

RECORD OF DECISION
For
HAM-SR32-0.00
Eastern Corridor Multi-Modal Projects - Tier 1
ODOT Project Identification Number 22970
Hamilton and Clermont Counties, Ohio

I. Introduction

The Ohio Department of Transportation (ODOT), in cooperation with the Federal Highway Administration (FHWA) and five local sponsoring agencies and jurisdictions (Hamilton County, Clermont County, the City of Cincinnati, Metro/Southwest Ohio Regional Transit Authority, and the Ohio-Kentucky-Indiana Regional Council of Governments(OKI)), will implement highway, transit and local network improvements in a multi-modal strategy to address short- and long-range travel needs for the Eastern Corridor of the Cincinnati metropolitan area. By agreement among local, state and federal agencies, the Eastern Corridor projects are using a tiered NEPA process. FHWA is the lead Federal Agency for the review process required by the National Environmental Policy Act (NEPA).

The Record of Decision (ROD) complies with NEPA, regulations implementing NEPA (40 CFR 1505.2), and related FHWA procedures (23 CFR 771). It is a statement of the decisions made as a result of planning, environmental, social, and economic analyses, and consideration of input from the public and other agencies. The Tier 1 Final Environmental Impact Statement (FEIS) (FHWA-OH-EIS-04-02-F) released for public comment in November 2005 summarizes the analyses and input.

The proposed Tier 1 action consists of identification of generalized sets of feasible alternatives for various modal investments within corridors or locations that meet purpose and need and the requirements of NEPA. These alternatives will be evaluated by mode and segment in independent Tier 2 NEPA analyses that will identify final locations and impacts. The modal investments include a new highway (13 mile corridor), rail transit (17 mile corridor), bus transit (various locations) and local network system improvements (various locations).

II. Purpose and Need

The Eastern Corridor covers the 165 square mile urban and suburban eastern sector of the Cincinnati metropolitan area. Bridge crossings of the Little Miami River (LMR) in the Eastern Corridor exist on only four local roads (Kellogg.

Avenue, Beechmont Avenue, Newtown Road, and Milford Road). The LMR acts as a physical barrier to the burgeoning movement of people, goods, and services between the eastern suburbs and the City of Cincinnati. The need for the action stems from the failure of an inadequate existing transportation network in the Eastern Corridor to accommodate growing travel demand. The eastern portion of the Cincinnati metropolitan area is an important pathway for connecting people with jobs in urbanized areas and for the movement of goods and services. The east side delivers one of the highest daily commute volumes to jobs in Cincinnati and Hamilton County, but has only inefficient local routes or circuitous interstate routes to service this demand.

Many key routes in the Eastern Corridor's existing roadway network have current traffic volumes in excess of capacity. Projected traffic indicates that No Build average daily traffic volumes on interstates and most main roadways in the area will increase up to 81% over current conditions by 2030. Level of Service (LOS) analyses indicate that many of the key local routes in the Eastern Corridor will be operating at a LOS below C under a No Build scenario by the Year 2020, with many segments operating at a LOS of E or F, including portions of SR-32, SR-125 (Beechmont Avenue), Newtown Road, Red Bank Road, US-50, Clough Pike and I-275.

Since most available routes through the Eastern Corridor have limited capacity, through-trip demands between the Cincinnati and Hamilton County employment centers in the west part of the corridor and residences and other generators in the east part of the corridor are increasingly being carried in a circumferential manner by the interstate highways (I-275, I-471, and I-71), resulting in increased vehicle miles traveled (VMT) and peak period congestion on the interstate routes. Ineffective routing and connectivity for current travel patterns and projected travel demand, existing development and access demands along key non-interstate routes, and the limited number, capacity and connectivity of existing river crossings in the area all contribute to more congestion and delays internally within the Eastern Corridor network and more circumferential travel and VMT on the interstate network external to the Eastern Corridor.

Time spent in future travel delay is predicted to increase by over 500% within the Eastern Corridor by the Year 2030 in comparison to existing delay. This is twice the increase projected for the entire Cincinnati metropolitan area. This delay reduces productivity for individuals and businesses, increases time for delivery of goods and services, and increases operation and maintenance costs for automobiles, trucks and heavy equipment.

More than eighty percent of the roadway segments evaluated in the Eastern Corridor for a three-year study period (1998-2000) exceeded the statewide average vehicular crash rate, with over half the accidents occurring on US-50 and SR-32, and nearly 20% occurring on I-275. Crashes affect system reliability and delays, especially in a network with few alternative routes and reliance on

four local bridge crossings. Many key routes in the area exhibit physical and geometric deficiencies. As projected traffic volumes increase and LOS conditions worsen, safety conditions are expected to decline.

Transit and other non-highway travel options are limited in the Eastern Corridor. Bus transit currently occurs primarily along Wooster Pike, Beechmont Avenue, Madison Avenue, and Eastern Avenue, but is not available for many locations within the Eastern Corridor (Figure 1.6 of the DEIS). Existing bikeway facilities (along Milford Road and around the Lunken Airport complex) are limited in availability and connectivity, and currently do not provide a functional transportation option for commuters (Figure 1.8 of the DEIS).

The purpose of the proposed action is to implement a multi-modal transportation program that increases capacity, reduces congestion and delay, improves safety, and provides transportation options and connectivity to the region's key transportation corridors and social and economic centers for the efficient movement of people, goods and services. Overall, the proposed action will be developed and designed to: a) fit with identified future land use in the area, b) support and provide sustenance to the regional economy, and c) be consistent with regional environmental goals. Specific purpose and need elements for different modes are as follows (as established, refined and confirmed in the Tier 1 EIS process, including agency and public input):

Highway. Major new highway capacity improvements between I-71 and I-275 through the central part of the Eastern Corridor, along with ancillary roadway network improvements, are needed to:

- Better meet travel demand
- Provide more efficient travel patterns and destination linkages
- Augment capacity and provide congestion relief
- Reduce travel time and delays
- Improve motorist safety
- Improve movement of freight, goods and services
- Improve regional connectivity
- Link to and support the Eastern Corridor land use vision plan
- Support and facilitate bus, rail and TSM investments, and
- Implement state and regional long range plans specific to highway investments.

The purpose of the major new highway capacity investments in the Eastern Corridor is to implement, in logical segments, an efficient highway corridor between I-71 and I-275 with controlled access and non-interstate design standards employing both intersections and interchanges. This component will address regional and local travel demand that cannot be effectively met by transit and TSM investments. It will also reduce congestion, improve roadway travel safety and efficiency, provide operational capacity for bus transit, accommodate bike and pedestrian ways, and support economic development and community

revitalization consistent with the land use vision plan.

