



US 69 EXPANSION PROJECT

FONSI

Finding of No Significant Impact

February 2022

FEDERAL HIGHWAY ADMINISTRATION
FINDING OF NO SIGNIFICANT IMPACT
FOR
U.S. 69 MODERNIZATION AND EXPANSION PROJECT

CITY OF OVERLAND PARK
JOHNSON COUNTY, KANSAS

KDOT PROJECT NUMBER 69-46 KA-5700-02
FEDERAL PROJECT NUMBER NHPP-A570(002)

Submitted Pursuant to 42 U.S.C. 4332 (2)(c) and 49 U.S.C. 303

By the
U.S. Department of Transportation
Federal Highway Administration
and
Kansas Department of Transportation

The Federal Highway Administration (FHWA) has determined that the recommended alternative will have no significant impact on the human environment. This finding of no significant impact is based on the attached Environmental Assessment (EA) dated February 2022, which has been independently evaluated by the FHWA and determined to adequately and accurately discuss the need, environmental issues, and impacts of the proposed action and the appropriate mitigation measures. It provides sufficient evidence and analysis for determining that an environmental impact statement is not required. The FHWA takes full responsibility for the accuracy, scope and content of the attached EA.

_____ Date **RICHARD E
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RICHARD E BACKLUND
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1.1 Project Overview

The Kansas Department of Transportation (KDOT) and the Federal Highway Administration (FHWA) are proposing to modernize and expand a section of the U.S. 69 Corridor, located within the southern limits of the City of Overland Park, in Johnson County, Kansas. The City of Overland Park and the Kansas Turnpike Authority (KTA) are serving as transportation partners for the project. This FONSI (Finding of No Significant Impact) documents compliance with NEPA and all other applicable environmental laws, Executive Orders, and related requirements.

The study area boundaries represent the logical limits for the infrastructure improvements and environmental review. The overall study limits begin just south of 179th Street and extend to just north of 103rd Street. The overall length is approximately 10 miles. Major cross streets with service interchange access to U.S. 69 included within the study area are 103rd Street, College Boulevard, 119th Street, Blue Valley Parkway (partial access), 135th Street, 151st Street, 159th Street, 167th Street (partial access), and 179th Street. Additionally, the system interchange of U.S. 69 and I-435 is included in the study area. **Figure 1-1** (at the end of the FONSI) shows the study area for the project.

1.2 Purpose and Need

The purpose of the U.S. 69 Modernization and Expansion project is to provide the traveling public with an efficient and cost-effective transportation facility for users of U.S. 69 and the connected state highway system in the Kansas City metropolitan area that improves safety, reduces congestion, promotes sustainability, provides flexible choices, and supports local and regional growth.

The proposed project is needed to modernize and expand U.S. 69 between 103rd Street and 179th Street in Overland Park, Kansas. The corridor has become insufficient to meet current and future mobility needs, resulting in worsening safety, reliability, and congestion. There is also a need to address the corridor's issues with transportation improvements that offer long-term sustainability and flexibility for all users.

The proposed project is needed to:

- **Improve safety** to address crash frequency and congestion related crashes within the corridor;
- **Reduce congestion** and improve traffic operations to meet existing and future travel demands;
- **Promote sustainability** by addressing infrastructure condition and ongoing operations and maintenance needs, supporting environmental stewardship, as well as improving long-term traveler reliability;

- *Provide flexible choices* by promoting a transportation system that accommodates the needs for all users and modes; and
- *Accommodate local and regional growth* through coordinated transportation improvements consistent with planned and proposed community land use.

1.3 Selected Alternative

The Express Toll Lanes Alternative was selected as the Preferred Alternative, designated as the Proposed Action, for the U.S. 69 Modernization and Expansion Project.

The Express Toll Lanes Alternative includes adding an additional lane in each direction that would provide express toll service along the corridor by managing congestion in the lanes through pricing, vehicle eligibility, and vehicle access strategies. This alternative also includes reconstruction of bridges and pavement in the corridor.

Geometric and condition improvements include:

- Add an additional travel lane in each direction with express toll lane (ETL) service;
- Reconfigure the interchange at I-435;
- Reconfigure the interchange at Blue Valley Parkway;
- Improvements to local interchanges and supporting cross streets; and
- Reconstruction of existing pavement and bridges.

With the Express Toll Lanes Alternative, the two lanes in each direction that exist today would remain free of any tolls as required by law. An additional ETL would then be added in each direction and constructed to the inside, in the current median of the corridor. Locations where travelers can enter or exit the ETLs would be indicated with a break in the double stripe lines and on overhead messaging signs.

A toll would be charged only to motorists who choose to enter and use the ETLs. The toll price charged would vary depending on the length of the trip and the amount of traffic congestion on the corridor. The more traffic congestion there is along the corridor, the higher the toll to help manage the reliability of the trip in the ETLs. Typically, that would mean that the highest tolls would be charged during morning and evening rush hours, with lower tolls during less busy times of day.

1.4 Summary of Impacts

The EA evaluated resources present in the project area for effects as they may occur due to the construction of or because of the proposed project. The EA documents

the absence of significant impacts associated with the implementation of the Proposed Action. **Table 1** details the impacts from the Preferred Alternative.

