



APPENDIX d

Ohio



OHIO DEPARTMENT OF TRANSPORTATION

CENTRAL OFFICE • 1980 WEST BROAD STREET • COLUMBUS, OH 43223

TED STRICKLAND, GOVERNOR • JOLENE M. MOLITORIS, DIRECTOR

Office of Environmental Services

August 27, 2010

Mr. Dan W. Johnson
FHWA Resource Center at Baltimore
10 S. Howard Street, Suite 4000
Baltimore, MD 21201

Re: National Gateway Clearance Initiative Documentation (STW-CSX National Gateway, PID 85697)

Dear Mr. Johnson:

Attached for FHWA's review and comment are two copies of the *Phase I National Gateway- Clearance Initiative Projects, Appendix D, Ohio Documentation* signed by the Ohio Department of Transportation ODOT on August 27, 2010.

We have also reviewed the *Environmental Assessment and Section 4(f) Evaluation, Phase I: National Gateway Clearance Initiative*. ODOT supports these documents, concurs with the findings and actions taken in the documentation and considers the documents appropriate for public comment. We understand that FHWA will be forwarding the documentation to FRA for their review prior to the initiation of the public review process.

Thank you for your assistance with this critical infrastructure project. If you have any questions or concerns or if you need additional information, please contact Carmen Stemen, Major New Projects Coordinator at (614) 644-7097.

Respectfully,

Timothy Hill, Administrator
Office of Environmental Services

TMH:cms

Enclosures (2 copies of the *Phase I National Gateway- Clearance Initiative Projects, Appendix D, Ohio Documentation* and the *Environmental Assessment and Section 4(f) Evaluation, Phase I: National Gateway Clearance Initiative*)

c: M. Dietrich (ORDC) – N. Mehlo (FHWA Ohio Div.) – H. Velasco (FHWA Ohio Div.) – C. Stemen -
File (STW - CSX National Gateway, PID 85697) – Reading file

Ohio Department of Transportation

County Multiple Route Multiple Section PID 85697 SJN Multiple

Part I - General Project Identification, Description, and Design Information

Sponsor of the Project: CSX Transportation, Inc. (CSX) ODOT District: 4
Local Name of the Facility: Multiple

Program: Federal Pending Funding Source: Pending Federal X State Local Private

PROJECT DESCRIPTION:

County and Township: Summit, Portage, and Mahoning Counties
Municipality: Akron, Kent, Ravenna, and Youngstown

Limits of Proposed Work:

Start: Various Locations / End:
Total Work Length: km or (mi).

Is an Interchange Modification Study / Interchange Justification Study (IMS/IJS) required? Yes* No
If yes, when did FHWA grant a conditional approval for this project? Date: Not Applicable
*If yes, for CE 2 or CE 3 projects a copy of the approved document must be submitted to FHWA with a request with for final approval of the IMS/IJS.

The Federal Railroad Administration (FRA) and the Federal Highway Administration (FHWA) on behalf of the United States Department of Transportation (U.S. DOT) is proposing to use Transportation Investment Generating Economic Recovery (TIGER) funding for Phase I of the National Gateway Clearance Initiative in Ohio. National Gateway is an initiative to achieve a minimum of 21 feet of clearance along CSX's mid-Atlantic rail corridor so that double-stacked intermodal railcars can be transported between the Mid-Atlantic United States and its ports to Midwest markets.

To obtain the vertical clearance required to allow use of double-stacked trains, two bridges will be raised; one bridge will have a portion removed; and five track lowerings will be completed (total of eight obstructions). All of the obstructions are part of the New Castle Line of CSX's Great Lakes Division. CSX operates 28 to 30 freight trains per day on this line, transporting an annual gross weight of 74 million tons of cargo. All of the obstructions are located within the I-70/I-76/I-80 corridor. The following is a description of the clearance obstructions that will require modification so that double-stacked trains can pass below the obstructions. Figure 1 provides the National Gateway corridor in Ohio. Location maps for the obstructions are provided as Attachment 1. The obstruction's detail map including conservative limits of disturbance is provided as Attachment 2. Design plans for each obstruction are provided as Attachment 3; photographs are provided as Attachment 4.

Phase I of the National Gateway Clearance Initiative in Ohio consists of 18 locations to be rehabilitated along the CSX rail line through Ashland, Medina, Summit, Portage, Trumbull, and Mahoning Counties, Ohio. In addition to the TIGER grant, the State of Ohio has pledged state funds (through the Ohio Department of Development) to increase the vertical clearance at four obstructions and American Recovery and Reinvestment Act (ARRA) funds for eight other obstructions (six clearance obstructions and two interlockings). The State funded clearance improvement actions will be permitted in accordance with state and federal requirements. The ARRA funded improvements, listed on the State Transportation Improvement Plan (STIP) under Amendment 14, dated May 4, 2009, were approved as Categorical Exclusions (CEs) on December 10, 2009, (Project Identifications [PIDs] 87315, 87316, 87317, 87318, 87319, 87649). The Crain Avenue Bridge in Kent, Portage County, Ohio, (PID 18466) is an ODOT-led project with a Categorical Exclusion approved by the FHWA on June 5, 2007, currently under construction.

Ohio Department of Transportation

County Multiple Route Multiple Section _____ PID 85697 SJN Multiple

SUM - Thornton Street, Akron, BG131.00, Lower Tracks - The Thornton Street bridge is located in Akron. The obstruction is bounded by S. Broadway Street to the north, Sweitzer Avenue/Miami Street to the south, East Voris Street to the west, and METRO Transit Station to the east.

To obtain the vertical clearance required to allow use of the double-stacked trains, the tracks in the vicinity of the Thornton Street overpass will need to be lowered. The track will be lowered one track at a time using an undercutting machine. A total of 1,200 feet of mainline track will be lowered. All work will be completed within the CSX right-of-way (ROW) and will have little or no impact on the adjacent property owners.

SUM - Overhead Walkway, Akron, BG130.13, Lower Tracks - The University of Akron's Overhead Walkway bridge is in Akron. The obstruction's approximate limits are East Exchange Street on the south to 250 feet north of East Center Street.

Only one track (Track 1) must be lowered to meet the required clearance. A total of 1,000 feet of the mainline track will be lowered. A former concrete passenger platform will be completely removed. All work will be completed within the CSX ROW and will have little or no impact on the adjacent property owners.

POR - W&LE Railroad Bridge, Kent, BG118.20, Lower Tracks - The Wheeling and Lake Erie (W&LE) Railroad Bridge in Kent is 300 feet northwest of the Mogadore Road/Harris Street intersection.

A total of 3,500 feet of mainline track, including a siding to an existing concrete plant on the southeast side, will be lowered a maximum of 18 inches to provide the necessary clearance. All work will be completed within the CSX ROW but will cross an existing culvert (20 feet by 7 feet) for Plum Creek to the west and the inflow/outflow pipes to the City of Kent wastewater treatment plant (WWTP) to the east. Both crossings may need to be reinforced because of the track lowering to ensure their structural integrity; however, no in-stream work will occur.

POR - Main Street Bridge, Kent, BG117.30, Lower Tracks - The Main Street Bridge is in Kent. A total of 2,600 feet of track will be lowered a maximum of 2 feet to provide the necessary clearance. This obstruction is within the floodplain of the Cuyahoga River; no fill will be added to the floodplain. Furthermore, the Cuyahoga River will be protected with erosion and sediment controls to prevent an adverse effect to the River. There will be 0.631 acre of permanent property acquisition.

POR - Abandoned Railroad Bridge, Kent, BG115.80, ABCR Railroad Bridge, Kent, BG115.67, Bridge Superstructure Raising - The Abandoned Railroad structure (BG 115.80), which now services the Portage County Bike and Hike Path owned by the City of Kent, and Akron Barberton Cluster Railway (ABCR) bridge (BG 115.67) are in Kent. These structures are immediately adjacent to each other and share an abutment. The Abandoned Railroad structure (BG 115.80) currently serves as the Portage County Bike and Hike Path owned and maintained by the City of Kent and connects Towner's Woods Park in Kent to Chestnut Hills Park in Ravenna. The existing ABCR structure, carrying one freight train per day, and the Abandoned Railroad bridge carrying pedestrian and bike traffic over the CSX tracks will be raised. The existing abutments carrying the railroad need repair before the bridge can be raised. Three other bays will be demolished and removed. A total of 1,200 feet of the ABCR tracks will be reconstructed, along with 270 feet of the bike path. Potentially, a temporary detour track will be constructed for the ABCR line to maintain rail traffic. Alternatively, ABCR has indicated that depending on the timing of the work the track may be raised in place with a temporary line shutdown. The bike path will not be shut down during construction. A Memorandum of Understanding (MOU) with the City of Kent that details the construction agreement and final restoration of the bike path is being completed for the temporary occupancy of the resource.

The temporary track work will tie into existing track after crossing Breakneck Creek, approximately 420 feet east of the obstruction. However, there will be no deck replacements or in-stream work required at this creek crossing. The raised track will tie into the existing track before the Breakneck Creek structure.

POR - NS Railroad Bridge, Ravenna, BG110.80, Lower Tracks - The Norfolk Southern (NS) Railroad Bridge is located in Ravenna. The tracks in the vicinity of the NS railroad overpass will be lowered. A total of 2,700 feet of track will be lowered a maximum of 18 inches to provide the necessary clearance. Incidental to the track lowering will be the protection and reinforcing of the existing southern abutment and adjacent pier footings south of the CSX tracks. This will require 0.39 acre

Ohio Department of Transportation

County Multiple Route Multiple Section _____ PID 85697 SJN Multiple

of permanent private property acquisition and 0.38 acre of temporary private property acquisition.

MAH - Abandoned Railroad Bridge, Youngstown, BG76.60, Existing Bridge Modification - The existing bridge is a 1914 Youngstown Passenger Rail three-span through girder bridge attached to a multi-span concrete arch structure between North West Avenue and the Mahoning River. The overhead railroad bridge has been abandoned and the original alignment permanently severed; therefore, removal of the structure is the appropriate means of achieving the required vertical clearance. A portion of the overhead structure will be removed over the CSX tracks. There is no need to acquire private property to complete the proposed action.