Bus Transit. Bus transit network investments are needed at various locations in the Eastern Corridor to:

- Increase accessibility by reaching areas not currently being served by transit
- Connect people with jobs
- Provide better service to the transit-dependent (or transportation-disadvantaged)
- Improve overall transportation by coordinating and linking with other travel modes
- Stage service investments to fit with demand and resources
- Provide important future capacity addition beyond reasonable limits of the highway system
- Improve regional connectivity
- Link to and support the Eastern Corridor land use vision plan
- Support and facilitate rail, highway and TSM investments, and
- Implement adopted regional long range transportation plans specific to bus investments

The purpose of the bus transit capacity investments in the Eastern Corridor is to implement, in logical segments, a more effective bus transit network in the Eastern Corridor, including new service opportunities provided by various highway and other transit and alternative mode improvements. This component will increase non-car travel options for work, shopping and recreation trips, increase mobility for non-drivers, better link pedestrian and bike-oriented destinations, establish bus connection hubs in effective locations that enhance neighborhood development, link the regional rail transit and bikeway system, reduce demand for highway capacity, and support economic development and community revitalization consistent with the land use vision plan.

Rail Transit. Rail transit network investments in the Eastern Corridor are needed to:

- Increase accessibility by reaching areas not currently being served by transit
- Connect people with jobs
- Provide better service to the transit-dependent (or transportation-disadvantaged)
- Improve overall transportation by coordinating and linking with other travel modes
- Provide important future capacity and connectivity beyond reasonable limits of the highway system
- Connect people with major recreational destinations and other regional attractions for non-car travel
- Provide a visible, high profile link to the Cincinnati Central Business District from outlying areas

- Improve regional connectivity
- Link to and support the Eastern Corridor land use vision plan
- Support and facilitate bus, highway and TSM investments, and
- Implement regional long range transportation plans specific to rail investments

The purpose of the rail transit capacity investments in the Eastern Corridor is to implement, in logical segments, effective rail transit service in the Eastern Corridor. This component will provide a new, high-visibility, regional-scale transportation alternative to driving, will increase mobility for non-drivers, will provide a high-capacity transit mode to support the expanded bus network, will establish stations at effective locations with links to bus, bike, pedestrian and roadway systems, will connect downtown Cincinnati with outlying areas of population and employment, will support neighborhood development and revitalization consistent with the land use vision plan, and reduce demand for new highway capacity while providing a way to meet the future travel demand.

Transportation Systems Management (TSM). TSM (minor local transportation network) improvements are needed at various locations in the Eastern Corridor to address efficiency, capacity and service quality of the existing transportation network using lower cost measures such as improved signal timing, minor existing roadway corridor improvements, intersection improvements, as well as use of transportation demand management (TDM) strategies, including park-and-ride areas and new bikeways. These TSM actions are needed to:

- Fit with land use
- Augment other travel modes
- Provide travel demand shift or reduction
- Provide a coordinated set of system-level actions that improve operations, reduce travel time or delays, connect between modes of travel, or reduce incident response time, and
- Improve safety

The purpose of the TSM capacity investments in the Eastern Corridor is to implement a more effective existing transportation network in the Eastern Corridor. This component will improve performance of the existing roadway and transit network, make relatively low cost spot improvements that reduce congestion and improve mobility, help establish new bike and pedestrian corridors for non-motorized travel linked to highway and transit system, reduce the need for new highway capacity, and will support economic development and community revitalization consistent with the land use vision plan.

III. Decision

The decision is to advance the following feasible multi-modal components (discussed in more detail in Chapter 3 of the DEIS and Chapter 4 of the FEIS) into Tier 2 NEPA analyses for the selection of alternatives to implement:

- Improved bus transit, including expanded bus routes, new community circulators, feeder routes to compliment rail transit, and new bus hubs (various locations);
- New rail transit capacity extending from downtown Cincinnati, across the LMR to the City of Milford (17 mile corridor);
- New highway capacity from Red Bank Road at I-71, across the LMR to SR-32/I-275 in the Eastgate area of Clermont County (13 mile corridor); and
- Various TSM actions, including new bikeway elements (various locations).

The Tier 1 decision establishes a baseline of actions and consequences that have been considered, and found reasonable and consistent with the provisions of NEPA. The Tier 2 NEPA decisions will involve further refinement of alternatives, including more detailed engineering and environmental analyses, comparative impact evaluation, identification of preferred alternatives for different part of the multi-modal plan, and final NEPA documentation of the selected alternative for each action. Implementation of the selected alternatives will increase accessibility for more segments of society and a greater geographic area; improve connectivity to jobs, recreational facilities, and transportation infrastructures; improve safety; more efficiently move people, goods, and services; increase capacity; and reduce congestion, travel time, and delay.

The implementation strategy for the Eastern Corridor is structured as a comprehensive short- and long-term development framework for public and private investment, where the various parts of the transportation program are anticipated to be constructed incrementally over time, in a planned and mutually understood environment, until all parts of the multi-modal plan are in place. This implementation framework is based on a program-level approach, where major new capacity improvements in highway and transit are coordinated with and benefited by a variety of local network improvements.

The tiered approach and program-level implementation strategy for the Eastern Corridor were developed with guidance and scoping input from FHWA, FTA and resource agencies. Tier 1 feasible alternatives were developed based on evaluation and consideration of comments received from state and federal review agencies throughout the project development process, public comments received, environmental and engineering factors, consistency with local and regional transportation and land use plans, and support of the project purpose and need.

Subsequent to the issuance of this Tier 1 ROD, independent environmental and design studies for the following Eastern Corridor multi-modal components and segments will proceed in Tier 2:

New Highway Capacity: The new highway capacity corridor will be carried forward into Tier 2 for evaluation of feasible alternatives and their potential impacts and identification of alternatives for implementation. The corridor segments and the types of NEPA documents proposed are as follows:

- Segment I - Red Bank Road from I-71 to US-50. Consolidate and manage access points along existing Red Bank Road and Red Bank Expressway to establish a controlled access arterial roadway from existing I-71/Red Bank Road interchange to US-50. Total project length is about 2.5 miles. Feasible alternatives to be further developed in Tier 2 include two basic highway mainline alternatives and two options for improvements to the local access roadway network. A Categorical Exclusion (CE) is proposed to document this future action.
- Segments II/III - SR-32 from US-50 east to Bells Lane. Consolidate and manage access points to establish relocated SR-32 as a controlled access arterial roadway west of I-275. Include a new interchange at US-50/Red Bank Road/SR-32 in the Village of Fairfax and planning for multi-modal improvements, consisting of a parallel Oasis rail transit corridor, a new bikeway corridor, a multi-modal clear span crossing of the LMR, and associated multi-modal transit hubs (at US-50 and at Newtown Road). Total project length is about 6 miles. Feasible alternatives to be further developed in Tier 2 include three interchange configurations options (for US-50/Red Bank Road/SR-32) and several alternatives (and combinations of alternatives) through the Little Miami River floodplain and Newtown. An Environmental Impact Statement (EIS) will be prepared to document these new highway segments and the Oasis Transit Segment 3.
- Segment IV - I-275/SR 32 interchange improvements. Upgrade the existing I-275/SR-32 and SR-32/Eastgate Boulevard interchanges and improve capacity and access along SR-32 from Bells Lane to Gleneste-Withamsville Road. Local road improvements will be implemented separately in support of this improvement. Total project length is about 3 miles. A CE is proposed to document this future action.
- Segment IV(a) - SR-32 from Gleneste-Withamsville Road to Olive Branch-Stonelick Road. Consolidate and manage access points to establish SR-32 as a limited access arterial roadway, including elimination of access at SR-32/Gleneste-Withamsville Road. Planned local road improvements will be implemented separately in support of this improvement. Total project length is about 1 mile. A CE is proposed to document this future action.
- Segment IV(b) - Collector-Distributor System and I-275 Interchange with a new local road. Construct a new interchange on I-275 south of SR-32 at a proposed new local road (Bach-Buxton Connector also known as Alcholtz Extension), and establish a collector-distributor system along I-275 from the new interchange to the I-275/SR-32 interchange. Total project length is about 2 miles. ODOT is not participating in funding of Tier 2 activities for this project. It is unknown at this time when and if local sponsors will

initiate further project development. If Tier 2 work commences, an Environmental Assessment (EA) is proposed to document this future action.

