two previously conducted surveys of historic resources that overlap the study area. Table 3-11, and the discussion of cultural resources beginning on page 3-23, should include references to resources identified as eligible for listing on the National Register in two surveys conducted under grants by the Department to the City of Jefferson in 1993 and 1995. The Jefferson City Historic East Architectural / Historic Survey was completed by the Urbana Group in 1993. The area covered by this survey was bounded on the south by the Whitton Expressway, on the west by Adams Street, on the north by the Missouri River, and on the east by Benton and Olive Streets. The survey determined a portion of the study area in the DEIS eligible for listing on the National Register of Historic Places. The survey determined the area surrounding Lafayette Street from south of E. McCarty Street to State Street eligible for listing on the National Register. Two other eligible neighborhoods within the study area were identified in this study: in the vicinity of Locust Street and Clark Avenue, and the neighborhood including Park Place Avenue, Olive Street and Center Street.

1C

The Historic Southside Architectural / Historic Survey, Jefferson City, Missouri was completed in 1995. This survey evaluated resources bounded on the north by Whitton Expressway, on the

Ms. Peggy Casey
Mr. Kevin Keith
February 25, 2010
Page 4

east by Monroe Street, on the south by Franklin Street, on the west by Jefferson Street and Broadway. This survey did not identify any eligible historic districts, but did designate Central Dairy, at 610 Madison Street, as eligible for individual listing on the National Register. The DEIS should include Central Dairy in Table 3-11 and state what mitigation is proposed for impacts to this historic resource resulting from the Madison Street overpass.

1D

Historic resources identified in the 1993 and 1995 surveys should be discussed in the DEIS, included in the project maps, and listed in Table 3-11. Proposed mitigation for any adverse effects to these resources should be included in the DEIS.

Exhibits 6-1 and 6-2 in Chapter 5 should identify the building at 900 E. High Street, now O'Donoghue's Steaks and Seafood, as listed on the National Register of Historic Places under the name Kaullen Mercantile Company. The maps indicate this building is eligible for listing, rather than listed on the National Register.

Air Quality

The project is located in an area designated as an attainment area for the National Ambient Air Quality Standards. Construction-related activities associated with the project should not significantly affect local or regional air quality.

If practical, the use of off-road construction equipment that has been retrofitted with a diesel oxidation catalyst or other air pollution control device would reduce the NO_x and particulate emissions related to the project.

The standards in Table 7: Missouri and National Ambient Air Quality Standards (*Appendix F, Environmental Investigation, Tech Memo, September 2009, Page 24*) for lead and ozone should be corrected as follows: a lead primary standard of .15 µg/m³ with an averaging time of a three (3) month rolling average and an 8-hour primary ozone standard of .075 ppm.

Asbestos

Any renovation or demolition activities undertaken as part of this project must be conducted in accordance with local, state, and federal asbestos regulations (40 CFR Part 61, subpart M and State Regulations 10 CSR 10-6.241 and 10-6.250). These regulations require that prior to renovation or demolition that all regulated structures must be inspected by a Missouri certified asbestos inspector.

If during the course of the asbestos inspection, it is determined that the total amount of asbestos containing material (both friable asbestos containing material and asbestos containing material that would be rendered friable during the course of the renovation or demolition) exceeds 160 square feet, 260 linear feet, or 35 cubic feet, then the asbestos would have to be removed by a Missouri registered asbestos abatement contractor and disposed of in accordance with the National Emissions Standards for Hazardous Air Pollutants.

Ms. Peggy Casey
Mr. Kevin Keith
February 25, 2010
Page 5

If there are less than these threshold amounts, then the material would not have to be removed prior to renovation or demolition. However, if materials are contaminated with asbestos, regardless of the amount, the sanitary landfill may have special packaging requirements for disposal.

Notice of an asbestos abatement project above the threshold limits stated above and all demolition projects, regardless of whether asbestos is present, affecting regulated structures must be provided to the Department's Air Pollution Control Program on the Department form at least 10 days prior to commencement of the asbestos abatement or demolition project and approval must be granted by the Department.

Fugitive Dust

State Regulation 10 CSR 10-6.170 restricts particulate matter emissions from leaving the premises of origin. Efforts must be made to prevent any fugitive dust that may result from any construction or demolition activities associated with this project from leaving the property where it originated.

Odor

No person may cause, permit, or allow the emission of odorous matter in concentrations and frequencies or for durations that odor can be perceived when the air is diluted to 7:1 volumes of odor-free air to odorous air for two separate trials not less than 15 minutes apart within 1 hour. Specific requirements can be found in area specific rule 10 CSR 10-3.090 for Outstate Missouri.