PURPOSE AND NEED FOR THE PROJECT:

The purpose and need of the Phase I National Gateway Initiative Clearance undertaking are included in Section 1.3 and 2.0 of the Environmental Assessment.

ALTERNATIVES:

Alternatives were evaluated on stakeholder input, avoiding environmental resources, minimizing traffic and rail disturbances, and cost. The No Build Alternative was considered; however, the No Build Alternative does not meet the purpose and need for the project. A new track on a new alignment could be constructed to increase the efficiency and safety of the line. This option was ruled out because of costs, feasibility, and the level of impact that relocating the existing corridor would have. With a new alignment, there would be considerable additional ROW and environmental impacts. Based on a review of alternatives, the following is the preferred alternative for the obstructions.

SUM - Thornton Street, Akron, BG131.00, Lower Tracks - The preferred alternative is to lower the tracks at the Thornton Street Bridge. Raising or replacing the existing bridge is not considered cost effective because of the size of the structure, the number of spans, and the amount of roadway work that would be required to tie into the existing intersections. All six spans of the continuous structure would have to be addressed, impacting traffic along South Broadway Street, Thornton Street, and Wolf Ledges Parkway.

SUM - Overhead Walkway, Akron, BG130.13, Lower Tracks - The preferred alternative is to lower the tracks at the Overhead Walkway. The replacement of the bridge is not feasible because the walkway is incorporated into the structure of the two buildings it connects.

POR - W&LE Railroad Bridge, Kent, BG118.20, Lower Tracks - The preferred alternative is to lower the tracks at the W&LE Railroad Bridge. Raising or replacing the existing bridge is not considered cost effective because of the size of the structure, the number of spans, the amount of rail work that would be required, and disturbance to the stakeholder.

POR - Main Street Bridge, Kent, BG117.30, Lower Tracks - The preferred alternative is to lower the tracks at the Main Street Bridge. Another alternative that was examined was raising or replacing the existing bridge. However, this option was quickly abandoned because the span over the CSX tracks is a small approach span to the overall four spans crossing of the Cuyahoga River. The additional three spans to the west are part of a masonry arch bridge. The replacement of the structure is cost prohibitive. Furthermore, replacing the historic bridge over a water body would cause significant impacts to vehicular traffic, the historic structure, and the environment.

POR - Abandoned Railroad Bridge, Kent, BG115.80, ABCR Railroad Bridge, Kent, BG115.67, Bridge Superstructure Raising - The preferred alternative is to raise the obstructions at these locations. Lowering the tracks would require single track usage while the other track is being lowered. To accomplish lowering, nearly 3,000 feet of track would be impacted.

Ohio Department of Transportation

County Multiple Route Multiple Section _____ PID 85697 SJN Multiple

This would be cost prohibitive in comparison to raising the structures.

POR - NS Railroad Bridge, Ravenna, BG110.80, Lower Tracks - The preferred alternative is to lower the tracks at the NS Railroad Bridge. The only other alternative is to raise or replace the bridge over the CSX tracks. Neither option is feasible as NS has over 80 trains per day with annual gross tonnage in excess of 100 million that use the structure along its Cleveland Line. Replacing the bridge would be cost prohibitive because of the length and required size of the structure, along with the extent of track work that would need to be completed.

MAH - Abandoned Railroad Bridge, Youngstown, BG76.60, Existing Bridge Modification - The preferred alternative is to remove portions of the Abandoned Railroad Bridge. This alternative was chosen because the existing structure is in poor condition and abandoned and the original alignment permanently severed.

The Do Nothing Alternative is not feasible, prudent or practicable (Mark all that apply):

	Yes	No
It would not correct existing capacity deficiencies;	X	
It would not correct existing safety hazards;	X	
It would not correct the existing roadway geometric deficiencies;	X	
It would not correct existing deteriorated conditions and maintenance problems, or	X	
It would result in serious impacts to the motoring public and general welfare of the economy.	X	

ROADWAY CHARACTER:

Functional Classification: No roadways will be modified in completing these rail projects.
 Current ADT: _____ vpd 20(_____) Design Year ADT: _____ vpd (20 _____)
 DHV: _____ Trucks, _____ %
 Designed Speed: _____ mph Legal Speed: _____ mph

Existing	Proposed
-----------------	-----------------

Number of Lanes:	_____	_____	
Type of Lanes:	_____	_____	
Pavement Width:	_____ ft.	_____ ft.	
Shoulder Width:	_____ ft.	_____ ft.	
Median Width:	_____ ft.	_____ ft.	
Sidewalk Width:	_____ ft.	_____ ft.	
Setting:	<input type="checkbox"/> Urban	<input type="checkbox"/> Suburban	<input type="checkbox"/> Rural
Topography:	<input type="checkbox"/> Level	<input type="checkbox"/> Rolling	<input type="checkbox"/> Hilly

RAILWAY CHARACTER:

Typical Rail Traffic : Freight - these numbers are the same for all of the Ohio obstructions
 Current No. of Trains: 28 to 30 Per day Varies
 Freight Speed: 50 mph Passenger Speed: None

Existing	Proposed
-----------------	-----------------

Number of Tracks:	<u>2</u>	<u>No Changes</u>	
Alignment:	<u>Tangent</u>	<u>No Changes</u>	
Min. Vertical Clearance:	<u>19-5</u> ft.	<u>21</u> ft.	
Spacing between tracks:	<u>12-33</u> ft.	<u>No Changes</u> ft.	
Min. Horiz. Clearance:	<u>8-28</u> ft.	<u>No Changes</u> ft.	
Setting:	<input checked="" type="checkbox"/> Urban	<input checked="" type="checkbox"/> Suburban	<input checked="" type="checkbox"/> Rural
Topography:	<input checked="" type="checkbox"/> Level	<input checked="" type="checkbox"/> Rolling	<input type="checkbox"/> Hilly

Ohio Department of Transportation

County Multiple Route Multiple Section _____ PID 85697 SJN Multiple

	Freight Speed	Passenger Speed*	Number of Tracks	Minimum Vertical Clearance	Spacing Between Tracks	Minimum Horizontal Clearance	Alignment
BG 131.00 Thornton Street	55	60	2	20' - 2.5"	12' - 10"	8' - 9"	Tangent Track
BG 130.13 Overhead Walkway	55	60	2	20' - 4"	33'-7.5"	12' - 10"	Tangent Track
BG 118.20 W&LE Railroad Bridge	55	79	3	19' - 6.5"	14' - 6"	28'	Curved Track
BG 117.30 Main Street Bridge	30	30	2	19' - 7"	12' - 6.5"	9'	Curved Track
BG 115.80/115.67 - Kent Hike & Bike Trail/ ABCR RR Bridge	55	60	2	19' - 5"	12' - 8"	7' - 5"	Curved Track
BG 110.80 NS Railroad Bridge	55	79	2	19' - 6.5"	18' - 9.5"	7' - 4"	Curved Track
BG 76.60 Abandoned Railroad Bridge	30	30	2	20' - 3"	13' - 4"	> 15'	Tangent Track

* Locations do not have passenger service but are under a passenger time table.

DESIGN CRITERIA FOR BRIDGES:

Structure File Number(s): See below Sufficiency Rating: Not Applicable

SUM - Thornton Street, Akron, BG131.00; SFN 7760329

SUM - Overhead Walkway, Akron, BG130; SFN 7762364

POR - W&LE Railroad Bridge, Kent, BG118.20; No SFN

POR - Main Street Bridge, Kent, BG117.30; No SFN

POR - Abandoned Railroad Bridge, Kent, BG115.80, ABCR Railroad Bridge, Kent, BG115.67; No SFN

POR - NS Railroad Bridge, Ravenna, BG110.80; No SFN

MAH - Abandoned Railroad Bridge, Youngstown, BG76.60; No SFN

	Existing	Proposed
Bridge Type:	Multiple (plate girder, continuous)	_____
Number of Spans:	4	_____
Weight Restrictions:	_____ ton	_____ ton
Height Restrictions:	N/A ft.	_____ ft.
Curb to Curb Width:	18 (2-9) ft.	_____ ft.
Shoulder Width:	0 ft.	_____ ft.
Under Clearance:	19-9.5 ft.	_____ ft.

Ohio Department of Transportation

County Multiple Route Multiple Section _____ PID 85697 SJN Multiple

Will the structure be rehabilitated or replaced as part of the project?
If Yes, has an asbestos inspection been completed?

Y	N
X	
X	

SUM - Thornton Street, Akron, BG131.00; Bridge will not be altered.

SUM - Overhead Walkway, Akron, BG130; Structure will not be altered.

POR - W&LE Railroad Bridge, Kent, BG118.20; Bridge will not be altered.

POR - Main Street Bridge, Kent, BG117.30; Bridge will not be altered.

POR - Abandoned Railroad Bridge, Kent, BG115.80, ABCR Railroad Bridge, Kent, BG115.67; Structure will be raised, portions removed.

POR - NS Railroad Bridge, Ravenna, BG110.80; Bridge will not be altered.

MAH - Abandoned Railroad Bridge, Youngstown, BG76.60; Portion of structure will be removed.

MAINTENANCE OF TRAFFIC DURING CONSTRUCTION:

Is a temporary bridge proposed?
Is a temporary roadway proposed?
Will the project involve the use of a detour or require a ramp closure?
 Provisions will be made for access by local traffic and so posted.
 Provisions will be made for through-traffic dependent businesses.
 Provisions will be made to accommodate any local special events or festivals.
Will the proposed MOT substantially change the environmental consequences of the action?
Is there substantial controversy associated with the proposed method for MOT?

Y	N
X	
	X
	X
	X
	X

Remarks: There will be no temporary or permanent impacts to vehicular traffic. A temporary detour will be used at the Portage County Hike and Bike Trail. The trail will remain open during construction.