New Rail Transit Capacity: The Oasis Line will be carried forward into Tier 2 for evaluation of feasible alternatives and their potential impacts and identification of alternatives for implementation. The rail segments and the types of NEPA documents proposed are as follows:

- Oasis Segment 1 – From the Cincinnati Riverfront Transit Center to the Boathouse. Provide rail on new alignment or follow existing tracks (2 options under consideration), with 1 to 5 rail stations for connections to riverfront destinations. Total project length is about 1 mile. An EA is proposed to document this future action.
- Oasis Segment 2 – From the Boathouse to US-50 in the Village of Fairfax. Provide new rail transit on right-of-way (double track rail corridor) controlled by the Southwestern Ohio Regional Transit Authority (SORTA). Upgrade existing structures as needed. Establish up to four rail stations for connection to traditional and redeveloping riverfront neighborhoods, Lunken Airport, and Linwood area. Include planning for possible future parallel bikeway. Total project length is about 7 miles. An EA is proposed to document this future action.
- Oasis Segment 3 – From the Village of Fairfax to the Village of Newtown along shared right-of-way with relocated SR-32. Provide rail transit on new alignment, parallel to relocated SR-32, and sharing a new multi-modal crossing of the Little Miami River. Project includes planning for parallel roadway (relocated SR-32), a bikeway, and two multi-modal transit hubs (at US-50 and at Newtown Road). Total project length is about 4 miles. An EIS will be prepared to document this rail segment and the new highway Segments II/III.
- Oasis Segment 4 – North from the Village of Newtown to the City of Milford. Provide rail transit service on or along existing north-south rail corridor, with a station in the area of the Ancor Industrial Complex and a multi-modal station in the City of Milford. Total project length is about 5 miles. An EA is proposed to document this future action.

Expanded Bus Transit: Most expanded bus components are operational in nature (such as extending existing routes) and have no specific Tier 2 study implications or requirements beyond general coordination and integration in the overall Eastern Corridor implementation program. These expanded bus components will be developed in Tier 2 under appropriate environmental analyses conducted at the local level. New or improved bus or multi-modal hubs are constructed facilities that will require specific Tier 2 work. Included are new or expanded hubs, enhanced shelters or ancillary improvements at the following six locations: Eastgate, Madisonville, Milford, Oakley, Walnut Hills/Peebles Corner and Xavier/Evanston. CE decisions are proposed to document these future actions. Since the FEIS was completed, a previously proposed new

hub/shelter in Anderson has already been constructed under a separate local action, and no further action is anticipated at this location.

Transportation System Management: TSM actions (listed in Section 3.4.1 of the DEIS) will be updated in the scoping process of Tier 2 as the project financial strategy is finalized and priorities for TSM are refined. It is expected that most TSM actions will continue forward in Tier 2 development under appropriate environmental analyses administered at the local level. TSM actions that are not of independent utility will be included in the Tier 2 NEPA decisions identified above for the other modal components. Bikeway actions, addressed here as part of the TSM components of the multi-modal program, will advance in Tier 2 development under appropriate environmental analyses administered at the local level. CE decisions are proposed to document these future actions.

IV. Evaluation of Tier 1 Alternatives

Feasible Alternatives: The feasible alternatives identified in Tier 1 and summarized above under **Decision** provide physical translation of the multi-modal components of the regional long range transportation plan for the Eastern Corridor established during the MIS phase of study. Feasible alternatives developed in Tier 1 are not final alignment locations, but conservatively configured corridors that address the following:

- They are consistent with adopted long-range plans for the region and meet logical connectivity and functional need requirements identified in those plans, including general corridor locations and configurations established in the planning phase.
- They geographically encompass a reasonable and feasible range of possible detailed terminal treatments, such as intersection or interchange locations, transit station layouts, ramp geometries, and access roads.
- They avoid and minimize impacts to key environmental features based on results from Tier 1 environmental field studies.
- They support land use vision goals identified during the Eastern Corridor land use vision process, and
- They were developed based on consideration of public and agency input.

These feasible alternatives represent the results of continuous coordination with resource agencies and outreach to and input from local communities and the general public. Tier 2 of the Eastern Corridor will establish the final footprints for all of the feasible alternatives advanced from Tier 1 within the multi-modal plan. The selection of final alternatives for implementation will occur during Tier 2. The identification of the environmentally preferred alternative for Highway Segments II/III and Oasis Rail Transit Segment 3 will be made during Tier 2 EIS analyses.

No-Build Alternatives: No Build Alternatives will be forwarded for consideration in the Tier 2 decisions for each modal segment, and will be used as baselines for comparative analyses with the feasible alternatives.

Alternatives Dismissed: The Wasson Light Rail Transit (LRT) relies on construction and operation of a potential LRT line along I-71. This improvement along I-71 is neither in the regional long range plan nor under consideration for NEPA analysis. As a result, the Wasson LRT Alternative fails to satisfy the Purpose and Need for the Eastern Corridor area. It would not link the outlying areas with the Central Business District, nor improve regional connectivity, nor connect people with major recreational destinations and other regional attractions. However, the Tier 1 FEIS recognizes that the Wasson LRT could be implemented in the long-term future, and recommends, as prudent stewardship of the region's transportation resources, preservation of the single track corridor for possible future transit or other transportation use.

New Crossing of LMR (Option 1) versus existing crossing at Beechmont Levee (Option 2): The decision-making process for transportation improvements in the eastern part of the Cincinnati metropolitan area is grounded in part on the Congressional mandate to integrate two processes: 1) the metropolitan transportation planning process, that results in transportation investment decisions by non-Federal agencies; and 2) the NEPA process, that results in a FHWA decision about the mode, location, and design of a particular transportation improvement. FHWA and FTA cooperated in implementing this statutory provision, found at Section 1308 of the Transportation Equity Act for the 21st Century, by issuing guidance entitled "Program Guidance on Linking the Transportation Planning and NEPA Processes". Under this guidance, it is FHWA and FTA policy that "FHWA/FTA will give deference to decisions resulting from the transportation planning process if FHWA/FTA determine that the planning process is consistent with the 3-C planning principles and when the planning study process, alternatives considered, and resulting decisions have a rational basis that is thoroughly documented and vetted through the applicable public involvement processes." In the case of the Eastern Corridor Study, FHWA carefully reviewed the record from the MIS and concluded that the MIS adequately evaluated a variety of transportation options and that the resulting multi-modal package of transportation improvements provided a solid foundation for subsequent analysis in the Tier 1 EIS. Because the MIS was developed with the active participation of the public and a variety of governmental agencies and non-governmental organizations and because it provided a strong rationale for a particular improvement corridor (Option 1 – new crossing of the LMR), FHWA determined that the Tier 1 EIS analysis of alternatives should be primarily a validation of the MIS results, in accordance with FHWA program guidance.

