

**Federal Highway Administration  
Finding of No Significant Impact**

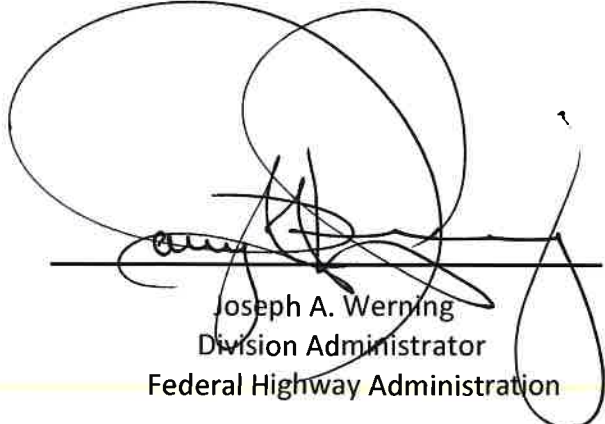
**For  
RRZ-TMT-1705(3)  
CN: 61457**

**Lexington East Viaduct  
City of Lexington, Dawson County, Nebraska**

The Federal Highway Administration (FHWA) has determined that this project will not have any significant impact on the human environment or natural environment. This Finding Of No Significant Impact (FONSI) is based on the enclosed Final Environmental Assessment which has been independently evaluated by the FHWA and determined to adequately and accurately discuss the need, environmental issues, and impacts of the proposed project and appropriate mitigation measures. It provides sufficient evidence and analysis for determining that that an Environmental Impact Statement is not required. The FHWA takes full responsibility for the accuracy, scope, and content of the attached Final Environmental Assessment.

12-17-19

Date

  
\_\_\_\_\_  
Joseph A. Werning  
Division Administrator  
Federal Highway Administration

# Lexington East Viaduct Control Number 61457 Project Number RRZ-TMT-1705(3) Final Environmental Assessment



For



12/17/19

Date



for  
Project Sponsor



12/10/19

Date



for  
Project Sponsor



12/04/2019

Date

The following persons may be contacted for additional information:

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This Final Environmental Assessment has been prepared in accordance with provisions and requirements of 42 United States Code 4332 (2)(c) and 23 Code of Federal Regulations 771 and 774, relating to the implementation of the National Environmental Policy Act of 1969.

The signatures above indicate verification that the content of the attached document/errata sheet accurately reflects the scope of this project.

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## 1.0 Introduction

This Final Environmental Assessment (Final EA) was written in Errata Form, meaning it identifies changes in the Draft Environmental Assessment (Draft EA) since it was approved by FHWA for public distribution. The purpose of this errata is to respond to comments, and provide additions or changes to the Draft EA where necessary. This document in conjunction with the June 25, 2019 Draft EA constitutes the completed National Environmental Policy Act Document.

This Final EA contains the following sections:

- Changes in the Draft EA – This section shows where text was changed in the Draft EA and explains why.
- Public Hearing – This section summarizes the “why, when, and where” of the public hearing.
- Public Comments – This section shows public comments and how the project team responded to the comments on the Draft EA.
- What’s Next – This section defines the next steps for the Lexington East Viaduct project.

1 **Lexington East Viaduct**  
2 **Control Number 61457**  
3 **Project Number RRZ-TMT-1705(3)**  
4 **Draft Environmental Assessment**  
5  
6 Submitted Pursuant to 42 USC 4332(2)(c) and 23 CFR 771, 772 & 774  
7 to the US Department of Transportation, Federal Highway Administration  
8 by the City of Lexington and Nebraska Department of Transportation  
9 Project Sponsor signatures indicate verification that the content of this document and the scope of the  
10 project are accurate. FHWA signature gives approval to distribute this information for public and agency  
11 review and comment. Such approval does not commit to approve any future grant requests to fund the  
12 Preferred Alternative.  
13

|  |   |  |
|--|---|--|
| <br>for<br><br>6/25/19<br>Date | <br>for<br>Project Sponsor<br><br>6/25/19<br>Date | <br>for<br>Project Sponsor<br><br>05-10-2019<br>Date |
|--|---|--|

The following persons may be contacted for additional information:

|  |  |   |
|--|--|---|
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|--|--|---|

**The Draft EA was approved for public distribution on June 25, 2019.**

## 2.0 Changes in the Draft EA

The Draft EA was approved for public distribution by the FHWA on June 25, 2019. As part of the approval, a public hearing was scheduled to get public feedback on the project and the Draft EA.

The public hearing was held on September 12, 2019. No public comments required changes to the text in the Draft EA, see Section 4.0 (below).

This Final EA identifies several universal changes that apply to the Draft EA text:

- The document footer was changed to reflect changes in November 2017
- References to the “Preferred Alternative” is changed to the “Selected Alternative.”
- References to the “Nebraska Department of Environmental Quality” or “NDEQ” are hereby changed to the “Nebraska Department of Environment and Energy” or “NDEE”.
- References to “would” in the “Preferred Alternative” are hereby changed to “will”.
- In the Environmental Commitments and Mitigation section, references to “would” and “will” in connection with the Project Sponsor or Contractor’s responsibility to comply with required mitigation measures are hereby changed to “shall”.

Additionally, as shown in Table 1, there were some minor changes to the Draft EA, but these did not alter the analysis or conclusions. In Table 1, there are two ways to see the changes in the Draft EA text:

- ~~Strikethrough~~ means it was removed from the Draft EA and
- **Bold** means that it was added to the Draft EA.

**Table 1. Changes to text in the Draft EA**

| Section  | Draft EA   | Final EA   | Reason   |
|--|--|--|--|
| Section 1 – Purpose and Need   | No change  |  | The Purpose and Need of the project did not change |
| Section 2 – Alternatives Analysis  | No change  |  | No additional alternatives were added or analyzed  |
| <b>Section 3 – Affected Environment</b>  |  |  |  |
| Environmental Resources with Streamlined Analysis  | As describe in Chapter 2 of this <del>DEA</del> , the City of Lexington and NDOT studied five Build Alternatives and a No Build Alternative for this proposed project.   | As described in Chapter 2 of this <b>Draft EA</b> , the City of Lexington and NDOT studied five Build Alternatives and a No Build Alternative for this proposed project.   | Typographical error                                |
| Environmental Resources with Streamlined Analysis, Table 4 (Farmland Alternative Comparison) | The Preferred Alternative converts approximately 1.6 acres of farmland near County Roads 435, 436, 754, 755 and US 30 to a transportation use. Portions of farmland within this area are planned to be converted to future commercial/industrial land uses as identified in <i>Lex-Plan 2013</i> . | The Selected Alternative converts approximately 1.6 acres of farmland near County Roads 435, 436, 754, 755 and US 30 to a transportation use. Portions of farmland within this area are planned to be converted to future commercial/industrial land uses as identified in <b><i>The Lex-Plan 2013</i></b> . | Typographical error                                |

