

Record of Decision
Federal Project Number IM-295-2(115)
FHWA-NJ-EIS-07-01-F
I-295/I-76/ROUTE 42 Direct Connection
Borough of Bellmawr, Borough of Mount Ephraim and Gloucester City
Camden County, New Jersey

A. INTRODUCTION

This Record of Decision (ROD) documents the Federal Highway Administration's (FHWA) decision to select Alternative D, following a collaborative decision-making process that included a thorough consideration of all social, economic and environmental factors with an extensive outreach of resource agency coordination and public involvement.

The I-295/I-76/Route 42 Interchange in Camden County, New Jersey experiences congestion and has an accident rate that is more than seven times the statewide average due to high volumes of traffic, complex lane configuration, and through-traffic weaving movements. The traffic problems of the interchange negatively affect the quality of life in the surrounding communities. The New Jersey Department of Transportation (NJDOT), in conjunction with the Federal Highway Administration (FHWA), proposes to alleviate these problems through the reconstruction of the I-295/I-76/Route 42 interchange.

B. DECISION

FHWA approves the selection of Alternative D as the Preferred Alternative identified in the Final Environmental Impact Statement (FEIS)/Section 4(f) Evaluation for the I-295/I76/Route 42 Direct Connection project. The purpose and need of the project established nine goals and objectives. All of the build alternatives would improve safety, incorporate design speeds consistent with the approach roadways, improve local traffic mobility, enhance regional economic development, and decrease the number of vehicle accidents. The No Build Alternative did not meet the purpose and need criteria. The alternative analysis considered social, economic, engineering and environmental factors. The Preferred Alternative, Alternative D, was selected following a collaborative decision-making process that included extensive outreach to resource agencies and the public.

As the selected alternative, the mainline I-295 would be accommodated with a direct connection and a 55 mph posted speed. Northbound and Southbound I-295 would be side-by-side, crossing over Ramp D, Route 42/I-76, Browning Road and Ramp C and on a viaduct. Interchange ramps would have a 40 mph posted speed and consist of two lanes except for Ramp F, which would be a single lane. Under Alternative D, "Al-Jo's" curve would be removed which allows for restoration of riparian habitat and on-site mitigation areas for wetland impacts associated with this project.

As described in the FEIS, the avoidance, minimization, and mitigation of environmental impacts is best accomplished by Alternative D. Alternative D is the Selected Alternative for the I-295/I-76/Route 42 Direct Connection project.

C. ALTERNATIVES CONSIDERED

The process leading to a decision to select Alternative D involved the consideration of the alternatives described below:

- No-Build Alternative – The purpose and need of this project involves improving traffic safety, reducing traffic congestion and meeting driver expectations for the users of the highway and the surrounding communities. The existing I-295/I-76/Route 42 interchange is insufficient to accommodate current traffic volumes and travel speeds safely, resulting in an accident rate that is more than seven times the statewide average. The existing traffic congestion and associated impacts will continue to worsen if the No Build Alternative is chosen. The No Build Alternative does not meet the purpose and need and therefore is not a prudent and feasible alternative. The No Build Alternative serves as the benchmark to measure the costs and benefits of each build alternative evaluated.
- Build Alternatives – A full range of build concepts were considered for the interchange of I-295/I-76/Route 42. Following the initial concept screening of 26 alternatives, 5 Build Alternatives were further refined and developed for inclusion in the detailed EIS evaluation process. The Build Alternatives analyzed are summarized below:
 - Alternative D (Selected Alternative) –As the Selected Alternative, the mainline I-295 would be accommodated with a direct connection over the top of I-76/Route 42 and Browning Road with a 55 mph posted speed. Interchange ramps would have a 40 mph posted speed. The cost to build Alternative D would be \$608 million. For a depiction of Alternative D and its associated environmental impacts, see Figure 9.1-2 in the FEIS.
 - Alternative D1 – For this alternative, mainline I-295 would be accommodated with a direct connection over the top of I-76/Route 42 and Browning Road with a 55 mph posted speed. This alternative maintains Al Jo’s Curve as a ramp, which would be removed in Selected Alternative D. The cost to build Alternative D1 would be \$642 million. For a depiction of Alternative D1, see Figure 9.1-3 in the FEIS.
 - Alternative G2 – For this alternative, mainline I-295 would be accommodated with a direct connection via a stacked roadway (southbound over northbound) over the top of I-76/Route 42 and Browning Road with a 55 mph posted speed. Interchange ramps would have a 40 mph posted speed. The cost to build Alternative G2 would be \$833 million. For a depiction of Alternative G2, see Figure 9.1-4 in the FEIS.
 - Alternative H1 - For this alternative, mainline I-295 would be accommodated with a direct connection via a stacked (southbound over northbound) roadway over the top of I-76/Route 42 and Browning Road with a 55 mph posted speed. Interchange ramps would have a 40 mph posted speed. The cost to build Alternative H1 would be \$893 million. This alternative maintains Al Jo’s Curve as a ramp. For a depiction of Alternative H1, see Figure 9.1-5 in the FEIS.
 - Alternative K – For this alternative, mainline I-295 would be accommodated with a direct connection in the form of a tunnel under I-76/Route 42 with a 55 mph posted speed. Interchange ramps would have a 40 mph posted speed. The cost to build Alternative K would be \$822 million. For a depiction of Alternative K, see Figure 9.1-6 in the FEIS.