ESTIMATED PROJECT COST AND SCHEDULE:

Engineering: \$ _____ Right-of-Way: \$ _____ Construction: \$ _____
Anticipated Start Date of Construction: October 2010; See Attachment 5

RIGHT OF WAY AND UTILITY INVOLVEMENT:

Number of parcels to be affected for temporary ROW: 9
Number of parcels to be affected for permanent ROW: 3
Approximate area of temporary right-of-way needed: 6.41 acre
Approximate area of permanent right-of-way needed: 1.021 acre

Has Utility Coordination been completed?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Are large scale transmission facilities located within the project area?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Are there any private utility easements within the project area?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
If YES, will it be impacted by the project?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

Ohio Department of Transportation

County Multiple Route Multiple Section _____ PID 85697 SJN Multiple

Remarks:

Utility coordination will be completed throughout the duration of the proposed action. All impacted utilities will have the opportunity to review and provide comment on the final design.		
	Temporary ROW acres	Permanent ROW acres
BG 131.00 Thornton Street	0	0
BG 130.13 Overhead Walkway	0	0
BG 118.20 W&LE Railroad Bridge	0	0
BG 117.30 Main Street Bridge	0	0.631
BG 115.80/115.67 - Kent Hike & Bike Trail/ ABCR RR Bridge	2.01	0
BG 110.80 NS Railroad Bridge	0.57	0.39
BG 76.60 Abandoned Railroad Bridge	3.83	0
Total	6.41	1.021

Ohio Department of Transportation

County Multiple Route Multiple Section _____ PID 85697 SJN Multiple

Part II – Identification and Evaluation of Impacts of the Proposed Action

SECTION A – ECOLOGICAL RESOURCES

	<u>Presence</u>		<u>Impacts</u>	
	<u>Y</u>	<u>N*</u>	<u>Y***</u>	<u>N**</u>
Streams, Rivers & Watercourses	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
National Scenic River	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
State Wild, Scenic or Recreational River	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Commercial	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Non-Commercial	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
OEPA Aquatic Life Use Designation (eg. WWH)				

Remarks: ARCADIS has completed an ecological assessment, including stream assessments and wetland delineations where required, of all properties. Qualitative Habitat Evaluation Index (QHEI) of streams within or proximal to the obstruction's limits of disturbance were completed. When waterways were identified in the obstruction area, the design was modified to the extent possible to avoid these resources.

The following obstructions are proximal to waterways that will not be impacted with in-stream work or fill placement. These resources will be protected:

POR - W&LE Railroad Bridge, Kent, BG 118.20

Cuyahoga River - QHEI score 67.00.

Plum Cree k- QHEI score 73.50.

POR - Main Street Bridge, Kent, BG 117.30

Cuyahoga River - QHEI Score of 79.25.

POR - Abandoned Railroad Bridge, Kent, BG115.80, ABCR Railroad Bridge, Kent, BG115.67, Bridge Superstructure Raising

Breakneck Creek - QHEI score of 74.0.

POR - NS Railroad Bridge, Ravenna, BG110.80, Lower Tracks

Adjacent ditches are jurisdictional; however, no modifications will be made.

MAH - Abandoned Railroad Bridge, Youngstown, BG76.60, Existing Bridge Modification

Mahoning River - QHEI score of 77.5.

Stream mapping and field forms are located in Attachment 6.

Ohio Department of Transportation

County Multiple Route Multiple Section _____ PID 85697 SJN Multiple

	Presence		Impacts	
	Y	N*	Y***	N**
Other Surface Waters		X		X
Reservoirs		X		X
Lakes		X		X
Farm Ponds		X		X
Detention Basins		X		X
Storm Water Management Facilities				
Other: _____	X		X	

Remarks: Based on a review of available mapping and a field review conducted by ARCADIS in March and April 2009, no reservoirs, lakes, ponds, basins, storm water management facilities, or other surface waters are within the limits of disturbance for any of the obstructions. Existing drainage patterns will be improved by maintaining ditches on either side of the tracks during track lowering work.

**If the resource is not present, the remainder of this subject section will not be completed*
***If the resource is present but no impacts are anticipated, the reason why is described under Remarks.*
****Any impacts, mitigation, and agency coordination are described under Remarks and coordination letters are attached.*

	Presence		Impacts	
	Y	N****	Y***	N**
Wetlands	X			X

Total wetland area impacted: 0.0 acre(s)
 (If a determination has not been made for non-isolated/isolated wetlands, fill in the total wetland area impacted above.)

Non-isolated Wetland	Isolated Wetland
OEPA Wetland Category: <u>0</u>	OEPA Wetland Category: <u>0</u>
Size of Area Impacted: <u>0</u> acre(s)	Size of Area Impacted: <u>0</u> acre(s)

	Documentation	
	Y	N
Wetland Determination		X
Wetland Delineation Report	X	
Individual Wetland Finding	X	
Improvements that will not result in any wetland impacts are not practicable because such avoidance would result in (Mark all that apply and explain):		
Substantial adverse impacts to adjacent homes, business or other improved properties;		X
Substantially increased project costs;		X
Unique engineering, traffic, maintenance, or safety problems;		X
Substantial adverse social, economic, or environmental impacts, or		X
The project not meeting the identified needs.		X
USACOE Isolated Waters Determination		X
Mitigation Plan		X

Measures to avoid, minimize and mitigate wetland impacts need to be discussed in the remarks section

Remarks: Wetlands and/or Waters of the United States have been qualitatively and quantitatively assessed in the field to determine location and proximity to the National Gateway Clearance Initiative undertaking. If wetlands and waterways were identified in the obstruction area, the design was modified to the extent possible to avoid these resources. Ohio Rapid Assessment Method for Wetlands version 5.0 and United States Army Corps of Engineers (USACE) Wetland Determination Forms – North Central and Northeast Region were completed for all wetlands within the project areas.

The following obstructions are proximal to wetlands that will not be impacted with work or fill placement.

Ohio Department of Transportation

County Multiple Route Multiple Section _____ PID 85697 SJN Multiple

These resources will be protected:

POR - W&LE Railroad Bridge, Kent, BG 118.20

POR - NS Railroad Bridge, Ravenna, BG110.80

National Wetland Inventory Maps, wetland maps, and field forms are located in Attachment 7.

	Presence		Impacts	
	Y	N****	Y***	N**
Terrestrial Habitat Unique or High Quality	X			X

Remarks: Coordination was completed with the Ohio Department of Natural Resources (ODNR), Natural Heritage Index, and site visits were conducted by ARCADIS Field Biologists to verify the presence or absence of terrestrial habitat and or protected species.

** If the resource is present but no impacts are anticipated, describe the reason why in the Remarks section.
 ***Any impacts, mitigation and agency coordination are described under Remarks and coordination letters are attached.
 ****If "no", discuss in the Remarks details how this determination was made.

	Presence		Impacts	
	Y	N****	Y***	N
Threatened or Endangered Species Within the known range of and federal species? Federal species found in project area? State species found in project area? Is the project in accordance with the Letter of Agreement on Endangered Species Coordination?	X			X
	X			X
		X		X
		X		X

Remarks: State and federal threatened and endangered species have been assessed in the obstruction areas. Assessment activities include data collection from existing state and federal databases and evaluation of potential habitat for species or the presence of species. ODNR Natural Heritage Database provided records for plants and animals (state and federal listed species); high-quality examples of natural plant communities, geologic features, breeding animal concentrations, and protected natural areas; federal, state, county, local and non-profit areas; and state and national scenic rivers in a 1-mile radius around the obstruction, or within the same township. Indiana bat hibernacula and catch records were searched for a 10-mile radius from each individual obstruction location.

The TIGER-funded sites are located within the known range of these sensitive species:

Bald Eagle (*Haliaeetus leucocephalus*) is federally listed as a species of concern and lives near large bodies of water. No Bald Eagle nests were identified during site visits (Counties of Current, Recent, and Possible Distribution - Summit, Portage, and Mahoning). The obstruction areas were assessed. The species was not observed during field reconnaissance, nor was suitable habitat observed.

Eastern Massasauga (*Sistrurus catenatus*) is federally listed as a candidate species and prefers wet prairies and sedge meadows (Counties of Current, Recent, and Possible Distribution - Portage, and Trumbull). The obstruction areas were assessed. The species was not observed during field reconnaissance, nor was suitable habitat observed.

Indiana bat (*Myotis sodalis*) is federally listed as endangered. Species nest in summer months under loose

Ohio Department of Transportation

County Multiple Route Multiple Section _____ PID 85697 SJN Multiple

bark of exfoliating trees or in tree hollows and hibernate in caves during winter months (located in all Ohio counties). There will be no tree removal associated with the Ohio federally funded projects.

Mitchell's satyr (*Neonympha mitchellii mitchellii*) is federally listed as endangered; this species lives in prairie fens (Counties of Current, Recent, and Possible Distribution - Portage). The obstruction areas were assessed. The species was not observed during field reconnaissance, nor was suitable habitat observed.

Northern Monkshood (*Aconitum noveboracense*) is federally listed as threatened and grows in shaded ravines with running water and rock shelters/ on sandstone outcrops (Counties of Current, Recent, and Possible Distribution - Portage and Summit). The obstruction areas were assessed. The species was not observed during field reconnaissance, nor was suitable habitat observed.

There were no records in ODNR's Natural Heritage Database for any of these species within 1 mile of any of the individual obstructions, or within the same township or cities (when within an incorporated area) of any of the obstructions. There will be no impact to these species or their suitable habitat.

ODNR's Natural Heritage Database identified the following state listed species within 1 mile of the following locations:

The eastern pondmussel (*Ligumia nasuta*), state endangered, identified 1/2 mile from POR - Main Street Bridge, Kent, BG117.30. However, no water bodies will be affected in the vicinity of this obstruction.

The Peregrine Falcon (*Falco peregrines*), state threatened, was identified in Akron; no habitat was observed during field visits.

