

## Planning and Environmental Linkages Study

### Frequently Asked Questions

### October 19, 2022

#### **Who makes the final decision on what alternatives are advanced from the Planning and Environmental Linkage (PEL) Study?**

The Federal Highway Administration (FHWA) works with PennDOT, the Joint Lead State Agency, in managing the PEL Study and the future National Environmental Policy Act (NEPA) review study. The PEL Study included the identification of Cooperating Agencies that were asked to provide concurrence at major project milestones, including the identification of alternatives advanced from the PEL Study. Cooperating Agencies are those agencies that have future authorities over projects developed from the PEL Study, including permitting. The Cooperating Agencies for this project include:

- U.S. Army Corps of Engineers (USACE) – USACE has permitting jurisdiction under Section 404 of the Clean Water Act;
- U.S. Environmental Protection Agency (USEPA) – USEPA has permitting oversight (oversees and enforces compliance with) under Section 404 of the Clean Water Act;
- U.S. Fish and Wildlife Service – USFWS must be consulted as required under the Endangered Species Act Section 7, National Bald and Golden Eagle Protection Act, Migratory Bird Treaty Act (MBTA), and provides natural resource expertise; and
- PA Department of Environmental Protection (PADEP) – PADEP has permitting jurisdiction under Title 25 (Environmental Protection), Chapter 105 Water Obstruction and Encroachment Permit, Section 401 Water Quality Certification of the Clean Water Act, and Chapter 102, National Pollutant Discharge Elimination System Regulations.

The final decision is also made following consideration of feedback obtained during public outreach and agency coordination activities, which includes coordination with other federal, state, and local agencies that have been identified as Participating Agencies. FHWA, in coordination with PennDOT, will review the conclusions of the study and adopt the PEL process and report for use in NEPA.

#### **How is the decision made on what alternatives to advance from the PEL Study?**

FHWA and PennDOT follow a decision-making process that considers the transportation needs of the study area, environmental impacts associated with each proposed alternative, regulations as implemented by the Resource Agencies, and input from the public, municipalities, and public officials. The process helps determine those alternatives that meet the transportation needs while best balancing impacts to protected and valued resources. During this time, the alternatives are also presented to the Resource Agencies to assess any concerns they may have with the proposed alternatives, and to the public to receive their feedback and to address the concerns of the general public and public officials.

The SCAC PEL Study's first step was the identification of the transportation needs within the study area and the purpose of the project, as required by NEPA. This effort during the PEL Study also identified the local environmental, community, and economic planning goals to ensure they are incorporated early in the transportation planning process. FHWA and PennDOT then developed and evaluated a range of alternatives to

determine if and to what level each alternative addressed the Study's purpose and need, balanced impacts to the natural and built environment, addressed traffic concerns within the overall study area, and met engineering considerations such as constructability, cost, and considered local planning goals. Specifically, the PEL Study included a two-step screening process that utilized the following:

- Level 1 Screening – this level used two different evaluations for the screening; the first evaluation determined qualitatively, based on the characteristic of the alternatives if the alternative would meet the study 's transportation needs. The second evaluation includes an assessment on how well the alternatives addresses the study planning goals. The study goals included an assessment on how well the alternatives would support the purpose and need, local transportation and land use planning, transportation mobility, best engineering practices, and related to environmental stewardship. The goal evaluation was only conducted for those alternatives that would meet the Study needs. Both evaluations are completed by answering a series of questions for each alternative.
- Level 2 Screening – this level was divided into two parts for screening: Level 2A Screening and Level 2B Screening. Level 2A Screening included a quantitative assessment to confirm that the alternatives generally reduced traffic on the existing study area roadway network. Level 2B Screening further developed the conceptual alternatives through a quantitative comparative analysis for engineering, traffic factors, and potential environmental impacts, as well as a qualitative assessment of the planning factors to determine which alternative best meets the purpose and need while balancing these factors.

The PEL Study is prepared in accordance with 23 U.S.C. Sec 168 as well as 23 CFR 450.212, whereby analyses conducted during planning may be incorporated directly or by reference into subsequent environmental documents prepared in accordance with the National Environmental Policy Act provided that the studies were adequately documented; interested Federal, State, local and Tribal agencies were involved; a reasonable opportunity for public review and comment on the PEL Study was provided; and the FHWA was engaged.