D. VALUES CONSIDERED

The Alternatives Analysis process examined the ability of each alternative to meet the purpose and need of the proposed project while still taking practicable measures to avoid, minimize, and

mitigate potential impacts to the built, natural, and social environment. The values that guided the project were to improve the safety and operation of the I-295/I-76/Route 42 Interchange in a cost-effective manner, while protecting the natural environment and sustaining/preserving the surrounding communities. This process involved the development and evaluation of specific impact criteria that were essential to the decision-making process.

The Alternatives Analysis process focused on those impact criteria that represented distinguishing characteristics between alternatives (e.g., where alternatives differ in regard to types and degrees of effects). Careful consideration of these distinguishing characteristics defined the choices and tradeoffs between alternatives. **Tables 9.2-1** and **9.2-2** in the FEIS summarize the impact criteria and metrics used to evaluate each alternative.

An Alternatives Comparison Matrix (see **Table 9.2-3** in the FEIS) provided the basis for the comparative analysis of the alternatives. Each column of the matrix table represents a holistic view of each alternative's distinguishing criteria, developed through a collaborative process. By compiling the impacts and contrasting the alternatives in a matrix, tradeoffs of impacts could be identified. In the development of these alternatives and the determination of their respective impacts, all reasonable measures have been incorporated to avoid, minimize and mitigate their adverse impacts.

The two stacked alternatives (G2 and H1) are the most visually intrusive of the build alternatives. The visual impacts were assessed by the photo simulations derived from a balloon study conducted as part of the TES process. This impact is significant, permanent and irreversible to the surrounding residential community. Since the community will be directly affected by the short and long-term impacts of the build alternatives it is important to consider if the project is in harmony with that community, and that it preserves the aesthetic, historic and natural resource value of the area. Alternatives G2 and H1 call for five residential acquisitions as opposed to 13 with Alternatives D, D1, and K. However the eight residences spared demolition would be the ones most affected by the high visual impact of the stacked alternatives, as they are in close proximity to the roadway.

The Bellmawr Park Mutual Housing Historic District would lose one residential building with Alternatives G2 and H1, and lose five with Alternatives D, D1, and K. All of these residents would be relocated, within Bellmawr Park, regardless of the build alternative. Although there are less residential acquisitions associated with Alternatives G2 and H1, the viewshed of the Bellmawr Park Mutual Housing Historic District would be dominated by the stacked structures, as shown on **Figures 9.1-4** and **9.1-5** in the FEIS. This is not in harmony with the existing historic and aesthetic value of the neighborhood.

The stacked Alternatives G2 and H1 would also present significant security and maintenance concerns. Cost to build and construction duration are increased due to the length of the southbound viaduct and the stacking of roadways in comparison to the other build alternatives. Noise walls are not as effective with a stacked design, and an increase in post mitigation noise levels would occur. Although G2 had the lowest impact to floodplains and wetlands/open waters, when the community impacts above are considered, Alternatives D, D1, and K present better options. For the reasons stated above, the stacked alternatives G2 and H1 are not preferred.