**Table 1. Changes to text in the Draft EA, continued**

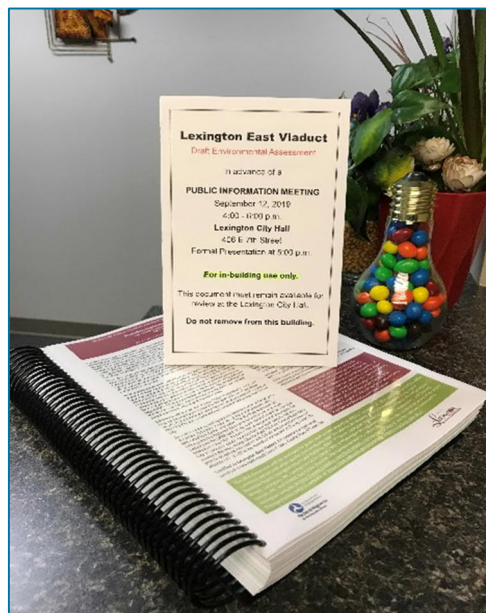
| Section  | Draft EA   |   | Final EA  |
|--|--|---|---|
| Section 4 Public Involvement                                   | No change  |   | No additional public involvement activities; except for the public hearing which is documented in Appendix 1 of this Final EA |
| Section 5 – Environmental Commitments and Mitigation, Table 11 | No commitment identified specifically under the Section 4(f) row in the table          | <p style="color: green; text-align: center;"><b>Section 4(f) properties near construction activities shall be identified on design plans and marked for avoidance during construction.</b></p> <p style="text-align: center;">Responsible Party:<br/><b>City of Lexington</b></p> | Changed to address FHWA comment on the Draft EA   |
|  | No commitment identified specifically under the Cultural Resource Section in the table | <p style="color: green; text-align: center;"><b>Cultural resources near construction activities shall be identified on design plans and marked for avoidance during construction.</b></p> <p style="text-align: center;">Responsible Party:<br/><b>City of Lexington</b></p>      |   |
| Section 6 Conclusions and Next Steps                           | No change  |   | No changes to the project next steps  |
| Section 7 - References   | No change  |   | No additional references were added or removed  |
| Section 8 List of Preparers, WSP USA, Inc                      | <del>Karl Fredrickson, PE,</del><br>Project Manager                                    | <b>Michelle Winkelmann, PE,</b><br>Project Manager  | Consultant change in personnel  |

### **3.0 Public Hearing**

A public hearing provided the public an opportunity to comment on the Draft EA and the project. Prior to the public hearing, the Draft EA was available for review at the following locations during regular business hours:

- Lexington Municipal Building, 406 E. 7th Street, Lexington, Nebraska
- Dawson County Courthouse, 700 N. Washington Street, Lexington, Nebraska
- Lexington Public Library, 907 N. Washington Street, Lexington, Nebraska
- Nebraska Department of Transportation (NDOT) Headquarters, 1500 Highway 2, Lincoln, Nebraska
- FHWA Nebraska Division, 100 Centennial Mall N., Lincoln, Nebraska.

The Draft EA was also available for review on the City of Lexington website (<http://www.cityoflex.com/find-info/city-services/public-records>) and on the NDOT website (<https://dot.nebraska.gov/projects/environment/pubs/project-docs/>).



**The Draft EA was available at numerous locations and on-line**



**The public hearing on Thursday, September 12, 2019 was held in the City Council Chambers at the Lexington Municipal Building from 4:00 PM to 6:00 PM**

The public hearing occurred at the Lexington Municipal Building because of its size, close proximity to the project, and compliance with the Americans with Disabilities Act (ADA). Approximately 34 people, not including personnel from the City of Lexington, NDOT, and the consultant project team, attended the public hearing.

**Public hearing materials were translated into Somali and Spanish. Interpreters were also available.**

Between 4:00 and 5:00 PM, the public was able to review project information and the Draft EA. At 5:00 PM the project team conducted a formal presentation, which was followed by a public forum where people could provide verbal comments on the project and the Draft EA. A court reporter recorded the presentation, the public forum, and public comments. A complete transcript of the public hearing is found in Appendix 1. Space was also available for the public to provide written comments, if desired. Public and agency comments were received until September 27, 2019.

## 4.0 Public Comments

Eight comments were received during the public comment period for the project. These comments and the responses are provided in Table 2. For privacy reasons, the name and contact information of each commenter is not provided in Table 2.

The Public Hearing Report is provided in Appendix 1 and provides the materials and summary of the public hearing.

## 5.0 Project Mitigation Measures

To comply with applicable federal, state, and local legislation, as well as any general or special conditions required by pending permits, the mitigation measures/environmental commitments identified in Table 3 shall be incorporated into the project. These commitments shall be implemented during the appropriate project phase. The mitigation measures are presented in association with the resource for which they most directly act to avoid or minimize impacts. Although some of the listed measures apply to multiple resources, they are listed only once, under the resource that they most directly benefit.

In addition to the mitigation measures, NDOT Standard Specifications and Special Provisions shall be applied to provide specific methodology.

**Table 2. Public Comments Received**

| Comment  | Response  |
|--|---|
| <p><b>Comment 1:</b><br/>I am the owner of Kohl Welding and Machining LLC. It's located just south of Holdrege Irrigation. Your viaduct is going to dramatically affect my customers getting to my location. Are you planning on subsidizing the loss of income during and after construction of the viaduct? I will have to travel across Holdrege Irrigation to get to my shop. How will I get to my property if they will not allow me to cross their property? I do not believe this viaduct will help anyone out. I also have steel trucks coming in and out of my property. When the gravel road to the north of me gets really soft cause of rain. How will it get my steel trucks down that road without getting stuck or destroying the road?</p> | <p>The City of Lexington appreciates your input concerning the proposed viaduct over US Highway 30 (US-30) and Union Pacific Railroad (UPRR) at Road 435 in Lexington.</p> <p>The information presented at the public hearing depicted the preliminary design for future improvements that would construct a viaduct over US-30 and UPRR at Road 435. Property impacts, including relocation of access points, and right-of-way limits would be evaluated and finalized during the final design stage of the project. At that time, if impacts to your property are identified, an NDOT representative would contact you to review your specific concerns and the acquisition process. Your input is valuable and will be considered as we progress with the final plan development for the project.</p> <p>In regard to your comment and concern over access to your business during construction, the City of Lexington would work to phase construction of the proposed project to minimize inconvenience.</p> <p>We appreciate the feedback that you have provided. Thank you for your participation.</p> |