**When will the decision be made on an alternative to advance from the PEL Study?**

The Draft PEL Study Report has been prepared and includes the three alternatives recommended to be carried forward for detailed study. Following the October 2022 Public Meeting, FHWA and PennDOT will review the public comments received and finalize the PEL Study Report with the decision on the alternatives to be advanced from the PEL Study. It is anticipated that this report will be completed by the end of 2022.

### **How were the corridors under consideration developed?**

Typical to corridor studies, the SCAC PEL Study identified and screened a range of alternative concepts. These alternatives were systematically screened on their ability to meet the identified study purpose and need, minimize environmental impacts, engineering feasibility, and best achieve the study goals which considered the transportation purpose and need, local transportation and land use planning, transportation mobility, best engineering practices, and environmental stewardship. Any alternative determined to not meet the transportation purpose and need was dismissed from further consideration as a reasonable alternative. The original range of six alternative concepts included:

- No Build Alternative
- Upgrade of Existing Alternative (4-lane, barrier separated alternative that would allow left turns at select intersections; access to local roads and properties adjacent to the highway would be restricted to right-in and right-out movements with left turns accommodated at jughandle turnarounds spaced throughout the corridor)
- Transportation Control Measures Alternative (measures focused on reducing the volume of vehicles on the transportation network – examples include Park and Ride lots and ride sharing)
- Transportation Systems Management Alternative (transportation strategies that focus on operational improvements to preserve and improve the performance of the existing transportation network without additional capacity – examples include utilizing roadway shoulders during high traffic volumes and traffic signal coordination)
- Public Transportation Alternative (expansions to the CATABUS fixed route system)
- Build Alternatives (includes adding capacity to the local roadway network with a limited access roadway on a new location; includes 4 travel lanes with full inside and outside shoulders, and varying median widths in urbanized areas to minimize displacements and in mountainous areas to minimize earthwork)

Based on the Level 1 Screening of the study's needs criteria, only the Upgrade Existing Alternative and the Build Alternative were recommended for advancement to Level 2 Screening. Level 1 Screening also identified areas where these alternatives could consider engineering methods and mitigation strategies to better address the study goals. During Level 2B Screening, the alternatives were developed in more detail to determine which best met the study purpose and need and considered public, agency and stakeholder input, while minimizing potential impacts on the natural and built environments. The alternatives that met these criteria were considered reasonable alternatives and recommended to be advanced for further environmental and engineering study in the NEPA phase of the transportation project development process.

**What is the prioritization of resources including property values when making a decision on what alternatives to advance?**

The FHWA's NEPA project development and decision-making process is an "umbrella", under which all applicable federal and state environmental laws, executive orders, and regulations are considered and addressed prior to the final project decision in an effort to identify alternatives that best balance (avoid and minimize) the impacts to protected and valued resources.

The FHWA intends their NEPA process to allow transportation officials to make project decisions that "balance engineering and transportation needs with social, economic, and natural environmental factors". During the process, a wide range of partners including the public, businesses, interest groups, and agencies at all levels of government, are encouraged to provide input into project and environmental decisions. The SCAC PEL Study included a preliminary analysis of potential environmental impacts. This alternative environmental screening considered all federal, state, and local regulations, as appropriate, in the evaluation of alternatives to ensure that all regulatory requirements would be met in the future NEPA studies. Following the initial identification of potential impacts, a refined analysis was conducted to focus on those resources with statutory or implementing regulations with specific requirements for the evaluation and advancement of alternatives (e.g., those that require consideration of avoidance alternatives). The key statutes and regulations, and resources considered, include:

- Section 4(f) of the U.S. DOT Act of 1966: Section 4(f) properties include publicly owned public parks, recreational areas, wildlife or waterfowl refuges, and any significant historic sites.
- Section 404 of the Clean Water Act (CWA) and Chapter 105: These statutes require examination of practicable alternatives to avoid wetlands and streams.
- Pennsylvania Act 100 and Act 43 which created the Agricultural Land Condemnation Approval Board (ALCAB): If productive agricultural land will need to be acquired for a project, a project may need an ALCAB Hearing for approval to condemn agricultural property.
- Section 7 of the Endangered Species Act (ESA): This statute requires consultation with the USFWS to seek ways to avoid jeopardizing the continued existence of Federally threatened and endangered species and their habitats. (In addition, there are similar requirements associated with the National Bald and Golden Eagle Protection Act, and Migratory Bird Treaty Act and applicable State codes, such as the Game and Wildlife Code, the Fish and Boat Code, and the Conservation of Natural Wild Plants Code for state species).
- Section 106 of the National Historic Preservation Act (as amended): This statute requires that consideration be given to the effects of a project on historic and archaeological resources.
- Community Impact Assessment: NEPA regulations require consideration of effects on community and socioeconomic resources, including but not limited to ecological, social, economic, aesthetic, historic, cultural, and health. Other federal and state statutes, regulations, executive orders, and guidance documents that establish the legal basis to address impacts to the community that may be affected by proposed transportation improvements include, but are not limited to, the Uniform Relocation Assistance and Real Property Acquisition Policies Act, Title VI of the Civil Rights Act, Executive Order 12898 on Federal Actions to Address Environmental Justice, Pennsylvania Act 120, and PennDOT's Community Impact Assessment Handbook (Publication No. 217, 2005). Rather than specific

property values, impacts to minority and low-income populations, as well as the overall effect to the community, are taken into consideration when evaluating the impacts of right-of-way acquisition.

#### **When does the public get to vote on an alternative?**

The FHWA's PEL study and NEPA review decision-making processes do not include a public vote on an alternative.

The FHWA's PEL study and NEPA review processes require consideration of public feedback on a proposed project that will receive federal funding and/or require other federal actions (such as a federal Section 404 permit). The FHWA's processes include an inclusive and continuous public outreach process for large projects like the SCAC PEL Study. However, these requirements do not include a public vote to select an alternative. FHWA and PennDOT will continue to request public feedback during the detailed studies of the NEPA phase to determine the public's preferences for the various alternatives, proposed design refinements, and proposed mitigation measures, in addition to why the public prefers/opposes particular alternatives. This feedback will assist FHWA and PennDOT in identifying the selected alternative to be constructed to ensure it is the best alternative that will serve the public while protecting valuable resources.

#### **How is Air Quality and Noise evaluated for the PEL and future projects from the State College Area Connector PEL?**

A comprehensive Air Quality analysis, which includes compliance with the Clean Air Act (CAA), evaluations of carbon monoxide (CO), particulate matter (PM), Mobile Source Air Toxics (MSATs), and greenhouse gases (GHG) was not conducted for the SCAC PEL Study. Only a qualitative assessment of GHG was performed during the PEL Study. This qualitative assessment, in accordance with PennDOT Publication No. 321, Project-Level Air Quality Handbook, did not analyze project specific GHG data metrics, but rather evaluated GHG for the study by interpreting existing transportation related GHG research and applying these concepts to the PEL Study.

GHGs have been identified as a specific air quality concern by the local public for this project. Sources for GHG emissions, both direct and indirect, are typically evaluated globally or per broad scale sector (e.g., transportation, industrial, etc.) and are not assessed at the project level. To date, no national standards have been established regarding GHGs, nor has the FHWA or EPA established criteria or thresholds for ambient GHG emissions.

PennDOT's PEL Study has considered the project's potential GHG effects on regional air quality by comparing the build alternative versus the no-build alternative. The build alternative would result in increased efficiencies in traffic flow and reduced congestion, thereby providing meaningful benefits from an air quality perspective. The next phase of the project, the NEPA Phase, will include a comprehensive Air Quality analysis in accordance with PennDOT Publication No. 321. The results of the NEPA Air Quality analysis will be included the project's Environmental Clearance documentation as part of the overall environmental studies for the project.

