

## Indiana Department of Transportation

County Lake

Route US 12 & US 20

Des. No. 1601716

<b>SECTION B – OTHER RESOURCES</b>
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**Drinking Water Resources**

- Wellhead Protection Area
- Public Water System(s)
- Residential Well(s)
- Source Water Protection Area(s)
- Sole Source Aquifer (SSA)

	Presence	Impacts	
		Yes	No
Wellhead Protection Area	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Public Water System(s)	X	<input type="checkbox"/>	X
Residential Well(s)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Source Water Protection Area(s)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sole Source Aquifer (SSA)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If a SSA is present, answer the following:

- Is the Project in the St. Joseph Aquifer System?
- Is the FHWA/EPA SSA MOU Applicable?
- Initial Groundwater Assessment Required?
- Detailed Groundwater Assessment Required?

	Yes	No
Is the Project in the St. Joseph Aquifer System?	<input type="checkbox"/>	<input type="checkbox"/>
Is the FHWA/EPA SSA MOU Applicable?	<input type="checkbox"/>	<input type="checkbox"/>
Initial Groundwater Assessment Required?	<input type="checkbox"/>	<input type="checkbox"/>
Detailed Groundwater Assessment Required?	<input type="checkbox"/>	<input type="checkbox"/>

Remarks:

**Sole Source Aquifer:**  
The project is located in Lake County, which is not located within the area of the St. Joseph Sole Source Aquifer, the only legally designated sole source aquifer in the state of Indiana. Therefore, the FHWA/EPA Sole Source Aquifer Memorandum of Understanding (MOU) is not applicable to this project. No impacts are expected.

**Wellhead Protection Area:**  
The IDEM's Wellhead Proximity Determinator website (<http://www.in.gov/idem/cleanwater/pages/wellhead/>) was accessed on October 5, 2017 by American Structurepoint staff. This project is not located within a Wellhead Protection Area. No impacts are expected.

**Residential Wells:**  
The IDNR Water Well Record Database website (<http://www.in.gov/dnr/water/6604.htm>) was accessed on October 6, 2017 by American Structurepoint staff. No wells are located near this project. Therefore, no impacts are expected.

**Urban Area Boundary:**  
Based on a desktop review of the INDOT MS4 website (<https://entapps.indot.in.gov/MS4/>) by American Structurepoint staff on January 28, 2019, and the RFI report; this project is located in an Urban Area Boundary (UAB) location. An early coordination letter was sent on August 14, 2017 to the City of Gary MS4 Coordinator. The MS4 coordinator did not respond within the 30-day time frame.

**Public Water Systems:**  
Based on a desktop review, a site visit on August 29, 2017 by American Structurepoint staff, the aerial map of the project area (Appendix B, B-3), this project is located where there is a public water system. The public water system will not be affected due to the scope of the project and survey of utilities being completed within the project area.

**Flood Plains**

- Longitudinal Encroachment
- Transverse Encroachment
- Project located within a regulated floodplain
- Homes located in floodplain within 1000' up/downstream from project

	Presence	Impacts	
		Yes	No
Longitudinal Encroachment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Transverse Encroachment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Project located within a regulated floodplain	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Homes located in floodplain within 1000' up/downstream from project	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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Discuss impacts according to classification system described in the "Procedural Manual for Preparing Environmental Studies".

Remarks:

The IDNR Indiana Floodway Information Portal website (<http://dnrmmaps.dnr.in.gov/appsphp/fdms/>) was accessed on January 28, 2019 by American Structurepoint staff. This project is not located in a regulatory floodplain as determined from approved IDNR floodplain maps (Appendix F, F-18 to F-20). Therefore, it does not fall within the guidelines for the implementation of 23 CFR 650, 23 CFR 771, and 44 CFR. No impacts are expected.

Farmland	Presence	Impacts	
		Yes	No
Agricultural Lands			
Prime Farmland (per NRCS)			
Total Points (from Section VII of CPA-106/AD-1006* <u>N/A</u> )			
*If 160 or greater, see CE Manual for guidance.			

See CE Manual for guidance to determine which NRCS form is appropriate for your project.

Remarks:

Based on a desktop review, a site visit on August 29, 2017 by American Structurepoint staff, and the aerial map of the project area (Appendix B, B-3), there is no land that meets the definition of farmland under the Farmland Protection Policy Act (FPPA) within or adjacent to the project area. In an early coordination response dated August 29, 2017, the NRCS stated the proposed project will not cause a conversion of prime farmland (Appendix C, C-29). The requirements of the FPPA do not apply to this project; therefore, no impacts are expected.

