



U.S. Department of Transportation  
**Federal Highway  
Administration**

## RECORD OF DECISION

Proposed Detroit River International Crossing Wayne County, Michigan  
FHWA-MI-EIS-05-01-R

### *Decision*

In accordance with 23 U.S.C. 109(h), the Federal Highway Administration (FHWA) concurs with the Michigan Department of Transportation (MDOT) and our cooperating agencies in determining the Selected Alternative for the Detroit River International Crossing in Detroit, Wayne County, Michigan. The Selected Alternative is the crossing system that is composed of:

- The U.S. border inspection plaza P-a that connects to
- The Preferred Interchange that will tie into the existing I-75 highway network; and to
- The selected X-10B bridge crossing to span the Detroit River.

The Selected Alternative is identified as the environmentally preferred alternative that best:

- Meets the purpose and need for the transportation improvements;
- Meets design constraints;
- Protects, preserves, and enhances historic, cultural, and natural resources; and
- Ties to the Canadian selected alternative.

FHWA has based its decision on the:

- Transportation needs of the project study area,
- Draft Environmental Impact Statement (DEIS),
- Final Environmental Impact Statement (FEIS) and Final Section 4(f) Evaluation,
- International and interagency coordination,
- Public comments received on the DEIS and FEIS, and
- Other information in the project record.

FHWA has reviewed and considered all comments received on the project during the 30-day review period after the Notice of Availability of the FEIS appeared in the Federal Register on December 5, 2008. Comments received on the FEIS are summarized and responded to in Section 7 of this Record of Decision.

*Jan 14, 2009*  
\_\_\_\_\_  
Signature Date

*James Steele*  
\_\_\_\_\_  
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Division Administrator,  
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**Appendix A – Memorandum of Agreement**

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# **RECORD OF DECISION**

## **Proposed Detroit River International Crossing Wayne County, Michigan**

**FHWA-MI-EIS-05-01-R**

### **1. BACKGROUND**

This Record of Decision (ROD) sets forth the basis for choosing the Selected Alternative for the Detroit River International Crossing (DRIC) in Wayne County, Michigan. The project is a new border crossing system between Detroit, Michigan, and Windsor, Ontario. The border crossing system consists of an interchange connection from I-75 to a new U.S. border inspections plaza and a new bridge to Canada.

Federal cooperating agencies included: U.S. Army Corps of Engineers, U.S. Coast Guard, U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, U.S. General Services Administration, U.S. Department of Homeland Security, and U.S. Department of State.

#### **1.1 Project History**

In 2001, representatives of the Federal Highway Administration (FHWA), the Michigan Department of Transportation (MDOT), Transport Canada (TC) and the Ontario Ministry of Transportation (MTO) met to discuss border transportation needs. The outgrowth was a planning study in 2003-2004 which found additional capacity was needed to meet future transportation needs. A partnership of the four governments was formed and it began the environmental study.

The project's Notice of Intent (NOI) to prepare the Environmental Impact Statement (EIS) appeared in the *Federal Register* on March 24, 2003. A scoping meeting was held August 31, 2005, at Cobo Hall in Detroit, MI.

The Draft Environmental Impact Statement (DEIS) was signed February 15, 2008, and its Notice of Availability (NOA) was published in the *Federal Register* on February 29, 2008. Public Hearings were held March 18 and 19, 2008, at Southwestern High School and at LA SED, respectively. Both sites are in Detroit in the immediate area of the proposed action. The comment period was extended by 30 days (through notification in the Federal Register of May 9, 2008) to May 29, 2008, for a total 90-day DEIS comment period.

In developing the Final Environmental Impact Statement (FEIS) and identifying the Preferred Alternative, full consideration was given to: public and agency comments on the DEIS, all alternatives considered and the respective environmental consequences, and issues related to the proposed action. The FEIS was signed November 21, 2008, and distributed. A NOA was

published in the Federal Register on December 5, 2008. The Selected Alternative is described in Section 2 of this Record of Decision (ROD).

## **1.2 Bi-National Coordination**

The Provincial and Federal governments in Canada are performing similar studies for the Canadian section of the bridge, their plaza and their highway connection to Highway 401.

## 2. DECISION

The Selected Alternative for the DRIC crossing system is the Preferred Interchange, Plaza (labeled P-a in the FEIS), and Bridge Crossing (labeled X-10B in the FEIS). In the event of any differences in wording, the ROD takes precedence over the FEIS.

### 2.1 Selection of Alternative

The DEIS evaluated nine alternatives and the no build alternative, but did not recommend a preferred alternative due to on-going geotechnical investigations.

Since the publication of the DEIS the plaza layout was refined through further consultation with the General Service Administration; and the interchange configuration was modified to avoid historic resources.

The FEIS identified a preferred alternative river crossing system. The FEIS describes the purpose and need (Section 1), development and evaluation of alternatives (Section 2), the affected environment (Section 3), potential environmental consequences of the proposed project (Section 3), proposed mitigation (Section 4), Section 4(f) evaluation (Section 5), and coordination with regulatory agencies and comments from the agencies and the public review of the DEIS (Section 6).

Since the publication of the FEIS, the Section 106 Memorandum of Agreement (MOA) was finalized and signed (Appendix A of this ROD); and the design and right-of-way acquisition phases of the Project were added to the Southeast Michigan Council of Governments (SEMCOG) *Transportation Improvement Program (TIP)*.

FHWA and the Michigan Department of Transportation (MDOT) provided opportunities for Canadian and United States government agencies, and public involvement in the development of the National Environmental Policy Act (NEPA) documentation. The opportunities and methods that were used to involve the public and government agencies in the study can be found in the FEIS, Section 6. The staffing of a local project office, hotline, website, outreach meetings, and other means were used to solicit input. Cooperating Agency input was also sought at key milestones per an interagency Streamlining Agreement. Both the DEIS and FEIS were made available for public review. A public hearing was held on the DEIS. The comments received on the DEIS have been addressed in the FEIS. Comments received on the FEIS are summarized and responded to in Section 7 of this Record of Decision.

Figure 1  
Existing Detroit River International Crossings  
Detroit River International Crossing Study



### **2.1.1 Location of the Selected Alternative**

The Selected Alternative is proposed for the Delray area within the City of Detroit, Wayne County, Michigan. The project is primarily between Lafayette Street just north of I-75 and the Detroit River to the south, and West End Street and Clark Street (west and east limits). The river crossing is between Zug Island and historic Fort Wayne, approximately two miles downstream from the existing Ambassador Bridge. (Figures 1 and 2).

### **2.1.2 Description of the Selected Alternative**

The Selected Alternative consists of the Preferred Interchange, Plaza (labeled P-a in the FEIS), and Bridge Crossing (labeled X-10B in the FEIS). Figure 2 shows the Selected Alternative, which is fully described in Section 2.3 of the FEIS.

#### **Bridge Crossing**

The river crossing labeled X-10B in the FEIS is part of the Selected Alternative. Two bridge types (cable-stay and suspension) were considered for cost and NEPA purposes, but the decision on bridge type will not be made until future design is done during the design phase of the project. All foundations supporting the bridge will be on land to avoid any interference with navigation on the Detroit River. Coordination with FAA and U.S. Fish and Wildlife will continue regarding bridge height, bridge lighting and cable array to avoid affecting aircraft navigation and migratory birds.

#### **Plaza**

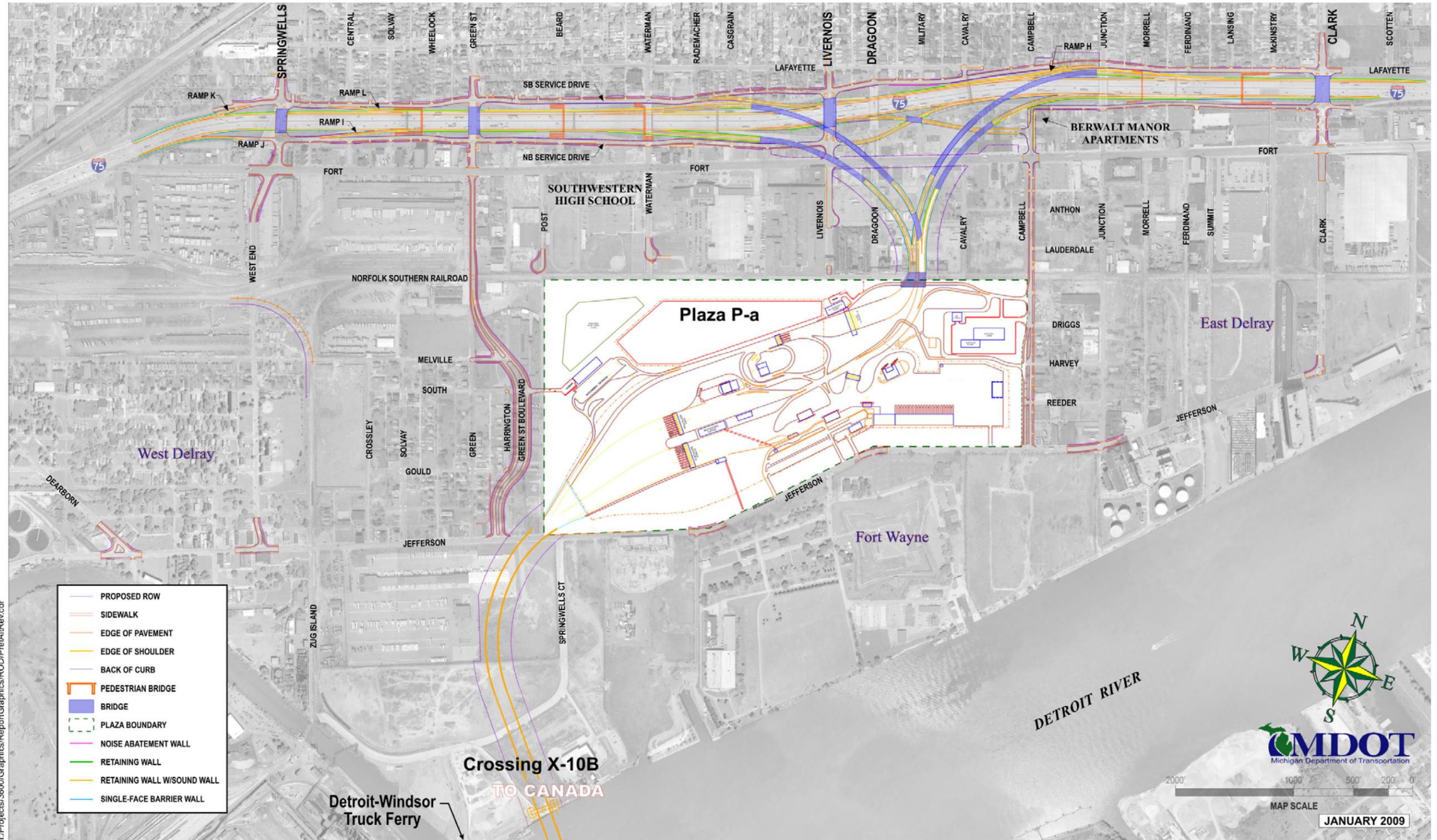
The plaza is approximately 160 acres in size to accommodate all functions of Customs and Border Protection and other federal and state agencies with roles at the border, plus functions such as toll collection, duty free shops, a plaza buffer/utility corridor, a stormwater retention area, and space for future flexibility.

