

Indiana Department of Transportation

County Elkhart

Route East Hively Avenue

Des. No. 1801933

Part I – Public Involvement

Every Federal action requires some level of public involvement, providing for early and continuous opportunities throughout the project development process. **The level of public involvement should be commensurate with the proposed action.**

Does the project have a historic bridge processed under the Historic Bridges PA*?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If No, then:		
Opportunity for a Public Hearing Required?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

*A public hearing is required for all historic bridges processed under the Historic Bridges Programmatic Agreement between INDOT, FHWA, SHPO, and the ACHP.

Discuss what public involvement activities (legal notices, letters to affected property owners and residents (i.e. notice of entry), meetings, special purpose meetings, newspaper articles, etc.) have occurred for this project.

Notice of Entry letters were mailed to potentially affected property owners near the project area on April 25, 2019 and again October 20, 2020 notifying them about the project and that individuals responsible for land surveying and field activities may be seen in the area. Samples of the copies of the Notice of Entry letters are included in Appendix G, page 1.

Section 106

To meet the public involvement requirements of Section 106, a legal notice of FHWA's finding of "No Historic Properties Affected" was published in the *Elkhart Truth* on October 9, 2021 offering the public an opportunity to submit comment pursuant to 36 CFR 800.2(d), 800.3(e), and 800.6(a)(4). The public comment period closed 30 days later on November 9, 2021. No comments were received. The text of the public notice and the affidavit of publication appear in Appendix D, page 22 to 23.

Public Information Plan

A Public Information Plan (PIP) was developed for the project and continues to be updated (Appendix G, page 9). The PIP is designed to educate and engage the public throughout the design and environmental process. The PIP outlines public involvement tools and helps create consistency with public engagement.

There have been three public information meetings and a formal public hearing. Communication tools have been and will continue to be provided through a variety of channels. Based on community context, meeting notification materials have been translated to Spanish to effectively reach as many people as possible in the community. A Spanish translator has been used to provide translation at the public information meetings and one will be provided at the public hearing to accommodate Spanish speakers who attend. The City of Elkhart provides translation services using city staff who are familiar with the community. All project materials are provided on the City of Elkhart's website <https://elkhartindiana.org/government/street-department/hively-overpass/> and city staff continually interface with the local community regarding project details including impacts, milestones, and schedule. A project email was setup for any public questions or comments throughout the project. Comments are addressed by the project team and a record is kept in a project comment response table (Appendix G, page 108).

Public Information Meetings

Public notices were posted for the public information meetings (PIMs) via local newspapers the *Goshen News* (Appendix G, page 36 and page 76), the *Elkhart Truth* (Appendix G, page 38 and 77), and the *El Puente* newspaper (Appendix G, page 40 and 79). Postcards were mailed to the project mailing list (Appendix G, page 26) that showed the project termini and at-grade crossing location and provided public meeting information (Appendix G, page 31 and 70). This information was translated to Spanish on the back of the postcard. In addition, team members took fliers, which included information in both English and Spanish, to local businesses around town to distribute information about the PIMs (Appendix G, page 33 and 72).

Information was presented to the public during three (3) PIMs, PIM #1 on October 20, 2020, PIM #2 on October 22, 2020 and PIM #3 on August 31, 2021. PIM #1 was held virtually via a Zoom meeting and PIM #2 and PIM #3 were in-person, open house style events held at the Zion Missionary Church located within the Study Area (Appendix B, page 4).

The PowerPoint presentation from the PIM #1 Zoom meeting was posted to the City of Elkhart website and the presentation was recorded. The recording can be provided upon request. Approximately 55 people attended the Zoom meeting. The in-person open houses included a welcome table with a sign-in sheet, comment forms, and project information sheets. Stations were set-up with exhibits that showed the project location, alternatives, and alternative comparisons. Members of the project team were at each station to talk about the project and answer questions. The City of Elkhart provided a Spanish interpreter during the open house. Approximately 67 people attended the PIM #2 open house. Approximately 80 people attended PIM #3 open house. All public

This is page 2 of 41 Project name: Hively Avenue Overpass Date: November 30, 2022

Indiana Department of Transportation

County Elkhart

Route East Hively Avenue

Des. No. 1801933

information materials distributed and presented at the PIMs along with sign-in sheets and comment forms can be found in the PIP beginning on Appendix G, page 9.

A summary of comments from PIM #2 included consideration and evaluation of truck movements, particularly those desiring to go north or south from Hively Avenue, connecting to Sterling Avenue and Hammond Avenue where industrial and commercial land-uses are concentrated alongside the Norfolk Southern Railroad. A group of business owners expressed concern regarding truck movements based on firsthand experience and requested that the project study team take another look. There were also concerns that without a dedicated or formal truck route that trucks might try to use the local street network which is undesirable. The Study Area was expanded to include review of truck movements on Hammond Avenue. Other public comments and concerns from all three PIMs included overall concerns regarding property impacts, including ingress/egress and parking considerations for adjacent businesses particularly the elementary school and the El Rosal supermarket. Potentially impacted property owners and occupants were concerned with the timing of activities, the project schedule and when to expect land acquisition to begin.

Any comments from the PIMs or email/comment forms received were recorded in an on-going comment response for the project and are included as part of the PIP (Appendix G, page 108).

Project Does Meet

The project will meet the minimum requirements described in the current *Indiana Department of Transportation (INDOT) Project Development Public Involvement Procedures Manual* which requires the project sponsor to offer the public an opportunity to submit comment and/or request a public hearing. Therefore, a legal notice will appear in a local publication contingent upon the release of this document for public involvement. This document will be revised after the public involvement requirements are fulfilled.

Public Controversy on Environmental Grounds

Discuss public controversy concerning community and/or natural resource impacts, including what is being done during the project to minimize impacts.

At this time, there is no substantial public controversy concerning impacts to the community or to natural resources.

Indiana Department of Transportation

County Elkhart

Route East Hively Avenue

Des. No. 1801933

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

Sponsor of the Project: City of Elkhart and INDOT INDOT District: Fort Wayne

Local Name of the Facility: East Hively Avenue

Funding Source (mark all that apply): Federal State Local Other*

*If other is selected, please identify the funding source: _____

PURPOSE AND NEED:

The need should describe the specific transportation problem or deficiency that the project will address. The purpose should describe the goal or objective of the project. The solution to the traffic problem should NOT be discussed in this section.

The project is needed to address traffic congestion caused by approximately 70-100 trains that utilize the railroad tracks at E. Hively Avenue, also referred to as Hively Avenue, per day. These trains inhibit mobility for the approximate 6,000 vehicles a day that use the Hively Avenue crossing as identified in the 2019 Engineer's Report (Appendix M, page 1). This causes motorist backups on Hively Avenue and adjacent streets, along with prohibiting pedestrian and bicyclist movements.

The Federal Highway Administration (FHWA) has published guidelines to determine when converting an at-grade railroad crossing into a grade separated crossing is justified. The guidelines are published in the following document "Guidance on Traffic Control Devices at Highway-Rail Grade Crossings" (FHWA, November 2002). The guidelines list several criteria that can be used to warrant a railroad grade separated crossing. Meeting just one (1) of those criteria is enough to justify grade-separation. The Hively Avenue railroad crossing meets three (3) of those criteria. Table 1 summarizes these criteria and how the Hively Avenue and Norfolk Southern Railroad crossing exceeds the criteria.

Table 1. FHWA Warrants for Grade Separation

Category	Criteria	Hively Avenue & Norfolk Southern Railroad Crossing
Number of trains	An average of 75 or more trains per day	This location has an estimated 70-100 trains per day, with an average of 88 trains per day, at a maximum allowable train speed of 79 mph
Expected crash frequency	The expected crash frequency exceeds 2% per year	This location has an expected crash frequency of 5.22% per year
Vehicle delay	Vehicle delay exceeds 30 vehicle-hours per day	This location has an estimated 50 to 200 vehicle-hours of delay per day

In addition to looking at FHWA warrants for grade separations, crash data was also reviewed. Seven (7) crashes have occurred over a five-year period (2015-2019) due to the railroad crossing according to Michiana Area Council of Governments (MACOG) crash data. These crashes occurred when the gate was down and were typically rear-ended crashes due to vehicles attempting to back-up and U-turns (Appendix A, page 2).

Based on observations of gate down time at a nearby intersection, there was a gate down time of four (4) minutes (Appendix A, page 2). It should be noted that a gate down time of 3 minutes or more would be equivalent to a level-of-service (LOS) "F" at an intersection, which would be an unacceptable capacity level-of-service for an intersection. Intersections with a vehicle delay of 1 minute or more result in a level-of-service "F". The intersection of Hively Avenue and Main Street has a current LOS of "D".

The purpose of the project is to improve mobility and safety within the project area by eliminating vehicle backups and congestion while maintaining access and connectivity; improve the LOS to a "C" on the new Hively Avenue alignment; and improve bike/pedestrian movements.

Indiana Department of Transportation

County Elkhart

Route East Hively Avenue

Des. No. 1801933

PROJECT DESCRIPTION (PREFERRED ALTERNATIVE):

County: Elkhart

Municipality: City of Elkhart

Limits of Proposed Work: The west terminus is 0.03 mile east of Burr Oak Avenue that extends approximately 0.54 mile to the east terminus approximately 0.02 west of Clayton Avenue. The project limits also extend on intersecting side streets, approximately 110 feet (0.02 mile) on Monger Avenue, 269 feet (0.05 mile) on Roosevelt Avenue, 53 feet (0.01 mile) on Morton Avenue, 328 feet (0.06 mile) on Homer Avenue, 820 feet (0.16 mile) on Main Street, 92 feet (0.02 mile) on Garden Boulevard, 104 feet (0.02 mile) on Sterling Avenue, 570 feet (0.11 mile) on Hammond Avenue, 35 feet (0.007 mile) on Eddy Street, 178 feet (0.03 mile) on Lowell Avenue, 1,160 feet (0.22 feet) on Warren Street, 38 feet (0.007 mile) on Hazel Street, 74 feet (0.01 mile) on Dover Street, and 74 feet (0.01 mile) on Yuma Avenue.

Total Work Length: 0.54 Mile(s)

Total Work Area: 18.9 Acre(s)

Is an Interstate Access Document (IAD)¹ required?

If yes, when did the FHWA provide a Determination of Engineering and Operational Acceptability?

Yes ¹	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>
Date: <input type="text"/>	

¹If an IAD is required; a copy of the approved CE/EA document must be submitted to the FHWA with a request for final approval of the IAD.

Indiana Department of Transportation

County Elkhart

Route East Hively Avenue

Des. No. 1801933

Describe location of project including township, range, city, county, roads, etc. Existing conditions should include current conditions, current deficiencies, roadway description, surrounding features, etc. Preferred alternative should include the scope of work, anticipated impacts, and how the project will meet the Purpose and Need. Logical termini and independent utility also need discussed.

Location

The project is located on Hively Avenue at the Norfolk Southern Railroad crossing (AAR/DOT Crossing number 961515P) in Elkhart, Elkhart County, Indiana (Appendix B, page 1). The west terminus is 0.03 mile east of Burr Oak Avenue to approximately 0.54 mile to the east terminus approximately 0.02 mile west of Clayton Avenue. The project limits also extend along intersecting side streets on Monger Avenue, Roosevelt Avenue, Morton Avenue, Homer Avenue, Main Street, Garden Boulevard, Sterling Avenue, Hammond Avenue, Eddy Street, Lowell Avenue, Dover Street, Yuma Avenue, Warren Street, and Hazel Street. The project is in Sections 15 and 16, Township 37 North, Range 5 East as shown on the Elkhart, Indiana 7.5-minute quadrangle map (Appendix B, page 2).

Existing Conditions

Hively Avenue is classified as a Principal Arterial that is a major corridor connecting the west side of Elkhart to the east side of Elkhart. Hively Avenue crosses the Norfolk Southern Railroad crossing east of Main Street and west of Sterling Avenue. Hively Avenue, from Bismark Avenue to Main Street consists of two (2) 11-foot wide asphalt lanes, one (1) 11-foot middle turning lane, and two (2) 5-foot wide bike lanes. There is existing sidewalk and curb on both sides of the roadway in this location. From Main Street to Sterling Avenue, Hively Avenue consists of four (4) 11-foot wide asphalt lanes with curb on both sides of the roadway and a sidewalk with a utility strip on the north side of the roadway. From Sterling Avenue to Hazel Street, Hively Avenue consists of two (2) 15-foot wide asphalt lanes with curb on both sides. For this section, both eastbound and westbound lanes are transitioning from two travel lanes down to one travel lane per direction. Main Street is a Minor Arterial and traffic travels northwest and southeast. Main Street traffic travels north into downtown Elkhart and south turning into US 33, south of US 20, and connects Elkhart to Goshen (Appendix B, page 3). Main Street, south of Hively Avenue, has four (4) 11-foot wide asphalt lanes with a 2-foot 6-inch centerline separation and curb and sidewalk on both sides. Main Street, north of Hively Avenue, consists of four (4) 11-foot asphalt lanes with curb on both sides. The west side of Main Street has a utility strip and sidewalk on both sides of the roadway at this location. Sterling Avenue is classified as a Local Agency Collector with traffic traveling northwest and southeast. Sterling Avenue consists of two (2) 11-foot asphalt travel lanes with 5-foot bike lanes in both directions. Hammond Avenue is a Local Agency Collector with traffic traveling northwest and southeast. Hammond Avenue consists of two (2) 12-foot asphalt travel lanes with a utility strip and 9-foot bike path on the west side of the road. There are also various local city streets within the project limits (including Monger Avenue, Morton Avenue, Roosevelt Avenue, Lowell Avenue, and Warren Street) all of which consist of two (2) 10-foot to 12-foot travel lanes. Monger Avenue, Morton Avenue, and Roosevelt Avenue all have sidewalk along both sides of the road.

Throughout the project area there are sidewalks and curb ramps that do not meet current Americans with Disabilities Act (ADA) compliance. Non-ADA compliant curb ramps are located at the entrance of the Zion Missionary Church, the entrance to El Rosal supermarket, and at the intersection of Hively Avenue and Main Street. There is no sidewalk along Hively Avenue east of the Norfolk Southern Railroad tracks. Existing sidewalks run along Main Street on both the west and east side, however the sidewalk ends just north of Hively Avenue on the east side of Main Street near the Midas business. There are also non-ADA compliant sidewalk and curb ramps at the intersection of Main Street and Garden Boulevard and locations with no curb ramps near KFC, located off Main Street, where there is an existing bus stop. The Interurban Trolley Red Line is a City of Elkhart bus service that runs through the project along Main Street. There are two flag bus stops located within the project area, meaning the bus will only stop when flagged by passengers. The two flagged stops are Stop 43 which is an inbound stop (near KFC) located south of the Hively Avenue and Main Street intersection and Stop 14 which is an outbound stop located just north of the Hively Avenue and Main Street intersection (Appendix B, page 5). There is a lack of ADA compliant sidewalk connections at the location of both flag bus stops. Crosswalks are located in certain locations on Hively Avenue near Monger Elementary School and at the intersection at Hively Avenue and Main Street.

The Norfolk Southern Railroad is a three-track rail line that runs north and south. The Norfolk Southern rail yard is located approximately 3.8 miles northwest of Hively Avenue and Norfolk Southern Railroad crossing. Approximately 70-100 trains pass through the Hively Avenue crossing per day as identified in the traffic analysis done in the 2019 Engineer's Report (Appendix M, page 1). Generally, freight movements are expected to increase, and trains continue to become longer, putting additional strain on existing transportation systems.