### SECTION C – CULTURAL RESOURCES

	Category	Type	INDOT Approval Dates	N/A
Minor Projects PA Clearance				X

Eligible and/or Listed Resource Present

**Results of Research**

Archaeology	
NRHP Buildings/Site(s)	X
NRHP District(s)	
NRHP Bridge(s)	

**Project Effect**

No Historic Properties Affected  No Adverse Effect  Adverse Effect

Documentation Prepared

Documentation (mark all that apply)

	ES/FHWA Approval Date(s)	SHPO Approval Date(s)
Historic Properties Short Report		
Historic Property Report	October 13, 2017	November 27, 2017
Archaeological Records Check/ Review	August, 18 2017	November 27, 2017
Archaeological Phase Ia Survey Report		
Archaeological Phase Ic Survey Report		
Archaeological Phase II Investigation Report		
Archaeological Phase III Data Recovery		
APE, Eligibility and Effect Determination	July 9, 2018	August 14, 2018
800.11 Documentation	July 9, 2018	August 14, 2018

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Memorandum of Agreement (MOA)  MOA Signature Dates (List all signatories)

*Describe all efforts to document cultural resources, including a detailed summary of the Section 106 process, using the categories outlined in the remarks box. The completion of the Section 106 process requires that a Legal Notice be published in local newspapers. Please indicate the publication date, name of paper(s) and the comment period deadline. Likewise include any further Section 106 work which must be completed at a later date, such as mitigation or deep trenching.*

Remarks:

**Area of Potential Effect (APE):**  
 The APE was generally drawn to extend to properties adjacent to the undertaking, with consideration given for potential visual or auditory impacts. Note that portions of the APE north of US 20 and east of Lake Street had been previously surveyed for above-ground structures as part of a prior Section 106 study [Historic Property Report for Bridge Replacement on US 12 (Des. No. 0401251, 2009); the report is available on IN SCOPE, INDOT's Section 106 document portal (<https://erms.indot.in.gov/Section106Documents/Default.aspx>)]. Per instruction from INDOT-Cultural Resources Office (CRO), this over-lapping portion of the APE was not resurveyed but the findings of that prior study were incorporated into this Section 106 project. The APE for archaeology is the project footprint. The Indiana State Historic Preservation Officer (SHPO) concurred with the APE in a letter dated November 27, 2017. (Appendix D, D-48 to D-50)

**Coordination with Consulting Parties:**  
 The SHPO is considered an automatic consulting party for all undertakings. On October 23, 2017, the parties identified in the table below were invited to participate as Section 106 consulting parties. In a letter dated November 27, 2017, SHPO suggested four additional parties to be invited to participate in the Section 106 consultation process: the Director of Public Works for Gary, the Lake County Engineer, the Federal Transit Administration Region V, and the Northern Indiana Commuter Transportation District (NICTD). On November 28, 2017, the Director of Public Works for Gary, the Lake County Engineer, the Federal Transit Administration Region V, and the NICTD were invited to join Section 106 consultation. Additionally, property owners of the House at 5512 Melton Road and Miller School were invited to review Section 106 documentation and to become consulting parties. (No homeowners association was found for the purpose of notifying the Glen Ryan Historic District.)

If no response was received to the consulting party invitation after thirty (30) days, it was assumed the invited parties did not wish to act as consulting parties for the undertaking. For reference to the Consulting Party Invitation and responses, see Appendix D, D-36 to D-73.

Agency/Organization	Response
Federal Highway Administration	No response
Mayor of Gary, Indiana	No response
Gary Common Council	No response
The Lake County Board of Commissioners	No response
Northwest Indiana Regional Planning Commission	No response
Indiana Landmarks Regional Office	October 23, 2017
Lake County Historical Society	No response
Lake County Historian	No response
Gary Historical & Cultural Society	No response
Director of Public Works for Gary, IN	No response
Lake County Highway Dept. - Lake County Engineer	No response

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Northern Indiana Commuter Transportation District	December 7, 2017
Federal Transit Administration	No response
Property Owner of 5512 Melton Road	No response
Property Owner of Miller School	No response
Eastern Shawnee Tribe of Oklahoma	No response
Miami Tribe of Oklahoma	October 25, 2017
Peoria Tribe of Indians of Oklahoma	No response
Pokagon Band of Potawatomi Indians	No response
Forest County Potawatomi Community	No response

**Archaeology:**

The *Archaeology Records Check and Phase 1a Survey: Intersection Realignment of US 12 along the US 20 Corridor Project in the City of Gary, Calumet Township, Lake County, Indiana, Des. No.: 1601716* (August 2017) was prepared by Weintraut and Associates, Inc. (W&A) who meet the Secretary of the Interior’s Professional Qualification Standards as per 36 CFR Part 61. The archaeological reconnaissance determined that the project area does not have the potential to contain archaeological resources and no further work is recommended before the project is allowed to proceed. However, the archaeology report did note that the project area was located within 100 feet of the Bethel Lutheran (Miller) Cemetery. This report was approved by INDOT CRO on August 18, 2017, and submitted electronically and via a paper copy to the SHPO and participating tribal consulting parties on October 23, 2017 for review. In addition, the Phase Ia Archaeological Reconnaissance determined that the project area is within 100 feet of a cemetery (Bethel Lutheran, or Miller, Cemetery) and a Cemetery Development Plan (CDP) is required per IC-14-21-1-26.5. A cemetery plan will be developed for the proposed project, and is included as a firm commitment within Section J of this document. In a letter dated November 27, 2017, the SHPO concurred with the archaeology report (Appendix D, D-48 to D-50). A summary of the archaeological short report is included in Appendix D, D-29 to D-32.

If any prehistoric or historic archaeological artifacts or human remains are uncovered during construction, demolition, or earthmoving activities, state law (Indiana Code 14-21-1-27 and -29) requires that work must stop and the discovery must be reported to the Department of Natural Resources within two (2) business days. This is a firm commitment in Section J – Environmental Commitments of this document.