Table 1: Summary of Impacts

Resource	Measure	Preferred Alternative
Churches and Schools	Quantity	0
Community Resources (Police, Fire, Libraries, Hospitals)	Quantity	0
Environmental Justice Impacts (Displacements in EJ Areas)	Quantity	0
Economic	Positive / Negative Impacts	Positive
Park and Recreation Areas	Quantity and acres	5 parks. 9.54 acres
Bike Routes	Quantity and linear feet	10 Bike Routes 3,992 feet
Trails	Quantity and linear feet	8 Trails. 6,500 feet
Historical Sites or Districts	Quantity	0
Archeological Sites	Quantity	0
Section 4(f) Properties	Quantity	5 parks, 2 bike lanes, 8 recreational trails. 0 cultural resources
Section 6(f) Properties	Quantity	0
ROW and Permanent Easement Acquisitions	Acres	ROW - 15 Easement - 2
Displacements	Quantity	Residential - 1 Commercial - 0
Farmland Impacts	Acres	9.9
Wetland Impacts	Acres	0.65
Stream Impacts	Linear feet	9,992
Floodway Impacts	Acres	15.1
100-year Floodplain Impacts	Acres	22.1
500-year Floodplain Impacts	Acres	9.9
Woodland Vegetation	Acres	66
Noise Impacts (2050 Design Year)	Number of sensitive receptors with impacts	1,475

Resource	Measure	Preferred Alternative
Contaminated and Regulated Material sites	Quantity and type	Landfill - 1 Bridges with lead paint - 2

1.5 Section 4(f) *de minimis* Determination

The Proposed Action will have minor impacts to the following five parks: Indian Valley Park, Brandon Place Linkage, U.S. 69 Linkages, Nottingham South Park, and Kingston Lake Park. The impacts to these designated Section 4(f) properties will be *de minimis* impacts, meaning the features, attributes, or activities qualifying for protection under Section 4(f), such as the recreational aspects of the parks, will not be adversely affected by the project. Coordination regarding concurrence of the *de minimis* impacts with FHWA and the City of Overland Park Parks and Recreation Department was completed in December 2021 with the City agreeing with the *de minimis* determination. The Section 4(f) coordination is located in **Appendix D** of the Final EA.

During the Public Comment period three comments were received in relation to Section 4(f) resources. The comments concerned the absence of the 139th Street bike route from the impact discussion and what steps were taken to minimize and mitigate the temporary closures to Section 4(f) resources. The comments were addressed in writing. A summary of the comments can be found under the “Public Comment Summary” heading in **Section 1.7**.

1.6 Changes to the EA

This section identifies the changes from the Draft EA due to public and agency comments.

1. Page 3-18, Section 3.1.4.3 *Environmental Justice Impacts* – The second and third paragraphs, under the Direct EJ Impacts heading, were added as follows:

“The Preferred Alternative will not further the historic bisection of EJ communities. Much of the U.S. 69 corridor was undeveloped when the roadway was originally constructed in the late 1960s and adjacent properties along the U.S. 69 corridor have not developed with extensive EJ communities.

The Project will benefit communities along the corridor by improving several east-west connections across U.S. 69 including arterial roadway enhancements. The Preferred Alternative also includes on-street bike lanes

at several of the major arterial street crossings and the addition of sidewalks and off-street recreational use paths. The sidewalks and off-street recreational paths will provide additional opportunities for pedestrians to safely move along the corridor.”

2. Page 3-18, Section 3.1.4.3 *Environmental Justice Impacts* – Added a “Noise Impacts” heading and the following text:

“The minority and low-income EJ populations encompass 17 of the 23 noise sensitive areas identified in the noise analysis (Section 3.4.2). In these 17 noise sensitive areas, 1,359 noise impacts are identified in the Preferred Alternative without any noise abatement. However, all 14 noise walls found to be both feasible and reasonable per KDOT and FHWA noise policies are located in the block groups with EJ populations. The noise walls will benefit 1,783 receptors in the block groups with EJ populations. Figure 3-7 displays the noise sensitive areas overlaid on the block groups with EJ populations.”

3. Page 3-19, Section 3.1.4.3 *Environmental Justice Impacts* – A new heading “Environmental Justice Outreach” was added for clarity. Two new paragraphs, paragraphs two and three were added as follows:

“No Limited English Proficiency communities were identified in the corridor. However, throughout the NEPA process, the Project Team provided Project information to non-English proficient populations in the following ways:

- The Project Website was available in seven languages: English, Spanish, French, German, Chinese (Simplified), Korean, and Vietnamese;
- All public meetings included an option to request an interpreter. No requests were received; and,
- All content publicly provided was noted as available in alternative languages upon request. No requests for this service were received.

EJ outreach included seven Advisory Group meetings conducted over a period of 12 months. The Advisory Group included representation from multiple community organizations that represent a broad spectrum of EJ related communities. Other EJ outreach included notices for public meetings, fact sheets and other Project informational materials, and invitations for individual stakeholder meetings with the Project Team being distributed by hand in residential areas in the corridor identified as EJ communities.”

4. Page 3-24, Section 3.1.5.1 *Parks and Recreation Impacts* – The first paragraph under the “Impacts of the Preferred Alternative” heading was revised with the below text to provide the outcome of the Section 4(f) coordination with the Overland Park Parks and Recreation Department.

“Coordination regarding concurrence of the *de minimis* impacts with FHWA and the City of Overland Park Parks and Recreation Department was performed by KDOT. In a letter dated December 17, 2021, the Overland Park Parks and Recreation Department agreed with the *de minimis* finding and stated that the “official detour routes will need to be coordinated in tandem with the Overland Park Parks and Recreation department and the design-build contractor as the project progresses.””

5. Page 3-57, Section 3.4.2.1 *Traffic Noise Methodology* – Revised the number of noise sensitive receptors in the second paragraph from “4,119” to “4,092.”
6. Page 3-58, Section 3.4.2.2 *Existing Conditions* – Revised the number of receptors in the second paragraph from “974” to “972.”
7. Page 3-59, Section 3.4.2.3 *Traffic Noise Impacts* – Revised the number of impacted receptors in the first paragraph for the Existing Condition (2019) from “977” to “972,” for the 2050 No-Build from “1,166” to “1,156,” and for the Preferred Alternative 2050 design year from “1,475” to “1,462.”
8. Page 3-60, Table 3-17: Summary of Traffic Noise Impacts – Revised the receptor numbers for NSA 9, NSA 19, and the Total to match the updated Noise Report in Appendix H.
9. Page 3-60, Section 3.4.2.3 *Traffic Noise Impacts* – Revised the text in the paragraph below Table 3-17 from “fewer than 600 noise impacts” to “just over 600 noise impacts” to match the updated Noise Report in Appendix H.
10. Page 3-62, Section 3.4.2.5 *Potential for Noise Abatement* – Revised the number of benefited receptors in the second paragraph from “1,790” to “1,783.”
11. Page 3-70, Table 3-20: Summary of Impacts – Revised the number of noise impacts to match the updated noise report in Appendix H.
12. Figures – Inserted a new Figure 3-7: Environmental Justice Population Noise Impacts. The original Figure 3-7, and following figures, were renumbered to Figures 3-8 through Figure 3-14. Updated Figure 3-11 to display the finalized Noise Sensitive Area boundaries to match the Noise Report in Appendix H.