The primary land uses within and adjacent to the project area consist of residential, commercial, and industrial. It is industrial and heavy commercial along the north-south roadway and rail network with residential and light commercial along Hively Avenue, the east-west connector. The current land use pattern is residential and commercial. Residential and businesses lie immediately adjacent to the main roadways, driveways, side-street and curb cuts provide direct access to these homes and businesses. Monger Elementary School and Zion Missionary Church are in the western section of the project, numerous businesses are located at the intersections of Hively Avenue and Main Street and the intersection of Hively and Sterling/Hammond Avenue. There is a public trail,

Indiana Department of Transportation

County Elkhart

Route East Hively Avenue

Des. No. 1801933

the MapleHeart Trail, located along Hammond Avenue (Appendix B, page 4). The off-road portion of the trail ends at Hively Avenue and currently has a cross-walk to connect from Hammond Avenue to Sterling Avenue and becomes an on-road route. The MapleHeart Trail serves as a connection to the Elkhart Environmental Center located outside of the project area (Appendix B, page 3). Since there are no sidewalks located east of the Norfolk Southern Railroad there is no existing sidewalk connection to the MapleHeart Trail.

A previous City of Elkhart project located at E. Indiana Avenue created an underpass at the crossing with Norfolk Southern Railroad, located approximately 1.2 miles northwest of the existing Hively Avenue and Norfolk Southern Railroad crossing. The other at-grade crossings within the network area include E. Lusher Avenue, Sunnyside Avenue, and County Road (CR) 13. Both E. Lusher Avenue and CR 13 serve only local traffic (Appendix B, page 3).

The existing conditions within the project area include key deficiencies that were taken into consideration during engineering design (Appendix B, page 5). These include:

- Lack of connectivity/mobility
- Traffic backups/congestion at Norfolk Southern Railroad crossing
- LOS at Railroad crossing of "F" and "D" at Main Street
- Lack of sidewalk connections in certain areas along Hively Avenue
- Lack of safe pedestrian crossing at Norfolk Southern Railroad
- Non-ADA compliant curb ramps and sidewalk
- Lack of crosswalk markings at intersection of Hively Avenue and Main Street
- Lack of connection to existing MapleHeart Trail
- Flag bus stop locations near sidewalk with no curb ramps
- Within an Elementary School walk zone but does not have complete sidewalks/connection throughout

Preferred Alternative (Alternate 3A: Realign Hively to South; Connection Roadway to North)

This project proposes eliminating the existing Norfolk Southern Railroad at-grade-crossing at Hively Avenue by creating a new grade separation (bridge) which will carry Hively Avenue over the Norfolk Southern Railroad, Main Street, and Hammond Avenue. A bridge number will be assigned to this structure as the design progresses. The bridge will raise the Hively Avenue profile approximately 23.22 feet above the Norfolk Southern Railroad which meets the minimum 23 feet vertical clearance required for railroads. Hively Avenue will be reconstructed and shifted to the south from Monger Avenue, shifting approximately 178 feet at the Roosevelt Avenue intersection to then connect back to the existing alignment where it connects with Hazel Street. Sidewalk will be added on both sides of Hively Avenue near Bismark Avenue extending east to Roosevelt Avenue and sidewalk connections will be added on Monger Avenue, Morton Avenue, Roosevelt Avenue, and Main Street. ADA compliant curb ramps will be added where new sidewalks are constructed along all local streets shown in Table 1. An intersection modification will be added at Homer Avenue transforming the intersection into a Cul-De-Sac, 350 feet south of Main Street due to the closure of the Main Street intersection. Hammond and Sterling Avenue will be realigned to be directly in line with each other allowing traffic to be directed northeast to southwest under the Hively Avenue grade separation. Lowell Avenue will be realigned approximately 200 feet north of existing Hively Avenue to extend southwest and intersect with Sterling Avenue. Roosevelt Avenue will be extended approximately 540 feet north of Hively Avenue to connect to Main Street (Appendix B, page 6). Eddy Street will be realigned to extend south to the new Lowell Street Alignment by 20 feet. Realignment and reconstruction of Warren Street will occur approximately 190 feet north of Hively Avenue and alignment of approximately 970 feet south of existing Hively Avenue.

Hively Avenue will have a bike path west of the bridge, 10 foot sidewalk on the bridge, and a multi-use path along the north side of the roadway east of the bridge. The multi-use path will connect to Hammond Avenue and to the MapleHeart Trail. The MapleHeart Trail will be realigned with Hammond Avenue and include a new crosswalk provided for connection to the MapleHeart Trail along Sterling Avenue. Intersecting side streets will have pavement improvements and reconstructed drive approaches where necessary. New drainage infrastructure, including curb inlets, ditch inlets, and roadside ditches, will be added as required throughout the project limits. Traffic signals will be added to the Hively Avenue and Roosevelt intersection, Hively Avenue and Warren Street intersection, and Roosevelt Avenue and Main Street intersection.

Table 2. Proposed Sidewalks/ADA Compliance

Intersection	Quadrant Location
Hively Avenue & Monger Avenue	NE & NW Quadrants
Hively Avenue & Roosevelt Avenue	NE, NW, SE & SW Quadrants
Hively Avenue & Warren Street	NW Quadrant

Indiana Department of Transportation

County Elkhart

Route East Hively Avenue

Des. No. 1801933

Main Street & Roosevelt Avenue	NE, NW & SW Quadrants
Main Street & Garden Blvd	NW & SW Quadrants
Hammond Avenue & Lowell Avenue	SE & SW Quadrants
Morton Avenue & Roosevelt Avenue	NW & NE Quadrants

To accommodate a truck route, a full depth reconstruction of the pavement on Warren Street and curb and gutter will be added adjacent to each travel lane south of Hively Avenue. Curb Inlets will be provided and drive approaches will be reconstructed where required along Warren Street. The Warren Street approach at Hammond Avenue will be reconstructed to accommodate truck turning movements.

A green space is proposed in the area between the new Roosevelt Avenue extension and Hively Avenue and Main Street (Appendix B, page 11). This will be located near the relocated flag bus stop, Stop 43, that will now have sidewalk connection. Bus Stop 14 will remain in the same location but improved connection will be provided with the new sidewalks along Main Street.

After the Preferred Alternative is constructed and the new facility is open to traffic, the City of Elkhart and Norfolk Southern will negotiate the crossing closure required by the Local Grant Agreement. As proposed, this closure will occur at E. Lusher Avenue, however, another location could be agreed upon. Any subsequent local road (railroad crossing location on the local network) closure will be executed as a separate project with local funding per the City of Elkhart's Board of Works sometime in the future. The timing of these activities is undefined at this time.

The proposed improvements will avoid impacts to community resources, residential, and commercial properties to the greatest extent possible. The project will require the purchase of permanent and temporary right-of-way (ROW), approximately 10.32 acres of permanent ROW and 0.88 acres of temporary ROW. Reference the ROW section of this document for more details. The project will also require the relocation of twenty-one (21) residential properties and six (6) commercial properties and the acquisition of one (1) residential property (Appendix B, page 8). An acquisition refers to a purchase of a vacant property.

The preferred alternative meets the purpose and need of the project. The construction of the overpass will alleviate the at-grade crossing of Hively Avenue and the Norfolk Southern Railroad tracks and allow vehicular traffic, bicycle and pedestrian movements and trains to move independently of one another. This will reduce congestion and improve mobility and overall travel reliability within the project area. The LOS is anticipated to be a "C". The preferred alternative also includes a truck route that was included after public comments were received at PIM #2. The sidewalk network will be greatly improved; new, connected, ADA compliant sidewalks along Hively Avenue and adjacent side streets, Main Street, Roosevelt Avenue, and Hammond Avenue allow a connection to Monger Elementary School, El Rosal supermarket, churches, residential and businesses; which is an overall benefit to the community. The sidewalk improvements in the vicinity of Monger Elementary are consistent with Safe Routes to School goals identified in local plans including the MACOG *Michiana on the Move: Transportation Plan 2045*. The improved sidewalks also provide connectivity to the MapleHeart Trail which is lacking in the existing condition; this will also improve neighborhood connectivity to the Environmental Center. Pedestrian access to the transit stop will be improved with ADA compliant sidewalk and may be further enhanced by the proposed green space located between the mainline of the new roadway and bridge and the connection back to Hively on the westside. Project plans can be found in Appendix B, pages 29 to 122.

Additional Information

The maintenance of traffic (MOT) plan for the project will be split into phases, Phase 1, Phase 2, and Phase 3 (Appendix B, pages 41, 43, and 45). Phase 1 will keep Hively Avenue open as construction begins south of Hively Avenue and closures will be required on intersecting side streets including Roosevelt Avenue, Homer Avenue, Hammond Avenue, and Warren Street. During this time a detour route will be provided utilizing US 33 and CR 45 (Appendix B, page 39). Phase 2 will require temporary closures on Monger Avenue, sections of Hively Avenue, Roosevelt Avenue, Warren Street and a detour route will be provided utilizing Pleasant Plain Avenue, US 20, and CR 13 (Appendix B, page 43). Phase 3 includes the permanent closure of the existing Hively Avenue alignment and railroad crossing and allows traffic onto the new Hively Avenue alignment (Appendix B, page 45). One of the benefits of the preferred alternative is that the existing Hively Avenue roadway will remain open throughout most of the project construction and will only be closed for a few months during construction. Reference the MOT section of this document for additional MOT details. MOT will be provided for pedestrians and bicyclists utilizing local side streets. This MOT will be shown in the Stage 3 plans. The bus route which uses Main Street should be able to keep its normal route however Stop 43 may need to be temporarily moved during construction. There will be continued coordination with the City of Elkhart for the Interurban Trolley Red Line and included as a project commitment. All applicable recommendations are included in the Environmental Commitments section of this EA document.

The preferred alternative has independent utility, meaning its intent is to grade separate Hively Avenue from the Norfolk Southern Railroad crossing and it includes the necessary adjacent side streets to make it a stand-alone project. The project's logical termini is based on roadway and bridge geometry to connect the new alignment back to the existing network and adjacent side streets.

Indiana Department of Transportation

County Elkhart

Route East Hively Avenue

Des. No. 1801933

OTHER ALTERNATIVES CONSIDERED:

Provide a header for each alternative. Describe all discarded alternatives, including the No Build Alternative. Explain why each discarded alternative was not selected. Make sure to state how each alternative meets or does not meet the Purpose and Need and why.

Four (4) other alternatives were considered. These alternatives were identified in the November 2019 Engineer's Report prepared by Michael Baker International, Inc. (Michael Baker) which built upon the 2017 Feasibility Study. These alternatives are discussed in detail in the Engineer's Report in Appendix M.

Alternative 1: No Build

The No Build (do nothing) alternative would leave the existing at-grade crossing of Hively Avenue and Norfolk Southern Railroad in place, as is, with minor improvements and routine maintenance. The existing deficiencies within the Study Area would continue to cause safety concerns, limit mobility and access, and fail to meet ADA requirements. The No Build does not meet the purpose and need and the No Build provides no net benefit to the community. However, the No Build alternative is an important part of project evaluation as a baseline condition.

Alternative 2: Alternate 2A. Maintain Hively Avenue Alignment; Connection Roadway to South

Alternate 2A would maintain the existing alignment of Hively Avenue. A connection roadway would be added between the Monger Avenue intersection and Main Street to be placed to the south. The grade crossing would be a single span bridge that would span 121 feet and one two span bridge at 118 feet. While the existing alignment would be maintained, it would require a long-term closure of two (2) years during construction, cutting off access to local community resources and businesses. Alternate 2A meets the purpose and need however was not preferred due to less desirable intersection geometry and sight distance, cost of construction, and the long-term closure during construction. This alternative has similar natural/human impacts as the other build alternatives.

Alternative 3: Alternate 2B. Maintain Hively Avenue Alignment; Use Bismark as Connecting Roadway

Alternate 2B would maintain the existing alignment of Hively Avenue. Bismark Avenue would be used as a connecting roadway between Hively Avenue and Main Street. The grade crossing would consist of one single span bridge at 121 feet and one two span bridge at 118 feet span lengths. While the existing alignment would be maintained, it would require a long-term closure of two (2) years during construction, cutting off access to local community resources and businesses. Alternate 2B meets the purpose and need however was not the preferred due to less desirable intersection geometry and sight distance, cost of construction, and the long-term closure during construction. This alternative has similar natural/human impacts as the other build alternatives.

Alternative 4: Alternate 4A. Realign Hively Avenue to South; Use Bismark as Connecting Roadway

Alternate 4A would realign Hively Avenue to the south. Bismark would be used as a connecting roadway between Hively Avenue and Main Street. The grade crossing would consist of one single span with a span of 88 feet and one two span bridge with 121'6" span lengths. Alternate 4B meets the purpose and the need however it was not the preferred due to less desirable intersection geometry and sight distance and construction cost. This alternative is similar natural/human impacts as the other build alternatives.

No Build vs Build Alternative Comparison

The three (3) build alternatives and the preferred alternative were compared to one another and to the no build. Generally, Alternate 2A and Alternate 2B would keep the grade separation (overpass) on the existing Hively Avenue alignment. This would require a long-term closure and complete traffic detour of Hively Avenue for over two (2) years during construction. Alternative 4A would shift the alignment to the south, avoiding long-term closures and complete traffic detours. The range of build alternatives considered and evaluated environmental, socio-economic and community impacts as well as design criteria and the ability to address existing deficiencies and minimize and avoid impacts, to the extent possible. All alternatives were evaluated for meeting the purpose and need along with benefits and potential impacts as shown in Table 3. All the build alternatives provide improved safety and mobility, bike/pedestrian improvements, and are consistent with regional and local comprehensive plans. All the build alternatives meet the purpose and need and have comparable potential impacts. Shifting the alignment to the north would have had similar residential and commercial impacts and would have displaced the El Rosal supermarket, therefore it was dismissed early on.

The build alternatives were further compared to one another for key engineering considerations as shown in Table 4. A major key consideration was the closure of Hively Avenue during construction. The long-term closure of Hively Avenue for Alternative 2A and 2B would impact access to local businesses in the immediate vicinity of the project and impact regional mobility, secondary but important impacts to consider. These secondary impacts may have long term impacts on local businesses and the community who relies on those businesses for goods and services. El Rosal supermarket is of particular concern given the difficulties its customers may encounter due to prolonged access impacts. Shifting the alignment to the south, Alternative 3A and 4A, avoided these impacts

Indiana Department of Transportation

County Elkhart

Route East Hively Avenue

Des. No. 1801933

to the local El Rosal supermarket and other businesses.

Table 3. No Build and Build Benefits and Potential Impacts*

Benefits/Potential Impacts (Temporary and Permanent)	No Build	Build			
		Alternate 2A	Alternate 2B	Alternate 3A (Preferred)	Alternate 4A
Improved Safety and Mobility	No	Yes	Yes	Yes	Yes
Bike/Pedestrian Improvements	No	Yes	Yes	Yes	Yes
Community Impacts	None	Minimum	Minimum	Minimum	Minimum
Property Impacts (by Parcel)*					
Residential	0	37	30	35	34
Commercial	0	11	7	10	8
Other/Community	0	4	5	2	4
Potential Hazardous Waste Sites (combination of high and medium potential sites)	0	4	4	4	5
Public Resources (MapleHeart Trail) Impact	None	Temporary	Temporary	Temporary	Temporary
Environmental Justice Considerations	XX	Potential	Potential	Potential	Potential
Consistent with Regional and Local Comprehensive Plans	No	Yes	Yes	Yes	Yes
Meets Purpose and Need	No	Yes	Yes	Yes	Yes

*This analysis of parcel impacts was conducted in January 2021

Table 4. Key Engineering Considerations for Build Alternatives

Key Engineering Considerations	Alternate 2A	Alternate 2B	Alternate 3A (Preferred)	Alternate 4A
Maintains Hively Ave Current Alignment	Yes	Yes	No	No
Short-term Closure of Hively During Construction	No*	No*	Yes	Yes
Desirable Intersection Geometry and Sight Distance	No	No	Yes	No
Maintains Side Street Access	No	No	Yes	Yes
Minimal Traffic Increase on Bismark Ave	Yes	No	Yes	No
Lowest Estimated Construction Cost	No	No	Yes	No

*Would require a long-term closure for over two years during construction

The No Build Alternative is not feasible, prudent or practicable because (Mark all that apply):

It would not correct existing capacity deficiencies;

It would not correct existing safety hazards;

It would not correct the existing roadway geometric deficiencies;

It would not correct existing deteriorated conditions and maintenance problems; or

It would result in serious impacts to the motoring public and general welfare of the economy.