**Historic Properties:**

The *Historical Property Report, US 12 Road Realignment Project in the City of Gary, Calumet Township, Lake County, Indiana, Des. No.: 1601716* (October 2017) was prepared by Weintraut and Associates, Inc. (W&A) who meet the Secretary of the Interior’s Professional Qualification Standards as per 36 CFR Part 61. The Historic Property Report (HPR) was approved by INDOT CRO on October 13, 2017. In the report, W&A recommended no resources as eligible for listing in the National Register of Historic Places (NRHP).

On October 23, 2017, a consulting party to the project (Indiana Landmarks) responded noting that the house at 5512 Melton Road (IHSSI No.: 089-232-07104) which was identified as “contributing” in the HPR, was also identified in the HPR for a Federal Transit Administration (FTA) project (NICTD Double Track project). Within that document it was recommended as individually eligible for listing on the NRHP under Criterion C. Indiana Landmarks recommended the House at 5512 Melton Road as individually eligible for the NRHP.

While the house at 5512 Melton Road lies directly adjacent to the proposed construction limits, plans indicate that project activity stops at the right-of-way and project designers agree that the stone retaining wall will not be disturbed by project activities. The wall is marked as “do not disturb” on project plans. A commitment to avoid disturbing the stone wall will be included as a firm commitment in the Environmental Commitments section of this document. Melton Road (US 20) is currently a busy four-lane road with a large gravel shoulder area in front of the home. Visual changes would be minor and would not adversely impact the characteristics that make the house at 5512 Melton Road eligible for the NRHP.

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In correspondence dated November 27, 2017, the staff of the SHPO also noted that Indiana Landmarks had provided a letter on October 23, 2017 concerning the Tudor Revival house at 5512 Melton Road. The staff of the SHPO agreed that the house should be “considered eligible for the NRHP for the purposes of the Section 106 review.” Additionally, the staff of the SHPO noted that the FTA’s NICTD Double Track HPR recommended the Glen Ryan Park Historic District as eligible for listing in the NRHP and that a portion of that subdivision falls within the current project’s APE (identified as Ryan’s 1st Subdivision). The letter recommended that the historic district be considered eligible for the NRHP under Criteria A and C.

The Glen Ryan Park Historic District lies about 150 feet north of the proposed undertaking and across the NICTD tracks. Project activities will not require any right-of-way from the district. Proposed activities near the district include the removal of pavement (US 12) and the removal of the traffic signal at the junction of US 12 and US 20 west of Clay Street. Visual changes as seen from the district would be minor and would not adversely impact the characteristics that make the Glen Ryan Park Historic District eligible for the NRHP.

Furthermore, SHPO staff noted that the Miller School (IHSSI No.: 089-232-07095) was recommended as eligible under Criteria A and C in the FTA’s NITCD Double Track HPR and earlier by INDOT (under Criterion C) in its 2009 Section 106 findings for Bridge Replacement on US 12 (Des. No.: 0401251). SHPO questioned why the HPR for this project (Des. No.: 1601716) stated that the “overlapping APE from the 2009 review...contains no NRHP eligible properties.” Instead, the letter recommended that “for the purposes of the Section 106 review of this project, Miller School be considered NRHP-eligible under both Criterion A and Criterion C.” (Note that the HPR for the Section 106 study (Des. No.: 0401251) did recommend the Miller School as eligible but the SHPO had disagreed with that recommendation in a letter dated October 9, 2009; hence the W&A recommendation that the Miller School was not eligible for listing in the NRHP.)

On November 28, 2017, INDOT responded via email to the comments made by the staff of the SHPO on November 27, 2017, concerning the Miller School. In its email, INDOT clarified that the HPR for INDOT project (Des No.: 0401251) had recommended the Miller School eligible for listing in the NRHP under Criterion C, but, at that time, that the staff of the SHPO did not concur with that assessment. Instead, SHPO staff stated that they believed that the “exterior and interior alterations [had] resulted in a loss of historic fabric, greatly impacting the integrity of the building.” Accordingly, the Miller School was considered not eligible in the undertaking’s HPR. INDOT agreed, however, to treat the Miller School as eligible in the current undertaking.

The Miller School lies about 250 feet north of the proposed undertaking and across the Northern Indiana Commuter Transportation District railroad tracks. Project activities will not require any right-of-way from the school. Proposed activities near the Miller School include the installation of curbs, curb ramps, sidewalks, and HMA pavement replacement. (See project plans, page 31). Visual changes as seen from the district would be minor and would not adversely impact the characteristics that make the Miller School eligible for the NRHP.

At the time the HPR was written for this US 12 Road Alignment Project, INDOT and its consultants were not aware of the change in eligibility status of the Miller School in the NICTD Double-Track NWI Project (Garnett, et. al. 2017). Nor was INDOT aware that SHPO had accepted other eligibility recommendations for the Double-Track project, including House at 5512 Melton Road (IHSSI No.: 089-232-07104) and the Glen Ryan Park Historic District. The 800.11 document for the US 12 Road Alignment Project has included the appropriate eligibility changes.

Visual changes to Glen Ryan Park Historic District, the house at 5512 Melton Road, and Miller School resulting from this project would be minor and would not adversely impact the characteristics that make these resources eligible for the NRHP.