The MIS planning level work considered a broad range of information appropriate for a planning level analysis. As with other preliminary alternatives considered during the planning phase, the expansion and modification of the existing

Beechmont Levee Corridor (Option 2) was evaluated for its ability to meet the long-range regional transportation needs. And like many other alternatives evaluated for the MIS (e.g., high speed ferry boat commuter service on the Ohio River between Coney Island and downtown Cincinnati, exclusive busway between downtown Cincinnati and Fairfax, extensive HOV lanes, and expanded Ohio River crossings on I-275 and I-471), this option failed to meet the purpose and need and was dismissed prior to NEPA level analysis.

Covering nearly 200 square miles in parts of Hamilton and Clermont Counties in Ohio and parts of Campbell County in Kentucky, the Eastern Corridor MIS study area extended east from the Cincinnati Business District to Milford, Batavia and Amelia and into Northern Kentucky along I-275 and I-471. The MIS found the Eastern Corridor to be characterized by insufficient capacity, safety issues, limited transportation options, and inadequate linkage to the regions' key transportation corridors for efficient movement of people, goods, and services. For the year 2020, the MIS projected the population to reach 196,000 compared to 161,000 in 1990, and employment to total 87,000, compared to 66,000 in 1990. The MIS also found that increases in population and employment have already congested Eastern Corridor roadways. Without improvements to the transportation system, the MIS found that projected growth will increase delays, adversely affect safety, hinder economic vitality, and degrade the environment.

As a result of these identified needs, the MIS gave key consideration to the ability of each alternative to improve the regional travel effectiveness as measured by a reduction in congestion, delay, and vehicle miles traveled (VMT). The OKI used a Regional Travel Demand Model to predict future traffic needs and understand the effects and benefits of the transportation-improvement options. Travel time delay and average transit ridership on a daily basis were taken into account.

Preliminary studies indicated that by 2020 a No-Build condition would result in 23 percent of drivers experiencing traffic congestion during peak hours throughout the Eastern Corridor. This congestion will add up to almost 1,000 hours of delay per day, with increased traffic along Ohio SR-32 a major contributor. Analysis also showed the Beechmont Levee Corridor does not solve the local systems level problem and results in circuitous travel on the major Interstates, particularly Interstates 471 and 275. The information presented in Figures 6a, 6b, and 6c in the FEIS shows how Option 1 and Option 2 would compare to the No-Build condition for the parameters of peak period traffic volumes, peak period congestion, and peak period delay. In all cases, Option 1 performed better than Option 2 in providing measurable benefits to the east-west travel within the Eastern Corridor.

Attracting more east-west traffic to a single point - as would result from Option 2 - would exacerbate the problems on many of the existing arterials that provide for east-west movement. Though it appears the existing Beechmont Levee bridge could be easily widened to accommodate redirected traffic, in reality, additional

structures would need to be provided for both roadway and transit facilities because of topography, existing SR-125, and the river as illustrated in Figure 5 of the FEIS.

The FEIS (Section 2.5.1) discussed and provided the assessment of the predicted planning level impacts/differences between Options 1 and 2. Given the confidence level of the modeling data at the planning stage, precise numerical results would not be more informative to the decision makers and would add considerable burdens to the planning process. The scope of such analysis goes far beyond the disclosure of impacts needed to make sound planning level transportation decisions. FHWA believes this approach meets the stated purpose of NEPA to concentrate on the analysis of issues that can be truly meaningful to the project decision, rather than simply amassing data.

V. Wild and Scenic Rivers Act (WSRA) Sections 7(a) & 10(a)

The original premise in the Major Investment Study (MIS) was for no new crossings of the Little Miami River (LMR). This reflected the great importance that the study team and stakeholders placed from the outset on preserving the functions and values of this nationally designated wild and scenic river. The analysis of transportation needs in the MIS led to the conclusion that the transportation system would perform poorly without an additional crossing, largely because the north-south LMR effectively separates the City of Cincinnati from its eastern suburbs. The focus then shifted to the development of environmental stewardship strategies for the lower reach of the LMR and the identification of mitigation opportunities that would minimize the impacts of the new transportation improvements on the river. What resulted was a corridor location that places the new highway at an already disturbed part of the river and an environmental stewardship plan that involves conservation easements, public access to the river, and other measures that minimize the negative effects on the river that would occur if adjacent landowners developed their land in a way that was incompatible with the management goals of the river. This combined approach attempts to provide for a river environment that would be better than if the project were not implemented and change occurred as predicted without the project.

Protecting and enhancing this section of the wild and scenic river located in a growing metropolitan area presents a challenge. Great emphasis has been placed on working to develop the transportation improvements consistent with the river management plan and to work closely with the Ohio Department of Natural Resources (ODNR) as the river management agency and the National Park Service (NPS) in its role as advisor to the ODNR. A priority was given to avoid any impacts that would make the project rise to the level of a "water resource project" under the WSRA, thereby triggering the additional analysis and mitigation measures associated with the requirements of Section 7(a) of the Act.

Section 10(a) (16 USC 1281(a)) directs river managers, to "protect and enhance" the values for which these rivers are designated. The "protect and enhance" language of section 10(a) is interpreted in the Department of Interior Secretaries' Guidelines as "a non-degradation and enhancement policy for all designated river areas, regardless of classification." The placement of a clear span bridge across a recreational classified river does not violate the threshold criteria for protection of those values that existed at the time of designation. The classification criteria for a recreational river does not place limiting criterion on the number of bridge crossings as it does for a scenic or wild classification. The criterion states that "the existence of parallel roads or railroads on one or both banks as well as bridge crossings and other river access points is acceptable." (The Wild and Scenic River Study Process, U.S. Forest Service and National Park Service, December 1999). The proposed project commits to clear span the river.

The Scenic Rivers program within the Division of Natural Areas and Preserves is the lead agency within the ODNR in matters dealing with the management of the LMR. The NPS believes the State of Ohio is upholding its Section 10 responsibilities. The ODNR within their designated authority approved moving forward with the new bridge crossing. The ODNR concurrence included mitigation requirements to clear span the Little Miami River channel entirely and to have the roadway approaches elevated on columnar piers above the 100 year floodplain. The elevated distance required to provide the minimal amount of obstruction to the passage of large flood events will be determined as part of the Tier 2 work.