Noise is not evaluated during the planning phase of the project development process. Noise is initially evaluated as part of the preliminary engineering / NEPA phase of the project development process. During the PE phase, PennDOT will conduct a Preliminary Design Highway Traffic Noise Assessment for the proposed alternatives studied as part of the NEPA study. State and Federal Guidelines require PennDOT to use a

standardized process to identify locations where abatement is potentially warranted, feasible, and reasonable considering peak hour noise levels and the potential effectiveness of noise abatement measures. This process includes the following steps:

1. Identify land uses within the project area that are sensitive to noise, such as homes and parks
2. Monitor existing noise levels and develop acoustical models to predict future conditions
3. Evaluate predicted future noise levels after the highway project is constructed and identify locations where noise impacts are anticipated
4. Consider noise abatement where noise impacts are anticipated.
5. Identify areas where preliminary noise abatement is potentially warranted, feasible, and reasonable.

The Noise Assessment will be reevaluated in the Final Design process before final determinations regarding potential noise abatement designs are made for the project.

**How is the need for local connectivity/interchange access determined and will the future SCAC include interchanges and local access?**

During the PEL study, interchanges and roadway connections that provide local access were included in the planning-level traffic analysis. They were included to aid in predicting future travel patterns and volumes on the various proposed corridors and the local road network. The interchange and access roads were included in locations where the connections could aid in diverting traffic off the local roadway network and onto the proposed corridors. Detailed investigations on the interchange design and local connections were not completed as part of the PEL study.

For those corridors that are advanced into Preliminary Engineering and Environmental Study, traffic counts and other field studies will be conducted to further refine the traffic model to:

- understand if local access is warranted to meet the purpose and need for the project (e.g., provides benefits),
- confirm site location topography,
- establish refined traffic volumes at the interchange locations,
- identify interchange layout to accommodate traffic and site restrictions,
- determine if new localized access creates any localized congestion,
- determine if local access creates any new safety concerns.

If during these investigations additional areas for improvement are identified with the detailed data, the proposed project will be required to adjust design to address these areas (e.g., expand design to improve local road network, remove connection, etc.) while still meeting the purpose and need for the project.

**How are public comments incorporated in the PEL study?**

The Project Team has and will continue to review all public comments received during and between the project's public meetings' comment periods. Following each public meeting, the public comments have been and will continue to be compiled and categorized according to the comment issues. Responses to comments received are prepared for inclusion in individual public meeting summary reports. Chapter 7 of the PEL Study Report includes a summary of the Public and Agencies Outreach efforts conducted to-date. Environmental resource data used for the PEL Study has also been continuously updated as applicable public comments have been received and the alternative corridors have also been refined where appropriate based on public comments. Public engagement will continue through the remainder of the PEL Study and through the preliminary engineering and environmental investigations to receive feedback on the findings.

**If the PEL concludes with an alternative that is still concerning to me, what is the next step and how do I stay engaged?**

The next phase for the SCAC project is the NEPA review phase that will include detailed studies of the alternatives carried forward. The NEPA studies will include field surveys and continued public outreach efforts, including maintaining the SCAC project website that will be continuously updated as the NEPA process moves forward. The NEPA studies will include additional general public meetings, special interest meetings, municipal meetings and individual farmer interviews. In addition, since it is anticipated that the SCAC project will require the preparation of an Environmental Impact Statement (EIS) document as part of the NEPA process, a formal public hearing will be held following the preparation and distribution of the Draft EIS document. Following the public hearing, the Final EIS document will be prepared and will include a detailed compilation of all public comments received and a response to each comment received.

**Can PennDOT use eminent domain to purchase farmland?**

PennDOT may only use eminent domain to purchase farmland for major projects that include proposed roadway improvement alternatives on new alignment with the approval of the Agricultural Lands Condemnation Approval Board (ALCAB).

It is anticipated that productive agricultural land will need to be acquired for the proposed SCAC improvement project. During the next phase of study, the NEPA environmental review will include a detailed agricultural resource evaluation process for potentially affected agricultural resources as required according to Pennsylvania Act 100 of 1979 (PA Act 100), which established an independent administrative board with approval authority to condemn productive agricultural land for highway projects. The board is referenced as the ALCAB. The additional detailed agricultural information to be gathered as part of this process will be acquired, in part, through one-on-one farmer interviews and analysis of individual farm operations. This information and analysis will be documented in a Farmland Assessment Report (FAR) pursuant to the following federal and state laws and policies:

- 7 U.S.C. §4201, Farmland Protection Policy Act (FPPA) of 1981
- PA Act 1979-100, The Administrative Code of 1929
- PA Act 1981-43, Agricultural Security Law
- 4 Pa Code Chapter 7, §7.301 et seq., Agricultural Land Preservation Policy (ALPP); Executive Order No. 2003-2, March 20, 2003

The ALCAB Hearing is to be held for approval to condemn the property when an amicable settlement cannot be reached for acquisition of productive agricultural land. ALCAB approval is based on determining that the selected alternative is the most *reasonable and prudent alternative* before condemnation proceedings can begin.