**Table 2. Public Comments Received, continued.**

| Comment  | Response  |
|--|---|
| <p><b>Comment 2:</b><br/>Road A and Road B: Currently Roads A&amp;B are designed to be a 24' Road with 6' Shoulders. With farm equipment getting bigger and implements wider, I believe this would be a good time to make Roads A&amp;B a little wider for travel. I feel these Roads should be 30' wide with 6' shoulders on each side to allow for the wider equipment and if they were to meet any oncoming traffic it would allow them to pull over to the side of the road and on to the shoulder to allow any traffic to safely pass by.</p> <p>I think it could be a safety concern and now would be the time to address this potential problem.</p> <p>For example: A combine with a 12R cornhead is 31' or there are other types of heads that can be up to 35' and 40' wide. I don't think a 24' Road w/6' shoulders allow enough room for the equipment to get over to allow traffic to pass.</p> <p>Walnut Street Turn around: I believe there is an easement for a turn in to Titan Machinery Property between Downey Drilling and Titan Machinery. Customers will be entering Titan's property from the south heading north and some of these customers could be driving Grain Trucks, Semis with Trailers or Pickups with a Livestock Trailer. These customers need a way to turn around to go back out the same exit they came in, so a turn around of some kind would be need at the end of Walnut Street since the proposal shows this street being closed at Walnut &amp; Road 435. Something similar to a Cul-de-sac or Round-about at the end of the street so our customers can turn around their large vehicles easily.</p> <p>For safety reasons, Titan would not want this potential traffic flowing between our 2 buildings, so it would be very convenient &amp; beneficial for Titan &amp; for our customers to be able to turn around safely and easily and exit the property via the same driveway they came in.</p> | <p>The City of Lexington appreciates your input concerning the proposed viaduct over US Highway 30 (US-30) and Union Pacific Railroad (UPRR) at Road 435 in Lexington.</p> <p>The information presented at the public hearing depicted the preliminary design for future improvements that would construct a viaduct over US-30 and UPRR at Road 435.</p> <p>In regard to your comments concerning the width of Road A and Road B and a suggested turnaround for Walnut Street, appropriate design parameters will be considered. Roadways will be evaluated and finalized based on appropriate design criteria, including vehicle type, turning radius, traffic volume, visibility and drainage requirements during the final design stage of the project. Property impacts, including relocation of access points, and right-of-way limits would also be evaluated and finalized during the final design stage of the project. At that time, if impacts to your property are identified, an NDOT representative would contact you to review your specific concerns and the acquisition process. Your input is valuable and will be considered as we progress with the final plan development for the project.</p> <p>We appreciate the feedback that you have provided. Thank you for your participation.</p> |

**Table 2. Public Comments Received, continued.**

| Comment  | Response  |
|--|---|
| <p><b>Comment 3:</b><br/>As a 53 year old farmer having lived my entire life on the East side of Lexington, I am dismayed with a key aspect of the proposed new overpass. While I do agree with Concept A as the preferred plan, and most aspects of Concept A, I am very much opposed to the narrow width. This seems like a short-sighted attempt for cost cutting, and only a partial fulfillment of what is needed from this project.</p> <p>For as long as this project has been proposed and discussed, I have heard often how this overpass needs to be wide enough for ag equipment to reach the ag dealerships along 435. This concern should also include accessibility for Orthman North, Orthman South, Bauer Built Tire, Eilers Welding, Shotkoski Hay Co and others who need to move equipment between North and South sides of town. The closure of the crossing at Road 436 makes the trek with wide equipment around this overpass a minimum 4 miles longer. Almost no “20 foot” wide equipment is folding, and will typically measure 22 to 23 feet wide. As rear mounted equipment gets wider than 25 feet, most will have folding capability, although still remain plenty wide. On the front of combines, headers of 20 to 30 feet are most common, will not be folding, and will measure an extra 2 feet wider each. Headers wider than that are generally trailed.</p> <p>I am also concerned for Hwy 21/283 truck traffic travelling through town. This project promotes a natural bypass around Lexington on the East side. Cattle coming to Tyson from the North comes to mind. Having operated semi trucks for 35 years, I can understand the complaints of the Hwy 21 trucks using the west overpass. If a driver is less experienced, unfamiliar with the overpass, or driving at night with the glare and reflections that go with it, coming upon that overpass from the North and getting funneled to the left between a narrow wall and median is dangerous. I can’t believe we have a proposal for another narrow overpass!</p> <p>My hope is that the new overpass will keep the same design as Road 435 with the center turning lane, be 50 feet between guard rails, providing room to cross ag equipment without stopping traffic on the other side, and give an extra margin of room between North and South bound lanes. This project should be built to meet the needs of East Lexington traffic long into the future.</p> <p>Thank you for your consideration.</p> | <p>The City of Lexington appreciates your input concerning the proposed viaduct over US Highway 30 (US-30) and Union Pacific Railroad (UPRR) at Road 435 in Lexington.</p> <p>The information presented at the public hearing depicted the preliminary design for future improvements that would construct a viaduct over US-30 and UPRR at Road 435.</p> <p>In regard to your comment that the design of Road 435 be wide enough to accommodate agricultural equipment, appropriate design parameters would be considered. The preliminary design for the viaduct over US-30 and UPRR at Road 435 is 42 feet wide which meets current design criteria for the functional class of roadway. Roadways will be evaluated and finalized based on appropriate design criteria, including vehicle type, turning radius, traffic volume, visibility and drainage requirements during the final design stage of the project. Your input is valuable and will be considered as we progress with the final plan development for the project.</p> <p>We appreciate the feedback that you have provided. Thank you for your participation.</p> |

