

# ENVIRONMENTAL COMPLIANCE DOCUMENTATION

## Brunner Road BNSF Grade Separation Project

### Lakes Highway District

Consolidated Rail Infrastructure and Safety Improvements Grant Application May 2024

As part of the Bridging the Valley 42 mile rail corridor project to separate motor vehicle traffic from train traffic, the Brunner Road Grade Separation went through the environmental NEPA process and has been designated as a Categorical Exclusion (Cat. X). The approved Cat. X is under federal aid project number TPUL-9932(028) and was approved on August 22, 2006. The signed Cat. X and the original Documented Categorical Exclusion Determination of Non-Significance report are attached in Attachment 13 Sections A and B.

As noted in the Scope of Work Subtask 2.6, the Recipient will follow FRA's *Procedures for the Consideration of Environmental Impacts* (effective May 26, 1999) (Environmental Procedures) to complete the FRA CE worksheet and submit it to assist FRA in making a class of action and/or level of documentation determination.

If FRA determines the appropriate class of action is a CE, the Recipient will complete any additional studies and documentation for the FRA CE in accordance with the Environmental Procedures. The Recipient will then submit the final CE worksheet with supporting documentation for FRA review and approval.

If FRA does not concur that a CE is appropriate for this Construction Project, the Recipient will undertake an Environmental Assessment (EA) in accordance with FRA's Environmental Procedures. In addition, the Recipient is responsible for identifying all necessary permits required for the Construction Project's implementation.

Since the environmental regulations have been met through this Cat. X through the Idaho Department of Transportation (ITD), it is anticipated that the next steps for the project would be a Plan Specification and Estimate (PS&E) Re-Evaluation as identified in the Idaho Department of Transportation Environmental Process Flow Chart (<https://apps.itd.idaho.gov/Apps/env/ITD%20Env%20Process%20Flow%20Chart.pdf>) show in Appendix C- Attachment 3.<sup>i</sup> This evaluation is required to be completed within six months of going out to bid for construction of the project. According to ITD's NEPA Re-evaluations and Environmental Commitments document ([https://itd.idaho.gov/wp-content/uploads/2024/02/NEPA\\_Re-evaluations\\_2024.pdf](https://itd.idaho.gov/wp-content/uploads/2024/02/NEPA_Re-evaluations_2024.pdf)) and in Attachment 13 Section D, a revaluation has three possible outcomes with the probable outcome of the Brunner Road Grade Separation project being that the "Details of the project or circumstances have changed, but the original finding is still valid. In this case, the project documentation is updated to reflect the changes and accurately describe the project, affected environment, and compliance with legal requirements."<sup>ii</sup>

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<sup>i</sup> ITD Environmental Process Flow Chart, Accessed April 24, 2024;  
<https://apps.itd.idaho.gov/Apps/env/ITD%20Env%20Process%20Flow%20Chart.pdf>

<sup>ii</sup> ITD NEPA Re-evaluations and Environmental Commitments March 2024, agreement between ITD and FHWA, Accessed April 24, 2024; [https://itd.idaho.gov/wp-content/uploads/2024/02/NEPA\\_Re-evaluations\\_2024.pdf](https://itd.idaho.gov/wp-content/uploads/2024/02/NEPA_Re-evaluations_2024.pdf)