

Final Environmental Impact Statement Re-evaluation No. 1 for the New International Trade Crossing Project, Wayne County, Michigan July 15, 2013

The Michigan Department of Transportation (MDOT) is seeking the Federal Highway Administration's (FHWA's) approval to acquire right-of-way (ROW) for the New International Trade Crossing (NITC) Project. Federal rules require a re-evaluation of the project's Final Environmental Impact Statement (FEIS) before FHWA authorizes MDOT to advance the project to ROW phase. (23 C.F.R. 771.129 (b)). A re-evaluation considers whether the conclusions of the FEIS remain valid.

This re-evaluation concludes there is no need to supplement the FEIS at this time. This conclusion is based on the findings that there are no changes:

1. In the purpose and need for the project,
2. To the project design, and
3. To relevant laws or regulations that would affect the project at this time.

General Project Description & National Environmental Policy Act (NEPA) Project History

The proposed NITC project (previously known as the Detroit River International Crossing) is located in the cities of Detroit, Michigan and Windsor, Ontario. It is a bi-national effort to provide the safe, efficient movement of people and goods across the US.-Canadian Border at the Detroit River, including improved connections to national, provincial and regional systems such as I-75 and Highway 401. Ontario is now constructing the Right Honorable Herb Gray Parkway (formally known as the Windsor-Essex Parkway in the FEIS) to directly connect the proposed NITC Bridge and Highway 401. The proposed project is in the Southeast Michigan Council of Governments 2040 Regional Transportation Plan, and the 2014-2017 Transportation Improvement Program.

The NITC project includes the following elements. There has been no change in the design since the Record of Decision (ROD):

- Construction of a new border crossing between Detroit, Michigan and Windsor, Ontario.
- New U.S. border inspection plaza.
- Replacing the existing interchange with I-75 in the area defined by Livernois Avenue and Dagoon Street in Detroit, Michigan.
- Replacing five existing pedestrian/bicycle bridges over I-75 near their original locations.
- Property acquisition of residential and commercial properties, both occupied and vacant, and non-profit entities.

The project's NEPA history includes:

- February 2008 FHWA approved the Draft EIS
- November 2008 FHWA approved the Final EIS
- January 2009 FHWA issued the ROD
- April 2013 U.S. State Department issued the Presidential permit to construct the NITC

Purpose and Need for the Project

The stated purpose and need for the NITC remains valid, "to provide safe, efficient and secure movement of people and goods across the U.S.-Canadian border in the Detroit River area to support the economies of Michigan, Ontario, Canada, and the United States; and to support the mobility needs of national and civil defense to protect the homeland".

Since the issuance of the ROD in 2009, there has been a renewed commitment on the part of the U.S. and Canada to improving cross-border connectivity and efficiency (*see "United States-Canada Beyond the Border: A Shared Vision for Perimeter Security and Economic Competitiveness Action Plan, December 2011"*). Both countries recognize the importance of providing a new crossing that would support the economies of Michigan and Ontario, and support the mobility needs of national and civil defense.

As documented in the FEIS, the project will:

- Provide new border-crossing capacity to meet increased long-term demand.
- Improve system connectivity to enhance the seamless flow of people and goods.
- Improve border operations and processing capability in accommodating the flow of people and goods.
- Provide reasonable and secure crossing options in the event of incidents, maintenance, congestion or other disruptions.

1. *Border-Crossing Capacity*

The need to provide new border-crossing capacity to meet increased long-term (at least 30 years from today) demand still exists. The NITC is the only proposed project in the Detroit/Windsor corridor that includes improvements to all of the elements of a border crossing system sufficient to meet long-term border crossing capacity and redundancy needs.

- MDOT's Comprehensive Traffic and Toll Revenue Study (CTTRS) for the NITC was completed in 2010. The traffic forecast was consistent with the projections in the NITC FEIS. The observed total traffic volumes in the Detroit-Windsor corridor from 2009 through 2012 are currently on track to meet the forecasts from the 2010 study (See Figures 1, 2 and 3). The most recent Michigan traffic modeling (2010)

shows that the average weekday traffic projections for 2035 (the horizon year used in the FEIS) are less than 10 percent different from the traffic projections in the FEIS. This is supported by the trends in observed traffic counts for commercial and passenger vehicles.

- In order to meet long-term border crossing needs proposed by the FEIS and supported by CTTRS traffic projections, sufficient capacity is needed on all elements of a border crossing system, including access roads, inspection facilities and on the crossings themselves.