Crinkled hair grass (*Deschampsia flexuosa*), state threatened, within 1/4 mile of the POR - Abandoned Railroad Bridge, Kent, BG115.80; ABCR Railroad Bridge, Kent, BG115.67 Bridge Superstructure Raising, which is a superstructure raising within an active rail ROW. This species was not observed during field reconnaissance, nor was suitable habitat observed at this obstruction.

Wilson's snipe (*Gallinago delicata*), state species of interest, identified over 1/2 mile from POR - Main Street Bridge, Kent, BG117.30, Lower Tracks. Wilson's snipe inhabits wet meadows, ditches and mudflats. This species was not observed during field reconnaissance, nor was suitable habitat observed at this obstruction.

During the weeks of September 7, October 15, and October 26, 2009, ARCADIS completed field surveys of locations to determine if potential Indiana bat suitable habitat will be removed. Potential suitable habitat has been identified within the limits of disturbance at the following obstructions:

POR - Abandoned Railroad Bridge, Kent, BG115.80, ABCR Railroad Bridge, Kent, BG115.67, Bridge Superstructure Raising/Through Girder Removal - 0.16 acre of vegetation removed; determined within General Urbanized Area by ODOT.

POR - NS Railroad Bridge, Ravenna, BG110.80, Lower Tracks - 0.39 acre of vegetation removed; determined within General Urbanized Area by ODOT.

MAH - Abandoned Railroad Bridge, Youngstown, BG76.60, Existing Bridge Modification - This obstruction is in the Northeast Management Unit. Based on field observations, the area of vegetation removal consists of mowed grass with mature willows and sycamores adjacent to the Mahoning River. There are five trees that meet the characteristics of potential Indiana bat roost trees and two trees that meet the characteristics of potential Indiana bat maternity roost trees. All these trees will be protected. If the scope of this proposed action changes and trees are removed, the USFWS will be contacted prior to the removal of any Indiana bat potential habitat trees. Research results and field forms are provided as Attachment 8.

Ohio Department of Transportation

County Multiple Route Multiple Section _____ PID 85697 SJN Multiple

	<u>Coordination</u>		<u>Approval</u>	
	Y	N	Y	N
Agency Coordination ***				
Ohio Department of Natural Resources (ODNR)	X			
United States Fish and Wildlife Service (USFWS)	X			
Ohio Environmental Protection Agency (OEPA)	X			
United States Army Corps of Engineers (USACE)		X		
ODNR State Scenic River		X		
National Park Service (NPS) National Scenic River		X		

Remarks: Coordination packages (Ecological Memorandum of Agreement) have been submitted to the USFWS and ODNR, as prescribed by the Fish and Wildlife Coordination Act (16 USC 661-667e). On August 13, 2010, the USFWS responded, and agreed with ODOT's determination that the proposed actions will have no effect on any federally endangered, threatened, or candidate species, and no consultation under section 7(a)(2) of the Endangered Species Act is required, a copy of this correspondence is provided in Attachment 8. Several meetings with the Ohio EPA have been completed to notify them of the work, as well as coordinate Storm Water Construction National Pollutant Discharge Elimination System (NPDES) (OHC000003) and Storm Water Pollution Prevention Plan (SWPPP) submittals.

**If the resource is not present, the remainder of this section will not be completed.
 **If the resource is present but no impacts are anticipated, the reason why is described under Remarks.
 ***Any impacts, mitigation, and agency coordination are described under Remarks and coordination letters are attached.
 ****If "no", discuss in the Remarks details how this determination was made.*

SECTION B – OTHER RESOURCES

	<u>Presence</u>		<u>Impacts</u>	
	Y	N*	Y	N
Drinking Water Resources		X		
Sole Source Aquifer		X		
Source Water Protection Area(s)		X		
Public Water System(s)		X		
Groundwater Source		X		
Surface Water Source		X		
Residential Well(s)		X		

Remarks: A review of available Ohio EPA Division of Drinking Water Resource's mapping indicates no drinking water sources within the construction limits. There are no community/non-community wells, surface water protection areas, or drinking water reservoirs within the construction limits. The undertaking is not adding any new capacity, rail, or crossings and will not adversely impact any drinking water sources. Drinking water resource mapping is provided as Attachment 9.

	Y	N*	Y	N
Flood Plains		X		X
Longitudinal Encroachment		X		X
Transverse Encroachment		X		X
Is the project located in a regulated floodplain?	X			X
Will the proposed project result in an encroachment in the designated floodway?		X		X
Will the proposed project result in an increase in the 100-year base flood elevation discharge?		X		X
Does the project conform to the local flood plain standard?	X		X	

Ohio Department of Transportation

County Multiple Route Multiple Section _____ PID 85697 SJN Multiple

Remarks: Based on a review of the National Flood Insurance Program Mapping, none of the limits of disturbance for the bridge are within the 100-year flood boundary.

Two of the track lowerings are within the 100-year floodplain (POR - W&LE Railroad Bridge, Kent, BG118.20 and POR - Main Street Bridge, Kent, BG117.30). However, as the work is for track lowering, no additional fill will be added to the regulated floodway, and the work will not result in an adverse impact to the floodplains. Local coordination with the community floodway administrator will be completed as necessary. Floodplain mapping is provided as Attachment 10.

	Y	N*	Y	N
Farmland				
Active Agricultural Lands	X			
Agricultural District		X		X
Project in compliance with ORC 929.05(a)	X			X
FPPA Project Screening Sheet	X			X
Farmland Conversion Impact Rating Sheet		X		X

Remarks: Ohio Department of Agriculture (DOA) requires a letter 30 days prior to commencing work if project involves appropriation of greater than 10 acres or 10% of an individual property that is under one ownership, currently used for agricultural production, and in an agricultural district. No substantial loss to agricultural production (greater than 10 acres or 10% of an individual property) will occur. ROW access is required at one obstruction only, POR - NS Railroad Bridge, Ravenna, BG110.80, Lower Tracks. Work requires 0.39 acre of permanent private property acquisition and 0.11 acre of temporary private property acquisition. Copies of the Farmland Protection Policy Act Project Screening Sheets are provided as Attachment 11.

* If the resource is not present, the remaining boxes for this subject section will not be completed. State how and who made this determination.

SECTION C – CULTURAL RESOURCES

	Results of Research		Project Effect		
	Eligible and/or Listed Resource Present		No Historic Properties Affected	No Adverse Effect	Adverse Effect
	Y	N			
Prehistoric Archaeology		X	X		
Historic Archaeology		X	X		
History/Architecture		X	X		
NRHP Buildings/Sites		X	X		
NRHP Districts	X			X	
NRHP Bridges	X			X	

		SHPO / OES / FHWA Approval Dates
Documentation		
Phase I Short Report	X	
Phase I Cultural Resources Survey Report	X	
Phase I History/Architecture Survey Report	X	08-06-09 OHPO
Phase I Archaeology Survey Report	X	08-06-09 OHPO
Phase II Cultural Resources Survey Report	X	
Phase II History/Architecture Survey Report	X	
Phase II Archaeology Survey Report	X	
Phase III Archaeology Data Recovery	X	
Documentation for Consultation / MOA	X	08-06-09 OHPO / ACHP 08-25-09 & 7/9/10 Determined participation not warranted
HABS / HAER Documentation	X	

Ohio Department of Transportation

County Multiple Route Multiple Section _____ PID 85697 SJN Multiple

Remarks:

The work is limited to an existing transportation ROW and will not affect historic properties. Below is a summary of Section 106 consultation to date associated with the Ohio Phase I National Gateway Clearance Initiative. The results of the previous consultation will be utilized to evaluate the effect of the TIGER-funded undertakings.

- On August 3, 2009 (OHPO provided concurrence August 6, 2009), a formal submission was made to the Ohio State Historic Preservation Office (OHPO) by FHWA with the Ohio DOT as its agent. The submission documented the results of preliminary cultural resource investigations. As a result and in accordance with 36 Code of Federal Regulations (CFR) § 800.5(a), the letter had four recommendations. One recommendation requested archeology studies be completed at four locations; one recommendation requested development of Memoranda of Agreement for seven historic properties; none of the properties recommended for further work are part of this undertaking. The third recommendation stated history/architecture studies were not warranted as the majority of the work is limited to an existing transportation ROW. The fourth recommendation was specific to the POR - Main Street, BG 117.30 obstruction in Kent, Ohio. The scope of work at this location is within the National Register boundaries of the Kent Industrial Historic District. Work will be temporary in nature and will not result in the removal or alteration of contributing features or elements. The OHPO will be provided an opportunity to review and comment on detailed design for the proposed action when available. The OHPO concurred Kent Industrial Historic District will not be adversely affected by the proposed action on August 6, 2009.
- On August 6, 2009, in accordance with 36 CFR § 800.6, FHWA, with ODOT-Office of Environmental Services (OES) as its agent, notified the Advisory Council on Historic Preservation, the COUNCIL as defined in 36 CFR § 800.16(g), of the proposed action. The letter stated the proposed action would have an Adverse Effect because of the proposed removal of bridges eligible for inclusion on the NRHP; however, these bridges have advanced separately and are not a part of this undertaking.
- On August 10, 2009, ODOT-OES sent a formal invitation and the *CSX-National Gateway Corridor Improvements PID: 85697, Application to be Considered a Section 106 Consulting Party for Historic Property Impacts* to potential Section 106 Consulting Parties. The invitation included a copy of the August 6, 2009 OHPO determination and notification of the August 19, 2009 open house to be held at the Northeast Ohio University College of Medicine and Pharmacy in Rootstown, Ohio. No responses have been received to date.
- On August 25, 2009, the COUNCIL formally notified ODOT-OES that the COUNCIL's participation in Section 106 consultation was not warranted.
- Updated right-of-way information received August 28, 2009 showed that no archaeological work would be required at the POR-Rock Springs Road location (ARRA funded project with approved CE). Gray & Pape conducted fieldwork as requested by the primary consultant for this project, ARCADIS U.S., Inc. A management summary and mapping for the *Phase I Archaeological Survey for the CSX-National Gateway Corridor Improvements in Ashland, Medina, and Portage Counties, Ohio (PID 85697)* was provided by Gray & Pape, Inc. to ODOT/OES on September 23, 2009.
- In the September 29, 2009 submission to the OHPO, titled *Compliance of Section 106 of the National Historic Preservation Act of 1966 (NHPA)*, ODOT determined that the appropriate finding for the undertaking in accordance with 36 CFR § 800.5(a) was an Adverse Effect. OHPO concurred with this finding on October 5, 2009. The Adverse Effect determination is related to bridges that have advanced separately and are not a part of this undertaking. There is no Adverse Effect in accordance with 36 CFR § 800.5(a) for the TIGER-funded projects in Ohio.
- On October 5, 2009 the OHPO concurred that no further archaeological investigations were required at ASD-TR391; MED-River Corners Road; or POR-Knapp Road (ARRA funded projects with approved CEs). The only site identified by archaeological investigations for this project, 33-ME-382, is not considered significant and most of the Area of Potential Effect (APE) was disturbed by roadway, railway, or urban construction or were in slope, precluding archaeological investigation. This letter noted that the final Phase I report was to be provided to the OHPO for final review and comment.

