

# I-40 CLINTON

## Mobility and Freight Improvement Project

### Attachment C

Documented Categorical Exclusion



**OKLAHOMA**  
Transportation

**BRIDGE INVESTMENT PROGRAM:**  
FY 2025 Bridge Project Application

November 1, 2024



**Documented Categorical Exclusion (DCE) for  
I-40: At Exit 65, I-40B West Jct. in Clinton  
Custer County  
J3-1842(004), JP 31842(04)**

**Existing Conditions and Purpose and Need for the Action**

Existing I-40 Exit 65 is a somewhat unconventional interchange configuration with three direct ramp connections. However, the existing interchange does not allow access to eastbound I-40. Exit 65A provides both eastbound and westbound on and off movements. Exits 65 and 65A are currently in close proximity with merge distances between the ramps that are shorter than desired. There are twin bridges over Red Wheat Drive and Neptune Drive as well as the adjacent railroads, all of which have insufficient vertical clearances. Existing Gary Boulevard provides access to Exit 65, and the existing layout creates driver confusion. The existing intersection with Lexington/Oliver Avenues is also unconventional, with very little spacing between Gary Boulevard and Red Wheat Drive. The City of Clinton is continuing to experience commercial growth and the city needs more direct access to the south side of I-40. The anticipated growth is expected to generate future traffic volumes beyond the capacity of the existing interchange and adjacent intersections.

I-40 in the project area is a fully access controlled interstate facility. It has two 12-foot-wide driving lanes in each direction, with 10-foot-wide outside shoulders and 4-foot-wide inside shoulders, separated by a 40-foot grass median with cable barrier. Existing annual average daily traffic (AADT) on I-40 is 22,136 vehicles per day (vpd), with a future projected AADT of 28,263 vpd. Existing AADT on Gary Blvd. is 8,825 vpd with a future projected AADT of 10,900 vpd.

There are seven NBI bridges in the project area:

National Bridge Inventory (NBI) 14478, I-40 Eastbound over FMRC RR and Red Wheat Drive. This bridge is 45 feet wide, has a sufficiency rating of 82.7, and is at risk of becoming structurally deficient due to its substructure condition rating of 5. The bridge is rated as functionally obsolete.

NBI 14477, I-40 Westbound over FMRC RR and Red Wheat Drive. This bridge is 46 feet wide, has a sufficiency rating of 80.7, and is at risk of becoming structurally deficient due to its substructure condition rating of 5. The bridge is rated as functionally obsolete.

NBI 14455, I-40 Business (Gary Blvd.) over I-40. This bridge is 24 feet wide, has a sufficiency rating of 60.8, and not rated as structurally deficient. The bridge is rated as functionally obsolete.

NBI 17582, I-40 Westbound over GNBC RR and Neptune Dr. This bridge is 38 feet wide, has a sufficiency rating of 80.3, and is at risk of becoming structurally deficient due to its deck, superstructure, and substructure condition ratings of 5.

NBI 17581, I-40 Eastbound over GNBC RR and Neptune Dr. This bridge is 38 feet wide, has a sufficiency rating of 80.3, and is at risk of becoming structurally deficient due to its deck, superstructure, and substructure condition ratings of 5.

NBI 14448, S. 28<sup>th</sup> Street over I-40. This bridge is 24 feet wide, has a sufficiency rating of 60.2, and not rated as structurally deficient. The bridge is rated as functionally obsolete.

NBI 17389, I-40 over Unnamed Creek. This bridge box is 159 feet long, has a sufficiency rating of 76.3, and not rated as structurally deficient.

The purpose and need for this project is to improve safety and traffic operations at the I-40 and Exit 65/65A interchange and improve mobility in the I-40 corridor. This project is in the Department's current 8-Year Construction Program.

The study area extends along I-40 from west of S. 28<sup>th</sup> Street to just east of the US-183 interchange. Along Gary Boulevard the study area extends from Chapman Road north to Corbin Lane. This study area was sufficient to assess the proposed projects' impacts on travel patterns and needs, safety needs, current and projected land use, and environmental impacts.

### **Prior Planning & Alternatives Considered**

The Oklahoma Department of Transportation (ODOT) initiated the study of the I-40 and Exit 65/65A interchange in 2015. Six initial alternatives were developed (Alternatives 1-6) and were presented at the first public meeting in May of 2016. These alternatives included a Do Nothing alternative (Alternative 1), a standard diamond (Alternative 2), a diverging diamond (Alternative 3), a single point urban interchange (Alternative 4), a diamond with roundabouts (Alternative 5), and a rotary interchange (Alternative 6). Feedback received from the public meeting expressed concern that Alternatives 1-6 did not provide access to I-40 in both directions at both Exit 65 and 65A.

