

APPENDIX 0

REVIEW OF ENVIRONMENTAL PERMITS AND APPROVALS

This memo documents the land uses along the four Stream BRT corridors and describes the careful attention needed for each of the corridors to comply with federal, state, regional and local regulations or permits for construction and implementation of Stream BRT 2.



memorandum

date February 14, 2023

to John McMillan, KPFF

cc

from Katie Carroz, ESA

subject Pierce Transit Stream BRT System Expansion Study (SSES) – Draft Final Report, ESA Review

Pierce Transit’s Draft SSES Report (Draft, February 2023) identifies four transit corridors for possible BRT development and implementation (“BRT 2”). Implementing BRT was identified in Pierce Transit’s long range plan update, Destination 2040. The four corridors were evaluated and prioritized based on many factors, including ridership, cost effectiveness, and equity. These proposed projects will enter project development in future months or years and Pierce Transit will identify one or more Locally Preferred Alternatives (LPA). After the LPA(s) are established, Pierce Transit will need to ensure that projects comply with federal, state, and local environmental regulations. This will include preparing documentation and applications for federal, state, and local approvals or permits. The actual approvals and permits required will depend on the work proposed, the existing site and environment, and the type of funding. This memorandum includes considerations regarding environmental permits and approvals, based on a high-level review of the Draft Final SSES Report. As project design progresses and funding is secured, additional research will be required to confirm which environmental approvals and permits would be needed. Pierce Transit will work with partner agencies throughout this process, including local jurisdictions, Pierce County, Washington State Department of Transportation, and Sound Transit.

The four proposed BRT corridors (A, B, C, and D) are located within areas containing diverse and varied land uses, where development has existed for several decades. Proposed projects that will convert these routes into BRT routes include implementing Transit Signal Priority activities; consolidating bus stops; establishing in-lane stops; converting existing travel lanes to BAT or queue jump lanes; re-signaling stops or intersections, involving either timing or phasing changes, installing new signal heads or extensions, or installing new poles and foundations; removing in-road islands to make room for bus lanes; and re-striping to designate BAT, queue jump, or bus-only lanes.

Pierce Transit leadership will likely pursue FTA’s Capital Investment Grant (CIG) Small Starts funding to implement Stream BRT 2. Pierce Transit recently completed planning and early design for Stream BRT 1, which will operate along Pacific Avenue/SR 7, connecting downtown Tacoma, Parkland, and Spanaway. BRT 1 received funding from the FTA’s Small Starts program, and Pierce Transit is interested in funding significant portions of future Stream BRT delivery through the FTA. Certain federal permits and approvals trigger when federal funding is used.

Other funding resources are available for additional planning, such as funds associated with the State of Washington Move Ahead legislation earmarked for expansion of Stream BRT. Other funding opportunities include FHWA’s Congestion Mitigation and Air Quality Improvement Program, FTA’s Areas of Persistent Poverty Program, and FTA’s Business and Bus Facilities Program Business and Bus Facilities Program, Capital Investment Grants, and Transit-oriented Development (TOD) Planning. Also, the Office of the Secretary of Transportation Rebuilding America’s Infrastructure with Sustainability and Equity grant program offers funding. In addition to the federal and state funding opportunities listed above, local agencies such as Pierce County and cities within the Pierce Transit service area could fund these projects.

All four corridors extend through established, urban, developed areas that have several decades of human occupation and structure operations. Environmental disciplines typically studied in urban settings include but are not limited to cultural resources (historic properties and archaeological resources), hazardous materials and contamination (from previous uses), residential or business displacements, acquisition of recreational lands, and noise impacts (from traffic or industrial operations). Particular attention should be paid to vulnerable populations, including pockets of low-income, disabled, or Limited English Proficiency populations; other populations with a higher reliance on public transportation, and properties sensitive to noise (e.g., homes, daycares). The following bullets summarize land uses along the four BRT corridors.

- **Corridor A** contains residential, retail, commercial, office, parks/recreational, health services, services, religious or spiritual organization, and government office use. Recreational uses along the corridor include Sewell Park, Allenmore Golf Course, Tacoma Nature Center, Heidelberg David Park, China Lake Park, the trail area at Tacoma Community College, Riconosciuto Park, Kobayashi Park, and Meadow Park Golf Course.
- **Corridor B** contains railroad tracks, steep topography, and many industrial and employment uses along S. Tacoma Way. Primary land uses are industrial/commercial, service-oriented, Tacoma Cemetery, Tacoma Mall retail, highway-oriented businesses, an isolated residential community north of Tacoma Mall, Lakewood Towne Center retail and services, and residential uses along 108th Street SW. The Asia Pacific Cultural Center is located at South 50th Street.
- **Corridor C** contains Pioneer Park; commercial, services, and retail uses; Washington State Fairgrounds; hotel/motel, health services, school, and multi-family residential uses; Bradley Lake Park, Meridian Habitat Park and Community Center, a library, and Paul Bunyan Rifle & Sportsmen’s Club.
- **Corridor D** contains commercial and service-oriented businesses; retail, residential, school, religious or spiritual, and industrial uses; a funeral home; an area adjacent to Joint Base Lewis McChord property; Lakeview Community Garden; and South Hill Mall.