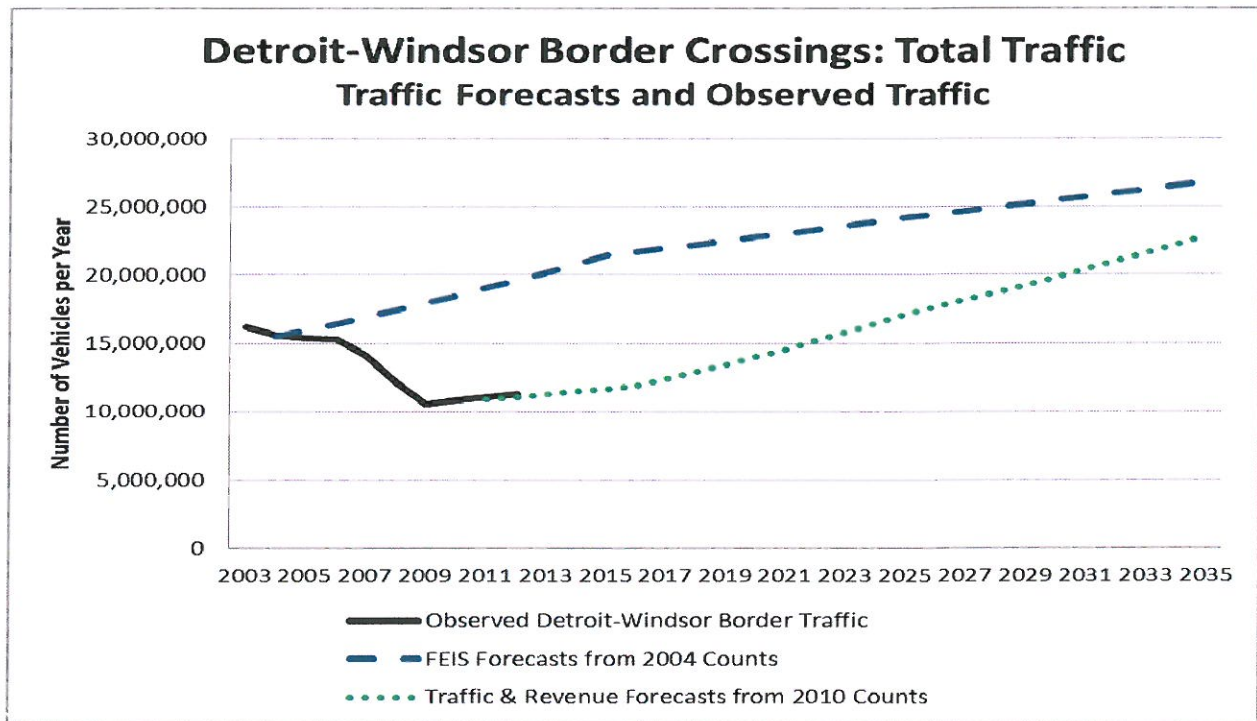


Figure 1

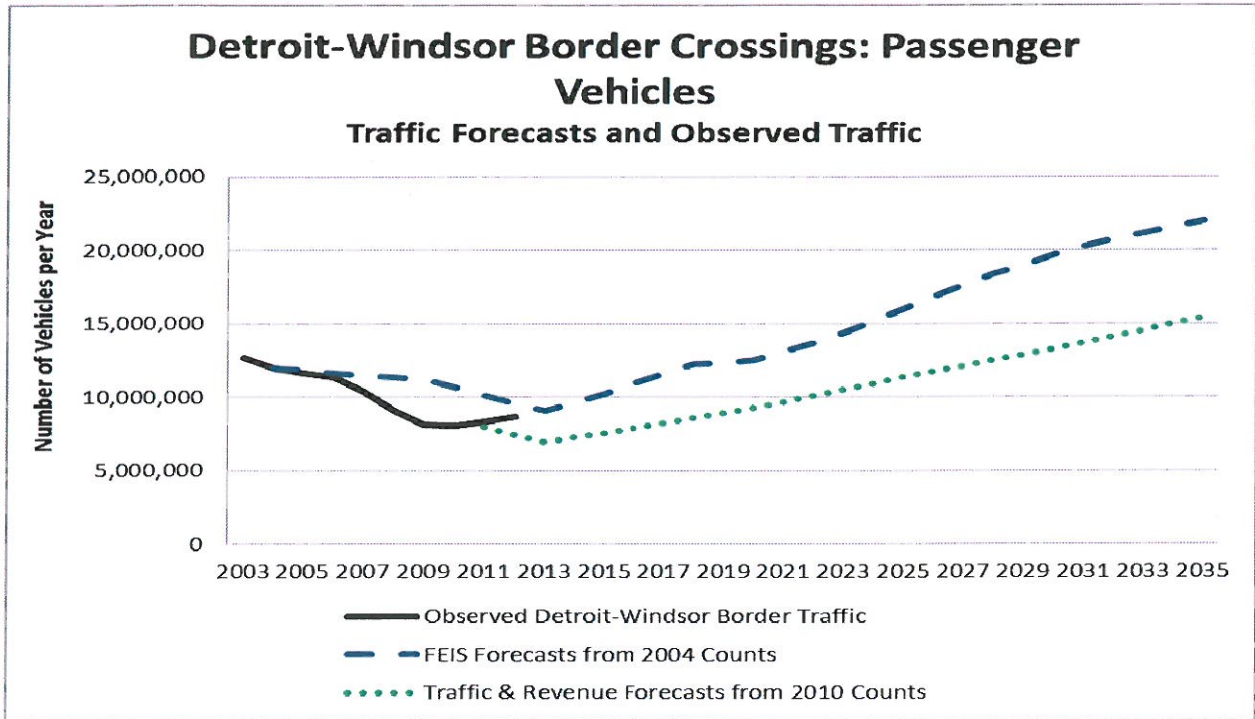


Figure 2

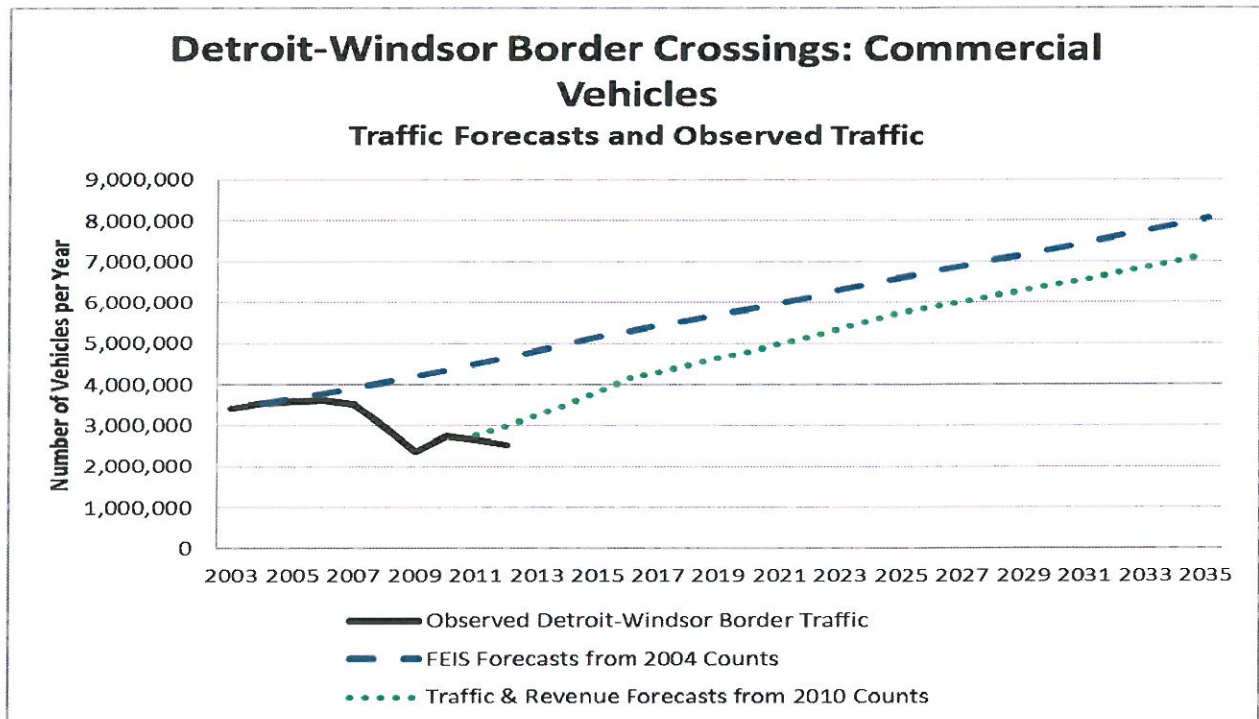


Figure 3

2. *System Connectivity*

The second need for the NITC project is to improve the system connectivity between the interstate highways in Michigan and the Canadian equivalent to an interstate highway, i.e. a direct freeway-to-freeway connection. The need for the proposed NITC Bridge remains to provide direct freeway-to-freeway connection, and the seamless connectivity desired for a high volume border crossing.

