

**U.S. Department of Transportation  
Federal Highway Administration**

**RECORD OF DECISION**

Interstate 40 – Crosstown Expressway  
from I-235 to Meridian Avenue  
Oklahoma City, Oklahoma  
FHWA-OK-EIS-01-(1)-F

This Record of Decision (ROD) documents the Federal Highway Administration's (FHWA) decision to approve the preferred alternative for the Interstate 40 Crosstown Expressway. This approval constitutes FHWA's acceptance of the project location and concepts described in the Final Environmental Impact Statement (FEIS)/Final Section 4(f) Evaluation dated November 2001.

This ROD is executed in conformance with the Council of Environmental Quality (CEQ) regulations implementing NEPA and documents FHWA compliance with NEPA and all other applicable Federal statutes, regulations, and requirements. The sections that follow state the decision and provide information used in the decision making process. This information summarizes and complements information contained in the project record.

**DECISION**

The decision is to select the preferred alternative, Alternative D, as described in the FEIS. This selected alternative involves reconstructing I-40 in Oklahoma City from the I-235/I-35 interchange westward approximately 4 miles. The selected alternative will provide a ten-lane interstate facility including express lanes on new alignment approximately 2,200 feet south of the existing I-40 facility.

The selected alternative will be constructed from the I-235/I-40 interchange southeast of the Union Pacific tracks and cross over the MAPS canal to the existing east/west Burlington-Northern/Santa Fe Railroad right-of-way south of Union Station. This interstate highway will be semi-depressed to cross under the Burlington-Northern/Santa Fe tracks and cross under the Shields Boulevard bridge to meet the existing Western Avenue at grade. From Western Avenue to west of May Avenue, the facility will be at-grade, but cross under the Exchange Avenue bridge. With the selected alternative, the I-44/I-40 interchange will remain as is, including the existing I-40 facility from I-44 to Meridian Avenue.

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Downtown access will be at Shields Boulevard and Robinson, Western, and Agnew (Villa) Avenues with full interchanges at Shields Boulevard and Western Avenue. Cross streets will be Shields Boulevard and Robinson, Walker, Western, Exchange, Pennsylvania, Agnew, and May Avenues.

The selected alternative will provide a six-lane at-grade boulevard in the existing I-40 right-of-way from east of the Union Pacific tracks at the I-235 interchange to west of Walker Avenue. From west of Walker Avenue to Western Avenue, the existing I-40 bridge structure will be rehabilitated. From Western Avenue, west to Agnew Avenue, the existing facility will be converted to a divided boulevard.

### **BASIS OF DECISION**

A Major Investment Study (MIS) was conducted to identify all reasonable alternative strategies for addressing the transportation demands and other problems of the I-40 corridor. As such, the MIS provides decision makers with better and more complete information on options for addressing identified transportation problems before decisions are made. The I-40 MIS included preparing the environmental impact statement and thus, all viable alternatives were presented in the environmental impact statement. Furthermore, the MIS addressed an array of factors in a focused fashion and thus, lead to improved transportation decisions consistent with land use, environmental considerations, transportation system performance, and community resources. Various alternatives for improving the transportation capacity and safety of the corridor were evaluated using a two-tiered evaluation and selection process that was developed and employed to compare and contrast the alternatives. The final tier utilizing project construction time, implementation difficulty, traffic disruption, safety, downtown access, residential and business impacts, and cost identified the selected alternative, Alternative D, as the best transportation improvement of those identified and evaluated. These factors were determined to be ones that met the needs of the proposed project and were mutually agreed upon by ODOT, the city, and the project citizens advisory groups early in the MIS phase.

### **ALTERNATIVES (FEIS – Chapter 3.0)**

Numerous conceptual alternatives proposed to meet the I-40 Crosstown Expressway corridor transportation needs were initially identified in the MIS's early stages. These alternatives included the no-build alternative, the transportation system management (TSM) alternative, the mass transit alternative, and several basic alignments for possible "build" alternatives.