No other efforts were undertaken to identify and evaluate historic properties, and no other comments were received.

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**Documentation, Findings:**

The Indiana Department of Transportation (INDOT), acting on behalf of the Federal Highway Administration (FHWA), has determined a finding of "Historic Properties Affected: No Adverse Effect" is appropriate for the US 12 Road Realignment Project. Documentation of this finding is included in Appendix D, D-1 to D-78. The SHPO concurred with the "Historic Properties Affected: No Adverse Effect" finding on August 14, 2018 (Appendix D, D-79 to D-80). No other consulting parties provided comments on the "Historic Properties Affected: No Adverse Effect" finding or supporting documentation.

**Public Involvement:**

To meet the public involvement requirements of Section 106, FHWA's finding of "No Adverse Effect", a notice was advertised in The Times of Northwest Indiana on July 18, 2018. The public comment period closed 30 days later on August 20, 2018. The text of the public notice and the affidavit of publication appear in Appendix D, D-81 to D-82. No comments were received within the allotted timeframe.

The Section 106 process has been completed and the responsibilities of the FHWA under Section 106 have been fulfilled.

**SECTION D – SECTION 4(f) RESOURCES/ SECTION 6(f) RESOURCES**

**Section 4(f) Involvement (mark all that apply)**

**Parks & Other Recreational Land**

- Publicly owned park
- Publicly owned recreation area
- Other (school, state/national forest, bikeway, etc.)

Presence

X

Use

Yes	No
	X

Evaluations

Prepared

- Programmatic Section 4(f)\*
- "De minimis" Impact\*
- Individual Section 4(f)


FHWA

Approval date

--

**Wildlife & Waterfowl Refuges**

- National Wildlife Refuge
- National Natural Landmark
- State Wildlife Area
- State Nature Preserve

Presence


Use

Yes	No

Evaluations

Prepared

- Programmatic Section 4(f)\*
- "De minimis" Impact\*
- Individual Section 4(f)


FHWA

Approval date

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**Historic Properties**

- Sites eligible and/or listed on the NRHP

Presence

X
---

Use

Yes	No
	X

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Evaluations  
Prepared

Programmatic Section 4(f)\*  
"De minimis" Impact\*  
Individual Section 4(f)


FHWA  
Approval date

--

\*FHWA approval of the environmental document also serves as approval of any Section 4(f) Programmatic and/or De minimis evaluation(s) discussed below.

Discuss Programmatic Section 4(f) and "de minimis" Section 4(f) impacts in the remarks box below. Individual Section 4(f) documentation must be separate Draft and Final documents. For further discussions on Programmatic, "de minimis" and Individual Section 4(f) evaluations please refer to the "Procedural Manual for the Preparation of Environmental Studies". Discuss proposed alternatives that satisfy the requirements of Section 4(f).

Remarks:

Section 4(f) of the U.S. Department of Transportation Act of 1966 prohibits the use of certain public and historic lands for federally funded transportation facilities unless there is no feasible and prudent alternative. The law applies to significant publicly owned parks, recreation areas, wildlife / waterfowl refuges, and NRHP eligible or listed historic properties. Lands subject to this law are considered Section 4(f) resources.

Based on a desktop review, a site visit on April 12, 2017 by Weintraut & Associates, the aerial map of the project area (Appendix B, B-3), the October 2017 Historic Property Report, and the RFI report (Appendix E, E-1 to E-28), there are three 4(f) resources located within the vicinity of the project area. The following resources were identified within the vicinity of the project area:

Glen Ryan Park Historic District — Bounded by South New Jersey Street, East Sixth Avenue, Allen Street and East Seventh Street, the Glen Ryan Park Historic District was developed between 1956 and 1959. Subdivision homes are constructed in Minimal Traditional and Ranch-style. The SHPO recommended the district "be considered eligible" under Criterion A and Criterion C. The period of significance is circa 1956-1959, the dates of construction.

House at 5512 Melton Road (IHSSI No.: 089-232-07104) — This circa 1924 Tudor Revival-style house has been identified by the SHPO as a resource that "should be considered eligible" under Criterion C. The recommended period of significance is circa 1924, the approximate date of construction.

Miller School (IHSSI No.: 089-232-07095) — Located at 665 South Lake Street, this property is a two-story, brick Classical-Revival-style school building that was built in 1910. The SHPO recommended that the Miller School "be considered eligible" for listing in the NRHP under Criterion A and Criterion C. The recommended period of significance is circa 1910, the date of construction.

The Indiana Department of Transportation (INDOT), acting on behalf of the Federal Highway Administration (FHWA), has determined a finding of "Historic Properties Affected: No Adverse Effect" is appropriate for the US 12 Road Realignment Project. The Indiana State Historic Preservation Officer provided written concurrence with the Section 106 determination of "Historic Properties Affected: No Adverse Effect" on August 14, 2018. The determination is based on the following:

Glen Ryan Park Historic District — The undertaking will not convert property from the Glen Ryan Park Historic District, a Section 4(f) historic property, to a transportation use; therefore, no Section 4(f) evaluation is required for the Glen Ryan Park Historic District.