Along all corridors, Pierce Transit proposes implementing Transit Signal Priority (TSP) projects, bus stop consolidation, and in-lane bus stops. Other types of proposed activities to implement BRT include the following:

- **Corridor A** extends through City of Tacoma, City of Fircrest, City of University Place, and City of Lakewood. Projects along Corridor A would include: re-signal and re-stripe to allow queue jump or BAT lanes and to add a crossing; remove pork-chop island; possible new signal pole foundations.

- **Corridor B** extends through City of Tacoma and City of Lakewood. Projects along Corridor B would include: convert eastbound and westbound general-purpose lanes to BAT lanes on S. Tacoma Way from S. 47th Street to S. 56th Street; re-signal and re-stripe to allow queue jump and transit priority; possible new signal pole foundations.
- **Corridor C** extends through City of Puyallup and unincorporated Pierce County. Projects along Corridor C would include: re-signal and re-stripe to allow queue jump lane, queue bypass lane, and BAT lane (parking would be displaced), and prohibit left turns in certain areas; widen west side of street to allow for queue jump (Meridian and 136th Street E.); possible new signal pole foundations.
- **Corridor D** extends through City of Lakewood, Joint Base Lewis McChord property, unincorporated Pierce County, City of Puyallup. Projects along Corridor D would include: re-signal and re-stripe to allow queue jump and bus-only lane; add second entry/exit to SR 512 park-and-ride; possible new signal pole foundations.

Ground-disturbing activities would include removing the pork-chop island, widening a road,¹ installing new signal pole foundations, and adding the second entry/exit to SR 512 park-and-ride. Given the settings, types of projects, and funding sources, **Table 1** lists approvals and permits that may be needed for construction and implementation of BRT 2.

The proposed projects would need to comply with Section 106 related to cultural resource and historic properties, assuming all activities will be federally funded. These projects may require ground disturbance without right-of-way acquisition, within the prism of the roadway and previously disturbed area; therefore, exemptions from Section 106 should be pursued. It is possible that projects could be bundled for the purpose of consultation with the Washington State Historic Preservation Officer.

Many of these projects are near residential neighborhoods or other noise-sensitive land uses. Project construction would need to comply with local noise ordinances. In the long term, noise levels are not likely to change due to this set of projects. Air emissions associated with construction vehicles and equipment would end when construction finishes. No long-term increases in air emissions would occur related to these projects.

Potential hazardous materials or contamination at or near project sites would need to be addressed, and Best Management Practices (BMPs) planned and implemented. BMPs related to stormwater runoff and limiting air emissions and noise during construction would reduce potential environmental impacts during construction.

All projects would need to comply with NEPA (assuming a federal trigger exists) and SEPA. It is possible that Pierce Transit could prepare one NEPA Categorical Exclusion for all of these projects (coordination with FTA would be needed). SEPA exemptions likely apply to these projects; the SEPA Responsible Official at each jurisdiction would need to confirm the exemption. A traffic study may be required to address the cumulative effect of these projects on regional and local circulation and delay for general purpose traffic. The need for additional local permits, e.g., shoreline or critical areas permits, would need to be determined as planning progresses.

¹ Whether the road widening would require right-of-way acquisition is unknown at this time.