VI. Section 4(f)

Little Miami River: Regarding the extent that Section 4(f) protection applies to resources along the LMR, the DOI cited a range of diverse recreational opportunities it claims existed at the time of designation and have continued to exist. Principal activities were identified as canoeing and kayaking, fishing, bird/wildlife viewing, hiking, and biking. This is true for the river segments north of the study area. However, all of these activities do not currently occur and did not occur at the time of designation in the area of the proposed new river crossing. Within this project corridor near the proposed new crossing, the land adjacent to the LMR is in private ownership. This results in the only public recreational use in this area being those activities that take place on the water, i.e. canoeing and kayaking. Weather in Ohio typically limits the recreational season for these activities from May to October. The peak flow month is May. Flow for the remaining recreational season is typically reduced by more than 50% from the months of November thru April (USGS). Within the proposed corridor, river depth becomes an issue during the summer and early fall months.

This does not appear to be a concern for reaches of the LMR outside of Hamilton County to the north of the proposed project.

The Hamilton County Park Department (HCPD) is progressing with recreational improvements at Armleder Park adjacent to the Beechmont Levee in concert with the Cincinnati Recreation Commission and Cincinnati Park Board. HCPD said some initial conceptual discussions occurred with ODNR about a possible 'water trail' although no further planning has taken place. HCPD confirmed that canoeing in this reach has always been 'extremely limited' and not seen in their view as a primary activity for the future.

FHWA recognizes the benefits of wildlife viewing areas. The Bend area (Figure 3 of FEIS) has no access to permit public use. Any use by the public is illegal or at the permission of the landowner. Preliminary environmental impact research indicates there could be some effect on the river, such as loss of animal habitat and vegetation at the bridge location during construction. Those impacts could be mitigated by maintaining existing greenspace, replanting vegetation and creating a taskforce to ensure environmental sensitivity throughout the Tier 2 process.

The Little Miami River flows through Hamilton County in a densely populated industrialized area. Combined sewer overflows, collection system failures, wastewater toxicity, and urban runoff impair the biological communities in the lower 20 miles of the Little Miami River (USEPA, 2000). The majority of the land adjacent to the LMR in the study area is in private ownership and is not available for public use and enjoyment. The Eastern Corridor Multi-Modal Transportation project has brought the local jurisdictions together to develop environmental planning/stewardship programs for the preservation and improvement of wildlife habitat, water quality and other community resources.

In regards to Section 4(f) Constructive Use, the project must substantially impair a property that qualifies for protection under Section 4(f) without physically using it for constructive use to exist. Based on continuous coordination with the NPS, and state and local officials, the level of consultation necessary to determine that the proposed project will not approach the threshold applicable to constructive use has been conducted. Additional investigations and coordination conducted since approval of the FEIS reinforce our previous determination that Section 4(f) does not apply to the project as proposed.

The ODOT's Office of Environmental Services (OES) on August 2, 2005, conducted ambient noise level readings (in Leq(dBA)) at four locations within and near the LMR. Sites 1, 2 and 4 are near the proposed new crossing and site 3 was on a river sandbar near the existing river crossing at Beechmont Avenue. The noise levels for sites 1, 2 and 3 were 56.4, 55.9 and 56.0, respectively. The noise level at site 4 was 51.5. The built environment provides a consistent background noise level throughout the study area. The levels at all sites were

within a 4.9 dBA range, with the levels at sites 1, 2 and 3 being within a 0.5 dBA range. While the levels at site 4 ranged from 4.4 dBA to 4.9 dBA lower than the other readings, the primary contribution to noise in this location results from human activity. Noise levels within the Horseshoe Bend are likely higher than those recorded at site 4 due to the closer proximity to US-50 and the industrial activity adjacent to Wooster Street.

The OES also conducted a modeled analysis of potential future noise levels at the proposed new crossing. The OES used the FHWA Traffic Noise Model (TNM) Version 2.5, in accordance with 23 CFR 772.17, to develop a theoretical "model" of a one mile section of roadway with a bridge approximately centered in the length of roadway. ODOT assumed a roadway cross-section to accommodate a four-lane highway with full shoulders, median barrier, and a bike lane. The height of the bridge was assumed at 55' above the river. The model examined noise levels at 50' and 100' from the roadway and at every 100' thereafter to a distance of 1000'. The model included locations on the river north and south of the roadway and on land north and south of the roadway for a total of forty-four receiver locations. The highest predicted noise level was 62 Leq(dBA)). This location is on the river 300' north of the bridge. No location was predicted to experience noise levels that meet or exceed the FHWA noise abatement criteria of (67 Leq(dBA)) for category B land uses, which include parks and recreational areas. Based on these analyses, it is FHWA's position that the noise impacts needed to constitute a constructive use are not present. These conclusions will be reviewed during Tier 2 when the actual type, size, and location of the proposed bridge will be determined and the detailed noise analyses are completed.

Parks: Fifteen public parks and recreation areas in the project area that are subject to Section 4(f) review requirements and three publicly-owned green spaces with possible Section 4(f) applicability have the potential to be impacted by the project based on Tier 1 work (Figure 4.7 in the DEIS). These are listed as follows:

- **Fifteen Public Parks and Recreation Areas:**
 1. Airport Playfield
 2. Armleder Little Miami Park
 3. Ault Park
 4. Bicentennial Commons
 5. Clear Creek Park
 6. Eden Park Waterfront (Theodore M. Berry International Friendship Park)
 7. Linwood Athletic Field
 8. Little Miami Golf Center
 9. Mariemont Community Gardens
 10. Maguier Field
 11. Rakestraw Memorial Recreation Center
 12. Sawyer Point

13. Short Park
14. Veterans Memorial Park
15. Yeatman's Cove

- Three Public Greenspaces:

1. Anderson Township Greenspace (Anderson Township near Eight Mile Road)
2. Greenspace – Batavia Road (Anderson Township along SR 32)
3. Old Fort Greenspace Acquired Area (Anderson Township along Little Miami River)

Alternatives to avoid and minimize impacts will be evaluated in Tier 2. Any necessary Section 4(f) evaluation and measures to minimize harm will be developed during Tier 2.

Section 106 (National Register Cultural Resources): Eight cultural resources currently listed on the National Register of Historic Places (six historic architecture resources and two archaeological resources) may be impacted by feasible alternatives under consideration based on Tier 1 work (Figure 4.16 in the DEIS). These are listed as follows:

- Six Historic Architecture Resources:

1. Cincinnati Street Gas Lamps
2. Columbia Baptist Cemetery
3. Fulton-Presbyterian Cemetery
4. Hoodin Building
5. Mariemont Historic District
6. Odd Fellow's Cemetery Mound

- Two Archaeological Resources:

1. Hahn Field Archaeological District
2. Perin Village

Of these eight resources, the Hahn Field Archaeological District is crossed by all of the relocated SR-32 shared highway/transit corridors. Further studies will be conducted in Tier 2 to determine occurrence and significance of archaeological resources at this site. Any necessary Section 4(f) evaluation will be prepared and appropriate mitigation will be developed following coordination with resource agencies during the Section 4(f) and Section 106 processes.

For the remaining known resources, Phase I field studies and all other required assessments will be conducted in Tier 2 on a project-by-project basis for compliance with Section 106 requirements. Alternatives to avoid and minimize impacts will be evaluated in Tier 2. Any necessary Section 4(f) evaluation and measures to minimize harm will be developed during Tier 2.