**Why do we need the connector road to SR 45?**

The connector between SR 45 and the proposed interchange is shown to accommodate anticipated traffic movements and reflect the potential environmental impacts associated with this enhanced condition. As the project advances, additional traffic and engineering analysis will be completed to confirm whether the connector road improves operational performance and safety in a manner that justifies the additional impacts. In addition, the specific alignment and configuration of the connector road will be further refined, should it be determined necessary, to lessen impacts and best position the roadway.

**Why is there no connector road shown for US 322-5?**

With US 322-5 on the south side of existing US 322, it was initially determined that the connector road would be less effective in drawing traffic from PA 45 to the new limited-access facility. That said, the connector road could be included if traffic movement warrants its inclusion. As the project advances, additional traffic and engineering analysis will be completed to determine whether the connector road improves operational performance and safety in a manner that justifies the additional impacts.

**How much can a proposed corridor move during the next phase?**

As the project advances into the next phase, the engineers will continue to adjust the alignments to lessen impacts to adjacent properties and resources, as well as to improve the effectiveness of the highway. The alignments will reflect and incorporate the field verified resource boundaries, property owner coordination, and conditions and evolve accordingly. Based on geographical conditions and environmental resources, potential improvements could include grade changes to better balance earthwork, introduce engineered slopes and retaining walls to narrow the overall alignment footprint, or realign the roadway to better follow property lines. While there is no set constraint on how far the alignment can shift, the intent is to generally follow the corridors that have been established and modify where needed to optimize effectiveness.

**Will I still be able to access my home?**

Vehicular access will be provided to all properties not acquired by the project. As the project advances into the next phase, connectivity of the local road network, including access to individual properties, will be evaluated. While access to properties may change as a result of the potential project (e.g., local roads being severed, and cul-de-sacs added), vehicular access will be provided to all properties not acquired by the proposed project. Access will also be maintained during construction. However, some local roads may not cross the new roadway and access to a given property may change.

**How will excavation affect the underground aquifers?**



Preliminary and Final Design engineering would include geotechnical studies to characterize the subsurface conditions and allow for mitigation measures to be incorporated into the design plans. In addition, as part of the National Pollution Discharge Elimination System (e.g., earth disturbance) permitting, a comprehensive stormwater management plan will be developed to maintain water quality conditions within the area. These efforts (including the possible use of specially design forebays to capture contaminated runoff from a vehicle crash, lining of stormwater management facilities, and providing treatment of runoff before discharge) would be designed (as needed) to avoid and minimize effects to the underground aquifer.

It is also noted that the corridors recommended to be advanced into NEPA avoid the Public Water Supply Well Protection Zone Areas established for Potter Township's public water groundwater supplies that were delineated through coordination with PADEP. In contrast, the 144 corridors would impact these Well Protection areas.

**Why did you remove US 322-4 when the effects on your tables seem to be less in a lot of categories?**

US 322-4 was not advanced for further consideration after weighing impacts to the various resources as listed below. Of particular concern were the anticipated impacts to area community facilities, including the Calvary Harvest Fields Church property and the associated community recreational facilities. Additionally, Alternative 322-4 was not advanced due to:

- High impacts to water resources that are considered during the permit application process for a Section 404/Chapter 105 Joint Permit. These impacts include the highest impacts to Cold Water Fishes-High Quality/ Cold Water Fishes (CWF-HQ/CWF) stream (9,124 LF).
- The highest impacts to the "Rothrock State Forest (part) & Stone Mountain" Important Bird Area (IBA) that would include habitat for wildlife and plant species protected under Section 7 of the ESA/MBTA. However, these impacts are along the edge of the 89,736-acre IBA and outside of the actual Rothrock State Forest property.
- High impacts to PA Natural Heritage Core Habitat (15 acres).
- Second highest impacts to commercial operation displacements (4).
- Highest impacts to community facilities combined with strong public opposition to these proposed impacts, including Calvary Harvest Fields Church property and the associated community recreational facilities.
- Planning Screening Analysis results indicate US 322-4 did not meet all of the study goals as well as the alternatives being carried forward based on impacts to zoning and environmental features.