**Table 2. Public Comments Received, continued.**

| Comment  | Response  |
|--|---|
| <p><b>Comment 4:</b><br/>I was not able to attend the recent hearing about the Lexington East Viaduct. I own the farmland just north of County Road 755 that the project is closing. Currently, that road is the only way my tenant can access my farmland because the City of Lexington’s drainage ditch cuts off access from the north. Removing this road causes me great concern, as the value of my farmland will be greatly impacted if we do not have access in order to farm it. There is also a house that uses County Road 755 for access to their property.</p> <p>As I review the map, it also appears that the New Road (A) should be extended to East Industrial Park Road. Just think about all the turns a semi will be required to make coming from the north and going to the ethanol plant.</p> | <p>The City of Lexington appreciates your input concerning the proposed viaduct over US Highway 30 (US-30) and Union Pacific Railroad (UPRR) at Road 435 in Lexington.</p> <p>The information presented at the public hearing depicted the preliminary design for future improvements that would construct a viaduct over US-30 and UPRR at Road 435.</p> <p>In regard to your comment concerning access to properties, the City of Lexington would work to phase construction of the proposed project to minimize inconvenience, access to your property will be maintained at all times. Appropriate design parameters will be considered. Roadways will be evaluated and finalized based on appropriate design criteria, including vehicle type, turning radius, traffic volume, visibility and drainage requirements during the final design stage of the project. Property impacts, including relocation of access points, and right-of-way limits would also be evaluated and finalized during the final design stage of the project. At that time, if impacts to your property are identified an NDOT representative would contact you to review your specific concerns and the acquisition process. Your input is valuable and will be considered as we progress with the final plan development for the project.</p> <p>We appreciate the feedback that you have provided. Thank you for your participation.</p> |

**Table 2. Public Comments Received, continued.**

| Comment   | Response   |
|---|--|
| <p><b>Comment 5:</b><br/>My name is <b>(NAME REMOVED)</b>. I represent CMV and Case IH.</p> <p>The plan for the area North of Hiway 30 shows access into our property labeled 3A from Hiway 30. That is satisfactory for our customer access but I don't believe you want us driving equipment like combines and windrowers over the overpass, following Rd 755 to Hiway 30, turning East on Hiway 30, then turning left (North) access West Bound traffic into our lot 3A. We need additional access from the curved part of Rd 755 into our lot 3A and also access from the curved part of Rd 755 into our lot 3B.</p> <p>We have had easy direct access from Road 435 North or South into our property labeled #3 South of Hiway 30. We have also had access from Walnut via a right turn onto Rd 435 into our property. The overpass is going to change that access dramatically. The access you are proposing, a permanent easement through property labeled 5 is not satisfactory. A semi coming South from the overpass would have to make a sharp U-turn into lot 5 and then onto our property. If the Case-IH truck-trailer, currently 85' in total length, is hauling a combine with duals, that U-turn requires 100' from the center line of the road at a very low speed. That 100' puts the truck within 5' to 9' of the vehicles parked in front of the bldg. on lot 5. The 100' is with excellent road conditions and an experienced driver. I believe that is too close. Also the slow speed for the turn off could cause accidents from vehicles coming down the overpass at a higher speed. We understand and accept that the access point off Road 435 will be into property 5 but we do not believe there is enough room in front of the building on lot 5 for the U-Turns to be made safely.</p> | <p>The City of Lexington appreciates your input concerning the proposed viaduct over US Highway 30 (US-30) and Union Pacific Railroad (UPRR) at Road 435 in Lexington.</p> <p>The information presented at the public hearing depicted the preliminary design for future improvements that would construct a viaduct over US-30 and UPRR at Road 435.</p> <p>In regard to your comment concerning access to properties, the City of Lexington would work to phase construction of the proposed project to minimize inconvenience, access to your property will be maintained at all times. In regard to your comment concerning a history of drainage issues in the area, appropriate design parameters will be considered. Roadways will be evaluated and finalized based on appropriate design criteria, including vehicle type, turning radius, traffic volume, visibility and drainage requirements during the final design stage of the project. Property impacts, including relocation of access points, and right-of-way limits would also be evaluated and finalized during the final design stage of the project. At that time, if impacts to your property are identified an NDOT representative would contact you to review your specific concerns and the acquisition process. Your input is valuable and will be considered as we progress with the final plan development for the project.</p> <p>We appreciate the feedback that you have provided. Thank you for your participation.</p> |

**Table 2. Public Comments Received, continued.**

| Comment  | Response |
|--|----------|
| <p><b>Comment 5, continued.</b></p> <p>After the shortage of room on the U-Turn area is resolved, the access drive from lot 5 to our building will have to be built thru a drainage ditch and access an area that has experienced ponding of water after heavy rains for 45 years. There will have to be larger and more culverts installed to accommodate the runoff that drains into this road area. When we purchased this property we had easy access from all weather roads close to our building. We can accept the increased distance from the access turn off but the road from there to our building will have to be a secure all weather road. We paid taxes to help maintain road 435 for the last 40+ years, who is going to pay for the maintenance of the new access road.</p> <p>Also this access road will eliminate 15 to 20 percent of the equipment display area South of our building.</p> <p>We also expect that an access to Walnut Road will be built so that we have access to Walnut on the North side of our property.</p> <p>Our property has had excellent visibility from all directions. The overpass will block visibility from the East. There are two signs representing nearly a \$20,000 investment that will no longer be visible from the East. That loss of visibility may require more marketing \$'s.</p> <p>We also know that for 2 years during construction some of the display area in front of our bldg. will be lost. There will also likely be some loss of efficiency during the construction period.</p> <p>We totally understand the need for the overpass. We just want to work with you to solve the problems it creates for our location.</p> |          |

**Table 2. Public Comments Received, continued.**

| Comment   | Response   |
|---|--|
| <p><b>Comment 6: (Note: Transcribed by the court reporter during the public hearing)</b></p> <p>We're the or one my companies is the property owner of Lot 5. So, the only thing I'm going to say is I share Dave's concern, and we've talked about this over the past several years and we knew it was going to come to this point. So, I think for the record, we share Dave's concern and we're willing to work with Dave and the Titan folks. And we certainly understand the need for the overpass, as well, since we built our new building out there and I get to see it almost daily. So, I just want to let the folks here and all the folks involved, city, county, federal and state people know that we're on board with Dave and we'll do what we can. Okay.</p> | <p>The City of Lexington appreciates your input concerning the proposed viaduct over US Highway 30 (US-30) and Union Pacific Railroad (UPRR) at Road 435 in Lexington.</p> <p>The information presented at the public hearing depicted the preliminary design for future improvements that would construct a viaduct over US-30 and UPRR at Road 435.</p> <p>In regard to your comment concerning access to properties, the City of Lexington would work to phase construction of the proposed project to minimize inconvenience, access to your property will be maintained at all times. In regard to your comment concerning a history of drainage issues in the area, appropriate design parameters will be considered. Roadways will be evaluated and finalized based on appropriate design criteria including, vehicle type, turning radius, traffic volume, visibility and drainage requirements during the final design stage of the project. Property impacts, including relocation of access points, and right-of-way limits would also be evaluated and finalized during the final design stage of the project. At that time, if impacts to your property are identified an NDOT representative would contact you to review your specific concerns and the acquisition process. Your input is valuable and will be considered as we progress with the final plan development for the project.</p> <p>We appreciate the feedback that you have provided. Thank you for your participation.</p> |