Open Burning

Land clearing activities requiring the open burning of vegetative debris is subject to State Regulation 10 CSR 10-6.045 that prohibits the open burning of tires, petroleum-based products, asbestos containing materials, and trade wastes except as otherwise allowed by the rule. Open burning that causes or contributes to a public health hazard, nuisance, or a hazard to vehicular or air traffic is not allowed.

State Regulation 10 CSR 10-6.045 only allows for open burning of vegetative debris from land clearing operations outside the city limits of an incorporated area or municipality at a distance of more than 200 yards from the nearest inhabited dwelling. For open burning of vegetative waste that does not meet these restrictions, the Department's Northeast Regional Office which is responsible for the area must be notified to determine if a permit to allow the burning can be issued. The Northeast Regional Office can be reached at (660) 385-8000.

Solid Waste

The Final EIS should reference the Department's technical bulletin *Managing Solid Waste Encountered during Excavation Activities* as a guideline for handling the discovery of any unexpected buried wastes. The bulletin is PUB2192, created in December of 2006 and can be

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found on the Department's website at <http://www.dnr.mo.gov/pubs/pub2192.pdf>. Additionally, the disposal and management of all construction and demolition waste must comply with the Missouri Solid Waste Management Law and regulations.

Geology

According to the Department's Geological Survey Program databases, no caves or sinkholes are known to exist within the project area. The local bedrock is composed of dolomite (Ordovician-age Jefferson City Dolomite). The dolomite exhibits small-scale dissolution characteristics (bedding planes and vertical fracture enlargement), however, it is not expected that these solution features are large enough to cause concern about sinkhole collapse.

There are no recorded mines within the project area. Therefore, mine collapse potential is negligible. There are no known geologic structures or active seismic zones located in or near the project area. Therefore, the earthquake damage potential is minimal for the project location.

In summary, there is minimal sinkhole and mine collapse and earthquake potential for the Whitton Expressway site.

Hazardous Waste

A number of underground petroleum storage tanks are located in or near the study area, and are identified on the attached list and map of tank sites. The Jefferson City National Cemetery is a Formerly Used Defense site in the study corridor.

We appreciate the opportunity to provide comments for the Rex Whitton Expressway Draft Environmental Impact Statement (DEIS), in Jefferson City, Missouri. If you have any questions or need clarification, please contact me or Ms. Jane Beetem, phone number (573) 751-3195. The address for correspondence is Department of Natural Resources, P.O. Box 176, Jefferson City, MO 65102. Thank you.

Sincerely,

DEPARTMENT OF NATURAL RESOURCES



Jane Beetem
Transportation Coordinator

DB:bjj

MISSOURI STATE PENITENTIARY REDEVELOPMENT COMMISSION

RESOLUTION

REGARDING THE REX WHITTON EXPRESSWAY DRAFT ENVIRONMENTAL IMPACT STATEMENT JEFFERSON CITY, MISSOURI

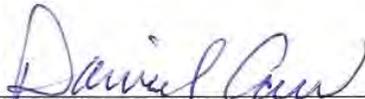
WHEREAS, The Missouri Department of Transportation has presented for consideration the Draft Environmental Impact Statement for improvements to the Whitton Expressway between Missouri Boulevard and Clark Avenue in Jefferson City, Missouri;

WHEREAS, The Whitton Expressway is in need of significant modification to reduce traffic congestion, improve safety and enhance access to the Missouri State Penitentiary Redevelopment Site and the new United States Courthouse; and

WHEREAS, The Preferred Alternative presented in the Draft Environmental Impact Study includes an “East of Jackson Street Alternative G” that provides a Lafayette Street interchange, Clark Avenue roundabouts and Clark Avenue Extension that would reduce congestion, improve safety and enhance access to the Missouri State Penitentiary Redevelopment Site, and the new United States Courthouse; and

WHEREAS, The Preferred Alternative presents a long term strategy for future improvements that provides flexibility to construct improvements in phases as traffic increases and funding becomes available;

NOW THEREFORE, the MISSOURI STATE PENITENTIARY REDEVELOPMENT COMMISSION hereby endorses The Preferred Alternative, and particularly the “East of Jackson Street Alternative G”, presented in the Whitton Expressway Draft Environmental Impact Statement.

Date: 6/23/10 By: 
Daniel Carr, Chairman
Missouri State Penitentiary Redevelopment Commission