Other (It would not address the Purpose and Need):

X
X

Indiana Department of Transportation

 County Elkhart

 Route East Hively Avenue

 Des. No. 1801933

ROADWAY CHARACTER:

If the proposed action includes multiple roadways, complete and duplicate for each roadway.

Name of Roadway East Hively Avenue
 Functional Classification: Principal Arterial
 Current ADT: 7,000 VPD (2022) Design Year ADT: 9,900 VPD (2042)
 Design Hour Volume (DHV): 1,210 Truck Percentage (%) 2.50
 Designed Speed (mph): 45 Legal Speed (mph): 35 (posted)

	Existing	Proposed
Number of Lanes:	Varies 2-4	Varies 2-3
Type of Lanes:	Thru, Bike & Turn Lanes	Thru, Bike & Turn Lanes
Pavement Width:	Varies 30-48 ft.	Varies 24-52 ft.
Shoulder Width:	N/A ft.	N/A ft.
Median Width:	N/A ft.	N/A ft.
Sidewalk Width:	4 ft.	5-10 ft.

Setting: Urban Suburban Rural
 Topography: Level Rolling Hilly

Name of Roadway Main Street
 Functional Classification: Minor Arterial
 Current ADT: 14,640 VPD (2022) Design Year ADT: 17,570 VPD (2042)
 Design Hour Volume (DHV): 1,700 Truck Percentage (%) 3.00
 Designed Speed (mph): 40 Legal Speed (mph): 40

	Existing	Proposed
Number of Lanes:	Varies 3-4	Varies 3-4
Type of Lanes:	Thru & Turn Lanes	Thru & Turn Lanes
Pavement Width:	Varies 45-46.5 ft.	Varies 45-46.5 ft.
Shoulder Width:	N/A ft.	N/A ft.
Median Width:	N/A ft.	N/A ft.
Sidewalk Width:	4 ft.	6-10 ft.

Setting: Urban Suburban Rural
 Topography: Level Rolling Hilly

Name of Roadway Roosevelt Avenue (south of Hively Avenue)
 Functional Classification: Local Street
 Current ADT: 340 VPD (2022) Design Year ADT: 1,170 VPD (2042)
 Design Hour Volume (DHV): 190 Truck Percentage (%) N/A
 Designed Speed (mph): 20 Legal Speed (mph): 20

Indiana Department of Transportation

 County Elkhart

 Route East Hively Avenue

 Des. No. 1801933

	Existing	Proposed
Number of Lanes:	2	2
Type of Lanes:	Shared Thru & Turn Lanes	Shared Thru & Turn Lanes
Pavement Width:	22 ft.	22 ft.
Shoulder Width:	N/A ft.	N/A ft.
Median Width:	N/A ft.	N/A ft.
Sidewalk Width:	4.5 ft.	5 ft.

Setting: Urban Suburban Rural
 Topography: Level Rolling Hilly

Name of Roadway: Roosevelt Avenue (north of Hively Avenue)
 Functional Classification: Minor Arterial
 Current ADT: N/A VPD (2022) Design Year ADT: 8,490 VPD (2042)
 Design Hour Volume (DHV): 780 Truck Percentage (%) 2.50
 Designed Speed (mph): 30 Legal Speed (mph): 30

	Existing	Proposed
Number of Lanes:	N/A	3
Type of Lanes:	N/A	Thru & Turn Lanes
Pavement Width:	N/A ft.	42 ft.
Shoulder Width:	N/A ft.	N/A ft.
Median Width:	N/A ft.	N/A ft.
Sidewalk Width:	N/A ft.	8-10 ft.

Setting: Urban Suburban Rural
 Topography: Level Rolling Hilly

Name of Roadway: Hammond/Sterling Avenue
 Functional Classification: Local Agency Collector
 Current ADT: 3,610 VPD (2022) Design Year ADT: 4,340 VPD (2042)
 Design Hour Volume (DHV): 440 Truck Percentage (%) 3.00
 Designed Speed (mph): 35 Legal Speed (mph): 35

	Existing	Proposed
Number of Lanes:	2	2
Type of Lanes:	Thru & Bike Lanes	Thru & Bike Lanes
Pavement Width:	Varies 22-30 ft.	Varies 24-28 ft.
Shoulder Width:	N/A ft.	N/A ft.
Median Width:	N/A ft.	N/A ft.
Sidewalk Width:	8 ft.	10 ft.

Setting: Urban Suburban Rural
 Topography: Level Rolling Hilly

Name of Roadway: Warren Street (south of Hively Avenue)
 Functional Classification: Local Agency Collector
 Current ADT: 110 VPD (2022) Design Year ADT: 2,040 VPD (2042)
 Design Hour Volume (DHV): 210 Truck Percentage (%) 3.00
 Designed Speed (mph): N/A Legal Speed (mph): 25

Indiana Department of Transportation

County Elkhart

Route East Hively Avenue

Des. No. 1801933

	Existing		Proposed
Number of Lanes:	2		Varies 2-3
Type of Lanes:	Thru Lanes		Thru & Turn Lanes
Pavement Width:	26	ft.	Varies 24-38
Shoulder Width:	2	ft.	N/A
Median Width:	N/A	ft.	N/A
Sidewalk Width:	N/A	ft.	N/A

Setting: Urban Suburban Rural
 Topography: Level Rolling Hilly

Name of Roadway Warren Street (north of Hively Avenue)
 Functional Classification: Local Street
 Current ADT: 110 VPD (2022) Design Year ADT: 2,040 VPD (2042)
 Design Hour Volume (DHV): 210 Truck Percentage (%) 3.00
 Designed Speed (mph): 30 Legal Speed (mph): 30

	Existing		Proposed
Number of Lanes:	2		3
Type of Lanes:	Thru Lanes		Thru & Turn Lanes
Pavement Width:	26	ft.	36
Shoulder Width:	2	ft.	N/A
Median Width:	N/A	ft.	N/A
Sidewalk Width:	N/A	ft.	N/A

Setting: Urban Suburban Rural
 Topography: Level Rolling Hilly

Name of Roadway Monger Avenue
 Functional Classification: Local Street
 Current ADT: 270 VPD (2022) Design Year ADT: 870 VPD (2042)
 Design Hour Volume (DHV): 120 Truck Percentage (%) 2.50
 Designed Speed (mph): 20 Legal Speed (mph): 20

	Existing		Proposed
Number of Lanes:	2		2
Type of Lanes:	Thru Lanes		Thru Lanes
Pavement Width:	27	ft.	24
Shoulder Width:	N/A	ft.	N/A
Median Width:	N/A	ft.	N/A
Sidewalk Width:	4.5	ft.	5

Setting: Urban Suburban Rural
 Topography: Level Rolling Hilly

Indiana Department of Transportation

County Elkhart Route East Hively Avenue Des. No. 1801933

Name of Roadway Lowell Avenue
 Current ADT: 120 VPD (2022) Design Year ADT: 120 VPD (2042)
 Design Hour Volume (DHV): 10 Truck Percentage (%) N/A
 Designed Speed (mph): 25 Legal Speed (mph): 25

	Existing	Proposed
Number of Lanes:	2	2
Type of Lanes:	Thru Lanes	Thru Lanes
Pavement Width:	20 ft.	24 ft.
Shoulder Width:	N/A ft.	N/A ft.
Median Width:	N/A ft.	N/A ft.
Sidewalk Width:	N/A ft.	N/A ft.

Setting: Urban Suburban Rural
 Topography: Level Rolling Hilly

Name of Roadway Morton Avenue
 Functional Classification: Local Street
 Current ADT: 600 VPD (2022) Design Year ADT: 600 VPD (2042)
 Design Hour Volume (DHV): 80 Truck Percentage (%) N/A
 Designed Speed (mph): 25 Legal Speed (mph): 25

	Existing	Proposed
Number of Lanes:	2	2
Type of Lanes:	Thru Lanes	Thru Lanes
Pavement Width:	22 ft.	24 ft.
Shoulder Width:	N/A ft.	N/A ft.
Median Width:	N/A ft.	N/A ft.
Sidewalk Width:	5 ft.	5 ft.

Setting: Urban Suburban Rural
 Topography: Level Rolling Hilly

BRIDGES AND/OR SMALL STRUCTURE(S):

If the proposed action includes multiple structures, complete and duplicate for each bridge and/or small structure. Include both existing and proposed bridge(s) and/or small structure(s) in this section.

Structure/NBI Number(s): To be determined Sufficiency Rating: N/A
 (Rating, Source of Information)

	Existing	Proposed
Bridge/Structure Type:	N/A	Continuous Prestress Girder
Number of Spans:	N/A	4
Weight Restrictions:	N/A ton	HL93 ton
Height Restrictions:	N/A ft.	N/A ft.
Curb to Curb Width:	N/A ft.	32'-0" ft.
Outside to Outside Width:	N/A ft.	45'-1" ft.
Shoulder Width:	N/A ft.	6'-0" ft.

Indiana Department of Transportation

County Elkhart

Route East Hively Avenue

Des. No. 1801933

Describe impacts and work involving bridge(s), culvert(s), pipe(s), and small structure(s). Provide details for small structure(s): structure number, type, size (length and dia.), location and impacts to water. Use a table if the number of small structures becomes large. If the table exceeds a complete page, put it in the appendix and summarize the information below with a citation to the table.

There are no existing structures within the project area. The project involves the construction of a new grade separation bridge that will carry Hively Avenue over Main Street, the Norfolk Southern Railroad, and Sterling/Hammond Avenue. Hively Avenue will be realigned to the south of its current alignment to connect to the new bridge structure.

The new bridge will be a four-span continuous prestressed concrete bulb-tee bridge with wall piers, integral abutments and use mechanically stabilized earth (MSE) walls for the approaches. The bridge will be approximately 130 feet long and 45 feet wide with a 32-foot curb to curb width. The bridge will vary in height with a minimum clearance of 20.08 feet tall over the roadways and 23.32 feet over the railroad meeting height requirements. The bridge will provide two 12-foot travel lanes, and a 12-foot, 7-inch left shoulder which includes a 10-foot, 7-inch sidewalk, and a 6-foot right shoulder. A bridge number will be assigned to this structure as the design progresses.

The new bridge is being designed to be compliant with INDOT Standards and additionally Norfolk Southern RR requirements for horizontal and vertical clearances. The bridge is designed for the standard HL93 truck loading configuration.

MAINTENANCE OF TRAFFIC (MOT) DURING CONSTRUCTION:

	Yes	No
Is a temporary bridge proposed?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is a temporary roadway proposed?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will the project involve the use of a detour or require a ramp closure? (describe below)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Provisions will be made for access by local traffic and so posted.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Provisions will be made for through-traffic dependent businesses.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Provisions will be made to accommodate any local special events or festivals.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Will the proposed MOT substantially change the environmental consequences of the action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is there substantial controversy associated with the proposed method for MOT?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discuss closures and/or facilities (if any) that will be provided for maintenance of traffic. Any known impacts from these temporary measures should be quantified to the extent possible, particularly with respect to properties such as Section 4(f) resources and wetlands. Any local concerns about access and traffic flow should be detailed as well.

The maintenance of traffic (MOT) plan for the project will be split into phases, Phase 1, Phase 2, and Phase 3 (Appendix B, pages 41, 43, and 45). Phase 1 will keep Hively Avenue open as construction begins south of Hively Avenue and closures will be required on intersecting side streets including Roosevelt Avenue, Homer Avenue, Hammond Avenue, and Warren Street. During this time a detour route will be provided utilizing US 33 and CR 45 (Appendix B, page 39). Phase 2 will require temporary closures on Monger Avenue, sections of Hively Avenue, Roosevelt Avenue, Warren Street and a detour route will be provided utilizing Pleasant Plain Avenue, US 20, and CR 13 (Appendix B, page 43). Phase 3 includes the permanent closure of the existing Hively Avenue alignment and railroad crossing and allows traffic onto the new Hively Avenue alignment (Appendix B, page 45). One of the benefits of the preferred alternative is that the existing Hively Avenue roadway will remain open throughout most of the project construction and will only be closed for a few months during construction. Reference the MOT section of this document for additional MOT details. MOT will be provided for pedestrians and bicyclists utilizing local side streets. This MOT will be shown in the Stage 3 plans. The bus route which uses Main Street should be able to keep its normal route however Stop 43 may need to be temporarily moved during construction. There will be continued coordination with the City of Elkhart for the Interurban Trolley Red Line and included as a project commitment. All applicable recommendations are included in the Environmental Commitments section of this EA document.

The closures/lane restrictions will pose a temporary inconvenience to traveling motorists (including school buses and emergency services); however, no significant delays are anticipated as the existing Hively Avenue will remain open throughout most of construction and all inconveniences will cease upon project completion. Delays may occur during construction but will cease with project completion.

Indiana Department of Transportation

County Elkhart Route East Hively Avenue Des. No. 1801933

ESTIMATED PROJECT COST AND SCHEDULE:

Engineering: \$ 1,058,937 (2022) Right-of-Way: \$ 3,500,000 (2023) Construction: \$ 10,336,869 (2024)

Anticipated Start Date of Construction: Spring 2024

RIGHT OF WAY:

Land Use Impacts	Amount (acres)	
	Permanent	Temporary
Residential	6.23	0.17
Commercial	3.72	0.14
Agricultural	0.00	0.00
Forest	0.00	0.00
Wetlands	0.00	0.00
Other: Church, School, Utility	0.37	0.57
Other:		
TOTAL	10.32	0.88

Describe both Permanent and Temporary right-of-way and describe their current use. Typical and Maximum right-of-way widths (existing and proposed) should also be discussed. Any advance acquisition, reacquisition or easements, either known or suspected, and their impacts on the environmental analysis should be discussed.

The existing typical ROW widths range from 25 feet from the centerline to a maximum width of 38 feet from the centerline in certain areas of the project area.

The project requires approximately 10.32 of permanent ROW to accommodate the proposed project footprint. The permanent ROW consists of approximately 6.23 acres that will be acquired from residential, 3.72 acres from commercial, and 0.37 acre from other land use including 0.11 acre from Elkhart Community Schools, 0.12 acre from churches, 0.14 acre from utilities. The project also requires approximately 0.88 acre of temporary ROW for grading and construction activities. The temporary ROW consists of approximately 0.17 acre from residential, 0.14 from commercial, and 0.57 acre from other land use including 0.02 from churches and 0.55 from the Norfolk Southern Railroad Company. A Master Property Impact Table that breaks down the ROW by parcel ID, address, and land use can be found in Appendix B, page 9.

If the scope of work or permanent or temporary right-of-way amounts change, the INDOT Environmental Services Division (ESD) and the INDOT District Environmental Section will be contacted immediately.

Indiana Department of Transportation

County Elkhart

Route East Hively Avenue

Des. No. 1801933

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

SECTION A - EARLY COORDINATION:

List the date(s) coordination was sent and all resource agencies that were contacted as a part of the development of this Environmental Study. Also, include the date of their response or indicate that no response was received.

Early coordination letters were sent on May 23, 2019. A copy of the early coordination letter and responses can be found in Appendix C, page 1. The early coordination recipient list is shown in Table 5 with the date responses were received.

