



U.S. Department  
of Transportation

**Federal Highway  
Administration**

**Tennessee Division**

March 26, 2009

404 BNA Drive  
Suite 508  
Nashville, TN 37217

In Reply Refer To:  
HPP-TN

Ms. Suzanne Herron  
Director, Environmental Division  
Tennessee Department of Transportation  
James K. Polk Building, Suite 900  
Nashville, Tennessee 37243-0349

Subject: Record of Decision, SR 397  
(Mack Hatcher Parkway Extension)

Dear Ms. Herron:

The Environmental Division of the Tennessee Department of Transportation submitted a Record of Decision (ROD) for the Mack Hatcher Parkway Extension in Williamson County for our review and approval. The ROD adequately addresses the potential impacts of the proposal and is approved for public review.

With this letter, we are forwarding a copy of the completed ROD, dated March 25, 2009. You may call me at 781-5766 if you have any questions.

Sincerely,

Gary Fottrell  
Environmental Program Engineer

cc: Mr. Ed Cole, Environmental/Planning Bureau Chief  
Mr. Jim Ozment, Manager, Social and Cultural Resources Office  
Mr. Tom Love, Manager, NEPA Documents Section

**MOVING THE  
AMERICAN  
ECONOMY**

## RECORD OF DECISION

### Federal Highway Administration

*In cooperation with the Tennessee Department of Transportation, the United States Army Corps of Engineers, and the Tennessee Valley Authority*

### State Route 397 (Mack Hatcher Parkway Extension)

City of Franklin, Williamson County, Tennessee

March 5, 2009

#### Decision

The subject project involves the construction of a limited access roadway that is an extension of the existing State Route (SR) 397/Mack Hatcher Parkway in Williamson County, Tennessee. The project begins at the intersection of SR 6/Columbia Pike (US 31) and existing SR 397/Mack Hatcher Parkway, south of downtown Franklin. The project then proceeds westward around the City of Franklin, ending north of the City at the intersection of SR 106/Hillsboro Road (US 431) and existing SR 397/Mack Hatcher Parkway. The Selected Alternative, Build Alternative G, is approximately 7.5 miles in length.

#### Alternatives Considered

The following alternatives were considered in the decision-making process for the project:

- No Build Alternative;
- Transportation System Management (TSM) Alternative;
- Transit Alternative;
- Alternative to Improve Existing Transportation Network; and
- Seven Draft Environmental Impact Statement (DEIS) and the Supplemental Draft Environmental Impact Statement (SDEIS) Build Alternatives.

The No Build Alternative was dismissed because it would result in no improvement to traffic service in the project area and, with future increases in traffic, travel conditions would worsen or deteriorate. This would place a limitation on development in the study area and result in a higher burden on the existing poorly-connected roadway network.

The TSM and Transit Alternatives do not meet the purpose and need of the project. They would not increase connectivity west of downtown Franklin, nor would these alternatives sufficiently address capacity and safety issues on area roadways.

Upgrading the existing roadway network west of the City of Franklin to serve as a parkway around the west side of Franklin is not feasible. The existing roads are primarily located in heavily developed areas. Combining existing circuitous and disconnected roads to create a western parkway loop would have major environmental impacts and would provide a roadway with substandard alignment and travel speeds. The option of improving the existing roadways to meet the project purpose and need was eliminated from further consideration because of the potential magnitude of adverse impacts to the community.

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Finally, seven Build Alternatives were evaluated in the DEIS, which was approved in November of 2004, and the SDEIS, which was approved in August 2005. Build Alternatives A through F were presented in the DEIS. In response to a request by the City of Franklin, Segment 17 was subsequently combined with other segments evaluated in the DEIS to form Alternative G, which was presented in the SDEIS.

**Alternative Selection and the Environmentally Preferred Alternative**

In December 2005, the Tennessee Department of Transportation (TDOT) announced Build Alternative G as the Selected Alternative for the proposed project. In addition to being the Selected Alternative, Build Alternative G is also the Environmentally Preferred Alternative. Alternative G was selected for the following reasons:

- It is preferred by the City of Franklin. On February of 2005, the Board of Mayor and Aldermen issued a resolution identifying this alternative as their preferred route;
- It reflected the best compromise when coordinated with the Tennessee Valley Authority (TVA) Aspen Grove Transmission Line, Southern Alternative (under construction in 2005 and now completed);
- The Tennessee State Historic Preservation Office (SHPO) concurred that it results in the fewest impacts to the Harpeth River Historic District and the Winstead Hill/Harrison House Historic District;
- It avoids bisecting the Westhaven Town Center (under construction in 2005);
- It costs less than other alternatives (it was close in cost to Build Alternative C, but that original cost estimate would have increased because of impacts to Westhaven); and
- It best meets the project purpose and need.