#### **Preferred Interchange**

The Selected Alternative will replace the existing interchange with I-75 in the area defined by Livernois Avenue and Dragoon Street. Full local access to/from I-75 will be provided at Springwells Street west of the new interchange. Split interchange access will be provided at Clark Street east of the new interchange. The new split interchange will shift the existing ramps on the west side of Clark Street several blocks west to the Junction Street area to allow space for the new plaza interchange ramps. An additional southbound off-ramp from I-75 will connect to the southbound service drive at Rademacher. An additional northbound on-ramp to I-75 will be provided from Livernois Avenue.

The Selected Alternative was found to be the most environmentally preferred alternative because it best meets the purpose and need for the transportation improvements; design constraints; and protects, preserves, and enhances historic, cultural, and natural resources.

**Figure 2**  
**Selected Alternative**  
**Detroit River International Crossing Study**



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Source: The Corradino Group of Michigan, Inc. and Parsons Transportation



### **2.1.3 Pedestrian/Bicycle Bridges**

Five existing pedestrian/bicycle bridges over I-75 will be replaced near their original locations. The new structures will meet the Americans with Disabilities Act (ADA) standards.

### **2.1.4 Property Acquisition**

Relocations include 257 residential dwelling units, 43 active businesses, and 9 non-profit entities. A Conceptual Stage Relocation Plan is in Appendix A of the FEIS and relocations are discussed in Section 3.1.4 of that document.

### **2.1.5 Governance**

The State of Michigan will own the U.S. portion of the bridge and the U.S. highway interchange; the U.S. inspection plaza will be owned by the State of Michigan and leased to the U.S. Federal Government; the Federal government of Canada will own the Canadian portion of the bridge and the Canadian inspection plaza; and, the Province of Ontario will own the Canadian access road.

The preferred delivery mechanism for the bridge is a public-private partnership in the form of a long-term concession agreement which will seek to maximize private sector participation and financing to avoid the use of taxpayer dollars. The intent is for the bridge to be financially self-sustaining based on a reasonable toll charged to its users.

It is envisioned that the State of Michigan and Federal government of Canada will form a joint venture to oversee the “concession contract”<sup>1</sup> with the private sector. The U.S. and Canadian governments are committed to private sector involvement for any combination of the design, financing, construction, operations, and/or maintenance of the bridge crossing. The Partnership will provide oversight of any private sector participation to ensure a safe and secure international border crossing. If the private sector chooses not to participate, the Partnership member governments will undertake the project on their own.

## **2.2 Environmental Commitments (Mitigation and Enhancements)**

FHWA, in approving the ROD, directs the implementation of the project and environmental commitments. Environmental commitments are those mitigation and enhancement measures<sup>2</sup> listed on the “Green Sheet: Project Mitigation Summary” contained in Appendix B of this ROD. FHWA will support efforts, in cooperation with MDOT and applicable resource agencies, to ensure the timely implementation of these measures.

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<sup>1</sup> A concession contract creates a Public Private Partnership in which the private partner agrees, for a specified amount of compensation including the revenue stream created by tolls, to finance, design and build a project and, in some situations, to operate and maintain the project for a fixed period of years.

<sup>2</sup> Enhancements are activities over and above what is required by law, and developed in cooperation with the local community.

As the project progresses through design and construction, efforts will continue to minimize harm and reduce project impacts. When this is possible, without reducing performance of the Selected Alternative or increasing impacts to the sensitive resources, resource agencies and the public will be consulted to determine if mitigation may be modified.

### **2.2.1 Environmental Commitment Funding**

Mitigation measures implemented pursuant to this ROD (including land acquisition) are eligible for federal funding and subject to prior approval by FHWA. Enhancement measures will be federal-funded if eligible, and state funded if not.

### **2.2.2 Environmental Commitment Tracking**

Environmental impacts and environmental commitments to address these impacts will be tracked and reported to the public and appropriate resource agencies (see Section 6).

### **3. ALTERNATIVES CONSIDERED**

#### **3.1 Purpose and Need**

The project purpose is, for the foreseeable future (i.e., at least 30 years from today), 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.
- Support the mobility needs of national and civil defense to protect the homeland.

The project is needed to address future mobility requirements (i.e., at least 30 years) across the U.S.-Canada border. More specifically it is needed to:

- 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; and,
- Provide reasonable and secure crossing options in the event of incidents, maintenance, congestion, or other disruptions.

#### **3.2 Identification and Evaluation of Alternatives**

The Partnership determined that the study should evaluate an “end-to-end” solution that is from a freeway connection in the U.S. to Highway 401 in Canada. The alternatives analysis from the outset had considered the impacts from a point at the freeway connection in the U.S. to Highway 401 in Canada, with a crossing of the Detroit River.

##### **3.2.1 Preliminary Alternatives**

In the beginning of the environmental study phase, the Border Transportation Partnership utilized the Road-Based opportunity corridors from the *Planning/Needs and Feasibility Study* (P/N&F) (see P/N&F Exhibit 8.3 which can be found on the project website: <http://www.partnershipborderstudy.com/stage1frame.html>). The corridors formed the starting point for the DRIC evaluation of alternatives. That analysis began with 51 Illustrative Alternatives in the U.S., including combinations of highway connectors, plazas and river crossings (FEIS Section 2.1). These 51 alternatives were screened based on fatal flaw analysis and reduced to 37 alternatives. Those fatal flaws included:

- Technical feasibility
- Environmental impacts anticipated or environmental barrier encountered (eg. contaminated hazardous waste sites)

The remaining 37 alternatives were analyzed by MDOT, FHWA and the Canadian Technical Team with input from the affected communities. Their charge was to develop weighted evaluation factors. The evaluation factors were:

- Protect community/neighborhood characteristics including environmental justice and Title VI populations,
- Maintain consistency with local planning,
- Protect cultural resources (including parkland),
- Protect the natural environment,
- Improve regional mobility,
- Maintain air quality,
- Constructability.

This screening led to six alternative crossing systems situated in what was deemed the “Area of Focus,” depicted in FEIS Figure 2-4. A crossing system contained an interchange with I-75, a plaza, and a river crossing. Further analysis eventually led to a recommendation, in December 2005, to focus on the river crossing corridors X-10 and X-11 between Zug Island and the Ambassador Bridge, in an area of Detroit known as Delray.

Based on the two river crossing locations, more than a dozen alternatives were developed through combinations of river crossings, plazas and interchanges with I-75. The preliminary DEIS Alternatives were evaluated by involving the General Services Administration (GSA – which will control the plaza for the federal government), U.S. Customs and Border Protection (CBP), the public (March 2005, December 2005 and June 2006), plus federal cooperating agencies, state agencies, MDOT and the Partnership.

Further analysis of the more than a dozen alternatives revealed that several alternatives would have required the use of land from historic Fort Wayne. Per Section 4(f) of the Department of Transportation Act of 1966, avoidance of the use of such land is required if there are other feasible and prudent alternatives available. Since other alternatives were available, the alternatives that required use of land from Fort Wayne were eliminated. This reduced the alternatives to nine build alternatives to be further evaluated in the DEIS.

### 3.2.2 Alternatives Carried Forward - DEIS

Nine Build Alternatives along with the No Build Alternative were analyzed and discussed in the DEIS. The DEIS did not identify a Preferred crossing system. The identification of a suitable river crossing location was in part contingent upon the results of the brine well investigations in both Canada and the U.S., particularly those conducted in Canada. A brine well investigation (FEIS Section 3.16.3) was done to determine the existence of significant geotechnical risks in one corridor or another. The area has a history of ground subsidence caused by former brine well operations.

During the Illustrative Alternatives phase, an alternative to improve the existing Ambassador Bridge corridor was analyzed and rejected due to unacceptable impacts on the Canadian side of the border. However, the current proposal by the owners of the privately held Ambassador Bridge to build a six-lane replacement for the existing four-lane bridge was considered and is included in Section 3.14.3 of the FEIS, which addresses Indirect and Cumulative Effects.

Alternative	Interchange	Plaza	Crossing
#1	A	P-a	X-10
#2	B	P-a	
#3	C	P-a	
#5	E	P-a	
#14	G	P-a	
#16	I	P-a	
#7	A	P-c	X-11
#9	B	P-c	
#11	C	P-c	

Source: The Corradino Group of Michigan, Inc.

The nine Build Alternatives (Table 1 in the sidebar and FEIS Figures 2-11 and 2-12) are described as combinations of three elements: 1) bridge location, 2) plaza configuration and 3) interchange configuration.

#### Three Potential Bridge Locations

The DEIS alternatives crossed the Detroit River at one of three locations – two in corridor X-10 (labeled X-10A and X-10B in the FEIS) and one in corridor X-11. (In terms of impacts in the U.S., alignments X-10A and X-10B were virtually identical.)

Two bridge types (cable-stay and suspension) were considered for cost and NEPA purposes, but the decision on bridge type will not be made until the design phase of the project. Foundations supporting the bridge will be on land to avoid interference with navigation on the Detroit River. Coordination with FAA and U.S. Fish and Wildlife will continue regarding bridge height, bridge lighting, and cable array to avoid affecting aircraft navigation and migratory birds.

#### Plaza Configuration

Two plazas locations were considered (FEIS Figure S-11). A size of approximately 160 acres was found to accommodate all functions of U.S. Customs and Border Protection and other

federal and state agencies, plus toll collection, duty free shops, a plaza buffer/utility corridor, a stormwater retention area, and space for future flexibility.

### **Interchange Configuration**

Six new interchanges were studied to connect the proposed plazas to I-75. All interchange options were in the general location of the existing Livernois/Dragoon interchange. The existing Livernois/Dragoon interchange could not accommodate the plaza ramps (Table 1 of this ROD and Figures 2-11 and 2-12 in the FEIS) so it was eliminated. Modifications to I-75 interchanges at Clark and/or Springwells Streets were part of these alternatives, together with changes to the seven street and five pedestrian/bicycle crossings of I-75 in the study area. These changes were needed to meet all appropriate engineering criteria to connect the plaza to a new interchange with I-75.

