

# the Acquirer

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## Environmental Streamlining – USDOT Announces a New Environmental Review Rule

By Robert Kleinburd



Bob Kleinburd

On January 13, 2014, a regulation became effective that creates new designations of eligible Category Exclusion (CE) projects, which is intended to promote enhanced environmental streamlining.

**Background:** From an environmental standpoint, all federally funded projects must obtain an environmental approval in accordance with the requirements of National Environmental Policy Act (NEPA), before the project can be authorized to proceed to construction. These environmental approvals require a project analysis that can be prepared as either an (1) Environmental Impact Statement, (2) Environmental Assessment, or (3) Categorical Exclusion. The type of required environmental document generally depends on the overall anticipated project impacts. An environmental Impact Statement (EIS) is a very detailed analysis with substantial procedural requirements, and typically takes at least several years to process and complete. An Environmental Assessment (EA) is not as detailed a document as an EIS, and typically requires at least a year to process and complete. A Categorical Exclusion (CE) is the least detailed of the three document types, and typically takes from a few weeks to several months to process and complete.

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This new environmental review rule was promulgated under the direction of the MAP-21 federal law, and adds two specific highway and transit project types that can now be considered as CE'S. (The existing list of project type that can qualify as a CE can be found in the federal regulations at 23 CFR 771.117 and 771.118). These two additional new eligible CE's are:

1. Projects that would take place entirely within the existing operational right of way; and,
2. Federally funded projects that either receive less than \$5,000,000 in federal funds; or projects with a total estimated cost of not more than \$30,000,000 and federal funds comprising less than 15 percent of the total estimated project cost.

The new CE for projects that take place entirely within the existing operational right of way will not likely have any major impact, as most of these types of projects would already have qualified as a CE under an already existing CE category. The new CE for relatively low value federal-aid projects is a far more interesting CE category, however, as it is the first time that an environmental document is tied to cost or dollar value thresholds, as opposed to project impacts.

"Every transportation project is unique, and not all projects require the same rigorous environmental review process that is necessary for much larger projects," said FTA Administrator Peter Rogoff. "These common-sense changes will help balance responsible environmental stewardship with delivering transportation solutions to communities more quickly — in some cases shaving more than a year off of the environmental review process."

As with any new initiative of this type, it remains to be seen how much streamlining and efficiency impact the addition of the two new CE categories will actually promote. The environmental resource agency representatives still have significant input in determining just how much environmental analysis is necessary for any particular project to comply with NEPA requirements. By creating these two new CE categories, the major impact should be reducing some procedural requirements for those types of projects than would not have qualified for CE designation prior to this regulatory revision.

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# GRAND PARKWAY SH99

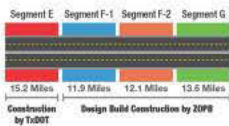
# New Managed Lanes Facility in Harris and Montgomery Counties, Texas

By John Dutch, Senior Manager, O. R. Colan Associates



The Texas Department of Transportation (TxDOT) embarked on possibly one of the most aggressive schedules ever undertaken by a State Department of Transportation when they teamed with Zachry-Odebrecht Parkway Builders (ZOPB) and established the goal of designing, acquiring the right of way and constructing approximately 38 miles of highway on new alignment through Harris and Montgomery Counties within 27 months. This portion of the Houston Grand Parkway (SH99 segments F-1, F-2 and G) will start at U.S. 290 and end at U.S. 59/I-69 and is the Northwest section of the 180 mile eventual loop around the greater Houston area. The project consists of more than 120 bridges, intermittent frontage roads and comprehensive utility infrastructure. Extensive environmental studies have been made

## Grand Parkway F-1, F-2 and G



Construction of Segments F-1, F-2 and G will commence in May 2013 and is expected to be substantially complete by the end of 2015. Aerial renderings are conceptual and preliminary and are subject to change.