13. Page 4-7, Section 4.2.2.3 *Public Meeting #3* – Added the date the public comment period ended (January 22, 2022) to the end of the first paragraph.
14. Page 4-11, Section 4.3 *Tribal Coordination* – Added a new column (Draft EA Coordination Date of Response) to Table 4-5 and added the following sentence to the first paragraph in Section 4.3:

“Notification of the Draft EA for comment was shared with the Tribes in December 2021.”
15. Page 4-12, Section 4.4 *Public Review of the Draft EA* – The section was revised to show the dates of the public comment period, locations where paper copies of the Draft EA were available, and that the public comments and their responses are available in **Appendix L**.
16. Page 4-13, Section 4.5 *Comments and Responses on the Draft EA* – Added the summary of the public comments and that the full comments and responses are available in **Appendix L**. The Section was also revised to add Table 4-6: Draft EA Agency Coordination and a summary of the agency responses.
17. Table 5-1: Proposed Project Commitments – Revised commitment C-3 with the updated Section 4(f) coordination from the Overland Park Parks and Recreation Department. Also Deleted commitment C-39 as it was a duplicate.

1.7 Consultation and Coordination

The EA was made available for public and agency review on December 23, 2021. Following publication of the EA, members of the public and Federal, State, and Local resource and regulatory agencies as well as identified Native American Tribes were invited to submit comments on the Proposed Action. The review and comment period was open until January 22nd for the Public and January 27th for the resource and regulatory agencies and Native American Tribes.

Agency Comments

This section provides a summary of the agency review responses to the Draft EA. The following four agency comment letters were received on the Draft EA:

- Correspondence from the Federal Aviation Administration (FAA) was received on December 29, 2021;
- Correspondence from the Kansas Department of Agriculture – Division of Water Resources (DWR) was received on December 30, 2021;

- Correspondence from the Kansas Department of Wildlife and Parks (KDWP) was received on January 3, 2022; and,
- Correspondence from the Kansas Historical Society (KSHS) was received on January 14, 2022.

The FAA had no comments on the Draft EA but reiterated the project would need to be checked through their online “Notice Criteria Tool” to determine if formal notice and review for airspace considerations would be required.

The DWR stated permitting will be required from the DWR Water Structures Program and that the Water Structures program looks forward to continued involvement as the project proceeds.

The KDWP stated that their review indicated “there will be no significant impacts to crucial wildlife habitats; therefore, no special mitigation measures are recommended. The project will not impact any public recreation areas, nor could we document any potential impacts to currently-listed threatened or endangered species or species in need of conservation. No Department of Wildlife and Parks permits or special authorizations will be needed if construction is started within one year, and no design changes are made in the project plans.” KDWP also stated that if construction hasn’t started within one year (Jan 3, 2023), or if design changes are made in the project plans, KDWP must be contacted to verify continued applicability of their finding. KDWP considers construction started when advertisements for bids are distributed.

The KSHS stated that they have concluded that no historic structures are situated within the area of potential effect. Since this is a design-build project, KSHS requests that any changes be submitted for their comment and review.

Public Meeting

The public was invited to attend a Public Information Meeting Wednesday, December 8, 2021, from 5:30 p.m. to 7:30 p.m. held virtually via KDOT’s PIMA website. One hundred sixty-three (163) participants signed into the meeting. The meeting centered around presentation of the Draft EA document for public and agency review and comment, including the proposed Preferred Alternative recommendation, key findings and impacts of alternatives, Section 4(f) impacts, equity information, and summarized public feedback. Also highlighted was the 30-day public comment period beginning when the Draft EA was signed by FHWA and KDOT and posted to the project website 69Express.org for public and agency review.

The Public Information Meeting included a virtual Open House serving as an active platform for the public to interact virtually. Questions and comments on information

shared at the final Public Meeting were facilitated by the Open House along with its online story map component.

Public Comment Summary

This section provides a summary of the public comments on the Draft EA. Twenty-Six written public comments were received from 15 commenters that ranged from not in favor (3), less in favor (2), neutral (8), leaning in favor (1), and in favor (1) of the Preferred Alternative.

The comments received generally referred to temporary closures of Section 4(f) resources, noise impacts and walls, impacts to traffic patterns, traffic safety, and air quality. Comments and responses are provided below.

General Comments:

Comment: I have reviewed the environmental assessment for the 69 Express Project and I support and approve the preferred alternative for the 69 Express Project because Express Toll Lanes (ETL) will improve safety and reduce congestion on U.S. 69 from I-435 to 179th St.

Response: Thank you for reviewing the EA document and submitting your comment. We appreciate you taking your time to provide feedback.

Comment: Trusting you to do the best for us! Please tell us what changes you've made from public suggestions.