### **3.2.3 Cost Comparison**

The range of U.S. costs (\$1.28 billion to \$1.49 billion) for the nine Build Alternatives was based on representative interchange and plaza options connecting to cable-stay and suspension bridges (FEIS Table 3-33). The only cost implication used as a differentiator was that river crossing X-10A was a more expensive river crossing than either X-10B or X-11 due to its greater span length. It was kept as an alternative until the brine well investigations assured the study team that either of the less expensive river crossings (X-10B or X-11) was viable. Once the brine well investigations concluded that X-11 was indeed clear of brine well risks, the need to carry the more expensive X-10A was negated and hence it was agreed that it would not be selected as the preferred. See also cost validation section (3.19) of the FEIS and Section 3.3.5 of this ROD.

## **3.3 Preferred Alternative - FEIS**

The identification of the Preferred Alternative was part of a U.S.-Canadian agreement to make all decisions on an end-to-end basis. The process addressed the alternatives by crossing component – bridge, plaza and interchange/Canadian access road.

### **3.3.1 Rationale for Selection**

#### **Bridge Crossing Location**

The bridge crossing options X-10A, X-10B, and X-11 were evaluated. The significant differences involved three elements (FEIS, section S.2.3):

1. Regional mobility
2. Constructability

### 3. Potential relocations

Table 2 summarizes the comparison of these alternatives against these elements. Based on this comparison, crossing X-10B was determined to be the preferred crossing.

**Table 2: Comparison of Bridge Crossing Locations**

	<b>X-10A Crossing</b>	<b>X-10B Crossing</b>	<b>X-11 Crossing</b>
Regional Mobility	Projected to carry more traffic than an X-11 bridge, (FEIS Tables 3-12A and 3-12B).	Projected to carry more traffic than an X-11 bridge, (FEIS Tables 3-12A and 3-12B).	Would not carry as much traffic as X-10 options.
Constructability	<ul style="list-style-type: none"> <li>• Found to be clear of brine well complications</li> <li>• More time need for construction than X-10B Crossing.</li> <li>• Higher construction cost of main span of the suspension bridge than at X-10B crossing due to greater length.</li> </ul>	<ul style="list-style-type: none"> <li>• Found to be clear of brine well complications</li> </ul>	<ul style="list-style-type: none"> <li>• Canadian crossing approach road had possible brine well complications which could delay the project at least a year for further investigation.</li> <li>• Could also include additional cost (as much as 250 million Canadian \$) due to this added risk.</li> </ul>
Potential Relocations (crossing only) (residential and commercial properties)	0	0	26

### Plaza Configuration

Since Plaza P-a was the only plaza associated with the X-10B crossing it became an element of the Preferred Alternative. Further consultation with the GSA at the FEIS stage (as GSA prepared documentation for the plaza’s funding) provided additional guidance to plaza development, resulting in a refined plaza layout (Figure 3) but did not change the size of the plaza footprint. The specifics of GSA’s plaza requirements are in FEIS Section S.2.3.



## Interchange Configuration

Key factors in the identification of a preferred interchange configuration were potential impacts to historic resources and access to, from, and across I-75 (Table 3). In regards to historic resources, Section 4(f) requires that using property from a protected historic property must be avoided, if other reasonable alternatives exist.

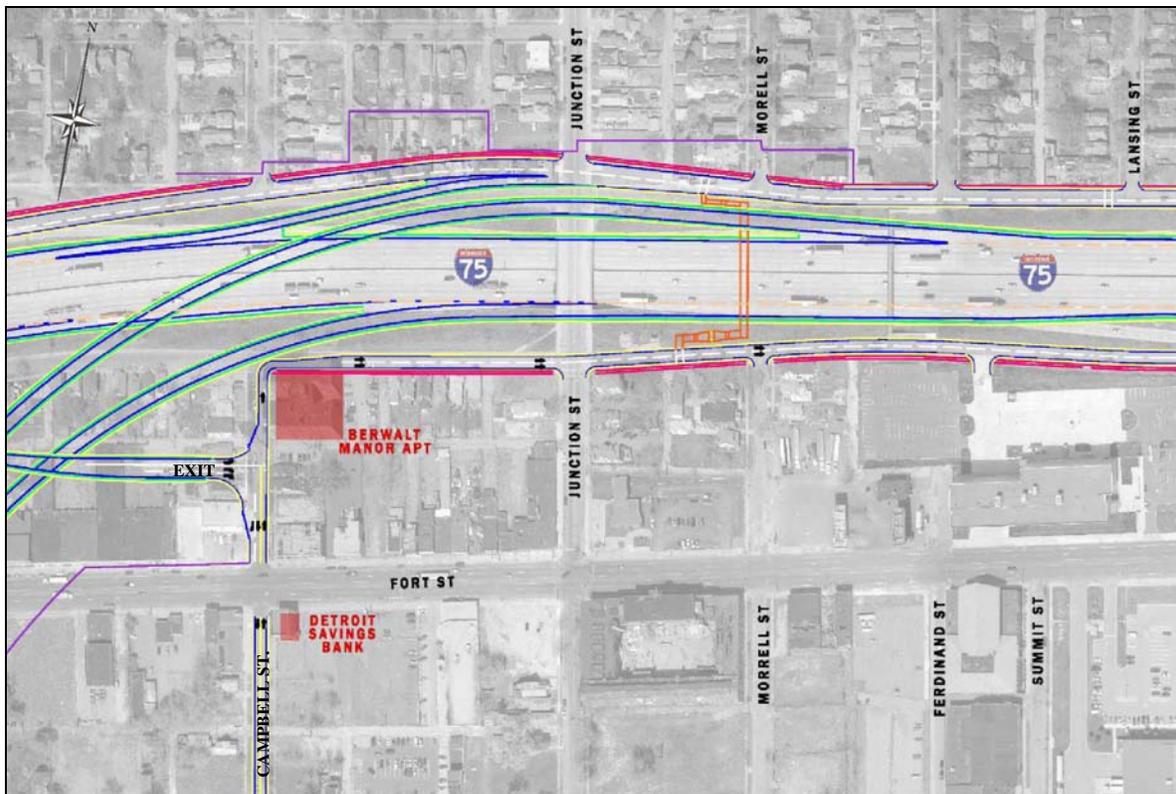
**Table 3: Comparison of Interchange Configurations**

Interchange Alternative	Impact to Historic Resources	I-75 Access
1	Berwalt Manor, Kovacs Bar, St. Paul AME Church, Beard School	<ul style="list-style-type: none"> <li>• Three of seven I-75 crossings closed</li> <li>• Half interchanges at Springwells and Clark + plaza interchange + four local ramps</li> </ul>
2	Berwalt Manor, Kovacs Bar, St. Paul AME Church, Beard School	<ul style="list-style-type: none"> <li>• Two of seven I-75 crossings closed</li> <li>• Half interchanges at Springwells and Clark + plaza interchange + four local ramps</li> </ul>
3	Berwalt Manor, Kovacs Bar, St. Paul AME Church	<ul style="list-style-type: none"> <li>• Three of seven I-75 crossings closed</li> <li>• Half interchanges at Springwells and Clark + plaza interchange + four local ramps</li> </ul>
5	Berwalt Manor, Kovacs Bar, St. Paul AME Church, Beard School, Detroit Savings Bank/St. George	<ul style="list-style-type: none"> <li>• Three of seven I-75 crossings closed</li> <li>• Half interchange at Springwells only + plaza interchange + four local ramps</li> </ul>
14	Berwalt Manor, Kovacs Bar, St. Paul AME Church	<ul style="list-style-type: none"> <li>• Lower design speed than other alternatives.</li> <li>• Two of seven I-75 crossings closed</li> <li>• Full interchange at Springwells, half at Clark + plaza interchange + no local ramps</li> </ul>
16	Berwalt Manor, Kovacs Bar, St. Paul AME Church, Beard School	<ul style="list-style-type: none"> <li>• Two of seven I-75 crossings closed</li> <li>• Full interchange at Springwells, half at Clark + plaza interchange + two local ramps</li> </ul>
Preferred	Kovacs Bar, St. Paul AME Church	<ul style="list-style-type: none"> <li>• Three of seven I-75 crossings closed</li> <li>• Full interchange at Springwells, split interchange at Clark + plaza interchange + two local ramps</li> </ul>

Practical Alternative #5 used additional historic structures that other alternatives avoided and therefore was not a candidate for the Preferred Alternative. Alternative #3 had unavoidable impacts to the Berwalt Manor that could not be mitigated and reduced access to/from I-75, and was not considered a candidate for the Preferred Alternative. Alternative #14 had less access across I-75, poor access to/from I-75 and lower design speeds than other alternatives and, therefore, was not considered a candidate for the Preferred Alternative. Alternatives #1, #2, and #16 were considered further. The interchange included in the Preferred Alternative was developed by combining the best elements of Alternatives #1, #2, and #16.

Based on a detailed analysis of these three remaining alternatives, the preferred interchange was developed by combining the best elements of each. Design modifications were made to avoid the historic Berwalt Manor (FEIS Section 3.9.4 and Figure 4 of this ROD). Avoidance of Berwalt Manor was the subject of a special technical memorandum (“Berwalt Manor Avoidance Options” [Parsons Transportation Group, September 2008]) and of consultation with the State Historic Preservation Office (SHPO). The curve of the ramps from the plaza to I-75 northbound was changed to allow the ramps to go around, as opposed to going through, the historic building.

Figure 4  
Preferred Option at Berwalt Manor Apartment Building  
Detroit River International Crossing Study



Source: Parsons Transportation Group

By avoiding Berwalt Manor and with other modifications, the preferred interchange allows: five pedestrian crossings of I-75, located close to the existing five crossings; four vehicular crossings of I-75, compared to seven today; and, complete interchange access at Springwells Avenue and a “split” interchange at Clark Street (the ramps on the east side of Clark Street will remain where they are, but the ramps on the west side of Clark will shift west several blocks). None of the Practical Alternatives discussed in the DEIS had all of these features (Figure 2).

### **3.3.2 Potential Reasonably Foreseeable Impacts of Selected Alternative**

The impacts of the Selected Alternative are those of the Preferred Alternative that are summarized in FEIS Table S-10. The impacts are analyzed in FEIS Section 3.

### **3.3.3 Consistency with Established Statewide Transportation Planning Goals**

The project is consistent with MDOT’s *Long Range Plan* and is listed on MDOT’s *2008-2012 Five-Year Transportation Program*. The project is also consistent with local planning goals and it is included in the metropolitan planning organization (SEMCOG) transportation improvement program.

### **3.3.4 Environmentally Preferred Alternative**

As noted in Section 2.1.2 above, the Selected Alternative is considered the environmentally preferred alternative because it incorporates the best features of the Practical Alternatives considered in the DEIS, with the least harm. These features relate to reducing relocations, avoiding the historic Berwalt Manor (a 60+ unit apartment building determined to be eligible for the *National Register of Historic Places*) and providing access to/from and across I-75. None of the Practical Alternatives matches the characteristics of the Preferred Alternative.

