



DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on Proposed Transportation Project in Massachusetts

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of limitation on claims for judicial review of Actions by FHWA.

SUMMARY: This notice announces action taken by FHWA that are final. The actions relate to the proposed Cape Cod Bridges Project which includes replacement of the Sagamore Bridge carrying U.S. Route 6 and replacement of the Bourne Bridge carrying State Route 28 as it travels across the Cape Cod Canal and their respective approaches in the town of Bourne in Barnstable County Massachusetts. Those actions grant licenses, permits, and approvals for the project.

DATES: By this notice, FHWA is advising the public of final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before **[INSERT DATE 150 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*]**. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT: For FHWA: Joi B. Singh, Division Administrator, Federal Highway Administration, MA Division, 220 Binney Street, 9th Floor, Cambridge, MA 02142; Telephone (617) 494-3657; Joi.Singh@dot.gov. The Massachusetts Division Office's normal business hours are 8:00 am – 4:30 pm (Eastern Standard Time). For the Massachusetts Department of Transportation: Luisa Paiewonsky, Executive Director, Megaprojects Delivery Office, Massachusetts Department of

Transportation (MassDOT), 10 Park Plaza, Room 7450, Boston, MA 02116; Telephone (781) 816-3994; luisa.paiewonsky@dot.state.ma.us.

SUPPLEMENTARY INFORMATION: Notice is hereby given that FHWA has taken final agency action subject to 23 U.S.C. 139(*l*)(1) by issuing approval for the following highway project in the State of Massachusetts: Cape Cod Bridges Program (Program), Bourne MA, Project Number FHWA-MA-EIS-25-01-D. FHWA's final action includes issuance of a combined Final Environmental Impact Statement (FEIS) and Record of Decision (ROD) approving the Selected Alternative, Replacement of the Highway Bridges Built to Modern Design Standards. The purpose of the Proposed Program is to improve cross-canal mobility and accessibility between Cape Cod and mainland Massachusetts for all road users and to address the increasing maintenance needs and functional obsolescence of the aging Sagamore and Bourne Bridges. The bridges are also known as the Cape Cod Canal highway bridges, which the United States owns and USACE operates and maintains as part of the Cape Cod Canal Federal Navigation Project.

Program needs include addressing the deteriorating structural condition and escalating maintenance demands of the Sagamore and Bourne Bridges; addressing the substandard design elements of the Sagamore and Bourne Bridges, the immediate mainline approaches, and their adjacent interchanges and intersections; improving vehicular operations; and improving accommodations for pedestrians and bicyclists.

The actions by FHWA, and the laws under which such actions were taken, are described in the combined Final Environmental Impact Statement (FEIS) and Record of Decision (ROD) for the Project, signed June 26, 2026, and in other documents in the project records. The FEIS, ROD, and other documents in the FHWA administrative record files are available by contacting FHWA or MassDOT at the addresses provided above. The FEIS and ROD can also be viewed and downloaded from the Program

website at: <https://www.mass.gov/lists/final-environmental-impact-statement-and-record-of-decision-for-replacing-the-cape-cod-bridges>.

This notice applies to FHWA agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. General: National Environmental Policy Act (NEPA) (42 U.S.C. 4321 et seq.); Federal-Aid Highway Act (23 U.S.C. 109, 128, and 139).
2. Air: Clean Air Act (42 U.S.C. 7401-7671(q)).
3. Noise: Federal-Aid Highway Act of 1970, Public Law 91-605 (84 Stat. 1713); (23 U.S.C. 109(h) and (i)).
4. Land: Section 4(f) Requirements (49 U.S.C. 303; 23 U.S.C. 138).
5. Wildlife: Endangered Species Act (16 U.S.C. 1531-1544 and 1536); Marine Mammal Protection Act, (16 U.S.C. 1361–1423h); Fish and Wildlife Coordination Act (16 U.S.C. 661-667(d)); Migratory Bird Treaty Act (16 U.S.C. 703-712); Bald and Golden Eagle Protection Act (16 U.S.C. 668-668c); Magnuson-Stevens Fishery Conservation and Management Act of 1976, as amended (16 U.S.C. 1801 et seq.), with Essential Fish Habitat requirements (16 U.S.C. 1855(b)(2)).
6. Historic and Cultural Resources: Section 106 of the National Historic Preservation Act of 1966, as amended (54 U.S.C. 306108).
7. Social and Economic: Farmland Protection Policy Act (7 U.S.C. 4201-4209); Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq).
8. Wetlands and Water Resources: Clean Water Act (Section 404, Section 401, Section 319) (33 U.S.C. 1251-1387); Safe Drinking Water Act (SDWA) (42 U.S.C. 300(f)-300(j)-26); Coastal Zone Management Act (16 U.S.C. 1452).
9. Hazardous Materials: Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended by the Superfund Amendments and

Reauthorization Act of 1986 (SARA) (42 U.S.C. 9601 et seq.); Resource Conservation and Recovery Act (RCRA) (42 U.S.C. 6901-6992(k)).

10. The analysis pertaining to any applicable Executive Order considered during the environmental review process to the extent such analysis may be challenged in court.

Such Executive Orders include, E.O. 11988, Floodplain Management; E.O. 11990, Protection of Wetlands; E.O. 11593, Protection and Enhancement of the Cultural Environment; E.O. 13007, Indian Sacred Sites; E.O. 13287, Preserve America; E.O. 13175, Consultation and Coordination with Indian Tribal Governments; E.O. 13112, Invasive Species.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Authority: 23 U.S.C. 139(l)(1).

Patrick A. Bauer,
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Massachusetts Division,
Federal Highway Administration.

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