In response to public feedback, ODOT developed two additional alternatives to provide improved mobility on I-40 and improved access for both interstate and local traffic (Alternatives 7 and 8). While very similar to Alternative 7, Alternative 8 was eliminated due to higher costs and impacts. Alternative 7 was presented as the preferred alternative at the public meeting in February 2019. Alternative 7 combined the two interchanges at Exit 65 and 65A with ramps and frontage roads and utilized two roundabout intersections. Following the February 2019 public meeting, the City of Clinton requested that ODOT revisit Alternatives 1-6 to develop a more traditional design that would still maintain access to Gary Blvd. and Neptune Dr.

In response to the City's request, ODOT developed Alternatives 2D and 9B. Alternative 2D was a modification of the Alternative 2 diamond interchange at Gary Blvd. with frontage road connections to Neptune Dr. Alternative 9B was a folded diamond interchange that provided direct ramp connections to both Gary Blvd. and Neptune Dr. The primary benefit of Alternative 2D is increased safety. Maintaining the ramps at both Exits 65 and 65A present safety challenges related to merging traffic and speed differentials. The collision history in the area suggests that the existing ramp configuration and speeds may be contributing to the elevated collision rate. Alternative 2D is lower cost and uses less land, which results in potentially more land available for future development. Alternative 2D is a simpler layout and utilizes a more traditional diamond configuration, which is likely to be familiar to most travelers. Frontage roads would be provided on both sides of I-40 between Gary Boulevard and Neptune Drive/10<sup>th</sup> Street, and a free-flow turnround would be provided at Gary Boulevard so that traffic having to backtrack to and from Neptune Drive/10<sup>th</sup> Street would not need to pass through the all-way stop at Gary Boulevard. This would shorten the additional travel time to less than one minute per trip. Both alternatives include improvements

to Gary Boulevard. Access to Neptune Drive will be maintained with ramps to I-40 relocated to connect to the frontage road system.

Based on the analysis of traffic and safety performance, impacts to the environment, and public and agency input, ODOT selected Alternative 2D for the project. This alternative is anticipated to have the most safety benefit, fewer environmental impacts, and a lower construction and maintenance cost.

### **Description of Proposed Action**

The proposed improvement (Alternative 2D) will construct a diamond interchange at I-40 and Gary Blvd. (Exit 65). Ramps will be parallel lane style and will vary in design. The ramp adjacent to I-40 will consist of a 12-foot-wide driving lane with a 12-foot-wide paved shoulder. The one-lane ramp will have one 15-foot-wide driving lane with 8-foot-wide and 2-foot-wide shoulders. The two-lane ramp will consist of two 12-foot-wide driving lanes with 8-foot-wide and 2-foot-wide shoulders. The ramp with the frontage road will have two driving lanes that vary in width. The ramps east of Gary Blvd. will connect to proposed one-way frontage roads on both sides of I-40. East of the frontage road merge/diverge points, the frontage roads will have single 19-foot clear roadway widths comprised of a 15-foot-wide lane and 2-foot-wide curb offset. Frontage road improvements will terminate along the existing ramps at Exit 65A (Neptune Dr.).

Improvements to I-40 will consist of a four-lane open section with 12-foot-wide driving lanes, 4-foot-wide inside shoulders, 12-foot-wide outside shoulders, and a 40-foot-wide grass median separated with cable barrier. Gary Blvd. will be extended south to Chapman Rd., utilizing a five-lane curbed section comprised of four 12-foot-wide lanes and a 14-foot center two-way turn lane, including an 8-foot-wide area behind both curbs to allow for future sidewalk installation. A turnaround will be provided under I-40 on the northbound side of Gary Blvd. to facilitate free-flow traffic to/from Neptune Dr. The intersection of Gary Blvd. and Lexington/Oliver Ave. will be reconfigured as a standard four-leg intersection with stop control on Lexington/Oliver Ave. Red Wheat Dr. will be removed and businesses with existing access to Red Wheat Dr. will connect directly to Gary Blvd. Boulevard of Champions will be permanently closed from Red Wheat Dr. to the proposed Gary Blvd.

Modified or new local road connections to provide access to Gary Blvd. are anticipated at five locations: Chapman Rd., Boulevard of Champions, a new connection between eastbound Frontage Road and Boulevard of Champions, Red Wheat Dr., and Lexington/Oliver Ave. These connections will consist of either two 12-foot-wide driving lanes with 4-foot-wide shoulders or two 12-foot-wide driving lanes with curb and gutter. No improvements to Neptune Dr. are proposed.

The existing I-40 westbound (NBI 14477) and eastbound (NBI 14478) bridges over Red Wheat Dr. and FMRC RR are anticipated to be removed and replaced with two conventional three-span prestressed beam bridges, each carrying three 12-foot-wide travel lanes with a 4-foot-wide inside shoulder and a 12-foot-wide outside shoulder, for a total 52-foot clear roadway width. The existing I-40 westbound (NBI 17582) and eastbound (NBI 17581) bridges over Neptune Dr. and GNBC RR are anticipated to be removed and replaced with conventional four-span simply supported steel beam bridges, each carrying two 12-foot-wide travel lanes with a 4-foot-wide inside shoulder and a 12-foot-wide outside shoulder, for a total 40-foot clear roadway width. The existing bridge carrying the eastbound to northbound off ramp to Gary Blvd. over I-40 (NBI 14455) will be removed. Two new westbound and eastbound I-40 bridges over the proposed Gary Blvd. will be constructed and are anticipated to be conventional three-span prestressed beam bridges, each carrying two 12-foot-wide travel lanes with a 4-foot-wide inside shoulder and a 12-foot-wide outside shoulder, for a total 40-foot clear roadway width. The existing bridge carrying 28th St. over I-40 (NBI 14448) is anticipated to be removed and replaced with a four-span steel beam bridge carrying two 12-foot-wide travel lanes with no shoulders, for a total 24-foot-wide clear roadway width.