- Direct freeway connections already exist on the U.S. side of the border.
- Ambassador Bridge connections to the interstate highway system were improved to facilitate the flow of traffic from the toll booths directly to the US freeway system as discussed in the FEIS (page 1-11). This improvement did not create a direct connection to the Canadian freeway system.
- Although the NITC construction has not begun in Michigan, Ontario is now constructing the Right Honorable Herb Gray Parkway (formally known as the Windsor-Essex Parkway in the FEIS) to directly connect the proposed NITC Bridge and Highway 401.
- This project will eliminate the need to travel from the U.S. border through 9 miles of heavily congested residential and commercial areas, and 18 traffic signals in order to reach Highway 401 in Windsor, Ontario.

3. *US Border and Inspection Processing Capabilities*

The third need is for improvements to operations and processing capabilities at the inspection plazas on both sides of the border. As noted in the FEIS (page 1-12), access roads and border crossing capacities are most affected by physical facilities; US border inspection services are most affected by policies and laws. The need for a new, modern federal inspection station, with the flexibility to quickly install and integrate new inspection technologies as they are developed, still exists at the busiest commercial road crossing on the U.S./Canadian border.

As travel increases, so will delay and queuing in Detroit and Windsor. While there are plans for operational and border processing facilities improvements, the existing plazas will continue to be constrained by adjacent development and the connecting street network.

- Inspection process capabilities improvements at current Detroit area border crossing are limited due to lack of space.
 - Some additional space was created on the U.S. side of the Ambassador Bridge as part of the Gateway Project that provided direct interstate access for the Ambassador Bridge. Most of the newly created space was used to locate and

improve access to a new and larger duty free store. The remainder of the new space was used to improve the passenger car inspection area. No additional improvements were made to the commercial inspection area. The current Ambassador Bridge Plaza is landlocked by I-75, M-85 (Fort Street) and a historically significant church.

- On the Canadian side of the border, the existing Ambassador Bridge Plaza is similarly landlocked by city streets, a rail line, a college campus, and a historic cemetery. In addition, the current plaza is too small to accommodate a secondary inspection area for commercial vehicles. Vehicles requiring secondary inspection are currently escorted two miles on unsecured city streets to an off-site inspection area, creating a potential security concern.
- At the Detroit-Windsor Tunnel, the plaza/inspection areas on both sides of the border are significantly smaller than at the Ambassador Bridge, and are even more tightly landlocked by city streets and adjacent buildings.

Some improvements have been made at the Ambassador Bridge crossing since 2009. As concluded in the FEIS, operations and processing capability needs are not likely to be completely addressed without building the proposed NITC.

4. *Redundancy*

The final need is for alternate, reasonable and secure crossing options in the event of incidents, maintenance, congestion or other disruption at nearby border crossings. This is frequently referred to as the need for redundancy. There is still a critical need for an alternative route that can accommodate the high volume of commercial traffic that regularly uses the Detroit-Windsor trade corridor as defined by the Ambassador Bridge and the Detroit-Windsor Tunnel.

- The physical constraints of the Detroit-Windsor Tunnel dimensions preclude it as a viable option for most commercial traffic crossing the border.
- A new crossing would help ensure sufficient infrastructure capacity at the border when the flow of traffic on one crossing is disrupted, and increase the likelihood that the remaining crossings will be able to handle the additional traffic diverted from the blocked crossing.

Redundant crossings are essential to maintain the seamless flow of people and goods in the event of disruptions to the normal flow of traffic. To be truly redundant, options need to be reasonably located, accessible, and provide adequate security facilities. The proposed NITC would satisfy the need for redundancy by offering a facility spatially separated from the other crossings.

Right of Way

The footprint of this project has not changed, nor have the law and regulations governing acquisition, and relocation assistance and services required for ROW acquisition changed since the FHWA issued the ROD in January 2009. However, the number of displaced residents, commercial buildings and non-profit entities has changed. The table below compares the 2009 Relocation Plan with the 2013 Conceptual Stage Relocation Plan (see attached).

Table 1: Conceptual Relocation Comparison

	Residential Displacements	Commercial Displacements	Non-Profit Entities
2009	257	43	9
2013	142	43	8
Decrease of:	115	0	1

In addition, a field survey of the project area revealed that some unsafe structures have been demolished and a number of residents have relocated.