The main design difference between Alternatives D and D1 is that Alternative D1 proposes Ramp C in the vicinity of Al Jo's Curve. In the screening process this was thought to be beneficial from both a cost and ecological standpoint, as it would follow the approximate alignment of the existing ramp. Further engineering studies show that due to current design standards, it would

actually increase the cost to build and would incur right-of-way impacts to the Annunciation B.V.M. Church property, because the current alignment of Al Jo's Curve could not be fully utilized.

The elimination of Al Jo's Curve has substantial ecological benefits. Floodplain and wetlands/open waters impacts are reduced by 50% with Alternative D, as compared to Alternative D1. In addition, 100% of the wetland mitigation can be accomplished on-site compared to only 10% for Alternative D1. Alternative D also has the potential to provide public access to Little Timber Creek, while Alternative D1 would not. A clearer spatial appreciation of the benefits to the natural ecosystem provided in Alternative D by removing Al Jo's Curve is shown on **Figure 9.3-2** in the FEIS.

When comparing Alternative D and Alternative K, there are long-term security and maintenance issues with Alternative K, and concerns from the standpoint of emergency response logistics. These complications are not as prevalent with Alternative D as it does not involve a mainline tunnel. Alternative K requires that local emergency response personnel be trained for tunnel emergencies. This training commitment places a long-term burden on local emergency personnel. The mainline tunnel element of Alternative K does present less of a visual impact and results in slightly better noise conditions after construction. However, when considering the efficient and effective use of resources (time, budget, community impacts), Alternative D is the better alternative. The cost to build Alternative D is approximately \$200 million less than Alternative K. Alternative D would have a construction duration two years shorter than Alternative K. This is a substantial amount of time for the community and the traveling public to be spared the disruption of the construction impacts that Alternative K would cause.

As a result of this analysis, the Selected Alternative D is considered to be the "environmentally preferable alternative" in accordance with the Council on Environmental Quality Regulations. In this case, the environmentally preferred alternative is also the selected alternative.

This process involved input from the interested and affected public as well as the expertise of local agencies and local officials. The U.S. Army Corps of Engineers acted as a Cooperating Agency in the development and analysis of alternatives. Input from the communities, agencies and elected officials was sought during all stages of the process. In the DEIS, Alternative D was identified as both the Selected and the Environmentally Preferable Alternative. This alternative improves the safety and operation of the I-295/I-76/Route 42 Interchange in a cost-effective manner, while protecting and sustaining the natural and human environment of the project area.

Since the circulation of the DEIS and receipt of comments, additional analysis has been performed on the selected alternative in order to prepare a more detailed construction cost estimate. The cost estimates used as the basis for the Alternative Analysis were based on 2006 data with escalation capped at 20%. In 2008, the detailed construction cost estimate included costs for breaking the project into four construction contracts, adding incentives to promote accelerated construction, traffic mitigation during construction to help minimize impacts on motorists, and reflected cost increases for materials, labor and Right of Way. A Cost Estimate Review (CER) workshop was conducted by FHWA in October 2008 to verify the accuracy and reasonableness of the total cost estimate and to develop a probability range for the cost estimate that represents the project's current stage of design. Based on the results of the CER workshop, the 2008 construction cost estimate for the selected alternative is \$737 million in year of expenditure dollars. When accounting for such items as preliminary and final design, construction inspection, traffic mitigation, community involvement and right-of-way acquisition, in addition to the construction cost, the total project cost is \$902 million, which reflects an 80% confidence

level that the cost estimate will not be exceeded. Although more detailed construction cost estimates were not completed for the other build alternatives, the costs would be expected to increase by the same relative amounts.

E. SECTION 4(f) EVALUATION

A Section 4(f) Evaluation was included in Chapter 10 of the FEIS. This evaluation was prepared pursuant to the finding that the proposed project will have an adverse effect on the Bellmawr Park Mutual Housing Historic District under all build alternatives due to the permanent acquisition of land, demolition of contributing structures, and roadway construction within the boundaries of the historic district. Although the proposed project will result in an adverse effect to the historic district, the community will continue to function as before.