The TSM and Transit Alternatives were removed from further consideration since

as a stand alone alternative they did not satisfy the purpose and need of the project. Several ""build alternatives" (Alternatives B, B-3 and D) were discussed and evaluated in the FEIS. All of the alternatives were evaluated using the tiered-evaluation process and factors noted above. The outcome of the screening process identified Alternative D as the best alternative overall which met the project objectives.

After reviewing the potential environmental impacts for all the "build alternatives" discussed in the FEIS, it was concluded that Alternative D would have the lesser impacts to important considerations such as floodplains, noise, water quality, threatened and endangered species, wetlands, farmlands, soils, geology, geohydrology, water body modification and wildlife. While residential and commercial property impacts are slightly higher for Alternative D, the differences from the other alternatives are not considerable. From an "environmentally preferred" perspective, there are relatively small differences in the impacts of all the build alternatives.

Chapter 3 – Alternatives Considered in the FEIS contains more detail information on the alternatives considered for the proposed project.

### **SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION (FEIS – Chapter 5.0)**

The following is a summary of environmental impacts associated with the selected alternative, Alternative D. Each impact is followed by mitigation measures committed to in the FEIS. The FHWA will continue coordination efforts with other agencies during project final design and during the refinements and implementation of the mitigation measures on this project.

#### **Noise and Vibration**

Modeled future traffic noise levels will approach, equal, or exceed the FHWA Noise Abatement Criteria for residential areas along the selected I-40 alignment.

Mitigation measures considered must be feasible and reasonable to be incorporated into the project plans. Noise barrier walls are reasonable and feasible to mitigate some of these affected areas. The proposed noise barrier walls and locations are illustrated in Table 5-8 and Figure 5-4 in the FEIS.

ODOT will perform structural surveys prior to and after construction along Alternative D for the Little Flower Catholic Church, The Latino Community Development Agency, Wesley Foundation House and Union Station. Previous studies did not indicate potential vibration impacts to these structures, but due to public concern, the Department has committed to conduct these surveys.

### **Right-of-Way/Relocation**

All the build-alternatives will affect minority group members and low-income persons because the I-40 study corridor has a higher minority and low-income population than the city as a whole. Of the three build alternatives, Alternative D has a slightly greater impact on minority residences, but a lesser impact on minority businesses. The reason that Alternative D has greater impact on residences is that after the original alignment was developed, it was determined that establishment of a linear park adjacent to I-40 would create a beneficial buffer zone between the proposed project and the Riverside Neighborhood. Additional residences needed to be acquired to create the park. Alternative D will displace approximately 29 residences, 44 businesses, and one church; however, social service providers in the area would not be displaced.

The Oklahoma City Planning Department has developed a land use and mitigation plan. In order to reduce identified adverse effects in the Riverside Neighborhood, the ODOT committed to implement selected strategies from this plan. Construction of a neighborhood park immediately adjacent to the new I-40's south side and bridging the freeway with a landscaped pedestrian bridge between Robinson and Walker Avenues is the preferred strategy. The neighborhood park requires an additional 14 residences and displacing approximately 30 persons. All practicable measures have been taken to minimize harm resulting from right-of-way acquisition for the selected alternative.

All properties will be acquired and all residents and businesses will be relocated, as necessary, in a manner complying with all relevant Federal and State laws, statutes, regulations and policies.

### **Historic Resources/Section 4(f)**

Alternative D will adversely affect 14 NRHP eligible properties. The Section 4(f) resources affected by the proposed I-40 facility are those historic structures eligible for inclusion on the NRHP as discussed in the FEIS, Section 5.5 "Historic and Archaeological Preservation Impacts."