In December of 2005, TDOT also announced its intention to utilize the Context Sensitive Design (CSD) process to develop SR 397/Mack Hatcher Parkway. The CSD process began in March 2006. The process took place in a series of meetings primarily held in 2006. After the last CSD Team Meeting (December 7, 2006), a Consensus Memo was created to document the list of consensus decisions. The CSD recommendations contained in the Consensus Memo were approved by TDOT on April 10, 2007. The Consensus Memo and its recommendations and are included in the Final Environmental Impact Statement (FEIS).

In October of 2006, the Federal Highway Administration (FHWA) and the SHPO entered into a Section 106 Memorandum of Agreement (MOA), to which TDOT was a signatory. The MOA committed FHWA and TDOT to design the project using the CSD approach to minimize effects to the Harpeth River Historic District and to consider a number of design and other measures to mitigate the project's Section 106 adverse effects to the District.

A reevaluation of the DEIS and SDEIS was prepared in accordance with 23 CFR 771.129 due to the time that had elapsed since the submittal of the SDEIS. The reevaluation was approved by FHWA on October 24, 2008, and the FEIS was updated accordingly.

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**Section 4(f)**

The project involves a Section 4(f) use, as land from a Section 4(f) resource, the Harpeth River Historic District, would be acquired and converted from a non-roadway use to a highway use. Based on the Final Section 4(f) Evaluation (Chapter 5 of the FEIS), there is no feasible and prudent alternative to the use of land from the Harpeth River Historic District and the proposed action includes all possible planning to minimize harm to the Harpeth River Historic District resulting from such use. The SHPO and parties with historic preservation interests participated in development of minimization and mitigation measures, which were included in a Section 106 MOA between FHWA and the SHPO and to which TDOT was an invited signatory. Considering minimization and mitigation developed through the CSD process, Selected Alternative G is the alternative that causes the least harm to the Harpeth River Historic District.

**Endangered Species**

The selected alternative will have no effect on any federally protected species. However, if unanticipated threatened or endangered species are encountered, if the proposed project is modified, or if new species are listed in the area, FHWA will enter into appropriate consultation with the United States Fish and Wildlife Service (USFWS).

**Environmental Justice**

The project will not have an adverse or disproportionate effect on minority or low income populations.

**Agency and Public Coordination**

The development of this project was coordinated closely with the general public through a series of public meetings, including the CSD process, and a National Environmental Policy Act (NEPA) public hearing. The FEIS was coordinated with interested parties and the appropriate local, state and federal agencies and has also been made available for public comment. The TVA and the United States Army Corps of Engineers (USACE) are NEPA cooperating agencies in the environmental studies and were involved in the development of the FEIS. The comments received from agencies and from the public have been adequately addressed in the FEIS.

**Measures to Minimize Harm**

All practicable measures to minimize environmental harm were incorporated in the planning of the proposed action. Measures to minimize harm are as follows.

**Specific Environmental Commitments:** Specific environmental commitments are outlined starting on page E-1 of the FEIS on green sheets entitled "Environmental Commitments". These commitments are binding on TDOT and FHWA. They are incorporated into the Record of Decision (ROD) by reference.

**Relocation Assistance:** The acquisition and relocation assistance program will be conducted in accordance with the *Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970*, as amended, and relocation resources will be available to all residential relocatees without discrimination.

**Water Quality:** Water quality standards will be adhered to by individual contractors. Best Management Practices (BMPs) will be stringently implemented throughout the construction period to prevent soils, oils or other project-related pollutants from entering

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streams within the project area. Impacts will also be minimized because the project will be constructed in accordance with all applicable rules and regulations regarding channelization as required in the TDOT's *Standard Specifications for Road and Bridge Construction*. Channelization will be minimized to the greatest extent possible. TDOT will work closely with permitting agencies during the design and permitting process to determine whether a span bridge or culvert will be used to cross streams. If in-stream disturbance is necessary, the stream composition and bottom elevations will be altered to the least extent possible. Tree removal will be minimized to maintain stream characteristics. Work within the stream impact area will be performed in the dry season (summer months) to the greatest extent possible.

Any additional requirements placed by Federal or State agencies will be included in the plans and specifications for the project.

**Wetlands:**

The FEIS commits to mitigate impacts through the use of the Harpeth Wetland Mitigation Bank at a ratio of two to one. If necessary, TDOT will seek a mitigation site closer to the project area. Wetland mitigation will be coordinated with the USACE and the USFWS.

**Wildlife Habitat:**

No adverse effect on any threatened or endangered species is anticipated. Surveys for such species were conducted, and no federally-listed species or critical habitat was observed. Significant degradation of wildlife habitat is not anticipated.