The bridge box carrying I-40 over an unnamed creek (NBI 17389) is outside the proposed construction limits and will not be affected.

Construction of the project is anticipated to occur in phases. During construction, lane closures on I-40 and Gary Blvd. will vary during the phases. As ramps are closed and reconstructed, traffic will be detoured using the ramps at Neptune Dr. and US-183.

### **Public Involvement & Agency Solicitations**

Alternatives 2D and 9B were presented to the public at a virtual public open house held December 2-21, 2020. Close to 900 unique users viewed the website over the 19-day period. In total, one hundred fifty-five (155) individuals submitted written comments/questions either through mail, email, or on the interactive maps. An additional 1,189 pre-filled comment forms expressing a preference for Alternative 9B were received from local businesses. An additional 763 names were submitted on a “petition” expressing a preference for Alternative 9B. It is not known if the individuals that submitted pre-filled comment forms and/or signed the petitions were unique or if some individuals submitted both.

Comments from agencies included the Oklahoma Department of Environmental Quality (DEQ), stating that no adverse environmental impacts under DEQ jurisdiction are anticipated and that all projects exceeding 1 acre of disturbance must obtain authorization under OKR10. The Oklahoma Aeronautics Commission indicated that project does not appear to pose a hazard to safe and efficient use of navigable airspace. The Oklahoma Corporation Commission did not find any active or plugged oil and gas wells within the project area. Oklahoma State Parks indicated that Alternative 2D would be best for the Clinton High School tennis courts which are a Land and Water Conservation Fund (LCWF) project and therefore subject to LCWF Act protection [Section 6(f)].

Of the one hundred fifty-five (155) people that submitted comments on the project, the majority (92, or 59%) expressed a preference for either Alternative 2D or Alternative 9B. Of those expressing an alternative preference, 51 (55%) preferred Alternative 2D, and 41 (45%) preferred Alternative 9B. An additional 34 comments were received that expressed a desire to keep Neptune Drive/Exit 65A open, although they did not expressly state a preference for Alternative 9B. Eight people commented to leave the interchanges alone and not do anything. Other comments were received in small numbers. In addition to the written comment forms, 1,189 pre-filled comment forms and 763 signatures were received expressing a preference for Alternative 9B.

The project generated a high level of interest among the public, including many that expressed concern over the relocation of the ramps at Neptune Drive. The proposed improvement provides access to Neptune Drive that increases travel times by less than 1 minute. The project has no substantial controversy on environmental grounds.

### **Social, Economic and Environmental Impacts & Agency Coordination**

#### Right of Way and Relocations

The project involves acquisition of right-of-way. However, the acquisition does not involve any residential or commercial relocations nor involve property in which another Federal Agency or Federally Recognized Tribe has ownership, oversight or any other encumbrance.

#### Environmental Justice

The study area within the City of Clinton contains an identifiable minority population (33.6% Hispanic). While there are low-income individuals, they are not present in significant numbers and the study area is not considered to be low-income. There is approximately 7.6% limited English proficiency, which is

considered large enough to require translated materials for public involvement. The largest language spoke amongst this population is Spanish. The area does not contain significant numbers of signs in languages other than English. Most of the non-English signs in the study area are for Mexican restaurants along Neptune Drive. There are three churches within the study area, none of which target or serve specific minority groups. There was no evidence for signs of vulnerable populations such as children, the elderly, or the disabled. The only sidewalks in the study are short, discontinuous segments along Neptune Drive. No evidence of other transportation modes was observed.

The project will result in small increases in travel times for traffic traveling between I-40 and Neptune Drive. These increases are due to the removal of the existing on and off ramps at I-40 and Neptune Drive. The removal of direct access to Neptune Drive is mitigated by providing frontage roads and a protected turnaround at Gary Boulevard. Access to neighborhoods, community facilities, and medical facilities/emergency vehicles is not anticipated to be significantly affected.

Access to businesses along Gary Boulevard will be improved by providing direct access to Gary Boulevard rather than to Red Wheat Drive, which will be removed. Access to businesses along Neptune Drive will be relocated, resulting in small increases in travel times as discussed above. This may have negative impacts to the traffic-dependent businesses along Neptune Drive. Potential customers on westbound I-40 may consider it inconvenient to exit at Gary Boulevard and return east to Neptune Drive.

The project will not affect community cohesion. The project will not separate or isolate any communities and will not affect how communities access each other or local services and facilities.

Positive impacts of the project include improved safety along I-40, improved access and connectivity along Gary Boulevard, and enhanced opportunities for economic development. Negative impacts of the project include the relocation of I-40 access to Neptune Drive. This change in access and travel patterns could have negative impacts to traffic-dependent businesses along Neptune Drive if drivers feel it is inconvenient to use Gary Boulevard for access. While the increase in travel time to access Neptune Drive is negligible, drivers may choose alternatives along Gary Boulevard for convenience. Both positive and negative impacts will affect the EJ and non-EJ populations.

Three public meetings were held over the course of the project study. All meetings included widespread notification that included delivery of materials to every address within the study area, and adequate time to provide comments. The two most recent meetings (in 2019 and 2020) provided Spanish language materials in an effort to accommodate the limited English proficient population in the project area. This population will continue to be accommodated through translated materials at the upcoming public hearing. The EJ and LEP populations were and will continue to be given the opportunity for meaningful involvement in the NEPA process.

Based on the analysis above, the project will not cause disproportionately high and adverse effects on any minority or low-income populations in accordance with the provisions of E.O. 12898 and FHWA Order 6640.23. No further Environmental Justice analysis is required.

#### Cultural Resources

ODOT completed Section 106 consultation on behalf of the Federal Highway Administration (FHWA) for proposed interchange modification at I-40 Exit 65 (Gary Boulevard) and Exit 65A (Neptune Drive) in Clinton, Oklahoma. ODOT proposes to replace the existing interchange at Exit 65/65A with a standard diamond interchange with parallel on and off ramps. In total, 173 acres were surveyed. ODOT determined the proposed project will have **no effect on historic properties**.

As a result of the cultural resources survey, two historic-age segments of Route 66 (Neptune Drive and Gary Boulevard in Clinton) and a Burlington Northern rail bridge were documented and assessed. The Neptune Drive segment is 1,445 feet in length (0.28 miles) and includes the portion of Neptune Drive that passes under I-40 and is intersected by both the north/southbound off-ramps and east/westbound on-ramps of I-40. There are no buildings adjacent to Neptune Drive within the project study area.

The Gary Boulevard segment extends from approximately 150 feet north of the Gary Boulevard/Corbin Lane intersection southward approximately 0.75 miles to the junction with I-40. Gary Boulevard consists of a four-lane divided roadway that diverges into separate on- and off-ramps as it approaches I-40 to the south. Red Wheat Drive and Boulevard of Champions serve as local frontage roads along most of this segment of Gary Boulevard. The construction histories, previous alterations, and current conditions of both the Neptune Drive and Gary Boulevard segments were evaluated and both segments were recommended **not eligible** for National Register of Historic Places (NRHP) listing.

The rail bridge carrying the Burlington Northern railway over an unnamed tributary to the Washita River is a timber trestle constructed ca. 1950. The bridge has no NBI data or ODOT structure number. The bridge was documented on an Oklahoma Historic Bridge Inventory form and recommended **not eligible** for NRHP listing.

Consultation with the State Historic Preservation Office ([File #1677-22](#)) and the State Archaeologist ([OAS FY22-1706](#)) resulted in concurrence with our assessment and determination.

There are eight bridges within the study area. The bridge carrying S. 28th Street over I-40 (ODOT Structure #2002 0901X [National Bridge Inventory (NBI) 14448]) is a concrete slab constructed in 1959. This bridge is of the type discussed in the Advisory Council on Historic Preservation (ACHP) Program Comment for post-1945 concrete and steel bridges and requires no additional documentation.

The bridge carrying the I-40 business route over I-40 (ODOT Structure #2002 0952X [NBI 14455]) is a concrete slab constructed in 1959. This bridge is of the type discussed in the Advisory Council on Historic Preservation (ACHP) Program Comment for post-1945 concrete and steel bridges and requires no additional documentation.

The bridge carrying I-40 east-bound over FMRC Railroad and Red Wheat Drive (ODOT Structure #2002 0919SX [NBI 14478]) is a steel stringer constructed in 1959. This bridge is of the type discussed in the Advisory Council on Historic Preservation (ACHP) Program Comment for post-1945 concrete and steel bridges and requires no additional documentation.

The bridge carrying I-40 west-bound over FMRC Railroad and Red Wheat Drive (ODOT Structure #2002 0919NX [NBI 14477]) is a steel stringer constructed in 1959. This bridge is of the type discussed in the Advisory Council on Historic Preservation (ACHP) Program Comment for post-1945 concrete and steel bridges and requires no additional documentation.

The bridge carrying I-40 over an unnamed creek (ODOT Structure #2002 1036X [NBI 17389]) is a reinforced concrete box (RCB) culvert built in 1969. This bridge is of the type discussed in the Advisory Council on Historic Preservation (ACHP) Program Comment for post-1945 concrete and steel bridges and requires no additional documentation.

The bridge carrying I-40 east-bound over the GNBC Railroad and Neptune Drive (ODOT Structure #2002 1000SX [NBI 17581]) is a steel stringer constructed in 1969. This bridge is of the type discussed in the

Advisory Council on Historic Preservation (ACHP) Program Comment for post-1945 concrete and steel bridges and requires no additional documentation.

The bridge carrying I-40 west-bound over the GNBC Railroad and Neptune Drive (ODOT Structure #2002 1000NX [NBI 17582]) is a steel stringer constructed in 1969. This bridge is of the type discussed in the Advisory Council on Historic Preservation (ACHP) Program Comment for post-1945 concrete and steel bridges and requires no additional documentation.

The rail bridge carrying the Burlington Northern railway over an unnamed tributary to the Washita River is a timber trestle constructed ca. 1950. The bridge has no NBI data or ODOT structure number. The bridge was recommended **not eligible** for NRHP listing.

ODOT also consulted with the following tribes: Cheyenne & Arapaho Tribes, Comanche Nation, Osage Nation, Quapaw Nation, Southern Ute Indian Tribe, and the Wichita & Affiliated Tribes.

An avoidance note for off-site facilities is included.

#### Section 4(f) and Section 6(f) Involvement

The action involves the temporary use of properties protected by Section 4(f) of the Department of Transportation Act of 1966 (49 U.S.C. 303). The Section 4(f) property is the Clinton High School tennis courts which are publicly owned and open to the public. According to correspondence from the Oklahoma Department of Tourism and Recreation (ODTR), the tennis courts were improved with Land and Water Conservation Fund dollars and are Section 6(f) property.

Impacts to the Clinton High School tennis courts will be minor (approximately 1,640 square feet) and temporary. This use is afforded a temporary occupancy exception to Section 4(f) regulations of the U.S. Department of Transportation Act of 1966 in Title 23 CFR §774.13(d). Clinton Public Schools has concurred with this exception.

As no use of the tennis courts or access roads will occur, the project will not result in a conversion of the Section 6(f) property. The ODTR has concurred with this finding.

#### Waters and Wetlands

The action involves work in tributaries of the Washita River, exhibiting the characteristics of a jurisdictional waterway (and potentially jurisdictional wetlands). The proposed construction activities will be evaluated to ensure that the appropriate Clean Water Act Section 404 permit application is made.

#### Threatened & Endangered Species, Bald Eagles, and Migratory Birds

A biological field review was performed for the referenced project. ODOT on behalf of FHWA has determined that the project, as proposed, will have no effect on the federally-listed piping plover and red knot. The project, as proposed, is unlikely to adversely affect the whooping crane. The U.S. Fish and Wildlife Service (USFWS) has concurred with the Department's findings. Prior to final plans, plan notes for mitigation and/or avoidance of the whooping crane will be added to the project plans under "Environmental Mitigation Notes" per policy Directive C-201-2D(2).

The project as proposed could adversely affect nesting habitat for migratory birds, species protected by the Migratory Bird Treaty Act (MBTA), if construction activities occur during the nesting season of these species. A Migratory Bird Plan note requiring avoidance of demolition or construction of any existing structures with migratory birds use during the nesting season will be added to the construction plans.



### Floodplains

The project is located within a regulatory floodway (Zone AE). However, improvements are not anticipated to require a flood map revision. Coordination with the appropriate state or local authority will continue as the project design is refined.

### Farmlands

In accordance with the current 7 CFR Part 658 - Farmland Protection Policy Act, Parts 1 and III of Form AD-1006 was completed and sent to Natural Resources Conservation Services (NRCS). The NRCS did not return the form within 45 days. Hence FPPA does not apply.

### Hazardous Materials

There are no known hazardous material sites or previous land uses with potential for hazardous materials remaining within the proposed project area.

### Changes to Access or Access Control

The project will provide a new diamond interchange at Exit 65 that will provide access to all movements to and from I-40. The ramps at Neptune Drive (Exit 65A) will be removed, eliminating the safety concerns caused by the multiple ramps. The project will result in small increases in travel times for traffic traveling between I-40 and Neptune Drive. These increases are due to the removal of the existing on and off ramps at I-40 and Neptune Drive. The removal of direct access to Neptune Drive is mitigated by providing frontage roads and a protected turnaround at Gary Boulevard. Access to neighborhoods, community facilities, and medical facilities/emergency vehicles is not anticipated to be significantly affected.

Access to businesses along Gary Boulevard will be improved by providing direct access to Gary Boulevard rather than to Red Wheat Drive, which will be removed. Access to businesses along Neptune Drive will be relocated, resulting in small increases in travel times as discussed above. This may have negative impacts to the traffic-dependent businesses along Neptune Drive. Potential customers on westbound I-40 may consider it inconvenient to exit at Gary Boulevard and return east to Neptune Drive.

The proposed access changes are detailed in an Access Justification Report (AJR) prepared in June 2022. This report describes the specific changes to the interchange and the effects on traffic capacity, operations, and safety. As discussed in the AJR, the project will consolidate ramp access at the interchanges, eliminate weaving, improve roadway geometry to meet modern design standards, provide connectivity via the 1-way frontage roads/U-turn system, connect Gary Boulevard to Chapman Road and I-40 eastbound, and simplify the complex and congested 6-legged intersection that exists today at Gary Boulevard/Red Wheat Drive/Oliver Avenue/Lexington Avenue. Freeway operation and ramp access will maintain LOS B or better conditions through the 2050 design year. For safety, the revised freeway and interchange configuration is expected to reduce crashes by 17% according to HSM predictive safety results using the ISATe tool. The project will connect to a public road and provide for all traffic movements at the interchange. Lane balance on I-40 will be maintained at the interchange, and access to local businesses will be kept while providing Frontage Road connections between the interchanges. No design exceptions are anticipated.

### Temporary Construction Impacts

I-40 and all major city streets will remain open to through traffic. The Contractor will provide access to local property owners at all times. Temporary closures may be required for side streets.

### Noise

The noise analysis utilized conceptual design plans dated September 2021 and the FHWA's computer model Traffic Noise Model (TNM) version 2.5 per the FHWA 23 CFR 772 and complies with the current

ODOT Noise Policy Directive. A precision sound level meter was utilized to validate the noise model based on field readings and traffic counts along I-40 within the project limits. The model validation proved successful with all measured versus predicted levels within the  $\pm 3$  dB range; therefore, the noise model developed for the study area would provide an acceptably accurate estimate of noise levels for the existing and future conditions. Twenty-four (24) model receptor sites were analyzed, representing 36 single and multiple-family dwellings, one active recreation area (tennis courts), one restaurant, four hotels, and one indoor water park. Interior analysis was conducted for the water park and one hotel (Holiday Inn Express) due to no exterior area of frequent human activities. The future condition (2050 traffic) TNM analysis results indicated that 25 residential receptors would approach or exceed the NAC criteria for Activity Category B. No other receptors representing other activity categories would experience noise impacts.

Considering noise abatement measures include a free-standing noise wall placed within the I-40 right-of-way for those impacted by residential receptors. Two noise barrier options were evaluated for the eleven impacted receptor sites along the north side of I-40 at the west end of the project limits. Option 1 barrier placed in the right-of-way near the first-row receptors provided a 7.0 dB reduction for ten receptors with a benefit-cost of \$72,795 per benefitted receptor.

Option 2 barrier along the edge of I-40 provided a 7.0 dB reduction for ten receptors and a 5.0 dB(A) reduction for twelve receptors with a benefit-cost of \$50,126 per benefitted receptor. Additionally, a noise barrier was evaluated at the other impact area at the east end of the project limits for three (3) impacted receptors providing a 7.0 dB(A) reduction at the cost of \$128,719 per benefitted receptor.

In summary, the noise walls substantially exceed the allowed ODOT noise policy benefit cost of \$30,000. Contributing factors of high benefit costs are: (1) relatively short wall length with increased barrier height requiring extensive foundation structure resulting in increasing unit cost, and (2) an insufficient number of benefitted receptors. Therefore, noise abatement measures are not recommended for this project.

#### Other Permits & Coordination

The action may require notifying the Federal Aviation Administration (FAA) of proposed construction via FAA Form 7460-1 prior to construction, in accordance with 14 CFR 77.13 – 77.17 due to the location of Clinton Regional Airport within 4 miles of the project location.

#### **Summary of Commitments**

##### ***Pre-Construction Commitments:***

The action may involve work in potentially jurisdictional waters and potentially jurisdictional wetlands. For State Projects, the 404 permit application form needs to be submitted by the Designer through Project Management Division to Environmental Programs Division at the time of Right-of-Way submittal for evaluation and determination of the appropriate Clean Water Act Section 404 permit application for the project.

The following Airport/Airfield located within 4 miles of this project. This action may require notifying the Federal Aviation Administration (FAA) of proposed construction via FAA Form 7460-1 prior to construction: Clinton Regional Airport.

##### ***Right-of-Way and Utility Commitments***

The following Construction Commitments requiring avoidance, restrictions or minimization of natural and human resources during Right-of-Way clearance and Utility relocation activities will be discussed with the Right-of-Way and Utility Owners at the start of Right-of-Way and Utility Process.

**Construction Commitments**

The following plan notes requiring avoidance, restrictions or minimization of natural and human resources in the project and off-site project areas will be added to the final project plans under “Environmental Mitigation Notes” per policy Directive C-201-2.

**ODOT Commitment:** operators, employees, and contractors will be made aware of all environmental commitments, including the following Plan Notes.

**Non-Compliance:** Failure to implement the commitments specified in the Plan Notes can result in non-compliance issues on the project. Work activities may be suspended on the project, for an undetermined duration, while working with regulators to bring the project back into compliance. The contractor will not be compensated for time lost.

**Cultural Resource Avoidance Note:** Locations outside the project area in the following area must not be utilized for borrow, equipment staging, haul roads, spoil dumps or any off-site project-related activity.

**T12N R17W:**

- Section 13: S ½
- Section 23: SE ¼ SW ¼
- Section 23: SW ¼ SE ¼
- Section 24: N ½
- Section 26: NE ¼ NE ¼
- Section 27: NE ¼ NW ¼
- Section 27: NW ¼ NW ¼ NE ¼
- Section 34: W ½ NW ¼

**Water Quality Conservation:** Appropriate Best Management Practices to minimize impacts from storm water discharges and sedimentation in streams, as established by the Oklahoma Department of Environmental Quality, shall be conscientiously implemented throughout the proposed construction periods, in order to minimize any potential impacts to any listed species. The effectiveness of erosion controls shall be maintained for the duration of construction activities. Hazardous materials, chemicals, fuels, lubricating oils, and other such substances shall be stored at least 100 feet outside of the ordinary high water mark (OHWM). Refueling of construction equipment shall also be conducted at least 100 feet from the OHWMs. Sediment and erosion controls shall be installed around staging areas to prohibit discharge of materials from these sites. Construction waste materials and debris shall be stockpiled at least 25 feet outside of the OHWMs, and these materials shall be removed and disposed of properly following completion of the project. Preventative measure must be taken to prohibit the discharge of contaminants into any surface waters.

**Whooping Crane Plan Note:** If Whooping Cranes are seen at or within one mile of the proposed work site, the Resident Engineer shall immediately contact the ODOT Biologist. If there is a confirmed sighting and/or Whooping Cranes are observed within one mile of the proposed work site, all construction activities shall cease until it is determined that Whooping Cranes have left the project vicinity without being harassed.

**Migratory Bird Note:** Migratory birds are protected by the federal Migratory Bird Treaty Act. Many birds commonly use bridges and culverts for nesting. The nesting season for most migratory bird species extends from March 1 to August 31. Migratory bird nesting use of the I-40 bridges (NBI:17389, 14477, 14478) and an RCB (STA.3527+00) was observed. Painting, repair, retrofit,

rehabilitation or demolition of the existing bridges and culverts shall be conducted between September 1, and February 28, when migratory bird nests are not occupied. If painting, repair, retrofit, rehabilitation or demolition cannot be completed between September 1 and February 28, the bridges and culvert shall be protected from new nest establishment prior to March 1, by means that do not result in bird death or injury. Options include the exclusion of adult birds from suitable nest sites on or within a structure by the placement of weather-resistant polypropylene netting with 0.25-inch or smaller openings, prior to March 1. Methods other than netting must be pre-approved by the ODOT Biologist.


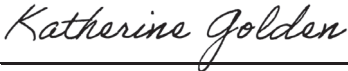


Although no nests were observed on all other structures, the birds may occupy the structures in the future. The Resident Engineer shall contact the ODOT Biologist if any bird use of these structures is observed. If birds are observed then painting, repair, retrofit, rehabilitation or demolition of the existing bridges and culverts shall be conducted between September 1, and February 28 (when migratory bird nests are not occupied).

### **Conclusions**

The Oklahoma Department of Transportation (ODOT) has completed the environmental analysis and review of the referenced project. ODOT has determined that this project does not individually or cumulatively have a significant impact on the environment as defined by NEPA, or involve unusual circumstances as defined in 23 CFR 771.117(b), and is therefore excluded from the requirements to prepare an Environmental Assessment or Environmental Impact Statement. As provided by the 2019 Federal Highway Administration (FHWA)/ODOT Programmatic Agreement Processing of Categorical Exclusions, FHWA has previously determined that processing this action as a Documented Categorical Exclusion (DCE) is appropriate. Based on consideration of prior planning studies, appropriate agency solicitation, thorough environmental review, and public coordination, ODOT has determined that this action results in no significant impacts to the human and natural environment, involves no public controversy on environmental grounds, and no inconsistency with any federal, state or local laws, regulations, and administrative determinations relating to the environment. FHWA concurrence with this finding is requested.

All documentation, analyses, and agency coordination regarding this Categorical Exclusion are contained in a supporting appendix maintained in the project file at the Oklahoma Department of Transportation, Environmental Programs Division.

**Preparer/Reviewer Signatures**

	October 17, 2022
Environmental Consultant Project Manager (If Applicable)	Date
GARVER	
Environmental Consultant Firm Name (If Applicable)	
County Commissioner or City Manager (For County Local Government or City Projects)	Date
	October 20, 2022
ODOT NEPA Project Manager	Date
	10/20/2022
ODOT Environmental Programs Assistant Division Manager	Date
	10/20/2022
ODOT Environmental Programs Division Manager	Date

Concurrence that this project qualifies for a Documented Categorical Exclusion:

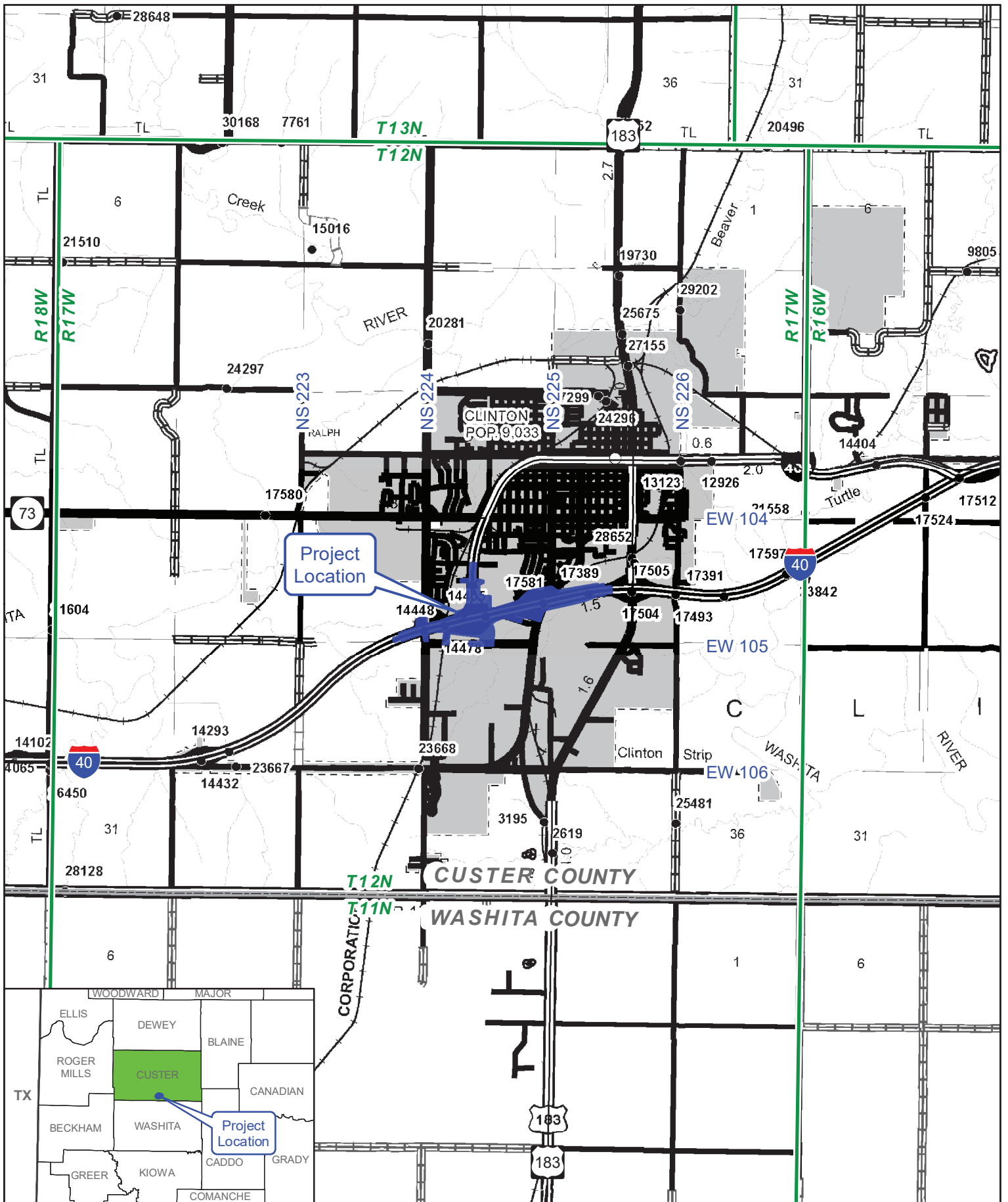
Environmental Programs Manager, FHWA	Date

Attachments:

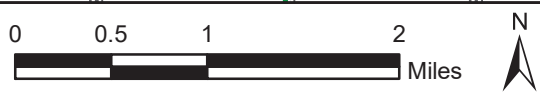
- Location Map
- Current Plans and Study Footprint
- Early Coordination
- Tribal and Federal Properties
- Public Involvement
- Studies and Coordination
- DCE Justification Document
- AJR Mainbody if applicable

Distribution List (Check Applicable Ones)

<input checked="" type="checkbox"/>	Project Management Division (All State Projects)
<input checked="" type="checkbox"/>	Roadway Design Division (All State projects with the exception of projects from Traffic Division and Special Projects)
<input checked="" type="checkbox"/>	Bridge Division (All State Bridge Projects)
	Traffic Division (For projects from Traffic Division)
	Local Government Division (County, City, TAP or Special Projects)
<input checked="" type="checkbox"/>	Field District Engineer (All Projects)
<input checked="" type="checkbox"/>	Right-of-Way Division (All Projects)
<input checked="" type="checkbox"/>	Noise Specialist (For projects with noise studies)



Oklahoma Department of Transportation  
 Custer County JP 31842(04)  
 Project Location Map



I-40: At Exit 65, I-40B West Junction in Clinton