Ohio Department of Transportation

County Multiple Route Multiple Section _____ PID 85697 SJN Multiple

- “Cultural Resource Consultation” letters, dated November 12, 2009, were submitted by ODOT-OES for POR-Rock Springs Road (BG 105.40) and MED-Mud Lake Rd. (BG 160.20) containing project descriptions and a history of the cultural resources coordination to date. As a result of revisions to right-of-way plans the POR-Rock Springs Road location (PID 87318, ARRA funded project with approved CE) required additional archaeological Phase I survey work. This work was to be completed as an environmental commitment for the project. The OHPO concurred with this finding on November 24, 2009. Note: as of January 20, 2010, POR-Knapp Road and POR-Rock Springs Road are included under the same PID, 87318.
 - On April 1, 2010 ODOT-OES submitted correspondence based on its review of the final report on the archaeological investigations conducted at POR-Rock Springs Road; ASD-TR391; MED-River Corners Road; and POR-Knapp Road (ARRA funded projects with approved CEs). Based on this report, no further archaeological work was recommended at these locations. The report also fulfilled the environmental commitment to conduct archaeological work at POR-Rock Springs Road (PID 87318) and an obligation to provide a final archaeological summary as stipulated in the September 29, 2009 *Compliance with Section 106 of the National Historic Preservation Act of 1966 (NHPA)* letter (which OHPO concurred with on October 5, 2009). The OHPO concurred with ODOT’s findings on April 29, 2010.
 - On July 2, 2010, the FHWA/FRA submitted correspondence to the Advisory Council on Historic Preservation (ACHP) for the entire Phase I National Gateway corridor in Ohio, Pennsylvania, West Virginia, and Maryland. In a letter dated July 9, 2010, ACHP noted that its participation in the Section 106 process is not needed. This letter is included in Appendix C of the Environmental Assessment document.
 - ODOT-OES submitted correspondence to the OHPO on July 29, 2010 regarding archaeological investigations specific to the TIGER funded projects and the final limits of disturbance. The correspondence recommended no for further work, although a re-evaluation would be required if the scope of work were to change. OHPO concurred with ODOT’s findings on August 17, 2010.
 - On July 30, 2010 ODOT-OES submitted a “Section 106 Effect on Historic Properties in Ohio” letter to the OHPO. On August 30, 2010 the OHPO concurred with a finding of “no adverse effect” for the undertaking.
 - In August 2010, the OHPO and ODOT signed the multi-State, National Gateway Initiative Memorandum of Agreement for coordination under Section 106 of the NHPA. Mitigation measures for the Ohio projects included the stipulation: if, prior to the start of construction, it is determined the Kent Industrial Historic District would be adversely affected by the action, CSX shall provide FHWA documentation of the proposed action’s effect on the historic district, including measures to minimize harm. The FHWA shall ensure CSX submits the documentation to the OHPO for review and comment. Prior to demolition of the historic bridges within the area of potential effects of the Ohio Department of Development portions of the National Gateway Clearance Initiative, known as the ASD-TR 391 Bridge, BG 175.70; ASD-TR 150 Bridge, BG 175.30; MED-River Corners Road Bridge, BG 169.70; and MED-Pawnee Road Bridge, BG 168.70, CSX shall retain a qualified historic preservation consultant who meets the Secretary of the Interior’s Professional Qualification Standards (36 CFR Part 61) in history, architecture, architectural history, or historic architecture, to document the historic bridges.
- Refer to Attachment 12 for copies of the above referenced correspondence with the OHPO. A copy of the fully executed multi-State Memorandum of Agreement is provided in Appendix C of the Environmental Assessment document.

SECTION D – SECTION 4(F) RESOURCES

	<u>Presence</u>		<u>Impacts</u>		<u>FHWA / OES approval dates</u>
	Y	N****	Y***	N**	
Parks & Other Recreational Land		X			
Publicly owned park		X		X	
Publicly owned recreation area		X		X	
National Wild & Scenic River		X		X	
Section 4(f) Determination of No-Use	X				pending

Ohio Department of Transportation

County Multiple Route Multiple Section _____ PID 85697 SJN Multiple

Programmatic Section 4(f) Evaluation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Individual Section 4(f)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Section 6(f) involvement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Other (school, state/national forest, bikeway, etc.)	Bikeway at POR - Abandoned Railroad Bridge, Kent, BG115.80		

	<u>Presence</u>		<u>Impacts</u>		<u>FHWA / OES approval dates</u>
	Y	N****	Y***	N**	
Natural & Wildlife & Waterfowl Refuges					
Federal		<input checked="" type="checkbox"/>			
National Wildlife Refuge		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
National Natural Landmark		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
State		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
State Wildlife Area		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
State Natural Preserve		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
Section 4(f) Determination of No-Use		<input checked="" type="checkbox"/>			
Programmatic Section 4(f)		<input checked="" type="checkbox"/>			
Individual Section 4(f) Evaluation		<input checked="" type="checkbox"/>			
Section 6(f) involvement		<input checked="" type="checkbox"/>			
Cultural Resources Areas					
Sites eligible and/or listed for the NRHP	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>FHWA / OES approval dates</u>
Section 4(f) Determination of No-Use					Not applicable
Programmatic Section 4(f)					Not applicable
Individual Section 4(f) Evaluation					Not applicable

Remarks:

One Section 4(f) property has been identified within the limits of disturbance at the following obstructions:

POR - Abandoned Railroad Bridge, Kent, BG115.80; ABCR Railroad Bridge, Kent, BG115.67; Bridge Superstructure Raising- The Kent Hike and Bike Path is a 9.8 mile long multi-use rails to trails conversion, running east-west connecting the towns of Kent and Ravenna, Ohio. The trail is part of the Portage Parks District and this section of the trail is owned by the City of Kent. The Kent Hike and Bike consists of an approximately 8-foot wide trail of primarily smooth crushed gravel and/or asphalt. Northeast of Kent, Ohio, the trail crosses over the CSX mainline tracks by utilizing one bay of the 5 bay W&LE Railroad bridge. (The W&LE operating their Akron Barberton Cluster Railroad utilizes one bay, the Kent Hike and Bike utilizes one bay and the other three bays carry no traffic.) This proposed action will elevate the two actively utilized bridge bays and removed the remaining three unutilized bays. Specifically in regards to the Kent Hike and Bike, a temporary run-around trail will be located approximately 34 feet south of and parallel to the existing trail and will utilize one of the adjacent unutilized bays to cross over the CSX mainline tracks. Approximately 750 feet of the trail will be closed and relocated to the temporary trail. An additional 133 feet of the spur extending to River Bend Boulevard will also be closed while that portion of the trail is re-built. The temporary trail will consist of aggregate or other material. The existing trail bridge will be raised approximately 1.78 feet and repairs will be made to the abutments. Restoration of the existing trail will consist of removal of the asphalt, regrading, placement of the asphalt overlay and grading of the adjoining fill slopes. The turf shoulders adjacent to the trail will be seeded and mulched. If limited woody vegetation removal is required the area will be replanted in kind. Construction activities are estimated to last 10 to 12 weeks but the temporary trail will only be required for 6 to 8 weeks. The temporary detour of the trail and the reconstruction has been coordinated with the City of Kent, the owner of this section of the trail.

The resource qualifies for consideration under Section 4(f) as a publicly-owned, public park and/or recreation area of local significance. Impacts to the bicycle/pedestrian path will be temporary and of short duration, the resource will be fully restored at completion of the project and these stipulations have been fully coordinated with the official having jurisdiction over the resource. The MOU with the City of Kent (the agency with jurisdiction over the resource) is included as Appendix H of the Environmental Assessment. The FRA/FHWA will make the final 4(f) determination of use for this resource.

Ohio Department of Transportation

County Multiple Route Multiple Section _____ PID 85697 SJN Multiple

** If the resource is present but no impacts are anticipated, the reason why is described under Remarks.
 *** Any impacts, mitigation and agency coordination are described under Remarks and coordination letters are attached.
 ****If "No", discuss in the remarks section details about how this determination was made.

SECTION E – AIR QUALITY & NOISE
--

	Y	N
Will the project move the travel lanes closer to sensitive land uses?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Air Quality

	Y	N
Conformity Status of the Project	<input type="checkbox"/>	<input type="checkbox"/>
Is the project in an air quality non-attainment or maintenance area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Criteria pollutant in non-attainment or maintenance	<input checked="" type="checkbox"/>	<input type="checkbox"/>

PM 2.5 X PM 10 X Ozone X CO X

	Y	N
Is this project in the STIP?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is this project in the most current MPO air quality conforming TIP?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If NO, is this project exempt from conformity analysis?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is a project-level PM 2.5 conformity determination required for this project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If YES, has FHWA issued a conformity determination?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Project-Level Analysis and Impacts

	Y	N
Has the project scope changed substantially since the conformity analysis?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If YES, will this change require a reevaluation of the MPO TIP conformity?	<input type="checkbox"/>	<input type="checkbox"/>
Is a PM 2.5 hotspot analysis required for this project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is an air toxics (MSAT) analysis required for this project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Type of Analysis: Qualitative _____ Quantitative _____

Ohio Department of Transportation

County Multiple Route Multiple Section _____ PID 85697 SJN Multiple

Remarks:

GENERAL CONFORMITY ANALYSIS REGULATORY BACKGROUND

Section 176(c) of the Federal Clean Air Act (CAA) provides that Federal agencies cannot engage, support, or provide financial assistance for licensing, permitting, or approving any project unless the project conforms to the applicable State Implementation Plan (SIP). A SIP is a compilation of a state's air quality control plans and rules, approved by the United States Environmental Protection Agency (USEPA). The State and USEPA's goals are to eliminate or reduce the severity and number of violations of the National Ambient Air Quality Standards (NAAQS) and to achieve expeditious attainment of these standards.

