



SR 520 Variable Tolling Project

Finding of No Significant Impact

June 2009



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Submitted by the U.S. Department of Transportation,
Federal Highway Administration, Washington Division

The Federal Highway Administration (FHWA) has determined, in accordance with 23 Code of Federal Regulations (CFR) 771.121, that the proposed project will have no significant impact on the environment.

This Finding of No Significant Impact (FONSI) is based on the Environmental Assessment (EA), which is incorporated by reference, and other documents and attachments, as itemized in this FONSI. These documents have been independently evaluated by FHWA and are determined to accurately discuss the project's purpose and need, environmental issues, impacts of the proposed project, and appropriate mitigation measures. The review provided sufficient evidence and analysis for determining that an Environmental Impact Statement (EIS) is not required.

FHWA takes full responsibility for the accuracy, scope, and content of the EA, as modified by this FONSI, and the reference documents.

June 5, 2009

Date of Approval



Peter A. Jilek, P.E.
Urban Area Engineer
Federal Highway Administration



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A Federal agency may publish a notice in the Federal Register, pursuant to 23 United States Code (USC) §139(l), indicating that one or more Federal agencies have taken final action on permits, licenses, or approvals for a transportation project. If such notice is published, claims seeking judicial review of those Federal actions will be barred unless such claims are filed within 180 days after the date of publication of the notice, or within such shorter time period as is specified in the Federal laws pursuant to which judicial review of the Federal agency action is allowed. If no notice is published, then the periods of time that otherwise are provided by the Federal laws governing such claims will apply.

TABLE OF CONTENTS

	Page No.
CHAPTER 1 DESCRIPTION OF PROPOSED ACTION	1-1
What is the SR 520 Variable Tolling Project?	1-1
Where is the SR 520 Variable Tolling Project located?	1-1
What are the benefits of the project?	1-1
What are the features of the project?	1-2
CHAPTER 2 COORDINATION AND COMMENTS	2-1
What types of public, tribe, and agency coordination have been conducted?	2-1
CHAPTER 3 DETERMINATION AND FINDINGS.....	3-1
National Environmental Policy Act Finding	3-1
Air Quality Conformity Statement.....	3-2
Surface Water and Water Quality Finding	3-2
Endangered Species Act Finding.....	3-3
Section 106 of the National Historic Preservation Act Finding.....	3-5
Environmental Justice Finding	3-5
Noise Finding	3-8
Hazardous Materials Finding	3-8

LIST OF ATTACHMENTS:

- Attachment 1: Errata to Environmental Assessment, Discipline Reports, and Technical Memoranda
- Attachment 2: Notice of Availability of FONSI and Washington State Environmental Policy Act (SEPA) Determination of Nonsignificance
- Attachment 3: FONSI Distribution List
- Attachment 4: Mitigation Commitment List
- Attachment 5: Comments and Responses

LIST OF EXHIBITS

Exhibit 1-1	Project Corridor	1-1
Exhibit 1-2	Proposed Locations of the Tolling Equipment	1-3

Acronyms

APE	area of potential effect
BMPs	best management practices
CFR	Code of Federal Regulations
DAHP	Department of Archaeology and Historic Preservation
dBA	decibel (A-weighted)
DRs	discipline reports
EA	Environmental Assessment
EBT	Electronic Benefit Transfer
EFH	essential fish habitat
EIS	Environmental Impact Statement
ESA	Endangered Species Act
ESHB	Engrossed Substitute House Bill
FHWA	Federal Highway Administration
FONSI	Finding of No Significant Impact
I	Interstate
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
OEO	Office of Equal Opportunity
SB	Senate Bill
SEPA	State Environmental Policy Act
SIP	State Implementation Plan
SR	State Route
TMs	technical memoranda
USC	United States Code
USDOT	United States Department of Transportation
WAC	Washington Administrative Code
WSDOT	Washington State Department of Transportation

Chapter 1 Description of Proposed Action

The Federal Highway Administration (FHWA) and the Washington State Department of Transportation (WSDOT) published an EA for the State Route (SR) 520 Variable Tolling Project on April 9, 2009.

What is the SR 520 Variable Tolling Project?

The SR 520 Variable Tolling Project will implement variable pricing (tolls) on all through-lanes of SR 520 between Interstate 5 (I-5) and Interstate 405 (I-405). All tolls will be collected electronically. The project will reduce traffic congestion and generate revenue. Revenue generated will be invested in the SR 520 corridor, subject to legislative appropriation, as required by state law (Revised Code of Washington 47.56.820).

Where is the SR 520 Variable Tolling Project located?

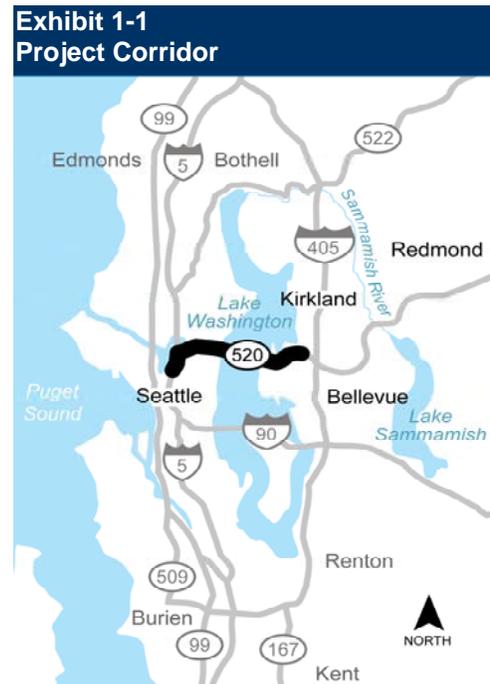
As shown in Exhibit 1-1, the project corridor is along SR 520, bounded by I-5 on the west and I-405 on the east. SR 520 is one of only two east-west roadways that cross Lake Washington. The other is I-90.

What are the benefits of the project?

Reduced Congestion: Variable pricing will encourage drivers to choose alternate routes, times, and travel modes, or to eliminate trips altogether. This will result in reduced congestion, providing a more reliable trip for users of SR 520.

When is a FONSI issued?

A FONSI is issued when the environmental analysis and review finds a project to have no significant impacts on the quality of the environment.



Funding Improvements: On April 25, 2009, the State Legislature passed Engrossed Substitute House Bill (ESHB) 2211, which authorizes the tolling of the existing Evergreen Point Bridge. The bill also directs the revenue from these tolls to help finance construction of the bridge replacement.

What are the features of the project?

The SR 520 Variable Tolling Project includes several components:

- ▶ A single, two-way mainline tolling location on SR 520.
- ▶ Vehicle-mounted transponders.
- ▶ Signs on routes approaching the tolling location.
- ▶ A customer service center with storefronts on both sides of Lake Washington.

Tolling Location

The project will place tolling equipment on the eastern end of the bridge on the existing truss structure. Tolling equipment will include overhead signs on the bridges for each direction of travel, an overhead automobile detection device, antennas, and other equipment that will read in-vehicle transponders, video cameras over each lane to capture license plate images, and either visible or infrared lighting.

In addition, roadside concrete pads, totaling approximately 150 square feet in area, with controller cabinets will be located on the east side of the lake just south of SR 520 in WSDOT right-of-way. A backup generator, or simply a generator transfer switch for connection to a portable generator, will be included in case of power outages.

The proposed locations of the tolling equipment and the pads are shown in Exhibit 1-2.

Where are the documents available?

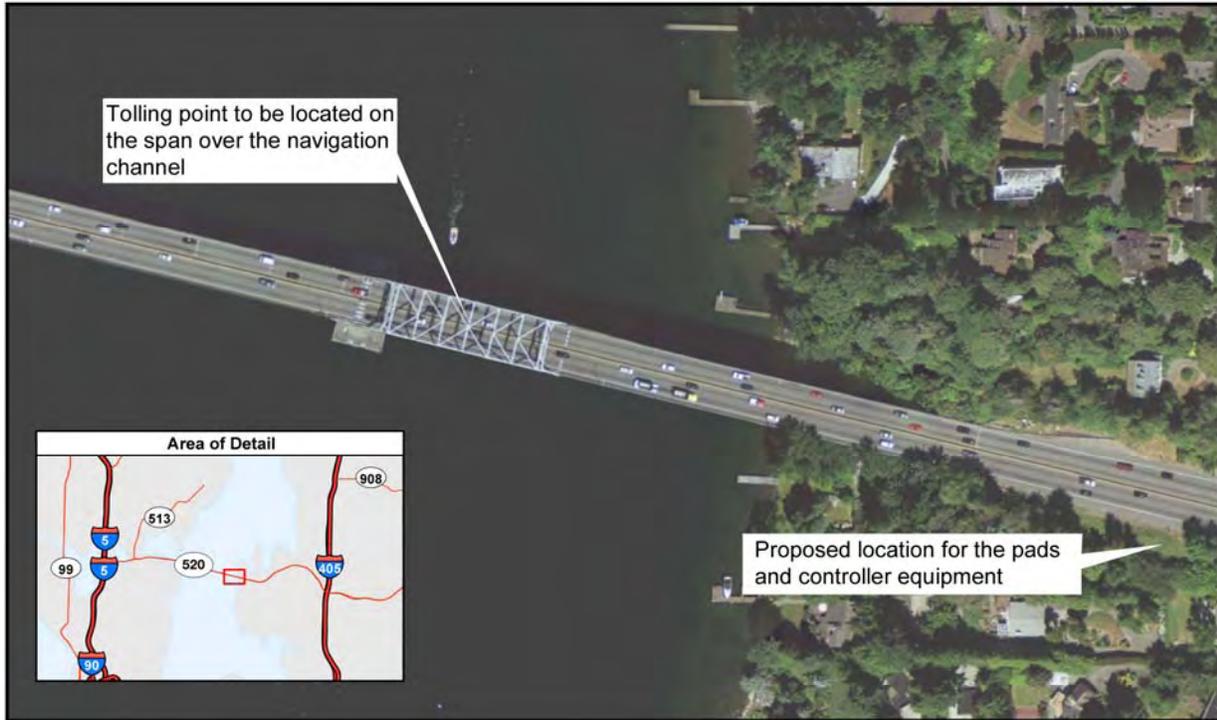
The EA is incorporated by reference into this FONSI document. Printed copies of this FONSI and EA documents may be purchased for \$14.60, which does not exceed the cost of reproduction. Purchase requests should be directed to:

Paul Krueger
WSDOT Urban Corridors Office
401 2nd Avenue South, Suite 300
Seattle, WA 98104
Phone: (206) 716-1135
kruegep@wsdot.wa.gov

The documents are also available at the Seattle Public Library System: Central Branch, Montlake Branch, Northeast Branch, Queen Anne Branch, and University Branch; and the King County Library System: Bellevue Regional Library, Bothell Regional Library, Mercer Island Library, Kirkland Library, Library Connection at Crossroads, and Redmond Regional Library.

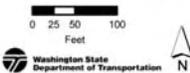
This document and the EA are also available online at:
<http://www.wsdot.wa.gov/Projects/LkWaMgt/>

**Exhibit 1-2
Proposed Locations of the Tolling Equipment**



**Urban Partnership SR 520 Variable Tolling Project
Proposed Tolling Point Location**

Data Source: State Routes from WSDOT at scale of 1:24K
County Boundaries from WSDOT at scale of 1:500K
Disclaimer: Tolling point location subject to change
Produced by Urban Corridor Environmental Office



July 21, 2008

GISWorkbench.mxd/Print Date

Transponders

WSDOT will encourage drivers to obtain a transponder to place in their vehicle that is linked to a prepaid *Good To Go!*TM account. They will receive statements for their use of the bridge. This system is being used on both the Tacoma Narrows Bridge and the SR 167 High-Occupancy Toll Lanes Pilot Project. Those without *Good To Go!*TM accounts will automatically have their license plate photographed and a bill sent to the address of where the vehicle is registered. A surcharge will be added to the toll for drivers without transponders.



Windshield transponder

Signs

Existing guide signs on routes approaching SR 520 that guide drivers toward the Evergreen Point Bridge will be modified to inform drivers they are approaching a tolled facility. These signs include those encountered by drivers approaching the I-5/SR 520 and I-405/SR 520 interchanges plus the signs encountered by drivers approaching on-ramps to SR 520. Additional guide signs may be installed along approaching routes to ensure that drivers have adequate opportunity to choose an appropriate alternate route before entering the tolled facility.

Other new signs include new regulatory signs and toll rate signs on SR 520. The new regulatory signs will be located near the tolling location and contain information about enforcement, penalties, and other regulatory topics. The new toll rate signs will be installed on SR 520 in each direction prior to the last on-ramp and off-ramp before the tolling location. The signs will incorporate dynamic message signs to inform drivers of the current toll rate. There will be two to four of these signs. The final locations of these new signs will be chosen to avoid or minimize any effect on the surrounding environment.

Customer Service Center

The customer service center maintains customer account and transaction information for those customers using the toll facility. Customers with *Good To Go!*TM accounts will have the amount of the toll debited directly from their accounts. Customers without *Good To Go!*TM accounts will be invoiced based on license plate information. Customers may access their accounts or make payments during business hours via walk-in storefronts, which will be located on both sides of Lake Washington, or via telephone and the Internet. WSDOT is also evaluating whether the use of mobile units or retail locations will provide greater access to opening and maintaining accounts. WSDOT plans to migrate all

current *Good To Go!*TM accounts to the new customer service center at some point to provide a single, integrated statewide center for all WSDOT tolling operations.

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Chapter 2 Coordination and Comments

Chapter 2 explains the public and agency outreach process that was conducted for this project.

What types of public, tribe, and agency coordination have been conducted?

The public, tribes, and agencies have been provided with multiple opportunities to learn about and be involved in the project. Our public involvement efforts and our outreach to low-income and minority populations are documented in the EA document.

The Notice of Availability and Notice of EA Hearings for the SR 520 Variable Tolling Project was published in the legal section of *The Seattle Times* on April 9, 2009. This began the official comment period for the EA.

In addition, WSDOT email distribution lists were used to publicize the EA availability and public hearings.

Two public hearings on this EA were held using an open house format on:

- ▶ Tuesday, April 28, 2009, from 5:30 p.m. to 7:00 p.m. at the Bellevue Regional Library, 1111 110th Ave. NE, in Bellevue.
- ▶ Thursday, April 30, 2009, from 4:00 p.m. to 7:00 p.m. at the Seattle Library/University Branch, 5009 Roosevelt Way NE, in Seattle.

Approximately 18 people attended the public hearings. Twenty-seven items were submitted during the comment period from April 9 to May 11, 2009. These include:

- ▶ Six letters from agencies and municipalities.
- ▶ Three testimonies given at the public hearings.
- ▶ Four written comments received at the public hearings.
- ▶ Fourteen items submitted by individuals via mail, email, or comment form.

Responses to these comments are provided in Attachment 5 of this FONSI.

Chapter 3 Determination and Findings

This chapter summarizes important conclusions that FHWA has made on regulatory requirements pertaining to the proposed project. For each subject, a brief summary is provided to explain how FHWA has reached these conclusions. Natural features that do not occur in the project area, and, therefore, are not discussed in this chapter include farmlands, floodplains, and wetlands.

National Environmental Policy Act Finding

FHWA served as the lead agency for the project under the National Environmental Policy Act (NEPA). WSDOT prepared an EA in compliance with NEPA, 42 USC Section 4321 et seq.; and FHWA regulations 23 CFR Part 771. The EA discussed the potential impacts of the project so that FHWA can determine whether significant adverse impacts are probable. If such a determination were made, an EIS would need to be prepared.

WSDOT has incorporated environmental considerations into its study of the project and has conducted evaluations of the project's potential environmental effects. FHWA and WSDOT reviewed the EA prior to issuing the document in April 2009. The EA found that the project's construction and operation will not cause any significant adverse environmental effects that will not be mitigated. This finding applies to all applicable environmental elements.

After carefully considering the EA, its supporting documents, and the public comments and responses, FHWA finds under 23 CFR 771.121 that the proposed

project, with the mitigation to which WSDOT has committed, will not have any significant adverse effect on the environment. The record provides sufficient evidence and analysis for determination that an EIS is not required.

Air Quality Conformity Statement

The study area for the project is within maintenance areas for ozone (O₃), carbon monoxide (CO), and particulate matter less than 10 micrometers in size (PM₁₀). Projects located in maintenance areas must comply with the project-level and regional conformity criteria described in the U.S. Environmental Protection Agency Conformity Rule (40 CFR 93) and with Washington Administrative Code (WAC) Chapter 173-420. Because this project is not expected to increase air emissions of criteria pollutants regulated through the National Ambient Air Quality Standards (NAAQS), it meets project-level conformity requirements per 40 CFR 93.123.

This project, as well as all others in the Puget Sound Regional Council's (PSRC) Transportation Improvement Program and Regional Transportation Plan, conforms to the State Implementation Plan (SIP) at the regional level. The U.S. Environmental Protection Agency has approved the current SIP for this area. FHWA has approved PSRC's Transportation Improvement Program conformity analysis. This project conforms to the SIP and to federal and state Clean Air Act requirements of 40 CFR 93 and WAC 173-420.

Surface Water and Water Quality Finding

The SR 520 Variable Tolling Project will not create any new pollution-generating impervious surface. Therefore, no new permanent stormwater facilities will be needed for project operations.

WSDOT will require the contractor to manage stormwater during construction using water quality Best Management Practices (BMPs). Although the final water quality BMPs have not yet been designed, the following plans will be incorporated into construction documents:

- ▶ A Temporary Erosion and Sedimentation Control Plan will be prepared and implemented during construction. This plan will identify the BMPs that WSDOT will use to control stormwater runoff and minimize sediment transport to Lake Washington.
- ▶ A Spill Prevention, Control, and Countermeasures Plan will be prepared according to WSDOT standards. This plan details containment and cleanup procedures in the event of a spill of fuel or other chemicals during project construction. Effective implementation of this plan will greatly reduce the potential for release of toxic materials during construction.

The SR 520 Variable Tolling Project has relatively little ground-disturbing activity and construction needs, so localized water quality effects will be minimal compared to the No Build Alternative. There will be very slight increases in impervious surface due to the installation of the concrete pad for the utility cabinets. Because of the small size of the concrete pads, there will be no appreciable effect to stormwater runoff or water quality in the project area. For these reasons, FHWA finds that this project will have no adverse effects to surface water flows or water quality.

Endangered Species Act Finding

WSDOT served as lead on behalf of FHWA for the Endangered Species Act (ESA) Section 7 consultation pursuant to 50 CFR 402.07. The National Marine Fisheries Service and the U.S. Fish and Wildlife Service, the agencies responsible for administering ESA, were contacted early in the project. In addition, the

Washington Department of Fish and Wildlife Priority Habitats and Species database was reviewed, and a WSDOT biologist visited the project area on January 26, 2009, to determine the status and availability of suitable habitat for listed species in the area and to evaluate any potential impacts of the proposed project.

Species Determination

Three species that occur in Lake Washington are listed as threatened under the ESA:

- ▶ Chinook salmon (*Oncorhynchus tshawytscha*)
- ▶ Steelhead (*Oncorhynchus mykiss*)
- ▶ Bull trout (*Salvelinus confluentus*)

The project involves no in-water work, no impacts to water bodies, and no vegetation clearing, and will therefore have *no effect* on these species.

Critical Habitat Determination

Lake Washington is designated critical habitat for Chinook salmon and bull trout. Since the project involves no in-water work, and no impacts to water bodies, there will be *no effect* to critical habitat.

Magnuson-Stevens Fishery Conservation and Management Finding

The Pacific Fishery Management Council manages the fisheries for Chinook, coho, and Puget Sound pink salmon. Lake Washington is considered essential fish habitat (EFH) for these species. The project will not have any impact to the lake and will *not adversely affect* EFH for the Pacific Salmon Fishery. Therefore, conservation recommendations pursuant to Magnuson-Stevens Fishery Conservation and Management Act Section 305(b)(4)(A) are not necessary.

Section 106 of the National Historic Preservation Act Finding

WSDOT conducted archival review, tribal consultation, and field surveys early in the project. WSDOT initiated tribal consultation for the project in July 2008 with the Suquamish Tribe, the Muckleshoot Indian Tribe, the Tulalip Tribes, the Snoqualmie Tribe, the Confederated Tribes and Bands of the Yakama Nation, and the Duwamish Tribe.

One structure in the area of potential effect (APE), the Evergreen Point Bridge, also known as the Governor Albert D. Rosellini Bridge, is eligible for the National Register of Historic Places. WSDOT found that the project will have no significant impact and *no adverse effect* on this historic property under the regulations implementing the National Historic Preservation Act (NHPA) as defined in 36 CFR 800.5.

In January 2009 the Washington State Department of Archaeology and Historic Preservation (DAHP) sent a letter to WSDOT that concurred, under Section 106 of the NHPA, with the designated APE, the determination of eligibility of the Evergreen Point Bridge, and the finding of *no adverse effect*.

Based on the historic and cultural resources analysis, and coordination with interested and affected tribes and DAHP, FHWA finds that the project will have no adverse impact on any identified cultural or historic resources.

Environmental Justice Finding

Neighborhoods that have the potential to be affected by the project include:

- ▶ Neighborhoods from which traffic on the Evergreen Point Bridge originates.
- ▶ Neighborhoods surrounding the Evergreen Point Bridge.

- ▶ Neighborhoods surrounding untolled alternate routes that may be used by drivers who want to avoid paying the toll on the Evergreen Point Bridge. These include neighborhoods surrounding SR 522 north of Lake Washington and the I-90 Bridge.

There are three principal ways in which project operation will adversely affect low-income or minority populations, if not mitigated:

- ▶ The cost of the tolls will present a burden to low-income bridge users.
- ▶ The cost of the tolls will present a burden to social service agencies that depend on the Evergreen Point Bridge to serve their low-income or minority clients.
- ▶ Bridge users may choose to purchase a transponder and set up an account with WSDOT to pay the toll, or have their license plate automatically photographed and receive by mail a bill for the toll with a surcharge added. Both options will present a burden to low-income and limited-English proficient Evergreen Point Bridge users.

If the SR 520 Variable Tolling Project is undertaken, WSDOT and its partners have decided to employ the following strategies to minimize adverse effects on low-income or minority populations:

- ▶ WSDOT will establish permanent customer service center storefronts on both sides of Lake Washington.
- ▶ WSDOT is exploring the possibility of establishing permanent Good To Go!TM retail outlets at convenient locations, such as grocery stores, convenience stores, or pharmacies throughout the travel shed.
- ▶ Low-income users will be able to establish and replenish their prepaid accounts using their Electronic Benefit Transfer (EBT) card. An EBT card functions like a debit card and allows recipients who receive

federal benefits to pay for products and services, such as groceries and health care.

- ▶ WSDOT will conduct outreach in multiple languages to provide information about how to purchase a transponder, establish an account, and use the system.
- ▶ WSDOT will provide social service agencies with tolling information and options to avoid the tolls.

The above strategies will minimize barriers that otherwise would limit access to SR 520 by low-income populations.

FHWA directs WSDOT to apply two criteria to determine whether an effect is *disproportionately high and adverse*:

- ▶ Low-income and/or minority populations will predominately bear the effects.
- ▶ Low-income and/or minority populations will suffer the effects and the effects will be considerably more severe or greater in magnitude than the adverse effects suffered by the general population.

Low-income and minority populations will not predominately bear the effects of this project. The toll will be charged to all bridge users and all bridge users may choose to purchase transponders or receive by mail a bill for the toll with a surcharge added. Even though it is not possible to determine exactly what proportion of bridge users are low-income, by using U.S. Census data, it does not appear that there are more bridge users coming from census block groups with higher proportions of low-income or minority residents than other census block groups. However, the tolls on the Evergreen Point Bridge will be appreciably more severe for low-income users because they will have to spend a higher proportion of their income on the toll.

This project will not have disproportionately high and adverse effects on minority populations. If reasonable

mitigation strategies, such as those proposed above are adopted, they will minimize disproportionately high and adverse effects on low-income and limited-English proficient populations. For these reasons, FHWA finds that this mitigation, construction, and operation of the proposed project *will not have disproportionately high or adverse effects* on minority or low-income populations.

Noise Finding

This project does not add traffic lanes or change the horizontal or vertical alignment of the roadway; therefore, it does not trigger FHWA's requirements for analysis of noise from traffic operations (23 CFR 772). Construction activities will temporarily increase noise levels, and standard construction noise mitigation measures are recommended.

Hazardous Materials Finding

The truss structure at the east end of the Evergreen Point Bridge is coated with lead based paint. WSDOT will require the contractor to prepare and implement a lead based paint containment and disposal plan if their proposed toll equipment installation methods would disturb the lead based paint.

Construction on land will be wholly within WSDOT right-of-way and remote from any sites with recognized environmental conditions (hazardous materials). WSDOT will follow all appropriate regulations should any contamination be encountered during construction.