**Visual and Aesthetic Consequences:** In order to lessen visual effects, attempts were made throughout project planning, including the CSD process, to blend the proposed project into the surrounding area in a pleasing and compatible way. As previously discussed, the CSD process culminated in design recommendations that were incorporated into the Selected Alternative. For example, the typical section of the roadway through the Harpeth River Historic District will be a four-lane divided roadway with a vegetated median and grass shoulders to minimize visual intrusion into the District. To minimize visual impacts in the vicinity of the historic Winstead Hill/Harrison House Historic District, the row of trees along Hillview Lane will be preserved and Hillview Lane will become a segment of the Selected Alternative's multi-use path.

**Effects Related to Construction:** The contractor will be required to control erosion on all projects to the fullest extent practicable. The contractor will be required to employ BMPs to minimize the impacts of point and non-point source pollution resulting from increased siltation and highway runoff. A *Sediment Control Plan* will be formulated in accordance with the TDOT's *Standard Specifications for Road and Bridge Construction*.

Any toxic and hazardous materials will be handled and used in accordance with package labels and manufacturers' directions. Wastes, including asbestos, will be segregated, labeled and stored in a manner that would prevent their release into the environment from an accident or spill. The contractor will dispose of these materials and their containers in accordance with applicable state and federal regulations.

Disposal of excess material will be the responsibility of the contractor who will be contractually required to handle and dispose of the material in accordance with TDOT's *Standard Specifications for Road and Bridge Construction*.

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If archaeological materials are uncovered during construction, all construction work in the area of the find will cease. The Tennessee Division of Archaeology and recognized Native American tribes will be contacted immediately so that a representative will have the opportunity to examine and evaluate the materials.

During construction, there is potential for noise impacts to be greater than those resulting from normal traffic operations. The construction contractor will be required to provide such equipment (sound deadening devices, shields, physical barriers) and take such noise abatement measures that may be necessary to restrict the transmission of noise to sensitive sites such as homes and churches in the immediate vicinity of the project. Contractors will be required to comply with all state, federal and local laws and regulations controlling noise and other pollution of the environment.

**Monitoring and Enforcement Program**

A determination of the need for and the extent of a formal monitoring program for wetlands mitigation will be made during the USACE permitting phase. Normal coordination during design, right-of-way acquisition and construction will ensure that environmental commitments made in the FEIS are met. TDOT will enforce all pertinent specifications and contract provisions to assure conformity with the intent of the FEIS.

**Comments on the Final Environmental Impact Statement**

Comments on the FEIS were received from the United States Environmental Protection Agency (USEPA). The comments are summarized and addressed below. The actual correspondence is included as an attachment to this ROD.

*USEPA (February 23, 2009)*

The USEPA responded that they have reviewed the SR 397/Mack Hatcher Parkway FEIS. They made the following comments:

*Comment:* The USEPA's primary concerns raised in the review of the DEIS and SDEIS were related to the potential for significant direct and indirect impacts to water quality as well as impacts to the Harpeth River Historic District and other sensitive resources. At that time, the USEPA requested additional information related to air quality and environmental justice impacts and included a recommendation to complete the CSD process as part of the FEIS to address pedestrian/bicycle and other typical section design issues. The USEPA appreciates the additional information included in the FEIS to address their technical concerns. In particular, they found it encouraging to see the inclusion of the multi-use path as part of the project and the inclusion of the MOA with the SHPO that identifies a number of important mitigation measures.

*Response:* No response required.

*Comment:* The USEPA is also supportive of the design decision to build the two Harpeth River bridge crossings as parallel bridge structures, as described in the FEIS. This is an important mitigation measure and is also consistent with the CSD recommendations from the public. As a reiteration of their DEIS comments, an additional design measure is recommended to further assist in the long-term reduction of pollutant loadings to impaired surface water resources in the project area. Stormwater runoff from the proposed roadway, particularly from the two

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bridge crossings, should be collected and treated before being discharged to surface waters.

Response: *TDOT has begun to implement the Statewide Stormwater Management Plan, and its provisions will be included in the subject project's design. This includes design measures that will capture stormwater runoff at the bridges. In summary, water will be collected in drain holes on the bridge deck and run through pipe to be tied into existing erosion prevention/sediment control devices on adjacent slopes. As stated in the FEIS, Best Management Practices (BMPs) will be stringently implemented throughout the construction period to prevent soils, oils or other project-related pollutants from entering streams within the project area. The project will be constructed in accordance will TDOT's Standard Specifications for Road and Bridge Construction. The Tennessee Department of Environment and Conservation's (TDEC) Division of Water Supply's requirements for erosion control will also be followed. In cooperation with TDEC, a Stormwater Pollution Prevention Plan (SWPP) will be developed for each crossing during the permitting process. Monitoring will take place throughout the project development process as determined through coordination with TDEC.*

Comment: Based on the additional mitigation measures described in the FEIS, the USEPA has no additional concerns related to this project.