Response: The U.S. 69 Expansion Project has evolved over time as a result of frequent, extensive outreach to people who use or rely on the corridor between 103rd and 179th Streets. In addition to years of outreach connected to previous studies regarding how to improve U.S. 69, in the last 15 months, the Project Team has, among other efforts, interviewed community leaders, held focus groups with corridor users, undertaken multiple statistically valid surveys and conducted multiple online and in-person community briefings and public meetings. As a result, a number of significant design changes have been made in the project, including but not limited to the following:

- Express Toll Lanes (ETLs) - This solution was developed in response to public demand for a faster, cheaper and more lasting solution to U.S. 69 congestion.
- Equity Strategies - Although people were willing to consider Express Toll Lanes as a solution, they also wanted to make sure that the lanes did not cause unforeseen issues for lower-income or disadvantaged motorists. As a result, an Equity committee has been set up to identify what issues, if any,

may arise and to develop solutions to them to be implemented before the ETLs open in 2025.

- Noise Wall Design Standards - Corridor residents identified noise as a major concern. As a result of their input, KDOT policy decisions have resulted in noise walls being proposed in a greater number of locations and, if approved by those affected, will be built as part of the project to minimize noise impacts.
- Design and Alignment Changes - Area residents and travelers throughout the community engagement process have identified areas of concern where, if possible, they would like to see design changes to minimize local impacts or to improve safety, access or other desired outcomes. Some examples include:
 - At 139th Street, design changes were made to provide desired bike/ped accommodations and to address local safety concerns;
 - Corridor users were concerned about the ease and safety of accessing the Express Toll Lanes to and from Blue Valley Parkway, so direct access was designed into the facility; and,
 - Federal funding was sought and secured in response to local need for improved, safer 167th Street access to and from U.S. 69.
- Finally, it's important to note that U.S. 69 improvements will be built using Design-Build, an alternative project delivery approach. Design-Build allows the project to be completed on the fastest possible schedule.

Comment: The Environmental Assessment omits the Best Alternative, namely a High Occupancy Vehicle (HOV) approach. The HOV approach readily complies with the Kansas constitution and laws whereas the toll selection process is highly questionable. The document has an insufficient Environmental Justice Analysis. The analysis should include the disadvantaged as well as minorities using the toll road in addition to just those affected individuals living in the immediate vicinity of Highway 69.

Response: As discussed in Alternatives Screening Memo (Appendix B of the EA) a wide universe of alternatives and combinations of alternatives was considered for this project. While screening of HOV lanes was not documented as part of the screening process they were determined to not meet the Purpose and Need of the project while developing the Initial Alternatives. From a vehicle occupancy standpoint, according to data from the Mid-American Regional Council, in Johnson County, Kansas light duty vehicles

(cars/vans/light trucks) carry on average 1.67 people. KDOT and the project team determined that the average vehicle occupancy was too low for HOV lanes to effectively reduce congestion to levels that would meet the Purpose and Need. Additionally, many jurisdictions across the country have found that the cost of HOV enforcement - whether tolled or untolled - is so high in terms of detection equipment and law enforcement that it makes HOV lanes an impractical strategy. Many HOV lanes are being converted to HOT (high-occupancy toll) lanes. HOT are not allowable under Kansas Law, because the Law does not allow any free passage. Based on these experiences with HOV facilities across the country and the effectiveness of HOV lanes to reduce congestion, they were not carried through as a viable alternative.

The Draft EA was submitted to the Federal Highway Administration (FHWA) in November of 2021 to undergo a Legal Sufficiency Review. This review conducted by FHWA's legal counsel determined that the document and processes used during the NEPA process (including public involvement) met the requirements of current laws and Executive Orders. These current laws and Executive Orders include those related to Environmental Justice (EJ), FHWA determined that the documentation of EJ related impacts was appropriate and concurred with the findings.

Comment: This project, and the selection KDOT has recommended, does not serve the people of Overland Park, or the surrounding communities. It is putting a band-aid on a larger design problem. Putting in express toll lanes is not the answer to alleviate the traffic and safety issues. Delays will still happen, and the users of this highway will pay the cost. Traditional widening with correct design is what is needed. Think about it like this, if the original design was done by KDOT, and the issues we are having today are because of design issues, how can we trust their proposal that Express Toll lanes will solve our issues? And who pays the consequences when KDOT is inevitably wrong, and traffic is still horrible even after the Express Toll Lanes are installed? Not KDOT...their funds will be used elsewhere.

Think about it like this - KDOT admitted during the selection process that this project was the #1 priority for the state of Kansas, yet they didn't allocate the appropriate funds to it, and forced Overland Park to accept the Express Toll Lane. Why would they do that? So the residents and users of the highway can subsidize KDOT's budget for the rest of Kansas.

This isn't the way, and when this Express Toll Lane fails, KDOT and the design companies should be held accountable.

Response: Thank you for your comments and feedback regarding the U.S. 69 Project. The Alternatives Screening Memo (Appendix B of the EA) outlines a

wide universe of alternatives and combinations of alternatives that was considered for this project. This analysis included a Traditional Widening alternative alongside the Express Toll Lane alternative as Reasonable Alternatives. The analysis found that the Express Toll Lane alternative was better at addressing the Purpose and Need (congestion, safety, sustainability, corridor flexibility and regional growth), had a smaller environmental footprint and lower overall construction and lifecycle costs than the Traditional Widening alternative.

Environmental

Comment: From what we understand, in order to offset the additional impervious surface and loss of approximately 30 acres of median grass area, the plan is to use streambank credits to allow for mitigation outside of the construction area. It is our understanding that there are not any current any ways to do this and keep the mitigation within Overland Park. We feel that any streambank credit and mitigation offsets should be used in Overland Park where the impact will be felt. Our main suggestion would be to set up a mitigation bank in Overland Park specifically for this project to guarantee the offsets remain in OP. There is more than enough land in need within OP to use the credits created within the scope of this project.

Response: Mitigation bank credits will be purchased to mitigate impacts to jurisdictional wetlands and streams. Additional impervious surfaces along 167th Street will be mitigated per City of Overland Park Stormwater Best Management Practices. KDOT will be utilizing detention basins throughout the corridor to avoid increases in stormwater runoff due to the reduction in median grass area necessary to accommodate the project improvements.