As all build alternatives use Section 4(f) resources, such that there are no feasible and prudent alternatives that avoid Section 4(f) resources, the impacts to both Section 4(f) and non Section 4(f) resources were evaluated in order to select the prudent and least overall harm alternative. Alternative D was selected as it was found to result in fewer overall environmental impacts when compared to the other build alternatives.

Mitigation measures will be established through consultation between FHWA, NJHPO, NJDOT, and the Bellmawr Park Mutual Housing Corporation (BPMHC), as outlined in the executed Memorandum of Agreement (MOA), included in Appendix J of the FEIS.

F. MEASURES TO MINIMIZE HARM

This section summarizes the environmental commitments developed in the I-295/I-76/Route 42 Direct Connection FEIS for the Selected Alternative D. The commitments are organized by environmental discipline.

Traffic: During project implementation careful planning and coordination will be performed to minimize disruption to traffic by maintaining existing lanes and ramps during peak hours, limiting lane closings to night, and maintaining operation of local road crossings at all times. Traffic mitigation measures will be developed in final design including such items as accelerated construction methods to reduce construction duration and public outreach programs to notify the public of proposed construction activities and associated traffic patterns and delays.

Noise: Noise wall mitigation is planned as part of this project. In addition, on site construction noise mitigation may be accomplished with portable noise walls and appropriate equipment mufflers and vibration dampers. Air conditioning will be investigated at the Annunciation Regional School and the Bellmawr Park Elementary School to see if it is practical.

Air: Temporary air impacts due to construction may be reduced by reducing engine activity at shift times, retrofitting construction equipment with devices that provide exhaust emission reduction and utilizing ultra low sulfur diesel fuel. During construction, practical means will be used to control dust from leaving the project site through the application of water or dust retardants in heavily traveled portions of construction area.

Socioeconomic: Residential relocations will be conducted pursuant to the Federally Assisted Programs Act of 1970, as amended in the Federal Uniform Relocation Act Amendment, effective March 2, 1989 (Chapter 50 NJ Public Laws of 1989). Context sensitive designs, including fencing and other architectural treatments will be developed, with input from the public, during

the final design of the project. The community will have the opportunity to decide whether the noise walls should be constructed.

Natural Ecosystems: Floodwalls and/or berms will be constructed that would isolate flooding from Little Timber Creek for the 50 and 100-year tidal flood events. Retaining walls and/or steeper slopes will be used to minimize impacts to wetlands and floodplains. Al Jo's Curve will be removed in the areas that cross the marsh adjacent to the Little Timber Creek. A reforestation plan will be developed according to the New Jersey No Net Loss Reforestation Act. The proposed project will provide a public access trail and viewing area at Little Timber Creek if acceptable to the community. The impacts on mudflats and associated invertebrates by this proposed project will be minimized through the use of cofferdams, where necessary, to separate work areas from any potentially ecologically sensitive areas.

Historic Architecture/4(f): Mitigation will be implemented through the MOA developed in consultation with FHWA, NJHPO, NJDOT, and BPMHC. The potential mitigation measures include (but are not limited to) the following:

- Document buildings slated for demolition within the Bellmawr Park Mutual Housing Historic District in accordance with the Historic American Buildings Survey (HABS) Level II guidelines prior to any alteration or demolition.
- Complete a National Register nomination form for the district.
- As part of the National Register nomination form, prepare a graphic overlay to illustrate the evolution of the district by comparing its original layout to changes that have occurred over time, including changes that would result from the proposed project.
- Assist BPMHC in the creation of a website for the BPMHC community.
- Upon completion of the National Register nomination form, prepare a historic narrative for BPMHC's use on their website.
- Assist BPMHC in the selection of graphics from the National Register nomination form to use on their website and reformat the graphics in an electronic format that BPMHC can utilize for posting on their website.
- In an effort to assist BPMHC in developing strategies to help ensure the community's cohesiveness and stability, assist BPMHC to develop a Conservation Plan for archival storage of historic documentation (blueprints, maps, plans, etc.) that they have on file.
- Provide guidance to BPMHC regarding the archival storage of materials identified in the Conservation Plan.
- Coordinate with NJHPO and the BPMHC in order to develop interpretative and/or gateway signage for the BPHMC Historic District that shall be installed during construction.