House at 5512 Melton Road (IHSSI No.: 089-232-07104) — The undertaking will not convert property from the House at 5512 Melton Road, a Section 4(f) historic property, to a transportation use. While the house at 5512 Melton Road lies directly adjacent to the proposed construction limits, plans indicate that project activity stops at the right-of-way and project designers agree that the stone retaining wall will not be disturbed by project activities. The wall is marked as "do not disturb" on project plans. A commitment to avoid disturbing the stone wall will be included as a firm commitment in the Environmental Commitments section of this document. Therefore, no Section 4(f) evaluation is

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required for the House at 5512 Melton Road.

Miller School (IHSSI No.: 089-232-07095) — The undertaking will not convert property from the Miller School, a Section 4(f) historic property, to a transportation use or cause visual changes which would adversely impact the characteristics that make the Miller School eligible for the NRHP; therefore, no Section 4(f) evaluation is required for the Miller School.

**Additional Studies for Parks and other Recreational Land**  
 A RFI was conducted by American Structurepoint, Inc. staff on December 27, 2017. The results of this investigation revealed two 4(f) resources located within 0.5 miles of the project. One potential trail, East Lake Corridor of the Marquette Greenway to C&O Corridor, is located within the project area. The potential trail is managed by the Northwestern Indiana Regional Planning Commission (NIRPC) and bisects the project area along the west side of Lake Street. Based upon review of the NIRPC website, the proposed trail is a medium priority trail which appears to utilize the sidewalks along the western side of Lake Street (Appendix H, H-3). Based upon coordination with NIRPC no funding is currently allocated for this project. The project, as proposed, will not impact the ability of this trail to be constructed in the future. Because the trail is listed as potential and no plans of construction are currently proposed, no impact is anticipated.

One 4(f) recreational facility was identified within 0.5 mile of the project. A public picnic area owned by the Gary Community School Corporation is located approximately 200 feet north of the northern project limits, east of the Lake Street and East 7<sup>th</sup> Avenue intersection. Due to the distance of the public picnic area from the proposed project, no part of the park will be converted to a transportation use. There is no Section 4(f) use of this property.

Because the approved RFI is between one and three years old, the RFI was re-examined to determine if any new information was available. No additional 4(f) resources were identified in the re-examination. The RFI Addendum is included in Appendix E, Page E-29 to E-30.

<b>Section 6(f) Involvement</b>	<u>Presence</u>		<u>Use</u>		
			Yes	No	
<b>Section 6(f) Property</b>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	

*Discuss proposed alternatives that satisfy the requirements of Section 6(f). Discuss any Section 6(f) involvement.*

Remarks: The U.S. Land and Water Conservation Fund Act of 1965 established the Land and Water Conservation Fund (LWCF), which was created to preserve, develop, and assure accessibility to outdoor recreation resources. Section 6(f) of this Act prohibits conversion of lands purchased with LWCF monies to a non-recreation use.

A review of 6(f) properties on the Land and Water Conservation Fund (LWCF) website at <https://www.lwcfcoalition.com/tools> revealed a total of fifty-six (56) properties in Lake County (Appendix H, H-1 to H-2). None of these properties are located within or adjacent to the project area. Therefore, there will be no impacts to 6(f) resources as a result of this project.



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<b>SECTION E – Air Quality</b>
--------------------------------

Air Quality

**Conformity Status of the Project**

Is the project in an air quality non-attainment or maintenance area?

Yes	No
X	

If YES, then:

Is the project in the most current MPO TIP?

X	
---	--

Is the project exempt from conformity?

	X
--	---

If the project is NOT exempt from conformity, then:

Is the project in the Transportation Plan (TP)?

X	
---	--

Is a hot spot analysis required (CO/PM)?

	X
--	---

Level of MSAT Analysis required?

Level 1a  Level 1b  Level 2  Level 3  Level 4  Level 5

Remarks:

This project is included in the Fiscal Year (FY) 2016-2018 State Transportation Improvement Program (STIP), FY 2018-2021 STIP, and the 2018-2021 NIRPC Transportation Improvement Program (TIP) for Lake, LaPorte, and Porter Counties, Indiana (Appendix G, G-1 to G-6).

**Nonattainment Area:**

This project is located in Lake County, which is currently a “Marginal” Nonattainment area for Ozone, under the 2015 8-Hour Ozone Standard. The project’s design concept and scope are accurately reflected in both the NIRPC Transportation Plan (TP) and the TIP and both conform to the State Implementation Plan (SIP). Therefore, the conformity requirements of 40 CFR 93 have been met.

**Mobile Source Air Toxics (MSAT):**

The purpose of this project is to realign US 12 and US 20 and create enhancements along US 20 and Lake Street in order to facilitate the NICTD expansion of the Miller Train Station and anticipated increase in pedestrian traffic. This project has been determined to generate minimal air quality impacts for Clean Air Act criteria pollutants and has not been linked with any special mobile source air toxic (MSAT) concerns. As such, this project will not result in changes in traffic volumes, vehicle mix, basic project location, or any other factor that would cause a meaningful increase in MSAT impacts of the project from that of the no-build alternative.

Moreover, Environmental Protection Agency (EPA) regulations for vehicle engines and fuels will cause overall MSAT emissions to decline significantly over the next several decades. Based on regulations now in effect, an analysis of national trends with EPA’s MOVES2014 model forecasts a combined reduction of over 90 percent in the total annual emissions rate for the priority MSAT from 2010 to 2050 while vehicle-miles of travel are projected to increase by over 45 percent. This will both reduce the background level of MSAT as well as the possibility of even minor MSAT emissions from this project.