Since I-40 traverses Oklahoma City's central business district and is adjacent to several designated and potential historic districts plus a number of individually eligible NRHB properties and other 4(f) resources, it was apparent that any realignment or significant widening of the existing I-40 would have a potentially significant adverse effect on historic resources. It was determined that the retention of the existing I-40 through the no-build alternative is neither feasible nor prudent. Measures for mitigating the adverse effects are incorporated into a Memorandum of Agreement (MOA) signed by FHWA and the State Historic Preservation Officer, that stipulates each party's intent and responsibilities. The ODOT and the State Historic Preservation Officer have coordinated a photo and

narrative documentation mitigation plan. The Final Section 4(f) Evaluation, included in the Appendix of the FEIS, presents mitigation measures agreed upon by the Oklahoma State Historic Preservation Officer and ODOT. A copy of the MOA is included in the Appendix of the FEIS and in the Appendix of the Final Section 4(f) Evaluation.

Alternative D will have no impact on any park lands.

### **MONITORING OR ENFORCEMENT PROGRAM**

Construction and mitigation commitments will be assured by implementing an I-40 Crosstown Expressway Mitigation Monitoring and Enforcement Plan developed by the ODOT. Copies of the April 29, 2002 Mitigation Monitoring and Enforcement Plan are maintained by the Department and FHWA, and will be used to monitor development activities of the project. The FHWA under its oversight responsibilities will work cooperatively with ODOT during project development and construction, and ensure Federal requirements and commitments made to address impacts resulting from the project will be satisfied.

### **COMMENTS RECEIVED ON THE FINAL ENVIRONMENTAL IMPACT STATEMENT**

Thirty comments were received in response to the issuance of the FEIS. These comments have been combined and summarized for the purpose of including responses in this document. Copies of the individual comment letters are on file and are available for review upon request.

The most prevalent comment dealt with concerns regarding the impact of the proposed action on the future of passenger rail opportunities for Oklahoma City and more specifically, impact on the existing Union Station facility located at 300 SW 7<sup>th</sup> Street.

Alternate D will not destroy Union Station as a transportation facility. The northernmost of the two existing active rail lines behind Union Station will be lowered but remain active behind Union Station. This line is owned by the State of Oklahoma and operated by the Union Pacific Railroad. Alternate D contains provisions that the design of the location will be such that sufficient room will be reserved for the placement of one additional track for use in conjunction with the active line if Union Station is ever selected to be a part of a passenger rail system. In the event Union Station is utilized as a passenger rail facility, modifications to the existing tunnel system would be necessary to access the tracks. Union Station currently serves as offices for the Central Oklahoma Transit and Parking Authority (COTPA).

The second active line, belonging to the Burlington Northern and Santa Fe Railway Company (BNSF) is removed under the proposed action with rail service being provided for by existing BNSF rail alignment to the south of the North Canadian River. Alternate D became feasible when the merger of the Burlington Northern Inc. and the Santa Fe Pacific Corp. occurred. The combined existing facilities of both companies produced a duplication in the ability to provide east-west service from existing track alignments, thus allowing for the removal of the southernmost active line from behind Union Station. This duplication was realized during the Technical Advisory Committee meeting process and the BNSF later confirmed the viability of the combined activity to one rail. Improvements to the line south of the river to facilitate continued service to all rail customers will also provide for an improved connection from the Santa Fe Station to the vicinity of the Will Rogers World Airport if passenger rail to the airport is ever deemed feasible. The removal of the active line from the corridor and the unused Union Station rail yard provides an area for the placement of the interstate facility.

The proposed actions do not conflict with the 2001 Long Range Transit Plan for COTPA, nor do they conflict with the October 1995 COTPA major investment study entitled "The Link" which studied major corridor transit linkages and determined that rail alternatives for downtown were not feasible. The Oklahoma Fixed Guideway Transportation System Study completed in 1992 studied heavy rail, light rail and high occupancy vehicle (HOV) lanes for their feasibility in Oklahoma City and produced a preferred alternate of HOV lanes. The Association of Central Oklahoma Governments (ACOG), the metropolitan planning organization for the Oklahoma City metropolitan area, includes the Interstate 40 Alternate D in the 2025 Oklahoma City Area Regional Transportation Study (OCARTS) Plan and recommends that the Fixed Guideway Transportation System Study be re-evaluated to determine if the basis and conclusions of the study remain valid through the year 2025. At this time, ACOG has not identified a funding source or a projected schedule for this evaluation. In the event the conclusions of this study are revised, as mentioned above, the option to further consider a rail link is retained with the provisions to provide an additional track in the corridor serving the Union Station area.

