



CITY COUNCIL

Mayor

Justin Fischer

Mayor Pro Tem

Laura Marie Casey

David Staudt

Brian Smith

Ericka Thomas

Matt Heintz

Priya Gurumurthy

City Manager

Victor Cardenas

City Clerk

Cortney Hanson

City of Novi

45175 Ten Mile Road
Novi, Michigan 48375
248.347.0460
248.347.0577 fax

cityofnovi.org

Deena Woodward
MDOT Environmental Services Section
425 West Ottawa Street
P.O. Box 30050
Lansing, MI 48909

RE: JN 219309 Beck Road Corridor Improvement Project Environ

Dear Ms. Woodward,

The City of Novi is excited to begin construction on the first segment of the Beck Road Corridor Improvement Project. The project will bring much-needed improvements to a very congested minor arterial road in our community. The City has engaged with our business community, adjacent municipalities, and the public for several years while planning the needed improvements to this important corridor. We were delighted when we learned that the project received funding through the FY 22 Community Project Funding/ Congressionally Directed Spending as part of the federal Highway Infrastructure Program.

We enlisted the services of AECOM Great Lakes, Inc. (AECOM) to usher this project through planning, design, and construction, including the necessary environmental clearance. AECOM introduced the project to MDOT as early as the spring of 2021, even before construction funding was granted. At that time, we were advised that an environmental assessment (EA) would likely be needed to address National Environmental Policy Act (NEPA) requirements and obtain environmental clearance.

In May of 2023 we began in earnest to move an EA forward when we held a meeting to re-introduce the project to current MDOT Local Agency Program staff, including a desired timeline to ensure the project would meet the obligation deadline of September 30, 2025. We learned that MDOT was in the process of revamping their environmental reviews of local agency projects. MDOT shared the MDOT ESS LAP Draft Environmental Assessment Process flowchart to follow and indicated a MDOT Form 5323 Local Agency Environmental Clearance Form would be needed as a first step for MDOT to begin their review and confirm the appropriate class of action for NEPA study. A MDOT Form 5323 was submitted to MDOT on July 7, 2023. An MDOT response was received approximately seven weeks later along with several questions and requests for additional information.

AECOM and MDOT met and corresponded over the coming months culminating with submittal of a revised draft MDOT Form 5323 on October 2, 2023. MDOT reviewed the submittal over the next several weeks and provided additional comments and questions on November 9, 2023. A revised MDOT Form 5323 was submitted on December 11, 2023, which MDOT subsequently signed and submitted to the FHWA for concurrence that an environmental assessment was the appropriate class of action for NEPA study. FHWA concurrence was received on January 21, 2024, over six months after the initial submittal of MDOT Form 5323. Throughout the process, it seemed that MDOT expected a level of detail that would only be available with near-final design, rather than simply identifying the potential risks and unknowns that can be identified to help inform the class of action decision to begin the NEPA process.

Moving past the class of action decision, MDOT and the project team began to focus on initiating the EA which required FHWA action. Following independent MDOT discussions with the FHWA and AECOM through February and March, the City sent a letter to MDOT on April 17, 2024, requesting that the EA be initiated. MDOT requested additional information and a revised request letter, which was provided on July 31, 2024, and again on August 8, 2024. MDOT finally submitted a letter to the FHWA on September 9, 2024, requesting that the EA be initiated at the federal level. FHWA formally initiated the EA on September 17, 2024, approximately eight months after the class of action was decided.

Another challenge has been the cultural resources review. On August 25, 2023, MDOT notified AECOM to submit a Section 106 Application. This was in advance of the process outlined in the provided flowchart which suggests the Section 106 process should begin once the FHWA initiates the EA. A Section 106 Application was submitted

Mayor and Council –

Apologies for not sending this earlier, but please see the correspondence below we sent to officials at MDOT regarding the Environmental Assessment process for the planned Beck Road work from 11 miles to Grand River. The correspondence was copied to all our state and federal representatives. In the future, we'll make sure any official communications sent to elected officials that Council will also be copied.

- Victor

to MDOT on September 29, 2023, that illustrated a "worst-case" footprint reflecting the stage the project was at in the NEPA process in which a preferred alternative had not been selected. MDOT requested additional information about six weeks later, then on December 1, 2023, MDOT sent an email stating the Section 106 Application could not be processed any further until a preferred alternative was selected through the EA. While not a schedule risk at the time, the amount of time it took to get the EA initiated (and associated confirmation of the studied alternatives) has now resulted in the cultural resources investigations being one of the controlling items of work and largest risk to completing a draft EA. The seasonality of cultural resources surveys further complicates the schedule, allowing only a small window to complete any field investigations.

Unfortunately, due to the time that has elapsed to first obtain class of action and then to get the EA initiated, we are now focused on completing the EA as quickly as possible with real risk of not meeting the federal obligation deadline. We aim to have a draft EA submitted for MDOT's first review by December 20, 2024, a mere three months after the EA was initiated. However, challenges will remain. Meeting the obligation deadline will require cooperation from all involved parties and even working outside of accepted norms. Standard review times by MDOT and FHWA will need to be cut. This project may need to be prioritized over others. This will all be necessary to successfully deliver the project and convey the will of the congressional directed spending.

Our concerns are real as is our hope that this project will be successfully delivered. To accomplish this, we will need MDOT's full attention and cooperation which the City respectfully requests. We also understand that MDOT is the intermediary with the FHWA, who's cooperation is also essential. **Without full cooperation of both agencies, the City risks losing over \$4 million dollars of federal funding which cannot be replaced.**

I sincerely hope that you understand the urgency and importance of this situation. We look forward to your expedited assistance and attention to this project. Should you desire to discuss any of these matters, please contact Jeff Herczeg, Director of Public Works, at 248-735-5640 or JHerczeg@cityofnovi.org.

Sincerely,



Victor Cardenas
City Manager
City of Novi

cc: Congresswoman Haley Stevens
Congresswoman Debbie Dingell
Representative Kelly Breen
Taryn Nance, FHWA
Dee Parker, MDOT
Jeff Herczeg, City of Novi
Sean Kelsch, AECOM