For jurisdictional wetlands and streams the U.S. Army Corp of Engineers typically prefers credits be purchased within the same watershed as the project, at a maximum of the 8 Digit HUC area. Should credits not be available in a bank within the 8 digit HUC area or no bank exists the preference is to purchase in the next closest bank with availability but at a higher ratio.

Equity

Comment: We would like to see additional information regarding tolling equity and how this project will address the issue of equity. Will the project include tolling equity or will there be offsets considered?

Response: The EA outlines tolling equity and Environmental Justice concerns for the project in Chapter 3, section 3.1.4. The toll rate to use the ETLs will be displayed prior to vehicles entering the ETLs to allow travelers the opportunity to decide if they choose to take the express lane or stay in the toll-free

general-purpose lanes. Based on this operational model, neither the cost of tolls, nor other direct or indirect impacts, would be “predominantly borne” by EJ populations due to the availability of toll-free general purpose lanes in the same corridor. Moreover, because transit vehicles will be permitted to use the express lanes at a discounted toll rate, opportunities exist for EJ populations to access similar trip reliability benefits that do not require vehicle ownership or include the cost of using the ETLs.

Additionally, KDOT is establishing an Equity Committee as part of the Project Advisory Committee that will serve to determine the best strategies to provide project benefits and equity for all users of the corridor.

Traffic and Safety

Comment: There is some discussion about whether building the road helps alleviate current traffic concerns but can also lead to the sprawl and additional traffic in the future. We would like to see some data that references the additional traffic projected in the future and the corresponding air pollution load that would occur with the new traffic created due to sprawl.

Response: Appendix E of the EA - Draft Break-In-Access found on the project website details the projected changes in traffic under the No Build and Preferred Alternative scenarios. This can be found on the project website. <https://www.69express.org/wp-content/uploads/2021/12/Appendix-E--Draft-Break-In-Access.pdf>

The EA contains an analysis of air quality impacts under the No Build and Preferred Alternative scenarios. This analysis is in Chapter 3, section 3.4.1. The analysis considers the entire Kansas City Metro region with its results. This analysis shows lower Greenhouse Gas emissions under the Preferred Alternative over the No Build.

Comment: We did not see the issue of safety addressed to our satisfaction. How will this project increase the safety of users of the highway as well as the safety of the users of the feeder streets?

Response: The project Purpose and Need identified congestion related crashes (rear end, speed differential related) on U.S. 69 as its primary focus for safety improvements. The reduction in congestion along U.S. 69 under the Preferred Alternative will lead to a reduction in congestion related crashes. Reductions in congestion on U.S. 69 will take stress of local roads as fewer vehicles will utilize them to avoid congestion on U.S. 69, this will reduce the potential of crashes from congestion on local roads.

Examples of improvements that are expected to reduce crashes on U.S. 69 outside of reducing congestion are; shifting the southbound entrance ramp at Blue Valley Parkway from the left to right side of U.S. 69 as well as the use of auxiliary lanes at key locations throughout the corridor.

Improvements in traffic operations on U.S. 69 is expected to reduce congestion on local roads. Additionally, improvements to ramp terminals at several interchanges and improvements to bike lanes and trails will have a positive impact on the safety of the local roads.

Noise Comments

Comment: Although the noise barrier walls are not planned between 151st and 159th, I think they should be. The noise levels have increased tremendously since we moved in east of Lowell at 156th four years ago. The notion the money is not there is outrageous. Stop giving our county away to developers and start caring for the residents of this community. With BluHawk at 159th the traffic keeps increasing and will become worse as BluHawk develops. With the infrastructure funding etc, I would think OP would take advantage of costs and funding now vs later. The state seems to have extra \$\$\$.

Response: The traffic noise study did identify noise walls in this area, but since construction of this project is from 151st Street to 103rd Street, the noise walls south of 151st Street will not be built until the highway expands in that area.

Comment: I did hear Cameron McGown state that a noise wall was previously constructed on the West side of 69 highway north of 119th St. While there is a wall 866 feet to the north of 119th St. on the west, it does nothing to help mitigate the traffic noise, in particular, deceleration and acceleration noise of 69 highway traffic near 119th street. The noise often exceeds 60 dba at my residence to the west (southeast corner of 119th and Switzer in Nottingham Forest). Was that noise even studied? Did it take into account Jake Brake noise? What solution can be proposed to mitigate the 60 dba noise to the west of 69 highway north of 119th street?

Response: The limits of the current noise study were extended north and south of 119th St. far enough to identify all traffic noise impacts resulting from the US 69 project. FHWA and KDOT noise policies define a noise impact for residences as an average of at least 66 dBA during the loudest hour.

The FHWA Traffic Noise Model does not consider jake braking in its noise calculations due to the sporadic use of them and the difficulty in mitigating the noise through any measure other than restricting the use of them. Local ordinances are typically used to restrict jake brakes. Jake breaking is

prohibited in OP and by Kansas state statute. OPPD does enforce it within City limits. We encourage residents to call the non-emergency number to report it: 913-895-6300.

Noise abatement measures are considered when noise impacts (defined as an average of 66 dBA or more) are identified.

Comment: I am concerned that the noise wall proposed for North of 119th street on the East side of the highway will amplify the noise of that northbound traffic back to the West. In particular semi-trucks that use Jake brakes as they head down the hill towards College Blvd. (which is constant at night and getting much worse). Can you provide any study data that indicates the construction of the East wall north of 119th street will not increase noise reverberation to the West? The Jake Braking easily exceeds 60 dba at my residence now (1500 feet to the west of 69 highway off 119th St.). It vibrates the walls at my house sometimes.