Table 2. Public Comments Received, continued.

| Comment   | Response   |
|---|--|
| <p><b>Comment 7: (Note: Transcribed by the court reporter during the public hearing)</b></p> <p>My name is <b>(NAME REMOVED)</b>. Our family owns farmland, well, on both sides of 435 between 755 and 756. And, anyway, where 755 is going to be proposed to be closed or realigned and they're going to close a little bit of it going to Highway 30, we have a field there that it doesn't show any access to the field. I met -- I -- there's also a residence, and Verizon has a cell tower, so I assume you're not going to shut those people off, but. And when we want to take farm machinery, we're going to have to go out on Highway 30 now instead of stay on a county road. So, I'm also I guess, I'm curious, this 435, will it be changed any north of 755? Will that be any wider, or any changes? Or particularly the intersection of 435 and 756, which is a very busy intersection, are we possibly going to make it a little wider to make it more practicable for a semi to turn? Thank you.</p> | <p>The City of Lexington appreciates your input concerning the proposed viaduct over US Highway 30 (US-30) and Union Pacific Railroad (UPRR) at Road 435 in Lexington.</p> <p>The information presented at the public hearing depicted the preliminary design for future improvements that would construct a viaduct over US-30 and UPRR at Road 435.</p> <p>In regard to your comment inquiring if additional improvements be made to Road 435 north of Road 755, the limits of this project would begin and/or end approximately 500 feet north of the intersection of Road 435 and Road 755. No improvements to the intersection of Road 435 and Road 756 are included in this project.</p> <p>In regard to your comment concerning access to properties, the City of Lexington would work to phase construction of the proposed project to minimize inconvenience, access to your property will be maintained at all times. Appropriate design parameters will be considered. Roadways will be evaluated and finalized based on appropriate design criteria, including vehicle type, turning radius, traffic volume, visibility and drainage requirements during the final design stage of the project. Property impacts, including relocation of access points, and right-of-way limits would also be evaluated and finalized during the final design stage of the project. At that time, if impacts to your property are identified an NDOT representative would contact you to review your specific concerns and the acquisition process. Your input is valuable and will be considered as we progress with the final plan development for the project.</p> <p>We appreciate the feedback that you have provided. Thank you for your participation.</p> |

**Table 2. Public Comments Received, continued.**

| Comment  | Response   |
|--|--|
| <p><b>Comment 8: (Note: Transcribed by the court reporter during the public hearing)</b></p> <p>Looking at the diagram on County Road 755 where you go west and make the curve to get back on Highway 30, why cannot you put the overpass right there and get it across Highway 30 instead of messing around with the four businesses that's down on Road 435 on the south side and five businesses on the north side? I'd rather see you put the viaduct over across -- I don't know what you'd call that –</p> <p>COURT REPORTER: The west side?</p> <p><b>(NAME REMOVED):</b> That's -- that's -- this diagram you have right now of 755 going west and it curves back in to get on Highway 30, why cannot you put the overpass right there instead of messing with these businesses on 435? Thank you.</p> | <p>The City of Lexington appreciates your input concerning the proposed viaduct over US Highway 30 (US-30) and Union Pacific Railroad (UPRR) at Road 435 in Lexington.</p> <p>The information presented at the public hearing depicted the preliminary design for future improvements that would construct a viaduct over US-30 and UPRR at Road 435.</p> <p>In regard to your comment of your preference to build a new overpass west of Road 435, alternative alignments, including one to build a viaduct west of Road 435, were presented to the public on November 7, 2013. As a result of public feedback and further screening, the preferred alternative utilizing the existing alignment of Road 435 was carried forward as it best fit the Purpose and Need of the project considering any potential environmental, social and economic impacts.</p> <p>We appreciate the feedback that you have provided. Thank you for your participation.</p> |



**Table 3. Summary of Project Mitigation Measures**

| Issue                               | Mitigation Measures   | Responsible Party  |
|-------------------------------------|---|--|
| <b>Section 4(f)</b>                 | <ul style="list-style-type: none"> <li>Section 4(f) properties near construction activities shall be identified on design plans and marked for avoidance during construction.</li> </ul>  | <ul style="list-style-type: none"> <li>City of Lexington</li> </ul>                |
| <b>Cultural Resources</b>           | <ul style="list-style-type: none"> <li>Cultural resources near construction activities shall be identified on design plans and marked for avoidance during construction.</li> </ul>   | <ul style="list-style-type: none"> <li>City of Lexington</li> </ul>                |
| <b>Transportation and Traffic</b>   | <ul style="list-style-type: none"> <li>The City of Lexington shall notify the public of the start of construction by placing notices in the newspaper 14 calendar days before construction begins. Electronic message boards may be used before beginning construction activities. The City of Lexington shall also notify emergency services providers, such as police and fire departments, before construction activities begin, as well as maintain continued coordination throughout construction. Emergency services providers shall be invited to the pre-construction meeting for this project.</li> <li>Turn lanes shall be evaluated as plans for the viaduct are further defined.</li> </ul> | <ul style="list-style-type: none"> <li>City of Lexington</li> </ul>                |
| <b>Land Ownership and Land Uses</b> | <ul style="list-style-type: none"> <li>Coordination with property owners shall occur throughout final design to provide access points and minimize impacts for businesses and residences in the area.</li> </ul>  | <ul style="list-style-type: none"> <li>City of Lexington</li> </ul>                |
|                                     | <ul style="list-style-type: none"> <li>Property rights acquisition shall be conducted by paying fair market value for the property rights and damages that may occur. Right-of-way acquisition shall be conducted in conformance with the Federal Uniform Act, as amended, (42 USC 4601 et seq.) and the Nebraska Relocation Assistance Act (Neb. Rev. Stat. Section 76-1214 et seq.).</li> </ul>   | <ul style="list-style-type: none"> <li>City of Lexington</li> </ul>                |
|                                     | <ul style="list-style-type: none"> <li>Access to individual businesses, residences, and other facilities shall be maintained during construction.</li> </ul>  | <ul style="list-style-type: none"> <li>City of Lexington and Contractor</li> </ul> |