### Overall Project Status

	PLANNING STUDIES UNDERWAY				PLANNING STUDIES UNDERWAY							
	A	B	C	D	E	F-1	F-2	G	H	I-1	I-2	
Construction Start	N/A	2017	2018	1989	2011	2013	2013	2013	2012	2013	2008	
Open to Traffic	N/A	2018	2019	1994	2013	2015	2015	2015	2010	2010	2008	
Number of Miles	9.5	28.2	26.9	18.2	15.2	11.9	12.1	13.6	22.5	14.8	14.5	

For more information:  
1-855-99GRAND  
[www.grandparkway99.com](http://www.grandparkway99.com)

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PARKWAY BUILDERS



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**The ORC Grand Parkway Team** – Back Row (L to R): Bobby Mears, Iris Pounds, Annie Hunter, John Dutch , Gymetta Oliver, Sunshine Vanover, Briana Miller, Amber Tinnel, Joanna Cooley, Jeran Collins. From Row (L to R): Shantelle Mears, Maria Beltran, Carmen Smith, Angie Mims, Paula Ferreira-Smith. Not pictured: Todd Keizer.

to ensure appropriate planning for retention ponds, as well as wildlife and vegetation habitats. Notice to proceed for the \$1.1 billion Project was issued by TxDOT on March 22, 2013 with an expected completion date of July 15, 2015.

Zachry-Odebrecht Parkway Builders was selected by TxDOT as the prime consultant to lead a team of designers, right of way specialists and provide construction of this project. Even though TxDOT embarked on some early acquisition, right of way was always the “critical path” and required a large team of right of specialists thinking outside the box to acquire property on a fast-track schedule.

As a sub-consultant to ZOPB, O.R. Colan Associates played a major role in the delivery of over 475 parcels of land and the relocation of more than 319 residents and businesses along the Grand Parkway corridor. Our team of specialists in our Houston office contributed in the many facets of land acquisition, including title research, appraisals, appraisal reviews, acquisition and relocation services. This will be accomplished without the use of special incentives or additional compensation for landowners.

*“Zachry Odebrecht Parkway Builders (ZOPB) selected OR Colan to participate in the Right of Way (ROW) acquisition process early on in the bidding stage of the project, primarily due to the fact that they are very well respected and considered to be leaders in the industry. It goes without saying, OR Colan was willing to partner with us in tackling the monumental task of ROW acquisition on the Houston Grand Parkway and the commitment and performance is much appreciated.”*

**Vic Rosen**  
ROW Manager  
Zachry Odebrecht Parkway Builders



## ORC Announcements



Carmen Johnson

### CARMEN JOHNSON

Carmen Johnson has been promoted to Vice President of Finance and Administration for O. R. Colan Group, LLC and promoted to full membership on the ORC Leadership Team. Prior to joining ORC in 2004, Carmen was a trainer with Deltek. In 2008 she was promoted to Controller and has been a trusted financial advisor of the Leadership Team for several years. Carmen earned a Bachelor of Science degree from the University of Wyoming; a Master of Business Administration from Boise State University; a Master of Accountancy from Florida Atlantic University; and the Project Management Certification from the University of North Carolina.



Allen Thompson, SR/WA

### ALLEN THOMPSON, SR/WA

We would like to welcome Allen L. Thompson, SR/WA, as our new Senior Manager for the Ohio profit center and for the highway portion of the Pennsylvania profit center. He is based in our Fairview Park office. Prior to joining O.R. Colan, Allen was co-owner of a firm that he managed for 13 years, which specialized in eminent domain real estate transactions as well as management of appraisal, title and related services for the Pennsylvania Department of Transportation and other public agencies. He is also a licensed real estate broker in the state of Pennsylvania. Allen has over 25 years' experience in leadership and management in the real estate and right-of-way business.

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*Peter Carpenter, J.D.*

## **PETER CARPENTER, J.D.**

We are also very pleased to announce the addition of Peter Carpenter to our Senior Manager group. Peter will be responsible for the Arizona, Arkansas, Louisiana and Nevada profit centers. Peter will work from our offices in Cincinnati, Ohio.

Peter also brings more than 25 years of experience in real estate services for public infrastructure. Prior to joining ORC he was with a right of way company in California. He also worked for the Metropolitan Water District of Southern California; was the Director of Special Projects for the University of Irvine in California and the Associate Director of Legal Affairs for Ohio University in Athens, Ohio. He and his wife reside in Cincinnati, Ohio. He has a Bachelor of Arts Degree from Allegheny College; a Master of Arts Degree from Bowling Green State University; and a Juris Doctor Degree from Ohio Northern University College of Law.

## **On the Road with Bob: The Best Fruitcake You May Have Never Tasted!**

*By Bob Merryman, Senior Vice President, O. R. Colan Associates/ORC Training, LLC*



*Bob Merryman*

In my role as Senior VP for O. R. Colan Associates and ORC Training, LLC, much of my time is spent on the road either teaching courses for the National Highway Institute (NHI); or working on one of the many Project Management Oversight teams for transit projects nationwide; or attending conferences; or delivering customized training to a public agency. However, I do get home occasionally and home is in St. Louis, Missouri. Around the holidays I like to make an annual trip to a Trappist Monastery in Southwest Missouri that makes fruitcakes. A typical fruitcake can be the source of many jokes, but these Assumption Abbey cakes are different from any you may have tasted. They are sweet, but not too sweet; and have just the right amount of cake to hold all the fruit and nuts together.

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The monk bakers preparing the fruitcakes.

A typical testimonial from a customer sums it up well:

*Dear Sirs, I am writing to share with you that I do not like fruitcake. In fact, I HATE IT! That was until a friend sent me a gift from Assumption Abbey. I remember groaning when I opened it. But I resolved to try it and then proceeded to eat just about the whole thing by myself. Just wanted you to know how wonderful your recipe is, and I hope other fruitcake haters won't hesitate to give it a try! It is AMAZING!!!!!!*

The unique recipe was a gift from Chef Jean-Pierre Auge who once prepared meals for the Duke and Duchess of Windsor. His gift enabled the monks to produce one of the best fruitcakes in the United States. It has been featured on numerous television shows and in various newspaper articles. Cathy Muth recently sent me an article she found in the Fort Lauderdale newspaper discussing the fruitcakes.

One of the tenets of monastic life is that each monastery be self-sufficient. So before a new monastery is formed, a plan is developed that will enable the monastery to pay for all of its costs and sustain its members. The Assumption Abbey near Ava, Missouri makes a reported 32,000 fruitcakes a year to support itself. The monastery sells them through their website and through the Williams and Sonoma catalog site. Many local stores in the area also sell the cakes. However, if you feel like a road trip, you can visit the monastery to buy the fruitcakes, hike the grounds, and see the public areas of the abbey.



The finished fruitcakes ready to ship.

I have been buying fruitcakes at the monastery for about ten years, but had never actually seen the inside of the bakery. Two years ago, I managed to get a tour of the facility from the head baker. The process begins with the soaking of the fruit in a wine mixture. The fruit is allowed to soak overnight so it adds to the overall moistness of the cakes. The monks then combine the fruit with nuts and other cake ingredients, and bake the cakes in a huge oven, 125 at a time. Once they are cooled, each cake is hand decorated by the monks and injected with a small amount of Castillo Gold Rum. And lastly, to assure that these fruitcakes are unlike any others you might find, a prayer is offered for each batch of fruitcakes, and for the people who will eventually enjoy them.

The all day road trip to buy fruitcakes is also an adventure. It is about a four hour drive from the St. Louis area, but there are lots of possible side trips. There can be side trips to pick wild grapes along Bryant Creek; to have lunch at the Rockbridge Trout Ranch; or to visit a huge fresh water spring feeding into the Current River. The best time of year to go is in the fall when the trees are changing colors.

So how were the fruitcakes this year? They were excellent. A recent check of the website indicates that this year was a "sellout" and no cakes are available until February. It seems Valentine's Day is also a big selling season for the fruitcakes. Want to try one? The website is [www.assumptionabbey.org](http://www.assumptionabbey.org)