Table 5. Early Coordination List

Agency	Date Sent	Date Response Received	Appendix
Indiana Geological and Water Survey (IGWS)	May 23, 2019	May 23, 2019	Appendix C, page 5
Indiana Department of Environmental Management (IDEM)	May 23, 2019	June 12, 2019	Appendix C, page 8
IDEM automated response	May 23, 2019	May 23, 2019	Appendix C, page 9
Indiana Department of Natural Resources, Division of Fish and Wildlife (IDNR, DFW)	May 23, 2019	June 19, 2019	Appendix C, page 19
United States Fish and Wildlife Service (USFWS)	May 23, 2019	May 29, 2019	Appendix C, page 35
United States Army Corps of Engineers (USACE)	May 23, 2019	June 14, 2019	Appendix C, page 21
Natural Resources Conservation Service (NRCS)	May 23, 2019	November 1, 2021	Appendix C, page 24
United States Environmental Protection Agency (USEPA)	May 23, 2019	June 13, 2019	Appendix C, page 25
Federal Highway Administration (FHWA)	May 23, 2019	May 24, 2019	Appendix C, page 31
United States Department of Housing & Urban Development (HUD)	May 23, 2019	No response received	N/A
National Park Service (NPS)	May 23, 2019	No response received	N/A
INDOT Central Office Environmental Services Division	May 23, 2019	No response received	N/A
INDOT Public Involvement Office	May 23, 2019	May 28, 2019	Appendix C, page 32
INDOT Fort Wayne District	May 23, 2019	May 24, 2019	Appendix C, page 33
City of Elkhart ROW Engineer	May 23, 2019	May 24, 2019	Appendix C, page 34
City of Elkhart Public Works and Utilities Department	May 23, 2019	No response received	N/A
Elkhart Local Floodplain Administrator	May 23, 2019	No response received	N/A
Elkhart County Surveyor	May 23, 2019	No response received	N/A
Elkhart Planning and Development	May 23, 2019	No response received	N/A
Elkhart County Parks and Recreation	May 23, 2019	No response received	N/A
Elkhart County Stormwater	May 23, 2019	No response received	N/A
Elkhart County Highway Department	May 23, 2019	No response received	N/A
Office of the Mayor of Elkhart	May 23, 2019	No response received	N/A
Greater Elkhart Chamber Commerce	May 23, 2019	No response received	N/A
Monger Elementary School	May 23, 2019	No response received	N/A

The USEPA responded on May 23, 2019 asking about additional project information (Appendix C, page 26). Coordination is on-going with the USEPA about the project and providing project information as the project progresses including coordination of the Phase II Environmental Site Assessment (ESA) once completed (Appendix C, page 27). This continued coordination has been added as a firm project commitment. All applicable recommendations are included in the Environmental Commitments section of this EA document.

Indiana Department of Transportation

County Elkhart

Route East Hively Avenue

Des. No. 1801933

SECTION B – ECOLOGICAL RESOURCES:

Streams, Rivers, Watercourses & Other Jurisdictional Features

- Federal Wild and Scenic Rivers
- State Natural, Scenic or Recreational Rivers
- Nationwide Rivers Inventory (NRI) listed
- Outstanding Rivers List for Indiana
- Navigable Waterways

Presence

Impacts

Yes No

Total stream(s) in project area: N/A Linear feet Total impacted stream(s): N/A Linear feet

Stream Name	Classification	Total Size in Project Area (linear feet)	Impacted linear feet	Comments (i.e. location, flow direction, likely Water of the US, appendix reference)
N/A	N/A	N/A	N/A	N/A

Describe all streams, rivers, watercourses and other jurisdictional features adjacent or within the project area. Include whether or not impacts (both permanent and temporary) will occur to the features identified. Include if the streams or rivers are listed on any federal or state lists for Indiana. Include if features are subject to federal or state jurisdiction. Discuss measures to avoid, minimize, and mitigate if impacts will occur.

Based on a desktop review, the aerial map of the project area (Appendix B, page 4), the water resource map in the Red Flag Investigation (RFI) report (Appendix E, page 11) there are eight streams, rivers, watercourse or jurisdictional ditches within the 0.5 mile search radius. That number was updated by the site visit on June 5, 2020 by Michael Baker. No streams, rivers, watercourses, or jurisdictional ditches are present within the project area, therefore, no impacts are expected.

Early coordination letters were sent on May 23, 2019 by Michael Baker to the United States Fish and Wildlife Service (USFWS), Indiana Department of Natural Resources (IDNR), Indiana Department of Environmental Management (IDEM), United States Army Corps of Engineers (USACE). USFWS responded on May 29, 2019 stating that because the project will have minor impacts on natural resources USFWS will not be providing a comment letter (Appendix C, page 35). IDNR responded on June 19, 2019 with standard recommendations to avoid, minimize, or compensate for impacts to fish, wildlife, and botanical resources (Appendix C, page 19). IDEM's auto generated responses dated May 23, 2019 listed standard recommendations for water and biotic quality (Appendix C, page 9). USACE responded on June 14, 2019 stating that the project may require a permit if any proposed work occurs within a water of the United States or adjacent wetlands (Appendix C, page 21). Since there are no streams or watercourses within the project area no commitments are applicable.

Open Water Feature(s)

- Reservoirs
- Lakes
- Farm Ponds
- Retention/Detention Basin
- Storm Water Management Facilities
- Other: _____

Presence

Impacts

Yes No

Indiana Department of Transportation

County Elkhart

Route East Hively Avenue

Des. No. 1801933

Describe all open water feature(s) identified adjacent or within the project area. Include whether or not impacts (both permanent and temporary) will occur to the features identified. Include if features are subject to federal or state jurisdiction. Discuss measures to avoid, minimize, and mitigate if impacts will occur.

Based on the desktop review, the aerial map of the project area (Appendix B, page 4), and the RFI report (Appendix E, page 11) there are six lakes within the 0.5 mile search radius. That number was updated by the site visit on June 5, 2020 by Michael Baker. No open water features are present within or adjacent to the project area, therefore, no impacts are expected.

Early coordination letters were sent on May 23, 2019 by Michael Baker to the USFWS, IDNR, IDEM, and USACE. USFWS responded on May 29, 2019 stating that because the project will have minor impacts on natural resources USFWS will not be providing a comment letter (Appendix C, page 35). IDNR responded on June 19, 2019 with standard recommendations to avoid, minimize, or compensate for impacts to fish, wildlife, and botanical resources (Appendix C, page 19). IDEM's auto generated responses dated May 23, 2019 listed standard recommendations for water and biotic quality (Appendix C, page 9). USACE responded on June 14, 2019 stating that the project may require a permit if any proposed work occurs within a water of the United States or adjacent wetlands (Appendix C, page 21). Since there are no open water features within the project area no commitments are applicable.

	Presence	Impacts	
Wetlands	<input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Total wetland area: <u> N/A </u> Acre(s)	Total wetland area impacted: <u> N/A </u> Acre(s)		

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

Wetland No.	Classification	Total Size (Acres)	Impacted Acres	Comments (i.e. location, likely Water of the US, appendix reference)
N/A	N/A	N/A	N/A	N/A

	Documentation	ESD Approval Dates
Wetlands (Mark all that apply)		
Wetland Determination	<input type="checkbox"/>	<input type="checkbox"/>
Wetland Delineation	<input type="checkbox"/>	<input type="checkbox"/>
USACE Isolated Waters Determination	<input type="checkbox"/>	<input type="checkbox"/>

Improvements that will not result in any wetland impacts are not practicable because such avoidance would result in (Mark all that apply and explain):

- Substantial adverse impacts to adjacent homes, business or other improved properties;
- Substantially increased project costs;
- Unique engineering, traffic, maintenance, or safety problems;
- Substantial adverse social, economic, or environmental impacts, or
- The project not meeting the identified needs.

Describe all wetlands identified adjacent or within the project area. Include whether or not impacts (both permanent and temporary) will occur to the features identified. Include if features are subject to federal or state jurisdiction. Discuss measures to avoid, minimize, and mitigate if impacts will occur.

Based on the desktop review, the aerial map of the project area (Appendix B, page 4), and the RFI report (Appendix E, page 11) there are nineteen wetlands within the 0.5 mile search radius. That number was updated to zero (0) by the June 5, 2020 site visit by Michael Baker. No wetlands are present within or adjacent to the project area, therefore, no impacts are expected.

Early coordination letters were sent on May 23, 2019 by Michael Baker to the USFWS, IDNR, IDEM, and USACE. USFWS responded on May 29, 2019 stating that because the project will have minor impacts on natural resources USFWS will not be providing a comment letter (Appendix C, page 35). IDNR responded on June 19, 2019 with standard recommendations to avoid, minimize, or compensate for impacts to fish, wildlife, and botanical resources (Appendix C, page 9). IDEM's auto generated responses dated May 23, 2019 listed standard recommendations for water and biotic quality (Appendix C, page 9). USACE responded on June 14, 2019 stating that the project may require a permit if any proposed work occurs within a water of the United

Indiana Department of Transportation

County Elkhart

Route East Hively Avenue

Des. No. 1801933

States or adjacent wetlands (Appendix C, page 21). Since there are no wetlands within the project area no commitments are applicable.

	Presence	Impacts	
Terrestrial Habitat	Yes	Yes	No
	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Total terrestrial habitat in project area: 6.57* Acre(s) Total tree clearing: 6.57 Acre(s)

Describe types of terrestrial habitat (i.e. forested, grassland, farmland, lawn, etc.) adjacent or within the project area. Include whether or not impacts will occur to habitat identified. Include total terrestrial habitat impacted and total tree clearing that will occur. Discuss measure to avoid, minimize, and mitigate if impacts will occur.

Based on a desktop review, a site visit on June 5, 2020 by Michael Baker, the aerial map of the project area (Appendix B, page 4), the project area is primarily residential and commercial. The residential areas consist of maintained upland vegetation and trees. The project will remove approximately 73 trees (*6.57 acres, calculated based on the IPaC conversion of 73 trees multiplied by 0.09). The total work area disturbance is anticipated to be approximately 20.6 acres which includes approximately 9 acres of maintained lawns, homes, commercial properties, and parking lots. This exceeds 1 acre; therefore, a Rule 5 permit is required. Mitigation is not anticipated for the tree removal as there is no permit or regulation that requires it. However, the project proposes to add green space within the area located between the newly realigned Roosevelt Avenue and Hively Avenue (Appendix B, page 11).

There are terrestrial habitats, including forested habitat, present adjacent to the project area however no impacts are expected. The tree removal will not occur in these forested areas and will be demarcated on plans as areas to avoid. All trees to be removed are within 100 feet from an existing roadway and will be clearly marked and will be removed during the inactive bat season. These have been added as project commitments and are included in the Environmental Commitments section of this EA document.

Early coordination letters were sent on May 23, 2019 by Michael Baker to the USFWS, IDNR, IDEM, and USACE. IDNR responded on June 19, 2019 recommending to revegetate all bare and disturbed areas with a mixture of grasses (excluding all varieties of tall fescue) and legumes as soon as possible upon completion; low endophyte tall fescue may be used in the ditch bottom and side slopes only; and minimize and contain within the project limits all tree and brush clearing; and do not cut any trees suitable for the Indiana bat or Northern Long-eared bat roosting (greater than 5 inches dbh, living or dead, with loose hanging bark, or with cracks, crevices, or cavities) from April 1 through September 30; and plant five trees, at least 2 inches in diameter-at-breast height, for each tree which is removed that is ten inches or greater in diameter-at-breast height. USFWS responded on May 29, 2021 stating that because the proposed project will have minor impacts on natural resources, and no Federally endangered species are known to be present, the USFWS will not be providing a comment letter. All applicable recommendations are included in the Environmental Commitments section of this EA document.

Protected Species

Federally Listed Bats

	Yes	No
Information for Planning and Consultation (IPaC) determination key completed	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Section 7 informal consultation completed (IPaC cannot be completed)	<input type="checkbox"/>	<input type="checkbox"/>
Section 7 formal consultation Biological Assessment (BA) required	<input type="checkbox"/>	<input type="checkbox"/>

Determination Received for Listed Bats from USFWS: NE NLAA LAA

Other Species not included in IPaC

	Yes	No
Additional federal species found in project area (based on IPaC species list)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
State species (not bird) found in project area (based upon consultation with IDNR)	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Migratory Birds

	Yes	No
Known usage or presence of birds (i.e. nests)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
State bird species based upon coordination with IDNR	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Indiana Department of Transportation

County Elkhart

Route East Hively Avenue

Des. No. 1801933

Discuss IDNR coordination and species identified. Describe USFWS Section 7 consultation and determination received for Indiana bat and northern long-eared bat impacts. Discuss if other federally listed species were identified. If so, include consultation that has occurred and the determination that was received. Discuss if migratory birds have been observed and any impacts.

Based on a desktop review and the RFI report (Appendix E, page 1) completed by Michael Baker on October 11, 2019, the IDNR Elkhart County Endangered, Threatened and Rare (ETR) Species List has been checked and is included in Appendix E, pages 14 to 17). According to the IDNR-DFW early coordination response letter dated June 19, 2019 (Appendix C, page 19), the Natural Heritage Program's Database has been checked. No federally threatened, endangered, or rare plant or animal species have been reported to occur in the project vicinity.

Project information was submitted through the USFWS's Information for Planning and Consultation (IPaC) portal, and an official species list was generated (Appendix C, page 51). The project is within range of the federally endangered Indiana bat (*Myotis sodalis*) and the federally threatened northern long-eared bat (NLEB) (*Myotis septentrionalis*). The Monarch Butterfly (*Danaus plexippus*) was listed as a candidate species however no critical habitats are located within the project area. In addition, coordination with IDNR and USFWS did not result in any species other than the Indiana bat and NLEB bat. The project qualifies for the USFWS Interim Policy.

The project qualifies for the *Range-wide Programmatic Informal Consultation for the Indiana bat and northern long-eared bat (NLEB)*, dated May 2016 (revised February 2018), between FHWA, Federal Railroad Administration (FRA), Federal Transit Administration (FTA), and USFWS. An effect determination key was completed on December 21, 2021, and based on the responses provided, the project was found to "May Affect Not Likely to Adversely Affect" the Indiana bat and/or the NLEB (Appendix C, page 36). INDOT reviewed and verified the effect finding on December 22, 2021 and requested USFWS's review of the finding. No response was received from USFWS within the 14-day review period; therefore, it was concluded they concur with the finding. Avoidance and Minimization Measures (AMMs) that are applicable to this project include: General AMMs, Lighting AMMs, and Tree Removal AMMs. All AMMs and/or commitments are included as firm commitments in the Environmental Commitments section of this EA document.

An additional firm commitment has been added that a final inspection be conducted prior to the demolition of any structure: Bat Structure Assessment by a qualified individual must be completed prior to demolition of any structure. Inspection of the structure should check for the presence of bats or birds. If signs of bats or birds are documented during this inspection, the INDOT District Environmental Manager must be contacted immediately. This firm commitment is included in the Environmental Commitments section of this EA document.

This precludes the need for further consultation on this project as required under Section 7 of the Endangered Species Act, as amended. If new information on endangered species at the site becomes available, or if project plans are changed, USFWS will be contacted for consultation.

Geological and Mineral Resources

- Project located within the Potential Karst Features Area of Indiana
- Karst features identified within or adjacent to the project area
- Oil/gas or exploration/abandoned wells identified in the project area

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

Date Karst Study/Report reviewed by INDOT EWPO (if applicable): N/A

Indiana Department of Transportation

County Elkhart

Route East Hively Avenue

Des. No. 1801933

Discuss if project is located in Potential Karst Features Area of Indiana and if any karst features have been identified in the project area (from RFI). Discuss response received from IGWS coordination. Discuss if any mines, oil/gas, or exploration/abandoned wells were identified and if impacts will occur. Describe if any impacts will occur to any karst features. Include discussion of karst study/report was completed and results. (Karst investigation must comply with the current Karst MOU and coordinated and reviewed by INDOT EWPO)

Based on a desktop review, the project is located outside the designated karst region of Indiana as outlined in the most current *Protection of Karst Features during Project Development and Construction*. According to the topo map of the project area (Appendix B, page 2) and the RFI report (Appendix E, page 1), there are no karst features identified within or adjacent to the project area. In the early coordination response dated May 23, 2019, the Indiana Geological and Water Survey (IGWS) did not indicate that karst features exist in the project area (Appendix C, page 5). IGWS identified that there are geological hazards including moderate liquefaction protentional, floodway; mineral resources including moderate potential for bedrock resource and high potential for sand and gravel resource; and abandoned industrial minerals sand gravel pits. The features will not be affected because there are no sand or gravel sites within or adjacent to the project area. The RFI report did not indicate any mining/mineral resources within or adjacent to the project area (Appendix E, page 1). The response from IGWS has been communicated with the designer on May 23, 2019. No impacts are expected.