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<b>SECTION F - NOISE</b>
--------------------------

Noise Yes      No  
 Is a noise analysis required in accordance with FHWA regulations and INDOT's traffic noise policy?      

	No	Yes/ Date
ES Review of Noise Analysis	<input type="checkbox"/>	<input type="checkbox"/>

Remarks: In coordination with the INDOT ESD, this project was determined to be a Type III project. In accordance with 23 CFR 772 and the current INDOT Traffic Noise Policy, this action does not require a formal noise analysis.

<b>SECTION G – COMMUNITY IMPACTS</b>
--------------------------------------

	Yes	No
<b>Regional, Community &amp; Neighborhood Factors</b>		
Will the proposed action comply with the local/regional development patterns for the area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Will the proposed action result in substantial impacts to community cohesion?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will the proposed action result in substantial impacts to local tax base or property values?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will construction activities impact community events (festivals, fairs, etc.)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the community have an approved transition plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If No, are steps being made to advance the community's transition plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Does the project comply with the transition plan? (explain in the remarks box)	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Remarks: 

**Social Effects:**

The proposed project will realign US 12 to terminate 0.21 mile east of Lake Street in order to facilitate the NICTD expansion of the Miller Train Station. The project will address safety concerns, including the potential for increased vehicular and pedestrian accidents, associated with the development through the construction of pedestrian and ADA compliant facilities along the roadway. Additionally, new concrete curbs and gutters, striping for parallel parking, decorative lighting and new signage will added to the area to accommodate increased traffic and improve the existing conditions of the project area. Therefore, it is considered a net benefit for the community as the project will address expansion of the Miller Train Station, increase operating flexibility to reduce delays, meet existing and future travel demands, reduce travel time, and enhance safety. Temporary negative socioeconomic impacts the project will have on the community include temporary inconveniences commonly associated with construction such as noise, fugitive dust, increased travel delay, and utility disruptions. However, these impacts are temporary and will cease upon completion of the project.

Permanent socioeconomic effects are not expected. The proposed project is not anticipated to negatively affect community cohesion. Transportation within the Miller community and access to community resources will not be affected. Minimal impacts are anticipated to the local tax base, property value, and community events.

Overall, the project is expected to positively impact the community. The proposed project will not result in the relocation of residences, businesses, or farms. One building located 0.19 mile east of Lake Street between US 12 and US 20, formerly operated by Jonathan's Pancake House & Restaurant, will be removed to accommodate the new alignment of US 12. Removal of the structure will not be considered a relocation.

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The Lake County website (<https://www.lakecountyin.org/portal/user/anon/page/events-center>) was reviewed for events and festivals planned in upcoming years. No events were indicated on the events calendar, therefore no impacts to future events or festivals are anticipated.

The temporary impacts discussed here do not outweigh the benefits the project will bring to the community by addressing the need to expand the Miller Train Station, increase operating flexibility to reduce delays, meet existing and future travel demands, reduce travel time, and enhance safety.

**Transition Plans:**

In order for a municipality to be eligible to receive federal funds they must have in place, or at least under development, an American With Disability Act (ADA) Transition Plan. The Transition Plan inventories the municipality's infrastructure identifying those areas with features (i.e., sidewalks, crosswalks, curb ramps, building access, etc.) that are not in compliance with the ADA and establishes a plan to program funding for improvement intended to bring the facilities into compliance.

According to the City of Gary webpage, Gary is currently developing an ADA Transition Plan to address improving the City's infrastructure to increase accessibility in accordance with the ADA. The proposed project is a federal-aid project, meaning all improvements to the infrastructure must conform to the ADA. Therefore, the project will comply with the forthcoming Transition Plan.

**Indirect and Cumulative Impacts**

Will the proposed action result in substantial indirect or cumulative impacts?

Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>

Remarks:

Indirect impacts are effects which are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect effects may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density, or growth rate. Cumulative impacts affect the environment which result from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency or person undertakes such actions.

The proposed project involves the realignment of US 12 to a new stop-controlled intersection with US 20. Additionally, pedestrian and ADA compliant facilities, new concrete curbs and gutters, striping for parallel parking, decorative lighting, and new signage will be constructed. This project is being completed in anticipation of the NICTD double track and Miller Train Station expansion project. According to NICTD, a key element of the double track project is relocating US 12 to merge with US 20 in order to provide additional space required for the double track project and Miller Train Station expansion. Land on either side of the street is primarily developed with residential and commercial properties and plans are already in place for the NICTD expansion project, thereby limiting the opportunity for indirect or cumulative impacts to resources spurred by the project. Therefore, no indirect or cumulative impacts are anticipated as a result of this project.