**Table 3. Summary of Project Mitigation Measures (continued)**

| Issue   | Minimization/Mitigation Measures  | Responsible Party   |
|---|---|---|
| <b>Socioeconomic Considerations and Environmental Justice (continued)</b> | <ul style="list-style-type: none"> <li>The contractor shall provide private dwellings, commercial properties, businesses, and public facilities access to and from the nearest intersecting public road or street. Accommodations shall be made to ensure local traffic passing within the limits of the project has access to private dwellings, commercial properties, businesses, agricultural properties, and public facilities. During those periods when a road is closed, even for a short duration, limited access shall be maintained for authorized local traffic. If access is to be closed longer than one day, the contractor shall coordinate with the affected property owners.</li> </ul> | <ul style="list-style-type: none"> <li>Contractor and City of Lexington</li> </ul>          |
|   | <ul style="list-style-type: none"> <li>During construction, access to neighborhoods and community facilities shall be maintained through controlled construction scheduling and/or provisions for alternate routes of entry. Any access changes shall be indicated by providing adequate signage and, where necessary, by working with the facility and/or property owner throughout the construction period to provide advanced notification of the changes.</li> </ul>  | <ul style="list-style-type: none"> <li>Contractor and City of Lexington</li> </ul>          |
|   | <ul style="list-style-type: none"> <li>The City of Lexington shall notify civic organizations serving LEP residents and emergency services, such as police and fire departments, before construction activities begin, as well as maintain continued coordination throughout construction. Civic organizations serving LEP residents and emergency service providers shall be invited to the pre-construction meeting for this project. Spanish and Somali interpreters shall be retained to provide information as needed.</li> </ul>  | <ul style="list-style-type: none"> <li>City of Lexington</li> </ul>                         |
|   | <ul style="list-style-type: none"> <li>All written information dispersed to the public about this project shall be translated into Spanish and Somali.</li> </ul>   | <ul style="list-style-type: none"> <li>City of Lexington and Contractor</li> </ul>          |
|   | <ul style="list-style-type: none"> <li>The director of the Lexington Somali Community Center shall be contacted to help disseminate or translate information for the Somali LEP population.</li> </ul>  | <ul style="list-style-type: none"> <li>City of Lexington and Contractor</li> </ul>          |
|   | <ul style="list-style-type: none"> <li>For the public hearing, interpreters shall be present for both Spanish and Somali populations. Notices shall be posted in Spanish and Somali to convey that the interpreters are available. <b>NOTE: COMPLETED</b></li> </ul>  | <ul style="list-style-type: none"> <li>City of Lexington</li> </ul>                         |
| <b>Protected Species</b>  | <ul style="list-style-type: none"> <li>A-1 - Changes in Project Scope. If there is a change in the project scope, the project limits, or environmental commitments, the NDOT Environmental Section must be contacted to evaluate potential impacts prior to implementation. Environmental commitments are not subject to change without prior written approval from FHWA.</li> </ul>  | <ul style="list-style-type: none"> <li>NDOT-District Construction and Contractor</li> </ul> |
|   | <ul style="list-style-type: none"> <li>A-2 - Conservation Conditions. Conservation conditions are to be fully implemented within the project boundaries as shown on the plans.</li> </ul>   | <ul style="list-style-type: none"> <li>NDOT-District Construction and Contractor</li> </ul> |

**Table 3. Summary of Project Mitigation Measures (continued)**

| Issue                                    | Minimization/Mitigation Measures   | Responsible Party   |
|--|--|---|
| <b>Protected Species<br/>(continued)</b> | <ul style="list-style-type: none"> <li>A-3 - Early Construction Starts. Request for early construction starts must be coordinated by the Project Construction Engineer with NDOT Environmental for approval of early start to ensure avoidance of listed species sensitive lifecycle timeframes. Work in these timeframes shall require approval from the FHWA and could require consultation with the USFWS and NGPC.</li> </ul>  | <ul style="list-style-type: none"> <li>NDOT-District Construction and Contractor</li> </ul>             |
|  | <ul style="list-style-type: none"> <li>A-4 - Endangered and Threatened Species. If federal- or state-listed species are observed during construction, contact NDOT Environmental. Contact NDOT Environmental for a reference of federal- and state-listed species.</li> </ul>  | <ul style="list-style-type: none"> <li>NDOT-Environmental, NDOT-Construction, and Contractor</li> </ul> |
|  | <ul style="list-style-type: none"> <li>A-5 - Refueling. Refueling shall be conducted outside of those sensitive areas identified on the plans, in the contract, and/or marked in the field.</li> </ul>   | <ul style="list-style-type: none"> <li>Contractor</li> </ul>  |
|  | <ul style="list-style-type: none"> <li>A-6 - Restricted Activities. The following project activities shall, to the extent possible, be restricted to between the beginning and ending points (stationing, reference posts, mile markers, and/or section township range references) of the project, within the right-of-way designated on the project plans: borrow sites, burn sites, construction debris waste disposal areas, concrete and asphalt plants, haul roads, stockpiling areas, staging areas, and material storage sites.</li> </ul> <p>For activities outside the project limits, the contractor shall refer to the Nebraska Game and Park Commission website to determine which species ranges occur within the off-site area. The contractor shall plan accordingly for any species surveys that may be required to approve the use of a borrow site, or other off-site activities. The contractor shall review Chapter 11 of the Matrix (on NDOT's website), where species survey protocol can be found, to estimate the level of effort and timing requirements for surveys.</p> <p>Any project-related activities that occur outside of the project limits must be environmentally cleared/permitted with the Nebraska Game and Parks Commission as well as any other appropriate agencies by the contractor and those clearances/permits submitted to the District Construction Project Manager prior to the start of the above listed project activities. The contractor shall submit information such as an aerial photo showing the proposed activity site, a soil survey map with the location of the site, a plan sheet or drawing showing the location and dimensions of the activity site, a minimum of four different ground photos showing the existing conditions at the proposed activity site, depth to ground water and depth of pit, and the "Platte River depletion status" of the site. The District Construction Project Manager shall notify NDOT Environmental which shall coordinate with FHWA for acceptance if needed. The contractor must receive notice of acceptance from NDOT, prior to starting the above listed project activities. These project activities cannot adversely affect state and/or federally listed species or designated critical habitat.</p> | <ul style="list-style-type: none"> <li>NDOT-Environmental, NDOT-Construction, and Contractor</li> </ul> |