SECTION C – OTHER RESOURCES

Drinking Water Resources

- Wellhead Protection Area(s)
- Source Water Protection Area(s)
- Water Well(s)
- Urbanized Area Boundary
- Public Water System(s)

Presence

X
X

Impacts

Yes	No
	X
X	

Is the project located in the St. Joseph Sole Source Aquifer (SSA):

- If Yes, is the FHWA/EPA SSA MOU Applicable?
- If Yes, is a Groundwater Assessment Required?

Yes	No
X	
X	
	X

Indiana Department of Transportation

County Elkhart

Route East Hively Avenue

Des. No. 1801933

Check the appropriate boxes and discuss each topic below. Provide details about impacts and summarize resource-specific coordination responses and any mitigation commitments. Reference responses in the Appendix.

Sole Source Aquifer

The Environmental Protection Agency's Sole Source Aquifer website (<https://www.epa.gov/dwssa>) was accessed on May 23, 2019 by Michael Baker. The proposed project is located in Elkhart County, which is located within the area of the St. Joseph Sole Source Aquifer, the only legally designated sole source aquifer in the state of Indiana. The EPA/INDOT Sole Source Aquifer Memorandum of Understanding (MOU) is applicable to this project (Appendix L, page 1). The USEPA responded on May 23, 2019 asking about additional project information (Appendix C, page 25). Coordination is on-going with the USEPA about the project and providing project information as the project progresses including coordination of the Phase II Environmental Site Assessment (ESA) once completed (Appendix C, page 27). The INDOT/EPA MOU states the following that the EPA review will result in one of the following determinations described below. EPA agrees to provide its determination in writing.

a. If EPA determines the proposed project as designed most likely will not result in contamination of the SSA so as to create a significant hazard to public health, EPA intends to inform the requestor (e.g., applicant for FHWA federal-aid highway project or its designee) that no further assessment or evaluation is required under the SSA program. Prior to federal financial assistance for projects within the SSA, INDOT and FHWA agree to review funding applications to confirm that either this determination has been documented by EPA or that the project is exempt from EPA SSA Review (see below).

b. If EPA determines the project has the potential to result in contamination of the SSA so as to create a significant hazard to public health, EPA intends to inform the requestor (e.g., applicant for FHWA federal-aid highway project or its designee), as well as INDOT and FHWA, that a *Detailed Ground Water Impact Assessment* is required.

- 1) If such a determination is made, EPA and FHWA plan to discuss measures that must be implemented to ensure that any contamination of the SSA will not create a significant hazard to the public health; and
- 2) The FHWA and INDOT agree to inspect and monitor to ensure that such measures are implemented.

The EPA has not identified in writing that a Detailed Ground Water Assessment is required at this time. They have requested continued coordination and review of the Phase II ESA. This continued coordination has been added as a firm project commitment in the Environmental Commitment section of this EA.

Wellhead Protection Area and Source Water

The Indiana Department of Environmental Managements Wellhead Proximity Determinator website (<http://www.in.gov/idem/cleanwater/pages/wellhead/>) was accessed on May 23, 2019 by Michael Baker. This project is not located within a Wellhead Protection Area or Source Water Area. In an early coordination letter dated June 12, 2019, IDEM stated the project is not located within a wellhead protection area but is located close to a wellhead protection area (Appendix C, page 8). No impacts are expected.

Water Wells

The Indiana Department of Natural Resources Water Well Record Database website (<https://www.in.gov/dnr/water/3595.htm>) was accessed on May 23, 2019 by Michael Baker. Two unconsolidated wells are shown on the IDNR water well viewer map but were not field identified. The physical address of the owner address locates the wells outside the project construction limits; therefore, there are likely no wells located within the project area. Therefore, no impacts are expected. Should it be determined during the ROW phase that water wells will be affected, a cost to cure will likely be included in the appraisal to restore the wells.

Urban Area Boundary

Based on a desktop review in the RFI (Appendix E, page 12) by Michael Baker on October 11, 2019 this project is located in an Urban Area Boundary (UAB). An early coordination letter was sent on May 23, 2019 to the Elkhart County Stormwater MS4 coordinator. The MS4 coordinator did not respond within the 30-day time frame.

Public Water System

Based on a desktop review, a site visit on June 5, 2020 by Michael Baker, the aerial map of the project area (Appendix B, page 4), the 2019 Engineer's Report, and review of the plans in Appendix B, this project is located where there is a public water system. The public water system belongs to the City of Elkhart. Coordination with the City of Elkhart had occurred throughout the project for all utility relocations including moving waterlines and mains that will be within the construction limits of the Hively Avenue Overpass. Coordination will continue with the City of Elkhart as project plans are finalized.

Indiana Department of Transportation

County Elkhart

Route East Hively Avenue

Des. No. 1801933

Floodplains

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

Presence

Impacts

Yes	No

If applicable, indicate the Floodplain Level?

Level 1 Level 2 Level 3 Level 4 Level 5

Use the IDNR Floodway Information Portal to help determine potential impacts. Include floodplain map in appendix. Discuss impacts according to the classification system. If encroachment on a flood plain will occur, coordinate with the Local Flood Plain Administrator during design to insure consistency with the local flood plain planning.

The Indiana Department of Natural Resources Indiana Floodway Information Portal website (<http://dnrmaps.dnr.in.gov/appsphp/fdms/>) was accessed on May 23, 2019 by Michael Baker. This project is not located in a regulatory floodplain as determined from approved IDNR floodplain maps (Appendix F, page 1). 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.

The USACE response dated June 14, 2019 stated, "review of the applicable Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map database indicates that the project site is not within a Federally mapped floodplain (Enclosure). As the FEMA mapping is for flood insurance purposes, it does not address all floodplains, especially smaller ones. We recommend that you coordinate the grade separation proposal with local officials and with the Indiana Department of Natural Resources regarding the applicability of a floodplain permit prior to construction. This coordination would help ensure compliance with local and state floodplain management regulations and acts, such as the Indiana Flood Control Act (IC 13-2-22). If you obtain information that any part of your project would impact the floodplain, you should consider other alternatives that, to the extent possible, avoid or minimize adverse impacts associated with use of the floodplain."

IDNR responded to early coordination on June 19, 2019 stating that formal approval by the DNR under the regulatory programs administered by the Division of Water is not required for this project (Appendix C, page 19).

Farmland

Agricultural Lands
 Prime Farmland (per NRCS)

Presence

Impacts

Yes	No

Total Points (from Section VII of CPA-106/AD-1006*) _____
**If 160 or greater, see CE Manual for guidance.*

Discuss existing farmland resources in the project area, impacts that will occur to farmland, and mitigation and minimization measures considered.

Based on a desktop review, a site visit on May 8, 2019 by Michael Baker, the aerial map of the project area (Appendix B, page 4), there is no land that meets the definition of farmland under the Farmland Protection Policy Act (FPPA) within or adjacent to the project area. The requirements of the FPPA do not apply to this project; therefore, no impacts are expected. An early coordination letter was sent on May 23, 2019 to Natural Resources Conservation Services (NRCS).

NRCS responded to early coordination on November 1, 2021 stating that the proposed project will not cause a conversion of prime farmland (Appendix C, page 24).

Indiana Department of Transportation

County Elkhart

Route East Hively Avenue

Des. No. 1801933

SECTION D – CULTURAL RESOURCES

Minor Projects PA **Category(ies) and Type(s)** **INDOT Approval Date(s)** **N/A**

Full 106 Effect Finding

No Historic Properties Affected No Adverse Effect Adverse Effect

Eligible and/or Listed Resources Present

NRHP Building/Site/District(s) Archaeology NRHP Bridge(s)

Documentation Prepared (mark all that apply)

APE, Eligibility and Effect Determination
 800.11 Documentation
 Historic Properties Report or Short Report
 Archaeological Records Check and Assessment
 Archaeological Phase Ia Survey Report
 Archaeological Phase Ic Survey Report
 Other:

ESD Approval Date(s)

SHPO Approval Date(s)

<input checked="" type="checkbox"/>	10/5/2021	10/27/2021
<input checked="" type="checkbox"/>	10/5/2021	10/27/2021
<input checked="" type="checkbox"/>	3/19/2021	4/15/2021
<input type="checkbox"/>		
<input checked="" type="checkbox"/>	3/23/2021 & 10/5/2021	4/15/2021 & 10/27/2021
<input type="checkbox"/>		
<input type="checkbox"/>		

Memorandum of Agreement (MOA)

MOA Signature Dates (List all signatories)

Indiana Department of Transportation

County Elkhart

Route East Hively Avenue

Des. No. 1801933

If the project falls under the MPPA, describe the category(ies) that the project falls under and any approval dates. If the project requires full Section 106, use the headings provided. The completion of the Section 106 process requires that a Legal Notice be published in local newspapers. Please indicate the publication date, name of the paper(s) and the comment period deadline. Include any further Section 106 work which must be completed at a later date, such as mitigation from a MOA or avoidance commitments.

Section 106 of the National Historic Preservation Act of 1966 (NHPA) requires that federal agencies identify and assess the effects of federal projects, programs, and actions on historic resources. This includes projects that are supported by federal funds. The Section 106 process was managed by SJCA Inc. (formerly Green 3, LLC), who is listed on the IDNR Department of Historic Preservation and Archaeology's Roster of Qualified Professionals.

Area of Potential Effect (APE): According to 36 FCR 800.16(d), the APE is defined as “the geographic area or areas within which an undertaking may directly or indirectly cause alterations in character or use of historic properties, if any such properties exist. The APE is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking.” The APE for this project includes all properties adjacent to the project and those with a proximate viewshed of the project. The dimensions of the above-ground APE were defined by the new bridge construction over the railroad tracks, realignment of Hively Avenue, urban residential development, and mature vegetation. The APE measures approximately 0.72 mile long and 0.42 mile wide. The archaeological APE consists of all proposed new, temporary, or existing right-of-way as well as any additional areas of investigation beyond it (Appendix D, page 16). Refer to Appendix D, page 49 to 50 for aerial maps of the APE.

Coordination with Consulting Parties: On June 8, 2020, the following parties were sent early coordination letters and invitations to become Consulting Parties as shown in Table 6 (Appendix D, pages 25 to 32).

Table 6. Consulting Parties List

Consulting Party	Respond to Invitation?
Elkhart County Historian	No
Elkhart County Historical Museum	No
Elkhart Historic and Cultural Preservation Commission	No
Michiana Area Council of Governments	No
Elkhart County Commissioners	No
Elkhart Street Department	No
Indiana Landmarks, Northern Regional Office	No
Mayor of Elkhart	No
Forest County Potawatomi Community	Yes to becoming a Consulting Party on 7/8/2020 (Appendix D, page 37 to 38)
Eastern Shawnee Tribe of Oklahoma	Yes to becoming a Consulting Party on 11/10/2021 (Appendix D, page 6 to 7)
Miami Tribe of Oklahoma	Yes to becoming a Consulting Party on 6/23/2020 (Appendix D, page 34)
Peoria Tribe of Indians of Oklahoma	Yes to becoming a Consulting Party on 10/7/2021 (Appendix D, page 5)
Pokagon Band of Potawatomi Indians	Yes to becoming a Consulting Party on 4/23/2021 (Appendix D, page 46)
Delaware Nation of Oklahoma	No

Note: The IDNR State Historic Preservation Officer (SHPO) is an automatic Consulting Party. FHWA is the lead federal agency and INDOT CRO is the acting representative of the FHWA.

The Miami Tribe of Oklahoma replied on June 23, 2020 (Appendix D, page 33) and accepted the invitation to be a consulting party. They stated the Miami Tribe offers no objection to the project and they are not aware of existing documentation directly linking a specific cultural site to the project.

SHPO responded on July 7, 2020 (Appendix D, page 34 to 35) and stated they were unaware of any other parties who should be invited to participate in the Section 106 consultation beyond those whom INDOT had already invited. The agency also advised that, should any potentially historic property be identified and possibly impacted, the owners of said property should be added to the early coordination list. SHPO staff also requested to know which “of the invited consulting parties have accepted the invitation.”

The Forest County Potawatomi Community replied on July 8, 2020 (Appendix D, page 36 to 37) and accepted the invitation to be a consulting party. They stated they would like to review the archaeological report associated with the project.

The Pokagon Band of Potawatomi Indians, the Peoria Tribe of Indians of Oklahoma, and the Eastern Shawnee Tribe of Oklahoma

Indiana Department of Transportation

County Elkhart

Route East Hively Avenue

Des. No. 1801933

did not respond during the 30-day comment period; however, they did respond to the Archaeological Report on April 23, 2021 (Appendix D, page 46) and the Addendum to the Archaeological Report on October 7, 2021 (Appendix D, pages 5) and November 10, 2021 (Appendix D, pages 6 to 7), respectively. See the Archaeology subsection for more information.

Archaeology: SJCA Inc. prepared a Phase Ia Archaeological Literature Review and Reconnaissance Survey (Jackson, March 2021). The report was approved by INDTO CRO and distributed to participating tribes and SHPO for review on March 24, 2021 (Appendix D, pages 40 to 42). The investigation identified two sites within the project area. Both sites were historic scatters that date to the early and mid-to-late 20th century, respectively. It was determined neither site provided information that would enhance understanding of the 20th century history of the region; therefore, both sites failed to meet the minimum criteria for placement on the NRHP. The report recommended that the project be allowed to proceed and planned (Appendix D, pages 51 to 54).

SHPO concurred with the findings in the report in their letter dated April 15, 2021 (Appendix D, pages 43 to 44). SHPO agreed no further work would be required “with the exception of the parcel within ‘Lot 9’ that was not surveyed due to lack of landowner permission” and that they would review the results of the additional survey if work could be completed.

The Pokagon Band of Potawatomi Indians replied on April 23, 2021 (Appendix D, page 45) and stated that they had determined “there will be No Historic Properties in Area of Potential Effects (APE) significant to the Pokagon Band of Potawatomi Indians.” They additionally requested that if any archaeological resources are discovered during construction, their agency is contacted. No other Consulting Parties provided a response regarding archaeology.

SJCA Inc. completed the Addendum to the Archaeological Report (Jackson, August 2021). The Addendum to the Archaeological Report examined Lot 9, which had been bypassed during the original investigation due to a lack of landowner permission, as well as additional temporary right-of-way and a truck route having been added after the original survey. The addendum was approved by INDOT CRO on October 5, 2021 and distributed to participating tribes and SHPO for review on October 6, 2021. The investigation identified one site within the project area. The site was historic scatter that dated to the mid-20th century. It was determined the site would not provide information that would enhance understanding of the 20th century history of the region; therefore, the site failed to meet the minimum criteria for placement on the NRHP. The report recommended that the project be allowed to proceed as planned (Appendix D, pages 54 to 55).

SHPO concurred with the findings of the addendum in their letter dated October 27, 2021 (Appendix D, pages 2 to 3). SHPO agreed no further archaeological work would be necessary.

The Peoria Tribe of Indians of Oklahoma replied on October 7, 2021 (Appendix D, page 5) and stated they had no “documentation directly linking Indian Religious Sites to the newly proposed project location” and that they were unaware of any cultural items or artifacts covered under the NAGPRA associated with the project site. The Peoria Tribe stated they therefore had no objection to the project.

The Eastern Shawnee Tribe of Oklahoma replied on November 10, 2021 (Appendix D, pages 6 to 7) and stated their ancestors previously occupied the project area; however, they determined that the project proposed “No Adverse Effect or endangerment to known sites of interest” to the Eastern Shawnee Tribe. They requested that if any archaeological resources are discovered during construction, their agency is contacted. No other Consulting Parties provided a response regarding archaeology.