### **3.3.5 Cost Savings Considerations**

A Cost Estimate Review was conducted November 17-21, 2008, involving specialists from FHWA, MDOT, and MDOT’s consultants. During this review, the Preferred Alternative cost estimates for the U.S. portion of the project were updated using the FHWA level-of-confidence approach. Cost savings (opportunities) and increases (risks) were thoroughly reviewed in establishing the project cost estimates. As stated earlier the decision on whether the bridge will be a suspension bridge or cable-stay bridge will be made during design. The cost review showed that either type is viable. At the 70 percent confidence level, the cost estimates for the Selected Alternative are calculated to be \$1.847 billion or less for a cable-stay bridge and \$1.850 billion or less for a suspension bridge.



#### **4. FINAL SECTION 4(f)**

As previously indicated in the FEIS (FEIS Section 5, Final Section 4(f) Evaluation), FHWA finds, in accordance with 23 CFR 774, that:

- The preliminary FEIS findings made in accordance with 23 CFR 774.3(a) for the overall DRIC project remain valid; and,
- Because there is no prudent and feasible alternative to use of Section 4(f) resources, in accordance with 23 CFR 774.3(c), that the Preferred Alternative (now the Selected Alternative in this ROD) (1) causes the least overall harm in light of the preservation purpose of Section 4(f) of the Department of Transportation Act of 1966; and (2) the Preferred Alternative (now the Selected Alternative in this ROD) includes all possible planning, as defined in 23 CFR 774.17, to minimize harm to Section 4(f) property.

The Memorandum of Agreement (MOA) in Appendix A also provides for the unlikely discovery of any archaeological sites eligible for the *National Register of Historic Places* (NRHP) during construction.



## **5. MEASURES TO MINIMIZE HARM**

All practicable measures to minimize environmental harm have been incorporated into the decision. Major regulatory requirements applicable to this project include the following:

- Evaluation of the use of land from publicly owned parks, recreational areas, wildlife and waterfowl refuges, or public and private historical sites under Section 4(f) of the Department of Transportation Act;
- Consultation regarding threatened and endangered species under Section 7 of the Endangered Species Act;
- Consultation regarding historic and archaeological resources under Section 106 of the National Historic Preservation Act;
- Certification of conformity under the Clean Air Act;
- Compliance with Environmental Justice guidelines and Title VI of the Civil Rights Act of 1964 in identifying impacts to minority and low-income population groups in the study area;
- Permitting activities.

Actions committed to or taken to comply with these requirements are summarized below. The Project Mitigation Summary “Green Sheet,” which identifies proposed mitigation, is included as Appendix B of this document. A list of community enhancements over and above the required mitigation measures was developed in cooperation with the local community. This list of enhancements is included at the end of the Green Sheet. Measures to minimize harm are outlined below.

Monitoring of the environmental commitments within this project will be accomplished in part by MDOT tracking environmental commitments with regular reporting to FHWA and the public as the project progresses.

### **5.1 Section 4(f) (Department of Transportation Act)**

The criteria of 23 CFR 771.135(a) have been met for the DRIC project and FHWA has determined that the DRIC will use identified resources protected under this regulation.

- Public Parks and Recreational Areas – Recreational resources affected by the Selected Alternative are the South Rademacher Playground, South Rademacher Community Recreation Center and Post-Jefferson Playlot. Mitigation for impacts to these parks and recreational areas are included in the “Green Sheet” in Appendix B of this document.

- Public/Private Historic Sites -- The known historic resources affected by the Selected Alternative are the Kovacs Bar and the St. Paul African Methodist Episcopal (AME) Church. These properties are also covered by Section 106 of the National Historic Preservation Act. The mitigation measures related to these Section 4(f) resources are documented in the signed Memorandum of Agreement contained in Appendix A.

Two historic archeological sites eligible for the NRHP will be affected by the project. After SHPO consultation, FHWA determined that these sites are not considered Section 4(f) resources. Section 4(f) applies to all archaeological sites that are on or eligible for inclusion on the National Register and that warrant preservation in place. This includes those sites discovered during construction. Section 4(f) does not apply if FHWA, after consultation with the SHPO and/or THPO, determines that the archaeological resource is important chiefly because of what can be learned by data recovery (even if it is agreed not to recover the resource) and has minimal value for preservation in place (23 CFR 774.13(b)).

## **5.2 Section 7 (Endangered Species Act)**

The Selected Alternative will not affect any threatened or endangered species of special concern since there will be no in-water work and the target species identified were mussels and two fish species known to inhabit the Detroit River. This determination is based on literature reviews; information from the Michigan Department of Natural Features Inventory, Michigan Department of Natural Resources and U.S. Fish and Wildlife Service; and field investigations. No Biological Assessment or Opinion was required as part of this determination.

## **5.3 Section 106 (National Historic Preservation Act)**

The Selected Alternative will affect archeological sites and historic properties which are both covered by Section 106 of the National Historic Preservation Act:

- Archeological Sites -- Two historic archeological sites from the late 1800s will be affected. Each is recommended for listing on the National Register of Historic Places.
- Historic properties -- Two historic properties will be affected: the Kovacs Bar and the St. Paul African Methodist Episcopal (AME) Church.

The mitigation measures related to Section 106 resources, pursuant to 36 CFR 800.6(b)(1), are documented in the signed Memorandum of Agreement (Appendix A).

## 5.4 Air Quality Conformity (Clean Air Act)

The project is consistent with MDOT's *Long Range Plan* and is listed on MDOT's *2008-2012 Five-Year Transportation Program*. The metropolitan planning organization, Southeast Michigan Council of Governments (SEMCOG), included the project in its *2030 Regional Transportation Plan* and the design and right-of-way acquisition phases of the Project into its *2008-2011 Transportation Improvement Program*. The U.S. Department of Transportation (USDOT) found it to conform to the 8-hour Ozone, CO, and PM<sub>2.5</sub> regional conformity requirements based on a 2017 construction timeline. The regional conformity demonstration has been updated to reflect the implementation timeline (completion of construction by year 2015), in accordance with the May 20, 2003, FHWA *Policy Memorandum: Air Quality Conformity*. FHWA's conformity finding for SEMCOG's *2030 Regional Transportation Plan* was issued on October 10, 2008.

A Mobile Source Air Toxics (MSATs) Impact Analysis was done consistent with FHWA Interim Guidance. Local "hot spots" were analyzed. The analysis concluded that carbon monoxide (CO) and particulate matter (PM) air quality standards will not be violated.

No violations of the National Ambient Air Quality Standards (NAAQS) are projected for this project. Even though no air quality mitigation measures are required, FHWA and MDOT are committed to the following measures to minimize impacts on ambient air quality in or around the project vicinity. This includes measures to reduce pollution, minimize truck idling and to remove trucks from neighborhoods.

Specifically:

- The Selected Alternative design includes local access from the freeway which discourages trucks cutting through residential streets in the neighborhood north of I-75.
- The truck circulation on the plaza was designed to minimize the time trucks need to traverse through the plaza.
- There is a less circuitous travel pattern with this plaza layout that results in lower Vehicle Miles Traveled (VMT) compared to the other plaza alternative.
- The inclusion of the retention area on the plaza close to Southwestern High School is intended to keep the main operations of the plaza away from the school as much as possible. The detention area also will add green space.
- An increase in the number of Gamma Ray Inspection Technology (GRIT) lanes at the Detroit-Windsor border will reduce queuing and idling.
- An increase in enrollment in NEXUS and FAST along with the additional lanes at the border as a result of the project will provide more efficient traffic flow.

- The CBP standard operating procedure to require trucks to turn off their engines while being inspected will be implemented at the DRIC.
- Landscaping is a large element of the project and will aid in improving air quality along the roadways.
- Construction operations will follow best operational practices (i.e. engine shut down to reduce idling, locating operations away from sensitive receptors) to reduce any impact of diesel emissions on the community, plus Best Available Demonstrated Control Technology (BADCT) is being pursued for use during construction.
- The new windows and air conditioning system at the Berwalt Manor will have the added benefit of improving the interior air quality for the residents since they are and will be adjacent to a surface street and a somewhat depressed section of northbound I-75 and they won't have to open their windows or use fans or window air conditioners. There are 60 units in this apartment building with predominantly low income occupants.
- MDOT will work with contractors on an operational agreement to control air pollution during construction. A construction emissions plan may include actions such as: retrofitting off-road construction equipment; limiting the age of off-road vehicles used in construction projects; minimizing engine operations; restricting construction activities around certain more-sensitive receptors, like Southwestern High School (when it is in session); using diesel particulate traps and oxidation catalysts; and, using existing power sources or clean fuel generators, rather than temporary power generators. The Contractor will institute fugitive dust control plans as per MDOT Standard Construction Specifications under Section 107.15A and 107.19.
- MDOT will work with SEMCOG, MDEQ, the private sector and the community to create an action plan that includes short-term and long-term objectives aimed at reducing fugitive dust, diesel truck idling, fuel consumption, or diesel emissions to limit PM<sub>2.5</sub> emissions in the study area defined by the yellow boundary in FEIS Figure 3-6A. The action plan will identify priorities for future federal aid eligible transportation projects through programs such as Congestion Mitigation and Air Quality (CMAQ) and the Midwest Clean Diesel Initiative. The action plan will be implemented during design and construction phases, and sustained through the maintenance and operations of the facilities.
- Activities could also include outreach activities to inform commercial operations and residents on air pollution control strategies. The actual projects will be generated from the community and its partners who will develop project proposals.

## **5.5 Environmental Justice and Title VI (Civil Rights Act)**

The Selected Alternative will have a disproportionately high and adverse effect on minority and low-income population groups in the study area. The FEIS complied with the National

Environmental Policy Act (NEPA), Environmental Justice guidelines, and Title VI of the Civil Rights Act of 1964, and did not exclude participation or deny benefits of any program or activity while conducting the study.

To ensure compliance with Environmental Justice guidelines and Title VI of the Civil Rights Act of 1964<sup>3</sup> and related statutes:

1. An intensive community involvement effort was employed as part of the environmental justice analysis and cumulative impact analysis; and
2. A cumulative analysis was done to determine the cumulative impacts of the DRIC project and others in the area on the community.

## 5.6 Permitting

Environmental permits required during final design will be obtained by MDOT in accordance with their Program/Project Management System. Environmental permits required for this project include:

- Permits under Michigan Public Act 451 required from the Michigan Department of Environmental Quality (MDEQ):
  - Part 31 (Water Quality and Floodplains),
  - Part 55 (Air Pollution Control), and
  - Part 301 (Inland Lakes and Streams).
- Permitting under the National Pollutant Discharge Elimination System (NPDES), which is administered by the MDEQ, is also required.
- A Section 9 permit concerning navigation requirements is required from the U.S. Coast Guard.
- A Presidential Permit will be required from the U.S. Department of State because the DRIC will be a new international crossing. FHWA will apply for this permit.
- Any additional required local permits will be obtained. The specific permits required will be determined during the design phase.