VII. Measures to Minimize Harm

Throughout project development, emphasis has been placed on avoidance and minimization of impacts to community, economic, and environmental resources (FEIS, Chapter 3.0). There is expectation at the local level and requirement by state and federal resource agencies that avoidance/minimization and mitigation of unavoidable impacts will be carried forward into more detailed development in Tier 2. Mitigation measures developed in Tier 2 will be consistent with state and federal requirements, and may be in part administered at the local level in conjunction with other local preservation, mitigation or enhancement plans, with a combination of local, state and/or federal funding, as applicable.

General. An environmental mitigation strategy for the Eastern Corridor is described in Chapter 8 of the DEIS and Section 3.1 of the FEIS, and includes six components: address project impacts; integrate mitigation with local programs; establish multi-jurisdictional and multi-agency participation; provide opportunity for a diverse funding source, using locally available resources as well as traditional transportation funding; and exemplify proactive environmental stewardship. These six components are incorporated into the project implementation framework described in Section 4 of the FEIS, and will be carried forward into the Tier 2 work for further refinement.

One strategy currently underway is the green infrastructure joint planning effort, administered under local jurisdiction and being coordinated with the Eastern Corridor program. This joint planning effort, which is a continuation of land use goals established during the Eastern Corridor MIS (2000) and Eastern Corridor Land Use Vision Plan (2002), provides a tool for continued coordination of land use, green infrastructure and context sensitive transportation planning within the Eastern Corridor, including the environmentally sensitive Little Miami River. A green infrastructure concept plan completed in February 2005 is being used by local communities to guide future land use planning and community development in this area, and will provide context for the refinement of alternatives and mitigation planning in the Eastern Corridor transportation investment area during Tier 2.

Little Miami River. A comprehensive, collaborative approach will be established to address concerns from the public and resource agencies regarding impacts to the environment in the vicinity of the LMR. The Tier 2 EIS for Highway Segments II/III and Oasis Transit Segment 3 will incorporate the following characteristics for subsequent project development phases (environment, detail design, and construction):

- Communicate with all stakeholders in a manner that is open and honest, early and continuous.
- Establish a multi-disciplinary team early with disciplines based on the needs of the specific project and include the public. The team will include

representatives from ODOT, FHWA, NPS, USFWS, ODNR, the consultant, local government agencies, and other interested parties.

- Seek to understand the landscape, the community, and valued resources before beginning engineering design.
- Tailor the highway development process to the circumstances. Employ a process that examines multiple alternatives and that will result in consensus on approaches.
- Secure commitment to the process from top agency officials and local leaders.
- Involve a full range of stakeholders with transportation officials in the scoping phase. Forge consensus on the scope before proceeding.
- Tailor the public involvement process to the project. Include informal meetings.
- Use a full range of tools for communication about project alternatives (e.g. visualization).

In general, preliminary mitigation opportunities within the project study area have been developed and will be used by the design team and local jurisdictions during the Tier 2 work. Components of the Eastern Corridor Green Infrastructure Concept Master Plan, and the Preliminary Mitigation Opportunities Inventory support a number of ODNR Scenic Rivers Program goals and objectives and include strategies for preservation of sensitive areas, opportunities to expand recreation and rehabilitation (including riparian preservation, bank stabilization and reforestation activities), and increased coordination with local projects and public involvement. No decision involving the LMR has been made without input and support from ODNR. Decisions involving the river to be made during Tier 2 will follow this same strategy.

Associated with the development of a new river crossing, restoration opportunities could occur along the western bank of the LMR. The area is primarily in private ownership. The landfill operation activities appear to have encroached upon and led to the complete removal of the riparian corridor in some areas. Where riparian corridor still exist, it is comprised of mostly invasive non-native bush honey suckle and autumn olive shrubs. Attempts have been made along vast reaches of the eroding bank to stabilize it with the placement of numerous tires, and large chunks of asphalt and concrete. Most of the stream bank south of Horseshoe Bend has been artificially shaped to prevent the inflow of high water from the Little Miami River to the landfill area. Eroding banks have caused moderate to severe siltation of the riverbed substrate from Horseshoe Bend southward. The most severe bank erosion is occurring at the Horseshoe Bend area where the riparian corridor is completely absent and the Little Miami River bends sharply southward. Potential restoration opportunities exist for reforestation and replacement of the riparian corridor with native tree and shrub species, removal of the modified portions of the artificially shaped bank, and stabilization of eroding bank areas in order to reduce and prevent substrate siltation of the riverbed.

Mitigation opportunities also exist for a narrow wooded riparian corridor currently existing along much of the Little Miami River through the development of preservation easements and/or enhancement efforts such as planting with native species and expansion of the riparian corridor. A 120-foot riparian buffer on either side of the river channel is a preliminary goal, based on guidelines received from ODNR's Scenic Rivers Division during agency coordination conducted during Eastern Corridor Tier 1 work. These and other mitigation opportunities (some listed below) will be addressed in Tier 2 by the multi-disciplinary team through the comprehensive, collaborative approach described above.

- Controlled access throughout this section of relocated SR-32, with no new access points through the Little Miami River crossing area (except for recreational purposes). Cross tributaries of the Little Miami River with clear span structures whenever possible.
- Evaluate reasonable measures to avoid/minimize impacts to the 100-year flood event, in coordination with ODNR, NPS and/or other appropriate agencies. Continue coordination with ODNR and NPS for protection of water quality and values for which the river was designated. Place navigational markings or other appropriate measures along the river during construction to alert canoeists and other users that construction activities are occurring in the area.
- Develop stringent Best Management Practices for implementation during bridge construction (such as sediment and erosion control practices, project phasing, minimization of vegetation clearing, etc.) and coordinate/comply with appropriate state, federal and local agency requirements (including ODNR Scenic Rivers) and local planning/zoning ordinances. Include application of ODOT's Construction and Materials Specifications for temporary sediment and erosion controls (Item 207; ODOT, 2005) and adherence to the project Stormwater Pollution Prevention Plan (SWPPP). Minimize removal of riparian vegetation within 120 feet of the Little Miami River OHW or within 50 feet of tributaries to extent practicable, and reforest disturbed areas with native vegetation.
- NPDES storm water permit application and coordination with OEPA will be conducted for the project for compliance with the Clean Water Act and current provisions of the Ohio Water Pollution Control Act (ORC Chapter 6111) per ODOT's Construction and Materials Specifications for environmental protection (Item 107.19; ODOT, 2005).
- Conduct studies following ODOT's Specifications for Subsurface Investigations, ODOT's Geotechnical Engineering Design Checklists and/or other appropriate analyses, to identify underlying conditions in the LMR valley to be used in bridge location and design, and use this information to develop appropriate measures for accounting for channel activity and potential impacts.
- Identify environmentally sensitive features in and along the LMR (such as wetlands, special aquatic features, important geologic features, cultural

resources, high quality riparian and riverbank areas, etc.) as areas to be avoided during construction, including borrow and waste site selection and construction staging.