Historic Properties: SJCA Inc. prepared the HPSR for this project (Wood, March 2021). The report concluded the APE contains no properties listed in the NRHP and that no resources were eligible for listing in the NRHP (Appendix D, pages 48 to 49). INDOT CRO approved the HPSR for distribution to SHPO and Consulting Parties on March 19, 2021, and the HPSR was forwarded to SHPO and Consulting parties on March 24, 2021. The SHPO responded to the HPSR mailing on April 15, 2021, stating that the agency agrees with the consultant’s conclusions that there are no properties listed or eligible for the NRHP within the project APE (Appendix D, pages 44 to 45). No other Consulting Parties provided a response regarding the HPSR.

Documentation Findings: A Finding of “No Historic Properties Affected” for this project was approved by INDOT CRO for distribution to Consulting Parties and SHPO on October 5, 2021 (Appendix D, pages 15 to 20). There were changes to the project scope after the HPSR had been approved and distributed to Consulting Parties. These changes were documented in the 800.11 distribution letter, and the updated historic properties findings were added to the 800.11 documentation. The findings of the HPSR were not changed and no listed or eligible properties were found within the project APE (Appendix D, pages 19 to 20).

The Effect Finding documentation was provided to SHPO and Consulting Parties on October 6, 2021 (Appendix D, pages 9 to 14). SHPO concurred with the “No Historic Properties Affected” finding in their letter dated October 27, 2021 (Appendix D, pages 2 to 3). No other responses from Consulting Parties were received.

Indiana Department of Transportation

County Elkhart

Route East Hively Avenue

Des. No. 1801933

Public Involvement: A notice informing the public of the finding and opportunity to comment on the “No Historic Properties Affected” finding was published in the *Elkhart Truth* on October 9, 2021. No comments were received during the public comment period, which ended on November 9, 2021. The text of the public notice and the affidavit of publication appear in Appendix D, pages 22 to 23.

This completes the Section 106 process and the responsibilities of the FHWA under Section 106 have been fulfilled.

SECTION E – SECTION 4(f) RESOURCES/ SECTION 6(f) RESOURCES

	<u>Presence</u>	<u>Use</u>	
		<u>Yes</u>	<u>No</u>
Parks and Other Recreational Land			
Publicly owned park	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Publicly owned recreation area	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other (school, state/national forest, bikeway, etc.)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Wildlife and Waterfowl Refuges			
National Wildlife Refuge	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
National Natural Landmark	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
State Wildlife Area	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
State Nature Preserve	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Historic Properties			
Site eligible and/or listed on the NRHP	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Evaluations Prepared</u>			
Programmatic Section 4(f)	<input type="checkbox"/>		
“De minimis” Impact	<input type="checkbox"/>		
Individual Section 4(f)	<input type="checkbox"/>		
Any exception included in 23 CFR 774.13	<input checked="" type="checkbox"/>		

Indiana Department of Transportation

County Elkhart

Route East Hively Avenue

Des. No. 1801933

Discuss Programmatic Section 4(f) and "de minimis" Section 4(f) impacts in the discussion below. Individual Section 4(f) documentation must be included in the appendix and summarized below. Discuss proposed alternatives that satisfy the requirements of Section 4(f). FHWA has identified various exceptions to the requirement for Section 4(f) approval. Refer to 23 CFR § 774.13 - Exceptions.

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 regardless of ownership. Lands subject to this law are considered Section 4(f) resources.

Based on a desktop review, the aerial map of the project area (Appendix B, page 4), and the RFI report (Appendix E, page 1), there is one potential 4(f) resource located within the 0.5 mile search radius. According to additional research and by the site visit on June 5, 2020 by Michael Baker, there are two 4(f) resources, MapleHeart Trail and Monger Elementary School, located within or adjacent to the project area.

MapleHeart Trail is a public trail. The City of Elkhart is the official with jurisdiction (OWJ). The project qualifies for a Section 4(f) exception for transportation enhancement activities under 23 CFR 774.13(d) which is temporary occupancies of land that are so minimal as to not constitute a use within the meaning of Section 4(f) where the following conditions must be satisfied:

- (1) Duration must be temporary, *i.e.*, less than the time needed for construction of the project, and there should be no change in ownership of the land;
- (2) Scope of the work must be minor, *i.e.*, both the nature and the magnitude of the changes to the Section 4(f) property are minimal;
- (3) There are no anticipated permanent adverse physical impacts, nor will there be interference with the protected activities, features, or attributes of the property, on either a temporary or permanent basis;
- (4) The land being used must be fully restored, *i.e.*, the property must be returned to a condition which is at least as good as that which existed prior to the project; and
- (5) There must be documented agreement of the official(s) with jurisdiction over the Section 4(f) resource regarding the above conditions.

The entire project will be constructed in three phases, Phase 1, Phase 2, and Phase 3. The construction of the realignment the MapleHeart Trail, due to the realignment of Hammond/Sterling Avenue, will occur in Phase 1 of the project and the trail is anticipated to be open in Phase 2 and Phase 3 of the project. A pedestrian detour route will be provided for each Phase of the project. The ownership of the MapleHeart Trail will remain under the jurisdiction of the City of Elkhart. No adverse physical impacts are anticipated, and the condition will be at least as good as that which existed prior to the project or better. MOT will be provided for the trail utilizing local side streets. The MOT for the trail detour will be provided in the Stage 3 plans. The City of Elkhart concurred with the proposed project and temporary occupancy of the MapleHeart Trail in a letter signed April 5, 2022 (Appendix K, page 3).

Monger Elementary School is a public school located at the west end of the project. The project will require approximately 0.11 acre of permanent ROW from a maintained lawn area of the school's parking lot (Appendix B, page 8). The parking lot spaces and use will not be impacted. Section 4(f) applicability would not apply to this portion of the school as its primary function is not for public recreation. The project team coordinated with Elkhart Community Schools to discuss the project, anticipated impacts, and address any concerns (Appendix G, page 126). The school district stated they prefer 8 feet sidewalks for maintenance and snow removal. The project team will incorporate this request in the plans and provide an 8 feet sidewalk within the vicinity of the school. This is included as a project commitment. All applicable recommendations are included in the Environmental Commitments section of this EA document.

Section 6(f) Involvement

Presence

Use

Section 6(f) Property

Yes

No

Indiana Department of Transportation

County Elkhart

Route East Hively Avenue

Des. No. 1801933

Discuss Section 6(f) resources present or not present. Discuss if any conversion would occur as a result of this project. If conversion will occur, discuss the conversion approval.

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 INDOT ESD website revealed a total of 20 properties in Elkhart County (Appendix K, page 1). None of these properties are located within or adjacent to the project area. Therefore, there will be no impacts to 6(f) resources.

SECTION F – Air Quality

STIP/TIP and Conformity Status of the Project

Is the project in the most current STIP/TIP?

Yes No

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

Is the project located in an MPO Area?

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

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

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

If Yes, then:

Is the project in the most current MPO TIP?

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

Is the project exempt from conformity?

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

If No, then:

Is the project in the Transportation Plan (TP)?

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

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

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

Within the Michiana Area Council of Governments (MACOG) TIP on page 1, which has been directly incorporated into the FY 2022-2026 STIP

Location in STIP:

Name of MPO (if applicable):

Michiana Area Council of Governments
MACOG

Location in TIP (if applicable):

2022-2026 TIP (Appendix H, page 5)

Level of MSAT Analysis required?

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

Describe if the project is listed in the STIP and if it is in a TIP. Describe the attainment status of the county(ies) where the project is located. Indicate whether the project is exempt from a conformity determination. If the project is not exempt, include information about the TP and TIP. Describe if a hot spot analysis is required and the MSAT Level.

This project is included in the Fiscal Year (FY) 2022-2026 MACOG Transportation Improvement Program (MPO TIP) (Appendix H, page 5).

The project is located in Elkhart County, which is currently in non-attainment for 1-Hour Ozone and 8-Hour Ozone according to IDEM's website: <https://www.in.gov/ideM/sips/nonattainment-status-of-counties/>. The Ozone 8-hour standard was revoked in 2015 but is being evaluated for conformity due to the February 16, 2018, South Coast Air Quality Management District V. Environmental Protection Agency, Et. Al. Decision). The project's design concept and scope are accurately reflected in both the MACOG regional plan: *Michiana on the Move: Transportation Plan 2045* and the Transportation Improvement Plan (TIP) and both conform to the State Implementation Plan (SIP). Therefore, the conformity requirements of 40 CFR 93 have been met.

This project is a type qualifying as a categorical exclusion (Group 1) under 23 CFR 771.117 (c), or exempt under the Clean Air Act conformity rule under 40 CFR 93.126, and as such a Mobile Source Air Toxics analysis is not required.

Indiana Department of Transportation

County Elkhart

Route East Hively Avenue

Des. No. 1801933

SECTION G - NOISE

Noise

Yes No

Is a noise analysis required in accordance with FHWA regulations and INDOT's traffic noise policy?

Date Noise Analysis was approved/technically sufficient by INDOT ESD: May 25, 2021

Describe if the project is a Type I or Type III project. If it is a Type I project, describe the studies completed to date and if noise impacts were identified. If noise impacts were identified, describe if abatement is feasible and reasonable and include a statement of likelihood.

A Noise Technical Report was conducted by Michael Baker on May 24, 2021 (Appendix I, page 1). A Type I noise analysis was performed. Seven existing ambient measurements were recorded. Two of the ambient levels approached or exceeded the NAC criteria. A total of 128 location sites representing 128 receptors were modeled for the existing, design year build and no-build alternatives. Existing modeled Leq noise levels ranged from 41.6 dBA to 68.7 dBA (Interior; 29.5 dBA to 32.3 dBA). There were seven receptors that approach or exceed the applicable NAC criteria as defined in the INDOT Traffic Noise Analysis Procedure. These locations consisted of seven residential land uses. An evaluation of the design year No Build scenario resulted in the identification of 10 residences that approached or exceeded the NAC criteria.

The analysis summary predicted 14 total impacts (14 NAC and zero substantial increase impacts). There were no barriers that met INDOT's criteria for "feasibility". Therefore, no barriers are proposed to be carried forward as a result of this preliminary analysis. A final determination on noise abatement will be made during the final design phase of the project. At such time, additional noise analysis will be performed as applicable to more accurately determine barrier performance, barrier characteristics (length and height), and the optimal barrier location for any potential noise barriers that may be recommended for noise abatement.

This noise analysis was based on preliminary design criteria. INDOT reviewed the noise analysis on May 25, 2021 and found it to be technically sufficient (Appendix I, page 52). A reevaluation of the noise analysis will occur during final design. If during final design it has been determined that conditions have changed and noise impacts are identified, noise abatement will be evaluated at that time as to whether it is feasible and reasonable. This has been added as a firm commitment in the Environmental Commitment Section of this document.

SECTION H – COMMUNITY IMPACTS

Regional, Community & Neighborhood Factors

Will the proposed action comply with the local/regional development patterns for the area?

Will the proposed action result in substantial impacts to community cohesion?

Will the proposed action result in substantial impacts to local tax base or property values?

Will construction activities impact community events (festivals, fairs, etc.)?

Does the community have an approved transition plan?

If No, are steps being made to advance the community's transition plan?

Does the project comply with the transition plan? (explain in the discussion below)

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

Indiana Department of Transportation

County Elkhart

Route East Hively Avenue

Des. No. 1801933

Discuss how the project complies with the area's local/regional development patterns; whether the project will impact community cohesion; and impact community events. Discuss how the project conforms with the ADA Transition Plan.

As with any proposed major infrastructure improvement, the community and, specifically, adjacent property owners and occupants will experience some degree of direct, indirect, and cumulative impacts.

Residential property impacts will require land acquisition and relocation assistance. To further address this issue, a draft Conceptual Stage Relocation Study (CSRS) has been prepared (Appendix N, page 1). There are also business impacts including the proposed relocation of the Speedwash Laundromat, Hunter's Restaurant, a Kentucky Fried Chicken, 7-11 gas station, all resources that are utilized by the community. In addition, there are two growing businesses Pavel's Auto and Moreno's Roofing that will be relocated. These businesses will most likely not be able to be relocated within the project vicinity. In addition, direct access from Homer Avenue to Hively Avenue will be cut off and a cul-de-sac will be added at the north end of Homer Avenue.

Elkhart County has an approved ADA transition plan viewable online at <http://www.elkcohw.org/resources/ada/ada-transition-plan/>. The City of Elkhart has an approved ROW ADA Transition Plan, which is viewable online at https://elkhartindiana.org/wpfd_file/right-of-way-ada-transition-plan/. The project is in compliance with both the County and City's ADA transition plans.

An event calendar was viewed on Elkhart Counties website <https://www.visitelkhartcounty.com/events/>. Close coordination had been conducted with the City of Elkhart about the timing of construction and any community events that may be planned. In addition, the City of Elkhart upcoming events calendar was viewed on the City's main website page <https://elkhartindiana.org/>. No community events are planned for the immediate project area during the time of construction. Therefore, impacts to community events are not expected.

The project is located within a Tax Increment Financing (TIF) District (Appendix K, page 8). The condensed TIF has 2,796 parcels and the total revenue of this TIF is approximately 1.9 million. The project will impact 17 parcels which is 0.61% impact to the total parcels within the consolidated TIF. The project will create a loss of approximately \$47,671 (total tax collected from parcels) which is 2.51% loss of the total revenue (Appendix K, page 9). Coordination was conducted with the City of Elkhart Assistant Director for Economic Development and the TIF Infrastructure Project Supervisor. They provided the following information (Appendix K, page 10):

- Project has long term positive impact for both residential and commercial uses in that it reduces congestion and traffic backup in this corridor.
- The loss of residential parcels with respect to their contribution to TIF increment will be negligible.
- Local commercial businesses that are displaced have ample opportunities to relocate within the corridor.
- The short-term disruption of traffic flow is manageable and not deemed to be an impediment to economic development.

The proposed project has numerous benefits to the community. The bridge overpass will alleviate the at-grade crossing of Hively Avenue and the Norfolk Southern Railroad tracks and allow vehicular traffic, bicycle and pedestrian movements and trains to move independent of one another. This will reduce congestion and improve mobility and overall travel reliability within the project area. The sidewalk network will be greatly improved; new, connected, ADA compliant sidewalks along Hively Avenue and adjacent side streets, Main Street, Roosevelt Avenue, and Hammond Avenue allow a connection to Monger Elementary School, El Rosal supermarket, churches, residential and businesses; an overall benefit to the community. The sidewalk improvements in the vicinity of Monger Elementary are consistent with Safe Routes to School goals identified in local plans. The improved sidewalks also provide connectivity to the MapleHeart Trail which is lacking in the existing condition; this will also improve neighborhood connectivity to the Environmental Center. The City of Elkhart has also committed to adding new signage for the Environmental Center (located outside of the Study Area) which has been added as a project commitment. All applicable recommendations are included in the Environmental Commitments section of this EA document.

Pedestrian access to the transit stop will be improved with ADA compliant sidewalk and may be further enhanced by the proposed green space located between the mainline of the new roadway and bridge and the connection back to Hively on the westside. The MOT of the preferred alternative keeps the existing Hively Avenue roadway open throughout most of the project construction and will only be closed for a few months during construction.

Indiana Department of Transportation

County Elkhart

Route East Hively Avenue

Des. No. 1801933

Public Facilities and Services

Discuss what public facilities and services are present in the project area and impacts (such as MOT) that will occur to them. Include how the impacts have been minimized and what coordination has occurred. Some examples of public facilities and services include health facilities, educational facilities, public and private utilities, emergency services, religious institutions, airports, transportation or public pedestrian and bicycle facilities.

Based on a desktop review, the aerial map of the project area (Appendix B, page 4) and the RFI report (Appendix E, page 1), there are thirteen (13) facilities located within the 0.5 mile of the project. That number was updated to four (4) facilities by the site visit on June 5, 2020 by Michael Baker. The project area includes two (2) religious facilities, Zion Missionary Church and El Divino Redentor, one (1) school, Monger Elementary School, and one (1) trail, MapleHeart Trail. The project will temporarily impact these resources with minor inconveniences during construction. Access will be maintained to the churches and school throughout construction although alternate detour routes may need to be used. A detour route will be provided for pedestrians, bicyclists, and for the trail. Coordination with these facilities has occurred throughout the project.