Agreement between the ODOT and the City of Oklahoma City, in conjunction with Amtrak, selected the passenger rail facility for Oklahoma City to be the Santa Fe Station located adjacent to Bricktown and downtown Oklahoma City. The 2001 High Speed Passenger Rail Feasibility Study (revised January 2002) provides for all of the proposed operations to be conducted through the Santa Fe Station.

All the letters and comments have been considered as part of the decision making process for this project.

CONCLUSION

Based upon careful consideration of all the social, economic, and environmental evaluations contained in the FEIS and Final Section 4(f) Evaluation, the input from other agencies, organizations, and the public; and the factors and project commitments outlined above, it is the decision of the FHWA to approve the selection of Alternative D as described above. This ROD will permit ODOT to proceed with the design and construction of the project.

**RECORD OF DECISION APPROVAL**

5/1/02  
Date

  
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Walter J. Kudzia  
Division Administrator  
Federal Highway Administration

# I-40 CROSTOWN EXPRESSWAY MITIGATION MONITORING AND ENFORCEMENT PLAN

April 29, 2002

The Oklahoma Department of Transportation recognizes the need to establish mechanisms by which all mitigation measures and commitments made through the environmental process are implemented and verified in order to meet all federal requirements. Ensuring the completion of all mitigation measures and commitments will not only comply with federal requirements, but will also assist the Department in developing and improving community relations and will foster public confidence in the Department's public involvement processes.

The I-40 Crosstown Expressway Mitigation Monitoring and Enforcement Plan consists of the following components:

1. The Department will develop a comprehensive listing of the various commitments made through the public involvement and environmental processes. Each commitment will be described in adequate detail, given a commitment number, assigned to the appropriate individual within the Department for ensuring completion and provide information regarding the anticipated and actual completion dates for the commitment. Every commitment listed will have a section for certification of completion with signature lines for the Planning Division Engineer and a Federal Highway Administration representative.
2. This listing, referred to as the "I-40 Crosstown Expressway Mitigation and Commitment Listing" will be developed and maintained by the I-40 Project Development Engineer in conjunction with the Environmental Branch of the Planning Division.
3. Until such time as the commitments have been completed, the I-40 Project Development Engineer and the Branch Manager of the Planning Division Environmental Branch will meet on a bi-monthly basis to review the progress made on the commitments. An invitation will be extended to the Federal Highway Administration for representation at the meetings.
4. If it becomes apparent that the Department is unable to complete a commitment, the Federal Highway Administration will be notified in writing. In that event, the Department will submit to the Federal Highway Administration, a report detailing the reasons the commitment can not be kept, the impacts of not completing the commitment, and a plan for addressing those impacts.
5. Each commitment will be considered incomplete until the individual commitment number in the "I-40 Crosstown Expressway Mitigation and Commitment Listing" has been dated and signed by the Planning Division Engineer and a representative of the Federal Highway Administration.
6. The "I-40 Crosstown Expressway Mitigation and Commitment Listing" will be kept on file by the I-40 Project Development Engineer and made available and open to inspection at all reasonable times. Copies of the "I-40 Crosstown Expressway Mitigation and Commitment Listing" will be furnished to the Federal Highway Administration upon request.