- Evaluate using a watershed-level mitigation strategy that addresses impervious surface as it relates to stream degradation, incorporates greenspace and habitat preservation, restores disturbed areas such as brownfields, links with the planning efforts of local watershed and conservation groups, and uses watershed techniques and land suitability analyses for developing the various components of the mitigation plan.
- Design and management approaches to address the following concerns raised by the OEPA: 1) containment and spill control strategies, and 2) roadway salt delcing alternatives.

Other Streams. Site-specific stream impacts and water quality impacts will be determined on a project-by-project basis during Tier 2 of the Eastern Corridor study, and site-specific stream avoidance, minimization and mitigation measures and surface water quality protection measures will be evaluated as the project progresses through the NEPA process and detailed design in Tier 2. A final stream mitigation plan (as necessary for individual projects) will be developed as part of the 404/401 permit application process.

Floodplains. For projects involving floodplain encroachment, coordination with the appropriate local floodplain coordinator will be conducted during detail design to assure that proposed structures meet local floodplain requirements for design and minimization/mitigation. Mitigation of floodplain impacts (as necessary) will be incorporated into project plans during detail design based on this coordination and other agency review. All floodplain permits will be obtained prior to project construction. Project plans will include notes to avoid storage of fuels and other potentially hazardous materials in the Little Miami River floodplain during construction, and disposal of excavated materials above the 100-year floodplain.

Sole Source Aquifer (Buried Valley Aquifer System) and Public Water Supplies. Requirements of the federal Safe Water Drinking Act pertaining to sole source aquifers will continue to be satisfied throughout Tier 2. A Preliminary Screening Report will be prepared on a project-by-project basis, where warranted, and submitted to USEPA, and specific measures for protecting aquifer resources and public water supplies will be identified. Commitment is made to evaluate and develop the utmost protection measures during all remaining phases of a project, including detailed design, construction and operation and maintenance.

Wetlands. Potential wetland restoration/creation opportunities and riparian restoration opportunities have been identified along the LMR and its tributaries. Near the location of the proposed corridor for the new crossing, and extending northwest in an old slough of the LMR adjacent to the landfill operation is a moderate to high quality wetland that is approximately 5.4 acres in size. Another

wetland, a moderate quality feature approximately 7.2 acres in size, occurs to the west of Horseshoe Bend in a young to intermediate-aged woodland. Location of a wetland restoration/creation area adjacent to these existing wetland features would not only serve to create new wetland area, but could potentially enhance functions of these existing features by providing additional buffer and protection area.

A final wetland mitigation plan (as necessary for individual projects) will be developed as part of the 404/401 permit application process. Detailed wetland delineations and site specific wetland impacts (including isolated wetland determinations) will be conducted on a project-by-project basis, and site specific wetland avoidance, minimization and mitigation measures will be evaluated as the project progresses through the NEPA process and detailed design in Tier 2.

Threatened and Endangered Species. Field surveys to determine the occurrence of populations or potential habitat for federal and state listed species will be conducted on a project-by-project basis, specifically for Indiana bat, running buffalo clover and bald eagle. All required coordination and mitigation will be conducted as necessary for compliance with provisions of the Fish and Wildlife Coordination Act (48 stat. 401, as amended; 16 USC 661 et seq.), Section 7 of the Endangered Species Act of 1973, as amended, and the U.S Fish and Wildlife Service's Mitigation Policy. Specific avoidance and minimization measures will be developed following agency coordination, and incorporated into final project plans, as necessary. Coordination with ODNR regarding occurrence of bald eagle nests in the project vicinity will continue to be conducted.

Fish and Wildlife. Measures will be developed to avoid/minimize impacts to wildlife habitat, especially along the LMR, and to avoid/minimize habitat fragmentation. Consideration will be given to avoid in-stream work (if it is needed) from April 15 to June 15 to reduce impacts to fish reproduction. Appropriate studies will be conducted, as necessary, to determine occurrence of mussels, and appropriate measures will be developed to avoid and minimize impacts on populations and habitat. Work will also include evaluation of appropriate strategies for protecting wildlife following FHWA guidelines and agency input, such as evaluation of wildlife crossings, creation of transition habitat, fencing strategies, controlling invasive species, vegetation plantings, and other appropriate measures.

Parkland and other 4(f) Resources. Avoidance and minimization of encroachment on public parks and other 4(f) resources, and Section 4(f) and Section 6(f) evaluations will be developed on a project-by-project basis. Appropriate mitigation will be developed, as necessary, based on resource agency and local park district coordination during the Section 4(f) and 6(f) processes.

Hazardous Material Concern Sites. Environmental site assessment screenings (and any other required assessments) will be conducted on a project-by-project basis. Unavoidable encroachment on an identified hazardous site will be mitigated according to all applicable federal, state and local requirements and agency coordination.

Land Use. Consider the goals and priority items identified through the Eastern Corridor Land Use Visioning process and recommendations from the Eastern Corridor Green Infrastructure Concept Master Plan and apply them through all remaining phases of project development for individual projects, to the extent practicable. Coordinate with the appropriate local jurisdictions for consistency with local plans and compliance with local requirements.

Farmland. Measures will be developed to minimize loss of existing agricultural land and impacts to existing infrastructure (irrigation systems, wells, etc.) to the extent practicable. These include: follow existing property lines as much as possible; minimize construction limits through agricultural areas; provide sufficient access to agricultural remnants (avoid creating landlocked parcels); and take measures to avoid impacting existing irrigation systems and private wells. Existing agricultural landforms (such as fence lines, tree lines, drainage features) will be incorporated into the project landscaping to the extent practicable.

National Register Properties (Individual or District). Avoid impacts to known National Register properties to the extent practicable, on a project-by-project basis. Conduct additional field study as necessary (such as is required for the Hahn Archaeological District). Complete Section 106 process and prepare Section 4(f) evaluations as necessary. Appropriate mitigation will be developed following coordination with resource agencies during the Section 4(f) process. For the Hahn site, artifact retrieval, preservation, and curation could be identified as potential mitigation measures and used in an archaeological education and interpretive center if one is established for the site in the future.

Other Historic or Archaeological Resources. Phase I field studies (and any other required assessments) will be conducted on a project-by-project basis for compliance with Section 106 requirements, and Section 4(f) evaluations will be conducted, as necessary. Temporary structures or staging areas used during the construction period will be located to avoid known cultural resource sites.

Potential Displacements (residential and/or commercial). Projects will be further developed to the extent practicable to minimize displacement of residences and businesses. Acquisition and relocation for all parties displaced by a project will be conducted in accordance with all applicable state and federal laws.

Community Cohesion and Services. Measures will be developed to locate transportation corridors and transit hubs to optimize community cohesion to the extent practicable. Design strategies to reinforce sense of place will be considered such as: gateways into historic communities and/or the LMR area; roadway landscaping and aesthetics such as placement of special lighting, signage and/or sidewalk design through communities; and aesthetic noise wall design. Public input will be obtained through the design phase to assure transportation plans are consistent with community needs and expectations. During project construction, noise control measures will be developed according to FHWA's Procedures for Abatement of Highway Traffic Noise and Construction Noise, and air quality impacts will be minimized by strictly adhering to ODOT's specifications for Environmental Protection and Dust Control. A maintenance of traffic plan will be developed and implemented following: ODOT's Location and Design Manual and ODOT's Construction and Materials Specifications Manual, with particular attention regarding: maintaining fire protection/police emergency routing; proper signage and adequate safety measures for bike/pedestrian paths adjacent to or crossed by the construction corridor; and proper signage and adequate safety/traffic flow for vehicular traffic through the construction corridor.

Environmental Justice. Impacts to identified environmental justice communities in the project area will continue to be monitored and addressed through the public involvement and impact assessment processes for all projects in accordance with Executive Order 12898 and the OKI Policy for Environmental Justice (OKI 2001).

Air Quality. The project is located in the Cincinnati Air Quality Control Region under local metropolitan planning organization jurisdiction (OKI), and is in OKI's recently adopted FY 2004-2007 Transportation Improvement Plan (TIP). The TIP is consistent with the currently adopted regional long-range transportation plan (2030 Regional Transportation Plan), which is in conformity with air quality regulations. Based on this, no individual air quality analysis is expected to be required for the proposed projects.

Noise Associated with Roadway Improvements. For projects that contain highway components, detailed noise analyses will be conducted in accordance with the Federal Highway Administration (FHWA) Title 23 Code of Federal Regulations Part 772, "Procedures for Abatement of Highway Traffic Noise and Construction Noise", FHWA guidance entitled "Highway Traffic Noise Guidance Policies and Written Noise Policies" (June 12, 1995), and the Ohio Department of Transportation Policy No. 21-001 (P) (October 22, 2001) and Standard Procedures No. 417-001 (SP) (September 17, 2001). Highway noise abatement measures, if required, will be developed during the detail design phase of a project and included in the final project plans.

Noise and Vibration Associated with Rail Transit. For projects that contain rail and bus transit components, detailed noise and vibration analyses will be

conducted in accordance with Federal Transit Administration (FTA) guidelines and methodologies (Transit Noise and Vibration Impact Assessment, April 1995). Noise and/or vibration abatement measures, if required, will be developed during the detail design phase of a project and included in the final project plans.

Visually Sensitive Resources. For projects that contain visually sensitive resources (as identified in Chapters 4 and 5 of the DEIS), visual impact assessment will be conducted following FHWA guidelines (Visual Impact Assessment for Highway Projects, Office of Environmental Policy, undated; Publication No. FHWA-HI-88-054), and mitigation will be developed, as necessary, based on assessment findings and agency coordination. Visual mitigation measures, if required, will be developed during detail design following ODOT's Aesthetic Design Guidelines and public and agency input, and included in the final project plans.

VIII. Comments on the Final Environmental Impact Statement

The Tier 1 FEIS was approved by FHWA on September 30, 2005 and a Notice of Availability of the FEIS was published in the Federal Register on October 28, 2005, with comments due by November 28, 2005.

The DOI, USEPA, Ohio Environmental Protection Agency, the Sierra Club, and Little Miami Inc. provided comments on the FEIS. The FHWA sent formal responses to the DOI and USEPA. The three main issues raised by the DOI and USEPA concerned the evaluation of Tier 1 alternatives, Wild and Scenic Rivers Act Sections 7(a) and 10(a), and Section 4(f). These three issues are specifically addressed in Sections IV, V, and VI of the ROD. The following list represents the categories of other substantive issues/concerns expressed in comments received from the other three parties, and how they have been addressed:

- **Preservation and enhancement of the LMR and other features of the natural environment.** Various measures to minimize harm have been identified in Section VII of the ROD to maximize this goal. A multi-disciplinary team, through a comprehensive and collaborative approach, will address this concern in Tier 2.
- **Compliance with WSRA.** This issue is addressed in Section V of the ROD.
- **Compliance with NEPA.** The use of a tiered EIS is acceptable per federal regulations and policies. The level of detail conducted for the Tier 1 decision is acceptable. Public involvement activities have been continuous and coordinated with the NEPA process. Potential social, economic, and environmental impacts (e.g., noise, air, water, EJ, etc.) will be evaluated in greater detail in Tier 2 for each independent action.

- Evaluation of Tier 1 Alternatives – particularly for highway and rail. This issue is addressed in the DEIS (Chapter 3) and FEIS (Chapter 4) for all modes, and additionally in Section IV of the ROD for highway.
- Economic analyses and financial plans/strategies. Documents prepared for Tier 1 were available to the public and were subjected to peer review as appropriate. Studies conducted during Tier 2 will use updated input factors and assumptions, and undergo similar scrutiny for validity of conclusions and feasibility.
- Type of facility proposed for the new roadway. Highway improvements along Red bank Road and SR-32 will not result in an Interstate-type facility between I-71 and I-275. At the LMR crossing, the bridge will accommodate four through lanes of highway, rail transit, bikers, and pedestrians. See Figures 3.8a and 3.8b of the DEIS.
- Population and employment forecasts. These forecasts are provided by the State of Ohio for use by OKI in modeling travel demand, consistent with federal requirements. Information related to the model (such as input and output data) can be obtained from OKI.
- Floodplain and wetlands. Measures to minimize harm are included in Section VII of the ROD under Little Miami River, Floodplains, and Wetlands to address concerns regarding potential impacts to these resources.
- Urban sprawl. The Eastern Corridor project has been developed in coordination with the local communities' comprehensive land use planning, and is consistent with the goals and values of these communities.
- Safety. Implementation of an individual action/segment can improve safety on a localized basis, but implementation of all the Tier 1 multi-modal actions/segments will provide the greatest safety benefit for the entire corridor. This topic is addressed in Section 2.2.4 in the DEIS.

IX. Conclusion

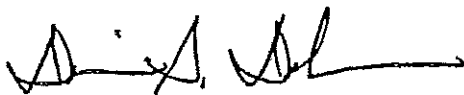
The Tier 1 environmental record for the Eastern Corridor, HAM-SR32-0.00, PID #22970 includes the previously referenced DEIS and FEIS (November 2004 and September 2005, respectively). These documents, incorporated here by reference, constitute the statements required by the NEPA and Title 23 of the United States Code (U.S.C.).

Having carefully considered the environmental record noted above, the mitigation measures as required herein, the written and oral comments offered by other agencies and the public on this record, and the written responses to comments, the FHWA determined that (1) adequate opportunity was offered for the presentation of views by all parties with a significant economic, social, or environmental interest; (2) fair consideration has been given to the preservation and enhancement of the environment and to the interests of the communities in

which the project is located; and (3) all reasonable steps have been taken to minimize adverse environmental effects of the proposed project.

It is the decision of FHWA to advance the multi-modal components and segments described in Section III of the ROD to Tier 2 analyses. In so doing, FHWA concludes that the Eastern Corridor project complies with all applicable provisions of the National Environmental Policy Act, specifically 42 U.S.C. 4332 (2) and, where applicable 49 U.S.C. 303. Continued analyses and decisions in Tier 2 will comply with NEPA, specifically 42 U.S.C. 4332 (2) and, where applicable, 49 U.S.C. 303.

The Record of Decision for the Eastern Corridor is hereby approved.



Dennis A. Decker, Division Administrator



Date