**Table 3. Summary of Project Mitigation Measures (continued)**

| Issue                                | Minimization/Mitigation Measures   | Responsible Party  |
|--------------------------------------|--|--|
| <b>Protected Species (continued)</b> | <ul style="list-style-type: none"> <li>A-7 - Waste/Debris. Construction waste/debris shall be disposed of in areas or a manner which shall not adversely affect state and/or federally listed species and/or designated critical habitat.</li> </ul>   | <ul style="list-style-type: none"> <li>Contractor</li> </ul>   |
|                                      | <ul style="list-style-type: none"> <li>S-2 - Platte River Depletions. If within the Platte River watershed (including the Elkhorn, Salt Creek, Loup, Calamus, and Lower Platte drainage basins) include the following for all detention basin/retention basins, and borrow sites:<br/><br/>All efforts shall be made to design the project and select borrow sites to prevent depletions to the Platte River. If there is any potential to create a depletion, NDOT (during design) and the contractor (for borrow sites) shall follow the current Platte River depletion protocols for coordination, minimization, and mitigation. In general, the following are considered de minimis depletions, but may still require agency coordination; a project which: a) creates an annual depletion less than 0.1 acre feet, b) creates a detention basin that detains water for less than 72 hours, c) any diverted water shall be returned to its natural basin within 30 days, or d) creates a one-time depletion of less than 10 acre feet</li> </ul> | <ul style="list-style-type: none"> <li>NDOT- Environmental</li> </ul>                                |
|                                      | <ul style="list-style-type: none"> <li>S-3 – Revegetation. All permanent seeding and plantings (excluding managed landscaped areas) shall use species and composition native to the project vicinity as shown in the Plan for the Roadside Environment. However, within the first 16 feet of the road shoulder, and within high erosion-prone locations, tall fescue or perennial ryegrass may be used at minimal rates to provide quick groundcover to prevent erosion, unless state or federally listed threatened or endangered plants were identified in the Study Area during surveys. If listed plants were identified during survey, any seed mix requirements identified during resource agency consultations shall be used for the project.</li> </ul>  | <ul style="list-style-type: none"> <li>NDOT- Environmental</li> </ul>                                |
|                                      | <ul style="list-style-type: none"> <li>NLEB-1 – Tree clearing, bridge deck joint replacements over the bridge deck, bridge removal activities shall not occur between June 1 – July 31 to avoid impacts to the northern long-eared bat maternity roosting period.</li> </ul>   | <ul style="list-style-type: none"> <li>NDOT- Environmental, NDOT-Construction, Contractor</li> </ul> |
|                                      | <ul style="list-style-type: none"> <li>NLEB-2 – If tree clearing, bridge demolition, or removal of structures occurs during the northern long-eared bat maternal roosting period (June 1 — July 31), NDOT or a qualified biologist shall perform surveys prior to the start of these activities. If the species is absent, work may proceed. If the species is found, NDOT Environmental Section shall consult with the USFWS, NGPC, and FHWA prior to the start of construction.</li> </ul>   | <ul style="list-style-type: none"> <li>NDOT- Environmental, NDOT-Construction, Contractor</li> </ul> |

**Table 3. Summary of Project Mitigation Measures (continued)**

| Issue  | Minimization/Mitigation Measures   | Responsible Party  |
|--|--|--|
| <b>Wetlands and Waters of the US</b>             | <ul style="list-style-type: none"> <li>• Before any construction work, the City of Lexington shall obtain a Letter of Opinion of Non-Degradation from NDEE for impacts to Waters of the State of Nebraska (NDEE 2009).</li> </ul>  | <ul style="list-style-type: none"> <li>• City of Lexington and Contractor</li> </ul> |
|  | <ul style="list-style-type: none"> <li>• A CWA Section 404 permit from the USACE shall be obtained for impacts to jurisdictional waters of the US.</li> </ul>  | <ul style="list-style-type: none"> <li>• City of Lexington and Contractor</li> </ul> |
|  | <ul style="list-style-type: none"> <li>• At the discretion of NDEE, affected wetlands occurring within roadside ditches may be mitigated on-site at a 1:1 ratio if the project design allows the creation of new ditch wetlands adjacent to the affected areas. Appropriate mitigation sites shall require adequate hydrology and will be seeded with a mix of hydrophytic grasses and sedges appropriate for the region to create in-kind replacement. Monitoring the progress of vegetation establishment and evaluating hydrology shall be required to ensure the success of the mitigation wetland areas.</li> </ul> | <ul style="list-style-type: none"> <li>• City of Lexington</li> </ul>                |
| <b>Floodplains</b>                               | <ul style="list-style-type: none"> <li>• Construction of the Selected Alternative shall follow the City of Lexington and Dawson County floodplain management permits and guidelines. Floodplain permits and approvals shall be obtained during final design prior to construction.</li> </ul>  | <ul style="list-style-type: none"> <li>• City of Lexington and Contractor</li> </ul> |
| <b>Groundwater and Wellhead Protection Areas</b> | <ul style="list-style-type: none"> <li>• A portion of the project has been identified as being located within the City of Lexington Wellhead Protection Area. The City of Lexington shall use NDOT's Standard Specifications 107.01, 107.09, and 107.18 to address the contractor's responsibility to keep fully informed of, observe, and comply with federal, state, and local laws and ordinances that affect the conduct of the work.</li> </ul>   | <ul style="list-style-type: none"> <li>• City of Lexington and Contractor</li> </ul> |
|  | <ul style="list-style-type: none"> <li>• The Project Sponsor shall coordinate with the owners of wells that would be directly impacted by the proposed project. If the well is actively used, the Project Sponsor shall replace the well or pay the owner to replace the well. The Project Sponsor shall then have an independent contractor decommission the well after ROW negotiations and acquisitions are complete. If the well is not in use, the Contractor shall decommission the well after negotiations with the owner (City of Lexington, Contractor)</li> </ul>  | <ul style="list-style-type: none"> <li>• City of Lexington and Contractor</li> </ul> |
|  | <ul style="list-style-type: none"> <li>• A licensed water well contractor shall decommission any wells in accordance with the DHHS regulations under Nebraska Administrative Code Title 178, Water Well Standards, Chapter 12, Water Well Construction, Pump Installation, and Water Well Decommissioning Standards (Nebraska DHHS 2005).</li> </ul>   | <ul style="list-style-type: none"> <li>• City of Lexington and Contractor</li> </ul> |