Overall, the project will improve connectivity within the project area to these facilities. The ADA compliant sidewalks will provide improved pedestrian connections to the churches, school, and trail. The sidewalk improvements in the vicinity of Monger Elementary are consistent with Safe Routes to School goals identified in local plans including the Michiana Area Council of Governments (MACOG) *Michiana on the Move: Transportation Plan 2045*. The reduction in traffic backups should also improve access points to these facilities.

Early coordination letters were sent on May 23, 2019 by Michael Baker to the City of Elkhart Public Works and Utilities Department, Office of the Mayor of Elkhart, Elkhart County Surveyor, Elkhart County Planning and Development, Elkhart County Parks and Recreation, Elkhart County Stormwater, Elkhart County Highway Department, Greater Elkhart Chamber of Commerce, and Monger Elementary School. The ROW Engineer from the City of Elkhart Public Works and Utilities responded (Appendix C, page 34). No other responses were received. A City of Elkhart Executive Briefing was held on June 22, 2021 with the City of Elkhart and the Mayor to discuss the preferred alternative. This meeting identified additional information such as traffic flow exhibits that were shown during the PIM #3.

In addition to early coordination letters, draft CSRS and KTM's held with owners, residents and businesses being impacted by the project, the project team met with Elkhart Community Schools and the El Rosal local supermarket to discuss the project, anticipated impacts, and address any concerns (Appendix G, page 122). The school district stated they would prefer 8 feet sidewalks for maintenance and snow removal. The project team is incorporating this request in the plans and will provide an 8 feet sidewalk within the vicinity of the school. This is included as a project commitment. It was discussed with El Rosal that there will be minor impacts to their parking lot. There will be continued coordination over reconfiguring and restriping the parking lot. This is included as a project commitment.

It is the responsibility of the project sponsor to notify school corporations and emergency services at least two weeks prior to any construction that would block or limit access. All applicable recommendations are included in the Environmental Commitments section of this EA document.

Environmental Justice (EJ) (Presidential EO 12898)

During the development of the project were EJ issues identified?

Does the project require an EJ analysis?

If YES, then:

Are any EJ populations located within the project area?

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

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

Indiana Department of Transportation

County Elkhart

Route East Hively Avenue

Des. No. 1801933

Indicate if EJ issues were identified during project development. If an EJ analysis was not required, discuss why. If an EJ analysis was required, describe how the EJ population was identified. Include if the project has a disproportionately high and adverse effect on EJ populations and explain your reasoning. If yes, describe actions to avoid, minimize and mitigate these effects.

Under FHWA Order 6640.23A, FHWA and the project sponsor, as a recipient of funding from FHWA (in this case the potential for federal funding in the future), 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. For this initial analysis the project Study Area was used (Appendix B, page 4).

Potential EJ impacts are detected by locating minority and low-income populations relative to a reference population to determine if populations of EJ concern exist 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 Elkhart County. The community that overlaps the Study Area is called the affected community (AC). In this project, the AC is Census Tract 19.01, Block Group 5 and Census Tract 21.02, Block Group 1 and 3. 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 2019 American Community Survey (ACS) 5-Year Estimates was obtained from the US Census Bureau Website <https://data.census.gov/cedsci/> on October 18, 2021 by Michael Baker. The data collected for minority, Hispanic and low-income populations within the AC are summarized in Table 7. Michael Baker also provided further analysis for Limited English-Speaking Households and Spanish Speaking Households within the ACs compared to the COC.

Table 7. Hively Avenue Overpass Environmental Justice AC comparison to COC

Hively Avenue Overpass EJ Analysis				
Census Bureau 2018 ACS 5-Year Estimates Information	COC Elkhart County, Indiana	AC-1 Block Group 1, Census Tract 21.02, Elkhart County, Indiana	AC-2 Block Group 3, Census Tract 21.02, Elkhart County, Indiana	AC-3 Block Group 5, Census Tract 19.01, Elkhart County, Indiana
Minority Population EJ Analysis				
Minority Population (Non-white)	26,017	177	1,145	82
Percent Minority	12.72%	13.76%	40.92%	7.35%
125% of COC	15.90%	AC > 125% COC?		
Minority Population of EJ Concern?		No	Yes	No
Hispanic Population EJ Analysis				
Hispanic Population	32,583	851	470	40
Percent Hispanic	15.93%	66.17%	16.80%	3.59%
125% of COC	19.91%	AC > 125% COC?		
Hispanic Population of EJ Concern?		Yes	No	No
Low Income Population EJ Analysis				
Total Number of Families	50,065	267	730	223
Families Below Poverty Level	4,432	0	172	37
Percent Low-Income (below poverty level)	6.18%	0.00%	14.96%	10.54%
125% of COC	7.72%	AC > 125% COC?		
Low Income Households of Concern?		No	Yes	Yes
Limited English Speaking Households				
Total Number of Households	71,718	396	1,150	351
Limited English-Speaking Households	2,390	56	17	0
Percent Limited English Speaking	3.33%	14.14%	1.48%	0.00%
125% of COC	4.17%	AC > 125% COC?		
Limited English Households of Concern?		Yes	No	No

Indiana Department of Transportation

County Elkhart

Route East Hively Avenue

Des. No. 1801933

Spanish Speaking Households				
Households Speaking Spanish	8,086	256	96	11
Percent Spanish Speaking Households	11.27%	64.65%	8.35%	3.13%
125% of COC	14.09%	AC > 125% COC?		
Spanish Speaking Households of Concern?		Yes	No	No

AC-1, Block Group 1, Census Tract 21.02 has a percent minority of 13.76% which is below 50% and below the 125% COC threshold. AC-1 has a percent Hispanic population of 66.17% which is above 50% and above the 125% COC threshold. AC-2, Block Group 3, Census Tract 21.02 has a percent minority of 40.92% which is below 50% but is above the 125% COC. AC-2 has a percent Hispanic population of 16.80% which is below 50% and below the 125% threshold. AC-3, Block Group 5, Census Tract 19.01 has a percent minority of 7.35% which is below 50% and is below the 125% COC. AC-3 has a percent Hispanic population of 3.59% which is below 50% and below the 125% threshold. Therefore, AC-1 and AC-2 have a minority population (non-white or Hispanic) of EJ concern.

AC-1, Block Group 1, Census Tract 21.02 has a percent low-income of 0.00% which is below 50% and is below the 125% COC threshold. AC-2, Block Group 3, Census Tract 21.02 has a percent low-income of 14.96% which is below 50% but is above the 125% COC. AC-3, Block Group 5, Census Tract 19.01 has a percent low-income of 10.54% which is below 50% but is above the 125% COC. Therefore, AC-2 and AC-3 have a low-income population of EJ concern.

AC-1, Block Group 1, Census Tract 21.02 has a percent limited English speaking households of 14.14% which is below 50% but is above the 125% COC threshold. AC-2, Block Group 3, Census Tract 21.02 has a percent limited English speaking households of 1.48% which is below 50% and is below the 125% COC. AC-3, Block Group 5, Census Tract 19.01 has a percent limited English speaking households of 0.00% which is below 50% and is below the 125% COC. Therefore, AC-1 has a limited English speaking population of EJ concern.

AC-1, Block Group 1, Census Tract 21.02 has a percent Spanish speaking households of 64.65% which is above 50% and above the 125% COC. AC-2, Block Group 3, Census Tract 21.02 has a percent Spanish speaking households of 8.35% which is below 50% and is below the 125% COC. AC-3, Block Group 5, Census Tract 19.01 has a percent Spanish speaking households of 3.13% which is below 50% and is below the 125% COC. Therefore, AC-1 has a Spanish speaking household population of EJ concern.

In summary it was identified that AC-1, Block Group 1, Tract 21.02 has limited English speaking and Spanish speaking population of concern, AC-2, Block Group 3, Tract 21.02 has a low-income and minority population of concern, and AC-3, Block Group 5, Tract 19.01 has a low-income population of concern.

The presence of EJ populations was established early in the project as the community context and public involvement plan were developed. The City of Elkhart as the local agency lead continues to provide important oversight and coordination for all public outreach activities including interfacing with local stakeholders. The City of Elkhart provides translations services using city staff who are familiar with the community. Based on an understanding of the community, meeting notification materials have been translated to Spanish. A Spanish translator has been used to provide translation at the public information meetings and the public hearing.

An EJ Burdens and Benefits Analysis was prepared for the project and can be found in Appendix J, page 29. The analysis concluded that the Preferred Alternative has disproportionately high and adverse effects, in the form of displacements and relocations, but the Preferred Alternative has the least adverse effect and overall project impacts while providing the most benefit. All the build alternatives developed and considered have similar displacement impacts. The Preferred Alternative also allows Hively Avenue to remain open for the majority of the construction duration which avoids and minimizes travel impacts, delays, stress on adjacent business and allows for vehicular mobility during construction; this is not the case with other build alternatives considered. The No Build would leave the Study Area in its current condition continuing an existing burden to EJ populations due to the lack of connectivity of existing facilities and an unsafe crossing for pedestrians and bicyclists with the railroad. The No Build provides no net benefit to the community as a whole or EJ populations.

The Preferred Alternative provides mitigation measures including the creation of dedicated green spaces (including a new pocket park), enhanced fully ADA compliant sidewalk including non-impacted sidewalk, wider sidewalk accommodations near Monger Elementary School, parking lot reconfiguration and improved access to El Rosal supermarket (Minority business), improved ADA compliant flag bus stop, and improved connectivity to the MapleHeart Trail. These mitigation measures are included as firm commitments in the Environmental Commitments section of this EA document.

Indiana Department of Transportation

County Elkhart

Route East Hively Avenue

Des. No. 1801933

The Preferred Alternative also provides off-set benefits including improved EMS access and response times, improved safety for all modes of transportation including vehicles, pedestrians, bicyclists, and those with disabilities, improved micro air quality within the vicinity (reduced idling associated with traffic), improved community connectivity and access to resources including the Elkhart Environmental Center, Monger Elementary, local businesses, green space and MapleHeart Trail, improved aesthetics, improved public health, and improved commercial vehicle access and reliability.

Reference Appendix J for the full EJ Burdens and Benefits Analysis.

Relocation of People, Businesses or Farms

Will the proposed action result in the relocation of people, businesses or farms?

Is a BIS or CSRS required?

Yes	No
X	
X	

Number of relocations: Residences: 21 Businesses: 6 Farms: 0 Other: 0

Indiana Department of Transportation

County Elkhart

Route East Hively Avenue

Des. No. 1801933

Discuss any relocations that will occur due to the project. If a BIS or CSRS is required, discuss the results in the discussion below.

The project will require the relocation of twenty-one (21) residential properties and six (6) commercial properties and the acquisition of one (1) residential property (Appendix B, page 8). In total the project will purchase twenty-seven (27) occupied properties and one (1) vacant property. The impacted businesses include Speedwash Laundromat, Hunter's Restaurant, Kentucky Fried Chicken, 7-11 gas station, and two growing businesses Pavel's Auto and Moreno's Roofing. Pavel Auto's primary concern is finding another place that is near their customer base and affordable. One residential relocation is a rental that allows Sec 8 and a pet. This tenant is very concerned about rent afford-ability and being able to get back into the Sec 8 program.

The acquisition and relocation program will be conducted in accordance with 49 CFR 24 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended. Relocation resources are available to all residential and business relocates without discrimination. No person displaced by this project will be required to move from a displaced dwelling unless comparable replacement housing is available to that person.

A CSRS is required for the project and the draft is included in Appendix N. Under the Uniform Act, there can be eligibility for multiple relocations on a single parcel of land that is to be acquired (this can include owner-occupied, tenant-occupied residence, etc); therefore, the project has an estimated total of 33 eligible relocations as further explained in the CSRS (Appendix N, page 4). Affected owners, residents including renters, and businesses were offered the opportunity to meet with members of the project team in person, by phone, or via video call for a kitchen table meeting (KTM). The purpose of the meeting was to familiarize residents with the project and members of the project team, answer their questions, and address their concerns. KTM's have been conducted with 31 of 33 (94%) potential relocation parcels. One business (KFC) did not respond to the two owner contact letters that were mailed. Specific general observations from the KTM's are summarized as the following in the CSRS (Appendix N, page 6):

1. Interactions with residents and businesses were very cordial and people were welcoming and inquisitive.
2. Several residents expressed that they will be happy to move away from the high-traffic area and look forward to the day when they are no longer stopped at the railroad tracks.
3. Attitudes regarding the project are generally positive. Only one resident spoke out against it, but admitted he is looking forward to a fresh start in a new home.
4. Everyone interviewed is aware of and concerned about the fast-moving real estate market—whether they are looking for homes to purchase or rent, or a new business location.

The CSRS identified one homeowner (Spanish) and one business owner (Ukrainian) that would like to have a translator present at meetings, but each understands and speaks English well enough to communicate directly with the project team, and each had a trusted translator in their family to help communicate more complex ideas during the KTM's (Appendix N, page 13).

The conclusion of the CSRS states that relocation payments are the fuel that drives movement in ROW projects, and this need is magnified in today's real estate market and in this Study Area. Home buyers and tenants will be overwhelmed by the fast-moving market if relocation funds are not readily available to help them purchase or rent new homes. To help improve the outcomes of all the displaced residents, the City of Elkhart and INDOT must be willing to adapt their processes to allow relocation claims to be paid quickly and they should allow the relocation agent the flexibility to re-do purchase and rental comps so that price differential and rental assistance payments can keep pace with skyrocketing home purchase prices and rental rates.

Businesses provide employment, stimulate the local economy, and expand the tax base. Data indicate that there are adequate replacement options for the four growing businesses, although the needs of each is quite different. There appears to be adequate commercial real estate available for the two growing businesses—Pavel's Auto and Moreno's Roofing—to relocate and continue to grow. Two other business owners will probably take this opportunity to retire.

It is difficult to measure the impact a project such as this will have on the surrounding area, but it is likely that the net effect of this project will be positive. Traffic delays caused by stopped trains occur many times daily and negatively impact businesses and residents in the area. After the project is completed, traffic will flow through the area smoothly on local roads and over the train tracks and, hopefully, a couple dozen homeowners, tenants, and businesses will find themselves better off in new homes, new rental properties, and new places of business.

Indiana Department of Transportation

County Elkhart

Route East Hively Avenue

Des. No. 1801933

SECTION I – HAZARDOUS MATERIALS & REGULATED SUBSTANCES

Hazardous Materials & Regulated Substances (Mark all that apply)

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

Documentation

X
X
X

Date RFI concurrence by INDOT SAM (if applicable): November 18, 2019 & July 27, 2021

Include a summary of the potential hazardous material concerns found during review. Discuss in depth sites found within, directly adjacent to, or ones that could impact the project area. Refer to current INDOT SAM guidance. If additional documentation (special provisions, pay quantities, etc.) will be needed, include in discussion. Include applicable commitments.