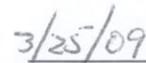
Response: *No response required.*

**Conclusion**

This ROD is based on the FEIS, which is incorporated herein by reference and has been independently evaluated by FHWA and determined to adequately and accurately discuss the needs, environmental issues and impacts of the proposed project and mitigation measures. FHWA takes full responsibility for the accuracy, scope and content of the FEIS and its attachments. The FEIS contains an adequately detailed discussion of the following: purpose and need for the proposed action, probable impact of the proposed action, alternatives, unavoidable adverse environmental effects, short-term versus long-term benefits, irreversible and irretrievable commitments of resources, and mitigation and measures to minimize environmental harm. The proposal conforms to the State's air quality implementation plans and the National Ambient Air Quality Standards. The FEIS is in conformance with the applicable provisions of 23 CFR 771, "Environmental Impact and Related Procedures," and it satisfactorily covers the anticipated environmental impacts, including physiographic and cultural effects.



Bobby Blackmon  
Division Administrator  
Federal Highway Administration  
Tennessee Division



Date

# ATTACHMENT



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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

February 23, 2009

Bobby Blackmon, Division Administrator  
Federal Highway Administration  
Tennessee Division  
640 Grassmere Park, Suite 112  
Nashville, Tennessee 37211

SUBJECT: Final Environmental Impact Statement for State Route 397 (Mack Hatcher Parkway Extension) from U.S. 31 south of Franklin to U.S. 431 north of Franklin in Williamson County, Tennessee; CEQ Number 20090015

Dear Mr. Blackmon:

The U.S. Environmental Protection Agency (EPA) has reviewed the referenced Final Environmental Impact Statement (EIS) in accordance with its responsibilities under Section 309 of the Clean Air Act and Section 102(2)(C) of the National Environmental Policy Act. The Tennessee Department of Transportation (TDOT) and the Federal Highway Administration (FHWA) propose to complete State Route 397, Mack Hatcher Parkway, around the west side of the City of Franklin from U.S. 31 to U.S. 431 in Williamson County, Tennessee.

The proposed action includes construction of a four-lane divided, limited access facility on primarily new alignment within right-of-way that ranges from a minimum of approximately 133 feet in the urban sections and a maximum of approximately 250 feet in the rural sections. The total length of the proposed project is approximately 7.5 miles. The project will also include an adjacent multi-use path, exclusively designated for walking, biking, skating and other forms of non-motorized travel. When combined with the existing Mack Hatcher Parkway, this project would create a complete loop around the City of Franklin and provide improved connectivity throughout the region. A total of eight alternatives were considered, including seven build alternative alignments and the no action alternative. Alternative G was identified as the preferred alternative.

EPA's primary concerns raised in the review of the Draft EIS and Supplemental Draft EIS were related to the potential for significant direct and indirect impacts to water quality as well as impacts to the Harpeth River Historic District and other sensitive resources as a result of the proposed action. EPA also asked for additional information related to air quality and environmental justice impacts and included a recommendation to complete the context sensitive design (CSD) process as part of the Final EIS to address pedestrian/bicycle and other typical section design issues. EPA appreciates the additional information included in the Final EIS to address our technical concerns. In particular, it is encouraging to see the inclusion of the multi-use path as part of the project, as recommended by the CSD public process. Furthermore, EPA

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appreciates inclusion of the Memorandum of Agreement with the Tennessee State Historic Preservation Office that identifies a number of important mitigation measures. These include: 1) elimination of elevated interchanges and inclusion of at-grade intersections and roundabouts; and 2) a commitment to maintain access control along the project length throughout the Harpeth River Historic District.

EPA is also supportive of the design decision to build the two Harpeth River bridge crossings as parallel bridge structures. These structures will include a continuous span of the Harpeth River from the eastern edge of the floodplain to the western edge of the floodplain, spanning both river crossings and the floodplain in between. This is an important mitigation measure and is also consistent with the CSD recommendations from the public. As a reiteration of our Draft EIS comments, EPA also recommends an additional design measure to further assist in the long-term reduction of pollutant loadings to impaired surface water resources in the project area. Storm water runoff from the proposed roadway, particularly from the two bridge crossings, should be collected and treated before being discharged to surface waters.

Based on the additional mitigation measures described in the Final EIS, EPA has no additional concerns related to this project. We appreciate the opportunity to review the proposed action. Please contact Ben West of my staff at (404) 562-9643 if you have any questions or want to discuss our comments further.

Sincerely,



Heinz J. Mueller, Chief  
NEPA Program Office  
Office of Policy and Management

cc: Tennessee Department of Transportation