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<sup>3</sup> The intent of Title VI is to ensure that no person shall on the grounds of race, religion (where the primary objective of the program, activity or service is to provide employment per 42 U.S.C. § 2000d-3), color, national origin, sex, age, retaliation or disability be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination under any Department programs or activities.



## **6. MONITORING AND ENFORCEMENT**

NEPA legislation and implementing regulations require implementation and monitoring of mitigation measures to reduce or eliminate adverse environmental impacts associated with a planned action. Per 23 CFR 771.109, "It shall be the responsibility of the applicant [MDOT], in cooperation with the Administration [FHWA] to implement those mitigation measures stated as commitments in the environmental documents prepared pursuant to this regulation." (For additional statutory guidance, see: 42 USC 4371 *et seq.*, Presidential Order 11514, 23 CFR 771.109(6), 40 CFR 1505.2(C) and 1505.3).

### **6.1 Environmental Commitments Defined**

Environmental commitments are composed of both environmental mitigation and community enhancements (see Project Mitigation Summary Green Sheet).

- Project mitigation includes measures required by law to address any damage to the social and natural environments caused by the project. Mitigation measures include avoidance, replacement, restoration, compensation or any other means.
- Community enhancements are activities above and beyond what is required by law, and developed in cooperation with the local community.

### **6.2 Enforcement of Environmental Commitments**

MDOT will track and enforce the implementation of the environmental commitments listed on the Green Sheet. The Project Mitigation Summary Green Sheet included in Appendix B of this ROD details the DRIC project mitigation and enhancement commitments.

- MDOT's Project Planning Division will coordinate with MDOT's Lansing and Region Design and Construction staff to review the mitigation and enhancement commitments included in the FEIS and ROD.
- MDOT's Senior Project Manager for the DRIC project will be responsible for incorporating mitigation and enhancement commitments listed in the FEIS and ROD into the project design plans and proposal.
- MDOT Lansing and Metro Region staff will assist the Senior Project Manager in completing and coordinating the various mitigation and enhancement commitments such as property contamination surveys, historic property documentation, and landscaping.

- MDOT staff will also coordinate with other federal, state, and local agencies on items such as local road improvements, plaza and bridge lighting, job training, economic development and air quality improvements.
- The MDOT Project Manager for the Construction phase will be responsible for making sure the Contractor completes the mitigation and enhancement commitments shown on the design plans and project proposal.

### **6.3 Environmental Commitment Progress Reporting**

Good environmental stewardship and trust among the agencies and public can occur if MDOT assures, demonstrates, and communicates project environmental commitment implementation. The progress or status of the environmental mitigation and enhancement commitments made during the environmental clearance process and included in this ROD will be reported

- Annually to FHWA in the DRIC Financial Plan.
- Annually to the Federal and State Resource Agencies at the fall MDOT/FHWA update meetings held to discuss existing and upcoming major projects.
- Quarterly on the DRIC Project Website and to the Local Advisory Council (LAC) and Local Agency Group (LAG) which will remain active throughout the project construction phase.

## 7. COMMENTS ON THE FINAL ENVIRONMENTAL IMPACT STATEMENT

The FEIS was signed November 21, 2008, made available for agency and public review and sent to the U.S. EPA for filing the Notice of Availability, which appeared in the *Federal Register* on Friday, December 5, 2008. The wait period closed on January 5, 2009. All 34 comment submittals were reviewed and considered in the development of this Record of Decision.

The comments are summarized by topic and discussed below. They are organized by section of the FEIS: purpose and need; alternatives; environmental consequences, Section 4(f) evaluation, mitigation, and public involvement. The City of Detroit submitted comments and asked that they be included in this ROD. FHWA has declined as some of the comments are restatements of earlier comments that have been addressed and many pertain to design elements that will be determined in the design phase.

FHWA has reviewed all of the comments received and found that the proposed project was examined and the potential impacts are identified and addressed.

### 7.1 Purpose and Need

*Comment:* Recent downturn in cross-border traffic and the potential for changes in the North American Free Trade Agreement (NAFTA) decrease the need for the project.

*Response:* Section 2 of the FEIS states that the purpose of the project is both economic and fiscal security. Travel demand is but one of the stated needs.

*Comment:* The “investment grade traffic study” has not been released to the public.

*Response:* The investment grade traffic study was not used as part of the NEPA decision making process. FHWA and MDOT are confident in our border traffic forecast process and have vetted the numbers and methodologies with a number of reputable and respected individuals and groups. They are in agreement with our approach, assumptions, and outcomes.

### 7.2 Alternatives

*Comment:* The project cost is understated.

*Response:* A weeklong analysis with state, federal and consultant participation in November 2008 validated the cost (FEIS Section 3.19).

*Comment: Called for measures related to pedestrian bridges over I-75 and non-motorized features, such as compliance with Americans with Disabilities Act (ADA), signalization, and connectivity to Detroit's Non-motorized Master Plan.*

**Response:** MDOT plans to implement such measures.

*Comment: Requested that the proposed Green and Campbell Street boulevards be extended north to Fort Street.*

**Response:** That is not part of the DRIC project because to do so would impact businesses and historic structures.

*Comment: Called for a transit station for buses at the plaza.*

**Response:** While there is no known proposal for bus service, MDOT will take this comment under advisement during the design phase.

## **7.3 Environmental Consequences**

### **7.3.1 General**

*Comment: The EIS improperly postpones environmental review of the bridge type, relocations, and mitigation.*

**Response:** The EIS provides environmental review consistent with the National Environmental Policy Act.

### **7.3.2 Non-motorized Provisions**

*Comment: Requested information on the design criteria used to accommodate bicycle traffic on the new DRIC bridge.*

**Response:** The *Bridge Type Study* and the *Conceptual Engineering Report* found at [www.partnershipborderstudy.com](http://www.partnershipborderstudy.com) have this information.

### **7.3.3 Residential and Business Relocation, and Redevelopment**

*Comments: Offered measures by which to treat residents and businesses displaced by the project. For example, they call for: subsidies to owners if taxes are higher with*

*their replacement housing; maps and handbooks with information on the neighborhoods to which relocatees are to be moved; and, compensation for those who have to leave the Renaissance Zone and lose its benefits. They also stated MDOT should buy and develop vacant land with replacement housing.*

Response: MDOT must follow the Federal Relocation Act procedures and compensation rules. It cannot acquire land not needed for a transportation project. MDOT has communicated with the Michigan State Housing and Development Authority (MSHDA) to work with the community.

Comment: *Housing of last resort under 49 CFR 24.404 is needed.*

Response: MDOT and FHWA agree that this provision will be used, where warranted.

Comment: *Requested that MDOT assist in extending the boundaries of the Empowerment Zone and/or the duration of its benefits, which expire at the end of 2009.*

Response: MDOT will coordinate with State and Federal officials that control the Detroit Empowerment Zone and/or the Detroit Renaissance Zone. There is no active bill at this time.

Comment: *There is concern about impacts to the West Vernor commercial district.*

Response: It will not be affected by the DRIC project.

Comment: *Requested a telephone hotline response mechanism be provided for the use of displaced residents.*

Response: Such a communication mechanism has been in place throughout the study (Hotline number: 1-800-900-2649). This and other contact information will continue to be provided by MDOT.

#### **7.3.4 Jobs and the Economy**

Comment: *Indicated that MDOT should work with the Detroit Workforce Development Board and local nonprofit organizations with job training experience, such as SER Metro and Young Detroit Builders, Inc. Commenters also said funds should be channeled directly to the West Fort Business Association to act as a business incubator. Commenters also want MDOT to require that contractors adopt local "first source" hiring programs.*

Response: State and federal laws allow job training, and this is anticipated as part of the DRIC project as it is implemented. But neither contract set-asides nor targeted training/hiring is allowed by federal law. MDOT's job training program for the DRIC project is yet to be formulated.

### 7.3.5 Land Use

*Comment: It was noted that zoning changes and permits are required to implement the DRIC project.*

Response: These will be addressed in the design phase.

### 7.3.6 Environmental Justice

*Comment: FHWA has not adequately identified or committed to mitigate environmental justice impacts, and the FEIS makes no concrete commitments to mitigation of the disproportionate harm to Delray residents. One commenter asserted that MDOT has identified discriminatory effects and adverse impacts, but fails to discuss mitigation that will address the real impact that the DRIC will have on the "host" community of Delray and adjacent areas.*

Response: In the FEIS and Section 5.5 of this ROD, it states that the impacts are disproportionately high and adverse on minority and low-income population groups. MDOT analyzed potential impacts and cumulative effects (see Section 3.14.3 in the FEIS) and determined the proposed project will not have a discriminatory affect on the community. MDOT has sponsored extensive public involvement to determine mitigation and enhancements (see Section 3.1.5.2 of the FEIS). Such commitments are covered in Section 6 and on the Green Sheet of this ROD.

*Comment: Concerned about dispersing the Community Health and Social Services Center (CHASS) client base and disruption of the facility's access.*

Response: Many residents, who may be relocated by the project, have indicated in one-on-one interviews that they want to stay in the area. DRIC has minimized impacts to the pedestrian and transit systems to maintain access to the area.

### 7.3.7 Traffic

*Comment: Additional analysis of surface streets in the vicinity of the DRIC project is needed.*

Response: Recent traffic counts confirm the findings of the *Traffic Analysis Report, Part 2, Level 2*, Appendix E (found at [www.partnershipborderstudy.com](http://www.partnershipborderstudy.com)) that virtually all intersections in Delray and along the service drives will operate at Level of Service A or B with the DRIC project.

*Comment: Requested shifting the local plaza access/egress point on Campbell Street to north of the Norfolk Southern railroad tracks.*

Response: This access cannot be shifted because the connection to Campbell Street would have to be elevated over the railroad tracks, which is not practical.

*Comment: Called for a new truck route(s)/road(s) that avoids use of Westend Street and Dearborn Street.*

Response: MDOT has found there is no cost or traffic justification for this proposal. Trucks must access I-75 at the existing interchanges. So, they will continue to use Dearborn, Westend (Springwells), and Clark Streets.

### 7.3.8 Air Quality

*Comment: Concerned that air quality in the local Delray area will worsen and there will be health effects.*

Response: MDOT and FHWA have done all necessary studies, consistent with the *Air Quality Protocol* established during the development of the DEIS. The project has been found to conform to the Clean Air Act (FEIS Section 3.6). No further analysis is needed.

*Comment: Concerned that Canada doesn't require use of low vapor pressure gasoline. Another believes that the air quality analysis relied somehow on an increased use of hybrid vehicles.*

Response: Vapor pressure relates primarily to ozone formation. Hybrid vehicles were not assumed as part of the fleet mix in the DRIC air quality analysis. The DRIC conforms to the Clean Air Act.

EPA noted that, as long as certain measures related to design, upgraded operations, construction, and long-term air quality enhancements were committed

to in the ROD, they have no objections to the project. These commitments are made in Section 5.3 of the ROD.