Response: Construction of a noise barrier on the opposite side of the highway from a receiver will not result in a substantial increase in highway traffic noise levels. If 100 percent of noise was reflected and unabated, the noise increase is theoretically limited to 3 dBA (the result of doubling noise energy), which is considered barely perceptible to the human ear. In practice, however, not all of the acoustical energy reflects back to the receiver, as some is blocked by vehicles on the roadway, reflected to points other than the receiver, scattered by ground coverings, and some energy is lost due to the longer path it must travel. Attempts to conclusively measure this reflective increase have rarely shown an increase of greater than 1 or 2 dBA, an increase not perceptible to the human ear.

Comment: Since I live 1500 feet to the west of 69 highway. Will I be invited to the neighborhood meeting? Again, my address is below if you need to check. I am concerned about the increase in noise. As such, I think I am impacted.

Response: Noise meetings will be open to the public and due to current levels of COVID cases, these meetings will be all virtual. We certainly invite you to attend one of these meetings. More information on the meetings can be found here: <https://www.69express.org/noise-study/>

Comment: If I understand your map of people affected and by noise levels in Nottingham Forest South NAS #11 noise barriers will not help us on Goodman Street between Hemlock and 138th street even though traffic noise has become ever increasing and very loud as we are on top of a hill not in the valley along 69 highway. Is my assumption correct?

Response: A noise wall is recommended for construction on the west side of U.S. 69 south of 135th Street. FHWA’s Traffic Noise Model was used to predict the effectiveness of the noise walls. While the noise wall may provide some reduction of noise for these homes, it is not predicted to be a 5 decibel reduction, defined by FHWA and KDOT’s noise policies as a “Benefit”. Noise walls are typically only effective for a few hundred feet.

Comment: What is the State and Overland Park going to do to stop the excessive engine braking noise along the 69 highway corridor? My understanding is engine braking is not permitted however there is no signage etc. to let truck drivers know this and no enforcement.

Response: Engine braking is prohibited in OP and by Kansas state statute. OPPD does enforce it within City limits. We encourage residents to call the non-emergency number to report it: 913-895-6300.

Comment: What are the plans to educate those who will vote for noise abatement?

Response: Since the last public meeting on December 8th, we have been planning a series of 6 meetings to discuss the recommended noise walls from the noise study. Four of the meetings will focus on a specific geographical area, and 2 meetings will cover all locations in case some residents are unable to attend the location-specific meeting of interest to them. The format of these meetings will include a brief presentation up front to present the general findings and then reserve an hour or more for Q&A with members of the project team. Due to the rise in COVID cases recently, these meetings will be virtual. Additionally, there is a lot of new content related to the noise study and the upcoming meetings available now on the project website here: [Noise Study - 69 Express](#)

Comment: Any dates set for when noise ballots go out?

Response: We are stuffing envelopes currently and plan to send out ballots by mail this week. For your awareness, letters and ballots will be sent to the Benefitted Receptors, or property owners and tenants at locations that may benefit from the recommended noise walls. They will not be sent to all residents. However, we encourage attendance at the meetings by anyone who is interested and will be publicizing the meetings in the media, social media, and on the website to spread awareness.

Comment: How can we help with the noise voting process? We are willing to go door to door if needed.

Response: We would encourage you to notify residents in your HOAs that some of them should be expecting letters and ballots in the near future, and please direct anyone interested to the website for information. Please encourage residents to attend one of the virtual meetings with the project team, and, as always, feel free to reach out to the team directly with any questions.

Comment: Is the FHWA TNM model available and can be easily shared? Weather and trees significantly impact the noise from the highway. I've always been curious what factors influence this, and I would also be curious to see how noise extends into our neighborhood. The threshold was met in our neighborhood, so I'm just asking for this to learn from.

Response: The Noise Study found in the [link](#) provides information on how the noise model was developed and what the results mean. The actual noise model is built from scratch based on FHWA guidelines and requirements. That base model can be found by googling FHWA TNM 2.5, but the results and findings are provided in the 193 page report. Weather, particularly variables like wind speed and cloud cover, can have a significant impact on the traffic noise levels at residences. Temperature and humidity can also affect noise levels though usually to a much lesser extent. The use of the FHWA Traffic Noise Model allows for a consistent comparison of noise levels and effectiveness of noise abatement measures across the state and country using “average” conditions (e.g. wind speeds less than 12 mph).

Trees, while providing a visual barrier, are generally not very effective at blocking noise. It typically takes about 100 feet of dense trees to reduce noise just a few decibels. Additionally, they lose almost all effectiveness when leaves fall in the winter. The FHWA Traffic Noise Model does allow for modeling trees to reflect how they reduce noise, but it is only recommended where they are very dense and non-deciduous.

Comment: The current sound barrier walls on 69 & 435 Highways are very unattractive, utilitarian and have reduced the image of beautiful Overland Park.

Please form a committee to search for a company that supplies much better options. I suggest investigating who built the barrier walls along Phoenix highways. Their presence enhances and improves the corridor and highlights the landscape in addition to utility. Well worth an added expense to keep our city tip top!

Response: Thank you for your comment regarding the noise walls visual appeal. The current design of the noise walls is consistent with other noise walls in Overland Park and was selected to balance cost, long-term maintenance, and to best reduce noise for impacted receptors.

Comment: Now that many of us have had a chance to speak about the information you put out on noise walls, it was almost to a person who questioned that “70% of those benefited receptors have to vote in favor of it.” A vote for anything in this country, including elected officials only takes any percentage over 50% to pass or reject as a majority Your 70 percent requirement is certainly a made up number by someone or some committee who may be unaffected by whether a noise wall is erected or not. Or simply you do not want to spend the money along a large section of Overland Park. Your noise study certainly indicated walls are needed in certain areas of Hwy 69 and they should be erected anyway. The 70% should immediately be changed to a simple majority vote as is customary. We all await to see what you do about changing this arbitrary decision before proceeding.

The second issue with the “70% of those benefited receptors have to vote in favor of it,” is this. Do you mean 70% of returned ballots or 70% of all ballots mailed out to benefited receptors? Surely it is not the latter as all benefit receptors are not homeowners but rather people who move in and out of apartment building, etc. and may indeed just toss the envelope.