**TABLE 1
POTENTIALLY REQUIRED ENVIRONMENTAL APPROVALS/PERMITS**

Regulation or Permit	Permitting Agency	Trigger
Federal		
National Environmental Policy Act (NEPA)	Lead NEPA agency, likely Federal Highway Administration (FHWA) or Federal Transit Administration (FTA)	Project activity would involve a federal action, defined by 40 CFR 1508.1, including federal funds or a required federal permit. With no expected significant impacts, the NEPA document would likely be a Categorical Exclusion (CE) (see 23 CFR 771.118(c) (8) and (9), and 23 CFR 771.118(d) (7); see also WSDOT Local Programs Guidebook Appendix A (c) (8)).
National Historic Preservation Act Section 106 Exemption or Survey	Washington State Department of Archaeology and Historic Preservation (DAHP)	Project activity would involve federal funding, an infrastructure improvement, and disturbance of previously undisturbed area. An exemption or cultural resources survey could be required, depending on area and depth of disturbance, presence of cultural resources, and expected impacts on cultural resources. Inadvertent Discovery Plan and an Area of Potential Effect (APE) letter are likely to be required (see guidelines).
Endangered Species Act (ESA) Section 7	U.S. Fish & Wildlife Service (USFWS); National Marine Fisheries Services (NMFS)	Project activity would involve a federal action, defined by 40 CFR 1508.1, including federal funds or a required federal permit. A No Effect Letter would be prepared if no impacts are expected on listed species or their habitats (see guidance). A Biological Assessment may be required if the project activity would affect a species listed as threatened or endangered or designated critical habitat.
Clean Water Act Section 404	U.S. Army Corps of Engineers (USACE)	Project activity would involve an infrastructure improvement and is expected to result in impacts to waters of the U.S. Joint Aquatic Resources Permit Application (JARPA) required for application (see guidance).
State		
State Environmental Policy Act (SEPA) Checklist/DNS or MDNS, or Exemption	The local agency requiring the permit and Department of Ecology	Project activity requires a local permit. Likely documentation if no significant impacts are expected would be a SEPA Checklist and Determination of Non-significance (DNS) or a Mitigation Determination of Non-significance (MDNS). See guidance .
Clean Water Act Section 401	Ecology	Project activity would involve an infrastructure improvement and is expected to result in impacts on waters of the U.S. JARPA required for application (JARPA required). See guidance .
Governor’s Executive Order 21-02	DAHP	Project activity would involve state funding (no federal funding), an infrastructure improvement, and disturbance of previously undisturbed area. An Exemption or cultural resources survey could be required, depending on disturbance area and expected impacts on cultural resources. Inadvertent Discovery Plan and an APE letter are likely to be required (see guidelines).
National Pollutant Discharge Elimination System (NPDES) Program, Construction Stormwater General Permit	Ecology	Infrastructure improvement requiring more than 1 acre of disturbed area (proposed for excavation, fill, or grading). See additional guidance .
WSDOT Approvals	Washington State Department of Transportation (WSDOT)	Improvements would occur on state-owned or -managed routes, WSDOT approvals may be required.

Regulation or Permit	Permitting Agency	Trigger
Coastal Zone Management Act	Ecology	Project activity would involve a federal action, defined by 40 CFR 1508.1, including federal funds or a required federal permit (King County is considered a coastal county). Lead federal agency must demonstrate that their project is consistent with the state's Coastal Zone Management Program by showing consistency with specific policies within the program. See guidance .
Regional		
Generator Permit	Puget Sound Clean Air Agency (https://pscleanair.gov/177/Construction-Permits)	If generators are used during construction, a permit from PSCAA may be required.
Local		
Site Development Permit	City of Tacoma (Submittal Checklists — Tacoma Permits)	This permit is for projects that may require a civil engineer for off-site right-of-way construction and on-site grading, paving, gravel, cut, and fill, parking, restriping, landscaping, stormwater facilities
Right-of-Way Use Permit		Minor permits for work within city right-of-way that do not require a civil engineer
Demolition Permit		May be needed for demolition of pork-chop island
Site Development Permit	City of Lakewood (Online Permits (cityoflakewood.us))	Project activity; consultation with City needed to learn details of activity that triggers this permit.
Right-of-Way/Street Opening Permit		Project activity would involve work within the transportation right-of-way
Site Development Permit	City of Fircrest (Permit Center - City of Fircrest)	Project activity; consultation with City needed to learn details of activity that triggers this permit.
Site Development Permit	City of University Place (Applications & Forms University Place, WA (cityofup.com))	Project activity would involve clearing; grading or stockpiling; constructing or modifying storm drainage facilities or drainage courses; constructing or modifying roadways (including but not limited to sidewalks, curbs, gutters, bike lanes, planter strips, and street lighting); creating or modifying impervious surfaces; any other activity that the Director determines may impact the right-of-way, adjacent properties, and/or sensitive areas
Right-of-way Permit		Project activity would involve work in the City right-of-way. Projects may include a new driveway approach, trenching, or utilities installed within the City right-of-way.
Clear, Fill and Grade Permit	City of Puyallup (Welcome - Puyallup, WA - CityView Portal (puyallupwa.gov))	Project activity would involve excavating five (5) feet or more in vertical depth on any portion of a site, fills of eight (8) inches or more of vertical depth on any portion of a site or the removal, deposit or displacement of 100 cubic yards or more of material during any two-year period
Right-of-Way Use Permit		Project activity would work in the City's right-of-way, including traffic control
Traffic Signal Improvements Complete Application Checklist	Pierce County (https://www.piercecountywa.gov/903/Development-Center)	Project activity would involve adjustment or changes to traffic signals
General Right-of-Way Permit		Construction work requiring temporary use of the transportation right-of-way

Notes: 1. If right-of-way acquisition is required for the road widening, plat alterations and boundary line adjustments may be required. 2. Traffic Control Plans could be required as part of right-of-way permits.