



Memo

Date: Tuesday, February 04, 2025

Project: Improve I-70 Kansas City, Project J4I1486

To: Melissa Scheperle (MoDOT), Matt Burcham (MoDOT), Kyle Grayson (MoDOT)

From: Jennifer Schwaller

Subject: I-70 Second Tier EIS Re-Evaluation

The Missouri Department of Transportation (MoDOT) and the Federal Highway Administration (FHWA) prepared a Second Tier Draft Environmental Impact Statement (EIS) to discuss and compare alternatives for improving I-70 in the Kansas City metropolitan area just west of The Paseo to the US-40 / 31st Street interchange. The Second Tier Draft EIS was approved in January 2014, but due to budget constraints, the project development process was paused. The project development process was reactivated a few years later and a Re-Evaluation of the Second Tier EIS was completed in 2017 with a Record of Decision (ROD) made shortly thereafter, also in 2017. Due to the amount of time that passed since the initial evaluation and ROD, a NEPA re-evaluation was completed to assess whether the purpose and need remains valid and that the Preferred Alternative still meets the purpose and need. The Re-Evaluation was completed and approved September 13, 2023.

MoDOT is currently advancing the subject project under Design-Build procurement, as described in the NEPA Re-evaluation. Overall, the project will result in less environmental impacts than envisioned in the Second Tier EIS / ROD and subsequent Re-Evaluation. The project will include:

- Addition of a fourth eastbound I-70 lane from Prospect Ave to the Manchester Ave Bridge
- Replacement of 15 bridges and rehabilitation of seven bridges
- Improved pedestrian and bicycle connectivity throughout the project area
- Reconstruction of I-70 from Chestnut Ave to 18th St (Benton curve)
- Reconstruction of eastbound I-70 from 27th St to Cypress Ave (Jackson curve)
- Rehabilitation of westbound I-70 from 27th St to Cypress Ave (Jackson curve)

The project addresses Purpose and Need, improves safety, improves traffic flow, and improves multi-modal access. It also further reduces environmental impacts as the overall footprint of the project improvements is smaller than envisioned in the Second Tier EIS / ROD and subsequent Re-evaluations. The Second Tier EIS / ROD remains valid for the subject project and the final design addresses the Purpose and Need for improving I-70.

The purpose of this memo is to provide a review of the commitments from the re-evaluation relative to the proposed improvements.

Commitments from the I-70 Second Tier EIS, J4I1486D I-70 Corridor Improvements

There are 41 commitments in the Second Tier EIS, an additional 5 commitments that came forth in the 2023 Re-Evaluation, and 1 additional commitment that has come forth since the 2023 Re-Evaluation. Mitigation measures committed to previously in the EIS/ROD are listed in the following (*italicized text*), commitments revised in the 2023 NEPA Re-Evaluation are labeled as “**Revised Commitment:**”, and new commitments proposed in the 2023 NEPA Re-Evaluation are labeled as “**New Commitment:**”. Revised commitments were adjusted to accommodate the design-build procurement method and/or updates in MoDOT policies and procedures. How the commitments apply to Project J4I1486D as currently designed are presented in bold/italics. Note that “New Commitment” number 47 has been added since completion of the 2023 NEPA Re-Evaluation as the Monarch butterfly was proposed for listing as threatened in December 2024.



1. *A Transportation Management Plan (TMP) will be developed and include:*
 - *A Traffic Operations Plan will be developed during project design and be included in the construction contract. A TMP will lay out a set of coordinated traffic management strategies to manage the work zone impacts.*
 - *MoDOT will send a news release out to local newspapers and radio stations giving local commuters information about construction activities that could impact their daily travels. This information will also be posted on MoDOT's website.*

Revised Commitment: MoDOT will ensure a Traffic Management Plan (TMP) is developed for construction to respond to temporary disruptions in travel patterns and travel time. Once developed, MoDOT will assess the impacts of the TMP within the framework of NEPA. If the TMP could result in impacts that were not previously reviewed under NEPA—such as new or additional road closures, access changes, or other circumstances that could cause new or modified impacts to resources, MoDOT's environmental section will review these impacts prior to implementing the TMP.

This commitment remains valid and MoDOT will ensure compliance.

2. *MoDOT will acquire all properties needed for this project in accordance with the Uniform Relocation Assistance and Real Property Acquisition Act as amended (Uniform Act; 42 U.S.C 4601), and other regulations and policies as appropriate.*

This commitment remains valid and MoDOT will ensure compliance.

3. *MoDOT will continue to coordinate with the Kansas City Area Transit Authority (KCATA) and other agencies on their plans for service and transit stops. Additional amenities will be considered in the design phase of the project in accordance with the MoDOT EPG.*

This commitment remains valid and MoDOT will ensure compliance.

4. *MoDOT will coordinate with local agencies as bridge and pavement upgrades in the corridor take place to discuss aesthetics and non-motorized enhancements will be considered during the design phase of each project. MoDOT will consider aesthetic and landscaping opportunities in the design phase of the project in accordance with the MoDOT EPG.*

Revised Commitment: MoDOT will coordinate with local agencies and offer opportunities to supply additional funding and/or maintenance of aesthetic applications above the baseline.

This commitment remains valid and MoDOT will ensure compliance.

5. *To avoid right of way impacts to Cypress Park, retaining walls will be constructed at this location. Construction impacts to the park will also be avoided by building the retaining wall as close to I-70 as possible.*

Revised Commitment: Design features will be pursued to minimize right of way impacts at Cypress Park.

This commitment remains valid and MoDOT will ensure compliance. Under the final design, there will be no impacts to Cypress Park.

- ~~6. *During the ROW phase, per the MoDOT EPG, three notices will be sent in writing and personally served or sent by certified or registered first class mail with return receipt requested to impacted property owners. The three types of notices that will be sent are: general information notice, notice of relocation eligibility, and vacancy notice.*~~

This commitment is omitted due to redundancy as it is a federal requirement within the Uniform Relocation Assistance and Real Property Acquisition Act as amended (Uniform Act; 42 U.S.C 4601), and therefore included within commitment 2.

7. *MoDOT will coordinate the preservation/replacement of existing aesthetic features at the Boulevard crossings and interchanges with the City of Kansas City, Missouri Parks and Recreation Department during the design process.*

This commitment remains valid and MoDOT will ensure compliance.



8. *MoDOT will continue ongoing consultation with the Kansas City, Missouri Parks and Recreation Department regarding trails and bike routes as the project moves into the design phase. MoDOT will coordinate with City of Kansas City, Missouri's Livable Streets policy and MARC's Complete Streets policy.*

This commitment remains valid and MoDOT will ensure compliance.

9. *MoDOT will facilitate opportunities to train and/or identify local workers and suppliers during the design and construction phases.*

This is a Standard Construction Commitment and is applicable to Project J4I1486D to be carried forward.

10. *Signage opportunities, including replacements and additions will be considered in the design phase of the project in accordance with the MoDOT EPG. At the time of the first phase of design MoDOT will coordinate with KCMO to discuss signage.*

Revised Commitment: Signage opportunities, including replacements and additions will be considered in the design phase of the project in accordance with the MoDOT EPG and KCMO if warranted (e.g. signage on city streets).

This is a Standard Construction Commitment and is applicable to Project J4I1486D to be carried forward.

11. *Lighting design will be considered in the design phase of the project in accordance with the MoDOT EPG.*

This is a Standard Construction Commitment and is applicable to Project J4I1486D to be carried forward.

12. *If remediation is needed at the 1301 Prospect Avenue hazardous waste site, it will be determined during the design and construction phases. MoDOT will coordinate with MDNR and the EPA during the design phase including providing design drawings at the locations of identified sites and get their input and concurrence. Any avoidance or mitigation activities resulting from the coordination with the regulatory agencies will be incorporated into the final design and construction documents.*

Not applicable as this property would not be impacted under the current final design.

13. *Any previously known and unknown hazardous waste sites that are found during project construction will be handled in accordance with federal and state laws and regulations. If regulated solid or hazardous wastes are found during construction activities, the MoDOT construction inspector will direct the contractor to cease work at the suspect site. The construction inspector will contact the appropriate environmental specialist to discuss options for remediation. The environmental specialist, the construction office, and the contractor will develop a plan for sampling, remediation, and continuation of project construction. Independent consulting, analytical, and remediation services will be contracted if necessary. MDNR and EPA will be contacted for coordination and approval of required activities.*

This is a Standard Construction Commitment and is applicable to Project J4I1486D to be carried forward.

14. *The contractor will identify all borrow and waste sites prior to initiating construction. The contractor shall be responsible for obtaining all necessary environmental clearances, approvals, and permits for use of all borrow and/or waste sites.*

This is a Standard Construction Commitment and is applicable to Project J4I1486D to be carried forward.

15. *MoDOT will notify the City of Kansas City, Missouri and the MDNR if and when, hazardous waste issues emerge during project construction.*

This commitment remains valid and MoDOT will ensure compliance.



16. *If cultural resources that may be eligible for listing on the National Register of Historic Places (NRHP) or archaeological artifacts are encountered during construction, the Contractor shall first stop all work within a 50-foot buffer around the limits of the resource, and secondly, shall notify the appropriate MoDOT Resident Engineer or Construction Inspector who will contact the MoDOT's Historic Preservation (HP) section. MoDOT HP shall contact the appropriate staff at FHWA and SHPO to report the discovery after a preliminary evaluation of the resource/artifact is made and reasonable efforts to see if it can be avoided. The contractor will take steps to preserve any such objects that may be encountered and to deliver them to MoDOT. If it is necessary to discontinue operations in a particular area to preserve such objects, this section of the specifications is basis for a work suspension. If it is determined that the cultural resource is a historic property that will be adversely affected by the undertaking, MoDOT will immediately notify FHWA and SHPO of this finding and provide recommendations to minimize and/or mitigate the adverse effect. FHWA will notify the Advisory Council on Historic Preservation and any Indian tribe that might attach religious and cultural significance to the affected property within 48 hours of this determination. FHWA shall take into account Council and Tribal recommendations regarding National Register eligibility and proposed actions, and then direct MoDOT to carry- out the appropriate actions. MoDOT will provide FHWA and SHPO with a report of the actions when they are completed. FHWA shall provide this report to the Advisory Council and the Indian tribes. The Miami Tribe of Oklahoma has specifically requested to be a consulting party.*

This commitment remains valid and MoDOT will ensure compliance.

17. *Pollution control measures outlined in the Missouri Standard Specifications for Highway Construction will be used to minimize impacts associated with the construction of any alternative; these measures pertain to air, noise, and water pollution as well as traffic control (e.g., detours) and safety measures. Best management practices will be employed to minimize or mitigate potential impacts.*

This is a Standard Construction Commitment and is applicable to Project J4I1486D to be carried forward.

18. *During final design, MoDOT will conduct a detailed design noise analysis using the FHWA Traffic Noise Model (TNM 2.5) or the most current noise analysis software to determine feasibility and reasonableness for the benefit of all predicted traffic noise impacts identified in the traffic noise analysis. The location, length, height, cost, and receptors studied and benefited should be included in the study. The final decision to construct the proposed noise barrier should be made upon completion of the project design and the public involvement process taking into consideration the opinions of benefited property owners and residents, and upon FHWA approval.*

This commitment remains valid and MoDOT will ensure compliance.

19. *If meeting the project schedule requires that earth removal, grading, hauling, and/or paving must occur during evening, nighttime, and/or weekend hours in the vicinity of residential neighborhoods, the contractor shall notify MoDOT as soon as possible. In such instance(s), all reasonable attempts shall be made to notify and to make appropriate arrangements for the mitigation of the predicted construction noise impacts upon the affected property owners and/or residents.*

This is a Standard Construction Commitment and is applicable to Project J4I1486D to be carried forward.

20. *Emissions from construction equipment will be controlled in accordance with emission standards prescribed under state and federal regulations.*

This is a Standard Construction Commitment and is applicable to Project J4I1486D to be carried forward.

21. *The project area is within MoDOT's Transportation Separate Storm Sewer System (TS4) Permit area and permit requirements apply. The Contractor shall include in the project's design, where feasible and appropriate, permanent stormwater BMPs to potentially detain and/or treat new stormwater from the project, if the project fits MoDOT's definition of redevelopment or new development, to the maximum extent practicable.*

This commitment remains valid and MoDOT will ensure compliance.



22. *MoDOT will implement its SWPPP to prevent or minimize adverse stormwater and construction impacts to streams, water courses, lakes, ponds, or other water impoundments within and adjacent to the project area. The plan provides for temporary erosion and sediment control measures that will be included within construction contract documents. MoDOT's SWPPP and construction contract documents will be used to develop a project specific SWPPP which will outline specific BMPs that will be used to protect the waters of the US. The project specific SWPPP will be updated when land disturbance operations require the deployment or alteration of BMPs during field operations. Seed and mulch, rock linings, and pavement surfaces will be used to achieve final stabilization of all erodible areas.*
This commitment remains valid and MoDOT will ensure compliance.
23. *MoDOT contractors will locate and protect all temporary storage facilities for petroleum products, other fuels, and chemicals to prevent accidental spills from entering the streams within the project vicinity. The contractor will clean-up any such spills to prevent the possibility of pollution due to runoff.*
This is a Standard Construction Commitment and is applicable to Project J4I1486D to be carried forward.
24. *MoDOT contractors will avoid disposing of cement sweepings, washings, concrete wash water from concrete trucks, and other concrete mixing equipment, treatment chemicals, or grouting and bonding materials into streams, wetlands, or into any location where water runoff will wash pollutants into streams or wetlands.*
This is a Standard Construction Commitment and is applicable to Project J4I1486D to be carried forward.
25. *MoDOT will avoid clearing vegetation to the extent practical and where not avoidable will use vegetated slopes, swales, and runoff detention systems to minimize impacts in accordance with the MoDOT EPG.*
This is a Standard Construction Commitment and is applicable to Project J4I1486D to be carried forward.
26. *Design of the drainage system as it relates to the improvements proposed in the Preferred Alternative will be made during the design phase of the project in accordance with MoDOT EPG and through coordination with local agencies. MoDOT is aware that this area is served by the City of Kansas City, Missouri's combined sewer system and will consult with them during design.*
This commitment remains valid and MoDOT will ensure compliance.
27. *MoDOT will follow best management practices in accordance with the MoDOT EPG during the design and construction phases.*
This commitment remains valid and MoDOT will ensure compliance.
28. *MoDOT will coordinate with the City of Kansas City, Missouri should any wells be encountered and closed in accordance with their standards.*
This commitment remains valid and MoDOT will ensure compliance.
29. *MoDOT obtained a preliminary jurisdictional determination for the proposed impacts from the USACE and that the improvements would be permitted under nationwide permit (NWP) 14. This information will be used by MoDOT to obtain a Section 404 Permit for construction of the project, if required.*
This commitment is not applicable because there are no jurisdictional wetlands or waters of the United States within the project.
30. *If suitable roost trees for the Indiana and northern long-eared bats are present and need to be removed for construction, MoDOT will only allow clearing of potentially suitable roost habitat between November 1st and March 31st. However, MoDOT anticipates a conservation measure for the protection of tricolored bats that will include removing all trees over three inches in diameter only between November 1st and March 31st.*
Revised Commitment (January 2025): Per the FHWA Range-Wide Programmatic Agreement, updated December 2024 and now including tricolored bats, MoDOT will only allow clearing of potentially suitable roost habitat between October 16 and March 31.
This commitment remains valid and MoDOT will ensure compliance.



31. *Prior to demolition of existing bridges, MoDOT will conduct surveys to determine the absence or presence of swallow nests in the bridge superstructure. If nests are present and impacts are anticipated to species protected by the Migratory Bird Treaty Act, precautions will be implemented to avoid impacts and/or additional consultation with USFW will be completed. These efforts will be completed between April 1st and July 31st.*

This commitment remains valid and MoDOT will ensure compliance.

32. *Tree removal will be completed in accordance with MoDOT EPG and through continued coordination with local agencies.*

This commitment remains valid and MoDOT will ensure compliance.

33. *MoDOT's utility engineers and representatives of the utilities will work out details of individual utility relocations on a case-by-case basis.*

This commitment remains valid and MoDOT will ensure compliance.

34. *MoDOT will coordinate with the City of Kansas City, Missouri on any utility removal, relocation, additions, or re-design of utilities needed due to this project.*

This commitment remains valid and MoDOT will ensure compliance.