Response: The 70% approval for the noise wall is part of KDOT’s statewide noise policy, approved by the Federal Highway Administration, and applies to every noise study across the state. The investment in noise walls is a significant one, and KDOT believes there should be more than a simple majority for wanting them. Votes and ballots are collected and tallied per wall, so some walls may be wanted, while other walls may not.

Your next question regarding votes returned, it is the 70% of the ballots received based on each wall.

Visual Comments:

Comment: My house faces 69 hwy. Currently there are trees that hide the freeway. When the wall is built the trees will be destroyed and all I will see out my front window is a tall concrete wall. My house will depreciate and I really do not want to be looking at a wall. Will there be compensation for devaluation of property?

Response: Thank you for your question regarding the U.S. 69 Project. The intent is to build noise walls within the ROW that is owned by KDOT. This means that:

- Trees located in the ROW may be trimmed or removed so that walls can be constructed.
- The canopies of trees located on private property but overhanging KDOT ROW may be trimmed as needed to allow wall construction.
- Trees located on private property required to build a noise wall (limited to just a few locations) would be addressed after the land is acquired by KDOT for construction. Likely these would be trimmed or removed. In such a case, there will be multiple opportunities for the property owner to discuss the ROW or easement acquisition with KDOT and to arrive at appropriate compensation.

ROW boundaries currently are being identified and will be available for review at a planned ROW meeting this spring.

Section 4(f) Comments:

Comment: Why is the 139th Street underpass not addressed at all in this submission? This road as one of the few on-road, non-interchange crossings of 69 Highway and considered a bike route by the City of Overland Park and frequently used by cyclists.

Response: The 139th Street Bike Route was not included in the 4(f) determination because it is an On-Road Bike Route within the project study limits, designated by painted markings within the vehicular lane. On-road bike routes are considered primarily transportation uses and therefore do not qualify under Section 4(f).

Comment: The Tomahawk Creek trail is frequently utilized by bike commuters as it offers cyclists their only safe option to cross under both 69 Highway and Interstate 435 without a 6 mile detour. What concrete steps will be taken to minimize the disruption and downtime to this trail? The worksheet only offers vague statements about scheduling and preventative safety mechanisms.

Response: Anticipated construction activities will require some closures of the Tomahawk Creek Trail as is indicated in the worksheets. Specific dates and durations for trail closures are not stated in the 4(f) worksheets in part because of the design-build delivery model being used to construct the U.S. 69 improvements. Under this delivery model, contractor-designer teams will compete to determine who will construct the project. As part of that selection process, the competing teams will be scored based on their approach to handling traffic - including bike and pedestrian traffic - through construction. Teams that provide a traffic handling plan that promotes safety for both the traveling public and for their workers, limits the number of and durations of

closures, and provides logical detour routes will be scored more favorably. Additionally, once the design-build team is selected, there will be coordination meetings with the City on when, and how long, the trails will be impacted.

Comment: We would like to see additional information regarding the impact to parks and bike/talk trails and the associated quality of life of the residents that use those facilities during construction. There was mention of several parks and sections of trail that will be closed "temporarily" during the construction process, but that temporary closure could be months of time. How will that impact the residents/families/neighborhoods that use those parks and trails and are there any ways to mitigate the loss during construction, such as the creation of new parks/trails in the area similar to an offset?

Response: The temporary closure of parks/trails/bike facilities during construction is necessary to safely construct the project. These closures will be kept to a minimum to limit disruption to public use as much as possible. During closures detours will be provided for trails and bike routes. Coordination with the City of Overland Park Parks Department will be ongoing throughout the construction phase of the project to minimize impacts from closures.

Comment: We encourage the highway project to incorporate more new bike/walk trail mileage into the construction project and all of this new trail follow the bike/trail linkage plan within the Overland Park Bike Master Plan. The expansion of bike/walk trails should be incorporated at the same rate as vehicular infrastructure, in order to guarantee that residents have a more complete way to engage in active transportation within OP.

Response: The project is consistent with the current Overland Park Bike Master Plan and enhances existing facilities through rehabilitation due to construction activities. Facilities at cross street arterials will be improved where interchange improvements are being made. Additionally, the existing sidewalk on the north side of College Boulevard will be upgraded to a hike/bike trail and a new hike/bike trail will be added on the south side of College Boulevard.

Public Comment Process

Comment: We have prepared a formal document of specific defects, but there appears to be no way to transmit our review/comments. We followed the website instructions for comment submittal, but we ended up with this form that does not appear to allow attachments. It is possible we overlooked some key part of the instructions.

This e-mail constitutes formal notification that KDOT's public comment process is defective. KDOT should deploy a proper mechanism to receive formal and in-depth documents from interested affected members of the public.

KDOT would be wise to extend the comment review period for the Highway 69 environmental assessment as the current process frustrates submittal of well documented concerns. We also note that the December holidays and recent COVID perturbations have compacted the normal review period. Kindly provide a proper e-mail address to submit our formal comments.

Response: Emails with attachments can be sent to Info@69Express.org. The public involvement process included multiple ways to engage the public and submit comments and feedback through public meetings, social media, email, and the project website. Legal Sufficiency Review conducted by FHWA determined that the document and processes used during the NEPA process (including public involvement) met the requirements of current laws and Executive Orders and that adequate notice and time was given to gather public comment.

1.8 Basis for Finding of No Significant Impact

The EA evaluated resources present in the project area for effects as they may occur for the construction of the U.S. 69 Modernization and Expansion project. The EA documents the absence of significant impacts associated with the implementation of the Preferred Alternative.