### **7.3.9 Noise**

*Comment: Noise walls were requested for the south side of I-75 and on ramps between the plaza and I-75.*

**Response:** These were analyzed and found not to be feasible and reasonable per MDOT policy.

*Comment: MDOT is requested to use pavement that minimizes noise.*

**Response:** Tire/pavement noise generation will be a consideration in pavement design of the DRIC facilities.

### **7.3.10 Historic Properties**

*Comment: Requested that additional parking space be provided at Fort Wayne.*

**Response:** Parking is addressed in Stipulation 13 of the Fort-related text of the signed Memorandum of Agreement (MOA) found in Appendix A of this ROD.

*Comment: Historic facades should be saved and incorporated into new structures where historic buildings cannot be salvaged.*

**Response:** The historic buildings affected by the DRIC are not important for their architecture, but for their place in history. Salvaging their facades is not good historic preservation practice, per federal historic preservation standards. The MOA in Appendix A does not include this provision.

*Comment: Request that MDOT install plaques recording and commemorating the history of Delray and that MDOT display any archaeological artifacts found as the DRIC project is implemented.*

**Response:** MDOT will make a determination on placement of plaques in the next phase of the DRIC project. Artifacts recovered will be the property of the State of Michigan, as owner of the land on which the sites are located. Artifacts will be archived at an institution qualified to accept such materials. Artifacts may be loaned for public display under certain circumstances.

### **7.3.11 Parkland and Public Recreation Land**

*Comment:* Want the boat launch on the Detroit River renovated by MDOT.

*Response:* This facility is owned by Detroit Edison; it is not public parkland. MDOT has no role in improving private facilities nor does the DRIC project impact this boat launch.

### **7.3.12 Light Pollution**

*Comment:* There will be light pollution at Fort Wayne.

*Response:* The FEIS acknowledges this could be the case. It explains General Services Administration procedures to minimize the light footprint outside its plaza (FEIS Section 3.12).

### **7.3.13 Public Safety**

*Comment:* Community members want to participate with government agencies in discussions dealing with emergency planning and in continuing community education on this topic.

*Response:* Meetings between MDOT and the City regarding the DRIC, including those on public safety, are open to the public. Some have been attended by local community representatives at MDOT's invitation which was offered at Local Advisory Council meetings. That practice will continue. Meanwhile, Section 3 of the FEIS explains measures to maintain current response times to the north side of I-75 from the Southwest Safety Mall, and to reduce train traffic in Delray so response times to emergencies south of I-75 will improve.

### **7.3.14 Indirect and Cumulative Impacts**

*Comment:* The FEIS does not fairly evaluate the combined or cumulative consequences of the Detroit Intermodal Freight Terminal (DIFT) and DRIC projects.

*Response:* The DIFT project and its relationship to the DRIC project are discussed in FEIS Sections 3.2.2, 3.2.3, 3.2.6, 3.14.2.3, and 3.14.3, as well as Tables 3-7 and 3-28.

### **7.3.15 Energy**

*Comment: Community representatives requested a Green Development Plan, including an “urban forest.”*

**Response:** MDOT will adhere to its established policies related to retention of mature trees and landscaping in the green spaces to be created by the project and will continue Context Sensitive Solution meetings with the community in the design phase.

### **7.3.16 Governance**

*Comment: The community of Delray wants significant representation on the Bridge Management/Governance Board.*

**Response:** Governance is addressed in Section 2.1.5 of this ROD. The Partnership continues to work on the final governance mechanism, but its view at this time is that representation on the governing board will be from DRIC participating agencies. It is likely that the governance structure will include provisions for public involvement.

*Comment: The community wants a role in the MDOT’s procurement process.*

**Response:** MDOT will follow its established procurement processes.

## **7.4 Section 4(f) Evaluation**

*Comment: Want St. Paul AME Church to be avoided and historic buildings moved.*

**Response:** As Section 5 of the FEIS states, there is no prudent and feasible alternative to use of St. Paul AME Church. Neither St. Paul AME Church, nor the other affected *National Register* eligible historic building, Kovacs Bar, are considered candidates for relocation as both properties were determined eligible for NRHP listing based on their historical associations and not for architectural significance.

## **7.5 Mitigation and Minimization of Harm**

### **7.5.1 General**

*Comment: Want a formal agreement on a community benefits program which would include community enhancements such as park space buffers, neighborhood road*

*improvements, area economic reinvestment strategies, a comprehensive displaced persons relocation assistance program and other features.*

Response: MDOT/FHWA will not enter into a community benefits agreement. MDOT has concluded all necessary studies to determine the community enhancements as documented on the Green Sheet of this ROD.

Comment: *The community asks MDOT to support enabling legislation for a bridge surcharge to be dedicated to fund ongoing mitigation and enhancement measures.*

Response: The Partnership is committed to optimizing private sector involvement in the DRIC, thereby minimizing government's need to invest its resources. To that end, the DRIC toll revenues are to cover the cost to build, operate and maintain the DRIC. Any diversion of these funds for non-transportation uses would not be in the best interest of the State of Michigan.

Comment: *Want the ROD to contain an explicit plan for monitoring and reporting on implementation of mitigation and enhancement measures, with community involvement.*

Response: Section 6 of this ROD and the Green Sheet present the monitoring and enforcement plan. Community engagement will occur through ongoing involvement in the project of the Local Advisory Council and the Local Agency Group.

Comment: *Asked MDOT to relocate the intermodal facility located at Springwells and Fort Streets. Another asked for funding for a state police officer to monitor for overweight trucks.*

Response: Providing these items is not within the authority of MDOT.

## **7.5.2 Air Quality**

Comment: *Desire plantings (including an urban forest), plus long-term air quality monitoring, education programs, and health studies, as well as requirements that contractors use biodiesel fuel and "Best in Class" air quality specifications for construction vehicles.*

Response: MDOT has committed to institute the measures called for by U.S. EPA to minimize air quality impacts. These are listed in Section 5.3 of this ROD.

### **7.5.3 Construction**

*Comment:* Asked MDOT to control, minimize and monitor noise during construction.

*Response:* The FEIS addresses this in Section 4.5.

*Comment:* Stated that a closed drainage system should be used for the bridge.

*Response:* The commenter is referred to Section 4.8 of the FEIS for details on the drainage system proposed for the DRIC project.

*Comment:* Want third party monitoring of construction phase mitigation compliance with notice of all permits sent to organizations in the community.

*Response:* Monitoring and enforcement of environmental commitments are covered in Section 6 of this ROD. MDOT conducts inspection on all of its construction projects; MDOT will not engage in independent monitoring. MDOT will obtain permits in accordance with the rules set by those agencies that govern such permits. Many permitting agencies have public notice requirements.

*Comment:* Indicated that construction staging needs should be met by acquiring or leasing abandoned property in coordination with community redevelopment plans.

*Response:* MDOT does not identify or mandate contractors' staging areas.

### **7.5.4 Community Enhancements**

*Comment:* Indicated the DRIC should follow the example of other projects that are reported to have 15 percent of total project costs allocated to community benefits.

*Response:* Mitigation is undertaken to be in compliance with the law. Enhancements are activities over and above what is required by law and developed in cooperation with the local community. By law, FHWA/MDOT cannot spend federal funds on enhancement measures that are not tied to direct project impacts. After extensive and continual public participation, FHWA/MDOT proposed \$21 million worth of community enhancements. The proposed mitigation and enhancements represent a reasonable public expenditure after considering the impacts of the action and the benefits of the proposed mitigation and enhancement commitments.

*Comment: Asks for signage to be installed by MDOT at major entrances to Southwest Detroit.*

**Response:** MDOT will make a determination on that request in the next phase of the DRIC project.

*Comment: A letter from the National Association for the Advancement of Colored People was not included in the FEIS.*

**Response:** The letter was received outside of the DEIS comment period. It contains comments that were offered by other commenters and addressed in the FEIS.



# **Appendix A**

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## **Memorandum of Agreement**



**MEMORANDUM OF AGREEMENT BETWEEN  
THE FEDERAL HIGHWAY ADMINISTRATION AND  
THE MICHIGAN STATE HISTORIC PRESERVATION OFFICER  
REGARDING  
THE DETROIT RIVER INTERNATIONAL CROSSING (DRIC),  
DETROIT, WAYNE COUNTY, MICHIGAN  
SUBMITTED TO THE ADVISORY COUNCIL ON HISTORIC PRESERVATION  
PURSUANT TO 36 CFR PART 800.6(b)(1)**

**WHEREAS**, the Federal Highway Administration (FHWA) of the U.S. Department of Transportation has determined that the Detroit River International Crossing (DRIC), Detroit, Wayne County, Michigan will:

- Pose an adverse effect upon St. Paul AME Church (579 South Rademacher Street), Kovacs Bar (6986 West Jefferson Avenue), and Two archaeological sites (20WN1132 and 20WN1133), all of which appear to meet the criteria for listing in the National Register of Historic Places;
- Pose no adverse affect on Berwalt Manor Apartment Building (760 Campbell Street) which appears to meet the criteria for listing in the National Register of Historic Places, is located within the project Area of Potential Effects, and the project will have no adverse effect on those qualities making it eligible for listing in the National Register;
- Pose no adverse effect on Fort Wayne which is listed in the National Register of Historic Places, is located within the project Area of Potential Effects, and the project will have no adverse effect on this historic property;

**WHEREAS**, FHWA has consulted with the Michigan State Historic Preservation Officer (SHPO) on the above properties and pursuant to 36 CFR Part 800, regulations implementing Section 106 of the National Historic Preservation Act (16 U.S.C. 470f) (the Act);

**WHEREAS**, the City of Detroit Historic Landmarks and Districts Ordinance (Detroit Ordinance 161-H of 1976, as amended) does not recognize the St. Paul AME Church, Kovacs Bar, Berwalt Manor, and Fort Wayne;

**WHEREAS**, the City of Detroit Recreation Department was invited to concur in this Memorandum of Agreement (MOA) but declined; and

**WHEREAS**, the Michigan Department of Transportation (MDOT) has been invited to concur in this Memorandum of Agreement (MOA):

**NOW, THEREFORE**, FHWA and SHPO agree that the undertaking shall be implemented in accordance with the following stipulations in order to take into account the effect of the undertaking on the historic properties.

## STIPULATIONS

### I. FHWA shall ensure that the following measures are carried out:

#### A. Recordation

1. St. Paul A.M.E. and Kovacs Bar shall be recorded so that there is a permanent record of their existence. MDOT shall prepare photographic documentation and a historical overview of the resources according to the SHPO *Documentation Guidelines* attached hereto as **Attachment A**. Unless otherwise agreed to by the SHPO, MDOT shall ensure that all documentation is completed and accepted by the SHPO for deposit in the State Archives of Michigan prior to the commencement of any demolition or construction activity concerning the affected properties. MDOT will provide additional original copies of the recordation package to appropriate local repositories designated by the SHPO.
2. MDOT shall include, if available, as part of the recordation package original or archival –quality copies of historic photographs of the affected properties; additionally, electronic versions of these photographs will be submitted to the SHPO.