**Public Facilities & Services**

Will the proposed action result in substantial impacts on health and educational facilities, public and private utilities, emergency services, religious institutions, airports, public transportation or pedestrian and bicycle facilities? *Discuss how the maintenance of traffic will affect public facilities and services.*

Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>

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Remarks:

Based on a desktop review, a site visit on August 29, 2017 by American Structurepoint, Inc. staff, the aerial map of the project area (Appendix B, B-3), and the RFI report (Appendix E, E-1 to E-28), there are twenty-five public facilities located within 0.5 mile of the project. One proposed public facility, East Lake Corridor Trail, is located within the project area. Because this facility has not been built and the current project will enhance pedestrian facilities adjacent to the area, this project is not anticipated to directly impact the public facility. Access to all properties will be maintained during construction. Therefore, no impacts are expected. Early coordination letters were sent to the City of Gary, INDOT Office of Aviation, Lake County EMA, Gary Community School Corporation, Gary Fire Department, Gary Police Department, Lake County Sheriff's Department, Lake County Highway Department, and the NIRPC on August 14, 2017. The INDOT Office of Aviation responded on August 22, 2017 indicating that the Hobart Sky Ranch Airport is located approximately 2.2 nautical miles south of the proposed project site. An Indiana Tall Structure permit would not be required unless the project involves the construction of temporary (e.g., crane) or permanent structure that penetrates a 100:1 slope from the Hobart Sky Ranch Airport runway (Appendix C, C-28). No other agencies responded to the early coordination letter.

Currently, one electric company (NIPSCO), one gas company (NIPSCO), three communications companies (Century Link Communications LLC, Level 3 Communications, and Wide Open West), one cable company (Comcast) and one water company (Indiana American Water) provide services to residents and businesses within Phase I and Phase II of the project area. Coordination with these utility companies to identify potential conflicts and relocation of the appropriate facilities, if needed, has been initiated. This coordination will continue through the duration of the engineering phase of the project.

The CSS railroad, owned by NICTD, is located north of the project area. This project is being done in coordination with NICTD to accommodate the double track project and expansion of the Miller Train Station and does not include work within any existing or proposed railroad right-of-way. Therefore no impacts are anticipated to the CSS railroad.

**Environmental Justice (EJ) (Presidential EO 12898)**

During the development of the project were EJ issues identified?

Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>

Does the project require an EJ analysis?

<input checked="" type="checkbox"/>	<input type="checkbox"/>
-------------------------------------	--------------------------

If YES, then:

Are any EJ populations located within the project area?

<input checked="" type="checkbox"/>	<input type="checkbox"/>
-------------------------------------	--------------------------

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

<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	-------------------------------------

Remarks:

Under FHWA Order 6640.23A, FHWA and INDOT, as a recipient of funding from FHWA, are responsible to ensure that their programs, policies, and activities do not have a disproportionately high and adverse effect on minority or low-income populations. Per the current INDOT Categorical Exclusion Manual, an Environmental Justice (EJ) Analysis is required for any project that has two or more relocations or 0.5 acre of additional permanent right-of-way. The project will require approximately 6.178 acres of permanent right-of-way. Therefore, an EJ Analysis is required.

Potential EJ impacts are detected by locating minority and low-income populations relative to a reference population to determine if populations of EJ concern exists and whether there could be disproportionately high and adverse impacts to them. The reference population may be a county, city or town and is called the community of comparison (COC). In this project, the COC is the City of Gary, Indiana (Appendix I, I-1). The community that overlaps the project limits is called the affected community (AC). In this project, the AC is Census Tract 102.01. An AC has a population of concern for EJ if the population is more than 50% minority or low-income or if the low-income or minority population is 125% of the COC. Data from the *2017 American Community Survey 5-Year Estimates* (2013-2017) was obtained from the US Census Bureau Website <https://factfinder.census.gov/> on January 24, 2019 by American Structurepoint staff (Appendix I, I-2 to I-5). The data collected for minority and low-income populations within the AC are summarized in the below table.

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	COC	AC
	Gary, Indiana	Census Tract 102.01
<b>Total Population for Whom Poverty Status is Determined</b>	76,469	5,483
<b>Total Population Below Poverty Level</b>	27,344	2,019
<b>Percent Low-Income</b>	35.8 %	36.8 %
<b>125% of COC</b>	44.7 %	
<b>AC Percent Low-Income &gt; 125% of COC?</b>		No
<b>AC Percent Low-Income &gt; 50 %?</b>		No
<b>Elevated EJ Population?</b>		No
<b>Total Population</b>	77,416	5,483
<b>Minority Population</b>	68,289	4,532
<b>Percent Minority</b>	88.2 %	82.7 %
<b>125% of COC</b>	110.3 %	
<b>AC Percent Minority &gt; 125% of COC?</b>		No
<b>AC Percent Minority &gt; 50%?</b>		Yes
<b>Elevated EJ Population?</b>		Yes

The AC, Census Tract 102.01, has a percent low-income of 36.8% which is below 50% and is below the 125% COC threshold. There, the AC does not contain low-income population of EJ concern.

The AC, Census Tract 102.01, has a percent minority of 82.7% which is above 50%. Therefore, the AC is a minority population of EJ concern.

An extended stay facility, Mosely Motel, is located adjacent to the new intersection of US 12 and US 20 at the eastern end of the project area. The project is proposed to stay outside of the apparent ROW for this facility and is not anticipated to impact any of the facility functions, such as parking or access. One alternative considered for this project, Realignment of US 12 to US 20 - 0.23 mile east of Lake Street discussed above in the Other Alternatives section, proposed the removal of this facility to accommodate the realignment of US 12 and US 20. Due to the potential negative impacts of this relocation on the affected community, it was discarded from further consideration.