Current as of 4/29/02

**I-40 Crosstown Expressway - Mitigation and Commitment Listing**

#	Description	Responsible Party	Commitment Type/Formal Agreement	Anticipated Start Date	Actual Start Date	Complete Date	Signatures of: ODOT Planning Engineer & Federal Highway Administration
1	Retaining/Sound Walls to have architectural similarity to Little Flower Church.	Project Development Engineer	FEIS, page 5-55	2002			ODOT: FHWA:
2	Construct a landscaped pedestrian bridge over I-40 west of Union Station	Project Development Engineer	FEIS, page 5-54	2002			ODOT: FHWA:
3	Acquire additional right-of-way bordered by Robinson, Walker, SW 9 <sup>th</sup> and SW 10 <sup>th</sup> to provide a park	Project Development Engineer	FEIS, page 5-54	2002			ODOT: FHWA:
4	Conduct building condition surveys prior to, during and after construction for the Little Flower Church, Riverside School, Wesley Center and Union Station Train Depot.	Project Development Engineer	FEIS, page 5-12	2002			ODOT: FHWA:
5	Conduct additional noise mitigation studies on areas indicated to have potential noise impacts.	Project Development Engineer	FEIS, page 5-11	2002			ODOT: FHWA:
6	Formally notify the City of OKC that the LCDA has concerns regarding policing in the area. Request that OKC give special consideration for increased presence	Project Development Engineer	FEIS, Vol. II, Response to Comments Page # 19	2002			ODOT: FHWA:
7	Notify and encourage City of OKC to consider LCDA request for capital improvements in area.	Project Development Engineer	FEIS Vol. II, Response to Comments Page #10	2002			ODOT: FHWA:

8	Notify and encourage the City of OKC and OK Co. governments to consider request for adjustments to tax system.	Project Development Engineer	FEIS, Vol. II, Response to Comments Page # 19	2002			ODOT: FHWA:
9	Notify COTPA of the LCDA concerns for accessible transportation/transit systems	Project Development Engineer	FEIS, Vol. II, Response to Comments Page # 19	2002			ODOT: FHWA:
10	Encourage OKC to consider the walkway and beam concepts contained in the I-40 Relocation Land Use and Mitigation Plan.	Project Development Engineer	FEIS, Vol. II, Response to Comments Page # 19 & #20	2002			ODOT: FHWA:
11	Forward the LCDA request and request that the designation of river front property for a Latino Center for the Performing Arts be given consideration by the City.	Project Development Engineer	FEIS, Vol. II, Response to Comments Page # 20	2002			ODOT: FHWA:
12	Forward the LCDA request and request that the deeding of river front property to the LCDA for establishment of an endowment to sustain the work of the LCDA be given consideration by the City.	Project Development Engineer	FEIS, Vol. II, Response to Comments Page # 20	2002			ODOT: FHWA:
13	Forward the LCDA request and request that the first option on purchase of river front property between Robinson and Walker on both sides of the river be given consideration by the City.	Project Development Engineer	FEIS, Vol. II, Response to Comments Page # 20	2002			ODOT: FHWA:
14	Assist the LCDA, or other community group, in seeking funding for medical facilities from other agencies or entities as appropriate.	Project Development Engineer	FEIS, Vol. II, Response to Comments Page # 21	2002			ODOT: FHWA:

15	Willingness to accept and respond to complaints about noise levels. Department personnel utilizing the appropriate testing equipment will verify the noise levels on an as-needed basis in response to complaints.	Project Development Engineer	Commitment made in response letter to Pat Fennell of LCDA on 5/29/01	2002			ODOT: FHWA:
16	Forward the LCDA request to OKC and request that a youth center and gymnasium be given consideration by the City of OKC.	Project Development Engineer	FEIS, Vol. II, Response to Comments Page # 21	2002			ODOT: FHWA:
17	Investigate training opportunities for displaced employees which demonstrate a need.	Project Development Engineer	FEIS, Vol. II, Response to Comments Page # 21	2002			ODOT: FHWA:
18	Continue the evaluation of waste sites through the project planning, design and construction phases.	Project Development Engineer	FEIS, page 5-23	2002			ODOT: FHWA:
19	Construction of Boulevard - @ grade to west of Walker, bridge from west of Walker to Western and divided boulevard from Western to Agnew.	Project Development Engineer	FEIS page S-1	2002			ODOT: FHWA:
20	Ensure all property acquired and residents relocated are handled in a manner complying with the relevant federal and state laws, statutes, regulations and policies, including housing of last resort.	Chief of Right-of-Way	FEIS, Vol. II, Response to Comments Page # 13	2002			ODOT: FHWA:

21	Ensure all property acquired and businesses relocated are handled in a manner complying with the relevant federal and state laws, statutes, regulations and policies.	Chief of Right-of-Way	FEIS, Vol. II, Response to Comments Page # 14	2002			ODOT: FHWA:
22	Construction contracts will have provisions for dust control.	Project Development Engineer	FEIS page 5-3	2004			ODOT: FHWA:
23	Noise wall treatment investigation and re-evaluation of determination regarding the re-establishment of the residential character of Walnut-Grove	Project Development Engineer	FEIS page 5-11	2002			ODOT: FHWA:
24	Provisions in contract requiring contractor to make every reasonable effort to minimize construction noise.	Project Dev. Engineer/ Resident Engineer	FEIS page 5-11	2004			ODOT: FHWA:
25	Complete CERCLA Phase I ESA for each property to be acquired.	Project Development Engineer	FEIS page 5-29	2002			ODOT: FHWA:
26	During design, develop plans to prevent exposure to/of contaminants, prevent release of contaminants, and to prevent adverse effects of contaminants.	Project Development Engineer	FEIS page 5-29	2002			ODOT: FHWA:
27	Notify contractor and include special details and provisions for handling potential contaminants.	Project Development Engineer	FEIS page 5-30	2004			ODOT: FHWA:
28	During construction have a health and safety plan, contaminant containment plan and a construction contingency plan.	Project Development Engineer	FEIS page 5-30	2004			ODOT: FHWA:

29	Develop an emergency response plan to a major hazardous materials release close to or within the new alignment.	Project Development Engineer	FEIS page 5-31	2002			ODOT: FHWA:
30	Erosion control measures will be incorporated into plans and installed during construction.	Project Dev. Engineer/ Resident Engineer	FEIS page 5-31	2002			ODOT: FHWA:
31	Consider elevated crosswalks for the boulevard.	Project Development Engineer	FEIS page 5-45	2002			ODOT: FHWA:
32	File a Notice of Intent and develop a Stormwater Pollution Prevention Plan	Project Dev. Engineer/ Resident Engineer	FEIS page 5-45	2004			ODOT: FHWA:
33	Access to Wheeler Park will be maintained during construction.	Project Dev. Engineer/ Resident Engineer	FEIS page 5-50	2002			ODOT: FHWA:
34	Complete HAAS/HAER documentation and obtain SHPO approval prior to removal/demolition of 14 historic properties.	Project Dev. Engineer	Section 4(f) Statement page 20 & MOA with SHPO	2002			ODOT: FHWA:
35	Narrative documentation of the Riverside District including: •Narrative of the 14 historic properties to be impacted. •Substantive narrative of the Riverside District. •Short popular illustrated summary of the formal narrative.	Project Dev. Engineer	Section 4(f) Statement page 20 & MOA with SHPO	2002			ODOT: FHWA:

36	Conduct additional noise study to evaluate noise impacts and potential use of walls near Wheeler Park.	Project Development Engineer	FEIS Vol. II, Response to Comments, page #s 7, 8 & 9	2002			ODOT: FHWA:
37	Study the interchanges to ensure that the final designs are based upon feasible and reasonable configurations.	Project Development Engineer	FEIS Vol. II, Response to Comments, page #11	2002			ODOT: FHWA:
38	Consider conducting educational seminars to introduce impacted individuals to the various programs available and the agencies responsible for administering those programs.	Project Development Engineer	FEIS Vol. II, Response to Comments, page #13	2002			ODOT: FHWA:
39	Investigate alternative methods to maintain access to various areas during construction.	Project Development Engineer	FEIS, Vol. II, Response to Comments Page # 15	2002			ODOT: FHWA:
40	Consider and evaluate the applicability of weight restrictions for the boulevard.	Project Development Engineer	FEIS, Vol. II, Response to Comments Page # 16	2002			ODOT: FHWA:
41	Provide sufficient width between Union Station and the Union Pacific operated line for a slip-track rail line to be constructed in future if necessary.	Project Development Engineer	FEIS, Vol. II, Response to Comments Page # 15	2002			ODOT: FHWA: