



# **Finding of No Significant Impact for a FHWA Project**

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**Proposed Action:** US 59/I-69

**Project Limits:** Fostoria Road near the Montgomery/Liberty County line to State Loop (SL) 573

**City:** Cleveland

**County:** Montgomery/Liberty

**State:** Texas

**TxDOT CSJ(s):** 0177-03-096, etc.

In accordance with 23 CFR Section 771.119 and Section 771.121, the Texas Department of Transportation (TxDOT) has determined that the US 59 project from Fostoria Road near the Montgomery/Liberty County line to State Loop (SL) 573 will not have a significant impact on the human or natural environment.

This Finding of No Significant Impact (FONSI) for the Preferred Alternative is based on the final Environmental Assessment (EA) dated March 2018 and the entire project record. This decision documents the selection of the Build Alternative presented in the final EA as the Preferred Alternative, which is described as:

Widening the existing four lane (two lanes in each direction) divided highway with no designated frontage roads to six lanes (three lanes in each direction) and one-way, two lane frontage roads. The project will also include installation of sidewalks on the outside of the southbound frontage road and the construction of 8-foot wide, shared use lanes for bicycles on the northbound and southbound frontage lanes.

A Notice of Availability of the draft EA was issued on July 26, 2017.

A Notice Affording Opportunity for a Public Hearing was published on July 26, 2017.

No changes to the draft EA were made as a result of comments received on the draft EA during the posted comment period.

Public Hearing Opportunity Documentation has been prepared and is available for review on request.

The final EA and reports contained in the file of record have been independently evaluated by TxDOT and determined to adequately and accurately discuss the need, purpose, alternatives, environmental issues, impacts of the proposed project, and appropriate mitigation measures. These documents provide sufficient evidence and analysis for determining that preparation of an Environmental Impact Statement is not required. These documents are incorporated by reference into this decisional document.

Based upon TxDOT's review and consideration of the analysis and evaluation contained in the EA for this project, and after careful consideration of all social, economic, and environmental factors, including input from the public involvement process, TxDOT hereby issues this Finding of No Significant Impact for the US 59 project from Fostoria Road near the Montgomery/Liberty County line to State Loop (SL) 573.

TxDOT will ensure adherence and completion of all project commitments described in the Final EA March 2018, Section 8.0. TxDOT will ensure that any and all local, state, or federal permit requirements and conditions are met and otherwise complied with.



**Finding of No Significant Impact for a FHWA Project**

The environmental review, consultation, and other actions required by applicable Federal environmental laws for this project are being, or have been, carried out by TxDOT pursuant to 23 U.S.C. 327 and the Memorandum of Understanding dated December 16, 2014, and executed by FHWA and TxDOT.

TxDOT Environmental Affairs Division Director

3/23/15

Date



# Environmental Document Certification Form

Reset Form

**Project Name:** US 59/I-69

**Control Section Job Number (CSJ):** 0177-03-096, etc.

**Document Type:**  EA  EIS  FONSI

**Document Stage:**  Draft  Final

*This checklist shall be used to certify that an environmental document is ready for public review (draft documents) or approval (final documents).*

*When all required items are satisfactorily completed, the District and ENV representatives will sign this form indicating the environmental document is certified and may proceed to public review or is ready for final approval.*

**This project meets all the following requirements:**

- A. A project scope has been completed for the project.
- B. The document has been determined to be administratively complete.
- C. The document meets the requirements of technical review (43 TAC §2.49) as required to date.
- D. The required public participation has been completed as required to date.
- E. All consultation and coordination required for the environmental decision is complete and appropriately documented (for final environmental documents).
- F. Legal Review or Legal Sufficiency Review has been completed, as required.
- G. Current funding has been reviewed, and is as follows:

Mix of Federal/State/Local funding     State-only funding    Date Verified: 3/12/2018

**Comments:**

**Signed:** Leanna Sheppard

Digitally signed by Leanna Sheppard  
DN: cn=Leanna Sheppard, o=TxDOT, ou=Beaumont District, ou=Environmental Specialist,  
email=leanna.sheppard@txdot.gov, c=US  
Date: 2018.03.19 10:04:17 -0500

*District Core Team Member*

**Date:** 3/19/2018

Print Name: Leanna Sheppard

**Signed:** Lindsey Kimmitt

Digitally signed by Lindsey Kimmitt  
DN: cn=Lindsey Kimmitt, o=TxDOT, ou=ENV, email=lindsey.kimmitt@txdot.gov, c=US  
Date: 2018.03.19 10:21:38 -0500

*ENV Core Team Member*

**Date:** 3/19/2018

Print Name: Lindsey Kimmitt



# Environmental Document Review Checklist

Reset Form

Project Name: US 59/I-69			<input type="checkbox"/> State	<input checked="" type="checkbox"/> Federal - Assigned	<input type="checkbox"/> Federal - Not Assigned
CSJ No.: 0177-03-096, etc.		Federal-Aid No. (if applicable): NH 2012(594)		Date of Administrative Completeness: May 22, 2017	
District / County: BMT/Montgomery and Liberty			Project Sponsor: TxDOT		
Document Type: <input checked="" type="checkbox"/> EA <input type="checkbox"/> EIS		Document Stage: <input type="checkbox"/> Draft <input checked="" type="checkbox"/> Final		Preparer/Consultant: AECOM	
Preparer identify	Preparer check if content is:		Core Team check if content is:		
	Included	Not Applicable	Acceptable		
Section in Document				<b>Major Required Content</b>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>Cover Sheet</b>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Follows TxDOT approved format	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Includes 23 U.S.C. 327 assignment language	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Title includes any cooperating agencies (EIS only)	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Signature block and contacts (only required for EIS)	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Abstract (only required for EIS)	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>ROD (for Final EIS) / FONSI (for EA)</b>	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>Executive Summary (optional for EA, optional for combined FEIS/ROD, but required for EIS)</b>	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Includes 23 U.S.C. 327 assignment language	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Summary of major conclusions, areas of controversy, preferred alternative, and commitments	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>Table of Contents:</b> include list of tables, figures, and appendices	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>List of Acronyms</b>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>Introduction</b>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Purpose of the Document: brief overview including appropriate figures	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project Description	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Existing Facility Description	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Proposed Project (General Description)	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Demonstrates logical termini and independent utility	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>Planning and Programming Status</b>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Consistent with current Plan and Program (required for Final Environmental Document)	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Reference to plan sheet in appendix (required for Final Environmental Document)	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>Purpose and Need</b>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Need statement(s)	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Supporting Facts and/or Data	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Purpose statement(s)	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>Alternatives</b>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Build Alternative(s)	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Includes number of lanes, ROW requirements, median width, access control, estimated cost	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No-build Alternative	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Alternatives Considered But Eliminated From Further Consideration (if applicable)	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>Affected Environment and Environmental Consequences (see page 2 for further detail)</b>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>Agency Coordination</b>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>Public Involvement</b>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>Environmental Permits, Issues and Commitments</b>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>Conclusion</b>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Identification of preferred alternative (required for Final Environmental Document)	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Locally preferred alternative, if one has been identified	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>List of Preparers (EIS only)</b>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>References Cited</b>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>Exhibits (Maps, Photos, Schematics, Typical Sections)/Appendices</b>	
Comments:					



Preparer identify:	Preparer check if content is:			Core Team check if content is:	<b>Affected Environment and Environmental Consequences</b>
Section in Document	Included	Subject of Technical Report	Not Applicable	Acceptable	

**Issues/resources determined to have no impact at scoping can be listed in the document. Summary discussion needed for issues/resources considered in detail. Discussion should address affected environment, environmental consequences, encroachment-alteration effect, and applicable avoidance, minimization, and mitigation measures for each issue/resource.**

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>Right of way/Displacements</b>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>Land Use</b>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>Farmlands</b>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>Utilities/Emergency Services</b>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>Bicycle and Pedestrian Facilities</b>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>Community Impacts (EJ and LEP)</b>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>Visual/Aesthetics</b>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>Archeological Resources - includes Section 106 statement for Federal projects</b>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>Historic Properties - includes section 106 statement for Federal projects</b>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>Section 4(f)/6(f)/Chapter 26 - includes Section 4(f) statement for Federal projects</b>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>Water Resources</b>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>Biological Resources - includes Section 7 statement for Federal projects</b>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>Air Quality</b>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>Hazardous Materials</b>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>Traffic Noise</b>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>Indirect Impacts (Induced Growth Summary)</b>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>Cumulative Impacts</b>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>Construction Impacts</b>

Comments:

Core Team check if information is:			<b>Supporting Documentation</b>
Included as Appendix	Not applicable	Present in File	

**The appendices and/or file of record must contain the following items/documents**

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Plan and Program consistency documentation (compare against current E-STIP)</b>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Technical Reports: all technical reports as identified above have been completed, approved, and are present in the project file</b>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>Agency coordination/consultation in appendices and/or file - Includes Distribution List for EIS only</b> <input type="checkbox"/> USFWS <input checked="" type="checkbox"/> TPWD <input checked="" type="checkbox"/> THC <input checked="" type="checkbox"/> TCEQ <input type="checkbox"/> Other-List in Comments
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>Section 4(f) Evaluation, Programmatic Section 4(f) Evaluation, Section 4(f) De Minimis Determination, or Section 6(f) Evaluation</b>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>Public Meeting/Public Hearing Documentation (that includes public involvement certification)</b>

Comments:

Yes	No	Not applicable	<b>Document Consistency (Core Team Completes)</b>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Quantitative consistency between technical reports and Environmental Document (traffic, ROWs, etc.)</b>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Quantitative consistency within Environmental Document</b>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Map and figure consistency (project limits, street names, key, etc.)</b>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Exhibits and appendices listed in the Table of Contents are present in the Environmental Document</b>

Comments:

Completed By: Leanna Sheppard  
*District Core Team Member (Print Name)*

Lindsey Kimmitt  
*ENV Core Team Member (Print Name)*

Leanna Sheppard District Core Team Member (Print Name)  
*Signature* 3/19/2018  
*Date*

Lindsey Kimmitt ENV Core Team Member (Print Name)  
*Signature* 3/19/18  
*Date*



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Project Management > Area List > STIPs (M-HOUSTON-GALVESTON) > Revisions ( ) > TIP Instances (Unassigned) > Highway Projects (Unassigned) > Project Details

Color Key:  - Business rule violation  - Value changed in current session  - Different from DCIS or latest approved copy [Data](#)

Statewide  TIP Revision  Phase  Construction  
 Engineering  
 Environmental  
 Engineering  
 Right-of-Way  
 Acquisition  
 Utilities  
 Transfer

District  County   
 MPO  Highway   
 CSJ  -  -  TIP FY

**Total Project Cost Information**

Prelim Engineering	\$5,488,000
ROW Purchase	\$2,002,000
Construction Cost	\$112,000,000
Const Engineering	\$4,480,000
Contingencies	\$11,200,000
Indirect Costs	\$5,689,600
Bond Financing	\$0
Potential Chg Ord	\$0

Revision Date  NOX ( Kg /D):   
 Project Sponsor  VOC ( Kg /D):   
 MPO Proj Number  PM10 ( Kg /D):   
 MTP Reference  PM2.5 ( Kg /D):   
 City  CO ( Lbs /D):

Total Project Cost   
 YOE Cost   
 Toll   
 TCM

Limits From

Limits To

Project Description

P7 Remarks

Project History

Authorized Funding by Category/Share

Category	Federal	State	Regional	Local	Local Contributions	Total
4	\$41,600,000	\$10,400,000	\$0	\$0	\$0	\$52,000,000
12	\$48,000,000	\$12,000,000	\$0	\$0	\$0	\$60,000,000
<b>Total</b>	<b>\$89,600,000</b>	<b>\$22,400,000</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$112,000,000</b>

DISTRICT	MPO	COUNTY	CSJ	HWY	PHASE	CITY	YOE COST	
BEAUMONT	HOUSTON-GALVESTON	LIBERTY	0177-03-096	US 59 N	C	CLEVELAND	\$ 112,000,000	
LIMITS FROM: S END OF CLEVELAND BY-PASS							PROJECT SPONSOR: TXDOT	
LIMITS TO: MONTGOMERY C/L							REVISION DATE: 11/2017	
PROJECT DESCR: RECONSTRUCT AND WIDEN TO 6 MAIN LANES WITH FRONTAGE ROADS							MPO PROJ NUM: 223	
REMARKS P7:							FUNDING CAT(S):	
PROJECT HISTORY: Amendment OCT-2017 - 10/27/17 - Advance from FY 2020 to FY 2019, modify funding to reflect commission awarded funding (Cat 4 and Cat 12)								
TOTAL PROJECT COST INFORMATION				AUTHORIZED FUNDING BY CATEGORY/SHARE				
PRELIM ENG: \$	5,488,000							
ROW PURCH: \$	2,002,000							
CONST COST: \$	112,000,000							
CONST ENG: \$	4,480,000							
CONTING: \$	11,200,000							
INDIRECT: \$	5,689,600							
BOND FIN: \$	0							
POT CHG ORD: \$	0							
TOTAL COST: \$	140,859,600							
		CATEGORY	FEDERAL	STATE	REGIONAL	LOCAL	LC	TOTAL
		4	\$ 41,600,000	\$ 10,400,000	\$ 0	\$ 0	\$ 0	\$ 52,000,000
		12	\$ 48,000,000	\$ 12,000,000	\$ 0	\$ 0	\$ 0	\$ 60,000,000
		TOTAL	\$ 89,600,000	\$ 22,400,000	\$ 0	\$ 0	\$ 0	\$ 112,000,000

TIP History

2017-2020 STIP		11/2017 Revision: Approved 02/27/2018							
DISTRICT	MPO	COUNTY	CSJ	HWY	PHASE	CITY	YOE COST		
BEAUMONT	HOUSTON-GALVESTON	LIBERTY	0177-03-096	US 59	N C	CLEVELAND	\$ 112,000,000		
LIMITS FROM: S END OF CLEVELAND BY-PASS		PROJECT SPONSOR: TXDOT		REVISION DATE: 11/2017					
LIMITS TO: MONTGOMERY C/L		MPO PROJ NUM: 223		FUNDING CAT(S):					
PROJECT RECONSTRUCT AND WIDEN TO 6 MAIN LANES WITH FRONTAGE ROADS							DESCR:		
REMARKS P7:							PROJECT Amendment OCT-2017 - 10/27/17 - Advance from FY 2020 to HISTORY: FY 2019, modify funding to reflect commission awarded funding (Cat 4 and Cat 12)		
TOTAL PROJECT COST INFORMATION			AUTHORIZED FUNDING BY CATEGORY/SHARE						
PRELIM ENG: \$	5,488,000	COST OF APPROVED PHASES	4	\$ 41,600,000	\$ 10,400,000	\$ 0	\$ 0	\$ 0	\$ 52,000,000
ROW PURCH: \$	2,002,000		12	\$ 48,000,000	\$ 12,000,000	\$ 0	\$ 0	\$ 0	\$ 60,000,000
CONST COST: \$	112,000,000	\$ 112,000,000	TOTAL	\$ 89,600,000	\$ 22,400,000	\$ 0	\$ 0	\$ 0	\$ 112,000,000
CONST ENG: \$	4,480,000		INDIRECT: \$						
CONTING: \$	11,200,000								
BOND FIN: \$	0								
POT CHG ORD: \$	0								
TOTAL COST: \$	140,859,600								

  

2017-2020 STIP		07/2016 Revision: Approved 12/19/2016							
DISTRICT	MPO	COUNTY	CSJ	HWY	PHASE	CITY	YOE COST		
BEAUMONT	HOUSTON-GALVESTON	LIBERTY	0177-03-096	US 59	N C	CLEVELAND	\$ 111,725,000		
LIMITS FROM: S END OF CLEVELAND BY-PASS		PROJECT SPONSOR: TXDOT		REVISION DATE: 07/2016					
LIMITS TO: MONTGOMERY C/L		MPO PROJ NUM: 223		FUNDING CAT(S): 2M					
PROJECT RECONSTRUCT AND WIDEN TO 6 MAIN LANES WITH FRONTAGE ROADS							DESCR:		
REMARKS P7:							PROJECT HISTORY:		
TOTAL PROJECT COST INFORMATION			AUTHORIZED FUNDING BY CATEGORY/SHARE						
PRELIM ENG: \$	5,474,525	COST OF APPROVED PHASES	2M	\$ 0	\$ 111,725,000	\$ 0	\$ 0	\$ 0	\$ 111,725,000
ROW PURCH: \$	1,737,450		TOTAL	\$ 0	\$ 111,725,000	\$ 0	\$ 0	\$ 0	\$ 111,725,000
CONST COST: \$	111,725,000	\$ 111,725,000							
CONST ENG: \$	4,469,000		INDIRECT: \$						
CONTING: \$	11,172,500								
BOND FIN: \$	0								
POT CHG ORD: \$	0								
TOTAL COST: \$	140,254,105								

Comment History

Time	User	Comment	Related Approval
2017/11/29 13:41:39	Barbara Maley		11/2017: Approved
2016/11/22 18:11:19	David Wurdlow	Consistent with the approved conforming MTP, this project includes the construction of four frontage lanes. See page I-11 of the current MTP project listing (dated 7/8/2016) <a href="http://www.h-gac.com/taq/airquality_model/conformity/2016/docs/Appendix3-7-8-16.pdf">www.h-gac.com/taq/airquality_model/conformity/2016/docs/Appendix3-7-8-16.pdf</a>	
2016/11/18 16:48:44	Jose Campos	Approved. Approval based upon clarification provided by H-GAC on November 23, 2016 concerning the number of frontage road lanes to be constructed with the proposed project.	07/2016: Approved



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Project Management > Area List > STIPs (M-HOUSTON-GALVESTON) > Revisions ( ) > TIP Instances (Unassigned) > Highway Projects (Unassigned) > Project Details

Color Key:  - Business rule violation  - Value changed in current session  - Different from DCIS or latest approved copy [Data](#)

Statewide  TIP Revision  Phase  Construction  
 District  County   
 MPO  Highway   
 CSJ  -  -  TIP FY

Engineering  
 Environmental Engineering  
 Right-of-Way  
 Acquisition  
 Utilities  
 Transfer

**Total Project Cost Information**

Prelim Engineering	\$39,200
ROW Purchase	\$0
Construction Cost	\$800,000
Const Engineering	\$72,000
Contingencies	\$80,000
Indirect Costs	\$40,640
Bond Financing	\$0
Potential Chg Ord	\$0
<b>Total Project Cost</b>	<b>\$1,031,840</b>

Revision Date  NOX (Kg /D):   
 Project Sponsor  VOC (Kg /D):   
 MPO Proj Number  PM10 (Kg /D):   
 MTP Reference  PM2.5 (Kg /D):   
 City  CO (Lbs /D):

Limits From   
 Limits To

Project Description

P7 Remarks

Project History

Authorized Funding by Category/Share

Category	Federal	State	Regional	Local	Local Contributions	Total
4	\$640,000	\$160,000	\$0	\$0	\$0	\$800,000
<b>Total</b>	<b>\$640,000</b>	<b>\$160,000</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$800,000</b>

DISTRICT	MPO	COUNTY	CSJ	HWY	PHASE	CITY	YOE COST		
HOUSTON	HOUSTON-GALVESTON	MONTGOMERY	0177-05-113	IH 69	C	OTHER	\$ 800,000		
LIMITS FROM: FOSTORIA RD N							PROJECT SPONSOR: TXDOT		
LIMITS TO: LIBERTY C/L							REVISION DATE: 11/2017		
PROJECT DESC: CONSTRUCT DETENTION POND							MPO PROJ NUM: 16352		
REMARKS P7:							FUNDING CAT(S):		
PROJECT HISTORY: Amendment #OCT-2017 - 10/27/17 - Program detention pond construction for US 59/IH 69 widening in Liberty County (15460/0177-03-096)									
<b>TOTAL PROJECT COST INFORMATION</b>				<b>AUTHORIZED FUNDING BY CATEGORY/SHARE</b>					
PRELIM ENG: \$	39,200	COST OF APPROVED PHASES \$ 800,000	CATEGORY	FEDERAL	STATE	REGIONAL	LOCAL	LC	TOTAL
ROW PURCH: \$	0		4	\$ 640,000	\$ 160,000	\$ 0	\$ 0	\$ 0	\$ 800,000
CONST COST: \$	800,000		<b>TOTAL</b>	<b>\$ 640,000</b>	<b>\$ 160,000</b>	<b>\$ 0</b>	<b>\$ 0</b>	<b>\$ 0</b>	<b>\$ 800,000</b>
CONST ENG: \$	72,000								
CONTING: \$	80,000								
INDIRECT: \$	40,640								
BOND FIN: \$	0								
POT CHG ORD: \$	0								
<b>TOTAL COST: \$</b>	<b>1,031,840</b>								

TIP History



2017-2020 STIP		11/2017 Revision: Approved 02/27/2018							
DISTRICT	MPO	COUNTY	CSJ	HWY	PHASE	CITY	YOY COST		
HOUSTON	HOUSTON-GALVESTON	MONTGOMERY	0177-05-113	IH 69	C	OTHER	\$ 800,000		
LIMITS FROM: FOSTORIA RD N		PROJECT SPONSOR: TXDOT							
LIMITS TO: LIBERTY C/L		REVISION DATE: 11/2017							
PROJECT CONSTRUCT DETENTION POND		MPO PROJ NUM: 16352							
DESCR:		FUNDING CAT(S):							
REMARKS P7:		PROJECT Amendment #OCT-2017 - 10/27/17 - Program detention pond							
		HISTORY: construction for US 59/IH 69 widening in Liberty County							
		(15460/0177-03-096)							
TOTAL PROJECT COST INFORMATION			AUTHORIZED FUNDING BY CATEGORY/SHARE						
PRELIM ENG: \$	39,200	COST OF APPROVED PHASES \$ 800,000	CATEGORY	FEDERAL	STATE	REGIONAL	LOCAL	LC	TOTAL
ROW PURCH: \$	0		4	\$ 640,000	\$ 160,000	\$ 0	\$ 0	\$ 0	\$ 800,000
CONST COST: \$	800,000		TOTAL	\$ 640,000	\$ 160,000	\$ 0	\$ 0	\$ 0	\$ 800,000
CONST ENG: \$	72,000								
CONTING: \$	80,000								
INDIRECT: \$	40,640								
BOND FIN: \$	0								
POT CHG ORD: \$	0								
TOTAL COST: \$	1,031,840								

Comment History

Time	User	Comment	Related Approval
2017/11/29 13:09:23	Barbara Maley		11/2017: Approved



# Transportation Conformity Report Form

**Project Facility Name:** US 59

**MPO Project IDs:** 223

**Project CSJ Numbers:** 0177-03-096

**Project Limits**

**From:** Fostoria Road at the Montgomery/Liberty County line

**To:** State Loop 573 (S End of Cleveland By-pass)

**Project Sponsor:** Texas Department of Transportation

**Project Description<sup>1</sup>:** The proposed project would widen the existing four (4)-lane (two lanes in each direction) divided highway with no designated frontage roads to six (6) lanes (three lanes in each direction) and one-way, two (2)-lane frontage roads.

**Date of anticipated environmental decision/re-evaluation:** March 2018

**Let Year:** 2018

**ETC<sup>2</sup> Year:** 2020

**Conformity Year<sup>3</sup>:** 2025

**Total Project Cost:** \$140 Million

**Adding Capacity?**  Yes  No

**Counties:** Montgomery and Liberty Counties

**Project Classification:**  CE  EA  EIS  Re-evaluation

**Important Information**

A determination of project-level conformity is not permanent. It is recommended that conformity be checked early and often in the project development process, but that this specific form be coordinated within 60 days of the anticipated environmental decision to avoid coordinating the form more than once. The following events would require a project's conformity determination to be reevaluated.

1. Changes to the project's design concept, scope, limit, funding, or estimated time of completion (ETC) year
2. Changes to the project's listing in the MTP, TIP, or STIP related to design concept, scope and limits; funding or ETC year
3. New conformity determinations on the applicable MTP, TIP, or STIP (even if it occurs after the FHWA/FTA project-level conformity determination has been made)

<sup>1</sup> Project description, project details, and other project information should include enough detail in order to make a determination of project consistency with the MTP, TIP, STIP, and corresponding transportation conformity determination.

<sup>2</sup> The ETC or estimated time of completion year is the date the entire project as described in the environmental review document will be open to traffic.

<sup>3</sup> If this project is NOT considered regionally significant by the MPO, enter "N/A – non-regionally significant". In addition, note that the conformity year is sometimes referred to as the network year. When a MTP identifies a specific timeframe during which a project will be operational, the last year of that timeframe is the conformity year.



In particular, if there is a planned MTP update/amendment and associated transportation conformity determination expected to be completed on or near the time of project approval, it is recommended that the project sponsor prepare this conformity determination after the plan update/amendment and associated transportation conformity determination is completed, if the update/amendment will affect the project as specified in item 1 above. Consult with ENV air specialist if further assistance is needed.

**Instructions**

Check the appropriate box for each question, using the most current information available, and be aware that the answers will dictate which questions must be answered for each specific project. Start with Step One, and follow the instructions included in each step, if any additional instructions are provided.

The information displayed between carets, <like this> represents a field that should be customized with project specific information. In the electronic file, these fields are highlighted in grey. Content prompts, like *Choose an item*, represent dropdown menus, which also must be customized with project specific information.

**If the form requires the preparer to "STOP" because something is lacking, then it is recommended that the time it would take to make the necessary changes to the MTP, TIP, or project should be re-evaluated against the project's proposed letting date (i.e., letting date may need to be adjusted).**

**Step 1:** Is this a federal project with a federal lead other than FHWA/FTA?

- Yes – STOP. Transportation conformity does not apply to the project, however, general conformity may apply.**

*Consult the ENV air specialist regarding this project and potential general conformity requirements.*

- No – Continue to Step 2.**

**Step 2:** Is this a FHWA/FTA project<sup>4</sup>?

- Yes – Proceed to Step 4.**
- No – Continue to Step 3.**

**Step 3:** Is this project considered regionally significant<sup>5</sup> in accordance with 40 CFR 93.101 or 30 TAC 114.260(d)(2)(iv)?

- Yes – Continue to Step 4.**
- No – STOP. In accordance with 40 CFR 93.102(a)(2), a project level transportation conformity determination is not required for non-regionally significant, non-FHWA/FTA projects.**

<sup>4</sup> Note that this includes projects which may not have federal funding but would otherwise require federal approval.

<sup>5</sup> If a project is on the MPO's NON-regionally significant project list, it is not regionally significant. Each MPO may have different criteria for designating a project as regionally significant.



## Transportation Conformity Report Form

**Step 4:** Is the project located in a nonattainment or maintenance area<sup>6</sup> for ozone<sup>7</sup>, nitrogen dioxide (NO<sub>2</sub>), carbon monoxide (CO), particulate matter (PM<sub>2.5</sub> or PM<sub>10</sub>)?

- Yes – **Transportation conformity rules apply.** The project is located in the EPA designated Houston-Galveston-Brazoria **Moderate nonattainment**<sup>8</sup> area for Ozone. Continue to Step 5.
- No – **STOP. Transportation conformity does not apply to the project.**

**Step 5:** Is the project exempt<sup>9</sup> from conformity in accordance with 40 CFR 93.126<sup>10</sup> or 40 CFR 93.128<sup>11</sup>?

- Yes – **STOP. Transportation conformity does not apply to the project.** This project falls under the following exemption: *Choose an item.*
- No – Continue to Step 6.

**Step 6:** Is the project exempt from the regional conformity analysis in accordance with 40 CFR 93.127?

- Yes – **The project is exempt from regional conformity requirements.** This project falls under the following exemption: *Choose an item.* Proceed to Step 16.
- No – Continue to Step 7.

**Step 7:** Does the project fall within the boundaries<sup>12</sup> of an MPO?

- Yes – Proceed to Step 9.
- No – Continue to Step 8.

<sup>6</sup> If unsure about the nonattainment or maintenance status, it can be checked in multiple locations, including: the [EPA Greenbook](#), the [TCEQ website](#), or the applicable table in the [Air Quality toolkit](#).

<sup>7</sup> Note the 1997 ozone standard was revoked by EPA.

<sup>8</sup> Area classifications can be either maintenance, marginal nonattainment, moderate nonattainment, serious nonattainment, severe nonattainment, or extreme nonattainment

<sup>9</sup> Most added capacity projects will not be exempt, whereas most non-added capacity projects will be exempt.

<sup>10</sup> Ultimately, the interpretation of what projects types meet these exemption criteria is under the purview of the federal lead agency. For example, although it could be interpreted to meet some of the exemption project types, a project changing from general purpose to managed lanes is NOT considered to be exempt from conformity.

<sup>11</sup> Grouped CSJ projects, by rule, must be exempt under these criteria.

<sup>12</sup> i.e., within a Metropolitan Planning Area (MPA)



## Transportation Conformity Report Form

**Step 8:** Is the project design concept, scope and limits, conformity analysis year, and funding consistent with an approved<sup>13</sup> regional conformity analysis for an isolated rural area that meets the requirements of 40 CFR 93.109?

- Yes – **The project is consistent with an approved regional conformity determination that meets the requirements of 40 CFR 93.109 for isolated rural areas.** Proceed to Step 16.
- No – **STOP. The project is not consistent with a regional conformity determination for an isolated rural area. TxDOT will not take final action until the project is consistent with an approved regional conformity determination that meets the requirements of 40 CFR 93.109 for isolated rural areas.**

*Do not sign this form. Please ensure that the project is included in and consistent with an approved regional conformity determination then reevaluate the project using this form.*

**Step 9:** Are all of the project phases<sup>14</sup> for the entire project described in the environmental document included in the fiscally constrained portion of the MTP?

- Yes – Continue to Step 10.
- No – **STOP. The project was not included in the area's regional conformity determination, and, therefore, is not consistent with it.** The MTP needs to be amended to include this project and a new conformity determination needs to be made on the MTP before consistency can be determined for the project, or the project needs to be revised to be consistent with the existing MTP.

*Consult with the district TP&D and MPO on how to proceed.*

**Step 10:** Is at least one phase of the project beyond the NEPA study (corridor study) included in either the appropriate year of the conforming TIP<sup>15</sup> or in Appendix D (if will not be let within the timeframe of the TIP)?

- Yes – Continue to Step 11.
- No – **STOP. The project is not included in the conforming TIP and is therefore not consistent with it.** At least one phase of the project must be added to the conforming TIP before consistency can be determined.

*Consult with the district TP&D and MPO on how to proceed.*

<sup>13</sup> The consultation partners are responsible for approving regional conformity analyses.

<sup>14</sup> A project phase is a separate portion of a project such as: NEPA study, ROW acquisition, final design, construction, and/or partial construction.

<sup>15</sup> In Texas, a conforming TIP is one that has been included into the STIP, so projects must be in the STIP in order to show that they come from a conforming TIP.



## Transportation Conformity Report Form

**Step 11:** Are the current project limits the same<sup>16</sup> or do they fall within the project limits listed in the MTP and STIP?

- Yes – Continue to Step 12.
- No – **STOP. The project is not consistent with the conforming MTP and TIP.** Either the MTP and TIP, or the project needs to be revised before consistency can be determined.

*Consult with the district TP&D and MPO on how to proceed.*

**Step 12:** Is the activity being proposed the same as that in the MTP and STIP project description in both type<sup>17</sup> of facility and number<sup>18</sup> of lanes?

- Yes – Continue to Step 13.
- No – **STOP. The project is not consistent with the conforming MTP and TIP.** Either the MTP and TIP, or the project needs to be revised before consistency can be determined.

*Consult with the district TP&D and MPO on how to proceed.*

**Step 13:** Does the project's ETC year fall between its identified conformity year<sup>19</sup> in the MTP and the previous conformity year identified in the MTP?

- Yes – Continue to Step 14.
- No – **STOP. The project is not consistent with the conforming MTP and TIP.** Either the MTP and TIP or the project needs to be revised before consistency can be determined.

*Consult with the district TP&D and MPO on how to proceed.*

- N/A – This project is non-regionally significant. Continue to Step 14.

**Step 14:** Is the estimated total project cost or the cost identified in the MTP greater than \$1,500,000?

- Yes – Proceed to Step 15.
- No – Fiscal constraint requirements do not apply. This project is consistent with the currently conforming MTP and TIP. Proceed to Step 16.

<sup>16</sup> The limits are considered the same if the logical termini noted in the environmental document fall within the limits of the project noted in the MTP or the logical termini noted in the environmental document are not significantly greater (~1mile) than the limits noted in the MTP due to transition areas for safety or other factors required to be considered when establishing logical termini for environmental document purposes.

<sup>17</sup> The type of activity refers to the type of enhancement, such as: main lanes, frontage roads, HOV lanes, direct connectors, bridge replacement, etc...

<sup>18</sup> The number refers to the amount of each activity type, such as: number of main lanes or number of frontage lanes.

<sup>19</sup> For the purposes of this determination, the term conformity year is synonymous with the network analysis year for the MTP.



**Step 15:** Does the estimated project cost exceed what is contained in the MTP by more than 50%<sup>20</sup>?

- Yes – **STOP. The project is not consistent with the MTP and TIP because it is not fiscally constrained.** Either the MTP and TIP, or the project needs to be revised before consistency can be determined or a case-by-case decision will need to be made by FHWA.

*Consult with the district TP&D and MPO on how to proceed.*

- No – **This project is consistent with the currently conforming MTP and TIP.**  
Continue to Step 16.

**Step 16:** Is the project located in either a CO, PM<sub>2.5</sub>, or PM<sub>10</sub> nonattainment or maintenance area?<sup>21</sup>

- Yes – Continue to Step 17.

- No – **Hot-spot conformity requirements do not apply.** Proceed to Step 21.

**Step 17:** Is this a state or local project with NO federal funding and NO federal decision required?

- Yes – **Hot-spot conformity requirements do not apply.** Proceed to Step 21.

- No – **Hot-spot conformity requirements apply.** Request the local MPO to initiate a consultation call with the Consultation Partners.

*Fill out the Hot-Spot Analysis Data for a Consultation Partner Decision Form to present the project data to the Consultation Partners for review prior to the consultation call.*

Continue to Step 18.

**Step 18:** Did the consultation partners determine that this is a project of air quality concern (POAQC)?

- Yes – **A hot-spot analysis is required and must be approved by the consultation partners.**

*Conduct a hot-spot analysis in accordance with the methodology approved by the consultation partners, and use the applicable [EPA hot-spot guidance](#).*

Continue to Step 19.

- No – **A hot-spot analysis is not required because the project is not a POAQC. The consultation partners made this determination on <insert date>.**

Proceed to Step 21.

<sup>20</sup> Multiply the MTP cost by 1.5. The current estimated total project cost should not exceed this amount.

<sup>21</sup> Note that this currently only applies to projects in El Paso.



## Transportation Conformity Report Form

**Step 19:** Does the approved hot-spot analysis verify that the project will not cause, contribute to, or worsen a violation of applicable CO, PM<sub>2.5</sub>, or PM<sub>10</sub> NAAQS or that the project will at least improve conditions from that of the no-build alternative?

- Yes – The project is not anticipated to cause, contribute to, or worsen a violation of the applicable NAAQS.** Continue to Step 20.
- No – STOP. The project, as it is currently presented, does not comply with conformity requirements because it is anticipated to cause, contribute to, or worsen a violation of the applicable NAAQS.**

*Identify and get consultation partner agreement upon mitigation measures to offset project impacts to air quality. Reevaluate this project using this form once these mitigation measures have been identified and committed to.*

**Step 20:** Have all the agreed upon mitigation measures as well as any applicable SIP control measures received a written commitment?

- Yes – Continue to Step 21.**
- No – STOP.**

*Do not proceed until there are written commitments to implement all the agreed upon mitigation measures and any applicable SIP control measures. Reevaluate this project using this form once these commitments have been made in writing.*

- N/A** because no mitigation is required and there are no applicable SIP control measures which affect this project, Continue to Step 21.

**Step 21:** The transportation conformity evaluation is complete.

*Attach applicable pages of the MTP and TIP, or the STIP, project schematics, typical sections, hot-spot analyses and determinations, and any conformity related public comment and response. Implement the following processing instructions as applicable.*

- This is a regionally significant State-only project with no FHWA/FTA action required (the answer to Steps 3 is yes); therefore:
- Submit this form to the ENV air specialist. If ENV concurs that all project level conformity requirements have been met, ENV shall sign the form below. Coordination with FHWA/FTA is not required.*

*Retain this form in the project file.*

- This is a FHWA/FTA non-exempt project (the answer to Steps 2 and 4 is yes, and the answer to Steps 5 and 6 is no); therefore:

*Submit this form to the ENV air specialist. After ENV air specialist review, ENV will coordinate this form with FHWA/FTA for a project level conformity determination. If FHWA/FTA agrees that all project level conformity requirements have been met, they shall sign the project level conformity determination line below. A project level conformity determination is not complete and project clearance cannot be given until FHWA/FTA signs this form.*

*Retain this form and any coordination with FHWA/FTA in the project file.*





**Transportation Conformity Report Form**

**TxDOT ENV Transportation Conformity Validation Complete:**

**Project CSJ Numbers:** 0177-03-096

**Signature** DocuSigned by:  
*Timothy Wood*  
C9CB724D35CE4BD \_\_\_\_\_

**Name:** Timothy wood  
**Title:** Environmental specialist  
**Date:** 2/27/2018

**FHWA/FTA Determination of the Project-level Conformity:**

**Signature** **BARBARA C MALEY** \_\_\_\_\_  
Digitally signed by BARBARA C MALEY  
DN: c=US, o=U.S. Government, ou=FHWA FHWAAustinTX,  
ou=DOT FHWAAustinTX, cn=BARBARA C MALEY  
Date: 2018.03.09 14:18:44 -06'00'

**Name:** \_\_\_\_\_  
**Title:** Air Quality Specialist & Transp. Planning Coordinator  
**Date:** \_\_\_\_\_