

10. STATUTE OF LIMITATIONS

To facilitate certainty and predictability in the transportation decision-making process and in transportation program implementation, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) established a restriction on the statute of limitations regarding claims with respect to FHWA actions. This restriction was modified by Moving Ahead for Progress in the 21st Century by shortening the period during which such claims must be filed from 180 to 150 days.

Part A of Section 6002 of SAFETEA-LU makes clear that FHWA may publish a notice in the *Federal Register*, pursuant to 23 U.S.C. § 139(l), indicating that it and the cooperating federal agencies have taken a final action regarding the decision-making process for a proposed action. This final action (this ROD, for the South Mountain Freeway) pertains to all issues that have been addressed under the NEPA process, such as project alternatives, potential environmental effects of the proposed action, and the avoidance and minimization of impacts. Claims seeking judicial review of the FHWA action will be barred unless such claims are filed within 150 days after the date of publication of the notice regarding the statute of limitations for the proposed action. If no notice is published, then the period that would otherwise be provided by the federal laws governing such claims applies (typically 6 years).

11. DESIGN PHASE

ADOT will engage the public during design of the proposed action to address specific design-related issues as specified in the aforementioned commitment list. For projects like the South Mountain Freeway, ADOT, in the past, has held advertised public meetings to present design details—particularly to show where the freeway will be located, its profile, service traffic interchange configurations, noise barrier locations, and architectural treatments. Examples of this type of interaction can be found throughout Chapter 4, *Affected Environment, Environmental Consequences, and Mitigation*, in the FEIS. During the design phase, the public will be able to

contact ADOT through a project e-mail and telephone hotline.

12. CONSTRUCTION

During construction, ADOT typically holds information meetings at the beginning of construction activities regarding the upcoming improvements and work schedules. The public will be informed through construction updates/newsletters, project information hotlines, Web sites, periodic meetings, project offices, and radio and newspaper advertising.

13. POSTCONSTRUCTION

ADOT will be responsive to the general public when concerns arise regarding the freeway's operation. As an example, ADOT will respond to complaints regarding traffic-generated noise by monitoring postconstruction noise on request, as considered on a case-by-case basis. Examples of this type of interaction can be found throughout Chapter 4, *Affected Environment, Environmental Consequences, and Mitigation*, in the FEIS.

14. DETERMINATIONS AND FINDINGS

The *South Mountain Freeway (Loop 202) Interstate 10 (Papago Freeway) to Interstate 10 (Maricopa Freeway) Draft Environmental Impact Statement and Section 4(f) Evaluation* and the *South Mountain Freeway (Loop 202) Interstate 10 (Papago Freeway) to Interstate 10 (Maricopa Freeway) Final Environmental Impact Statement and Section 4(f) Evaluation* are part of the environmental record for the South Mountain Freeway project and support this ROD. These documents constitute the detailed statements required by NEPA and Title 23 of the U.S.C. on the following:

- the project's environmental effects
- adverse environmental effects that cannot be avoided if the project is implemented
- alternatives to the proposed project
- irreversible and irretrievable effects on the environment that might be involved with the project if it is implemented

15. ENVIRONMENTALLY PREFERABLE ALTERNATIVE

CEQ regulations [40 C.F.R. § 1505.2(b)] require the ROD to identify the environmentally preferable alternative. The *environmentally preferable alternative* is defined as the alternative that causes the least damage to the biological and physical environment and best protects, preserves, and enhances historic, cultural, and natural resources. Designation of the environmentally preferable alternative typically involves judgment and the balancing of some environmental values against others. CEQ notes that comments on draft environmental documents (such as the DEIS, FEIS, and errata for this project) can assist the lead agency in developing and determining environmentally preferable alternatives.

Although the No-Action Alternative would overall have less environmental impact, this alternative does not meet the project's purpose and need. Many mitigation measures have been added to the ROD based on comments received on the DEIS, FEIS, and errata. The Selected Alternative is the environmentally preferable alternative that satisfies the project's purpose and need. Although the Selected Alternative does not have the least impact in every environmental discipline, ADOT and FHWA believe that this alternative best balances environmental effects and benefits. The Selected Alternative will meet the project needs as well as or better than the other alternatives. The Section 4(f) evaluation demonstrated that no feasible and prudent avoidance alternatives to use of the South Mountains' Section 4(f) resources are available. Direct use of the resource is the same regardless of the combination of action alternatives in the Western and Eastern Sections (representing a range of reasonable alternatives). Relative to other action alternatives considered, the Selected Alternative will have similar environmental effects on natural resources, cultural resources, hazardous materials, and noise; will displace fewer residences; will have the lowest impact on total tax revenues of local governments; will have lower construction costs; will cause less construction disruption overall to I-10 (Papago Freeway); will include measures to reduce impacts