Hazardous Waste: A survey for Asbestos Containing Building Materials (ACBM) and Lead Based Paint (LBP) will be conducted prior to demolition in order to verify the presence and

quantities of ACBM and LBP that may be encountered. Health and safety precautions would be instituted for the protection of the public and construction personnel if contamination is encountered during construction.

G. MONITORING/ENFORCEMENT PROGRAM

All commitments and conditions of approval stated in the FEIS, CEQ #20080525, FHWA, NJ, I-295/I-76/Route 42 Direct Connection Project, will be monitored by FHWA, NJDOT and other appropriate federal, state, and local agencies to ensure conformance with mitigation commitments. Agency and stakeholder coordination will continue during project development, design and the permit process. Construction monitoring and enforcement programs will consist of ensuring that the contractors carry out project construction in accordance with NJDOT contract provisions and design plans.

H. COMMENTS ON FINAL EIS

The Notice of Availability of the FEIS was published in the Federal Register on December 19, 2008, with the comment period ending on January 30, 2009.

The U.S. Department of Interior, Fish and Wildlife Service (USFWS) concurs with the project's Purpose and Need and has no objection to selecting Alternative D as the preferred alternative. In USFWS letter dated December 29, 2008, it states "Alternative D minimizes adverse impacts to wetlands and open waters, has low maintenance needs, has relatively short construction duration, minimizes visual intrusion on the community, and has the least social impacts providing the lowest acreage of impervious coverage."

In a letter dated January 26, 2009, the U.S. Army Corps of Engineers acknowledged that all comments regarding the DEIS were adequately addressed in the FEIS and they had no further comments.

Also in a letter dated January 26, 2009, the USEPA, Region 2 reported that the FEIS adequately responds to EPA's February 15, 2008, comments regarding wetlands, air quality, and stormwater management on the draft EIS.

NJSHPO endorsed the MOA appended to the FEIS and provided concurrence to the FEIS on January 27, 2009, with no changes to the FEIS. The New Jersey Department of Environmental Protection, Office of Program Coordination had no additional comments to the FEIS.

All issues raised have been responded to in the FEIS. Thus no substantive comments have been received on the FEIS.

I. CONCLUSION

Based on the analysis and evaluation presented in the FEIS and supporting technical documents; the associated administrative record; and input received from the public and interested local, State and Federal agencies; the FHWA decision is to provide environmental approval for the construction of the I-295/I-76/Route 42 Direct Connection in Camden County. The decision adopts Alternative D as the Selected Alternative for this project.

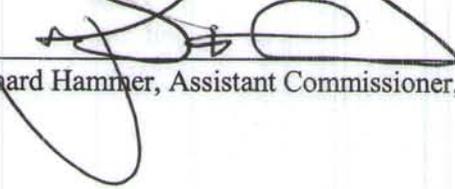
J. RECORD OF DECISION SUMMARY

Execution of this Record of Decision document by FHWA and NJDOT, and the implementation of its terms, is evidence that FHWA has evaluated the alternatives, including the no action alternative for the I-295/I-76/Route 42 Direct Connection Project in accordance with 42 U.S.C. 4332 (2) (c). The Selected Alternative, Alternative D, was chosen following a collaborative decision-making process that included a thorough consideration of all social, economic and environmental factors with an extensive outreach of resource agency coordination and public involvement. The environmental consequences associated with its selection are accurately presented in the Final Environmental Impact Statement (FEIS). Mitigation and other conditions established in the FEIS and committed as part of this decision shall be implemented by FHWA or other appropriate consenting agency.

Signatories:
FEDERAL HIGHWAY ADMINISTRATION

By:  Date: 3/20/09
F-92: Dennis L. Merida, Division Administrator, New Jersey

NEW JERSEY DEPARTMENT OF TRANSPORTATION

By:  Date: 3/18/09
Richard Hammer, Assistant Commissioner, Capital Program Management