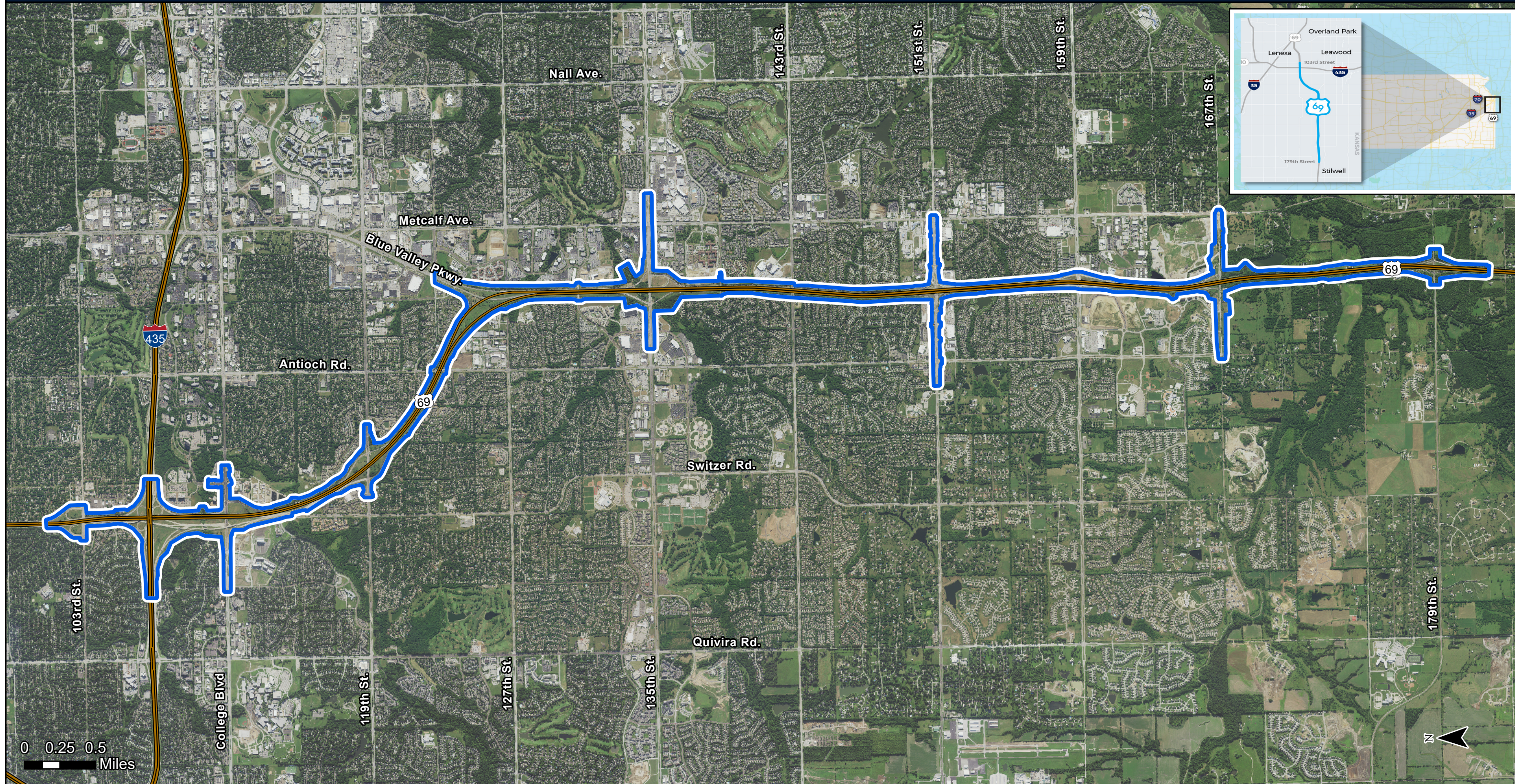
1.9 Special Conditions for Approval

The following permits will be obtained during final design and prior to construction of the project.

- The official detour routes will be coordinated in tandem with the Overland Park Parks and Recreation Department and the design-build contractor.
- Bicycle and Pedestrian Routes impacted by the Preferred Alternative will be replaced in-kind during project construction.
- Trails and multi-use paths impacted by the Preferred Alternative will be replaced in-kind during project construction.
- A USACE Section 404 permit will be obtained for impacts to jurisdictional wetlands and streams.

- Section 401 Water Quality Certification will be obtained for impacts to jurisdictional streams or wetlands.
- A National Pollutant Discharge Elimination System Construction Stormwater Permit will be obtained from the Kansas Department of Health and Environment.
- A General or Stream Obstruction Permit will be obtained from the Kansas Department of Agriculture – Division of Water Resources (DWR).
- A Floodplain Fills Permit will be obtained from the DWR.
- If impacts to the landfill on 167th Street occur, the following conditions are in place from KDHE:
 1. The two impacted monitoring wells will be relocated prior to the start of construction to a suitable location outside the Project Area of Maximum Disturbance. The new locations of the monitoring wells will be coordinated by APAC and their engineer with KDHE.
 2. KDOT will purchase ROW and establish Access Easements according to relevant protocol. These will not adversely impact Waste Limits or operations of the facility.
 3. No waste, soil cover, or other landfill infrastructure, beyond what has been explicitly concurred on in this letter, will be disturbed during construction. Any disturbances beyond what has been agreed upon must be coordinated with KDHE.
 4. APAC and KDOT will coordinate with KDHE to preserve the existing restrictive covenant on the permit property.
 5. APAC will submit a request to transfer portions of their permitted property before any change in ownership of the currently permitted property occurs. This request shall include:
 - a. A survey identifying the property remaining under permit 487 after transfer.
 - b. A description of the prospective owner of the transferred property.
 - c. A broad description of any anticipated use of transferred property, including alterations to the land and the construction of permanent structures.

- d. A description of facility operations that may be affected by the transfer of property, if any, including closure and post-closure activities.
 - e. An application for non-significant permit modification.
- A Land Disturbance Permit will be obtained from the City of Overland Park.



Legend
Study Area

U.S. 69 Modernization and Expansion Project
Environmental Assessment
KDOT# 69-46 KA-5700-02