Changes in Design, Laws or Regulations

There have been no design changes since the project ROD was issued. However, the federal regulations on the *Procedures for Abatement of Highway Traffic Noise and Construction Noise*, 23 C.F.R. Part 772, were amended in 2011. As described in the Federal Register, the rules were changed to clarify and add definitions, the applicability of the regulation, certain analysis requirements, and the use of federal funds for noise abatement measures, *see* 75 Federal Register 39820. These amended regulations are not relevant to the ROW acquisition phase of the project.

A noise impact and abatement analysis was conducted before the FEIS was approved. Before the construction of the bridge, plaza and interchange can begin, a new noise impact and abatement analysis will be prepared and presented through a re-evaluation for a subsequent phase of the project.

New legislation, "Moving Ahead for Progress in the 21st Century Act (MAP-21) was authorized in 2012. MAP-21 provides funding, policies and programs for investments that are vital for the transportation infrastructure. MAP-21 replaces the Safe, Accountable, Flexible, Efficient Transportation Equity Act, which was authorized in 2005. The NITC project is in compliance with the new MAP-21 legislation.

Acquisition and relocation assistance and services will be provided in accordance and compliance with Act 31, Michigan P.A. 1970; Act 227, Michigan P.A. 1972; Act 87, Michigan P.A. 1980, as amended; Act 367, Michigan P.A. 2006; Act 439, Michigan P.A. 2006; and, the

Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended.

MDOT's Recommendation

MDOT requests FHWA's concurrence with this re-evaluation in order to proceed with ROW acquisition for the NITC project.

July 19, 2013
Date

Margaret Brundens for
Kristin Schuster
MDOT Environmental Services Manager

FHWA determines that there have been no substantive design or regulatory changes affecting this phase of the project, and the project still meets its original purpose and need. Based on this re-evaluation of the project, FHWA further determines there are no significant changes that would warrant preparation of a new or supplemental NEPA document.

July 22, 2013
Date

Russell L. Jorgenson
Russell L. Jorgenson
FHWA Michigan Division Administrator

Michigan Department of Transportation
Development Services Division
Conceptual Stage Relocation Plan
New International Trade Crossing (NITC)
(Formerly known as DRIC)
Job Number 802330

May 28, 2013

GENERAL AREA AND PROJECT INFORMATION

The purpose of the New International Trade Crossing (NITC) is to provide safe, efficient and secure movement of people and goods across the Canadian-U.S. border in the Detroit River area and to support the economies of Michigan, Ontario, Canada and the United States. In addition, it will address future mobility requirements across the U.S.-Canadian border and provide new border crossing capacity to meet increased long-term demand.

This is a supplement to the Conceptual Stage Relocation Plan dated September 8, 2008. The purpose of this supplemental plan is to address any changes that have occurred since the completion of the last plan. The general area of the proposed project consists of a mixture of residential, commercial, non-profit, industrial and vacant properties. This is the Preferred Alternative.

DISPLACEMENTS

Preferred Alternative	Residential	142
	Commercial	43
	Non-Profit Organizations	8

DISPLACEMENT EFFECTS AND ANALYSIS

Acquisition of property for this project will allow for an orderly and timely relocation of all eligible displaced residents, businesses, farms and nonprofit organizations (community facilities). The acquiring agency will ensure the availability of a sufficient number of replacement properties in the local area for all eligible displacees.

Residential: The project may cause the displacement of approximately 142 residential units. A study of the housing market in the project area indicates a sufficient number of replacement homes and rentals will be available throughout the relocation process. It is anticipated that the local residential real estate market will have the capacity to absorb the residential displacements impacted by this project.


Business: The project may cause the displacement of approximately 43 businesses. A review of the local commercial real estate market indicates that there are a sufficient number of replacement sites available to relocate eligible displaced businesses. Displacement of these businesses is not expected to have a major economic or otherwise generally disruptive effect on the community impacted by this project.

Non-Profit Organizations (or community facilities): The project may cause the displacement of approximately 8 non-profit organizations. A review of the local real estate market indicates that there is an adequate supply of properties available as replacement sites for eligible nonprofit organizations.

ASSURANCES

The acquiring agency will offer assistance to all eligible residents, businesses, farms and non-profit organizations impacted by the project, including persons requiring special services and assistance. The agency's relocation program will provide such services in accordance with Act 31, Michigan P.A. 1970; Act 227, Michigan P.A. 1972; Act 149, Michigan P.A. 1911, as amended; Act 87, Michigan P.A. 1980, as amended, and the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act), as amended. The acquiring agency's relocation program is realistic and will provide for the orderly, timely and efficient relocation of all eligible displaced persons in compliance with state and federal guidelines.

Prepared by:


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Date: 5/28/13

Approved by:


Douglas Fishell

Date: 5/28/13