Based upon the scope of the proposed project, the identified populations will not experience a disproportionately high and adverse impact from the project. The purpose of this project is to facilitate the NICTD expansion of the Miller Train Station and increase the operating flexibility to reduce delays, meet existing and future travel demands, reduce travel time, and enhance safety. While the identified population may experience some slight delays along US 12 and US 20 during construction, these impacts will be temporary and as a result of this project they will have more efficient public transportation available. This project will also provide ADA compliant pedestrian corridors to accommodate additional foot traffic. As this project takes place along existing highways and contains pedestrian corridors, no impacts to community cohesion are anticipated. This project will require approximately 6.178 acres of permanent right-of-way including the acquisition of one vacant building. Only 0.379 acres of permanent right-of-way is from residential properties and no relocations are anticipated.

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### Relocation of People, Businesses or Farms

Will the proposed action result in the relocation of people, businesses or farms?  
 Is a Business Information Survey (BIS) required?  
 Is a Conceptual Stage Relocation Study (CSRS) required?  
 Has utility relocation coordination been initiated for this project?

Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>

Number of relocations: Residences: 0 Businesses: 0 Farms: 0 Other: 0

If a BIS or CSRS is required, discuss the results in the remarks box.

Remarks: No relocations of people, businesses, or farms will take place as a result of this project.

One building located 0.19 mile east of Lake Street between US 12 and US 20, formerly operated by Jonathan's Pancake House & Restaurant, will be removed to accommodate the new alignment of US 12. The building is currently vacant.

Currently, one electric company (NIPSCO), one gas company (NIPSCO), three communications companies (Century Link Communications LLC, Level 3 Communications, and Wide Open West), one cable company (Comcast) and one water company (Indiana American Water) provide services to residents and businesses in or near the project area. Coordination with these utility companies to identify potential conflicts and relocation of the appropriate facilities, if needed, has been initiated. This coordination will continue through the duration of the engineering phase of the project.

### SECTION H – HAZARDOUS MATERIALS & REGULATED SUBSTANCES

#### Documentation

#### Hazardous Materials & Regulated Substances (Mark all that apply)

Red Flag Investigation  
 Phase I Environmental Site Assessment (Phase I ESA)  
 Phase II Environmental Site Assessment (Phase II ESA)  
 Design/Specifications for Remediation required?

X
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

	No	Yes/ Date
ES Review of Investigations	<input type="checkbox"/>	X – 01/03/2018

Include a summary of findings for each investigation.

Remarks: A RFI was prepared by American Structurepoint, Inc. on December 27, 2017. The RFI consisted of a review of readily available Geographic Information System (GIS) data layers provided by IndianaMap, the Indiana Geological Survey, and additional data sources. A copy of the RFI is included in Appendix E, Page E-1 to E-28.

Hazardous Material concerns identified within one-half mile of the project area include four brownfield sites, five RCRA generators, twelve Leaking Underground Storage Tanks (LUST) sites, one Open Dump site, three State Cleanup sites, one Tire waste site, thirteen Underground Storage Tank (UST) sites, one Voluntary Remediation Program site, and one Institutional Control site.

After review of the IDEM Virtual File Cabinet (VFC), multiple sites have the potential to impact the project area; therefore, coordination with IDEM and/or a Phase II Environmental Site Assessment is recommended at the following locations and will be completed prior to project letting.

- Serenity Lake, 5901 Melton Road - Before proper removal and disposal of soil and/or ground water, analysis for lead will be necessary.
- Speedway #8333, 750 South Lake Street - Coordination with IDEM recommended.

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- Truck Agency Incorporated, 6635 Melton Road - If excavation occurs in this area, it is possible that petroleum contamination may be encountered. Proper removal and disposal of soil and/or groundwater may be necessary.
- GoLo (formerly Quick X Fuels), 4321 East Dunes Highway - If excavation occurs in this area, it is likely that petroleum contamination will be encountered. Proper removal and disposal of soil and/or ground water will be necessary.
- S&D Properties, 4620 Melton Road - If excavation occurs in this area, it is likely petroleum contamination will be encountered. Proper removal and disposal of soil and/or groundwater may be necessary. Coordination with IDEM is required before further site activities occur.
- Congress Enterprises Incorporated, 1001 South Lake Street - Limited Phase II ESA, including soil and groundwater sampling, is recommended to determine if groundwater has been impacted within the project area.
- Joanne McDonald, 4929 East Dunes Highway - If excavation occurs in this area, groundwater analysis may be needed to determine proper disposal of groundwater removed from the excavation.
- Miller Properties, 800 South Lake Street - If excavation occurs adjacent to this site, soil and groundwater analysis including lead analysis would be needed to determine proper disposal of soil and groundwater. IDEM State Cleanup program should also be consulted prior to disturbance in the area.

Additional sites identified in the RFI and not discussed above, were determined to not have a potential impact on the project.

Because the approved RFI is between one and three years old, the RFI was re-examined to determine if any new information was available. Six additional hazardous material concerns were identified within one-half mile of the project area (one LUST site, one institutional control, and four NPDES facilities), however no additional impacts are expected and no additional coordination is recommended. The RFI Addendum is included in Appendix E, Page E-29 to E-30.

A Phase II Environmental Site Assessment has been initiated for this project and the report is forthcoming.