#### B. Berwalt Manor

1. Should MDOT perform any work to the exterior of the Berwalt Manor apartment building to minimize noise for the residents, then the work will follow the *Secretary of the Interior Standards for the Treatment of Historic Properties*, 36 CFR Part 68, (1995), *Standards for Rehabilitation*, 36 CFR Part 67.7 (July 1, 2004 edition).
2. MDOT shall install a right of way fence across from the termination of the NB I- 75 exit to Campbell Street. The design shall be aesthetically appropriate and complementary to the design of the building and shall be approved by MDOT, SHPO and the building owner.
3. MDOT shall landscape the area adjacent to the I-75 northbound exit ramp onto Campbell Street as well as Campbell Street itself.
4. MDOT shall submit work plans and specifications to the SHPO for review and approval of the above-noted work.
5. MDOT shall offer to conduct vibration monitoring of the building conditions before, during, and after construction.

#### C. Historic Fort Wayne

1. MDOT shall pay for an update of the existing Fort Wayne Master Plan to revisit Fort entryway options.

2. MDOT shall conduct videotape documentation and seismic monitoring of structural conditions before, during, and after construction for Fort buildings and structures closest to Jefferson Avenue, the north elevation of the Star Fort, and Detroit Historical Society collections stored within the Fort property. MDOT shall implement a protocol to notify the City of Detroit of any damage that may be associated with construction-related vibration.
3. MDOT shall provide wayfinding signage to assist visitors in accessing the Fort and create and print brochures showing changes in access to the Fort.
4. MDOT shall construct a direct local access road to and from the plaza to Campbell Street. Campbell Street shall receive pavement, landscaping and lighting improvements from the new I-75 northbound ramp south to West Jefferson Avenue to serve as a gateway to the Fort. Campbell Street will be reconstructed as a narrow boulevard from the railroad tracks to West Jefferson Avenue. MDOT will work with the City of Detroit to investigate the possibility of renaming Campbell Street to Fort Wayne Street or another, similar name that will help identify the street as an access route to the Fort.
5. MDOT shall install new pavement, landscaping and lighting along West Jefferson Avenue from West End Street to Clark Street as well as along Clark Street from its interchange with I-75 to Jefferson Avenue to provide an attractive route to Fort Wayne.
6. MDOT shall construct a new decorative and historically appropriate fence along the West Jefferson property line of the Fort.
7. MDOT shall construct an entryway treatment for Fort Wayne on Fort's West Jefferson Avenue frontage or on other, adjacent City-owned property to improve wayfinding and visibility as identified in the updated Historic Fort Wayne Master Plan. MDOT shall pay for the reconfiguration of those portions of existing Fort Wayne streets specifically needed to connect to the new entryway.
8. MDOT shall construct a security wall surrounding the plaza; the wall will receive a surface treatment aesthetically compatible with Historic Fort Wayne along its West Jefferson Avenue perimeter.
9. MDOT shall landscape the 100' wide buffer area between the plaza security wall and West Jefferson Avenue, meeting Customs and Border Protection guidelines.
10. MDOT shall work with Customs and Border Protection to encourage truck anti-idling measures on the plaza.
11. MDOT shall submit work plans and specifications for all of the above provisions relative to Historic Fort Wayne to the City of Detroit Recreation Department and the SHPO for review and approval.

12. MDOT shall work with the Fort staff and the Detroit Police Department to develop a traffic management plan for large events. MDOT shall contribute toward consultant services used to create the traffic management plan.
13. MDOT shall construct a surface parking lot to replace legal on-street parking that is eliminated to accommodate the plaza. The lot shall be of a design and construction similar to that used for Park and Ride Lots, commonly found adjacent to Interstate Highway interchanges. MDOT and the City of Detroit shall verify the number of legal parking spaces that will be removed from service to the fort. The City of Detroit shall provide a clean site for the parking lot. The parking lot, once constructed, shall become the responsibility of the City of Detroit for any maintenance and policing.

## **II. ARCHEAOLOGICAL RESOURCES**

- A. The FHWA and SHPO agree that sites 20WN1132 and 20WN1133 are important for the information that they may yield, and that preservation in place is not warranted.
- B. MDOT shall develop an appropriate data recovery strategy for sites 20WN1132 and 20WN1133 to mitigate the adverse effects of construction of the proposed Detroit River International Crossing, which includes the border crossing, plaza, and interchange connecting the plaza to I-75.
  1. The data recovery plan shall be approved by SHPO prior to implementation and shall be consistent with the Secretary of the Interior's Standards and Guidelines for Archaeological Documentation (48 FR 44734-37) and take into account the Advisory Council on Historic Preservation's policy statement, Treatment of Burial Sites, Human Remains and Funerary Objects, as well as any applicable SHPO guidelines.
  2. The data recovery plan, at minimum, shall specify the research questions that are to be addressed through the data recovery and the methods to be employed, with an explanation of their relevance and importance; the methods of data analysis, management and dissemination of recovered data, the disposition of recovered archaeological data; a procedure for the treatment of human remains, if encountered; and procedures for consultation with consulting parties, including Indian tribes (see below).
  3. It is agreed that, per their formal requests, the Hannahville Indian Community the Gun Lake Tribe and the Pokagon Band of Potawatomi Indians shall be notified by MDOT and consulted in the event of the discovery of Native American archaeological and/or human remains, in accordance with the applicable federal and state laws, rules, and regulations concerning such finds.
- C. MDOT, in consultation with the SHPO, will identify the need, or lack thereof, for monitoring ground disturbing activities that may impact archaeological deposits in

proximity to Fort Wayne as described in Stipulations I.C.4, I.C.5, I.C.6, I.C.7, I.C.8, I.C.9, and I.C.10 above, once construction plans become available.

1. MDOT shall implement the MDOT Construction Policy/Procedure for Bones, Archaeological and Historical Findings if archaeological deposits are encountered during monitoring of the construction.
  2. It is agreed that, per their formal requests, the Hannahville Indian Community, the Gun Lake Tribe, and the Pokagon Band of Potawatomi Indians shall be notified by MDOT and consulted in the event of the discovery of Native American archaeological and/or human remains in accordance with the applicable federal and state laws, rules, and regulations concerning such finds.
- D.** In all areas of DRIC construction, not including the areas in proximity to Fort Wayne described in Stipulation II.C above, MDOT shall implement the MDOT Construction Policy/Procedure for Bones, Archaeological and Historical Findings if unanticipated discoveries are encountered during the course of project construction.

It is agreed that, per their formal requests, the Hannahville Indian Community, the Gun Lake Tribe, and the Pokagon Band of Potawatomi Indians shall be notified by MDOT and consulted in the event of the discovery of Native American archaeological and/or human remains in accordance with the applicable federal and state laws, rules, and regulations concerning such finds

### **III. GENERAL CONSIDERATIONS**

#### **A. Amendment**

1. Any party to this MOA may propose to the other parties that it be amended, whereupon the parties will consult in accordance with 36 CFR800.6(c) (7) to consider such an amendment.
2. In the event that any portion of this MOA is found to be infeasible, the parties to this MOA shall consult to consider appropriate alternative mitigation.
3. Any additional or alternative actions considered pursuant to this agreement shall be subject to implementation by amending this MOA in accordance with this section.

#### **B. Dispute Resolution**

Should the SHPO or MDOT object within 30 (thirty) days to any actions proposed pursuant to this MOA, the FHWA shall consult with the objecting party to resolve the objection. If the FHWA determines that the objection cannot be resolved, the FHWA shall forward all documentation relevant to the dispute to the Advisory Council on Historic Preservation (Council). Within 45 (forty-five) days after receipt of all pertinent documentation, the Council will either:

1. Provide the FHWA with recommendations, which the FHWA will take into account in reaching a final decision regarding the dispute; or
2. Notify the FHWA that it will comment pursuant to 36 CFR 800.7(c) and proceed to comment. Any Council comment provided in response to such a request will be taken into account by FHWA in accordance with 36 CFR 800.7(c) (4) with reference to the subject of the dispute.

**C. Termination**

1. If the FHWA determines that it cannot implement the terms of this MOA, or if the SHPO determines that the MOA is not being properly implemented, the FHWA or the SHPO may propose to the other parties to this MOA that it be terminated.
2. The party proposing to terminate this MOA shall so notify all parties to this MOA explaining the reasons for termination and affording at least sixty (60) days to consult and seek alternatives to termination. The parties shall then consult.
3. Should such consultation fail, the FHWA or the SHPO may terminate the MOA by so notifying all parties.
4. Should this MOA be terminated, the FHWA shall either:
  - a. Consult in accordance with 36 CFR § 800.6 to develop a new MOA; or
  - b. Request the comments of the Council pursuant to 36 CFR § 800.7.

Execution and implementation of this MOA and its submission to the Council evidences that FHWA has afforded the Council a reasonable opportunity to comment on the project and that the FHWA has taken into account the effects of the project on historic properties.

**FEDERAL HIGHWAY ADMINISTRATION**

By: James J. Steele Date: Dec. 22, 2008  
 James J. Steele, Division Administrator

**MICHIGAN STATE HISTORIC PRESERVATION OFFICER**

By: Brian D. Conway Date: 12/22/08  
 Brian D. Conway, State Historic Preservation Officer

Concur:

**MICHIGAN DEPARTMENT OF TRANSPORTATION**

By: Susan Mortel Date: 12/22/08  
 Susan Mortel, Director, Bureau of Transportation Planning

Special - DIRECTOR AGENDA  
 Approved  
 12-23-08  
 MIA

FORM APPROVED  
 12-22-08  
 AC7  
 ASSISTANT ATTORNEY GENERAL

# **Appendix B**

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## **Project Mitigation Summary Green Sheet**



January 2009

**Green Sheet: Project Mitigation Summary**  
**Detroit River International Crossing (DRIC)**  
**Record of Decision (ROD)**  
**For the Selected Alternative**

This Project Mitigation Summary Green Sheet contains the project specific mitigation measures being considered at this time. A list of Community Enhancements that are above and beyond what is required mitigation for this project is included at the end of this Green Sheet. These mitigation items may be modified during final design, right-of-way acquisition, or construction phases of the project.