35. *All construction activities will comply with the existing rules and regulations of governmental agencies having jurisdiction over streams and water supplies in the area.*

This is a Standard Construction Commitment and is applicable to Project J4I1486D to be carried forward.

36. *Painted structures shall be tested prior to painting and demolition to determine proper disposal for the waste generated during the project. The inspection reports must be included in the construction bid proposal.*

This commitment remains valid and MoDOT will ensure compliance.

37. *Bridge work involving removal of lead or non-lead paint by sandblasting or power washing must follow the procedures outlined in MoDOT Standard Specification 1081, "Coating of Structural Steel, for proper removal and disposal of paint, blast residue or wash water".*

This is a Standard Construction Commitment and is applicable to Project J4I1486D to be carried forward.

38. *All structures, including bridges that will be renovated or demolished will be inspected for asbestos. The reports from these hazardous material inspections must be included in the construction bid proposal. Demolition or renovation is a three-step process under the asbestos regulations. All structures that meet the criteria as described above must be inspected by an Asbestos Building Inspector. Following the inspection, regardless of whether asbestos is present or not, an Asbestos Demolition Notification shall be made to MDNR no fewer than 10 working days prior to beginning the project. If regulated amounts of asbestos are present, an Asbestos Project Notification will also be submitted and an Asbestos Post-Notification will be filed after the work is completed. If abatement is necessary, a certified Contractor Supervisor will be present during the abatement and a licensed asbestos contractor will do the abatement. MoDOT would ensure these materials, depending on their condition and quantity, are removed and disposed of according to current regulations and procedures.*

This is a Standard Construction Commitment and is applicable to Project J4I1486D to be carried forward.

39. *MoDOT will notify the City of Kansas City, Missouri regarding any demolition as part of the project.*

This commitment remains valid and MoDOT will ensure compliance.

40. *Specific materials used in construction of the projects will be determined during the design phase of the project in accordance with MoDOT EPG.*

This commitment remains valid and MoDOT will ensure compliance.



41. *MoDOT will obtain and comply with all required burning permits.
This commitment remains valid and MoDOT will ensure compliance.*

42. **New Commitment:** If there are changes in the project scope, project limits, existing conditions, pertinent regulations or environmental commitments, MoDOT must re-evaluate potential impacts prior to implementation. Environmental commitments are not subject to change without prior written approval from FHWA.
This commitment has been met through review and approval of this memorandum. The project scope and limits have been adjusted to make for a less impactful project with no additional impacts anticipated.

43. **New Commitment:** As final design progresses MoDOT will coordinate with City of Kansas City and Missouri State Emergency Management Agency to obtain any necessary permits for floodplain impacts, if necessary. Additionally, if the final design includes a floodplain encroachment that would cause significant impacts, a finding that it is the only practicable alternative as required by 23 CFR 650, Subpart A would be prepared. Further, structures would be designed to FEMA standards as required by 23 CFR 650, Subpart A.
This commitment remains valid and MoDOT will ensure compliance.

44. **New Commitment:** As final design progresses MoDOT will obtain the necessary permits from USACE if discharge of dredged or fill material in any waters of the United States, including wetlands, is expected.
This commitment does not apply. The final design shows no impacts to wetlands.

45. **New Commitment:** MoDOT will follow the Programmatic Agreement, developed with SHPO, which addresses additional archaeological testing, and if necessary, mitigation measures for the seven potentially eligible archaeological sites that may be impacted by the Project.
This commitment remains valid and MoDOT will ensure compliance. However, impacts have been reduced and mitigation measures will be applicable to only two of the seven potentially eligible archaeological sites.

46. **New Commitment:** Ongoing public involvement would take place during construction through various media deemed suitable at that point in time.
This commitment remains valid and MoDOT will ensure compliance.

47. **New Commitment (January 2025):** Monarch butterfly was proposed for listing as threatened in December 2024. If the project has not progressed to construction by the time Monarch Butterfly is listed as threatened, MoDOT will revisit USFWS consultation requirements when the listing becomes final. MoDOT does not anticipate additional conservation or mitigation measures.
MoDOT will ensure compliance.