Pursuant to CAA Section 176(c) requirements, the USEPA promulgated Title 40 of the Code of Federal Regulations Part 51 (40 CFR 51) Subpart W and 40 CFR 93 Subpart B, "Determining Conformity of General Federal Actions to State or Federal Implementation Plans" (see Volume 58 of the Federal Register [FR], November 30, 1993 (58 FR 63214)). On April 5, 2010, EPA revised the General Conformity regulation (75 FR 17253). These regulations, commonly referred to as the General Conformity Rule, apply to all Federal actions except for those Federal actions which are excluded from review (e.g., stationary source emissions) or related to transportation plans, programs, and projects under Title 23 U.S. Code or the Federal Transit Act, which are subject to Transportation Conformity. The general conformity rule applies to all federal actions not addressed by the transportation conformity rule.

40 CFR 51 Subpart W applies in states where the state has an approved SIP revision adopting General Conformity regulations; 40 CFR 93 Subpart B applies in states where the state does not have an approved SIP revision adopting General Conformity regulations.

The General Conformity Rule is used to determine if Federal actions meet the requirements of the CAA and the applicable SIP by ensuring that air emissions related to the action do not:

- Cause or contribute to new violations of a NAAQS;
- Increase the frequency or severity of any existing violation of a NAAQS; or
- Delay timely attainment of a NAAQS or interim emission reduction.

A conformity determination under the General Conformity Rule is required if the federal agency determines: the action will occur in a nonattainment or maintenance area; that one or more specific exemptions do not apply to the action; the action is not included in the federal agency's "presumed to conform" list, the emissions from the proposed action are not within the approved emissions budget for an applicable facility; and the total direct and indirect emissions of a pollutant (or its precursors), are at or above the *de minimis* levels established in the General Conformity regulations (75 FR 17255).

Conformity regulatory criteria are listed in 40 CFR 93.158. An action will be determined to conform to the applicable SIP if, for each pollutant that exceeds the *de minimis* emissions level in 40 CFR 93.153(b), or otherwise requires a conformity determination due to the total of direct and indirect emissions from the action, the action meets the requirements of paragraph (c) of 93.158.

EVALUATION

The general conformity rule first involves a conformity evaluation to determine if the proposed action requires a conformity determination based on the criteria listed above. Since the projects are not classified as "exempt" activities, a "presumed to conform" list does not exist for FRA, and there is no applicable facility budget, the last remaining test is the *de minimis* test. For this test, the quantity of the nonattainment or maintenance area pollutant from the project during the highest emission year is compared to the *de minimis* emissions level for that pollutant. If the emissions level is exceeded, further analysis and a conformity determination are required. The analyses must consider the construction emissions and include the total direct as well as indirect emissions as a result of the proposed action. Some of the proposed projects will be located in designated nonattainment or maintenance areas for particulate matter less than or equal to 2.5 microns in diameter (PM2.5) and ozone. A few of the proposed projects are located within a mile or less of designated maintenance areas for CO, SO2 and PM10. Because of their close proximity to those areas, they were assumed to be in those designated maintenance areas for the sake of this evaluation.

Ohio Department of Transportation

County Multiple Route Multiple Section _____ PID 85697 SJN Multiple

<p>Therefore, in accordance with 40 CFR 93.153 and 93.158, emissions of the following pollutants and precursors are assessed: ozone precursor compounds nitrogen oxide (NOx) and volatile organic compounds (VOCs), SO₂, CO, PM₁₀, PM_{2.5} (direct) and PM_{2.5} precursor compounds (SO₂ and NOx) are analyzed in a General Conformity analysis. The de minimis thresholds for this analysis (all areas) are as follows:</p> <p>General Conformity De Minimis Thresholds</p> <p>40 CFR 93 § 153 defines DE MINIMIS levels, that is, the minimum threshold for which a conformity determination must be performed, for the criteria pollutants found for various criteria pollutants in various areas. The information for the project area is summarized here:</p> <p>General Conformity Rule De Minimis Emissions Levels Summary</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">Pollutant</th> <th style="text-align: center;">Area Type</th> <th style="text-align: center;">Tons/Year</th> </tr> </thead> <tbody> <tr> <td>Ozone (NOx)</td> <td>Maintenance</td> <td style="text-align: center;">100</td> </tr> <tr> <td rowspan="2">Ozone (VOC)</td> <td>Maintenance within an ozone transport region</td> <td style="text-align: center;">50</td> </tr> <tr> <td>Maintenance outside an ozone transport region</td> <td style="text-align: center;">100</td> </tr> <tr> <td>Carbon monoxide, SO₂ and NO₂</td> <td>All nonattainment & maintenance</td> <td style="text-align: center;">100</td> </tr> <tr> <td>PM-10</td> <td>Moderate nonattainment and maintenance</td> <td style="text-align: center;">100</td> </tr> <tr> <td>PM_{2.5} - direct, SO₂, and NOx</td> <td>All nonattainment and maintenance</td> <td style="text-align: center;">100</td> </tr> </tbody> </table> <p>CONSTRUCTION EMISSIONS</p> <p>Construction-related emissions are not covered by Ohio's nonattainment New Source Review (NSR) program (i.e., subject to offset requirements) and are therefore evaluated under the General Conformity Rule.</p> <p>Construction-related emissions occur in calendar years prior to commencement of operations. No other project-related emissions will occur simultaneously with construction-related emissions. Specific obstructions (listed as projects below) are located in areas that are in or near nonattainment or maintenance for ozone, PM₁₀, SO₂, CO, and PM_{2.5}, as described in the following table.</p> <p>Obstructions Location and Associated Nonattainment/Maintenance Status</p> <p>M = maintenance; NA = nonattainment</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">Project Name</th> <th style="text-align: center;">City</th> <th style="text-align: center;">State</th> <th style="text-align: center;">ID</th> <th style="text-align: center;">Activity</th> <th style="text-align: center;">Pollutant</th> </tr> </thead> <tbody> <tr> <td>Thornton Street</td> <td>Akron</td> <td>OH</td> <td>BG 131.00</td> <td>Lower Track</td> <td>1997 8-hr ozone (M) ¹PM 2.5 (NA)</td> </tr> </tbody> </table>						Pollutant	Area Type	Tons/Year	Ozone (NOx)	Maintenance	100	Ozone (VOC)	Maintenance within an ozone transport region	50	Maintenance outside an ozone transport region	100	Carbon monoxide, SO ₂ and NO ₂	All nonattainment & maintenance	100	PM-10	Moderate nonattainment and maintenance	100	PM _{2.5} - direct, SO ₂ , and NOx	All nonattainment and maintenance	100	Project Name	City	State	ID	Activity	Pollutant	Thornton Street	Akron	OH	BG 131.00	Lower Track	1997 8-hr ozone (M) ¹ PM 2.5 (NA)
Pollutant	Area Type	Tons/Year																																			
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Thornton Street	Akron	OH	BG 131.00	Lower Track	1997 8-hr ozone (M) ¹ PM 2.5 (NA)																																

Ohio Department of Transportation

County Multiple Route Multiple Section _____ PID 85697 SJN Multiple

Project Name	City	State	ID	Activity	Pollutant
Overhead Walkway	Akron	OH	BG 130.13	Lower Track	1997 8-hr ozone (M) PM 2.5 (NA)
W&LE Railroad Bridge	Kent	OH	BG 118.20	Lower Track	1997 8-hr ozone (M) PM 2.5 (NA)
Main Street	Kent	OH	BG 117.30	Lower Track	1997 8-hr ozone (M) PM 2.5 (NA)
Recreational Trail ²	Kent	OH	BG 115.80	Raise Bridge	1997 8-hr ozone (M) PM 2.5 (NA)
W&LE Railroad Bridge	Kent	OH	BG 115.67	Raise Bridge	1997 8-hr ozone (M) PM 2.5 (NA)
NS Railroad Bridge	Ravenna	OH	BG 110.80	Lower Track	1997 8-hr ozone (M) PM 2.5 (NA)
Abandoned Railroad Bridge	Youngstown	OH	BG 76.60	Remove Bridge	1997 8-hr ozone (M)

¹ All PM 2.5 areas are nonattainment under both 1997 and 2006 standards.

²Kent Recreational Trail and W&LE Bridge share abutments and were calculated as one construction project .

Construction activities for the projects within nonattainment (NA) and maintenance (M) areas are listed below:

- Equipment and Site mobilization and demobilization
- Concrete/Asphalt Activities
- Grinding, sanding, abrasive blasting activities
- Welding Operations:
- Open Cutting Activities
- Coatings Usage
- Earth Moving Activities
- Onsite equipment
 - Generators
 - Compressors
 - Boilers
- Landscaping
- Fugitive Dust
- Utility crew activities

CONCLUSION

The worst case for emissions is expected to be the first year of operation. The estimated releases of CO, PM10, PM2.5, NOx, SO2, and VOCs are given in Appendix J of the Environmental Assessment. These emissions are below the general conformity *de minimis* emissions levels; therefore, no further action is required.