<b><i>Impact Category</i></b>	<b><i>Mitigation Measures</i></b>
I. Social and Economic Environment	
a. Visual Effects	Buffers/barrier walls are planned for the plaza perimeter. Buffer/barrier wall construction materials and aesthetic concepts were discussed with the DRIC study team during a series of Context Sensitive Solution (CSS) workshops held in the community. Follow-up CSS meetings will be held with local officials and residents during the design process to continue to address the plaza buffer/barrier wall and bridge design options for the Selected Alternative.
b. Relocations	Adequate replacement housing and industrial/commercial space is available in Southwest Detroit to replace the 257 dwelling units, 43 businesses, and 9 non-profit organizations (community facilities and churches) that would be relocated.  MDOT will coordinate with the state and federal officials that control the Detroit Empowerment Zone and/or Renaissance Zone. If possible, these zones will be extended or modified to allow relocated businesses or residents to remain in the area.
c. Environmental Justice	The mitigation and enhancement measures listed on this Green Sheet will benefit minority and low-income population groups who may be impacted by this project. Community Enhancement measures were developed by MDOT and the community.  New windows and a new central heating, ventilating and air conditioning (HVAC) system will be offered to reduce noise levels within the Berwalt Manor apartment building. Coordination with Berwalt Manor will continue into design to address access to the property and additional landscaping options.
d. Parks	South Rademacher Park and its associated Recreation Center, plus Post-Jefferson Playlot, fall within the plaza footprint, requiring compensation for the property, facilities, and recreational functions. Mitigation could take a number of forms and is being discussed with the Detroit Recreation Department. Mitigation will commence in the project's right-of-way acquisition phase.
e. Noise	Project noise levels exceed FHWA Noise Abatement Criteria at 199 residential properties along I-75. Reasonable and feasible noise wall locations have been identified between Green and Rademacher (1,820'), East of Dagoon and east of Campbell (1,488'), and east of Campbell and Clark (2,234'). Meetings will be held with affected residents and the City of Detroit during the design phase to address noise barrier location/aesthetics and fire hydrant/emergency access.
f. Infrastructure	MDOT will invest in a Green Street boulevard to improve local north south circulation in west Delray and improve Campbell Street as a narrow boulevard between the railroad tracks and Jefferson in east Delray.

<b>Impact Category</b>	<b>Mitigation Measures</b>
g. Pedestrian and Bicycle Effects	The Selected Alternative will remove the five existing pedestrian/bicycle bridges over I-75, but each will be replaced near its original location. All vehicular bridges over I-75 also will have sidewalks. All new structures will be upgraded to meet Americans with Disabilities Act (ADA) standards.
h. Safety and Lighting	Proposed plaza and new structure lighting requirements will continue to be reviewed for the Selected Alternative to minimize potential impacts to adjacent residents, properties (especially Fort Wayne), and wildlife. Coordination will occur with FHWA, MDOT, Federal Aviation Administration, U.S. Coast Guard, and U.S. Army Corps of Engineers during design to balance the safety, river and air space navigation, and navigation lighting needs on the bridge. Coordination will also occur with the U.S. Fish and Wildlife Service during design to review the new bridge and lighting concepts to reduce potential impacts to migratory birds. Further CSS meetings will be held during design to receive local community input for proposed plaza and bridge lighting that provides safe, attractive, energy efficient, and low-maintenance lighting.
i. Emergency Services	A system of traffic signal pre-emptions is planned for the Southwest Safety Center on Fort Street to assist the police and fire services in accessing the area north of I-75.
<b>II. Natural Environment</b>	
a. Tree Removal/ Clearing/ Landscaping	Mature trees will be preserved, where possible. Remaining property owners will be notified before any trees in front of their residences are removed and replacement trees will be offered. Landscaping opportunities will be determined drawing on input from the local community from previous CSS meetings and a follow-up meeting during the design phase for the Selected Alternative. Landscaping will emphasize native species and not include invasive species. As an added benefit, EPA has stated that landscaping can aid in improving air quality along roadways.
b. Water Quality	Stormwater management will be incorporated into the project's final design. For runoff, stormwater management facilities could include detention basins, oversized pipes and grassy swales. The sealing of water wells, septic systems, and sewer lines will be ensured by enforcement of MDOT specifications required of contractors during construction. The contractor must also meet Michigan Department of Community Health requirements. Water pumped during de-watering operations for the new bridge foundations will be treated prior to discharge.
c. Migratory Birds	Coordination with the U.S. Fish and Wildlife Service will continue through the design phase for structure type and lighting options.
<b>III. Hazardous / Contaminated Materials</b>	
a. Contaminated Sites	<p>An Initial Site Assessment (ISA) examined more than 100 commercial, industrial and vacant sites for contamination impacts and found 26 medium to high rated sites that could be impacted. The Selected Alternative would impact 23 of these sites. Preliminary Site Investigations (PSIs) which include more soil borings and analysis have been completed for 6 sites. PSIs will continue on the remaining 17 sites affected by the Selected Alternative as access can be obtained by provisions in Michigan law. Further assessment of the regulatory status and site conditions of the other sites (that may already be in the process of remediation) will be required. Access will be maintained to current monitoring wells and wells will be relocated if required.</p> <p>Contamination areas will be marked on all construction plans. A Utility Plan will also be prepared to ensure no deep utility cuts will impact and/or spread existing contamination. Design of the bridge piers will include measures to prevent migration of contaminated groundwater and contamination of deep aquifers. Measures will be taken during construction to prevent exacerbation of existing contamination. Further, construction will not interfere with existing caps or remediation systems. Design specifications will include provisions to handle contaminated material, including</p>

<b>Impact Category</b>	<b>Mitigation Measures</b>
	<p>groundwater. Structures acquired will be tested for asbestos-containing materials and lead-containing materials before demolition. The MDEQ notification procedures for demolitions will be followed. A Risk Assessment Plan will be developed to include a Worker Health and Safety Plan. All contaminated materials will be properly disposed of. All monitoring wells will be properly sealed and abandoned.</p> <p>FHWA and the MDOT will continue to work with the Detroit Department of Environmental Affairs, the Detroit Economic Growth Corporation, the Michigan Department of Environmental Quality (MDEQ), and the responsible party (Honeywell International, Inc.) at the former Detroit Coke site to ensure that the existing and proposed environmental response activities as required by the MDEQ are not impeded. This may include, for example, the need for access to complete on-going system monitoring and/or the installation of subsurface or surface appurtenances for remedial systems.</p>
<b>IV. Cultural Environment</b>	
a. Historic	<p>Prior to any construction activities, the Kovacs Bar and St. Paul AME Church will be documented in text and graphics to record its place in history. Coordination with the SHPO will be required during design for landscaping and potential noise reduction improvements to the exterior of the Berwalt Manor apartments. Details of the mitigation commitments are listed in the final Memorandum of Agreement (MOA) found in Appendix A of this ROD.</p>
b. Archaeology	<p>Prior to construction in the area of sites 20WN1132 and 20WN 1133, MDOT shall develop an appropriate data recovery strategy for these two sites and mitigate the adverse effects of construction through data recovery excavations, data analysis, and document the results in a report. Details of the mitigation commitments are listed in the updated MOA found in Appendix A.</p>
<b>V. Construction</b>	
a. Vibration	<p>Basement/foundation surveys will be offered to Fort Wayne and structures within 150 feet of any construction activity in areas where vibration effects could occur. These areas will be identified during the design phase, where pavement and bridge removal will occur, or where piling and/or steel sheeting is planned. Monitoring will occur before, during and after the construction phase. Vibration impacts are not expected at this time.</p>
b. Maintenance of Traffic	<p>All construction areas and altered traffic patterns will be clearly marked during the construction phase. Access will be maintained to properties to the extent possible. Public awareness will be maintained through the use of a Public Information Plan, which will provide information to visitors, motorists, area residents, and business owners. Coordination with emergency service providers and the Detroit School District will continue during the design and construction phases. Communication methods can include but are not limited to the use of electronic message signs, an MDOT Web site (<a href="http://www.michigan.gov/mdotstudies">www.michigan.gov/mdotstudies</a>), and the project hotline (1.800.900.2649).</p>
c. Utilities	<p>Coordination will continue between MDOT and utility companies prior to and during construction to minimize service interruption to the public.</p>
d. Permits	<p>Permits under Michigan Public Act 451, Part 31 (Water Quality and Floodplains), 55 (Air Pollution Control), and 301 (Inland Lakes and Streams) are required from the MDEQ for this project. Coverage under the National Pollutant Discharge Elimination System (NPDES), which is administered by the MDEQ, is also required. A Section 9 permit will be required from the U.S. Coast Guard. All Detroit River navigational requirements including lighting will be followed. Since the DRIC will be a new international crossing, a Presidential Permit will be required from the U.S. Department of State.</p>

## Community Enhancements

<i>Impact Category</i>	<i>Enhancement Measures</i>
a. Local Roads	Jefferson Avenue intersections at Dearborn Avenue, West End Avenue and Clark Street will be rebuilt to better accommodate local truck movements affected by the DRIC. Adjacent to the DRIC where local traffic must detour around the proposed plaza, local roads will be evaluated to determine what improvements are needed to the roadways including paving, sidewalks, streetscaping, traffic calming and lighting. MDOT will coordinate with the City of Detroit to determine the limits, scope of work, cost (not to exceed \$12 million), and schedule for the local road improvements.
b. Transportation Enhancement Funds	MDOT will work together with the City of Detroit in an effort to secure Transportation Enhancement Funds for aesthetic improvements in the vicinity of the DRIC.
c. Economic	MDOT will participate with other stakeholders in funding a study of economic development opportunities that will support small business development in the DRIC study area. MDOT will continue to coordinate with the Michigan Economic Development Corporation, the Detroit Economic Growth Corporation, the Dearborn Department of Economic Development, various public-private partnerships and the local community.
d. Air Quality	<p>MDOT will work with contractors on an operational agreement to control air pollution during construction. A construction emissions plan may include actions such as: retrofitting off-road construction equipment; limiting the age of off-road vehicles used in construction projects; minimizing engine operations; restricting construction activities around certain more-sensitive receptors, like Southwestern High School (when it is in session); using diesel particulate traps and oxidation catalysts; and, using existing power sources or clean fuel generators, rather than temporary power generators. The Contractor will institute fugitive dust control plans per MDOT 2003 Standard Construction Specifications under Section 107.15A and 107.19.</p> <p>MDOT will work with SEMCOG, MDEQ, the private sector and the community to create an action plan that includes short-term and long-term objectives aimed at reducing fugitive dust, diesel truck idling, fuel consumption, or diesel emissions to limit PM<sub>2.5</sub> emissions in the study area defined by the yellow boundary in Figure 3-9A of the FEIS. The action plan will identify priorities for future federal aid eligible transportation projects through programs such as Congestion Mitigation and Air Quality (CMAQ) and the Midwest Clean Diesel Initiative. The action plan will be implemented during design and construction phases, and sustained through the maintenance and operations of the facilities. Activities could also include outreach activities to inform commercial operations and residents on air pollution control strategies. The actual projects will be generated from the community and its partners who will develop project proposals.</p>
e. Land Use	MDOT will support Delray's efforts to get the City of Detroit to adopt the Delray land use plan.
f. Job Training	MDOT will coordinate with the Michigan Department of Labor and Economic Growth to explore job training opportunities, English as a Second Language (ESL), and other training options in the project area. This will allow residents to take advantage of training opportunities to avail themselves of jobs that will result from the construction and operation of the DRIC.