Based on a review of GIS and available public records, a RFI was completed by Michael Baker and signed by INDOT SAM on November 18, 2019 (Appendix E, Page 1). A RFI addendum was completed by Michael Baker and signed by INDOT SAM on July 27, 2021 (Appendix E, page 18). Nineteen (19) hazardous material sites are located within 0.5 mile of the project area. Underground storage tanks (USTs) and leaking USTs (LUSTs) were identified within the project area at located at the following three sites:

- 7-Eleven, 2700 S Main Street, is a RCRA site, an active gas station (USTs), and is also a LUST site. The site is no longer sampled; however, it appears as though residual soil and groundwater impacts remain on-site and may extend into the rights-of-way. If excavation occurs in this area, proper handling, removal, and disposal of soil and/or groundwater will be necessary.
- IRA C Mast & Son Incorporated, 2510 Sterling Ave, AI #32183 is located 0.01 mile east of the project area. Three USTs were removed from the site in 1990. It appears as though a release of petroleum occurred; however, the extents were never delineated. If excavation occurs in this area, it is likely that petroleum contamination will be encountered. Before proper removal and disposal of soil and/or groundwater, analysis for lead will be necessary.
- Wade's Service Station, 2644 Sterling Ave, AI# 31162 is located within the project area but is shown outside of the project area on the GIS layer. The IDEM issued a No Further Action (NFA) determination dated December 22, 2006 for LUST Incident #199901533 / FID#8663 based on soil and groundwater analytical results at or below IDEM RISC residential default closure levels. While this site received an NFA, vent pipes were observed at the current auto body shop occupant building and this site is located adjacent to both the railroad at-grade-crossing and East Hively Avenue / South Main intersection at the center of the project area. If excavation occurs in this area, it is likely that petroleum contamination will be encountered. Before proper removal and disposal of soil and/or groundwater, analysis for lead will be necessary.

The RFI also concluded that there was potential for additional hazardous material sites that those previously identified based on a review of INDOT supplied documents, Google Earth / Street View October 2018, and during a site visit looking specifically for potential hazardous material sites conducted by Michael Baker on June 7, 2019. These additional sites include a dry cleaner, a former foundry, automotive repair/salvage facilities, and railroad tracks located within the project area. The RFI stated that a Phase I Environmental Site Assessment (ESA) was recommended.

A Modified Phase I ESA report was prepared by Michael Baker and approved by INDOT SAM [still currently in review]. The Modified Phase I ESA report concluded that there are thirteen (13) parcels that cannot be avoided that have current on site recognized environmental conditions (RECs), or Historic REC in connection with past uses that pose a concern to impact worker safety and property handling/disposal of waste (i.e., soil and/or water) generated as part of construction activities. These thirteen (13) sites include:

- 7-Eleven Mobile Gas Station
- Indiana Michigan Power and Norfolk Southern Railroad
- Vacant Pine De Rosa Furniture Manufacturing
- El Rosal supermarket
- Car Wash Station
- Midas

Indiana Department of Transportation

County Elkhart

Route East Hively Avenue

Des. No. 1801933

- New commercial building (former coal and salvage yards) at 2729 Hammond Avenue
- Marcus Auto Sales
- Residential lots at 2625 Lowell Avenue
- Eulloquis Kustom Wheels
- Elkhart Speedwash
- Advance AutoParts
- Norfolk Southern Railroad

Further evaluation via Phase II sampling is recommended at eighteen (18) locations within the thirteen (13) REC sites. For more details about these REC sites reference pages from the Modified Phase I ESA located in Appendix E, page 24. A firm project commitment has been added that a Phase II ESA will be required prior to Ready for Contracts and is within the Environmental Commitments of this EA document.

Part IV – Permits and Commitments

PERMITS CHECKLIST

Permits (mark all that apply)

Likely Required

Army Corps of Engineers (404/Section10 Permit)

- | | |
|-------------------------------|--------------------------|
| Nationwide Permit (NWP) | <input type="checkbox"/> |
| Regional General Permit (RGP) | <input type="checkbox"/> |
| Individual Permit (IP) | <input type="checkbox"/> |
| Other | <input type="checkbox"/> |

IN Department of Environmental Management (401/Rule 5)

- | | |
|-------------------------------|--------------------------|
| Nationwide Permit (NWP) | <input type="checkbox"/> |
| Regional General Permit (RGP) | <input type="checkbox"/> |
| Individual Permit (IP) | <input type="checkbox"/> |
| Isolated Wetlands | <input type="checkbox"/> |
| Rule 5 | X |
| Other | <input type="checkbox"/> |

IN Department of Natural Resources

- | | |
|----------------------------|--------------------------|
| Construction in a Floodway | <input type="checkbox"/> |
| Navigable Waterway Permit | <input type="checkbox"/> |
| Other | <input type="checkbox"/> |

Mitigation Required

US Coast Guard Section 9 Bridge Permit

Others (Please discuss in the discussion below)

<input type="checkbox"/>

List the permits likely required for the project and summarize why the permits are needed, including permits designated as "Other."

Applicable recommendations provided by resource agencies are included in the Environmental Commitments section of this document. An IDEM Rule 5 permit is anticipated due to the disturbance of more than one (1) acre of land. The conditions of the permit will be requirements of the project and will supersede these recommendations.

It is the responsibility of the project sponsor to identify and obtain all required permits.

Indiana Department of Transportation

County Elkhart

Route East Hively Avenue

Des. No. 1801933

ENVIRONMENTAL COMMITMENTS

List all commitments and include the name of agency/organization requesting/requiring the commitment(s). Listed commitments should be numbered.

Firm:

1. If the scope of work or permanent or temporary right-of-way amounts change, the INDOT Environmental Services Division (ESD) and the INDOT District Environmental Section will be contacted immediately. (INDOT ESD)
2. It is the responsibility of the project sponsor to notify school corporations and emergency services at least two weeks prior to any construction that would block or limit access. (INDOT ESD)
3. Continued coordination with the City of Elkhart for the Interurban Trolley Red Line bus route and flag stops. (INDOT ESD)
4. Flag bus stop, Stop 43, will be relocated with ADA compliant sidewalk connection and accessibility. (INDOT ESD)
5. A Phase II Environmental Site Assessment will need to be completed prior to Ready for Contracts. (INDOT SAM)
6. Continued coordination with the USEPA regarding project progress and USEPA review of the Phase II Environmental Site Assessment must be completed prior to Ready for Contracts. (INDOT ESD)
7. The tree removal will not occur in forested areas and these areas are demarcated on plans as areas to avoid. (INDOT ESD)
8. All trees to be removed are within 100 feet from an existing roadway and will be clearly marked and will be removed during the inactive bat season. (INDOT ESD)
9. Eight (8) feet sidewalk will be provided adjacent to Monger Elementary School. (INDOT ESD)
10. Continued coordination will occur with Monger Elementary School about MOT and construction activities. (INDOT ESD)
11. New signage will be added by the City of Elkhart for the Environmental Center based on continued coordination. (City of Elkhart)
12. Restripe and reconfigure parking lot based on continued coordination with El Rosal (Hispanic supermarket). (City of Elkhart)
13. Green space (pocket park) will be added to project in between Roosevelt Avenue and Hively Avenue and green space between newly created sidewalk and Hively Avenue on the eastside as identified in the Environmental Document. (INDOT ESD)
14. The duration of temporary occupancy of MapleHeart Trail must be less than the time needed for construction of the project. There will be no change in ownership of the land, no permanent adverse physical impacts, and will be restored to a condition which is at least as good as that which existed prior. Scope of the work must be minor, i.e., both the nature and the magnitude of the changes to the Section 4(f) property are minimal. There are no anticipated permanent adverse physical impacts, nor will there be interference with the protected activities, features, or attributes of the property, on either a temporary or permanent basis. There must be documented agreement of the official(s) with jurisdiction over the Section 4(f) resource regarding the above conditions. (INDOT ESD)
15. New sidewalk will connect to the MapleHeart Trail. (INDOT ESD)
16. A Spanish and Ukrainian translator will be provided at meetings for one homeowner and one business owner as requested and identified in the CSRS. (INDOT ESD)
17. General AMM1: Ensure all operators, employees, and contractors working in areas of known or presumed bat habitat are aware of all FHWA/FRA/FTA (Transportation Agencies) environmental commitments, including all applicable AMMs. (USFWS)
18. Tree Removal AMM1: Modify all phases/aspects of the project (e.g., temporary work areas, alignments) to avoid tree removal. (USFWS)
19. Tree Removal AMM2: Apply time of year restrictions April 1st through September 30th for tree removal when bats are not likely to be present, or limit tree removal to 10 or fewer trees per project at any time of year within 100 feet of existing road/rail surface and outside of documented roosting/foraging habitat or travel corridors; visual emergence survey must be conducted with no bats observed. (USFWS and IDNR-DFW)
20. Tree Removal AMM3: Ensure tree removal is limited to that specified in project plans and ensure that contractors understand clearing limits and how they are marked in the field (e.g., install bright colored flagging/fencing prior to any tree clearing to ensure contractors stay within clearing limits). (USFWS)
21. Tree Removal AMM4: Do not remove documented Indiana bat or NLEB roosts that are still suitable for roosting, or trees within 0.25 mile of roosts, or documented foraging habitat any time of year. (USFWS)
22. Lighting AMM1: Direct temporary lighting away from suitable habitat during the active season. (USFWS)
23. Lighting AMM2: When installing new or replacing existing permanent lights, use downward-facing, full cut-off lens lights (with same intensity or less for replacement lighting); or for those transportation agencies using the BUG system developed by the Illuminating Engineering Society, be as close to 0 for all three ratings with a priority of "uplight" of 0 and "backlight" as low as practicable. (USFWS)
24. A Bat Structure Assessment by a qualified individual must be completed prior to demolition of any structure. Inspection of the structure should check for the presence of bats or birds. If signs of bats or birds are documented during this inspection,

Indiana Department of Transportation

County Elkhart

Route East Hively Avenue

Des. No. 1801933

the INDOT District Environmental Manager must be contacted immediately. (INDOT ESD)

25. MOT will be provided for the trail utilizing local side streets. The MOT for the trail detour will be provided in the Stage 3 plans. (INDOT ESD)
26. A reevaluation of the noise analysis will occur during final design. If during final design it has been determined that conditions have changed and noise impacts are identified, noise abatement will be evaluated at that time as to whether it is feasible and reasonable. (INDOT ESD)

For Further Consideration:

27. Do not clear trees or understory vegetation outside the construction zone boundaries. (USFWS)
28. Revegetate all bare and disturbed areas with a mixture of grasses (excluding all varieties of tall fescue) and legumes as soon as possible upon completion; low endophyte tall fescue may be used in the ditch bottom and side slopes only. (IDNR-DFW)
29. Minimize and contain within the project limits all tree and brush clearing. (IDNR-DFW)
30. Plant five trees, at least 2 inches in diameter-at-breast height, for each tree which is removed that is ten inches or greater in diameter-at-breast height. (IDNR-DFW)
31. The City of Elkhart in conjunction with INDOT must be prepared to adapt their policies to allow home buyers to secure new homes. It has been typical for relocation claims to take 45-60 days to be paid, but this slow turnaround will close prospective buyers out of the market. The agency must be willing to adapt their process to make funds available sooner and make acquisition and relocation payments more quickly. Also, purchase comparables and prospective replacement homes are selling so quickly and home prices increasing so rapidly that the agency must consider allowing agents to increase relocation payments by performing new comparables searches and recalculating relocation benefits to make new homes affordable. (INDOT ESD)
32. If the Samples family finds a suitable replacement before the offer is made, an exception may be made to offer their relocation benefits early. (INDOT ESD)
33. The City of Elkhart and INDOT must be prepared to adapt their policies to allow tenants to rent or purchase homes quickly. They must be willing to make relocation payments as quickly as possible rather than the usual 45-60 days. Also, rental comparable and prospective properties rent so quickly that the agency must consider allowing agents to "re-comp" and increase relocation payments to make new rentals affordable. (INDOT ESD)

Table of Contents

Appendix A – Purpose and Need Supporting Documentation

Note to File Purpose and Need Traffic Data Support Memorandum.....	A1-A5
--	-------

Appendix B – Graphics

Project Location Map	B1
Topographic Map	B2
Network Area Map	B3
Study Area Map.....	B4
Existing Deficiencies Map.....	B5
Preliminary Preferred Alternative Project Map	B6
Preliminary Preferred Alternative Travel Movements Map	B7
Preferred Alternative ROW & Property Impacts Maps	B8-B10
Preferred Alternative ROW & Property Impacts Table.....	B11-B12
Preferred Alternative ROW Benefits Map.....	B13
Photo Directional Map.....	B14-B16
Photos	B17-B28
Roadway Plan Set (Stage 2)	B29-B121
Bridge Layout Plan (Preliminary Stage 3 Draft)	B122

Appendix C – Early Coordination

Early Coordination List	C1-C2
Early Coordination Letter dated May 23, 2019	C3-C4
Indiana Geological and Water Survey (IGWS) Response dated May 23, 2019	C5-C7
IDEM Wellhead Protection Area Response dated June 12, 2019.....	C8
Indiana Department of Environmental Management (IDEM) Automated Response May 23, 2019	C9-C18
Indiana Department of Natural Resources (IDNR) Response dated June 19, 2019.....	C19-C20
United States Army Corps of Engineers (USACE) dated June 14, 2019	C21-C23
Natural Resources Conservation Service (NRCS) Response dated November 11, 2021	C24
Environmental Protection Agency (EPA) Response dated June 13, 2019.....	C25
Environmental Protection Agency (EPA) Continued Coordination	C26-C30
Federal Highway Administration (FHWA) Response dated May 24, 2019	C31
Indiana Department of Transportation (INDOT) Public Involvement Office Response dated May 28, 2019	C32
INDOT Fort Wayne District Response dated May 24, 2019.....	C33
City of Elkhart Right of Way Engineer Response dated May 24, 2019	C34
U.S. Fish and Wildlife Service (USFWS) Northern Indiana Suboffice Response dated May 29, 2019.....	C35
USFWS Concurrence Letter dated December 22, 2021	C36-C50
USFWS Official Species List dated December 21, 2021	C51-C56
INDOT Effect Finding Concurrence Email dated December 22, 2021	C57

Appendix D – Section 106 Documentation

SHPO and Tribe “No Historic Properties Affected” Effect Finding Concurrence Letters	D1-D7
“No Historic Properties Affected” Effect Finding Documentation	D8-D45
Historic Property Report & Archaeology Report Summary & Conclusions	D45-D54

Appendix E – Red Flag Investigation

Red Flag Investigation Report approved November 8, 2019.....	E1-E17
Red Flag Investigation Addendum approved July 27, 2021	E18-E21
Draft Modified Phase I Environmental Site Assessment dated December 23, 2021	E22-E26

Appendix F – Water Resources

IDNR Floodplain Information Portal Report.....	F1
--	----

Appendix G: Public Involvement

Notice of Entry Letter dated April 25, 2019 G1-G3
 Notice of Entry Letter dated October 20, 2020..... G4-G8
 Public Information Plan (PIP) G9-G124
 Project Parcel Meeting Elkhart Community Schools G125-G127
 Project Parcel Meeting El Rosal Meeting G128-G129

Appendix H – Air Quality

INDOT letter to FHWA dates April 26, 2022..... H1
 FHWA letter to INDOT dates June 17, 2022..... H2
 Project Listing in 2022-2026 TIP H5

Appendix I: Noise Analysis

Noise Technical Report May 24, 2021 I1-I51
 INDOT ESD Noise Report Technically Sufficient Email dated May 25, 2021 I52

Appendix J: Environmental Justice

US Census Bureau Census Tract Maps J1
 US Census Bureau 2019 ACS Minority Data, Elkhart County J2-J6
 US Census Bureau 2019 ACS Hispanic or Latino Origin Data, Elkhart County J7-J11
 US Census Bureau 2019 ACS Low Income Data, Elkhart County J12-J20
 US Census Bureau 2019 ACS Limited English Data, Elkhart County J21-J28
 EJ Burdens and Benefits Analysis J29-J82

Appendix K: Additional Studies

Land and Water Conservation Fund (LWCF) Elkhart County List..... K1
 Section 4(f) Exception OWJ Concurrence Letter K2-K3
 Structure Bat Assessment Form K4-K6
 GIS Bat Layer Check Email K7
 Consolidated TIF Exhibit K8
 Property Impacts within Consolidated TIF Table..... K9
 Email Coordination with City of Elkhart TIF Infrastructure Project Supervisor..... K10

Appendix L: Sole Source Aquifer MOU

EPA and INDOT Sole Source Aquifer MOU L1-L9

Appendix M: 2019 Engineering Report

Pages from 2019 Engineer’s Report M1-M60

Appendix N: Draft Conceptual Site Relocation Study

Draft CSRS N1-N59