Ohio Department of Transportation

County Multiple Route Multiple Section _____ PID 85697 SJN Multiple

Noise

	Y	N
Is a noise analysis required in accordance with FHWA regulations and ODOT's statewide noise abatement policy?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If YES, is a design year noise impact predicted?	<input type="checkbox"/>	<input type="checkbox"/>
If YES, have all noise attenuation measures been considered, consistent with the policy?	<input type="checkbox"/>	<input type="checkbox"/>
If NO, explain why not: <u>See below</u>		
Is noise attenuation found to be reasonable and feasible?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Remarks:

The National Gateway Clearance Initiative does not include new track on new alignment, significant alterations to track alignment, or changes in vehicle speed. The proposed action will not cause an increase in traffic noise levels because it will not provide additional mainline tracks on new alignment, will not change the maximum operating speed of the track, and will not substantially change the shielding effects of the surrounding area. The proposed action does not move traffic closer to receptors and is capacity neutral (train or vehicular). Completion of the proposed action will allow more freight to be moved on any given train.

No locations require grade increases over 10 feet. No noise analysis or noise mitigation is required.

SECTION F – COMMUNITY IMPACTS

Regional, Community & Neighborhood Factors

	Y	N
Will the proposed action comply with the local/regional development patterns for the area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Will the proposed action result in substantial impacts to community cohesion?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will the proposed action result in substantial impacts to local tax base or property values?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Remarks:

The purpose of the National Gateway Clearance Initiative is to allow the use of double-stacked containers, thereby increasing the capacity of the existing rail corridor. Because this proposed action will utilize existing rail corridors, no changes to land use or development patterns will be created. Between the logical termini of the proposed action, no changes to rail access or support facilities are expected. Completion of the proposed action will not increase rail traffic but instead allow any given train to carry more freight. The amount of rail traffic is dependent on the economy. The Ohio Statewide Rail Plan – Draft Final Report (Ohio Department of Transportation, December 2009), projects an increase volume of intermodal freight through the year 2035. Completion of this proposed action is concurrent with the State's projections by allowing for a safe, efficient, reliable, and cost-effective freight transportation system.

The National Gateway Clearance Initiative will create changes to both local and regional traffic patterns. The increased capacity of existing trains will have a positive effect to regional traffic by reducing long-haul trucking along routes served by the rail corridor. Although localized traffic at the intermodal facilities will change as a result of the projected increase in domestic and international freight traffic, these changes would occur whether the National Gateway Clearance Initiative is completed or not. Local traffic at intermodal facilities is influenced by the interaction of the overall rail system, as well as other unrelated local conditions. These traffic changes are addressed through the existing transportation programs of the local and state government.

	Y	N
Will the proposed action result in reasonably foreseeable secondary or cumulative impacts?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Remarks:

The proposed action will provide relief to congested rail and highway corridors by enabling trains to more efficiently carry freight. The ability to transport double-stacked containers and the improved economies of scale generated by this undertaking will provide a cost-effective solution to long-haul trucking. This will directly reduce highway congestion and reduce highway maintenance costs. Benefits associated with reduced truck

Ohio Department of Transportation

County Multiple Route Multiple Section _____ PID 85697 SJN Multiple

traffic over the next 20 years include public roadway congestion cost savings of nearly \$33.6 million and public roadway pavement cost savings of over \$59 million.

The increased capacity and improved economies of scale provided through completion of this undertaking will result in a cost-effective alternative to long-haul trucking, directly reducing highway congestion and highway maintenance costs. The project's benefits include reduced greenhouse gas and fuel usage, lower transportation costs, improved service reliability, shorter transport times, improved highway safety and expanded access to rail services. Furthermore, air quality is projected to improve as rail transport produces fewer emissions than truck transport.

Upon completion, the Phase I National Gateway Clearance Initiative undertaking will deliver \$398 million of public benefits to Ohio by

- Expanding rail market access potential for the State.
- Enhancing rail transportation infrastructure.
- Investing directly in short-term construction projects in Ohio; including 836 additional jobs.
- Reducing Ohio's highway congestion and greatly improving public safety by shifting freight from trucks to the enhanced rail network, saving nearly \$34.1 million of highway maintenance costs in Ohio.

CSX has estimated that 836 jobs will accrue to Ohio for the clearance undertaking. These jobs require specialized labor because of the nature of the work, which includes working over or adjacent to an active railroad, utility relocation, structure demolition/erection, and the necessary protective services and inspections.

Public Facilities & Services

Will the proposed action result in substantial impacts on health and educational facilities, public utilities, fire, police, emergency services, religious institutions, public transportation or pedestrian and bicycle facilities?

Y	N
<input type="checkbox"/>	<input checked="" type="checkbox"/>

Remarks:

The proposed action will not result in substantial impacts on health and educational facilities, public utilities, fire, police, emergency services, religious institutions, public transportation or pedestrian and bicycle facilities.

Environmental Justice (Presidential Executive Order 12898)

During public involvement activities, were Environmental Justice issues raised?

Are any Environmental Justice populations located within the project area?

Will the project result in adversely high or disproportionate impacts to the population?

Y	N
<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>

Remarks:

SUM - Thornton Street, Akron, BG131.00, Lower Tracks - According to the 2000 U.S. Census, the limits of the proposed action are within Census Tract 5068 and Census Block Group 1 (5086). Of the 2,516 people in the Census Tract, 70.7% are minorities, and 36.1% live below poverty level. Of the 1,479 people in the Census Block Group, 61.3% are minorities. Poverty-level information is not available at the Census Block Group level. By comparison, the Akron has 31.1% minorities and 17.5% living below poverty level, and Summit County as a whole has 15.3% minorities and 9.9% living below poverty level. The proposed action area has a higher percentage of minorities and those living below the poverty line than Akron.

Lowering the track in this location will be achieved using an undercutter machine, which is similar to general maintenance completed on the existing track. Such activities are within the rail ROW and will not result in an adverse impact to the adjacent residents.

SUM - Overhead Walkway, Akron, BG130.13, Lower Tracks - According to the 2000 U.S. Census, the limits of the proposed action are within Census Tracts 5013.01 and 5013.02 and Census Block Groups 1 (5013.01) and 1 (5013.02). Of the 7,452 people in the Census Tracts, 42.5% are minorities and 29.5% live below poverty level. Of the 1,521 people in the Census Block Groups, 34.3% are minorities. Poverty-level information is not available at the Census Block Group level. By comparison, Akron has 31.1% minorities and

Ohio Department of Transportation

County Multiple Route Multiple Section _____ PID 85697 SJN Multiple

17.5% living below poverty level, and Summit County as a whole has 15.3% minorities and 9.9% living below poverty level. The proposed action area has a higher percentage of minorities and those living below the poverty line than Akron.

Only one track will be lowered at this obstruction. Such activities are within the rail ROW and will not result in an adverse impact to the adjacent residents.

POR - W&LE Railroad Bridge, Kent, BG118.20, Lower Tracks - According to the 2000 U.S. Census, the limits of the proposed action are within Census Tract 6014 and Census Block Groups 1 (6014) and 4 (6014). Of the 4,798 people in the Census Tract, 9.9% are minorities and 16.4% live below poverty level. Of the 1,565 people in the Census Block Groups, 16.4% are minorities. Poverty-level information is not available at the Census Block Group level. By comparison, Kent has 12.1% minorities and 25.2% living below poverty level, and Portage County as a whole has 4.5% minorities and 9.3% living below poverty level.

POR - Main Street Bridge, Kent, BG117.30, Lower Tracks - According to the 2000 U.S. Census, the limits of the proposed action are within Census Tracts 6013 and 6014 and Census Block Groups 3 (6012) and 1 (6014). Of the 11,390 people in the Census Tracts, 11.9% are minorities and 16.7% live below poverty level. Of the 1,982 people in the Census Block Groups, 14.3% are minorities. Poverty-level information is not available at the Census Block Group level. By comparison, Kent has 12.1% minorities and 25.2% living below poverty level, and Portage County as a whole has 4.5% minorities and 9.3% living below poverty level.

POR - Abandoned Railroad Bridge, Kent, BG115.80, ABCR Railroad Bridge, Kent, BG115.67, Bridge Superstructure Raising - According to the 2000 U.S. Census, the limits of the proposed action are within Census Tract 6012 and Census Block Group 1 (6012). Of the 4,353 people in the Census Tract, 7.9% are minorities and 20.3% live below poverty level. Of the 865 people in the Census Block Group, 6.0% are minorities. Poverty-level information is not available at the Census Block Group level. By comparison, Kent has 12.1% minorities and 25.2% living below poverty level, and Portage County as a whole has 4.5% minorities and 9.3% living below poverty level.

POR - NS Railroad Bridge, Ravenna, BG110.80, Lower Tracks - According to the 2000 U.S. Census, the limits of the proposed action are within Census Tract 6009.02 and Census Block Group 3 (6009.02). Of the 4,918 people in the Census Tract, 3.6% are minorities and 6.0% live below poverty level. Of the 1,972 people in the Census Block Group, 5.4% are minorities. Poverty-level information is not available at the Census Block Group level. By comparison, Ravenna has 5.5% minorities and 10.3% living below poverty level, and Portage County as a whole has 4.5% minorities and 9.3% living below poverty level.

MAH - Abandoned Railroad Bridge, Youngstown, BG76.60, Existing Bridge Modification - According to the 2000 U.S. Census, the limits of the proposed action are within Census Tract 8019 and Census Block Groups 1 (8019). Of the 618 people in the Census Tract, 87.9% are minorities and 24.4% live below poverty level. Of the 618 people in the Census Block Group, 88.8% are minorities. Poverty-level information is not available at the Census Block Group level. By comparison, Youngstown has 47.4% minorities and 24.8% living below poverty level, and Mahoning County as a whole has 17.8% minorities and 12.5% living below poverty level.

The proposed action will not have any disproportionately high or adverse human health or environmental effects on minority and low-income populations. A public meeting was held for the undertaking. The public meeting was advertised in both print and television media outlets including those that cover the City of Akron projects where a higher percentage of minorities and those living below the poverty line where identified. Furthermore, ODOT District 4 hand delivered letters to homeowners living close to obstructions. No environmental justice issues were raised during the public involvement activities conducted for this proposed action. United States Census information is provided as Attachment 13.