**Could any of the six Build Alternative corridors that are not recommended to move forward be reconsidered?**

If new information is identified during the NEPA review process, including new data collected during detailed field surveys, FHWA and PennDOT, as the lead agencies, will consider whether this new information affects previous decisions on the project. This effort will include coordination with resource and permitting agencies that would have authority, jurisdiction, and acknowledged special expertise, related to the new information. The new information will be assessed to determine if it is probable that the information would substantially change the previous decisions. Revisiting issues that FHWA and PennDOT had previously considered resolved will occur only if the new information has substantial

variance with what was presented previously and pertains to an issue of sufficient magnitude and severity to warrant reconsideration. The NEPA document will disclose any new information and associated design work and changes in impacts arising out of the new information. If the impacts identified at the higher level of design detail are substantially different than previously identified, they will be reviewed to determine whether additional work on other alternatives and/or reconsideration of the identification of the alternatives carried forward is warranted.

**I am trying to sell my property that is near one of the recommended Build Alternative and no one will consider buying my property. How can PennDOT help me?**

PennDOT typically cannot begin the process to acquire Right-of-Way (ROW) needed for a project until the alignment is determined and there is a final ROW plan that is prepared during the Final Design Phase of a project's development.

However, prior to completion of a ROW plan, there are exceptions related to acquisition of land for hardship purposes during Preliminary Engineering and NEPA review. A request for hardship acquisition is based on a property owner's written submission that shows (1) remaining in the property poses an undue hardship compared to other property owners because of health, safety, or financial reasons, and (2) the owner has been unable to sell the property at fair market value because of the impending transportation project, within a time period that is typical for properties not impacted by the impending transportation project. These types of land acquisition would require preparation of a NEPA Categorical Exclusion document if the NEPA Environmental Impact Statement preparation/approval process is not yet completed. Also, this approach would only be taken where the acquisition will not limit the evaluation of alternatives, including shifts in alignment for the project during the NEPA process. No project development on such land may proceed until the full NEPA process has been completed (as in approval of the EIS and preparation of a Record of Decision) has been completed.

In addition, during final design and development of a final ROW Plan, PennDOT can consider developing "Gap Plans". In these cases, an initial Gap Plan would be prepared, followed by the Final ROW Plan. The Gap Plan authorizes right-of-way acquisition in selected areas within a project.

**Do you evaluate our property for potential loss of values from the new road?**

When appraising properties under the Eminent Domain Code in Pennsylvania, any market value increases or decreases due to general knowledge of a future transportation project are not considered in the Before Value (e.g., fair market value) of the property being acquired. In other words, the Before Value is the property's fair market value if the project was not being implemented. Any increase or decrease in market value due to property acquisition is considered in the After Value (e.g., property value following implementation of the transportation project) of the property and compensation and/or damages paid following negotiations, accordingly.

Additionally, perceived project damages or benefits attributed to the whole community are not considered in the After Value nor to other properties without acquisitions in the community. Essentially, PennDOT is not allowed to reimburse for an assumed decrease in property value (e.g., damages) for any property that is not directly acquired by the project. Community impacts related to viewshed and noise concerns are assessed and mitigated through means other than financial compensation.

**I own an existing business on SR 322, your traffic projections show reduced exposure to my business along with access, do you compensate for this loss of business?**

No, we cannot compensate for loss of business.

**Some of the Build Alternatives affect both my farming and business operations. How is compensation made?**

Compensation would be determined based on an independent appraisal. Business relocation benefits (if any) would be determined based on the extent the business is affected. A pre-acquisition survey may need to be conducted to determine how the acquisition would affect the farm and business operations.

**Your Build Alternative impacts part of my property but not my home, will you offer to buy my entire property?**

Typically, unless a home can no longer be accessed due to the project, the entire property will not be purchased.