**Table 3. Summary of Project Mitigation Measures (continued)**

| Issue                          | Minimization/Mitigation Measures   | Responsible Party  |
|--------------------------------|--|--|
| <b>Impaired Waters</b>         | <ul style="list-style-type: none"> <li>The City of Lexington shall obtain a Construction Storm Water (CSW) permit from NDEE and produce an associated project-specific Storm Water Pollution Prevention Plan (SWPPP). The Project Sponsor shall incorporate soil erosion and sediment control practices as detailed in the CSW permit and SWPPP. Permanent drainage and water quality facilities (that is, Best Management Practices [BMPs]) may be included with the final design to mitigate adverse impacts caused by storm water runoff. These BMPs shall protect water quality and provide a discharge velocity that is equal to or better than the current conditions. The project shall comply with CSW permit requirements.</li> </ul>   | <ul style="list-style-type: none"> <li>City of Lexington</li> </ul>                |
|                                | <ul style="list-style-type: none"> <li>The project-specific SWPPP shall outline mitigation measures during construction and maintenance requirements for all permanent BMPs. The SWPPP shall include a detailed Erosion and Sediment Control Plan as part of the roadway design set. These plans shall show temporary measures, such as silt fences, hay bales, soil retention blankets, inlet protection, and stabilized construction entrances. The design of measures to be taken shall be determined during final design.</li> </ul>   | <ul style="list-style-type: none"> <li>City of Lexington and Contractor</li> </ul> |
| <b>Platte River Depletions</b> | <ul style="list-style-type: none"> <li>If the borrow site is located within a depletion area of concern and it is identified that the site shall pond water after excavation, the contractor shall determine project-related impacts by calculating the evaporated loss of water at the borrow site by using the NRCS Consumptive Use Calculator. For borrow sites/detention basins that shall result in the exposure of groundwater in the North Platte River Basin, the contractor shall submit the borrow site request information to the NGPC and USFWS. This shall be done to determine ways to avoid depletions or provide offsets if depletions are to occur. Requests for borrow sites that occur outside the Platte River watershed shall be submitted to the Nebraska Department of Natural Resources (NDNR) for tracking surface water depletions.</li> </ul> | <ul style="list-style-type: none"> <li>Contractor and City of Lexington</li> </ul> |
|                                | <ul style="list-style-type: none"> <li>Borrow sites that expose groundwater and are obtained outside the PRRIP areas shall be offset according to the Biological Opinion prepared by NGPC in accordance with the Nebraska Nongame and Endangered Species Conservation Act (Nebraska Revised Statute 37-806 et seq. 2008). Borrow sites that pond water and occur outside the PRRIP area and the Platte River watershed shall be calculated using the NRCS Consumptive Use Calculator and submitted to the NDNR to be included in the report to the Governance Committee.</li> </ul>  | <ul style="list-style-type: none"> <li>Contractor and City of Lexington</li> </ul> |

**Table 3. Summary of Project Mitigation Measures (continued)**

| Issue   | Mitigation Measures  | Responsible Party  |
|---|--|--|
| <p><b>Hazardous and Special Waste Materials</b></p> | <ul style="list-style-type: none"> <li>If contaminated soils/water or unexpected wastes are discovered, the Contractor shall stop all work within the immediate area. The Contractor shall secure the area of the discovery and notify the NDOT State Representative. The Contractor shall not re-enter the discovery area until allowed to do so by the State Representative. At the time of discovery, the NDOT State Representative and Contractor shall utilize the Unexpected Waste Action Plan (UWAP) to coordinate appropriate actions. The actions to be carried out by the State Representative are (but not limited to): verification that the Contractor has suspended construction activities in the area of the discovery, contact the Environmental Section Manager and make an entry into Site Manager that an unexpected waste discovery was made. The State Representative shall then utilize the UWAP Site Discovery Check List to properly document the extent and type of waste. The State Representative shall ensure that proper disposal of the waste and any required health and safety mitigation is implemented by the Contractor. The Contractor is required by NDOT's Standard Specification section 107 (legal relations and responsibilities to the public) to handle and dispose of regulated material in accordance with applicable laws.</li> </ul> | <ul style="list-style-type: none"> <li>Contractor and NDOT</li> </ul>              |
| <p><b>Public Utilities</b></p>                      | <ul style="list-style-type: none"> <li>The contractor shall follow the guidelines of NDOT's Policy for Accommodating Utilities on State Highway ROW (NDOT 2001). It is the responsibility of the City of Lexington to notify utility companies of the need for relocation during the design stage. The City of Lexington shall coordinate utility agreements with the utility companies prior to construction. It is the responsibility of the contractor to notify utility companies of relocation needs during the construction phase for utilities that were not relocated prior to construction. If utility relocations using federal funds are located outside the environmental Study Area, those locations shall be evaluated before construction.</li> </ul>   | <ul style="list-style-type: none"> <li>Contractor and City of Lexington</li> </ul> |

**Table 3. Summary of Project Mitigation Measures (continued)**

| Issue                                 | Minimization/Mitigation Measures   | Responsible Party  |
|---------------------------------------|--|--|
| <b>Temporary Construction Impacts</b> | <ul style="list-style-type: none"> <li>Access to individual properties shall be maintained through construction sequencing. An access plan shall be developed during detailed design of the project. Public feedback on the access plan shall be obtained through the Public Hearing for the project.</li> </ul>   | <ul style="list-style-type: none"> <li>Contractor and City of Lexington</li> </ul> |
|                                       | <ul style="list-style-type: none"> <li>Nebraska Air Quality Regulations (NDEE 2014) state that no person may cause or permit a road being constructed or repaired without applying reasonable measures to prevent particulate matter (commonly referred to as dust) from becoming airborne and remaining visible beyond the premises where it originates. Slight wetting of the soil during demolition and earthwork activities to prevent dust from impacting on-site workers and any potential off-site migration is recommended. Additionally, the USEPA suggests the need for dust suppression when dry and dusty conditions are present to reduce the inhalation of dust, including the recommended use of dust masks by contractors. The contractor is required by NDOT's Standard Specification Section 309 to control dust during construction.</li> <li>Sensitive resources, such as wetlands, cultural resources and Section 4(f) properties near construction activities shall be identified on design plans and marked for avoidance during construction.</li> </ul> | <ul style="list-style-type: none"> <li>Contractor</li> </ul>                       |
| <b>Public Engagement</b>              | <ul style="list-style-type: none"> <li>The Draft EA shall be made available to the general public prior to the public hearing. <b>NOTE: COMPLETED</b></li> </ul>   | <ul style="list-style-type: none"> <li>City of Lexington</li> </ul>                |

## 6.0 What's Next

FHWA will review the Final EA and public comments on the Draft EA and shall determine if the project may be carried forward with a Finding of No Significant Impact (FONSI) or if an Environmental Impact Statement may be required. If a FONSI is issued by FHWA, final design of the Selected Alternative would occur. As part of the final design, roadways would be evaluated and finalized based on appropriate design criteria, including vehicle type, turning radius, traffic volume, visibility and drainage requirements. Property impacts, including relocation of access points, and right-of-way limits would also be evaluated and finalized during the final design. At that time, NDOT representatives would contact impacted land owners regarding specific concerns and the acquisition process.

*Once right-of-way limits and impacts are determined in final design, property acquisition will follow the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970*

Construction is anticipated to start as early as 2021 and be completed by fall of 2023.