Displacement of People, Businesses or Farms:

Will the proposed action displace people, businesses or farms?

Y	N
	X

Number of displacements: Residences: 0 Businesses: 0 Farms: 0 Institutions: 0

Remarks: For one track lowering, land acquisition is necessary. However, there will be no displaced residents, farms or businesses.

Ohio Department of Transportation

County Multiple Route Multiple Section _____ PID 85697 SJN Multiple

SECTION G – PUBLIC INVOLVEMENT

Per ORC 5511.01 and 23 CFR 771.111 (h)(2)(i) and (ii), every Federal action requires some level of public involvement, providing for early and continuous opportunities throughout the project development process. **The level of public involvement should be commensurate with the proposed action.**

Discuss what public involvement activities (letters to affected property owners and residents, meetings, special purpose meetings, newspaper articles, etc.) have occurred for this project.

Were you inclusive of minority and low income people in your public involvement activities? **Yes*** **No**
** If YES, explain below.*

A meeting was held for the proposed action on August 19, 2009 at Northeastern Ohio University's College of Medicine and Pharmacy's campus. A media advisory was submitted to nine print and eight television contacts in the area. One hundred five notification letters were sent to local property owners; residents; interested parties; and local, county, state, and federal officials. This letter notified the recipient of the date, time, and location of the meeting, as well as solicited feedback for interested consulting parties under Section 106. The format of the meeting was an informal open house, and the room was arranged by county with information on each of the obstructions. Handouts were prepared providing obstruction information. Over 10 representatives from ODOT, CSX, and consulting firms were present to address questions on a one-on-one basis. A total of 12 attendees participated in the meeting.

Three public comments, related to the proposed action moving forward under the TIGER award, were received. One was a positive statement. The second comment was from the City of Kent related to its bike and hike trail at location BG 115.80 Abandoned Railroad structure. This comment led to the development of the MOU with the City of Kent for this resource. The third comment in reference to drainage in the vicinity of POR - NS Railroad Bridge, Ravenna, BG110.80.

See Attachment 14 for examples of the notification letters, public officials, and interested parties who received the notification, media advisory information, media articles, comments received, and comment responses submitted.

Public Controversy on Environmental Grounds Y N
 Will the project involve substantial controversy concerning community and/or natural resource impacts?

Remarks: No substantial concerns regarding community and/or natural resource impacts were raised as a result of the public involvement. Comments and questions raised during the public involvement activities were responded to accordingly by CSX. Public input led to a review of proposed action alternatives and changed the proposed alternative for some obstructions.

A letter received from the City of Kent about its bridge at POR - Abandoned Railroad Bridge, Kent, BG115.80 led to establishing the MOU with the City of Kent on this obstruction.

The public is in support of the proposed improvements.

SECTION H – HAZARDOUS MATERIALS & REGULATED SUBSTANCES

	Documentation	
	Y	N
Environmental Site Assessment Screening / Checklist	X	
Phase I Environmental Site Assessment		X
Phase II Environmental Site Assessment		X
Design for Remediation		X

Ohio Department of Transportation

County Multiple Route Multiple Section _____ PID 85697 SJN Multiple

Remarks:

Based on the information collected, the majority of the obstructions are within the CSX ROW. The ROW has been actively used for the movement of freight for decades. Screening-level checklists were completed for property acquisitions and identification of materials that may need special management during construction of the proposed action. The Environmental Site Assessment (ESA) screening investigations were completed in accordance with ODOT's ESA Guidelines dated April 2009. The ROW was walked along the entire limits of disturbance. During the screening review, dumped municipal waste (tires, used appliances, etc.) was observed along the ROW in various locations. CSX spill records were reviewed from 1991 to the present. No documented spills were reported within the limits of disturbance at any of the obstructions. The following observations warrant further environmental assessment and/or special material management:

POR - W&LE Railroad Bridge, Kent, BG118.20, Lower Tracks – Based on an Environmental Right of Entry executed between CSX and the adjacent property owner, dated January 13, 2003, the northeastern upgradient adjacent property (800 Mogadore Road) has groundwater contamination that has migrated onto the CSX ROW. The constituents of concern are chlorinated solvents. The property owner is completing a voluntary cleanup of the groundwater. Since the contaminated groundwater is located at a depth of 5 feet below the ground surface and this location will be lowered 1.5 feet, there is an increased potential that the construction activities will encounter this contaminated groundwater. Therefore, a contaminated groundwater note will be placed in the design plans.

Some surficial staining was noted on the industrial track/rail spur at this obstruction. A Phase II ESA, limited to soil characterization, will be conducted on the stained soils prior to the sale of the project to determine if a construction plan note for special material management and proper disposal is required in the construction plans.

POR - Abandoned Railroad Bridge, Kent, BG115.80, ABCR Railroad Bridge, Kent, BG115.67, Bridge Superstructure Raising - Surface staining was observed along the ABCR (owned by W&LE) track. A Phase II ESA, limited to soil characterization, will be conducted on the stained soils prior to the sale of the project to determine if a construction plan note for special material management and proper disposal is required in the construction plans.

Environmental screening was not completed at TRU -, Abandoned Railroad Bridge, Youngstown, BG76.60, Existing Bridge Modification because no subsurface work is proposed; work will be completed on bridge superstructure.

A copy of the November 12, 2009 interoffice correspondence concerning the environmental site assessment screening is included as Attachment 15.

SECTION I – PERMITS CHECKLIST

	<u>Required</u>	<u>Not Required</u>	<u>Complete</u>	
			Y	N
OES Permit Determination (PD)			<input type="checkbox"/>	<input type="checkbox"/>
Army Corps of Engineers (404/Section10 Permit				
Individual (IP)	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Nationwide (NWP)	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Pre-Construction Notification (PCN)	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
OEPA				
Level 1 Review – General Isolated Wetland Permit	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Level 2 Review – Individual Isolated Wetland Permit	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Level 3 Review – Individual Isolated Wetland Permit	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
401 Water Quality Certification (WQC)	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
NPDES Construction Storm Water Permit	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
US Coast Guard Section 9 Bridge Permit	<input type="checkbox"/>	<input checked="" type="checkbox"/>		

This is page 25 of 27, which is part of: Ohio Phase I National Gateway Clearance Initiative Documentation Date: 8/19/10

Ohio Department of Transportation

County Multiple Route Multiple Section _____ PID 85697 SJN Multiple

**Wetland and/or Stream Mitigation
Flood Plain Permit**

X
X

Remarks:

No waterway permits will be required. If the land disturbance is less than 1 acre, an NPDES is not required

SECTION J – ENVIRONMENTAL COMMITMENTS MADE & RESOURCES TO BE AVOIDED

1. Coordination, as prescribed by the Fish and Wildlife Coordination Act (16 USC 661-667e), with the USFWS and the ODNR, has been initiated for this proposed action. Any comments by USFWS and/or ODNR to the coordination will be implemented and followed prior to and during construction.
2. If suitable habitat (roost trees or maternity roost trees) for Indiana Bat is to be impacted, USFWS will be contacted prior to any trees being removed.
3. All conditions and terms associated with the NPDES construction storm water general permit, verified by the Ohio EPA, and the current ODOT Supplemental Specification 832 will be included with the contract plans for adherence during construction.
4. A SWPPP will be implemented during and post construction to reduce the potential for erosion and sediment runoff during construction activities. Best management practices for erosion control during and post construction will be implemented at all sewer outlets to minimize pollutants entering waterways.
5. The contractor shall follow storm water best management practices.
6. The track lowering at POR - Main Street, BG 117.30 in Kent, Ohio is within the National Register boundaries of the Kent Industrial Historic District. Work will be temporary in nature and will not result in the removal or alteration of contributing features or elements. OHPO will be provided an opportunity to review and comment on detailed design for the proposed action when available. If the magnitude of the proposed action changes, additional consultation with OHPO will be completed.
7. An MOU is being completed with the City of Kent (who owns the bike path at POR - Abandoned Railroad Bridge, Kent, BG115.80, Bridge Superstructure Raising). All stipulations agreed upon in the MOU will be followed.
8. A contaminated groundwater note will be placed in the construction plans, at POR-W&LE Railroad Bridge, Kent, BG118.20, Track Lowering, since contaminated groundwater is located 5 feet below ground surface and the project will lower the tracks 1.5 feet potentially encountering contaminated groundwater.
9. Surficial staining was noted at obstructions POR - W&LE Railroad Bridge, Kent, BG118.20, Lower Tracks, and ABCR Railroad Bridge, Kent, BG115.67, Bridge Superstructure Raising. A Phase II ESA, limited to soil characterization, will be conducted on the stained soils prior to the sale of the project to determine if a construction plan note for special material management and proper disposal is required in the construction plans.

Ohio Department of Transportation

County Multiple Route Multiple Section _____ PID 85697 SJN Multiple

SECTION K - CONCURRENCE

It is hereby determined that the subject project meets the criteria for CE in accordance with the *Programmatic Categorical Exclusion Agreement* between ODOT and FHWA. This action does not induce significant impacts to planned growth or land use for the area; require relocation of significant numbers of people; have significant impact on any natural, cultural, recreational, historic, or other resource; involve significant air, noise, or water quality impacts; have significant impacts on travel patterns; or otherwise, either individually or cumulatively, have any significant impacts and do not require the preparation of an Environmental Assessment or an Environmental Impact Statement.

As supported by information contained in this Categorical Exclusion Document, this project qualifies for a CE Level 3, Item Number 4, in accordance with the *Programmatic Categorical Exclusion Agreement* between ODOT and FHWA dated

Hadley M. Stamm, ARCADIS U.S., Inc. August 19, 2010

Name of Preparer and Organization

Date

NA

NA

District Environmental Coordinator

Date

District Planning & Programs Administrator

Date

[Signature]
Office of Env. Services Administrator

8/27/10
Date

If CE-4: Date Submitted to FHWA